



ARTICLE 5

General Development and Site Design

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ARTICLE 5

General Development and Site Design

DIVISION 5.1 APPLICABILITY

5.1.1 APPLICABILITY

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

DIVISION 5.2 AFFORDABLE HOUSING

5.2.1 AFFORDABLE HOUSING

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

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

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

DIVISION 5.3 RESIDENTIAL DEVELOPMENT

5.3.1 RESIDENTIAL DEVELOPMENTS

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

5.3.2 MULTI-BUILDING AND MIX OF HOUSING

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

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

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

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

(l) Manufactured Housing.

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

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

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

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

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

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

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

- (a) The applicant shall include, in the application for approval of the project development plan, documentation showing how the development will comply with the model variation.
- (b) Each housing model shall have at least three (3) characteristics which clearly and obviously distinguish it from the other housing models, which characteristics may include, without limitation, differences in floor plans, exterior materials, roof lines, garage placement, placement of the footprint on the lot and/or building face.
- (c) An applicant for a Building Permit for these building types shall affirm and certify in the application that the dwelling which is the subject of the Building Permit does not adjoin a lot with the same housing model, if on the same block face.
- (6) Development that contains Row House building type containing more than two (2) dwelling units shall comply with the following requirements:
- (a) For any development containing at least three (3) and not more than five (5) buildings (excluding clubhouses/leasing offices), there shall be at least two (2) distinctly different building designs. For any such development containing more than five (5) buildings (excluding clubhouses/leasing offices), there shall be at least three (3) distinctly different building designs. For all developments, there shall be no similar buildings placed next to each other along a street or street-like private drive. Building designs shall be considered similar unless they vary significantly in footprint size and shape.
- (b) Building designs shall be further distinguished by including unique architectural elevations and unique entrance features, within a coordinated overall theme of roof forms, massing proportions and other characteristics. Such variation among buildings shall not consist solely of different combinations of the same building features.
- (D) **Relationship of Dwellings to Streets and Parking.** Development projects containing residential buildings shall place a high priority on building entryways and their relationship to the street. Pedestrian usability shall be prioritized over vehicular usability. Buildings shall include human-scaled elements, architectural articulation, and in projects containing more than one (1) building, design variation.
- (1) **Orientation to a Connecting Walkway.** Every front facade with a primary entrance to a dwelling unit shall face the adjacent street to the extent reasonably feasible. Every front facade with a primary entrance to a dwelling unit shall face a connecting walkway with no primary entrance more than two hundred (200) feet from a street sidewalk and the address shall be posted to be visible from the intersection of the connecting walkway and public right of way. The following exceptions to this standard are permitted:

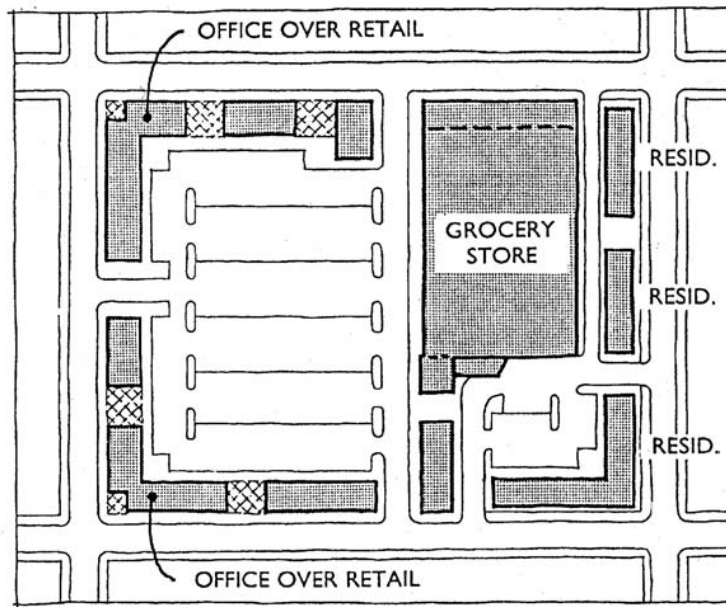
- (a) Up to one (1) dwelling on an individual lot that has frontage on either a public or private street.
- (b) A primary entrance may be up to three hundred fifty (350) feet from a street sidewalk if the primary entrance faces and opens directly onto a connecting walkway that qualifies as a major walkway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

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

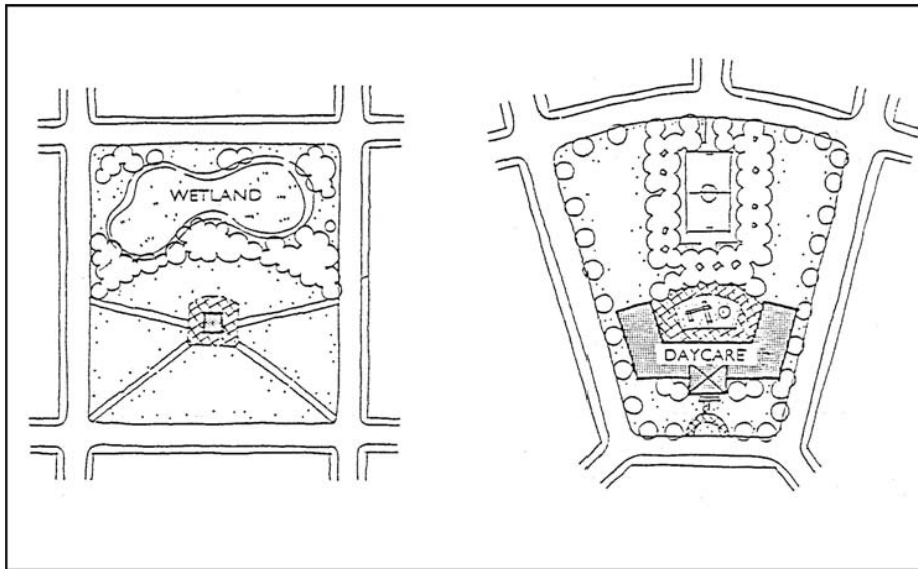
(E) **Block Requirements.** All development shall comply with the applicable standards set forth below, unless the decision maker determines that compliance with a specific element of the standard is infeasible due to unusual topographic features, existing development, safety factors or a natural area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

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

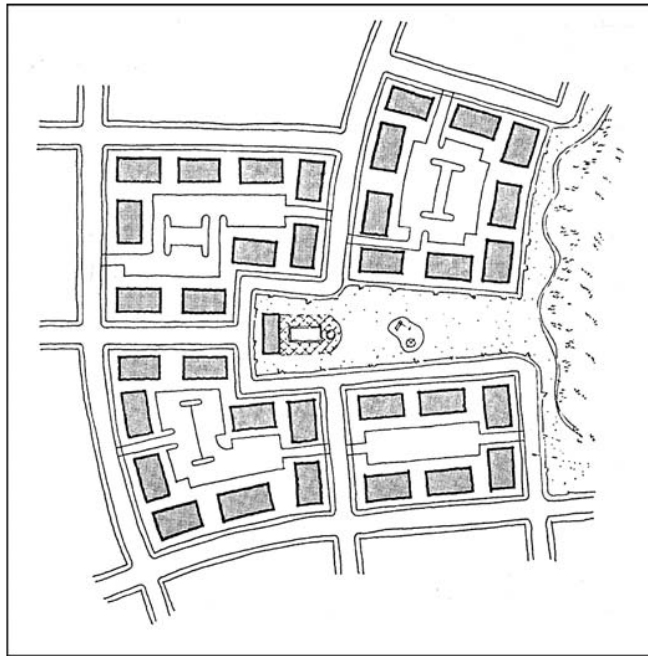
(a) Figure of Shopping Center on One Block



(b) Figure of Park/Civic Block



(c) Figure of Garden Apartment Block



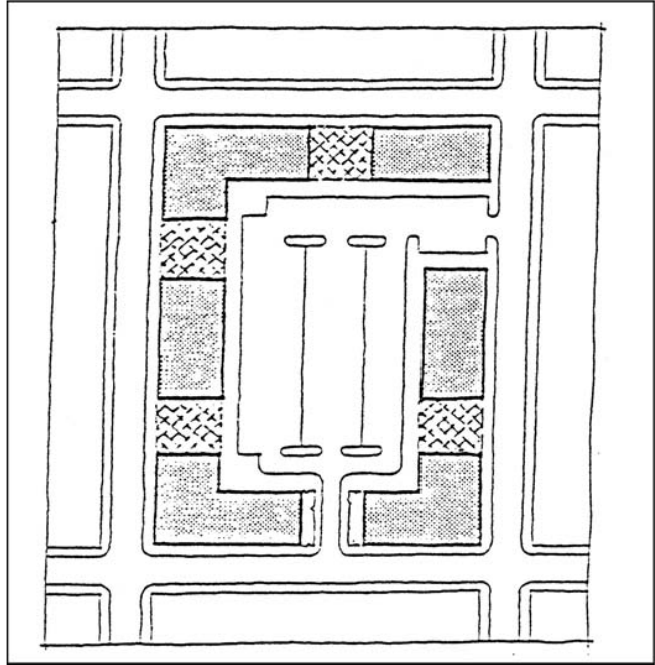
(d) Figure of Townhouses and Small Lot Houses



(e) Figure of Bungalow Block



(f) Figure of Office Block



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

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

5.3.3 NEIGHBORHOOD CENTERS

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

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

5.3.4 SMALL NEIGHBORHOOD PARKS

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

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

5.3.5 GARAGE DESIGN

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

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

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

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

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

(1) **Perimeter Garages.**

(a) **Length.** Any garage located with its rear wall along the perimeter of a development and within sixty-five (65) feet of a public right-of-way or the property line of the development site shall not exceed sixty (60) feet in length. A minimum of seven (7) feet of landscaping must be provided between any two (2) such perimeter garages.

(b) **Articulation.** No rear garage wall that faces a street or adjacent development shall exceed thirty (30) feet in length without including at least one (1) of the following in at least two (2) locations:

- (I) change in wall plane of at least six (6) inches;
- (II) change in material or masonry pattern;
- (III) change in roof plane;
- (IV) windows;
- (V) doorways;
- (VI) false door or window openings defined by frames, sills and lintels; and/or
- (VII) an equivalent vertical element that subdivides the wall into proportions related to human scale and/or the internal divisions within the building. (See Figure 9A.)

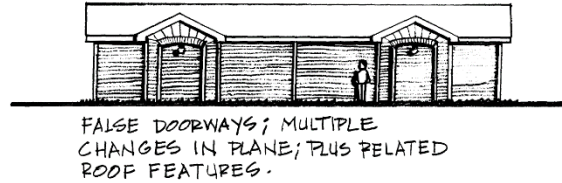
(2) **All Garages.**

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

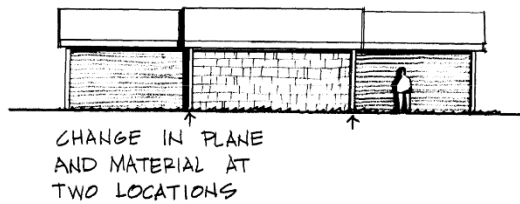
- (b) Articulation. At a minimum, a vertical trim detail that subdivides the overall siding pattern shall be provided at intervals not to exceed two (2) internal parking stalls (approximately twenty [20] to twenty-four [24] feet). In addition, the articulation described in paragraph (1)(b) above is encouraged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

(I) Figure 9A - Garage Articulation.

"THIS" OR



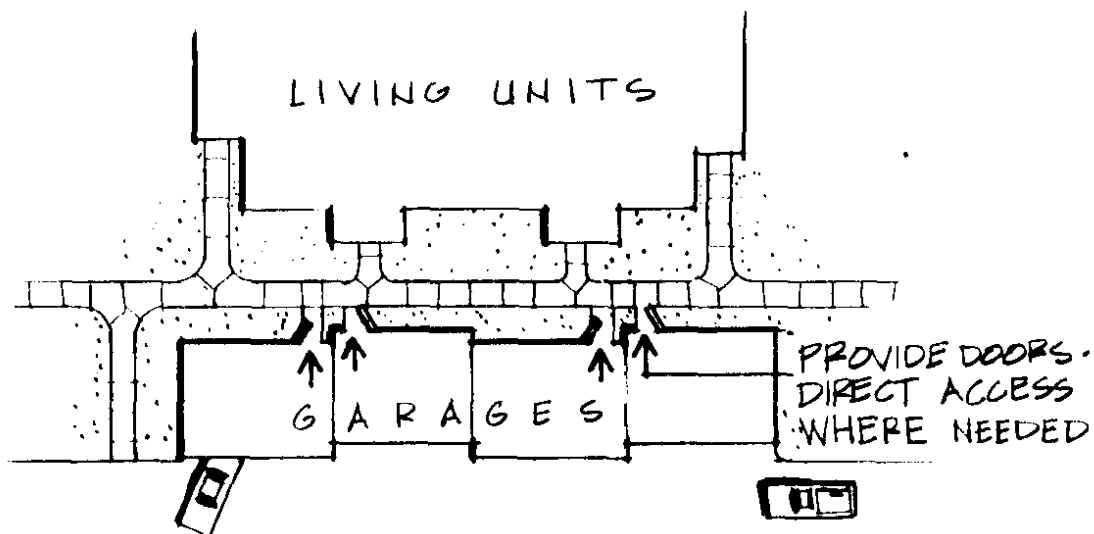
"THIS"



"NOT THIS"



(II) Figure 9B - Garage Door Direct Access



5.3.6 SECOND KITCHEN

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

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

DIVISION 5.4 DEVELOPMENT INFRASTRUCTURE

5.4.1 DEVELOPMENT INFRASTRUCTURE

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

5.4.2 DEVELOPMENT IMPROVEMENTS

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

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

(2) Maintenance/Repair Security.

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

(3) Maintenance/Repair Security Extension.

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

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

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

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

Exceptions:

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

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

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

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

(F) Off-Site Public Access Improvements.

(1) Path Improvements.

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

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

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

(4) Costs and Reimbursements.

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

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

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

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

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

(G) City Participation in Certain Street Improvements.

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

5.4.3 ENGINEERING DESIGN STANDARDS

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

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

5.4.4 PLAT AND DEVELOPMENT PLAN STANDARDS

(A) General Provisions.

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

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

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

(B) Lots.

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

(C) Public Sites, Reservations and Dedications.

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

5.4.5 MASTER STREET PLAN

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

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

5.4.6 STREETS, STREETSCAPES, ALLEYS AND EASEMENTS

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

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

crosswalks. Other features such as bikeways, landscaped medians, corner plazas, custom lighting, bike racks, and identity signs may be provided to afford an appropriate alternative to a standard City street in the context of the development plan. Head-in parking may only be used in isolated parking situations where the effect on the character of the street is negligible. Customized treatments and features will not be approved unless the City determines that such treatments and features present no safety risk to the public and that the City's utilities will not incur maintenance or replacement costs for their utilities above normal costs associated with the City's standard design.

- (3) **Construction Requirements.** The construction of all private streets shall be under the direct supervision of a professional engineer licensed by the State of Colorado, who must certify that all improvements for private streets have been completed in accordance with the plans approved by the City. In addition, the construction of private streets shall be subject to inspection by the City Engineer for compliance with City standards established in the *Larimer County Urban Area Street Standards*, as adopted by the City Council by ordinance or resolution, and in accordance with the approved plans for the development. All private streets shall be subject to the same bonding and warranty requirements as are established for public streets.
- (4) **Traffic Control.** All traffic control devices for the private street system, such as signs, signals, striping, speed control devices (traffic calming) and speed limits, must meet City standards. All plans for traffic control, including any proposed revisions, must be reviewed and approved by the Traffic Engineer prior to installation thereof.
- (5) **Operation, Maintenance and Reconstruction.**
 - (a) The developer of a private street system must submit to the City that portion of the covenants, declarations and/or bylaws of the appropriate property owners association which defines the responsibilities for the operation, maintenance and reconstruction of the private street system, the costs of which must be borne by the property owners and not the City.
 - (b) The documents must provide for maintenance, reconstruction, drainage, lighting, landscaping, traffic control devices and any other special conditions. This information must also be shown on the plat and site plan for the development with the added statement that the City has no obligation to perform or pay for repair and maintenance or any obligation to accept the streets as public streets.
 - (c) At the time of recording of the plat, the developer shall also record a notice in the Larimer County, Colorado records showing the location of such street and identifying the property or properties which are burdened with the obligation of operation, maintenance and reconstruction of such street, and affirming that the City has no such obligation, or any obligation to accept such street as a public street.
- (6) **Naming and Addressing.** Private streets shall be named and addressed in the same manner as public streets, in accordance with the laws and standards of the City.
- (7) **Gated Developments.** Gated street entryways into residential developments are prohibited in accordance with Subsection 5.4.7(G). Gated entryways for private streets are also prohibited.

(M) Private Drives.

- (1) **When Allowed.**
 - (a) Internal access or additional cross-access. Private drives shall be allowed in a development, provided that their function will only be to provide access to property within the development or *additional* cross-access between developments that are also connected by a street(s). Private drives shall not be permitted if (by plan or circumstance) such drives would, in the judgment of the City Engineer, attract "through traffic" in such volumes as to render such drives necessary as connections between developments, neighborhoods or other origins and destinations outside of the development plan.

- (b) Primary access. A private drive shall be allowed to provide primary access to a development, provided that the drive is in compliance with Subparagraph (a) above.
- (c) A private drive shall not be permitted if it prevents or diminishes compliance with any other provisions of this Code.

(2) **Design Requirements.** Private drives shall be designed to meet the following criteria:

- (a) If any property served by the private drive cannot receive fire emergency service from a public street, then all emergency access design requirements shall apply to the private drive in accordance with Section 5.4.8. An "emergency access easement" must be dedicated to the City for private drives that provide emergency access.
- (b) Private drives which must comply with Section 5.4.8 for emergency access shall be limited to an overall length of six hundred sixty (660) feet from a single point of access (measured as the fire hose would lay).
- (c) Private drives which must comply with Section 5.4.8 for emergency access shall be limited to an overall length of six hundred and sixty (660) feet from a single point of access (measure as the fire hose lay).
- (d) The design of private drives shall comply with all the standards for *Emergency Access* as contained in Section 5.4.8.
- (e) Access locations on public or private streets shall be placed in accordance with City standards.
- (f) The connection of a private drive with a public street shall be made in accordance with City street standards.
- (g) If drainage from a private drive is channeled or directed to a public street, such drainage shall be in accordance with City street standards.

(3) **Construction Requirements.** The construction of all private drives shall be under the direct supervision of a professional engineer licensed by the State of Colorado, who must certify that all improvements for private drives have been completed in accordance with the plans approved by the City. In addition, the construction of private drives that will serve emergency access purposes shall be inspected by the City Engineer for compliance with City standards and the approved plans in the same manner as is required by the City for public streets.

(4) **Operation, Maintenance and Reconstruction.**

- (a) The developer of a private drive must submit to the City that portion of the covenants, declarations and/or by-laws of the appropriate property owners association which defines the responsibilities for the operation, maintenance and reconstruction of the private drive, the costs of which must be borne by the property owners and not the City.
- (b) The documents must provide for maintenance, reconstruction, drainage, policing and any other special conditions. This information must also be shown on the plat and site plan for the development with the added statement that the City has no obligation to perform or pay for repair and maintenance or any obligation to accept the private drives as public streets.
- (c) At the time of recording of the plat, the developer shall also record a notice in the Larimer County, Colorado records showing the location of such drive and identifying the property or properties which are burdened with the obligation of operation, maintenance and reconstruction of such drive, and

affirming that the City has no such obligation, nor any obligation to accept such drive as a public street or drive.

- (5) **Naming and Addressing.** Private drives shall be named, if necessary, to comply with the standards for *Emergency Access* as contained in Section 5.4.8. Addressing of the property shall be assigned by the City in conformance with the Larimer County Urban Area Street Standards.
- (6) **Gated Developments.** Gated street entryways into residential developments are prohibited in accordance with subsection 5.4.7(G). Gated entryways for private drives are also prohibited.

(N) **Easements.** Easements shall be controlled by the following requirements:

- (1) Public and private easements shall be provided on lots for utilities, public access, stormwater drainage or other public purposes as required and approved by the City Engineer.
- (2) Pedestrian and bicycle paths shall be provided to accommodate safe and convenient pedestrian and bicycle movement throughout the subdivision and to and from existing and future adjacent neighborhoods and other development; all such pedestrian and bicycle paths shall be constructed in conformity with the *Larimer County Urban Area Street Standards* as adopted by the City Council by ordinance or resolution.
- (3) Development plans shall incorporate and continue any public access easements so as to connect them to any such easements that exist on abutting properties.
- (4) The subdivider shall be responsible for adequate provisions to eliminate or control flood hazards associated with the subdivision in accordance with Chapter 10 of the City Code. Agreements concerning stormwater drainage between private parties shall be subject to City review and approval.

5.4.7 STREET PATTERN AND CONNECTIVITY STANDARDS

- (A) **Purpose.** This Section is intended to ensure that local street system is well designed with regard to safety, efficiency and convenience for automobile, bicycle, pedestrian, mobility devices, and transit modes of travel.

For the purposes of this Division, “local street system” shall mean the interconnected system of collector and local streets providing access to development from an arterial street.

- (B) **General Standard.** The local street system of any proposed development shall be designed to be safe, efficient, convenient and attractive, considering use by all modes of transportation that will use the system, (including, without limitation, cars, trucks, buses, bicycles, pedestrians, mobility devices and emergency vehicles). The local street system shall provide multiple direct connections to and between local destinations such as parks, schools and shopping. Local streets must provide for both intra- and inter-neighborhood connections to knit developments together, rather than forming barriers between them. The street configuration within each parcel must contribute to the street system of the neighborhood.
- (C) **Spacing of Full Movement Collector and Local Street Intersections With Arterial Streets.** Potentially signalized, full-movement intersections of collector or local streets with arterial streets shall be provided at least every one thousand three hundred twenty (1,320) feet or one-quarter ($\frac{1}{4}$) mile along arterial streets, unless rendered infeasible due to unusual topographic features, existing development or a natural area or feature.
- (D) **Spacing of Limited Movement Collector or Local Street Intersections With Arterial Streets.** Additional non-signalized, potentially limited movement, collector or local street intersections with arterial streets shall be spaced at intervals not to exceed six hundred sixty (660) feet between full movement collector or local street intersections, unless rendered infeasible due to unusual topographic features, existing development or a natural area or feature.

The City Engineer may require any limited movement collector or local street intersections to include an access control median or other acceptable access control device. The City Engineer may also allow limited movement intersection to be initially constructed to allow full movement access.

- (E) Distribution of Local Traffic to Multiple Arterial Streets.** All development plans shall contribute to developing a local street system that will allow access to and from the proposed development, as well as access to all existing and future development within the same section mile as the proposed development, from at least three (3) arterial streets upon development of remaining parcels within the section mile, unless rendered infeasible by unusual topographic features, existing development or a natural area or feature.

The local street system shall allow multi-modal access and multiple routes from each development to existing or planned neighborhood centers, parks and schools, without requiring the use of arterial streets, unless rendered infeasible by unusual topographic features, existing development or a natural area or feature.

- (F) Utilization and Provision of Sub-Arterial Street Connections to and From Adjacent Developments and Developable Parcels.** All development plans shall incorporate and continue all sub-arterial streets stubbed to the boundary of the development plan by previously approved development plans or existing development. All development plans shall provide for future public street connections to adjacent developable parcels by providing a local street connection spaced at intervals not to exceed six hundred sixty (660) feet along each development plan boundary that abuts potentially developable or re-developable land.

- (G) Gated Developments.** Gated street entryways into residential developments shall be prohibited.

- (H) Alternative Compliance.** Upon request by an applicant, the decision maker may approve an alternative development plan that may be substituted in whole or in part for a plan meeting the standards of this Section.

- (1) **Procedure.** Alternative compliance development plans shall be prepared and submitted in accordance with submittal requirements for plans as set forth in this Section. The plan and design shall clearly identify and discuss the alternatives proposed and the ways in which the plan will better accomplish the purpose of this Section than would a plan which complies with the standards of this Section.
- (2) **Review Criteria.** To approve an alternative plan, the decision maker must find that the proposed alternative plan accomplishes the purposes of this Division equally well or better than would a plan and design which complies with the standards of this Division, and that any reduction in access and circulation for vehicles maintains facilities for bicycle, pedestrian, mobility devices and transit.

In reviewing the proposed alternative plan, the decision maker shall take into account whether the alternative design minimizes the impacts on natural areas and features, fosters nonvehicular access, provides for distribution of the development's traffic without exceeding level of service standards, enhances neighborhood continuity and connectivity and provides direct, sub-arterial street access to any parks, schools, neighborhood centers, commercial uses, employment uses and Neighborhood Commercial Districts within or adjacent to the development from existing or future adjacent development within the same section mile.

5.4.8 EMERGENCY ACCESS

- (A) Purpose.** This Section is intended to ensure that emergency vehicles can gain access to, and maneuver within, the project so that emergency personnel can provide fire protection and emergency services without delays.
- (B) General Standard.** All developments shall provide adequate access for emergency vehicles and for those persons rendering fire protection and emergency services by complying with Article 9, Fire Department Access and Water Supply, of the Uniform Fire Code as adopted and amended pursuant to Chapter 9 of the

City Code. All emergency access ways, easements, rights-of-way or other rights required to be granted pursuant to the Uniform Fire Code must include not only access rights for fire protection purposes, but also for all other emergency services.

5.4.9 BUS STOP DESIGN STANDARDS

- (A) **Purpose.** The purpose of this Section is to ensure that new development adequately accommodates existing and planned transit service by integrating facilities designed and located appropriately for transit into the development plan.
- (B) **General Standard.** All development located on an existing or planned transit route shall install or construct a transit stop and other associated facilities on an easement or right-of-way dedicated to the City as prescribed by the City of Fort Collins Bus Stop Design Standards and Guidelines in effect at the time of installation, unless the Director determines that adequate transit facilities consistent with the Bus Stop Design Standards already exist to serve the needs of the development. All development located on existing transit routes will accommodate the transit facilities by providing the same at the time of construction. All development located on planned routes will accommodate said facilities by including the same in the development plan and escrowing funds to enable the City or its agents to construct the transit facilities at the time transit service is provided to the development. All facilities installed or constructed shall, upon acceptance by the City, become the property of the City and shall be maintained by the City or its agent.
- (C) **Location of Existing and Planned Transit Routes.** For the purposes of application of this standard, the location of existing transit routes shall be defined by the Transfort Route Map in effect at the time the application is approved. The location of planned transit routes shall be defined according to the Transfort Strategic Operating Plan, as amended.

5.4.10 TRANSPORTATION LEVEL OF SERVICE REQUIREMENTS

- (A) **Purpose.** In order to ensure that the transportation needs of a proposed development can be safely accommodated by the existing transportation system, or that appropriate mitigation of impacts will be provided by the development, the project shall demonstrate that all adopted level of service (LOS) standards will be achieved for all modes of transportation as set forth in this Section.
- (B) **General Standard.** All development plans shall adequately provide vehicular, pedestrian, mobility devices, and bicycle facilities necessary to maintain the adopted transportation level of service standards. The vehicular level of service standards are those contained in Table 4-2 of the Larimer County Urban Area Street Standards (LCUASS). The bicycle and pedestrian level of service standards are those contained in Part II of the City of Fort Collins Multi-modal Transportation Level of Service Manual. Mitigation measures for levels of service that do not meet the standards are provided in Section 4.6 of LCUASS. No Transit level of service standards will be applied for the purposes of this Section. Notwithstanding the foregoing, adopted level of service standards need not be achieved where the necessary improvements to achieve such standards are not reasonably related and proportional to the impacts of the development. In such cases, the Director may require improvements or a portion thereof that are reasonably related and proportional to the impacts of the development, or the requirement may be varied or waived pursuant to LCUASS Section 4.6.
- (C) **Transportation Impact Study, Nominal Impact.** In order to identify those facilities that are necessary in order to comply with these standards, development plans may be required to include the submittal of a Transportation Impact Study, to be approved by the Traffic Engineer, consistent with the Transportation

Impact Study guidelines as established in LCUASS Chapter 4. Should a Transportation Impact Study not be required pursuant to LCUASS Chapter 4, a proposed development shall be deemed to have a nominal impact and shall not be subject to the transportation level of service requirements described in this Section.

DIVISION 5.5 ENVIRONMENTAL REQUIREMENTS

5.5.1 NOISE AND VIBRATION

General Standard. Proposed land uses and activities shall be conducted so that any noise generated on the property will not violate the noise regulations contained in the City's Noise Control Ordinance (Chapter 20, Article II of the City Code), and so that any vibration caused by using the property will be imperceptible without instruments at any point along the property line.

5.5.2 HAZARDOUS MATERIALS

- (A) **Purpose.** The purpose of this Section is to protect the community and neighborhood from potential harm caused directly or indirectly by hazardous materials. The proper location, construction and processing of hazardous materials facilities are important to controlling community risk. If the type and magnitude of hazardous materials emergencies can be predicted, the potential impact on adjacent land uses, emergency providers and the environment can be minimized.
- (B) **General Standard.** If any use on the development site may entail the use or storage of hazardous materials (including hazardous wastes) on-site, the project shall be designed to comply with all safety, fire and building codes for the use and storage of the hazardous materials involved. Adequate precautions shall be taken to protect against negative off-site impacts of a hazardous materials release, using the best available technology.
- (C) **Hazardous Materials Impact Analysis.** To evaluate the impact of hazardous materials risk, all development proposals that have the potential to cause off-site impacts during the release of a hazardous material shall include a Hazardous Materials Impact Analysis (HMIA). These include land uses such as gas stations, manufacturing facilities and similar establishments that require the use or storage of flammable or toxic substances.
- This analysis shall provide basic information on the project (including site layout and proposed hazardous materials use), describe likely incident scenarios, describe mitigation actions designed to limit the potential for off-site impacts on adjacent land uses or environment and describe emergency response measures in the event of a spill. Based on the information provided in the impact analysis, recommendations will be made by the Poudre Fire Authority to the relevant decision maker to protect against off-site impacts. If a HMIA is required for a development proposal, a statement indicating that such a study has been required will be included in all required written notices to property owners as defined by Section 6.3.6 of this Code, to the extent reasonably feasible.

5.5.3 GLARE OR HEAT

- (A) **Purpose.** This Section is intended to protect the community and neighborhood from glare, defined as a harsh, uncomfortably bright light. Glare can inhibit good visibility, cause visual discomfort and create safety

problems. This Section is also intended to protect the neighborhood from the adverse effects of reflected heat that could be caused by a proposed land use.

- (B) **General Standard.** If the proposed activity produces intense glare or heat, whether direct or reflected, that is perceptible from any point along the site's property lines, the operation shall be conducted within an enclosed building or with other effective screening sufficient to make such glare or heat imperceptible at the property line.
- (C) **Glare From Manufacturing Sources.** Manufacturing processes that create glare, such as welding, shall be conducted within an enclosed building or be effectively screened from public view. If the source of the glare is proposed to be screened with plant material, then the applicant must show that the screening will be effective year-round.

5.5.4 SOLAR ACCESS, ORIENTATION, AND SHADING

- (A) **Purpose.** It is the City's intent to encourage the use of both active and passive solar energy systems for heating air and water in homes and businesses, as long as natural topography, soil or other subsurface conditions or other natural conditions peculiar to the site are preserved. While the use of solar energy systems is optional, the right to solar access is protected. Solar collectors require access to available sunshine during the entire year, including between the hours of 9:00 am and 3:00 pm, MST, on December 21, when the longest shadows occur. Additionally, a goal of this Section is to ensure that site plan elements do not excessively shade adjacent properties, creating a significant adverse impact upon adjacent property owners. Thus, standards are set forth to evaluate the potential impact of shade caused by buildings, structures and trees.
- (B) **General Standard.** All development shall be designed throughout to accommodate active and/or passive solar installations to the extent reasonably feasible.
- (C) **Solar-Oriented Residential Lots.** At least sixty-five (65) percent of the lots less than fifteen thousand (15,000) square feet in area in single- and two-unit residential developments must conform to the definition of a "solar-oriented lot" in order to preserve the potential for solar energy usage.
- (D) **Access to Sunshine.** The elements of the development plan (e.g., buildings, circulation, open space and landscaping) shall be located and designed, to the maximum extent feasible, to protect access to sunshine for planned solar energy systems or for solar-oriented rooftop surfaces that can support a solar collector or collectors capable of providing for the anticipated hot water needs of the buildings in the project between the hours of 9:00 a.m. and 3:00 p.m. MST, on December 21.
- (E) **Shading.**
 - (1) The physical elements of the development plan shall be, to the maximum extent feasible, located and designed so as not to cast a shadow onto structures on adjacent property greater than the shadow which would be cast by a twenty –five (25) foot hypothetical wall located along the property lines of the project between the hours of 9:00 am and 3:00 pm, MST, on December 21. This provision shall not apply to structures within the following high-density zone districts: Downtown, Community Commercial, and Transit-Oriented Overlay District.

(2) The impact of trees shall be evaluated on an individual basis considering the potential impacts of the shading and the potential adverse impacts that the shading could create for the adjacent properties in terms of blocking sunlight in indoor living areas, outdoor activity areas, gardens and similar spaces benefiting from access to sunlight. Shading caused by deciduous trees can be beneficial and is not prohibited.

(F) **Alternative Compliance.** Upon request by an applicant, the decision maker may approve an alternative site layout that may be substituted in whole or in part for a plan meeting the standards of this Section.

(1) **Procedure.** Alternative compliance plans shall be prepared and submitted in accordance with submittal requirements for plans as set forth in this Section. The plan shall clearly identify and discuss the modifications and alternatives proposed and the ways in which the plan will better accomplish the purpose of this Section than a plan which complies with the standards of this Section.

(2) **Review Criteria.** In approving an alternative plan, the decision maker shall find that the proposed alternative plan accomplishes the purposes of this Section equally or better than a plan which complies with the standards of this Section.

(3) In reviewing the proposed alternative plan, the decision maker shall take into account whether the alternative design enhances neighborhood continuity and connectivity, fosters nonvehicular access, and preserves existing natural or topographic conditions on the site.

5.5.5 PARKS AND TRAILS

(A) **Establishment of Parks and Recreation Policy Plan Master Plan.** In order to accomplish the purposes of this Code, the location, size and characteristics of parks and trails have been established on a plan entitled "ReCreate: Parks & Recreation Master Plan" dated January 19, 2021, as amended, which plan is hereby made a part of this Code by reference. The Parks and Recreation Policy Plan Master Plan is on file with the City Clerk.

(B) **Purpose.** The compliance of development plans with the Parks and Recreation Policy Plan ensures that the community will have a fair and equitable system of parks, trail and recreation facilities as the community grows. Establishment of the facilities in the Parks and Recreation Policy Plan shall generally provide the same level of service to new portions of the community as the existing community enjoys.

(C) **General Standard.** All development plans shall provide for, accommodate or otherwise connect to, either on-site or off-site, the parks and trails identified in the Parks and Recreation Policy Plan Master Plan that are associated with the development plan.

DIVISION 5.6 ENVIRONMENTAL SITE SUITABILITY

5.6.1 NATURAL HABITATS AND FEATURES

(A) **Applicability.** This Section applies if any portion of the development site is within five hundred (500) feet of an area or feature identified as a natural habitat or feature on the City's *Natural Habitats and Features Inventory Map*, or if any portion of the development site contains natural habitats or features that have significant ecological value, and such natural habitats or features are discovered during site evaluation

and/or reconnaissance associated with the development review process. Natural habitats and features considered to have significant ecological value are as follows:

(1) Natural Communities or Habitats:

- (a) aquatic (e.g., rivers, streams, lakes, pond);
- (b) wetland and wet meadow;
- (c) native grassland;
- (d) riparian forest;
- (e) urban plains forest;
- (f) riparian shrubland;
- (g) foothills shrubland; and
- (h) foothills forest.

(2) Special Features:

- (a) Significant remnants of native plant communities;
- (b) Potential habitats and known locations of rare, threatened or endangered species of plants;
- (c) Potential habitats and know locations of rare, threatened or endangered species of wildlife;
- (d) Raptor habitat features, including nest sites, communal roost sites and key concertation areas;
- (e) Concertation areas for nesting and migratory shorebirds and waterfowl;
- (f) Migratory songbird concertation areas;
- (g) Key nesting areas for grassland birds;
- (h) Fox and coyote dens;
- (i) Mule deer winter concertation areas;
- (j) Prairie dog colonies one (1) acre or greater in size;
- (k) Concentration areas for rare, migrant or resident butterflies;
- (l) Areas of high terrestrial or aquatic insect diversity;
- (m) Areas of significant geological or paleontological interest; and
- (n) Irrigating ditches that serve as wildlife corridors.

- (B) Purpose.** The purpose of this Section is to ensure that when property is developed consistent with its zoning designation, the way in which the proposed physical elements of the development plan are designed and arranged on the site will protect the natural habitats and features both on the site and in the vicinity of the site.
- (C) General Standard.** The development plan shall be designed and arranged to be compatible with and to protect natural habitats and features and the plants and animals that inhabit them and integrate them within the developed landscape of the community by: (1) directing development away from sensitive resources, (2) minimizing impacts and disturbance through the use of buffer zones, (3) enhancing existing conditions, or (4) restoring or replacing the resource value lost to the community (either on-site or off-site) when a development proposal will result in the disturbance of natural habitats or features.
- (D) Ecological Characterization and Natural Habitat or Feature Boundary Definition.** The boundary of any natural habitat or feature shown on the *Natural Habitats and Features Inventory Map* is approximate. The actual boundary of any area to be shown on a project development shall be proposed by the applicant and established by the Director through site evaluations and reconnaissance and shall be based on the ecological characterization of the natural habitat or feature in conjunction with the map.

(1) *Ecological Characterization Study.*

- (a) If the development site contains, or is within five hundred (500) feet of, a natural habitat or feature, or if it is determined by the Director, upon information or from inspection, that the site likely includes areas with wildlife, plant life and/or other natural characteristics in need of protection, then the developer shall provide to the City an ecological characterization report prepared by a City approved professional qualified in the areas of ecology, wildlife biology or other relevant discipline.
- (b) At least ten (10) working days prior to the submittal of a project development plan application for all or any portion of a property, a comprehensive ecological characterization study of the entire property must be prepared by a qualified consultant and submitted to the City for review.
- (c) The Director may waive any or all of the following elements of this requirement if the City already possesses adequate information required by this subsection to establish the buffer zone(s), as set forth in subsection (E) below, and the limits of development ("LOD"), as set forth in subsection (N) below. The ecological characterization study shall describe, without limitation, the following:
 - (I) the wildlife use of the area showing the species of wildlife using the area, the times or seasons that the area is used by those species and the "value" (meaning feeding, watering, cover, nesting, roosting, perching) that the area provides for such wildlife species;
 - (II) the boundary of wetlands in the area and a description of the ecological functions and characteristics provided by those wetlands;
 - (III) any prominent views from or across the site;
 - (IV) the pattern, species and location of any significant native trees and other native site vegetation;
 - (V) the pattern, species and location of all non-native trees and vegetation that contribute to the site's ecological, shade, canopy, aesthetic and cooling value;
 - (VI) the top of bank, shoreline and high water mark of any perennial stream or body of water on the site;
 - (VII) areas inhabited by or frequently utilized by Sensitive and Specially Valued Species;
 - (VIII) special habitat features;
 - (IX) wildlife movement corridors;
 - (X) the general ecological functions provided by the site and its features;
 - (XI) any issues regarding the timing of development-related activities stemming from the ecological character of the area; and

- (XII) any measures needed to mitigate the projected adverse impacts of the development project on natural habitats and features.

(2) Wetland Boundary Delineation.

- (a) Wetland boundary delineations of both a non-jurisdictional wetland and "jurisdictional wetland" shall be established in accordance with the U.S. Army Corps of Engineers 1987 Wetland Delineation Manual and the appropriate Regional Supplement, and classified according to the U.S. Fish and Wildlife Service wetland classification system. In establishing the boundaries of a wetland, the applicant and the Director shall use soil samples, vegetation analysis and hydrological evidence.
- (b) If at least one of the required criteria for wetland delineation, hydric soil, hydrophytic vegetation, or hydrology, is present on the development site, the applicant shall communicate the criterion or criteria to the Director for consideration.
- (c) The Director may also utilize the standards and guidelines and/or the professional recommendations of the U.S. Army Corps of Engineers or other organization, individual, or governmental entity in reviewing such boundaries. These shall be identified in the submittal documents for the review of the project development plan (if applicable, or if not applicable, the most similar development review) and prior to commencement of any construction activities.

- (E) Establishment of Buffer Zones.** Buffer zones surrounding natural habitats and features shall be shown on the project development plan for any development that is subject to this Division. The purpose of the buffer zones is to protect the ecological character of natural habitats and features from the impacts of the ongoing activity associated with the development.

- (1) Buffer Zone Performance Standards.** The decision maker shall determine the buffer zones for each natural habitat or feature contained in the project site. The buffer zones may be multiple and noncontiguous. The general buffer zone distance is established according to the buffer zone table below, but the decision maker may reduce any portion of the general buffer zone distance so long as the reduced buffer complies with the performance standards set forth below. To mitigate a reduced portion of the buffer area, the decision maker may also enlarge any portion of the general buffer zone distance if necessary to ensure that the buffer complies with the performance standards set forth below. The buffer zone performance standards are as follows:

- (a) The project shall be designed to preserve or enhance the ecological character or function and wildlife use of the natural habitat or feature and to minimize or adequately mitigate the foreseeable impacts of development.
- (b) The project, including, by way of example and not by way of limitation, its fencing, pedestrian/bicycle paths and roadways, shall be designed to preserve or enhance the existence of wildlife movement corridors between natural habitats and features, both within and adjacent to the site.
- (c) The project shall be designed to preserve existing trees and vegetation that contribute to the site's ecological, shade, canopy, aesthetic, habitat and cooling value. Notwithstanding the requirements of Section 5.10.1(F), trees and vegetation within the Limits of Development must be preserved or, if necessary, mitigated based on the values established by the Ecological Characterization Study or the

City Environmental Planner. Such mitigation, if necessary, shall include trees, shrubs, grasses, or any combination thereof, and must be planted within the buffer zone.

- (d) The project shall be designed to protect from adverse impact species utilizing special habitat features such as key raptor habitat features, including nest sites, night roosts and key feeding areas as identified by the Colorado Parks and Wildlife Division ("CPW") or the Fort Collins Natural Areas Department ("NAD"):
- (I) key production areas;
 - (II) wintering areas and migratory feeding areas for waterfowl;
 - (III) heron rookeries;
 - (IV) key use areas for wading birds and shorebirds;
 - (V) key use areas for migrant songbirds;
 - (VI) key nesting areas for grassland birds;
 - (VII) fox and coyote dens;
 - (VIII) mule deer winter concentration areas as identified by the CPW or NAD;
 - (IX) prairie dog colonies one (1) acre or greater in size;
 - (X) key areas for rare, migrant or resident butterflies as identified by the NAD;
 - (XI) areas of high terrestrial or aquatic insect diversity as identified by the NAD;
 - (XII) remnant native prairie habitat;
 - (XIII) mixed foothill shrubland;
 - (XIV) foothill ponderosa pine forest;
 - (XV) plains cottonwood riparian woodlands; and
 - (XVI) wetlands of any size.
- (e) The project shall be designed so that the character of the proposed development in terms of use, density, traffic generation, quality of runoff water, noise, lighting and similar potential development impacts shall minimize the degradation of the ecological character or wildlife use of the affected natural habitats or features.
- (f) The project shall be designed to integrate with and otherwise preserve existing site topography, including, but not limited to, such characteristics as steepness of slopes, existing drainage features, rock outcroppings, river and stream terraces, valley walls, ridgelines and scenic topographic features.
- (g) The project shall be designed to enhance the natural ecological characteristics of the site. If existing landscaping within the buffer zone is determined by the decision maker to be incompatible with the purposes of the buffer zone, then the applicant shall undertake restoration and mitigation measures such as regrading and/or the replanting of native vegetation.
- (h) The project may be designed to provide appropriate human access to natural habitats and features and their associated buffer zones in order to serve recreation purposes, provided that such access is compatible with the ecological character or wildlife use of the natural habitat or feature.
- (i) Fencing associated with the project shall be designed to be compatible with the ecological character and wildlife use of the natural habitat or feature.

(2) Development Activities Within the Buffer Zone.

- (a) No disturbance shall occur within any buffer zone and no person shall engage in any activity that will disturb, remove, fill, dredge, clear, destroy or alter any area, including vegetation within natural habitats or features including without limitation lakes, ponds, stream corridors and wetlands, except as provided in subsection (c) below.
- (b) If the development causes any disturbance within the buffer zone, whether by approval of the decision maker or otherwise, the applicant shall undertake restoration and mitigation measures within the buffer zone such as regrading and/or the replanting of native vegetation. The applicant shall undertake mitigation measures to restore any damaged or lost natural resource either on-site or off-site at the discretion of the decision maker. Any such mitigation or restoration shall be at least equal in ecological value to the loss suffered by the community because of the disturbance, and shall be based on such mitigation and restoration plans and reports as have been requested, reviewed and approved by the decision maker. Unless otherwise authorized by the decision maker, if existing vegetation (whether native or non-native) is destroyed or disturbed, such vegetation shall be replaced with native vegetation and landscaping.
- (c) The decision maker may allow disturbance or construction activity within the buffer zone for the following limited purposes:
 - (I) mitigation of development activities;
 - (II) restoration of previously disturbed or degraded areas or planned enhancement projects to benefit the natural area or feature;
 - (III) emergency public safety activities;
 - (IV) utility installations when such activities and installations cannot reasonably be located outside the buffer zone or other nearby areas of development;
 - (V) construction of a trail or pedestrian walkway that will provide public access for educational or recreational purposes provided that the trail or walkway is compatible with the ecological character or wildlife use of the natural habitat or feature; and
 - (VI) construction or installation of recreation features or public park elements, provided that such features or elements are compatible with the ecological character or wildlife use of the natural habitat or feature.

(d) Buffer Zone Table for Fort Collins Natural Habitats and Features.

<i>Natural Habitat or Feature</i>	<i>Buffer Zone Standard⁵</i>
Isolated Areas	
Irrigation ditches that serve as wildlife corridors	50 feet
Isolated patches of native grassland or shrubland	50 feet
Isolated patches of native upland or riparian forest	50 feet
Woodlots/farmstead windbreaks	25 feet
Naturalized irrigation ponds	50 feet
Naturalized storm drainage channels/detention ponds	50 feet

Lakes or reservoirs	100 feet
Wetlands < 1/3 acre in size	50 feet
Wetlands > 1/3 acre in size, without significant use by waterfowl and/or shorebirds	100 feet
Wetlands > 1/3 acre in size, with significant use by waterfowl and/or shorebirds	300 feet
Stream Corridors	
Boxelder Creek	100 feet
Cache la Poudre River (west UGA boundary to College Avenue)	300 feet
Cache la Poudre River in downtown (College to Lincoln Avenue) ²	200 feet
Cache la Poudre River (Lincoln Avenue to east UGA boundary)	300 feet
Cooper Slough	300 feet
Dry Creek	100 feet
Fossil Creek and Tributaries	100 feet
Spring Creek	100 feet
Special Habitat Features/Resources of Special Concern	
Bald eagle communal feeding sites	660 feet
Bald eagle communal roost sites	1,320 feet
Bald eagle nest sites	2,640 feet
Winter raptor concentration areas	300 feet
Great blue heron colonial nest sites	825 feet
Migratory waterfowl concentration areas	300 feet
Nesting waterfowl concentration areas	300 feet
Migratory shorebird concentration areas	300 feet
Nesting shorebird concentration areas	300 feet
Migratory songbird concentration areas	300 feet
Locations of Preble's meadow jumping mouse	300 feet
Locations of fox, coyote and badger dens	50 feet
Locations of rare butterfly species	site analysis
Locations of rare, threatened or endangered plant species	site analysis
Locations of geological or paleontological sites of special interest	site analysis
Prairie dog colonies	site analysis

- (I) Note that these buffer zone standards do not apply in areas zoned RDR - River Downtown Redevelopment. Alternative standards are included in the description of this zone district.
- (II) Table distances may be modified as described in Section 5.6.1(E)(1) above to meet performance standards.
- (III) Buffer zone table distances shall be measured in a straight line without regard to topography. Measurements will be made from the outer edge of the natural habitat or feature to the boundary of the lot, tract or parcel of land that defines and describes the development and:
 - (i) Isolated area buffer zones such as woodlots, farm windbreaks and forests will be measured from the outer edge of the drip line toward the boundary of such lot, tract or parcel of land;
 - (ii) Wetlands, grasslands and shrubland buffer zones will be measured from the outside edge of the habitat toward the boundary of such lot, tract or parcel of land;

- (iii) Stream corridors, lakes, reservoirs and irrigation ditches buffer zones will be measured from the top of bank toward the boundary of such lot, tract or parcel of land;
- (iv) Special habitat features/resources of special concern will be measured as a radius starting from the outer edge of the habitat toward the boundary of such lot, tract or parcel of land; and
- (v) Locations of geological or paleontological sites of special interest will be measured from the outer edge of the feature toward the boundary of such lot, tract or parcel of land.

(F) Protection of Wildlife Habitat and Ecological Character.

- (1) **Rare, Threatened or Endangered Species.** If the ecological characterization report required pursuant to Subsection (D)(1) above shows the existence in a natural habitat or feature of a rare, threatened or endangered species of plant or wildlife, then the development plan shall include provisions to ensure that any habitat contained in any such natural habitat or feature or in the adjacent buffer zone which is of importance to the use or survival of any such species shall not be disturbed or diminished and, to the maximum extent feasible, such habitat shall be enhanced. (NOTE: Some studies, e.g., rare plant surveys, are time-limited and can only be performed during certain seasons.)
- (2) **Sensitive or Specially Valued Species.** If the ecological characterization report required pursuant to subsection (D)(1) above shows the existence in a natural habitat or feature of a plant or wildlife species identified by the City as a sensitive or specially valued species, excluding threatened or endangered species, then the development plan shall include provisions to protect, enhance, or mitigate impacts to any such natural habitat or feature or in the adjacent buffer zone which is of importance to the use or survival of any such species to the extent reasonably feasible.
- (3) **Connections.** If the development site contains existing natural habitats or features that connect to other off-site natural habitats or features, to the maximum extent feasible the development plan shall preserve such natural connections. If natural habitats or features lie adjacent to (meaning in the region immediately round about) the development site, but such natural habitats or features are not presently connected across the development site, then the development plan shall, to the extent reasonably feasible, provide such connection. Such connections shall be designed and constructed to allow for the continuance of existing wildlife movement between natural habitats or features and to enhance the opportunity for the establishment of new connections between areas for the movement of wildlife.
- (4) **Wildlife Conflicts.** If wildlife that may create conflicts for the future occupants of the development (including, but not limited to, prairie dogs, beaver, deer and rattlesnakes) are known to exist in areas adjacent to or on the development site, then the development plan must, to the extent reasonably feasible, include provisions such as barriers, protection mechanisms for landscaping and other site features to minimize conflicts that might otherwise exist between such wildlife and the developed portion of the site.

(G) Lakes/Riparian Area Protection

- (1) **Lakes, Reservoirs and Ponds.** If the development site contains a lake, reservoir or pond, the development plan shall include such enhancements and restoration as are necessary to provide reasonable wildlife habitat and improve aesthetic quality in areas of shoreline transition and areas subject to wave erosion. The development plan shall also include a design that requires uniform and ecologically and aesthetically compatible treatment among the lots or tracts surrounding a lake, reservoir or pond with regard to the establishment of erosion control protection and shoreline landscaping on or adjacent to such lots or tracts. Water bodies and features such as irrigation ponds, reflecting pools and lagoons constructed as new landscaping features of a development project shall be exempt from the standards contained in this subparagraph.
- (2) **Streambank Stabilization.** When the Stormwater Master Plans and the Storm Drainage Design Criteria and Construction Standards of the City require streambank stabilization, native vegetation shall be utilized for such purpose, and engineered stabilization techniques such as exposed rip rap shall be avoided, to the maximum extent feasible. The use of native vegetation shall be the principal means of streambank stabilization, and the use of rip-rap for streambank stabilization shall be restricted to locations where the use of vegetation techniques is not reasonably feasible.

(H) Ridgeline Protection.

- (1) **Ridgeline Setback.** So that structures blend more naturally into the landscape rather than being a prominent focal point, no development shall intrude into any ridgeline protection area identified and designated by the Director during the development review process in conjunction with the establishment of the LOD and the buffer zone. For the purposes of this subsection, a designated ridgeline protection area shall include the crest of any hill or slope so designated, plus the land located within one hundred (100) horizontal feet (plan view) on either side of the crest of the hill or slope.
- (2) **Building Height and Profile.** Multilevel buildings shall follow the general slope of the site in order to keep the building height and profile in scale with surrounding natural features.

(I) Design and Aesthetics.

- (1) **Project design.** Projects in the vicinity of large natural habitats and/or natural habitat corridors, including, but not limited to, the Poudre River Corridor and the Spring Creek Corridor, shall be designed to complement the visual context of the natural habitat. Techniques such as architectural design, site design, the use of native landscaping and choice of colors and building materials shall be utilized in such manner that scenic views across or through the site are protected, and manmade facilities are screened from off-site observers and blend with the natural visual character of the area. These requirements shall apply to all elements of a project, including any aboveground utility installations.
- (2) **Visual Character of Natural Features.** Projects shall be designed to minimize the degradation of the visual character of affected natural features within the site and to minimize the obstruction of scenic views to and from the natural features within the site.

- (J) **Stormwater Drainage/Erosion Control.** All stormwater drainage and erosion control plans shall meet the standards adopted by the City Stormwater Utility for design and construction and shall, to the maximum extent feasible, utilize nonstructural control techniques, including but not limited to:
- (1) limitation of land disturbance and grading;
 - (2) maintenance of vegetated buffers and natural vegetation;
 - (3) minimization of impervious surfaces;
 - (4) use of terraces, contoured landscapes, runoff spreaders, grass or rock-lined waterways;
 - (5) use of infiltration devices; and
 - (6) use of recharge basins, seepage pits, dry wells, seepage beds or ditches, porous pavement or sub-drain systems
- (K) **Water Rights.** To the extent that a development plan proposes the creation of water features such as lakes, ponds, streams or wetlands, the plan must include clear and convincing evidence that such water features will be supplied with sufficient water whether by natural means or by the provision of sufficient appropriative water rights. No development plan shall be approved which would have the effect of injuring or diminishing any legally established water supply for any natural area.
- (L) **Compatibility with Public Natural Areas or Conserved Land.** If the project contains or abuts a publicly owned natural area or conserved land, the development plan shall be designed so that it will be compatible with the management of such natural area or conserved land. In order to achieve this, the development plan shall include measures such as barriers or landscaping measures to minimize wildlife conflicts, setbacks or open space tracts to provide a transition between the development and the publicly owned natural area or conserved land, and educational signage or printed information regarding the natural values, management needs and potential conflicts associated with living in close proximity to such natural area or conserved land.
- (M) **Access to Public Natural Areas or Conserved Land.** In the event that the development plan contains or abuts a publicly owned natural area or conserved land, the development plan shall include such easements and rights-of-way as are necessary to allow reasonable access for the public to such natural area or conserved land, unless such access is deemed by the decision maker to be unnecessary and undesirable for the proper public utilization of such natural area or conserved land. Any such access requirement or dedication shall be credited (based upon a fair market value analysis) against any such natural area or conserved land dedication or fee-in-lieu thereof required by the City. If the development site contains any privately owned natural area or open lands, any access provided to such area or open lands, whether for private or public use, if determined to be appropriate, shall be designed and managed in such manner as to minimize the disturbance of existing wildlife using such area.
- (N) **Standards for Protection During Construction.** For every development subject to this Division, the applicant shall propose, and the Director shall establish, measures to be implemented during the actual construction phase of the project to ensure protection of natural habitats and features and their associated buffer zones, as follows:
- (1) **Limits of Development.** The applicant shall propose, and the Director shall establish on the project development plan, a "limits of development" ("LOD") line(s) to establish the boundary of the project outside of which no land disturbance activities will occur during the construction of the project. The purpose of the LOD lines shall be to protect natural habitats and features and their associated buffer zones from inadvertent damage during site construction activities. The location of the LOD shall be

designed to preserve significant ecological characteristics of the affected natural habitat or feature that could not reasonably be restored if disturbed by construction activities associated with the project. The LOD shall also be designed to accommodate the practical needs of approved construction activity in terms of ingress and egress to the developed project and necessary staging and operational areas.

- (2) **Designation.** LODs, as approved by the Director, shall be shown on the final plan for development. LODs shall be designated in the field prior to commencement of excavation, grading or construction with fencing or other methods approved by the Director.
- (3) **Barrier Fencing.** Construction barrier fencing shall be provided at the limits of development during construction. For the protection of natural habitats and features, including but not limited to trees and clumps of trees to be preserved with a buffer zone that is to be disturbed, tree protection specifications as described in subsection 5.10.1(G)(1) and (3) through (7) shall be followed.
- (4) **Construction Timing.** Construction shall be organized and timed to minimize the disturbance of Sensitive or Specially Valued Species occupying or using on-site and adjacent natural habitats or features.
- (5) **Red-tailed and Swainson's Hawk Nest Sites.**
 - (a) No tree with an active nest shall be removed unless a permit for such removal has been obtained by the developer from the United States Fish and Wildlife Service.
 - (b) To the extent reasonably feasible, trees that are known to have served as nest sites shall not be removed within five (5) years of the last known nesting period. If the tree is removed, it shall be mitigated in accordance with Section 5.10.1, Landscaping and Tree Protection Standards.
 - (c) A temporary LOD of a four-hundred-fifty (450) foot radius shall be established for Red-tailed and Swainson's hawk active nest sites during the period from February 15 through July 15 of the first year of a multi-year development construction project.
- (6) **Prairie Dog Removal.** Before the commencement of grading or other construction on the development site, any prairie dogs inhabiting portions of the site within the LOD shall be relocated or eradicated by the developer. Prairie dog relocation shall be accomplished using methods reviewed and approved by the Colorado Parks and Wildlife Division. Following relocation or eradication activities, a report shall be provided to the City that documents when prairie dog removal occurred, the method(s) that were used to remove prairie dogs, measures taken to ensure that prairie dogs will not re-inhabit the site, and confirmation that no threatened or endangered species were harmed by removal activities.
- (O) **Proof of Compliance.**
 - (1) If a proposed development will disturb an existing wetland, the developer shall provide to the City a written statement from the U.S. Army Corps of Engineers that the development plan fully complies with all applicable federal wetland regulations as established in the federal Clean Water Act.

5.6.2 AIR QUALITY

- (A) **General Standard.** The project shall conform to all applicable local, state and federal air quality regulations and standards, including, but not limited to, those regulating odor, dust, fumes or gases which are noxious,

toxic or corrosive, and suspended solid or liquid particles. The project shall be designed and constructed to comply with the dust control measures contained in the Dust Control Manual to the extent required therein.

(B) Setbacks From Domestic Wastewater Treatment Works to Habitable Structures.

- (1) Unless specifically authorized pursuant to the provisions of paragraph (C) below, the minimum horizontal distances set forth in subparagraph (2) of this Subsection shall be maintained between the various kinds of wastewater treatment works listed in said subparagraph and any of the following uses:
 - (a) any residential use;
 - (b) any commercial/retail use except frozen food lockers, enclosed mini-storage facilities and properties used principally as parking lots or parking garages;
 - (c) any industrial use except warehouses, properties used for recreational vehicle, boat or truck storage, composting facilities, outdoor storage facilities, junkyards, transport terminals, recycling facilities, and resource extraction;
 - (d) any institutional/civic/public use except cemeteries, golf courses, public facilities, parks, recreation and other open lands, places of worship or assembly; and
 - (e) any accessory/miscellaneous uses except agricultural activities, farm animals, satellite dishes (greater than thirty-nine [39] inches in diameter), and wireless communication facilities.
 - (2) The following minimum horizontal distances shall apply to the kinds of wastewater treatment works listed below and the uses specified in subparagraph 1. above:
 - (a) Non-aerated lagoons: one thousand three hundred twenty (1,320) feet ($\frac{1}{4}$ mile).
 - (b) Aerated lagoons containing less than two (2) total surface acres with no surface aeration one hundred (100) feet.
 - (c) Aerated lagoons containing greater than two (2) total surface acres and/or with surface aeration: one thousand (1,000) feet, or with established vegetation barriers, and/or walls, berms or other topographic features to reduce aerosol drift as approved pursuant to paragraph (C) below: five hundred (500) feet.
 - (d) Small mechanical plants with less than one hundred thousand (100,000) gpd capacity and all facilities with building enclosure: one hundred (100) feet.
 - (e) All other mechanical plants: one thousand (1,000) feet.
- (C) Alternative Compliance.** Upon request by an applicant, the decision maker may approve an alternative setback distance that may be substituted for a setback distance meeting the standards of this Section.
- (1) **Procedure.** Alternative compliance setback plans shall be prepared and submitted in accordance with the submittal requirements for plans as set forth in this Section. The plan shall clearly identify and discuss the setback modifications proposed and the ways in which the plan will equally well or better

accomplish the purpose of this Section than would a plan which complies with the standards of this Section.

- (2) **Review Criteria.** To approve an alternative plan, the decision maker must find that the proposed alternative plan accomplishes the purposes of this Section equally well or better than would a plan which complies with the standards of this Section.
- (3) **Alternative Plan.** In reviewing the proposed alternative plan, the decision maker shall consider any mitigating factors that exist to counter the potential for odor problems and/or aerosol drift, including, without limitation, structural, chemical or technological mitigation occurring at the subject wastewater treatment works, established vegetation barriers and/or walls, berms, or other topographic features sufficient to serve as mitigation for odor problems and/or aerosol drift. In order to assist the decision maker in evaluating the proposed mitigation factors the Utilities Executive Director shall submit a written recommendation regarding such mitigation factors, which recommendation shall include the technical analysis and reasoning used in support of the Utilities Executive Director's recommendation.

5.6.3 WATER QUALITY

General Standard. Projects shall be designed so that precipitation runoff flowing from the site is treated in accordance with the criteria set forth in the *Stormwater Criteria Manual*.

5.6.4 WATER HAZARDS

- (A) Lands which are subject to flooding or are located in a natural drainageway shall not be approved for development or redevelopment unless the following conditions are met:
 - (1) the project development plan complies with the Basin Master Drainageway Plan as applicable;
 - (2) the project development plan complies with the City's Stormwater Criteria Manual;
 - (3) the project development plan complies with the floodplain regulations as established in Chapter 10 of the City Code; and
 - (4) all measures proposed to eliminate, mitigate or control water hazards related to flooding or drainageways have been approved by the Water Utilities Executive Director.
- (B) If a project includes a water hazard such as an irrigation canal, water body or other water channel, necessary design precautions shall be taken to minimize any hazard to life or property, and additional measures such as fencing, water depth indicators and erection of warning signs shall be taken, to the extent reasonably feasible.
- (C) Any lands that are subject to high groundwater (meaning groundwater at an elevation such that basement flooding is reasonably anticipated by the City Engineer to occur) shall not be platted for building lots with basements unless adequate provisions to prevent groundwater from entering basements have been designed and approved by the City Engineer.

5.6.5 HAZARDS

- (A) If the project contains potential areas of natural or geologic hazard (such as unstable or potentially unstable slopes, faulting, landslides, rockfalls) or soil conditions (such as expansive soils) unfavorable to

development, the applicant shall provide to the Director a study of such hazards produced by a geotechnical engineer licensed in the state of Colorado. Such study shall contain, where appropriate, recommendations for special mitigation measures and engineering precautions that shall be taken to overcome those limitations. In the alternative, if determined to be a safe and reasonable option by the geotechnical engineer, such areas may be set aside from development.

- (B) Steep or unstable land and areas having inadequate drainage shall not be subdivided into building lots unless the applicant makes adequate provisions to prevent the same from endangering life, health or other property.

5.6.6 HEALTH RISKS

- (A) **Purpose.** This Section is intended to protect the occupants of and visitors to the site following development from health risks that may be presented by the existence of dangerous chemicals, metals or other substances, microorganisms, germs, bacteria or viruses, which pose a health risk to the potential occupants of and/or visitors to the development site if permitted to develop.
- (B) **General Standard.** If, because of credible evidence in the possession of the City or the applicant, whether written or otherwise, there is a reasonable suspicion or belief that the development site contains dangerous chemicals, metals or other substances, microorganisms, germs, bacteria or viruses, which pose a health risk to the potential occupants of and/or visitors to the development site if permitted to develop, then the applicant shall either take such actions as are necessary to satisfy the decision maker that such health risks have been reasonably mitigated, or shall demonstrate to the decision maker by presentation of written statements from either the Larimer County Health Department or from specialists appropriate in education and training to examine the risks, showing that the suspicion of danger and health risk is scientifically unfounded and that actual, reasonable risk is unlikely.

5.6.7 OTHER JURISDICTION ENVIRONMENTAL COMPLIANCE

- (A) If the Director obtains credible information regarding threatened or pending regulatory oversight or enforcement related to an environmental condition of the property to be developed, or an environmental impact related to the development plan, then the Director may require the developer to provide to the City written statements from such governmental agencies as the Director may designate as having related jurisdiction based on the nature of the oversight or enforcement or environmental impact.
 - (a) Said statements shall verify that the development plan fully complies with environmental regulations within the jurisdiction of the writing agency. If the developer, after a diligent effort, is unable to obtain such written verifications from one (1) of more of the designated agencies, the developer shall at least provide to the City a written verification from said agency that the City's approval of the development plan will not interfere with a threatened or pending environmental enforcement action of said agency.
- (B) All required written statements shall be provided to the Director prior to the scheduling of the hearing for the project development plan.

DIVISION 5.7 COMPACT URBAN GROWTH STANDARDS

5.7.1 COMPACT URBAN GROWTH

- (A) **Purpose.** The City has adopted a compact urban growth policy that encourages and directs development to take place within areas contiguous to existing development in the community. Such a policy seeks to accomplish several goals, including:
- (1) improving air quality by reducing vehicle miles traveled and by encouraging mass transit and alternatives to the private automobile;
 - (2) preserving natural areas and features, particularly in the periphery of the City;
 - (3) making possible the efficient use of existing infrastructure and cost-effective extensions of new services;
 - (4) encouraging infill development and reinvestment in built-up areas of the City; and
 - (5) promoting physical separation from neighboring communities to help each maintain its individual identity and character.
- (B) **Establishment of Growth Management Area.** The City has adopted a cooperative planning area policy in the City Plan that includes a Growth Management Area as adopted by Intergovernmental Agreement with Larimer County.
- (C) **General Standard.** No development shall be approved unless it is located within the City limits and meets the specific standards set forth in this Division relating to the required degree of contiguity, availability of adequate public facilities and access.

5.7.2 CONTIGUITY

- (A) **Development Approval Criteria.** No development for any site within the City limits shall be approved unless it meets the following minimum requirements:
- (1) **Degree of Contiguity.** At least one-sixth (1/6) of the proposed development's boundaries must be contiguous to existing urban development within either the City or unincorporated Larimer County within the Growth Management Area. For purposes of this Section, contiguity shall not be affected by the existence of a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, publicly owned open space, or a lake, reservoir, stream or other natural or artificial waterway between the proposed development and existing urban development.
 - (2) **Existing Urban Development Defined.** For purposes of this Section, *existing urban development* shall mean industrial uses; commercial/retail uses; institutional/civic/public uses; or residential uses having an overall minimum density of at least one (1) unit per acre; and provided further that all engineering improvements for any such development, including paved streets, public sewer and water, stormwater drainage and other utilities, and fire suppression consistent with the Fire Code must have been completed.
 - (3) **Exemption for Properties Located Within Certain Planned Subareas.** Development located within the following planned subareas are not required to comply with the requirements of this Section :
 - (a) Fossil Creek Reservoir Area; and
 - (b) Harmony Corridor.

- (B) **Developments Outside the Growth Management Area.** No development application shall be accepted or approved as part of an annexation petition if the proposed development is located outside the Growth Management Area.
- (C) **Waiver/Exceptions.** The Planning and Zoning Commission may waive or make modifications to the contiguity requirements of this Section upon making a specific finding that the proposed development will:
 - (1) Substantially advance the implementation of the City Plan in the provision of Medium-Density Mixed-Use Neighborhoods or Community Commercial Districts;
 - (2) Produce special benefits to the City in terms of large-scale open space dedication or preservation, completion of regional trail linkages, or substantially advance other primary open space and recreational goals contained in the City Plan;
 - (3) Produce special benefits to the City in terms of long-term economic development opportunity in accordance with the City Plan; or
 - (4) Promote the infilling of an area with already existing noncontiguous urban-level development.

5.7.3 ADEQUATE PUBLIC FACILITIES

- (A) **Purpose.** The purpose of the adequate public facilities (APF) management system is to establish an ongoing mechanism which ensures that public facilities and services needed to support development are available concurrently with the impacts of such development.
- (B) **Applicability.** This Section shall apply to all development in the City.
- (C) **APF Management System.**
 - (1) **APF Management System Established.** In order to implement the City's Principles and Policies, the adequate public facilities management system ("APF management system") is hereby established. The APF management system is incorporated into and shall be part of the development review procedures as well as the process for issuance of Building Permits.
 - (2) **General Requirements.** The approval of all development shall be conditioned upon the provision of adequate public facilities and services necessary to serve new development. No Building Permit shall be issued unless such public facilities and services are in place, or the commitments described in subparagraph (E)(1)(a)(II) below have been made, or with respect to transportation facilities, a variance under LCUASS Section 4.6.7 or an alternative mitigation strategy under LCUASS Section 4.6.8 has been approved. Under this APF management system, the following is required:
 - (a) The City shall adopt and maintain level of service standards for the following public facilities: transportation, water, wastewater, storm drainage, fire and emergency services, electrical power and any other public facilities and services required by the City.
 - (b) No site specific development plan or Building Permit shall be approved or issued in a manner that will result in a reduction in the levels of service below the adopted level of service standards for the affected facility, except as expressly permitted under this Section (and the referenced provisions of LCUASS).

(D) **Level of Service Standards.** For the purpose of review and approval of new development and the issuance of Building Permits, the City hereby adopts the following level of service standards for the public facilities and services identified below:

(1) **Transportation.**

(a) All development must have access to the Improved Arterial Street Network or to a street for which funds have been appropriated to fund improvement as an arterial street as more specifically required in Section 5.4.2, Development Improvements, (F) Off-site Public Access Improvements.

(b) Except as provided in Subsection (E)(1) below, all development shall meet or exceed the following transportation level of services standards:

(I) The vehicular level of service standards for overall intersection level of service standards contained in Table 4-2 of the Larimer County Urban Area Street Standards (LCUASS). Alternative mitigation strategies are provided in LCUASS Section 4.6.8.

(II) The bicycle and pedestrian level of service standards are contained in Part II of the City of Fort Collins Multi-modal Transportation Level of Service Manual. Variances for levels of service that do not meet the standards are provided in LCUASS Section 4.6.7.

(III) No transit level of service standards contained in Part II of the Multi-modal Transportation Manual will be applied for the purposes of this Section.

(c) If any off-site improvements are required by the standards contained in this Section, repayments for the costs of such improvements shall be provided to the developer in accordance with the provisions of Section 5.4.2(F).

(2) **Water.** All development shall provide adequate and functional lines and stubs to each lot as required by the current City or special district, as applicable, design criteria and construction standards.

(3) **Wastewater.** All development shall provide adequate and functional mains and stubs to each lot as required by the current City or special district, as applicable, design criteria and construction standards.

(4) **Storm Drainage.** All development shall provide storm drainage facilities and appurtenances as required by Sections 26-544 and 10-37 of the Municipal Code and by all current City storm drainage master plans, design criteria and construction standards.

(5) **Fire and Emergency Services.** All development shall provide sufficient fire suppression facilities as required by the Fire Code.

(6) **Electrical Power Service.** All development shall have service provided as described in the Electric Construction Policies, Practices, and Procedures, and the Electric Service Rules and Regulations of the Fort Collins Electric Utility.

(E) **Minimum Requirements for APF**

- (1) The City's APF management system shall ensure that public facilities and services to support development are available concurrently with the impacts of development. In this regard, the following standards shall be used to determine whether a development meets or exceeds the minimum requirements for adequate public facilities:
 - (a) For transportation facilities, at a minimum, the City shall require that, at the time of issuance of any Building Permit issued pursuant to a site specific development plan, all necessary facilities and services, as described in Section (D)(1) above, are either:
 - (I) In place and available to serve the new development in accordance with the development agreement; or
 - (II) Funding for such improvements has been appropriated by the City or provided by the developer in the form of either cash, non-expiring letter of credit, or escrow in a form acceptable to the City.
 - (b) Notwithstanding the foregoing, with respect to improvements required to maintain the applicable transportation facilities' level of service where, as determined by the Director, such improvements are not reasonably related to and proportional to the impacts of the development or currently desired by the City, a Building Permit may be issued pursuant to a site specific development plan provided the developer has:
 - (I) Agreed in the development agreement to install or fund improvements, or a portion thereof, that are reasonably related and proportional to the impacts of the development on the affected transportation facility or facilities; or
 - (II) Obtained a variance regarding the affected transportation facility or facilities under LCUASS Section 4.6.7; or
 - (III) Agreed in the development agreement to implement an alternative mitigation strategy as defined by LCUASS Section 4.6.8, or portion thereof, to adequately mitigate the reasonably related and proportional impacts of the development on the affected transportation facility or facilities; or
 - (IV) Funding for such improvements has been appropriated by the City or provided by the developer in the form of either cash, non-expiring letter of credit, or escrow in a form acceptable to the City.
 - (c) For water and wastewater facilities, at a minimum, the City shall require that, at the time of issuance of any building permit issued pursuant to a site-specific development plan, all necessary facilities and services, as described in Section (D)(2)-(3) above, are in place and available to serve the new development in accordance with the approved utility plan and development agreement.
 - (d) For storm drainage facilities, the City shall require that all necessary facilities and services, as described in Section (D)(4) above, are in place and available to serve the new development in accordance with the approved drainage and erosion control report, utility plans and development

agreement for such development. The timing of installation of such facilities and service shall be as follows:

- (I) Where multiple building permits are to be issued for a project, twenty-five (25) percent of the building permits and certificates of occupancy may be issued prior to the installation and acceptance of the certification of the drainage facilities. Prior to the issuance of any additional permits, the installation and acceptance of the certification of the drainage facilities shall be required.
 - (II) For projects involving the issuance of only one (1) building permit and certificate of occupancy, the installation and acceptance of the certification of the drainage facilities shall be required prior to the issuance of the certificate of occupancy.
- (e) For fire and emergency services, at a minimum, the City shall require that, at the time of issuance of any building permit issued pursuant to a site-specific development plan, all necessary facilities and services, as required by the Fire Code, are in place and available to serve the site within the new development where the building is to be constructed in accordance with the Fire Code and the development agreement.
- (f) For electric power facilities, the following minimum requirements shall apply:
- (I) For residential development: The developer must coordinate the installation of the electric system serving the development with the City's electric utility. In addition, each application for a building permit within the development must show the name of the development, its address, each lot or building number to be served, and the size of electric service required. The size of electric service shall not exceed that originally submitted to the electric utility for design purposes. Costs for installation of the electric service line to the meter on the building will be payable upon the issuance of each building permit.
 - (II) For Commercial/Industrial Development: The following documents/information shall be provided to the City's electric utility with each application for a building permit:
 - (i) an approved and recorded final plat;
 - (ii) the final plan (two [2] copies);
 - (iii) the utility plan;
 - (iv) a one-line diagram of the electric main entrance;
 - (v) a Commercial Service Information Form (C-1 form) completed by the developer/builder for each service, and approved by the electric utility (Blank forms are available at the Electric Utility Engineering Department, 970-221-6700);
 - (vi) the transformer location(s), as approved by the electric utility;
 - (vii) the name and address of the person responsible for payment of the electric development charges; and
 - (viii) the name, of the development, building address and lot or building number.
 - (III) Compliance with Administrative Regulations: The developer shall also comply with all other administrative regulations and policies of the electric utility, including, without

limitation, the *Electric Construction Policies, Practices and Procedures*, and the *Electric Service Rules and Regulations*, copies of which may be obtained from the electric utility.

- (F) **Transportation APF Exception. *Nominal Impact.*** For the purpose of the transportation APF requirements contained in this Section, a proposed development shall be deemed to have a nominal impact and shall not be subject to the APF requirements for transportation if the development proposal is not required to complete a Traffic Impact Study per the requirements in Chapter 4 - Transportation Impact Study of the Larimer County Urban Area Street Standards.
- (G) **Water Supply Adequacy.** The determination required by C.R.S. § 29-20-301, et seq., whether the proposed water supply for development is adequate and is not addressed in this Section but is set forth in section 5.17.

5.7.4 LOTS

- (A) **Area and Dimension.** No part of an area or dimension required for a lot to comply with the provisions of this Code shall be included as an area or dimension required for another lot, nor shall such required area or dimension be burdened by any easement for an abutting private street or private drive that provides access to the lot or to any other lot. Private driveways on the lot may be included in the lot area where a minimum lot area square footage is otherwise required by this Code, said minimum lot area shall be required for each principal building located on any one (1) lot.
- (B) **Reduction for Public Purpose.** When an existing lot is reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining area is at least seventy-five (75) percent of the required minimum lot size for the district in which it is located, then that remaining lot shall be deemed to comply with the minimum lot size standards of this Code.
- (C) **Utility Facilities.** Utility facilities using land or a building used only for equipment purposes (and not for human occupation) and requiring less than one thousand (1,000) square feet of site are exempt from the minimum lot size standards of all zone districts.

DIVISION 5.8 HISTORIC

5.8.1 HISTORIC, LANDMARK PRESERVATION AND CULTURAL RESOURCES

- (A) **Purpose.**
 - (1) The purpose of this Section is to ensure that proposed development is compatible with and protects historic resources by ensuring that:
 - (a) historic resources on a development site are preserved, adaptively reused, and incorporated into the proposed development;
 - (b) development does not adversely affect the integrity of historic resources on nearby property within the area of adjacency surrounding a development site; and

- (c) the design of new structures and site plans are compatible with and protect the integrity of historic resources located within a development site and within the area of adjacency surrounding a development site.

(2) To accomplish its purpose, this Section provides:

- (a) the requirements for the treatment of historic resources located on a development site;
- (b) the standards for design compatibility between proposed development and historic resources on a development site and within the delineated area of adjacency surrounding a development site; and
- (c) this Section is intended to work in conjunction with the standards for the treatment of historic resources set forth in Chapter 14 of the Fort Collins Municipal Code and any relevant adopted standards for historic resources.

(B) Jurisdiction of the Historic Preservation Commission (HPC)

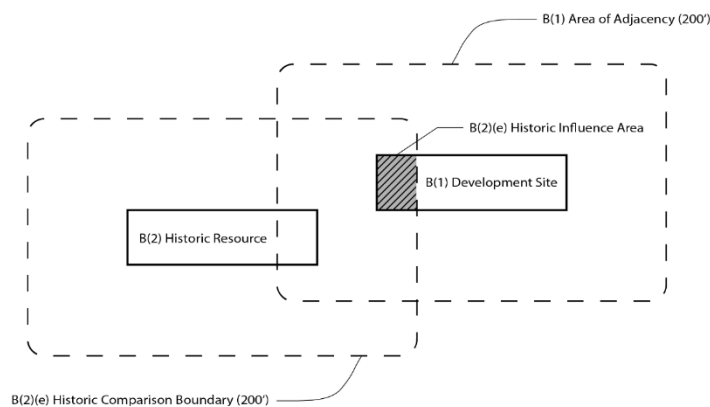
When Chapter 14 of the Code of the City of Fort Collins designates the HPC or City Staff as the decision maker, the proposed development must ultimately meet the requirements of Chapter 14 of the City Code. This includes jurisdiction over properties inside a Landmarked District or Landmarked properties. After the Code of the City for Fort Collins Chapter 14 standards are met, the proposed development project may then proceed through this Code's review procedures to ensure compliance with the criteria herein.

(C) Historic Resources on the Development Site and within the Area of Adjacency.

- (1) As used in this Section, the area of adjacency shall mean an area, the outer boundary of which is two hundred (200) feet in all directions from the perimeter of the development site. Any lot or parcel of property shall be considered within the area of adjacency if any portion of such lot or parcel is within the two hundred (200) foot outer boundary.
- (2) Historic preservation staff shall identify as expeditiously as possible the historic resources on the development site and within the area of adjacency to be used for application of the design standards contained in below Subsection (F), *Design Requirements for a Proposed Development*, and provide a list of such resources to the applicant. The procedure for identifying the relevant historic resources shall be as follows:
 - (a) The location of the following shall be identified within the area of adjacency:
 - (I) Any historic resource; and
 - (II) Any building, site, structure, and object that requires evaluation as to whether it is eligible for Fort Collins landmark designation and, therefore, qualifies as a historic resource.
 - (b) All historic resources on the development site shall be identified and the procedure in below Subsection (D)(1) shall be completed if necessary.

- (c) Any building, site, structure, or object requiring evaluation shall be reviewed for eligibility for Fort Collins landmark designation pursuant to below Subsection (D)(2).
- (d) Any historic resource identified in above steps (a), (b), or (c) shall be the historic resources utilized as the basis for applying Subsection (F). Identified historic resources on the development site and within the area of adjacency shall be classified as follows for purposes of applying the design standards set forth in the below Subsection (F):
 - (I) Historic resources on the development site, or abutting or on the other side of a side alley that abuts the development site; and
 - (II) All other historic resources.
- (e) The historic comparison boundary shall be established at two hundred (200) feet in all directions from the perimeter of each identified historic resource except those located on the development site. The historic influence area formed by the overlapping area between the outer boundary of the development site and the historic comparison boundary is the area within which the standards in below Subsection (F) apply to any new construction proposed within such area.
- (f) The historic influence area for any historic resource located on the development site shall be the entire development site.

Example of Area of Adjacency, Historic Comparison Boundary, and Historic Influence Area



- (3) The historic preservation staff determination pursuant to this Section of the historic resources relevant to the application of the design standards set forth in below Subsection (F) is not subject to appeal. Notwithstanding, eligibility determinations pursuant to below Subsection (D)(1) are subject to appeal pursuant to Fort Collins Municipal Code Section 14-23.

(D) **Determination of Eligibility for Designation as Fort Collins Landmark.** The review of proposed development pursuant to this Section may require the determination of the eligibility of buildings, sites, structures, and objects located both on the development site and in the area of adjacency for designation as Fort Collins landmarks. The determination of eligibility for designation as a Fort Collins landmark shall be made pursuant to the standards and procedures set forth in Sections 14-22 and 14-23 of the Fort Collins Municipal Code except as varied in below Subsections (D)(1)-(2).

- (1) **Buildings, Sites, Structure, and Objects on a Development Site.** If any buildings, sites, structures, or objects on a development site are fifty (50) years of age or older and lack an official determination of eligibility for Fort Collins landmark designation made within the last five (5) years, the applicant must request an official eligibility determination for each such building, site, structure, or object pursuant to Sections 14-22 and 14-23 of the Fort Collins Municipal Code. A current intensive-level Colorado Cultural Resource Survey Form is required for each building, site, structure, and object and the applicant is responsible for reimbursing the City for the cost of having such a property survey generated by a third-party expert selected by the City.
- (2) **Buildings, Sites, Structures, and Objects Within the Area of Adjacency.** If any buildings, sites, structures, or objects outside of a development site but within the area of adjacency are fifty (50) years of age or older and lack an official determination of eligibility for Fort Collins landmark designation established within the last five (5) years, the applicant must request a non-binding determination of eligibility for each such building, site, structure, or object pursuant to Sections 14-22 and 14-23 of the Fort Collins Municipal Code. Notwithstanding Sections 14-22 and 14-23, any such eligibility determination shall not be appealable pursuant to Section 14-23 and shall not be valid for any purpose other than the evaluation of the proposed development pursuant to this Section. A current architectural-level property survey is required for each building, site, structure, and object and the applicant is responsible for reimbursing the City for the cost of having such a property survey generated by a third-party expert selected by the City. The Director, in consultation with historic preservation staff, may waive the required eligibility determination for any building, site, structure, or object if the Director determines that such eligibility determination would be unnecessarily duplicative of information provided by existing historic resources or would not provide relevant information.

(E) **Treatment of Historic Resources on Development Sites - Design Review.**

- (1) Proposed alterations, as such alterations are described in Fort Collins Municipal Code Chapter 14, Article III, to any Fort Collins landmark on a development site or to any portion of the development site located within a Fort Collins historic district must comply with the design review requirements in Chapter 14, Article III, of the Fort Collins Municipal Code. The applicant must obtain a certificate of appropriateness for all proposed alterations pursuant to Chapter 14 before receiving a HPC recommendation pursuant to below Subsection (G).
- (2) Proposed alterations to any building, site, structure, or object located on the development site that is not a Fort Collins landmark but is designated on the Colorado State Register of Historic Properties, either individually or contributing to a district, or the National Register of Historic Places, either individually or contributing to a district, must comply with the design review requirements in Chapter 14, Article III, of the Fort Collins Municipal Code. The applicant must obtain a report pursuant to Chapter 14 regarding all proposed alterations before receiving a HPC recommendation pursuant to below Subsection (G). Additionally, to the maximum extent feasible, the development plan and building design shall provide for the preservation and adaptive use of any such building, site, structure, or object.

- (3) The development plan and building design shall provide for the preservation and adaptive use pursuant to the Secretary of the Interior *Standards for the Treatment of Historic Properties* of any building, site, structure, or object located on the development site and determined to be eligible for Fort Collins landmark designation either through a binding or non-binding determination pursuant to Land Use Code Section 5.8.1(C). This requirement shall apply to development applications including building permit applications for partial or total demolition of, or work that may have an adverse effect on, any building, site, structure, or object located on the development site and determined to be eligible for Fort Collins landmark designation.

(F) Design Requirements for a Proposed Development.

- (1) **Design Compatibility.** Proposed development may represent the architecture and construction standards of its own time but must also convey a standard of quality and durability appropriate for infill in a historic context and protect and complement the historic character of historic resources both on the development site and within the area of adjacency. The design of development on development sites containing historic resources or with historic resources located within the area of adjacency shall meet the requirements in below Table 1 in addition to applicable Land Use Code requirements. The Table 1 requirements shall apply to the development of buildings or structures, other than those addressed in above Subsection (E), on the development site located within a historic influence area, as such term is defined in above Subsection (C)(4), as follows:

- (a) If one (1) or more historic influence areas exist that are associated with historic resource(s) on the development site, or which abut or are on the other side of a side alley that abuts the development site, then all historic influence areas shall be considered to be associated with such historic resource(s) and the standards set forth in Table 1, Column A, shall apply. If two (2) or more historic influence areas exist that are associated with historic resources on the development site, or which abut or are on the other side of a side alley that abuts the development site, the applicant may satisfy the standards set forth in Table 1, Column A, by choosing characteristics from one (1) or more of such historic resources.
- (b) If no historic influence areas exist that are associated with historic resources on the development site, or which abut or are on the other side of a side alley that abuts the development site, the standards set forth in Table 1, Column B, shall apply to all historic influence areas.

(c) Table 1: Requirements for New Construction Near Historic Resources.

	Purpose	Column A Standards for Compatibility with Historic Resources on the Development Site, Abutting, Or Across a Side Alley	Column B Standards for compatibility with Historic Properties Within the Area of Adjacency but Not On or Abutting the Development Site or Across a Side Alley

<p><i>Massing and Building Articulation</i></p>	<p>Integrate new construction into existing context and use massing options that respect historic buildings.</p>	<p>1. New construction shall be similar in width or, if larger, be articulated into massing reflective of the mass and scale of historic resources on the development site, abutting, or across a side alley. 2. In all zone districts, step-backs must be located on new building(s) to create gradual massing transitions at the same height or one story above the height of historic resources on the development site, abutting, or across a side alley. Additionally, in the Downtown zone district, the widest portions of step-backs required by the Downtown zone district step-back standard shall be on building portions closest to historic resources.</p>	<p>Review the identified historic properties within the area of adjacency and identify any predominate typologies and primary character-defining design and architectural features. With those key buildings, features, or patterns in mind, apply at least two of the Standards for Compatibility with Historic Resources on the Development Site, Abutting, Or Across a Side Alley (those numbered 1 to 6).</p>
<p><i>Building Materials</i></p>	<p>Create visual connection between modern building materials and historic building materials.</p>	<p>3. The lower story facades until any step-backs (required or otherwise) must be constructed of authentic, durable, high-quality materials (brick, stone, glass, terra cotta, stucco (non EFIS), precast concrete, wood, cast iron, architectural metal) installed to industry standards. 4. New construction shall reference one or more of the predominate material(s) on historic resources on the development site, abutting, or across a side alley, by using at least two of the following to select the primary material(s) for any one to three story building or the lower story facades until any step-backs (required or otherwise): 1) Type; 2) Scale; 3) Color; 4) Three-dimensionality; 5) Pattern.</p>	
<p><i>Facade Details</i></p>	<p>Create visual connection between modern building design and historic building design.</p>	<p>5. Use at least one of the following: 1) Similar window pattern 2) Similar window proportion of height to width 3) Similar solid-to-void pattern as found on historic resources on the development site, abutting, or across a side alley. 6. Use select horizontal or vertical reference lines or elements (such as</p>	

		rooflines, cornices, and belt courses) to relate the new construction to historic resources on the development site, abutting or across a side alley.	
<i>Visibility of Historic Features</i>	Protect visibility of historic architecture and details.	New construction shall not cover or obscure character-defining architectural elements, such as windows or primary design features, of historic resources on the development site, abutting or across a side alley.	None

(2) **Old Town Historic District.** Proposed development within the Old Town Historic District shall comply with the Old Town Historic District Standards adopted by Ordinance 094, 2014, Chapter 14 of the Fort Collins Municipal Code and as amended, and the U.S. Secretary of the Interior Standards for the Treatment of Historic Properties and as amended in lieu of the requirements set forth in this Section except Subsections (E) and (G).

(3) **Plan of Protection.** A plan of protection shall be submitted prior to the HPC providing a recommendation pursuant to below Subsection (G) that details the particular considerations and protective measures that will be employed to prevent short-term and long-term material damage and avoidable impact to identified historic resources on the development site and within the area of adjacency from demolition, new construction, and operational activities.

(G) **Historic Preservation Commission (HPC) Recommendation.**

Recommendation to Decision Maker for Development Proposal. HPC shall provide a written recommendation to the decision maker for development sites containing or adjacent to historic resources, or both. The written recommendation shall address compliance of the proposed development with this Section and applicable Municipal Code Chapter 14, Article III requirements and the decision maker shall consider such recommendation in making its final decision. Notwithstanding, the Director may waive the requirement for a HPC recommendation if the Director, after considering the recommendation of historic preservation staff, has issued a written determination that the development plan would not have an adverse effect on any historic resource on the development site or within the proposed development’s area of adjacency and that the development plan is compatible with the existing character of such historic resources. A recommendation made under this Subsection is not appealable to the City Council under Chapter 2 of the Fort Collins Municipal Code.

DIVISION 5.9 BUILDING PLACEMENT AND SITE DESIGN

5.9.1 ACCESS, CIRCULATION AND PARKING

(A) **Purpose.** This Section is intended to ensure that the parking and circulation aspects of all developments are well designed with regard to safety, efficiency and convenience for vehicles, bicycles, pedestrians, mobility assistance devices, and transit, both within the development and to and from surrounding areas. Sidewalk or bikeway extensions off-site may be required based on needs created by the proposed development.

This Section sets forth parking requirements in terms of numbers and dimensions of parking stalls, landscaping and shared parking. It also addresses the placement of drive-in facilities and loading zones.

- (B) **General Standard.** The parking and circulation system within each development shall accommodate the movement of vehicles, bicycles, pedestrians, mobility assistance devices and transit, throughout the proposed development and to and from surrounding areas, safely and conveniently, and shall contribute to the attractiveness of the development. The on-site pedestrian system must provide adequate directness, continuity, street crossings, visible interest and security as defined by the standards in this Section. The on-site bicycle system must connect to the City's on-street bikeway network. Connections to the off-road trail system shall be made, to the extent reasonably feasible.
- (C) **Development Standards. All developments shall meet the following standards:**
- (1) **Safety Considerations.** Pedestrians and those utilizing mobility assisted devices shall be separated from vehicles and bicycles.
 - (a) Where complete separation of people and vehicles and bicycles is not possible, potential hazards shall be minimized by the use of techniques such as special paving, raised surfaces, pavement marking, signs or striping, bollards, median refuge areas, traffic calming features, landscaping, lighting or other means to clearly delineate pedestrian areas, for both day and night use.
 - (b) Where individuals and bicyclists share walkways, the pedestrian/ assisted mobility devices/bicycle system shall be designed to be wide enough to easily accommodate the amount of individuals and bicycle traffic volumes that are anticipated. A minimum width of eight (8) feet shall be required and shall meet American Association of State Highway and Transportation Officials (AASHTO) guidelines, Guide for Development of Bicycle Facilities, August 1991, or any successor publication. Additional width of up to four (4) feet may be required to accommodate higher volumes of bicycle and pedestrian traffic within and leading to Community Commercial Districts, Neighborhood Commercial Districts, schools and parks.
 - (2) **Curbscuts and Ramps.** Curbscuts and ramps shall be located at convenient, safe locations for the individuals, for bicyclists and for people pushing strollers or carts. The location and design of curbscuts and ramps shall meet the requirements of the International Building Code and the Americans With Disabilities Act ramp standards and shall avoid crossing or funneling traffic through loading areas, drive-in lanes and outdoor trash storage/collection areas.
 - (3) **Site Amenities.** Development plans shall include site amenities that enhance safety and convenience and promote walking or ease of use for of assisted mobility devices, or bicycling. Site amenities may include bike racks, drinking fountains, canopies and benches as described in the Fort Collins Bicycle Program Plan and Pedestrian Plan as adopted by the City.
 - (4) **Bicycle Facilities.** Commercial, industrial, civic, employment and multi-unit residential uses shall provide bicycle facilities to meet the following standards:
 - (a) **Required Types of Bicycle Parking.** To meet the minimum bicycle parking requirements, the development must provide required bicycle parking for both Enclosed Bicycle Parking and Fixed Bicycle Racks.

(b) Bicycle Parking Space Requirements. The minimum bicycle parking requirements are set forth in the table below. For uses that are not specifically listed in the table, the number of bicycle parking spaces required shall be the number required for the most similar use listed. Enclosed bicycle parking spaces may not be located on balconies.

(c) Minimum Bicycle Requirements Table:

<i>Use Categories</i>	<i>Bicycle Parking Space Minimums</i>	<i>% Enclosed Bicycle Parking/ % Fixed Bicycle Racks</i>
Residential and Institutional Parking Requirements		
Multi-Unit Residential	1 per bedroom	60%/40%
Fraternity and Sorority Houses	1 per bed	60%/40%
Group Homes	No requirement	n/a
Recreational Uses	1/2,000 sq. ft., minimum of 4	0%/100%
Schools/Places of Worship or Assembly and Child Care Centers	1/3,000 sq. ft., minimum of 4	0%/100%
Small Scale Reception Centers in the U-E, Urban Estate District	1/4,000 sq. ft., minimum of 4	0%/100%
Extra Occupancy	1 per occupant	0%/100%
Nonresidential Parking Requirements		
Restaurants		
a. Fast food	1.5/1,000 sq. ft., minimum of 4	0%/100%
b. Standard	1/1,000 sq. ft., minimum of 4	0%/100%
Bars, Taverns and Nightclubs	1/500 sq. ft., minimum of 4	0%/100%
Commercial Recreational	1/2,000 sq. ft., minimum of 4	20%/80%
Theaters	1/30 seats, minimum of 4	0%/100%
General Retail	1/4,000 sq. ft., minimum of 4	20%/80%
Personal Business and Service Shop	1/4,000 sq. ft., minimum of 4	20%/80%
Shopping Center	1/4,000 sq. ft., minimum of 4	20%/80%
Medical Office	1/4,000 sq. ft., minimum of 4	20%/80%
Financial Services	1/4,000 sq. ft., minimum of 4	20%/80%
Grocery Store, Supermarket	1/3,000 sq. ft., minimum of 4	20%/80%
General Office	1/4,000 sq. ft., minimum of 4	20%/80%
Vehicle Servicing and Maintenance	4	n/a
Low Intensity Retail, Repair Service, Workshop and Custom Small Industry	4	n/a
Lodging Establishments	1 per 4 units	60%/40%
Health Facilities	1/5,000 sq. ft., minimum of 4	20%/80%
Industrial: Employee Parking	4	n/a

(d) Alternative Compliance. Upon written request by the applicant, the decision maker may approve an alternative number of bicycle parking spaces that may be substituted in whole or in part for the number that would meet the standards of this Section.

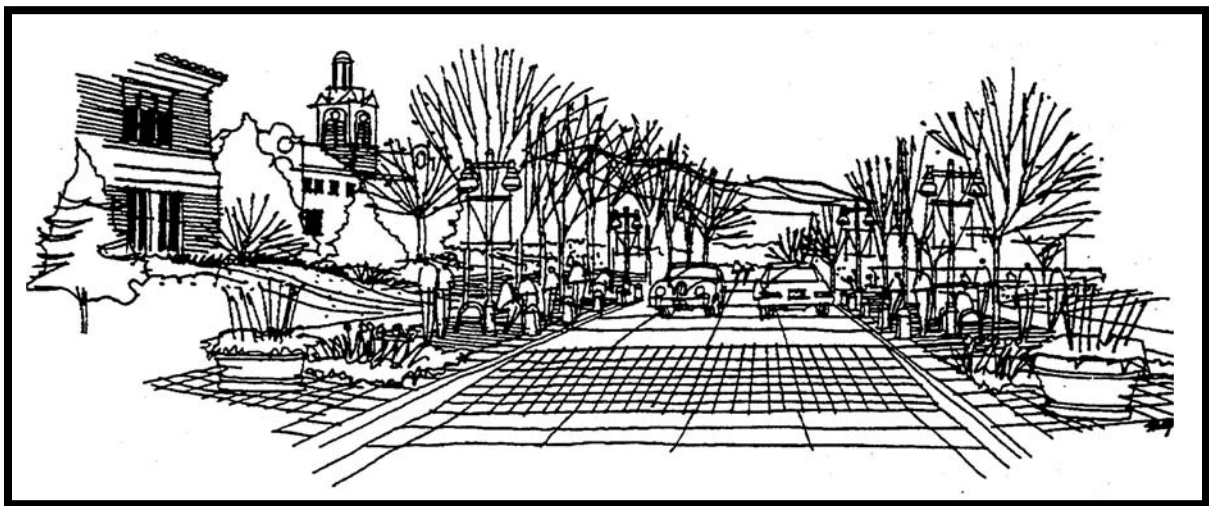
(l) *Procedure.* The alternative bicycle parking plan shall be prepared and submitted in accordance with the submittal requirements for bicycle parking plans. Each such plan shall clearly identify and discuss the modifications and alternatives proposed and the ways in which the plan will better accomplish the purposes of this Section than would a plan that complies with the standards of this Section.

- (II) *Review Criteria.* To approve an alternative plan, the decision maker must find that the proposed alternative plan accomplishes the purposes of this Section equally well or better than would a plan that complies with the standards of this Section.
- (III) In reviewing a request for an alternative number of bicycle parking spaces, the decision maker must consider whether the proposed land use will likely experience a lower-than-normal amount of bicycle traffic. Factors to be taken into consideration in making this determination may include but need not be limited to: (i) the nature of the proposed use; (ii) its location in relation to existing or planned bicycle facilities or infrastructure; and (iii) its proximity to natural features that make the use of bicycles for access to the project infeasible.

(5) Walkways.

- (a) *Directness and Continuity.* Walkways within the site shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination and shall not be located and aligned solely based on the outline of a parking lot configuration that does not provide such direct pedestrian access. Walkways shall be unobstructed by vertical curbs, stairs, raised landscape islands, utility appurtenances or other elements that restrict access and shall link street sidewalks with building entries through parking lots. Such walkways shall be raised or enhanced with a paved surface not less than six (6) feet in width. Drive aisles leading to main entrances shall have walkways on both sides of the drive aisle.
- (b) *Street Crossings.* Where it is necessary for the primary crossing of drive aisles or internal roadways, the crossing shall emphasize and place priority on individuals' access and safety. The material and layout of the access shall be continuous as it crosses the driveway, with a break in continuity of the driveway paving and not in the pedestrian access way. The crossings must be well-marked using pavement treatments, signs, striping, signals, lighting, traffic calming techniques, median refuge areas and landscaping. (See Figure 3.)

Figure 3: Street Crossings



- (6) **Direct On-Site Access to Individual and Bicycle Destinations.** The on-site pedestrian and bicycle circulation system must be designed to provide, or allow for, direct connections to major individual and

bicycle destinations including, but not limited to, trails, parks, schools, Neighborhood Centers, Neighborhood Commercial Districts and transit stops that are located either within the development or adjacent to the development as required, to the maximum extent feasible. The on-site individual and bicycle circulation system must also provide, or allow for, on-site connections to existing or planned off-site pedestrian and bicycle facilities at points necessary to provide direct and convenient pedestrian and bicycle travel from the development to major individual destinations located within the neighborhood. In order to provide direct pedestrian connections to these destinations, additional sidewalks or walkways not associated with a street, or the extension of street sidewalks, such as from the end of a cul-de-sac, or other walkways within the development, to another street or walkway, may be required as necessary to provide for safety, efficiency and convenience for bicycles and individuals both within the development and to and from surrounding areas.

- (7) **Off-Site Access to Individual and Bicycle Destinations.** Off-site individual or bicycle facility improvements may be required in order to comply with the requirements of Section 5.9.1(E) (Parking Lot Layout), Section 5.4.10 (Transportation Level of Service Requirements), or as necessary to provide for safety, efficiency and convenience for bicycles and pedestrians both within the development and to and from surrounding areas.
 - (8) **Transportation Impact Study (TIS).** In identifying those facilities that may be required in order to comply with these standards, all development plans must submit a TIS approved by the Traffic Engineer, which study shall be prepared in accordance with the TIS guidelines maintained by the City.
- (D) **Access and Parking Lot Requirements.** All vehicular use areas in any proposed development shall be designed to be safe, efficient, convenient and attractive, considering use by all modes of transportation that will use the system, (including, without limitation, cars, trucks, buses, bicycles and emergency vehicles).
- (1) **Individual/Vehicle Separation.** To the maximum extent feasible, individuals and vehicles shall be separated through provision of a sidewalk or walkway. Where complete separation of individuals and vehicles is not feasible, potential hazards shall be minimized by using landscaping, bollards, special paving, lighting and other means to clearly delineate pedestrian areas.
 - (2) **Access.** Unobstructed vehicular access to and from a public street shall be provided for all off-street parking spaces. Vehicular access shall be provided in such manner as to protect the safety of persons using such access or traveling in the public street from which such access is obtained and, in such manner, as to protect the traffic-carrying capacity of the public street from which such access is obtained. Notwithstanding the forgoing required off-street parking for both an ADU and extra occupancy use are allowed one (1) tandem space to count towards minimum parking requirement.
 - (3) **Location.** In a zone district predominated by residential uses, only off-street parking will be allowed to serve non-residential uses.
 - (a) Required off-street parking spaces shall be located on the same lot or premises as the building or use for which they are required unless:
 - (i) such spaces are provided collectively by two (2) or more buildings or uses on abutting lots in a single parking area located within the boundaries of those abutting lots, and the total number of parking spaces supplied collectively is equal to the number of spaces required by this subdivision for each use considered separately; or

- (II) an alternative location is approved by the Director provided that the Director must have determined that such location is permanent and provides close and easy access to users.
- (b) **Guest Parking.** Off-street guest parking spaces in multi-unit developments shall be distributed proportionally to the dwelling unit locations that they are intended to serve. Such parking shall not be located more than two hundred (200) feet from any dwelling unit that is intended to be served.
- (c) **Pavement.** All open off-street parking and vehicular use areas shall be surfaced with asphalt, concrete or other material in conformance with City specifications with the exception of off-street parking and vehicular use areas for a park or trail connection point that may be surfaced with gravel or another similar inorganic material.
- (d) **Lighting.** Light fixtures provided for any off-street parking area adjacent to a residential use or residentially zoned lot shall shield the source of light from sight and prevent the spillover of direct light onto the residential use, while still providing security to motorists, individuals and bicyclists.
- (e) **Maintenance.** The property owner shall be responsible for maintaining any vehicular use area in good condition and free of refuse and debris and all landscaping in a healthy and growing condition, replacing it when necessary as determined by the City Forester.

(E) Parking Lot Layout.

- (1) **Circulation Routes.** Parking lots shall provide well-defined circulation routes for vehicles, bicycles, and individuals and pedestrians
- (2) **Traffic Control Devices.** Standard traffic control signs and devices shall be used to direct traffic where necessary within a parking lot.
- (3) **Orientation.** Parking bays shall be perpendicular to the land uses they serve to the maximum extent feasible. Large parking lots shall include walkways that are located in places that are logical and convenient for pedestrians.
- (4) **Landscaped Islands.** Landscaped islands with raised curbs shall be used to define parking lot entrances, the ends of all parking aisles and the location and pattern of primary internal access drives, and shall provide pedestrian refuge areas and walkways.
- (5) **Points of Conflict.** The lot layout shall specifically address the interrelation of pedestrian, vehicular and bicycle circulation in order to provide continuous, direct pedestrian access with a minimum of driveway and drive aisle crossings. Remedial treatment such as raised pedestrian crossings, forecourts and landings, special paving, signs, lights and bollards shall be provided at significant points of conflict.
- (6) **Lot Size/Scale.** Large surface parking lots shall be visually and functionally segmented into several smaller lots according to the following standards:
 - (a) Large parking lots shall be divided into smaller sections by landscape areas. Each section shall contain a maximum of two hundred (200) parking spaces.

(b) Parking bays shall be landscaped in accordance with the requirements contained in subsection 5.10.1(E)(5).

- (F) **User Needs.** Layout and design shall anticipate the needs of users and provide continuity between vehicular circulation, parking, pedestrian and bicycle circulation. Pedestrian drop-off areas shall be provided where needed, especially for land uses that serve children or the elderly.
- (G) **Shared Parking.** Where a mix of uses creates staggered peak periods of parking demand, shared parking calculations shall be made to reduce the total amount of required parking. Retail, office, institutional and entertainment uses may share parking areas.
- (H) **Drive-in Facilities.** Any drive-in facilities, if permitted by the zone district regulations set forth in Article 2, shall be secondary in emphasis and priority to any other access and circulation functions. Such facilities shall be located in side or rear locations that do not interrupt direct pedestrian access along connecting pedestrian frontage. The design and layout of drive-in facilities for restaurants, banks, or other uses shall:
 - (1) avoid potential individual/vehicle conflicts;
 - (2) provide adequate stacking spaces for automobiles before and after use of the facility;
 - (3) provide adequate directional signage to ensure a free-flow through the facility; and
 - (4) provide a walk-up service option as well as drive-in.
- (I) **Truck Traffic.** All developments that generate truck traffic that is anticipated to adversely affect a neighborhood by creating noise, dust or odor problems shall avoid or mitigate those impacts either through physical design or operational procedures.
- (J) **Setbacks.** Any vehicular use area containing six (6) or more parking spaces or one thousand eight hundred (1,800) or more square feet shall be set back from the street right-of-way and the side and rear yard lot line (except a lot line between buildings or uses with collective parking) consistent with the provisions of this Section, according to the following table:

(1) Landscape Setback Table:

	<i>Minimum Average of Entire Landscaped Setback Area (feet)</i>	<i>Minimum Width of Setback at Any Point (feet)</i>
Along an arterial street	15	5
Along a nonarterial street	10	5
Along an interior lot line*	5	5

*Setbacks along interior lot lines for vehicular use areas may be increased by the decision maker in order to enhance compatibility with the abutting use or to match the contextual relationship of adjacent or abutting vehicular use areas.

- (K) **Parking Lots - Required Number of Off-Street Spaces for Type of Use.**
 - (1) **Residential and Institutional Parking Requirements.** Residential and institutional uses shall provide a *minimum* number of parking spaces as defined by the standards below.

- (a) Attached Dwellings: for each single-unit attached, two-unit, and multi-unit dwelling there shall be parking spaces provided as indicated by the following table:

<i>Number of Bedrooms/Dwelling Unit</i>	<i>Parking Spaces Per Dwelling Unit*, **</i>	<i>Affordable Housing (Section 5.2) Parking Spaces Per Dwelling Unit*, **, ***</i>
One or less	1	.75
Two	1.5	1
Three	2.0	1.25
Four and above	3.0	1.5
* Spaces that are located in detached residential garages (but not including parking structures) or in attached residential garages, which attached garages do not provide direct entry into an individual dwelling unit, may be credited toward the minimum requirements contained herein only if such spaces are made available to dwelling unit occupants at no additional rental or purchase cost (beyond the dwelling unit rental rate or purchase price).		
** When public streets abutting the perimeter of the development site do not provide on-street parking then the percentage of garage parking spaces provided for the development site shall not exceed eighty (80) percent of the parking total.		
***Only applies to developments with seven (7) or more units.		

- (l) Multi-unit dwellings and mixed-use dwellings within the Transit-Oriented Development (TOD) Overlay Zone shall provide a minimum number of parking spaces as shown in the following table:

<i>Number of Bedrooms/Dwelling Unit</i>	<i>Parking Spaces Per Dwelling Unit*</i>
One or less	0.75
Two	1
Three	1.25
Four and above	1.5
<i>Rent-by-the Bedroom</i>	<i>Parking Spaces Per Bedroom</i>
All bedrooms	0.75
*Maximum of 115% of minimum requirement unless provided in a structure	

- (i) Multi-unit dwellings and mixed-use dwellings within the Transit-Oriented Development (TOD) Overlay Zone may reduce the required minimum number of parking spaces by providing demand mitigation elements as shown in the following table:

<i>Demand Mitigation Strategy**</i>	<i>Parking Requirement Reduction***</i>
Affordable Housing Dwelling Unit for Sale or for Rent (equal to or less than 60% Area Median Income).	50%
Transit Passes for each tenant.	10%
Car Share.	5 spaces/1 car share

Within 1,000 feet walking distance of MAX Station. (Walking distance shall mean an ADA-compliant, contiguous improved walkway measured from the most remote building entrance to the transit station and contained within a public ROW or pedestrian easement.)	10%
Bicycle & Pedestrian Level of Service A.	10%
Off-Site Parking.	1:1
Shared Parking.	Based on Approved Alternative Compliance.
Parking Impact Study.	Based on Approved Alternative Compliance.
Participation in the City’s Bike Share Program.	Based on Approved Alternative Compliance.
Transportation Demand Management (TDM).	Based on Approved Alternative Compliance.
**All demand mitigation strategies shall be shown on the site plan and in the Development Agreement and shall be subject to audit for the duration of the project.	
*** Maximum of 50% reduction without provision of a Parking Impact Study or Transportation Demand Management.	

(II) **Alternative Compliance.** Upon written request by the applicant, the decision maker may approve an alternative parking ratio, other than the minimum required in Section 2.6.1, TOD Overlay Zone, per subparagraph 5.9.1.(K)(1)(a)(I), that may be substituted in whole or in part for a ratio meeting the standards of this Section.

(ii) **Procedure.** Alternative compliance parking ratio plans shall be prepared and submitted in accordance with the submittal requirements for plans as set forth in this Section. The request for alternative compliance must be accompanied by a Parking Impact Study, Transportation Demand Management proposal, or Shared Parking Study which addresses issues identified in the City’s submittal requirements for such studies.

(iii) **Review Criteria.** To approve an alternative plan, the decision maker must find that the proposed alternative plan accomplishes the purposes of this Section and Section 2.6.1, TOD Overlay Zone equally well or better than would a plan which complies with the standards of these Sections. In reviewing the request for an alternative parking ratio plan in order to determine whether it accomplishes the purposes of this Section, the decision maker shall take into account the objective and verifiable results of the Parking Impact Study, Transportation Demand Management proposal, or Shared Parking Study together with the proposed plan’s compatibility with surrounding neighborhoods in terms of potential spillover parking.

(b) **Multi-Unit.** Parking on an internal street fronting (streets only serving one development) on a lot or tract containing multi-unit, attached or two-unit dwellings (except for mixed-use dwellings and single-unit detached dwellings) may be counted to meet the parking requirements for the development.

- (c) **Single-Unit.** For each Detached House there shall be one (1) parking space on lots with greater than forty (40) feet of street frontage or two (2) parking spaces on lots with forty (40) feet or less of street frontage.
- (d) **Single Unit and Two-Unit.** Parking of any vehicle in the front yard of a lot on which exists a Detached House or Duplex shall be prohibited unless such vehicle is parked on an improved area having a surface of asphalt, concrete, rock, gravel or other similar inorganic material, and such improved area has a permanent border.
- (e) **Accessory Dwelling Unit.** One (1) additional parking space required.
- (f) **Manufactured Homes.** For each manufactured home in a manufactured home community there shall be one (1) parking spaces per dwelling unit.
- (g) **Fraternity and Sorority Houses.** For each fraternity or sorority house, there shall be two (2) parking spaces per three (3) beds. The alternative compliance provisions Section 5.9.1(K)(1)(a)(II) may be applied to vary this standard.
- (h) **Group Homes.** For each group home there shall be two (2) parking spaces for every three (3) employees, and in addition, one (1) parking space for each four (4) adult residents, unless residents are prohibited from owning or operating personal automobiles.
- (i) **Recreational Uses** For each recreational use located in a residential district there shall be one (1) parking space per four (4) persons maximum rated capacity.
- (j) **Schools, Places of Worship or Assembly and Child Care Centers.** For each school, place of worship or assembly and child care center, there shall be one (1) parking space per four (4) seats in the auditorium or place of worship or assembly, or two (2) parking spaces per three (3) employees, or one (1) parking space per one thousand (1,000) square feet of floor area, whichever requires the greatest number of parking spaces. In the event that a school, place of worship or assembly, or child care center is located adjacent to uses such as retail, office, employment or industrial uses, and the mix of uses creates staggered peak periods of parking demand, and the adjacent landowners have entered into a shared parking agreement, then the maximum number of parking spaces allowed for a place of worship or assembly shall be one (1) parking space per four (4) seats in the auditorium or place of worship or assembly, and the maximum number of parking spaces allowed for a school or child care center shall be three (3) spaces per one thousand (1,000) square feet of floor area. When staggered peak periods of parking demand do not exist with adjacent uses such as retail, office, employment or industrial uses, then the maximum number of parking spaces allowed for a place of worship or assembly shall be one (1) parking space per three (3) seats in the auditorium or place of worship or assembly, and the maximum number of parking spaces allowed for a school or child care center shall be four (4) spaces per one thousand (1,000) square feet of floor area.
- (k) **Small Scale Reception Centers in the UE, Urban Estate District.** For each reception center there shall be one (1) parking space per four (4) persons maximum rated occupancy as determined by the building code.
- (l) **Extra Occupancy.** For each extra occupancy, there shall be 0.75 ($\frac{3}{4}$) parking space per occupant, rounded up to the nearest whole parking space. If the lot upon which such parking spaces are to be

situated has more than sixty-five (65) feet of street frontage length on any one (1) street or abuts an alley, then each such parking space shall have direct access to the abutting street or alley and shall be unobstructed by any other parking space. If such lot has less than sixty-five (65) feet of street frontage length on any one (1) street and does not abut an alley, then one (1) of the required parking spaces may be aligned in a manner that does not provide direct access to the abutting street.

(m) **Short term non-primary rentals and short term primary rentals.** The minimum number of off-street parking spaces required are as follows:

<i>Number of Bedrooms Rented</i>	<i>Number of Off-Street Parking Spaces</i>
1-2	1
3-4	2
5-6	3

- (I) The number of additional off-street parking spaces required for more than six (6) bedrooms rented shall be calculated in the same manner used in the above chart (e.g., 7-8 bedrooms rented requires four (4) off-street parking spaces).
- (II) Short term rentals licensed pursuant to the Code of the City of Fort Collins Section 15-646 and for which the license application was submitted prior to October 31, 2017, are exempt from compliance with these parking requirements so long as such license remains continuously valid. Subsequent licenses issued pursuant to Section 15-646 shall comply with these parking requirements.

(2) **Nonresidential Parking Requirements.** Nonresidential uses shall provide a **minimum** number of parking spaces, and will be limited to a **maximum** number of parking spaces as defined by the standards defined below.

(a) The table below sets forth the number of minimum required and maximum allowed parking spaces based on the square footage of the gross leasable area and of the occupancy of specified uses. In the event that on-street or shared parking is not available on land adjacent to the use, then the maximum parking allowed may be increased by twenty (20) percent.

(b) Parking Requirements for Nonresidential Uses:

<i>Use</i>	<i>Minimum Parking Spaces</i>	<i>Maximum Parking Spaces</i>
Restaurants		
a. Fast Food	7/1000 sq. ft.	15/1000 sq. ft.
b. Standard	5/1000 sq. ft.	10/1000 sq. ft.
Bars, Taverns, and Nightclubs	5/1000 sq. ft.	10/1000 sq. ft.
Commercial Recreational		
a. Limited Indoor Recreation	3/1000 sq. ft.	6/1000 sq. ft.
b. Outdoor	.1/person cap	.3/person cap
c. Bowling Alley	2.5/1000 sq. ft.	5/1000 sq. ft.
Theaters	1/6 seats	1/3 seats
General Retail	2/1000 sq. ft.	4/1000 sq. ft.
Personal Business and Service Shop	2/1000 sq. ft.	4/1000 sq. ft.
Shopping Center	2/1000 sq. ft.	5/1000 sq. ft.
Medical Office	2/1000 sq. ft.	4.5/1000 sq. ft.

Financial Services	2/1000 sq. ft.	3.5/1000 sq. ft.
Grocery Store, Supermarket	3/1000 sq. ft.	6/1000 sq. ft.
General Office	1/1000 sq. ft.	3/1000 sq. ft. or .75/employee on the largest shift or 4.5/1000 sq. ft. if all additional parking spaces gained by the increased ratio (over 3/1000 sq. ft.) are contained within a parking garage/structure
Vehicle Servicing & Maintenance	2/1000 sq. ft.	5/1000 sq. ft.
Low Intensity Retail, Repair Service, Workshop and Custom Small Industry	1/1000 sq. ft.	2/1000 sq. ft.
Lodging Establishments	0.5/unit	1/unit
Health Facilities		
a. Hospitals	0.5/bed	1/bed
b. Long-Term Care Facilities		.33/bed plus 1/two employees on major shift
Industrial: Employee Parking	0.5/employee	.75/employee

- (c) Existing Buildings Exemption. Change in use of an existing building shall be exempt from minimum parking requirements. For the expansion or enlargement of an existing building which does not result in the material increase of the building by more than twenty-five (25) percent, but not to exceed five thousand (5,000) square feet in the aggregate, shall be exempt from minimum parking requirements. For the redevelopment of a property which includes the demolition of existing buildings, the minimum parking requirement shall be applied to the net increase in the square footage of new buildings.
- (d) TOD Overlay Zone Exemption. If new development is proposed within the Transit-Oriented Development (TOD) Overlay zone, twenty-five (25) percent of the square footage of gross leasable area of such new development, but not to exceed five thousand (5,000) square feet in the aggregate, shall be exempt from minimum parking requirements. The exemption shall be distributed proportionally among the uses contained in a mixed-use development.
- (e) For uses that are not specifically listed in subsections 5.9.1(K)(1) or (2), the number of parking spaces permitted shall be the number permitted for the most similar use listed.
- (f) For non-residential uses within the Transit-Oriented Development (TOD) Overlay Zone the required minimum number of parking spaces may be reduced by providing demand mitigation strategies as shown in the following table:

<i>Demand Mitigation Strategy**</i>	<i>Parking Requirement Reduction</i>
Transit Passes for every employee within the development.	10%
Car Share.	5 spaces/1 car share
Within 1,000 feet walking distance of MAX Station. (Walking distance shall mean an ADA-compliant, contiguous improved walkway measured from the most remote building entrance to the transit station)	10%

and contained within a public ROW or pedestrian easement.)	
Off-Site Parking.	1:1
Bicycle & Pedestrian Level of Service A.	10%
Shared Parking.	Based on approved alternative compliance.
Parking Impact Study.	Based on approved alternative compliance.
Transportation Demand Management (TDM).	Based on approved alternative compliance.
**All demand mitigation strategies shall be shown on the site plan and in the Development Agreement and shall be subject to audit for the duration of the project.	

(3) **Alternative Compliance.** Upon written request by the applicant, the decision maker may approve an alternative parking ratio (as measured by the number of parking spaces based on the applicable unit of measurement established in the table contained in Section 5.9.1(K)(2) for nonresidential land uses or the number of parking spaces based on use in Section 5.9.1(K)(1) for residential and institutional land uses) that may be substituted in whole or in part for a ratio meeting the standards of this Section.

(a) **Procedure.** Alternative compliance parking ratio plans shall be prepared and submitted in accordance with the submittal requirements for plans as set forth in this Section. Each such plan shall clearly identify and discuss the modifications and alternatives proposed and the ways in which the plan will better accomplish the purpose of this Section than would a plan which complies with the standards of this Section. The request for alternative compliance must be accompanied by a Parking Impact Study, Transportation Demand Management analysis, or Shared Parking Study which addresses issues identified in the City's submittal requirements for such studies.

(b) **Review Criteria.** To approve an alternative plan, the decision maker must find that the proposed alternative plan accomplishes the purposes of this Section equally well or better than would a plan which complies with the standards of this Section. In reviewing the request for an alternative parking ratio plan in order to determine whether it accomplishes the purposes of this Section, as required above, the decision maker shall take into account the number of employees occupying the building or land use, the number of expected customers or clients, the availability of nearby on-street parking (if any), the availability of shared parking with abutting, adjacent or surrounding land uses (if any), the provision of purchased or leased parking spaces in a municipal or private parking lot meeting the requirements of the City, trip reduction programs (if any), or any other factors that may be unique to the applicant's development request. The decision maker shall not approve the alternative parking ratio plan unless it:

- (I) does not detract from continuity, connectivity and convenient proximity for pedestrians between or among existing or future uses in the vicinity;
- (II) minimizes the visual and aesthetic impact along the public street by placing parking lots to the rear or along the side of buildings, to the maximum extent feasible;
- (III) minimizes the visual and aesthetic impact on the surrounding neighborhood;
- (IV) creates no physical impact on any facilities serving alternative modes of transportation;
- (V) creates no detrimental impact on natural areas or features;
- (VI) maintains handicap parking ratios; and

- (VII) for projects located in D, LMN, MMN and CC zone districts, conforms with the established street and alley block patterns, and places parking lots across the side or to the rear of buildings.
- (c) For recreational and institutional land uses that are required to provide a **minimum** amount of parking, a request for alternative compliance to provide parking below the required minimum must follow the same procedure and be held to the same review criteria as described in Section 5.9.1(K)(3)(a) and 5.9.1(K)(3)(b), and in addition, must demonstrate:
- (I) that there will be no dispersal of spillover parking onto surrounding, adjacent or abutting land uses, and
 - (II) that there will be no dispersal of spillover parking onto surrounding, adjacent or abutting public streets (or private streets not under legal ownership of the applicant) where parking is prohibited.

Notwithstanding the spillover parking prohibitions above, spillover parking may be allowed pursuant to this subsection for "Special Event Parking," meaning parking associated with a recreational facility, activity or institution expected to occur no more than four (4) times per year for school assemblies, pageants, graduations, religious celebrations or other ceremonies or events that occur so infrequently that the public can reasonably be expected to accept the inconvenience of spillover parking on such infrequent occasions.

- (4) **Exception to the General Office Parking Standard.** An exception to the general office parking standard as established in the table contained in Section 5.9.1(K)(2) shall be permitted for the purpose of ensuring that the parking provided is adequate but not in excess of the users' needs. Requests for exceptions to the general office parking standard shall be reviewed according to the procedure and criteria contained in subparagraphs (I) and (II) below. Exceptions shall be available to those projects where the number of anticipated employees can be reasonably estimated, and such exceptions shall apply only to the ratio between the number of parking spaces and the number of employees, and not to the ratio between the number of parking spaces and the gross leasable area.
- (I) **Procedure.** All requests for exceptions to the general office parking standard shall be submitted in accordance with the submittal requirements for plans as set forth in this subsection. Each such request shall clearly identify and discuss the proposed project and the ways in which the plan will accomplish the general purpose of this subsection. The request for an exception to the standard must be accompanied by an estimated number of employees. In addition, a traffic impact study containing a trip generation analysis or other relevant data describing the traffic and parking impacts of any proposed general office land use or activity shall be submitted.
 - (II) **Review Criteria.** To approve an exception to the standard, the decision maker must find that the proposed project accomplishes the general purpose of this Section. In reviewing the request for an exception to the standard parking ratio and in order to determine whether such request is consistent with the purposes of this subsection, as required above, the decision maker shall take into account the anticipated number of employees occupying the building, the number and frequency of expected customers or clients, the

availability of nearby on-street parking (if any), the availability of shared parking with abutting, adjacent or surrounding land uses (if any), the provision of purchased or leased parking spaces in a municipal or private parking lot meeting the requirements of the City, travel demand management programs (if any), or any other factors that may be unique to the applicant's development request. The decision maker shall not approve an exception to the general office parking standard unless it:

- (i) does not detract from continuity, connectivity and convenient proximity for pedestrians between or among existing or future uses in the vicinity;
- (ii) minimizes the visual and aesthetic impact along the public street of the proposed increased parking by placing parking lots to the rear or along the side of buildings, to the maximum extent feasible;
- (iii) minimizes the visual and aesthetic impact of such additional parking on the surrounding neighborhood;
- (iv) creates no physical impact on any facilities serving alternative modes of transportation;
- (v) creates no detrimental impact on natural areas or features;
- (vi) maintains handicap parking ratios;
- (vii) for projects located in D, LM-N, M-M-N and C-C zone districts, conforms with the established street and alley block patterns, and places parking lots across the side or to the rear of buildings;
- (viii) results in a ratio that does not exceed one-space-per-employee (1:1), and
- (ix) is justified by a travel demand management program which has been submitted to and approved by the City.

(5) Accessible Parking.

- (a) **Accessible spaces.** Parking spaces for those living with a disability shall have a stall width of thirteen (13) feet unless the space is parallel to a pedestrian walk. Other dimensions shall be the same as those for standard vehicles. Any such spaces shall be designated as being for the handicapped with a raised standard identification sign.
- (b) **Location.** Accessible parking spaces shall be located next the nearest accessible building entrance, using the shortest possible accessible route of travel., the accessible route of travel shall not cross lanes for vehicular traffic. When crossing vehicle traffic lanes is deemed necessary by the City and acceptable under the federal standards, the route of travel shall be designated and marked as a crosswalk.

- (c) **Marking.** Every accessible parking space shall be identified by a sign, centered between three (3) feet and five (5) feet above the parking surface, at the head of the parking space. The sign shall include the international symbol of accessibility and state RESERVED, or equivalent language.
- (d) **Amount.** Each parking lot shall contain at least the minimum specified number of accessible spaces as provided in the table below. Regardless of the number of accessible spaces required, at least one (1) such space shall be designated as a van-accessible space, and must be a minimum of eight (8) feet wide and adjoin a minimum eight-foot-wide access aisle.

(l) Accessibility Parking Spaces Minimum Requirement Table:

<i>NUMBER OF ACCESSIBLE PARKING SPACES</i>	
<i>Total Parking Spaces in Lot</i>	<i>Minimum Required Number of Accessible Spaces</i>
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total spaces
Over 1,000	20 spaces plus 1 space for every 100 spaces, or fraction thereof, over 1,000

- (6) **Loading Zones.** All development shall provide loading zones and service areas adequately sized to accommodate the types of vehicles that use them. Such loading zones and service areas shall be indicated on the development plan.
- (L) **Parking Stall Dimensions.** Off-street parking areas for automobiles shall meet the following minimum standards for long- and short-term parking of standard and compact vehicles:
 - (1) **Standard Spaces.** Parking spaces for standard vehicles shall conform with the standard car dimensions shown on Table A.
 - (2) **Compact Vehicle Spaces in Long-term Parking Lots and Parking Structures.** Those areas of a parking lot or parking structure that are approved as long-term parking have the option to include compact parking stalls. Such approved long-term parking areas may have up to forty (40) percent compact car stalls using the compact vehicle dimensions set forth in Table B, except when no minimum parking is required for a use pursuant to Subsection 5.9.1(K), in which event the number of compact car stalls allowed may be greater than forty (40) percent. No compact spaces shall be designated as accessible parking spaces.

Table A - Standard Parking Dimensions

<i>Standard Vehicle</i>			<i>Dimensions in feet</i>			
A	B	C	D	E	F	G
0°	8	23	8	23	20	12
30°	8.5	20	17.4	17	20	15
45°	8.5	20	20.2	12	20	15
60°	9	19	21	10.4	24	20
90°	9	19	19	9	24*	20**

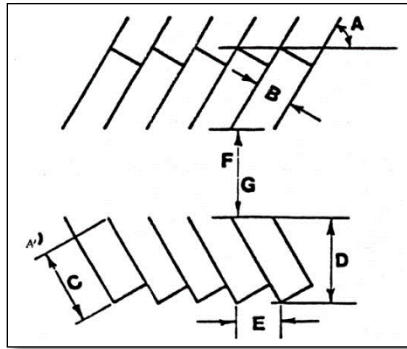
Table B - Compact Parking Dimensions

<i>Compact Vehicle</i>			<i>Dimensions in feet</i>			
A	B	C	D	E	F	G
0°	7.5	19	7.5	19	20	12
30°	7.5	16.5	14.8	15	20	15
45°	7.5	16.5	17	10.6	20	15
60°	8	16	17.9	9.2	24	20
90°	8	15	15	8	24*	20**

Table C

A-Angle of Parking
B-Stall Width
C-Stall Length
D-Stall Depth
E-Curb Length
F-Two-Way Drive Aisle Width
G-One-Way Drive Aisle Width
* When garages are located along a driveway and are opposite other garages or buildings, the two-way drive aisle width (F) must be increased to 28 feet.
** When an overhang is allowed to reduce stall depth, the one-way drive aisle width (G) must be increased to 22 feet.
(See Figure 4)

Figure 4
Parking Stall Dimensions



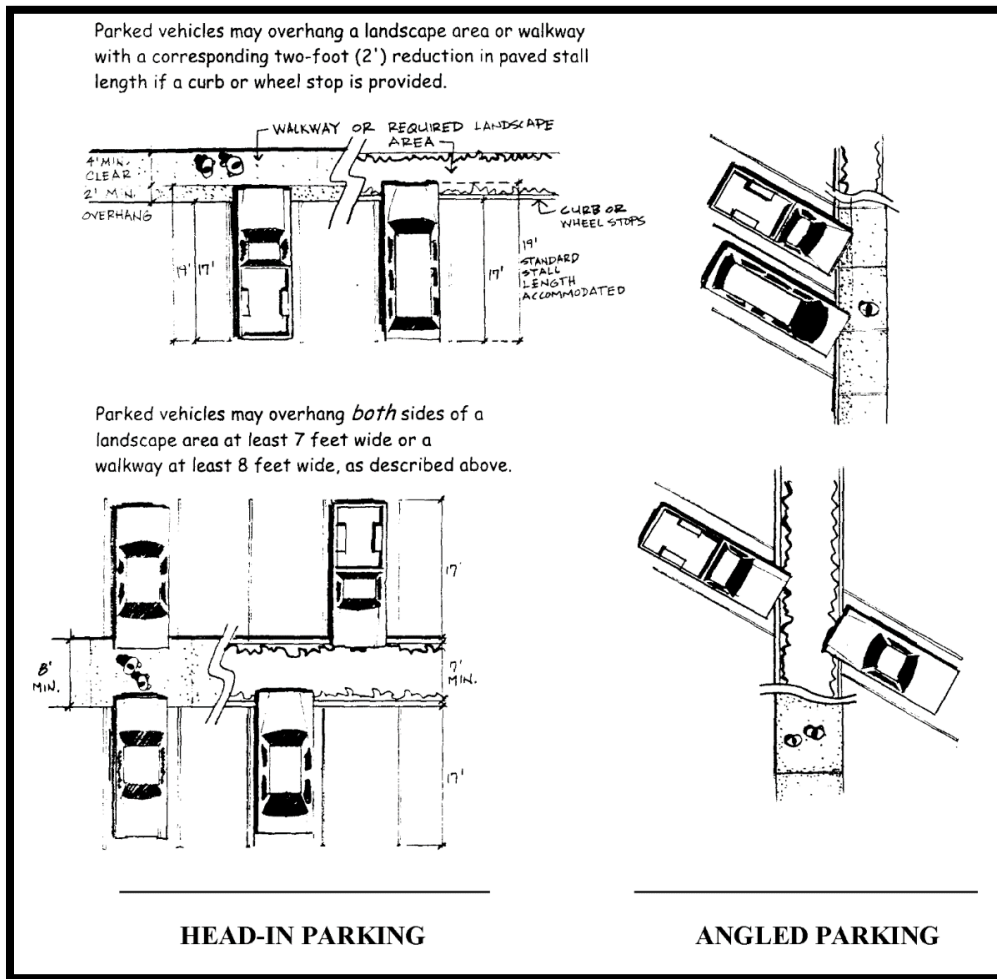
- (3) **Long-Term Parking Stalls.** As an option in long-term parking areas, all long-term parking stalls may be designated using the following stall dimensions:

Long Term Parking Dimensions

<i>Parking Angle</i>	<i>Stall Width</i>	<i>Stall Length</i>
0	8	21
30	8	19
45	8	19
60	8.5	18
90	8.5	18

- (4) **Vehicular Overhang.** The stall dimensions indicated above may be modified with respect to vehicular overhang as indicated in Figure 5, except that compact vehicle spaces may not be reduced in depth to a dimension that is less than the required depth indicated above.

(II) Figure 5 - Vehicular Overhang for Standard-Size Parking Stalls:



DIVISION 5.10 LANDSCAPING AND TREE PROTECTION

5.10.1 LANDSCAPING AND TREE PROTECTION

- (A) **Applicability.** This Section shall apply to all development (except for development on existing lots for single-unit detached dwellings) within the designated "limits of development" ("LOD") and natural habitat buffer zones established according to Section 5.6.1 (Natural Habitats and Features).
- (B) **Purpose.** The intent of this Section is to require preparation of landscape and tree protection plans that ensure significant canopy cover is created, diversified and maintained so that all associated social and environmental benefits are maximized to the extent reasonably feasible. These benefits include reduced erosion and stormwater runoff, improved water conservation, air pollution mitigation, reduced glare and heat build-up, increased aesthetics, and improved continuity within and between developments. Trees planted in appropriate spaces also provide screening and may mitigate potential conflicts between activity areas and other site elements while enhancing outdoor spaces, all of which add to a more resilient urban forest.
- (C) **General Standard.** All developments shall submit a landscape and tree protection plan, and, if receiving water service from the City, an irrigation plan, that: (1) reinforces and extends any existing patterns of

outdoor spaces and vegetation where practicable, (2) supports functional purposes such as spatial definition, visual screening, creation of privacy, management of microclimate or drainage, (3) enhances the appearance of the development and neighborhood, (4) protects significant trees, natural systems and habitat, (5) enhances the pedestrian environment, (6) identifies all landscape areas, (7) identifies all landscaping elements within each landscape area, and (8) meets or exceeds the standards of this Section.

(D) **Tree Planting Standards.** All developments shall establish groves and belts of trees along all city streets, in and around parking lots, and in all landscape areas that are located within fifty (50) feet of any building or structure in order to establish at least a partial urban tree canopy. The groves and belts may also be combined or interspersed with other landscape areas in remaining portions of the development to accommodate views and functions such as active recreation and storm drainage.

(1) **Minimum Plantings/Description.** These tree standards require at least a minimum tree canopy but are not intended to limit additional tree plantings in any remaining portions of the development. Groves and belts of trees shall be required as follows:

(a) parking lot landscaping in accordance with the parking lot landscaping standards as set forth in this Section and in Section 5.9.1, Access, Circulation and Parking;

(b) street tree planting in accordance with the *Larimer County Urban Area Street Standards* or other street tree planting as defined in subsection (2)(b) or (c) below;

(c) "full tree stocking" shall be required in all landscape areas within fifty (50) feet of any building or structure as further described below. Landscape areas shall be provided in adequate numbers, locations and dimensions to allow full tree stocking to occur along all high use or high visibility sides of any building or structure. Such landscape areas shall extend at least seven (7) feet from any building or structure wall and contain at least fifty-five (55) square feet of nonpaved ground area, except that any planting cutouts in walkways shall contain at least sixteen (16) square feet. Planting cutouts, planters or other landscape areas for tree planting shall be provided within any walkway that is twelve (12) feet or greater in width adjoining a vehicle use area that is not covered with an overhead fixture or canopy that would prevent growth and maturity.

(I) Full tree stocking shall mean formal or informal groupings of trees planted according to the following spacing dimensions:

<i>Tree Type</i>	<i>Minimum/Maximum Spacing</i>
Canopy shade trees	30'–40' spacing
Coniferous evergreens	20'–40' spacing
Ornamental trees	20'–40' spacing

(II) Exact locations and spacings may be adjusted at the option of the applicant to support patterns of use, views and circulation as long as the minimum tree planting requirement is met. Canopy shade trees shall constitute at least fifty (50) percent of all tree plantings. Trees required in subparagraphs (a) or (b) above may be used to contribute to this standard.

- (2) **Street Trees.** Planting of street trees shall occur in the adjoining street right-of-way, except as described in subparagraph (b) below, in connection with the development by one (1) or more of the methods described in subparagraphs (a) through (d) below:
 - (a) Wherever the sidewalk is separated from the street by a parkway, canopy shade trees shall be planted at thirty-foot to forty-foot spacing (averaged along the entire front and sides of the block face) in the center of all such parkway areas. If two (2) or more consecutive residential lots along a street each measure between forty (40) and sixty (60) feet in street frontage width, one (1) tree per lot may be substituted for the thirty-foot to forty-foot spacing requirement. Such street trees shall be placed at least eight (8) feet away from the edges of driveways and alleys, and forty (40) feet away from any streetlight and to the extent reasonably feasible, be positioned at evenly spaced intervals.
 - (b) Wherever the sidewalk is attached to the street in a manner that fails to comply with the *Larimer County Urban Area Street Standards*, canopy shade trees shall be established in an area ranging from three (3) to seven (7) feet behind the sidewalk at the spacing intervals as required in subsection (a) above. Wherever the sidewalk is attached to the street and is ten (10) feet or more in width, or extends from the curb to the property line, canopy shade trees shall be established in planting cutout areas of at least sixteen (16) square feet at thirty-foot to forty-foot spacing.
 - (c) Ornamental trees shall be planted in substitution for the canopy shade trees required in subsection (D)(2)(a) and (b) above where overhead lines and fixtures prevent normal growth and maturity. Ornamental trees shall be placed at least fifteen (15) feet away from any streetlight.
 - (d) Wherever existing ash trees (*Fraxinus* species) are in the adjoining street right-of-way, the applicant shall coordinate and obtain an onsite analysis with the City Forester to determine replacement canopy shade trees either through shadow planting or other emerald ash borer mitigation methods.
- (3) **Minimum Species Diversity.** To prevent uniform insect or disease susceptibility and eventual uniform senescence on a development site or in the adjacent area or the district, species diversity is required, and extensive monocultures are prohibited. The following minimum requirements shall apply to any development plan.

(a) Species Diversity Table:

<i>Number of trees on site</i>	<i>Maximum percentage of any one species</i>
10–19	50%
20–39	33%
40–59	25%
60 or more	15%

- (4) **Tree Species and Minimum Sizes.** The City Forester shall provide a recommended list of trees which shall be acceptable to satisfy the requirements for landscape plans, including approved canopy shade trees that may be used as street trees. The following minimum sizes shall be required (except as provided in subparagraph (5) below):

(a) *Minimum Size Table:*

Type	Minimum Size
Canopy Shade Tree	2.0" caliper balled and burlapped or equivalent
Evergreen Tree	6.0' height balled and burlapped or equivalent
Ornamental Tree	1.5" caliper balled and burlapped or equivalent
Shrubs	5 gallon or adequate size consistent with design intent or 1 gallon may be permitted if planting within the Critical Root Zone of existing trees

- (l) Any tree plantings that are in addition to those that are made as part of the approved landscape plan are exempt from the foregoing size requirements.

(5) **Reduced Minimum Sizes for Affordable Housing Projects.** In any affordable housing project, the following minimum sizes shall be required:

(a) *Affordable Housing Minimum Tree Size Table:*

Type	Minimum Size
Canopy Shade Tree	1.0" caliper container or equivalent
Evergreen Tree	4.0' height container or equivalent
Ornamental Tree	1.0" caliper container or equivalent
Shrubs	1 gallon
Canopy Shade Tree as a street tree on a Local or Collector street only	1.25" caliper container or equivalent

(E) **Landscape Standards.** All development applications shall include landscape plans that meet the following minimum standards:

(1) **Buffering Between Incompatible Uses and Activities.** In situations where the Director determines that the arrangement of uses or design of buildings does not adequately mitigate conflicts reasonably anticipated to exist between dissimilar uses, site elements or building designs, one (1) or more of the following landscape buffering techniques shall be used to mitigate the conflicts:

- (a) Separation and screening with plant material: planting dense stands of evergreen trees, canopy shade trees, ornamental trees or shrubs;
- (b) Integration with plantings: incorporating trees, vines, planters or other plantings into the architectural theme of buildings and their outdoor spaces to subdue differences in architecture and bulk and avoid harsh edges;
- (c) Establishing privacy: establishing vertical landscape elements to screen views into or between windows and defined outdoor spaces where privacy is important, such as where larger buildings are proposed next to side or rear yards of smaller buildings;
- (d) Visual integration of fences or walls: providing plant material in conjunction with a screen panel, arbor, garden wall, privacy fence or security fence to avoid the visual effect created by unattractive screening or security fences; and/or

- (e) Landform shaping: utilizing berming or other grade changes to alter views, subdue sound, change the sense of proximity and channel pedestrian movement.

(2) **Landscape Area Treatment.** Landscape areas shall include all areas on the site that are not covered by buildings, structures, paving or impervious surface, or other outdoor areas including play areas, plaza spaces, patios, and the like. Landscape areas shall consist only of landscaping. The selection and location of turf, ground cover (including shrubs, grasses, perennials, flowerbeds and slope retention), and pedestrian paving and other landscaping elements shall be used to prevent erosion and meet the functional and visual purposes such as defining spaces, accommodating and directing circulation patterns, managing visibility, attracting attention to building entrances and other focal points, and visually integrating buildings with the landscape area and with each other.

- (a) Turf grass. High-use areas shall be planted with irrigated turf grass. Nonirrigated shortgrass prairie grasses or other adapted grasses that have been certified as Xeriscape landscaping may be established in remote, low-use, low visibility areas.
- (b) Planting beds. Shrub and ground cover planting beds shall be separated from turf grass with edging and shall have open surface areas covered with mulch.
- (c) Slopes. Retaining walls, slope revetment or other acceptable devices integrated with plantings shall be used to stabilize slopes that are steeper than 3:1. If soil tests performed on the subject soils indicate steeper slopes are stable without the above required protection, then the maximum slope allowed without the above required protection may be increased to the maximum stated in the soils report or 2:1, whichever is less steep.
- (d) Foundation Plantings. Exposed sections of building walls that are in high-use or high-visibility areas of the building exterior shall have planting beds at least five (5) feet wide placed directly along at least fifty (50) percent of such walls, except where pedestrian paving abuts a commercial building with trees and/or other landscaping in cutouts or planting beds along the outer portion of the pedestrian space away from the building.
- (e) Parkways. All adjoining street parkways shall be landscaped in connection with the development in accordance with the *Larimer County Urban Area Street Standards*.
- (f) Agricultural Use. If outdoor space is maintained in active agricultural use, the landscape surfaces and ground cover standards above shall not apply.

(3) **Water Conservation.** Landscape plans shall be designed to incorporate water-efficient techniques.

- (a) Landscape designs shall be designed according to the xeriscape landscaping principles described as follows:
 - (I) Plan and design. Plan for how people will use and interact with the landscape. Group landscape materials accordingly based upon hydrozone.
 - (II) Landscape arrangement. Provide a cohesive arrangement of turf, plants, mulch, boulders and other landscape elements that support the criteria in Section 5. 10.1(H).Landscape

elements shall be arranged to provide appropriate plant spacing and grouping and to avoid a disproportionate and excessive use of mulch areas.

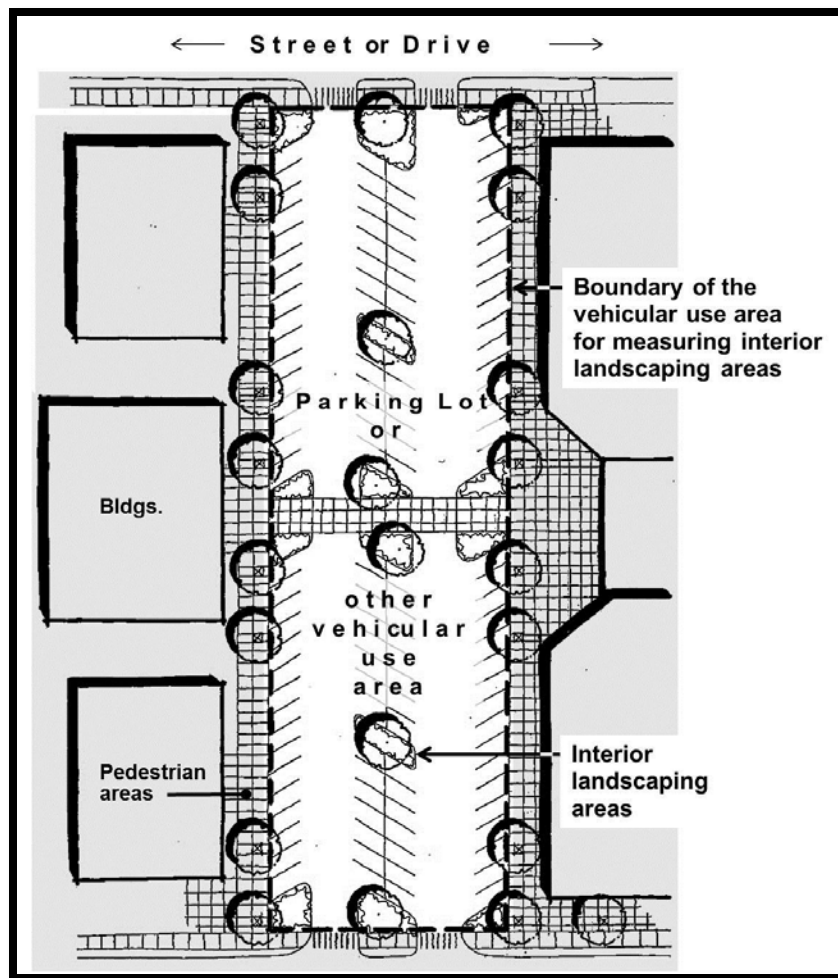
- (III) Appropriate use of turf. Limit high water-use turf to high-traffic areas where turf is functional and utilized.
- (IV) Appropriate plant selection. Selected plants shall be well-adapted to the Fort Collins climate and site conditions. Plants shall be grouped according to water and light requirements.
- (V) Efficient irrigation. Design, operate and maintain an efficient irrigation system. Select equipment appropriate to the hydrozone. Water deeply and infrequently to develop greater drought tolerance.
- (VI) Soil preparation. Incorporate soil amendments appropriate to the soil and the plant material. Soil preparation must be in accordance with City of Fort Collins Municipal Code 3..2.1.
- (VII) Mulch. Maintain a minimum depth of three inches of mulch in planting beds to conserve soil moisture and control weeds, with careful placement and adjustment of depth near plant stems as needed to allow unimpeded plant establishment and vigorous growth.
- (VIII) Maintenance. Provide regular maintenance including but not limited to weeding, pruning, mowing to an appropriate height, deadheading, replacement of dead plant material, and replenishment of mulch surfaces.
- (IX) Xeriscape principles do not include or allow artificial turf or plants; paving of areas not used for walkways, patios or parking; excessive bare ground or mulch; weed infestations; or any landscaping that does not comply with the standards of this section.

(b) Landscape plans shall include:

- (I) A water budget chart that shows the total annual water use, which shall not exceed an average of fifteen (15) gallons/square foot/year for each water tap.
 - Accurate and clear identification of all applicable hydrozones using the following categories:

High Hydrozone	18 gallons/square foot/year
Moderate Hydrozone	14 gallons/square foot/year
Low Hydrozone	8 gallons/square foot/year
Very Low Hydrozone	3 gallons/square foot/year

- (4) **Parking Lot Perimeter Landscaping.** Parking lot perimeter landscaping (in the minimum setback areas required by Section 5.9.1(J)(Access, Circulation and Parking) shall meet the following minimum standards:
- (a) Trees shall be provided at a ratio of one (1) tree per twenty-five (25) lineal feet along a public street and one (1) tree per forty (40) lineal feet along a side lot line parking setback area. Trees may be spaced irregularly in informal groupings or be uniformly spaced, as consistent with larger overall planting patterns and organization. Perimeter landscaping along a street may be located in and should be integrated with the streetscape in the street right-of-way.
 - (b) Screening. Parking lots with six (6) or more spaces shall be screened from abutting uses and from the street. Screening from residential uses shall consist of a fence or wall six (6) feet in height in combination with plant material and of sufficient opacity to block at least seventy-five (75) percent of light from vehicle headlights. Screening from the street and all nonresidential uses shall consist of a wall, fence, planter, earthen berm, plant material or a combination of such elements, each of which shall have a minimum height of thirty (30) inches. Such screening shall extend a minimum of seventy (70) percent of the length of the street frontage of the parking lot and also seventy (70) percent of the length of any boundary of the parking lot that abuts any nonresidential use. Openings in the required screening shall be permitted for such features as access ways or drainage ways. Where screening from the street is required, plans submitted for review shall include a graphic depiction of the parking lot screening as seen from the street. Plant material used for the required screening shall achieve required opacity in its winter seasonal condition within three (3) years of construction of the vehicular use area to be screened.
- (5) **Parking Lot Interior Landscaping.** Six (6) percent of the interior space of all parking lots with less than one hundred (100) spaces, and ten (10) percent of the interior space of all parking lots with one hundred (100) spaces or more shall be landscape areas. (See Figure 1). All parking lot islands, connecting walkways through parking lots and driveways through or to parking lots shall be landscaped according to the following standards:
- (a) Visibility. To avoid landscape material blocking driver sight distance at driveway-street intersections, no plant material greater than twenty-four (24) inches in height shall be located within fifteen (15) feet of a curbcut.
 - (b) Maximized Area of Shading. Landscaped islands shall be evenly distributed to the maximum extent feasible. At a minimum, trees shall be planted at a ratio of at least one (1) canopy shade tree per one hundred fifty (150) square feet of internal landscaped area with a landscaped surface of turf, ground cover perennials or mulched shrub plantings.
 - (c) Landscaped Islands. In addition to any pedestrian refuge areas, each landscaped island shall include one (1) or more canopy shade trees, be of length greater than eight (8) feet in its smallest dimension, include at least eighty (80) square feet of ground area per tree to allow for root aeration, and have raised concrete curbs.
 - (d) Figure 1 - Interior Landscaping for Vehicular Use Areas:



- (e) Walkways and Driveways. Connecting walkways through parking lots, as required in subsection 5.9.1(C)(5)(a) (Walkways) shall have one (1) canopy shade tree per forty (40) lineal feet of such walkway planted in landscape areas within five (5) feet of such walkway. Driveways through or to parking lots shall have one (1) canopy shade tree per forty (40) lineal feet of and along each side of such driveway, in landscape areas within five (5) feet of such driveway.
 - (f) Parking bays shall extend no more than fifteen (15) parking spaces without an intervening tree, landscape island or landscape peninsula.
 - (g) Engineering. Detailed specifications concerning parking lot surfacing material and parking lot drainage detention are available from the City Engineer.
- (6) **Screening.** Landscape and building elements shall be used to screen areas of low visual interest or visually intrusive site elements (such as trash collection, open storage, service areas, loading docks and blank walls) from off-site view. Such screening shall be established on all sides of such elements except where an opening is required for access. If access is possible only on a side that is visible from a public street, a removable or operable screen shall be required. The screen shall be designed and established so that the area or element being screened is no more than twenty (20) percent visible through the screen.

- Screening Materials. Required screening shall be provided in the form of new or existing plantings, walls, fences, screen panels, topographic changes, buildings, horizontal separation or a combination of these techniques.

(7) **Landscaping of Vehicle Display Lots.** Vehicle display lots for vehicle sales and leasing (as those terms are defined in Article 7) that abut an arterial or collector street shall feature landscaped islands along the street at an interval not to exceed every fifteen (15) vehicles or one hundred thirty-five (135) feet, whichever is less. Each landscaped island shall comply with the requirements of 5.10.1(E)(5)(c).

(F) **Tree Preservation and Mitigation.** Existing significant trees (six (6) inches and greater in diameter) within the LOD and within natural habitat buffer zones shall be preserved to the extent reasonably feasible and may help satisfy the landscaping requirements of this Section as set forth above. Such trees shall be considered "protected" trees within the meaning of this Section, subject to the exceptions contained in subsection (2) below. Streets, buildings and lot layouts shall be designed to minimize the disturbance to significant existing trees. All required landscape plans shall accurately identify the locations, species, size and condition of all significant trees, each labeled showing the applicant's intent to either remove, transplant or protect.

Where the City determines it is not feasible to protect and retain significant existing tree(s) or to transplant them to another on-site location, the applicant shall replace such tree(s) according to the following requirements and shall satisfy the tree planting standards of this Section. To the extent reasonably feasible, replacement trees shall be planted on the development site or, if not reasonably feasible, in the closest available and suitable planting site on public or private property. The closest available and suitable planting site shall be selected within one-half (½) mile (2,640 feet) of the development site, subject to the following exceptions. If suitable planting sites for all of the replacement trees are not available within one-half (½) mile (2,640 feet) of the development, then the City Forester shall determine the most suitable planting location within the City's boundaries as close to the development site as feasible. If locations for planting replacement trees cannot be located within one-half (½) mile of the development site, the applicant may, instead of planting such replacement trees, submit a payment in lieu to the City of Fort Collins Forestry Division to be used to plant replacement trees as close to the development site as possible. The payment in lieu mitigation fee per tree is determined by the City Forester and may be adjusted annually based on market rates. Payment must be submitted prior to the Development Construction Permit issuance or other required permits.

(1) A significant tree that is removed shall be replaced with not less than one (1) or more than six (6) replacement trees sufficient to mitigate the loss of contribution and value of the removed significant tree(s). The applicant shall coordinate with the City Forester to determine such loss based upon an onsite tree assessment, including, but not limited to, shade, canopy, condition, size, aesthetic, environmental and ecological value of the tree(s) to be removed. Replacement trees shall meet the following minimum size requirements unless otherwise determined by the City Forester:

- (a) Canopy Shade Trees: 2.0" caliper balled and burlap or equivalent.
- (b) Ornamental Trees: 2.0" caliper balled and burlap or equivalent.
- (c) Evergreen Trees: 8' height balled and burlap or equivalent.

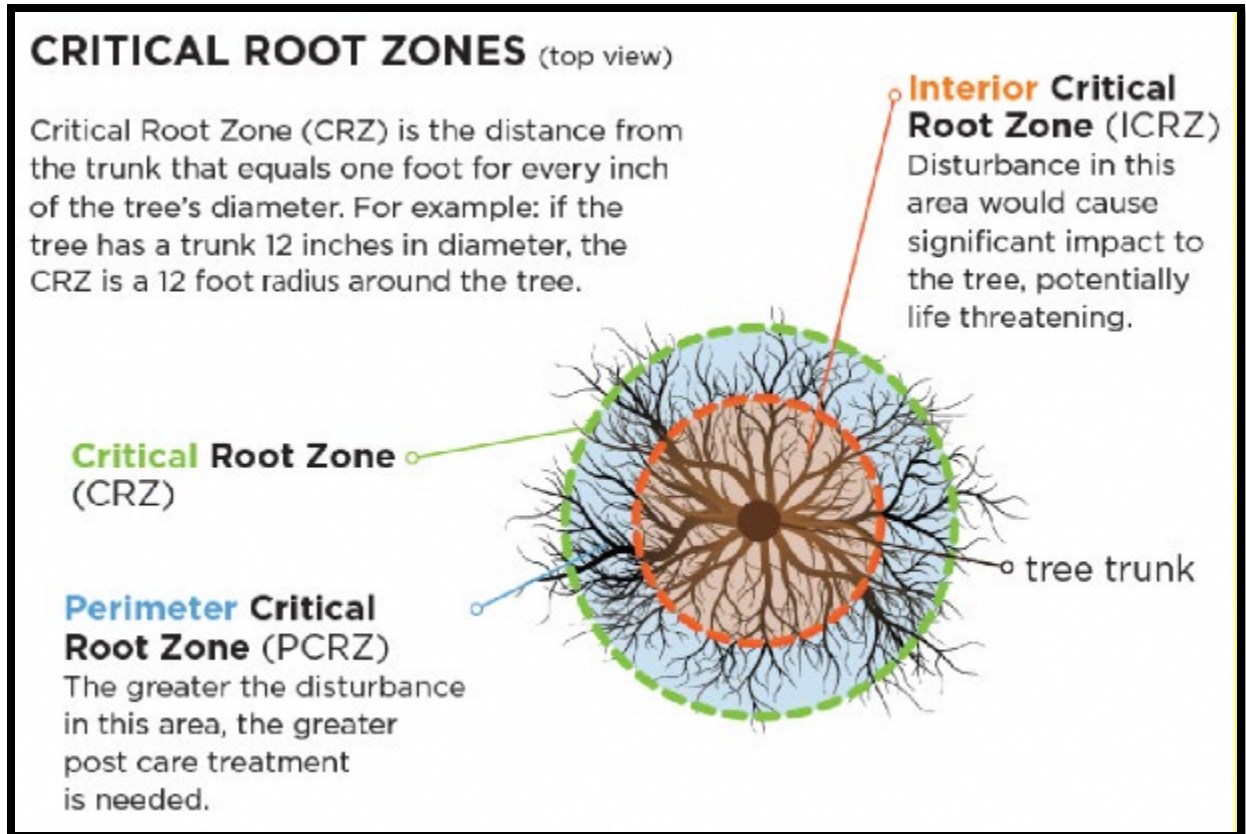
- (2) Trees that meet one (1) or more of the following removal criteria shall be exempt from the requirements of this subsection unless they meet mitigation requirements in Section 5.6.1(E)(1) of this Code:
- (a) dead, dying or naturally fallen trees, or trees found to be a threat to public health, safety or welfare;
 - (b) trees that are determined by the City to substantially obstruct clear visibility at driveways and intersections;
 - (c) Siberian elm less than eleven (11) inches DBH and Russian-olive or ash (*Fraxinus* species) less than eight (8) inches DBH.
- (3) All existing street trees that are located on City rights-of-way abutting the development shall be accurately identified by species, size, location and condition on required landscape plans, and shall be preserved and protected in accordance with the standards of subsection (G).
- (G) **Tree Protection Specifications.** The following tree protection specifications shall be followed for all projects with protected existing trees. Tree protection methods shall be delineated on the demolition plans and development plans.
- (1) Within the drip line of any protected existing tree, there shall be no cut or fill over a four-inch depth unless a qualified arborist or forester has evaluated and approved the disturbance.
 - (2) All protected existing trees shall be pruned to the City of Fort Collins Forestry Division standards.
 - (3) Prior to and during construction, barriers shall be erected around all protected existing trees with such barriers to be of orange construction or chain link fencing a minimum of four (4) feet in height, secured with metal T-posts, no closer than six (6) feet from the trunk or one-half (½) of the drip line, whichever is greater. Concrete blankets, or equivalent padding material, wrapped around the tree trunk(s) is recommended and adequate for added protection during construction. There shall be no storage or movement of equipment, material, debris or fill within the fenced tree protection zone. A tree protection plan must be submitted to and approved by the City Forester prior to any development occurring on the development site.
 - (4) During the construction stage of development, the applicant shall prevent the cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil or any other material harmful to the life of a tree within the drip line of any protected tree or group of trees.
 - (5) No damaging attachment, wires, signs or permits may be fastened to any protected tree.
 - (6) Large property areas containing protected trees and separated from construction or land clearing areas, road rights-of-way and utility easements may be "ribboned off," rather than erecting protective fencing around each tree as required in subsection (G)(3) above. This may be accomplished by placing metal t-post stakes a maximum of fifty (50) feet apart and tying ribbon or rope from stake-to-stake along the outside perimeters of such areas being cleared.

(7) The installation of utilities, irrigation lines or any underground fixture requiring excavation deeper than six (6) inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of twenty-four (24) inches. The auger distance is established from the face of the tree (outer bark) and is scaled from tree diameter at breast height as described in the chart below. Low pressure hydro excavation, air spading or hand digging are additional tools/practices that will help reduce impact to the tree(s) root system when excavating at depths of twenty-four (24) inches or less. Refer to the Critical Root Zone (CRZ) diagram, Figure 2, for root protection guidelines. The CRZ shall be incorporated into and shown on development plans for all existing trees to be preserved.

(a) Auger Distance Table:

<i>Tree Diameter at Breast Height (inches)</i>	<i>Auger Distance From Face of Tree (feet)</i>
0-2	1
3-4	2
5-9	5
10-14	10
15-19	12
Over 19	15

(b) Figure 2 - Critical Root Zone Diagram.



(H) **Placement and Interrelationship of Required Landscape Plan Elements.** In approving the required landscape plan, the decision maker shall have the authority to determine the optimum placement and interrelationship of required landscape plan elements such as trees, vegetation, turf, irrigation, screening, buffering and fencing, based on the following criteria:

- (1) protecting existing trees, natural areas and features;
- (2) enhancing visual continuity within and between neighborhoods;
- (3) providing tree canopy cover;
- (4) creating visual interest year-round;
- (5) complementing the architecture of a development;
- (6) providing screening of areas of low visual interest or visually intrusive site elements;
- (7) establishing an urban context within mixed-use developments;
- (8) providing privacy to residents and users;
- (9) conserving water;
- (10) avoiding reliance on excessive maintenance;
- (11) promoting compatibility and buffering between and among dissimilar land uses; and
- (12) establishing spatial definition.

(I) **Landscape Materials, Maintenance and Replacement.**

- (1) **Topsoil.** To the maximum extent feasible, topsoil that is removed during construction activity shall be conserved for later use on areas requiring revegetation and landscaping. Organic soil amendments shall also be incorporated in accordance with the requirements of Section 5.5.5.
- (2) **Plant Materials.** Plant material shall be selected from the *City of Fort Collins Plant List* created by Fort Collins Utilities Customer Connections Department and adopted by the Director. The *Plant List* contains plants determined by local resources to be appropriate for local conditions. The Director may approve plants not included on the list upon a determination that such plants are well suited for the local climate.
- (3) **Plant Quality.** All plants shall be A-Grade or No. 1 Grade, free of any defects, of normal health, height, leaf density and spread appropriate to the species as defined by American Association of Nurserymen standards.
- (4) **Installation.** All landscaping shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy growth. All landscaping in each phase shall either be installed or the installation shall be secured with a letter of credit, escrow or performance bond for one hundred twenty-five (125) percent of the value of the landscaping prior to the issuance of a certificate of occupancy for any building in such phase.
- (5) **Maintenance.** Trees and vegetation, irrigation systems, fences, walls and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials and other site details. The applicant, landowner or successors in interest shall be jointly and severally responsible for the regular maintenance of all landscaping elements in good condition. All landscaping shall be maintained free from disease, pests, weeds and litter, and all landscape structures such as fences and walls shall be repaired and replaced periodically to maintain a structurally sound condition.
- (6) **Replacement.** Any landscape element that dies, or is otherwise removed, shall be promptly replaced based on the requirements of this Section.
- (7) **Mitigation.** Healthy, mature trees that are removed by the applicant or by anyone acting on behalf of or with the approval of the applicant shall be replaced with not less than one (1) or more than six (6) replacement trees sufficient to mitigate the loss of value of the removed tree. The applicant shall select either the City Forester or a qualified landscape appraiser to determine such loss based upon an appraisal of the removed tree, using the most recent published methods established by the Council of Tree and Landscape Appraisers. Larger than minimum sizes (as set forth in subsection (D)(4) above) shall be required for such replacement trees.
- (8) **Restricted Species.** City Forestry Division shall provide a list of specified tree species that shall not be planted within the limits of development and adjoining street right-of-way. For example, no ash trees (*Fraxinus* species) shall be planted due to the anticipated impacts of the emerald ash borer.
- (9) **Prohibited species.** For prohibited species reference Chapter 27, Article II, Division 1, Sec. 27-18 of the Fort Collins Municipal Code.

(J) Irrigation.

(1) Provision shall be made for permanent, automatic irrigation of all plant material, with the following exceptions:

- (a) Plantings that do not require any irrigation beyond establishment.
- (b) Trees and other plants used to landscape a residential local street parkway abutting lots for detached single-unit dwellings.

(2) For any development provided water within the City, a final irrigation plan shall be submitted to and approved by the Director prior to the issuance of the building permit, or if no building permit is required, then prior to commencement of construction. As determined by the Director, minor redevelopment or change of use projects may not be required to submit an irrigation plan; in such cases, a written statement shall be submitted describing the type of irrigation system proposed. The irrigation plan shall incorporate the City of Fort Collins Irrigation System Standards for Water Conservation set forth below. In addition, the irrigation system must be inspected for compliance with the approved irrigation plan before the issuance of a Certificate of Occupancy.

(3) The City of Fort Collins Irrigation System Standards for Water Conservation are as follows:

(a) Irrigation Methods and Layout.

- (I) The irrigation system shall be designed according to the hydrozones shown on the landscape plan.
- (II) Each zone shall irrigate a landscape with similar site, soil conditions and plant material having similar water needs. To the extent reasonably feasible, areas with significantly different solar exposures shall be zoned separately.
- (III) Turf and non-turf areas shall be irrigated on separate zones.
- (IV) On steep grades, an irrigation method with a lower precipitation rate shall be used in order to minimize runoff, and, to the extent reasonably feasible, these areas shall be zoned separately.
- (V) Drip, micro-sprays, sprayheads and rotors shall not be combined on the same zone.
- (VI) The irrigation method shall be selected to correlate with the plant density. Drip irrigation or bubblers shall be used for sparsely planted trees and shrubs, and rotors, sprayheads and multi-jet rotary nozzles shall be used for turfgrass.

(b) Equipment Selection.

- (I) To reduce leakage of water from the irrigation system, a master shut-off valve shall be installed downstream of the backflow device to shut off water to the system when not operating.

- (II) For irrigation systems that are on a combined-use tap, with a water meter installed upstream to measure total water use, the installation of an irrigation-only submeter should be considered. The purpose of the submeter would be to enable the owner and landscape maintenance contractor to monitor water use for irrigation. The submeter would not be used for billing purposes. The cost of installation and maintenance of a submeter, if used, would be borne by the owner of the property and not by the City. All such submeters would have to be installed in accordance with the specifications established by the City.
- (III) Irrigation controllers shall be "smart" controllers, using climate-based or soil moisture-based technology, selected from the WaterSense labeled irrigation controllers list issued by the United States Environmental Protection Agency from time-to-time and available at the City of Fort Collins Utilities Water Conservation Department. Controllers shall be installed and programmed according to manufacturer's specifications.
- A data input chart for the Smart Controller, including the precipitation rate from the audit, shall be posted at each irrigation controller.
 - Within six (6) weeks of the installation of new landscaping, the irrigation system Smart Controllers shall be reset to the normal seasonal watering schedule.
- (IV) An evapotranspiration (ET) sensor or weather monitor shall be installed on each irrigation controller and installed according to manufacturer's specifications in a location to receive accurate weather conditions.
- (V) Sprinklers and nozzles shall meet the following requirements:
- The type of sprinkler and associated nozzles shall be selected to correlate with the size and geometry of the zone being irrigated.
 - Sprinklers shall be spaced no closer than seventy-five (75) percent of the maximum radius of throw for the given sprinkler and nozzle. Maximum spacing shall be head-to-head coverage.
 - Coverage arcs and radius of throw for turf areas shall be selected and adjusted to water only turf areas and minimize overspray onto vegetated areas, hard surfaces, buildings, fences or other non-landscaped surfaces.
 - Sprinklers, bubblers or emitters on a zone shall be of the same manufacturer.
 - Sprayheads in turf areas shall have a minimum three-and-one-half-inch pop-up riser height.
 - Sprayheads on a zone shall have matched precipitation nozzles. Variable Arc Nozzles (VAN) are not acceptable for ninety (90), one hundred eighty (180) and three hundred sixty (360) degree applications. High-Efficiency Variable Arc Nozzles (HE-VAN) are acceptable only in odd shaped areas where ninety (90), one hundred eighty (180) and three hundred sixty (360) are not applicable.

- Nozzles for rotors shall be selected to achieve an approximate uniform precipitation rate throughout the zone.
 - All sprayheads and rotors shall be equipped with check valves. Sprayheads shall also have pressure-regulating stems.
- (VI) Pressure-compensating emitters shall be used for drip irrigation. For sloped areas, a check valve shall be installed, and the drip line shall be parallel to the slope.
- (VII) Remote control valves shall have flow control.
- (VIII) A backflow prevention assembly shall be installed in accordance with local codes. All backflow assemblies shall be equipped with adequately sized winterization ports downstream of the backflow assembly.
- (IX) Properties with single or combined point of connection flows of two hundred (200) gpm or greater shall have a control system capable of providing real-time flow monitoring and the ability to shut down the system in the event of a high-flow condition.
- (c) Sleeving.
- (I) Separate sleeves shall be installed beneath paved areas to route each run of irrigation pipe or wiring bundle. The diameter of sleeving shall be twice that of the pipe or wiring bundle.
- (II) The sleeving material beneath sidewalks, drives and streets shall be PVC Class 200 pipe with solvent welded joints.
- (d) Water Pressure.
- (I) The irrigation system designer shall verify the existing available water pressure.
- (II) The irrigation system shall be designed such that the point-of-connection design pressure, minus the possible system pressure losses, is greater than or equal to the design sprinkler operating pressure.
- (III) All pop-up spray sprinkler bodies equipped with spray nozzles shall operate at no less than twenty (20) psi and no more than thirty (30) psi.
- (IV) All rotary sprinklers and multi-stream rotary nozzles on pop-up spray bodies shall operate at the manufacturer's specified optimum performance pressure.
- (V) If the operating pressure exceeds the manufacturer's specified maximum operating pressure for any sprinkler body, pressure shall be regulated at the zone valve or sprinkler heads.

- (VI) Booster pumps shall be installed on systems where supply pressure does not meet the manufacturer's minimum recommended operating pressure for efficient water distribution.

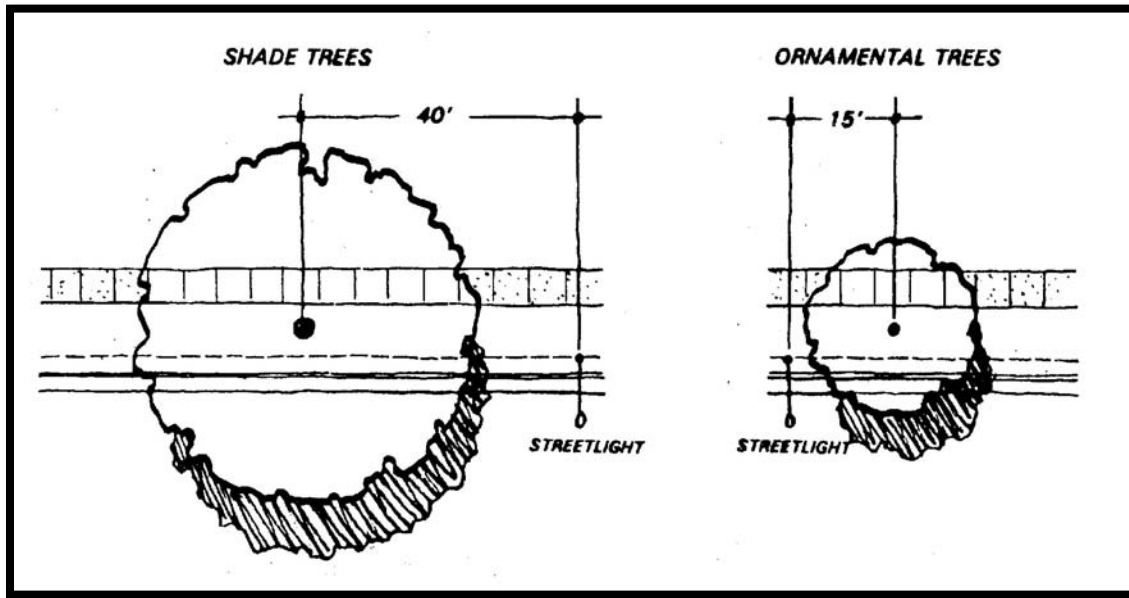
(e) Sprinkler Performance Audit.

- (I) A sprinkler performance audit shall be performed by a landscape irrigation auditor who is independent of the installation contractor, and who is certified by the Irrigation Association (a nonprofit industry organization dedicated to promoting efficient irrigation). Sprinkler systems that are designed and installed without turf areas are exempt from this requirement.
- (II) The audit shall include measurement of distribution uniformity. Minimum acceptable distribution uniformities shall be sixty (60) percent for spray head zones and seventy (70) percent for rotor zones. Sprinkler heads equipped with multi-stream rotary nozzles are considered rotors.
- (III) Audit results below the minimum acceptable distribution uniformity as set for the subsection (e)(II) above require adjustments and/or repairs to the irrigation system. These corrections will be noted on the irrigation as-builts and the test area re-audited until acceptable efficiency/results.
- (IV) The audit shall measure the operating pressure for one (1) sprinkler on each zone to determine whether the zone meets the above pressure requirements.
- (V) A copy of the sprinkler performance audit shall be submitted to and approved by the City before issuance of a certificate of occupancy.

- (K) **Utilities and Traffic.** Landscape, utility and traffic plans shall be coordinated. The following list sets forth minimum dimension requirements for the most common tree/utility and traffic control device separations. Exceptions to these requirements may occur where utilities or traffic control devices are not located in their standard designated locations, as approved by the Director. Tree/utility and traffic control device separations shall not be used as a means of avoiding the planting of required street trees.

- (1) Forty (40) feet between shade trees and streetlights. Fifteen (15) feet between ornamental trees and streetlights. (See Figure 3.)

(a) Figure 3 - Tree/Streetlight Separations:



- (2) Twenty (20) feet between shade and/or ornamental trees and traffic control signs and devices.
 - (3) Ten (10) feet between trees and water or sewer mains.
 - (4) Six (6) feet between trees and water or sewer service lines.
 - (5) Four (4) feet between trees and gas lines.
 - (6) Street trees on local streets planted within the eight-foot-wide utility easement may conflict with utilities. Additional conduit may be required to protect underground electric lines.
- (L) **Visual Clearance or Sight Distance Triangle.** Except as provided in subparagraphs (1) and (2) below, a visual clearance triangle, free of any structures or landscape elements over twenty-four (24) inches in height, shall be maintained at street intersections and driveways in conformance with the standards contained in the Larimer County Urban Area Street Standards.
- (1) Fences shall not exceed forty-two (42) inches in height and shall be of an open design.
 - (2) Deciduous trees may be permitted to encroach into the clearance triangle provided that the lowest branch of any such tree shall be at least six (6) feet from grade.
- (M) **Revegetation.** When the development causes any disturbance within any natural area buffer zone, revegetation shall occur as required in paragraph 5.6.1(E)(2) (Development Activities Within the Buffer Zone) and subsection 5.10.1(F) (Tree Preservation and Mitigation).

- (N) **Alternative Compliance.** Upon request by an applicant, the decision maker may approve an alternative landscape and tree protection plan that may be substituted in whole or in part for a landscape plan meeting the standards of this Section.
- (1) Procedure. Alternative landscape plans shall be prepared and submitted in accordance with submittal requirements for landscape plans. Each such plan shall clearly identify and discuss the modifications and alternatives proposed and the ways in which the plan will better accomplish the purposes of this Section than would a plan which complies with the standards of this Section.
 - (2) Review Criteria. To approve an alternative plan, the decision maker must find that the proposed alternative plan accomplishes the purposes of this Section equally well or better than would a plan which complies with the standards of this Section.
 - (3) In reviewing the proposed alternative plan for purposes of determining whether it accomplishes the purposes of this Section as required above, the decision maker shall take into account whether the alternative accomplishes the functions listed in Subsection (C)(1) through (7) and Subsection (H) of this Section and demonstrates innovative design and use of plant materials and other landscape elements.
- (O) **Soil Amendments.** For any development project, prior to installation of any plant materials, including but not limited to grass, seed, flowers, shrubs or trees, the soil in the area to be planted shall be loosened and amended in a manner consistent with the requirements of City Code Section 12-132(a), regardless of whether a building permit is required for the specific lot, tract or parcel in which the area is located. A certification consistent with the requirements of City Code Section 12-132(b) shall be required for the area to be planted. This requirement may be temporarily suspended or waived for the reasons and in the manner set forth in City Code Sections 12-132(c) and (d).

5.10.2 BUFFERING BETWEEN RESIDENTIAL AND INDUSTRIAL USES

- (A) **Applicability.** These standards apply only to applications that include residential uses proposed to be located in proximity to existing industrial uses. Buffering between buildings containing occupiable space and oil and gas facilities is addressed in section 5.10.3.
- (B) **Purpose.** The purpose of this Section is to provide standards to separate residential land uses from existing industrial uses in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, air pollutants, hazardous materials or site contamination, or danger from fires or explosions.
- (C) **Buffer standards.** Buffer yards shall be located on the outer perimeter of a lot or parcel and may be required along all property lines for buffering purposes and shall meet the standards as provided in this Section.
- (1) Only those structures used for buffering and/or screening purposes shall be located within a buffer yard. The buffer yard shall not include any paved area, except for pedestrian sidewalks or paths or vehicular access drives which may intersect the buffer yard at a point which is perpendicular to the buffer yard and which shall be the minimum width necessary to provide vehicular or pedestrian access. Fencing and/or walls used for buffer yard purposes shall be solid, with at least seventy-five (75) percent opacity.
 - (2) There are four (4) types of buffer yards which are established according to land use intensity as described in Chart 1 below. Buffer yard distances are established in Chart 2 below and specify

deciduous or coniferous plants required per one hundred (100) linear feet along the affected property line, on an average basis.

- (3) The buffer yard requirements shall not apply to temporary or seasonal uses or to properties that are separated by a major collector street, arterial street, or highway.

Chart 1
Land Use Intensity Categories

<i>Land Use</i>	<i>Intensity Category</i>	<i>Buffer Yard</i>
Airports/airstrips	Very High	C
Composting facilities	High	B
Dry cleaning plants	Very High	C
Feedlots	Very High	C
Heavy industrial uses	Very High	C
Light industrial uses	High	B
Junkyards	High	B
Outdoor storage facilities	High	B
Recreation vehicle, boat, truck storage	Medium	A
Recycling facilities	High	B
Agricultural research laboratories	High	B
Resource extraction	Very High	C
Transportation terminals (truck, container storage)	High	B
Warehouse & distribution facilities	High	B
Workshops and custom small industry	Medium	A

Chart 2
Buffer Yard Types

<i>Type - Base Standard (plants per 100 linear feet along affected property line)*</i>	<i>Option Width</i>	<i>Plant Multiplier**</i>	<i>Option: Add 6' Wall</i>	<i>Option: Add 3' Berm or 6' Fence</i>
Buffer Yard A:	15 feet	1.00		
	20 feet	.90		
3 Shade Trees	25 feet	.80		
2 Ornamental Trees or Type 2 Shrubs***	30 feet	.70	.65	.80
3 Evergreen Trees	35 feet	.60		
15 Shrubs (33% Type 1, 67% Type 2)	40 feet	.50		

Buffer Yard B:	15 feet	1.25		
	20 feet	1.00		
	25 feet	.90		
4 Shade Trees	30 feet	.80	.75	.85
4 Ornamental Trees or Type 2 Shrubs***	35 feet	.70		
3 Evergreen Trees	40 feet	.60		
25 Shrubs (Type 2)	45 feet	.50		
Buffer Yard C:	20 feet	1.25		
	25 feet	1.00		
	30 feet	.90		
5 Shade Trees	35 feet	.80	.75	.85
6 Ornamental Trees or Type 2 Shrubs***	40 feet	.70		
4 Evergreen Trees	45 feet	.60		
30 Shrubs (Type 2)	50 feet	.50		

* "Base standard" for each type of buffer yard is that width which has a plant multiplier.

** "Plant multipliers" are used to increase or decrease the amount of required plants based on providing a buffer yard of reduced or greater width or by the addition of a wall, berm or fence.

*** Shrub types: Type 1: 4' - 8' High Type 2: Over 8' High.

5.10.3 BUFFERING BETWEEN BUILDINGS WITH OCCUPIABLE SPACE AND OIL AND GAS

- (A) **Applicability.** These standards apply to all applications to construct buildings containing occupiable space and existing buildings containing occupiable space within the oil and gas buffer of an existing oil and gas facility regardless of whether such oil and gas facility is located within or outside of the City limits. These standards also apply to common outdoor areas within an oil and gas buffer.
- (1) Any applicant that submitted an application prior to September 29, 2023, to construct a building containing occupiable space may construct such building within an oil and gas buffer upon satisfying all applicable Code requirements for approval. However, any lot upon which such building is placed is subject to the restriction described in Subsection (E)(3) and disclosures in Subsection (F).
 - (2) Any building containing occupiable space already constructed within an oil and gas buffer prior to September 29, 2023, is exempt from the restriction on such building in an oil and gas buffer. However, any lot upon which the building is placed is subject to the restriction described in Subsection (E)(3) and disclosures in Subsection (F).
- (B) **Purpose.** The purpose of this Section is to protect public health and safety by providing spacing and regulating certain uses within oil and gas buffers to reduce adverse impacts of noise, odor, air pollutants, soil-gas contaminants, groundwater contaminants, hazardous materials, or danger from fires or explosions.
- (C) **General Standard.** Proposed development shall ensure that the risk to public health and safety is sufficiently mitigated from all extended exposure to the main pollutants resulting from oil and gas production, including but not limited to heavy metals, salts, oil and grease (O&G), benzene, toluene, ethylbenzene and xylene (BTEX), total petroleum hydrocarbon (TPH), and polycyclic aromatic hydrocarbon (PAHs). Proposed

development must ensure that any potential contaminants associated with existing oil and gas facilities and located on the development site are within the acceptable limits of applicable local, state and federal soil-gas, groundwater, and air quality regulations and standards, including, but not limited to, those regulating odor, dust, fumes, or gases which are noxious, toxic or corrosive, and suspended solid or liquid particles.

- (D) ***Oil and Gas Buffers.*** This Subsection establishes oil and gas buffers for different oil and gas facilities, and applicable development standards within such buffers are set forth in Subsection (E).
- (1) ***Oil and Gas Buffer—Well Not Abandoned.*** The oil and gas buffer for an oil and gas facility whose well is not abandoned shall extend from the outer edge of the oil and gas location for two thousand (2,000) feet in all directions. The Planning and Zoning Commission may grant a modification of standards pursuant to Division 2.8 to reduce the two thousand (2,000) foot distance to no less than five hundred (500) feet provided the applicant provides a *Phase II Environmental Site Assessment* as part of the modification request showing that levels of oil and gas contaminants, if any, are within Federal Environmental Protection Agency or State health department standards, whichever ensures greater public health protections. Any approved modification shall require as a condition that the applicant annually provide a *Phase II Environmental Site Assessment* for five (5) years from the issuance of a development construction permit. Initial baseline samples and subsequent monitoring samples shall be collected within one-half (½) mile radius of the existing well location. If the main pollutants resulting from oil and gas production described in Subsection (C) are identified at the time of assessment, such pollutants must be remediated by the development applicant per Federal Environmental Protection Agency or State health department standards, whichever ensures greater public health protections.
 - (2) ***Oil and Gas Buffer—Abandoned Well, Not Reclaimed.*** For oil and gas facilities consisting of an abandoned well that have not been reclaimed pursuant to Section 4.3.4(F), the oil and gas buffer shall extend five hundred (500) feet in all directions as measured from the center of the well bore. Development plans that include an abandoned well that has not been reclaimed must provide a *Phase II Environmental Site Assessment* as part of the application showing that levels of oil and gas contaminants, if any, are within Federal Environmental Protection Agency or State health department standards, whichever ensures greater public health protections. The approved application shall require as a condition that the applicant annually provide a *Phase II Environmental Site Assessment* for five (5) years from the issuance of a development construction permit. Initial baseline samples and subsequent monitoring samples shall be collected within one-half (½) mile radius of the existing well location. If the main pollutants resulting from oil and gas production described in Subsection (C) are identified at the time of assessment, such pollutant must be remediated by the development applicant per Federal Environmental Protection Agency or State health department standards, whichever ensures greater public health protections. This buffer is not subject to the modification of standards process.
 - (3) ***Oil and Gas Buffer—Abandoned Well, Reclaimed.*** For oil and gas facilities consisting of abandoned wells that have been reclaimed pursuant to Section 4.3.4(F), the oil and gas buffer shall extend one hundred and fifty (150) feet in all directions as measured from the center of the well bore. Development plans that include an abandoned well that has been reclaimed must provide a *Phase II Environmental Site Assessment* as part of the application and a second *Phase II Environmental Site Assessment* must be provided five (5) years after a Development Construction Permit is issued. If the main pollutants resulting from oil and gas production described in Subsection (C) are identified at the time of assessment, such pollutants must be remediated by the development applicant per Federal Environmental Protection Agency or State health department standards, whichever ensures greater public health protections. This buffer is not subject to the modification of standards process.
- (E) ***Oil and Gas Buffer Standards.***
- (1) Except as stated in (E)(3) below, no portion of a building that contains occupiable space may be located within an oil and gas buffer.
 - (2) After September 29, 2023, permanent playgrounds, play structures, recreational fields, or permanent community gathering spaces may not be placed within any portion of a homeowner's association owned or maintained common area located within an oil and gas buffer.
 - (3) Exceptions to Restriction on Buildings Containing Occupiable Space Within an Oil and Gas Buffer.

- (a) Any applicant that submitted an application prior to September 29, 2023, to construct a building containing occupiable space may construct such building within an oil and gas buffer upon satisfying all applicable Code requirements for approval. However, no additional building containing occupiable space for which an application was submitted after September 29, 2023, may be constructed on any portion of the same lot located within an oil and gas buffer.
 - (b) Any building containing occupiable space already constructed within an oil and gas buffer prior to September 29, 2023, is exempt from the restriction on such building within an oil and gas buffer. However, no additional building containing occupiable space for which an application was submitted after September 29, 2023, may be constructed on any portion of the same lot located within an oil and gas buffer.
- (F) **Disclosure.** The following disclosure requirements shall apply to any real property upon which a building containing occupiable space is or may be located within any oil and gas buffer described in Subsection (D):
- (1) At such time as the real property to be developed is platted or replatted, the plat shall show the oil and gas buffer on the property and shall contain a note informing subsequent property owners that certain lots shown on the plat are within an oil and gas buffer.
 - (2) For residential developments requiring a declaration pursuant to the Colorado Common Interest Ownership Act, a statement shall be included in such declaration specifying the lots within an oil and gas buffer upon which buildings containing occupiable space may be constructed. The approved plat for such development shall be attached to the recorded declaration. Where no such declaration is required, the property owner shall record a statement on the property where the dwelling is located indicating that such property is located within an oil and gas buffer.
 - (3) Sellers and lessors of any real property within an oil and gas buffer must provide the following written notice of material facts related to oil and gas facilities identified by environmental site assessments the disclosure notice must be provided in at least fourteen (14) point font to any potential purchaser who intends to resell, occupy and/or lease the property prior to or as part of the purchase or rental agreement:

As required by 5.10.3 of the Fort Collins Land Use Code, notice is hereby given that [insert description of lot] is within [insert buffer standard set forth in Subsection (D) including well status and distance from well]. At the time of [sale or lease], environmental assessments, studies or reports done involving the physical condition of the Property impacted by oil and gas production are within the acceptable Environmental Protection Agency limits. For more information contact the City of Fort Collins Environmental Planner or the Energy and Colorado Carbon Management Commission formerly known as the Colorado Oil and Gas Conservation Commission.

The above notice shall be provided by the prospective seller or lessor to the prospective buyer or lessee of real property no less than thirty (30) days before closing or such shorter time period agreed to by the parties and shall be provided before the signing of any purchase, sale, or rental agreement for the subject property

DIVISION 5.11 TRASH AND RECYCLING ENCLOSURES

5.11.1 TRASH AND RECYCLING ENCLOSURES

- (A) **Purpose.** The purpose of this standard is to ensure the provision of areas, compatible with surrounding land uses, for the collection, separation, storage, loading and pickup of trash, waste cooking oil, compostable and recyclable materials. This standard is supplemented by the Enclosure Design Considerations and Guidance Document issued by the Director and available from the Department.
- (B) **Applicability.** The following developments must provide adequately sized, conveniently located, and easily accessible areas to accommodate the specific trash, compostable and recyclable materials and waste cooking oil needs of the proposed use and future uses that are likely to occupy the development:

- (1) New commercial structures;
- (2) New residential structures using a common collection system for waste disposal;
- (3) Commercial structures that are proposed to be enlarged by more than twenty-five (25) percent;
- (4) Residential structures using a common collection system for waste disposal that are proposed to be enlarged by more than twenty-five (25) percent;
- (5) Commercial structures where a change of use is proposed; and
- (6) All newly constructed enclosures.

(C) General Standards.

- (1) Areas for the collection and storage of trash, waste cooking oil, and compostable, recyclable and other materials (linen service containers, returnable crates and pallets, and other similar containers) must be enclosed so that they are screened from public view. Enclosures must be constructed of durable materials such as masonry and shall be compatible with the structure to which it is associated.
- (2) Areas for the collection and storage of trash, waste cooking oil, and compostable, recyclable and other materials must be adequate in size, number and location to readily serve the reasonably anticipated needs of the development's occupants.
- (3) Development plans must include labeled drawings of all proposed enclosures, internal trash and recycling rooms, staging areas and the like and include all proposed dumpsters, containers, bins and other receptacles and label the capacity of each. Proposed recycling capacity must be at least fifty (50) percent of the proposed trash capacity.
- (4) To provide equal access for trash, compostable and recyclable materials, space allotted for the collection and storage of compostable/recyclable materials must be adequate in size and provided everywhere space for trash is provided in a functional manner.
- (5) Areas for the collection and storage of trash, waste cooking oil, and compostable, recyclable and other materials must be designed to allow walk-in access for pedestrians separate from the service opening that is at least thirty-two (32) inches wide and provides unobstructed and convenient access to all dumpsters, containers, bins, and other receptacles. Where possible, pedestrian entrances are encouraged to provide door-less entry unless reasonable circumstances (preventing illicit activities/usage, regulated waste streams, and the like) are demonstrated that would necessitate doors. If doors are used, they must provide safe and efficient access.
- (6) Areas for the collection and storage of trash, waste cooking oil, and compostable, recyclable and other materials must provide a service opening that is at least ten (10) feet for haulers to efficiently maneuver dumpsters, containers, bins and other receptacles unless an alternative and functional method is demonstrated on the plan. Enclosures must provide service gates unless an alternative and functional method is demonstrated on the plans that adequately screen the enclosure from view. Service gates must be constructed of metal or other comparable durable material, and must be finished to

complement the enclosure. Service gates must be free of obstructions that would prevent them from opening fully, must have a method to be secured by hardware in both closed and fully open positions, and must be properly maintained so they may be operated easily and smoothly.

- (7) Areas for the collection and storage of trash, waste cooking oil, and compostable, recyclable and other materials, must include bollards, angle-iron, curbing, metal framing or other effective method to protect the interior walls of the enclosure from being damaged by dumpsters, containers, bins, and other receptacles.
- (8) Areas for the collection and storage of trash, waste cooking oil, and compostable, recyclable and other materials must be designed to provide adequate, safe and efficient accessibility for haulers and service vehicles, including but not limited to front-load, rear-load, side-load, and roll off trucks and trucks used to pump waste cooking oil. Development plans must label the route the hauler will take to service the development and must comply with necessary turning radii, width, and height restrictions for the type of collection vehicles that will service the development.
- (9) To ensure wheeled service dumpsters, containers, bins and other receptacles can be rolled smoothly and to prevent damage to the surfaces they will be wheeled over, enclosures must be situated on a service pad that extends beyond the service gates at their fully open position at least the width of the widest proposed dumpster, container, bin and other receptacles plus an additional two (2) feet. If the truck access point is separated from the storage location, a serviceable route that is free of obstructions must be provided and shall not exceed a maximum grade of five (5) percent in the direction of travel and two (2) percent cross slope. Areas for the collection and storage of trash, waste cooking oil, and compostable, recyclable and other materials, service pads and serviceable routes must be constructed of cement concrete. For offsite conditions such as existing public alleyways, this standard will only apply to the extent reasonably feasible.
- (10) To provide equal access to trash and recyclable materials, multi-story buildings utilizing trash chutes must include a recycling chute of the same size or larger than the trash chute. Anywhere a trash chute is provided a recycling chute must also be provided adjacent to it. Chutes must be appropriately labeled "Landfill" and "Recycle" as appropriate.
- (11) Where proposed uses and future uses that are likely to occupy the development will generate waste cooking oil, internal waste cooking oil collection systems are encouraged. All areas used to store waste cooking oil must include measures to prevent spills and contamination of the stormwater system. Waste cooking oil containers must be secured in place, enclosed separately, or separated from other containers with bollards or another physical barrier. To prevent rain water from carrying residual waste cooking oil into the stormwater system, all areas used to store waste cooking oil must include a roof unless an alternative and functional method is demonstrated on the plans.

DIVISION 5.12 EXTERIOR SITE LIGHTING

5.12.1 EXTERIOR SITE LIGHTING

- (A) **Purpose.** The purpose of this Section is to ensure adequate exterior lighting for the safety, security, enjoyment and function of the proposed land use; conserve energy and resources; reduce light trespass,

glare, artificial night glow, and obtrusive light; protect the local natural ecosystem from damaging effects of artificial lighting; and encourage quality lighting design and fixtures.

- (B) **General Standard.** All development that includes proposed artificial outdoor lighting, except for development on single-unit detached residential lots, single-unit attached residential lots, and two-unit dwelling residential lots for which an application is submitted after March 26, 2021, subject to below Subsection 5.12.1(D), shall submit for review and approval a proposed lighting plan that complies with the standards in this Section and meets the functional needs of the proposed land use without adversely affecting adjacent properties or the community.
- (C) **Design Standards.** The lighting plan shall meet the following requirements and all other applicable requirements set forth in this Section:
- (1) Provide a comprehensive plan that clearly calculates the lumens of all exterior lighting being proposed and demonstrates compliance with impacts to adjacent properties, as outlined in subsections (I) and (J) below.
 - (2) Design different use areas considering nighttime safety, utility, security, enjoyment, and commerce.
 - (3) Reinforce and extend the style and character of the architecture and land use proposed within the site.
 - (4) Demonstrate no light trespass onto Natural Areas, Natural Habitat Buffer Zones or River Landscape Buffers as defined in Section 5.6.1(E).
 - (5) All lighting shall have a nominal correlated color temperature (CCT) of no greater than 3000 Kelvin. Consider high color fidelity lamps relative to the lighting application.
 - (6) Light poles shall be anodized (or otherwise coated) to minimize glare from the light source.
- (D) **Existing Lighting.** Existing lighting shall mean lighting installed or approved prior to March 26, 2021.
- (1) The addition of three (3) or more new fixtures in excess of the existing number of fixtures, updating or replacement of three (3) or more existing fixtures, or the updating or replacement of between ten (10) and fifty (50) percent of the existing fixtures requires an approved minor amendment pursuant to Section 6.3.10. Such minor amendment review is limited to meeting Section 5.12(A), *Purpose*, Section 5.12.1(C), *Design Standards*, and Section 5.12.1(I), *Limits of Offsite Impacts*.
 - (2) The addition of less than three (3) new fixtures in excess of the existing number of fixtures, updating or replacement of less than three (3) existing fixtures, or the update or the replacement of less than ten (10) percent of the existing fixtures requires Director review and approval. The review shall be limited to meeting Section 5.12.1(A), *Purpose*, Section 5.12.1(C), *Design Standards*, and Section 5.12.1(I), *Limits to Offsite Impacts*. The Director may impose conditions of approval to ensure lighting meets the purpose and intent of code requirements. The applicant may appeal the Director's decision in the same manner as a basic development review or minor subdivision decision as set forth in Land Use Code Section 6.3.12(C).
 - (3) Should the addition of fixtures in excess of the existing number of fixtures or update or replacement of existing fixtures occur incrementally, and the cumulative changes exceed three (3) new fixtures or

replacement of between ten (10) and fifty (50) percent of the existing fixtures, whichever is greater, within a ten (10) year period, the addition or update that exceeds such threshold must be approved through a minor amendment pursuant to Section 6.3.10. Such minor amendment will review the cumulative changes or updates and be limited to meeting Section 5.12.1(A), *Purpose*, Section 5.12.1(C), *Design Standards*, and Section 5.12.1(I), *Limits to Offsite Impacts*.

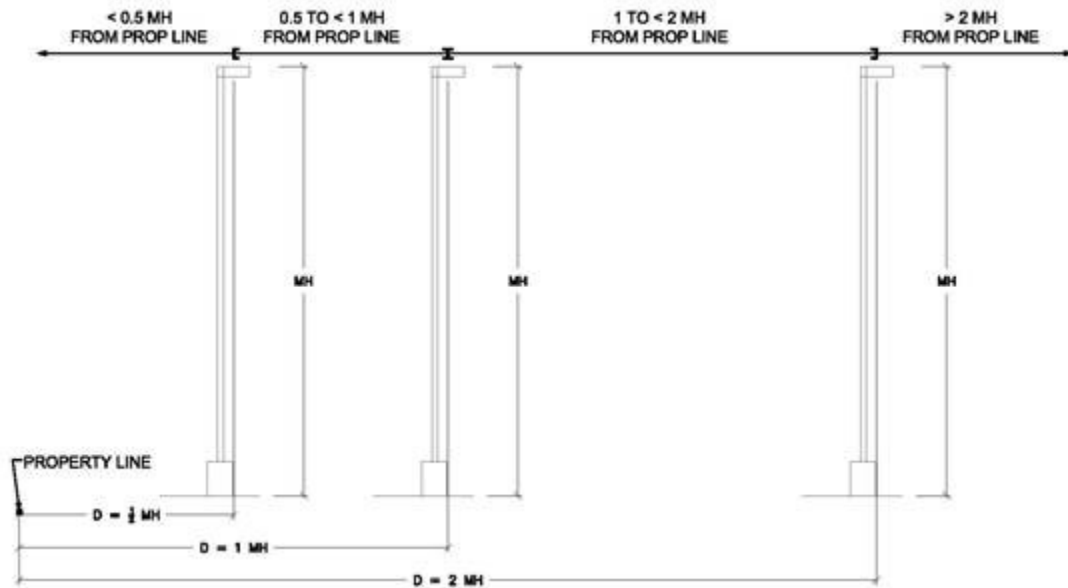
- (4) Applicants for minor amendments and changes of use pursuant to Land Use Code Section 6.3.10(A) that result in the replacement or upgrade of fifty (50) percent or more of the existing outdoor lighting fixtures at one time or incrementally within a ten (10) year period shall submit a lighting plan for the entire development site that meets the requirements of this Section and, if necessary to meet such requirements, complete a site lighting retrofit of the entire development site.
 - (5) Applicants for major amendments and changes of use pursuant to 6.3.10(B) shall submit a lighting plan for the entire development site that meets the requirements of this Section and, if necessary to meet such requirements, complete a site lighting retrofit for the entire development site.
- (E) **Conformance with All Applicable Codes.** All outdoor lighting shall be installed in conformance with this Section 5.12.1 and applicable sections of Chapter 5 of the Code of the City of Fort Collins.
- (F) **Exceptions.** The following are not subject to the requirements set forth in this Section:
- (1) Temporary lighting for construction sites, special events, holidays, and other events requiring lighting.
 - (2) Festoon lights installed for less than thirty (30) consecutive days.
 - (3) Lighting within the public right-of-way. Such lighting is regulated under the Larimer County Urban Area Street Standards.
 - (4) Lighting for single-unit residential housing and duplexes. Such lighting is regulated by the adopted building codes and amendments.
- (G) **Prohibited Lighting.** The following lighting is prohibited:
- (1) Site lighting that may be confused with warning, emergency or traffic signals; and
 - (2) Mercury vapor lamps.
- (H) **Lighting Context Areas.** The applicable Lighting Context Area shall determine the limitations for exterior artificial lighting. The Lighting Context Areas are described as follows:
- (1) LC0 - No ambient lighting. Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural nighttime environment. The vision of human residents and users is adapted to the darkness, and they expect to see little or no lighting.
 - (2) LC1 - Low ambient lighting. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience, but it is not necessarily uniform or continuous. Typical

locations include low and medium density residential areas, commercial or industrial areas with limited nighttime activity, and the developed areas in parks and other natural settings.

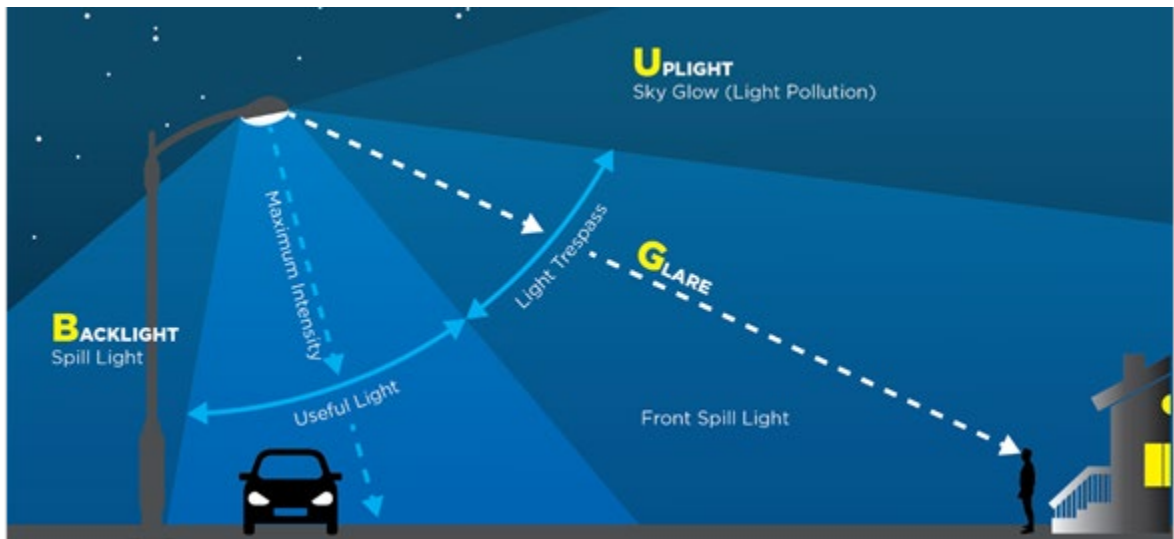
- (3) LC2 - Moderate ambient lighting. Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience, but it is not necessarily uniform or continuous. Typical locations include high density residential areas, shopping and commercial districts, industrial parks and districts, City playfields and major institutional uses, and mixed-use districts.
- (4) LC3 - Moderately high ambient lighting. Lighting is generally desired for safety, security, convenience, and unique site conditions. Lighting is often uniform and/or continuous. Typical locations include select areas in the Downtown Zone District and 24-hour emergency medical sites.
- (5) Lighting Context Areas generally correspond to zone districts as provided in Table 5.12.1-1, Lighting Context Area, although the assigned Lighting Context Area may vary from Table 5.12.1-1 if necessary to accomplish the purposes and intent of this Section 5.12.1. The location of the Lighting Context Areas are shown on the "Lighting Context Area Map" on file at the City Clerk's office.

Table 5.12.1-1 Lighting Context Area		
Lighting Context Area	Land Use	Corresponding Zone Districts
LC0	Natural Area/Conservation Easement	POL (City Natural Areas)
LC1	Single-Unit/Multi-Unit/Light Industrial/Employment/ Portions of Harmony District	POL (City Parks); RUL; UE, RF; OT-A, RC; LMN; MMN; I; E; T
LC2	Commercial/Industrial/Portions of Harmony District/High Density Residential	CN; CC; CCN; CCR; CG; CL; HC; I, RDR, D, HMN
LC3	Portions of Downtown, 24-Hour Emergency Medical Sites	D, MMN

- (l) **Limits to Off-Site Impacts.** All luminaires shall be rated and installed according to Table 5.12.1-2, Table 5.12.1-3, and Table 5.12.1-4, which outline maximum BUG (Backlight-Uplight-Glare) ratings (see Figure B below) for all individual luminaires installed in a given Lighting Context Area. Luminaires equipped with adjustable mounting devices shall not be permitted unless the total lumen output is one hundred fifty (150) lumens or less.
 - (1) For property boundaries that abut public rights-of-way, private streets, private drives, public alleys, and public and private parking lots, the backlight rating, glare rating and illuminance values provided in Tables 5.12.1-2, 5.12.1-4 and 5.12.1-5 respectively, shall be measured ten (10) feet from the property boundary. For all other property boundaries, values shall be measured at the property boundary.
 - (2) For tables 5.12.1-2 and 5.12.1-4 below, to be considered ideally oriented, the luminaire must be mounted with the backlight portion of the light output oriented perpendicular to and towards the property line of concern (see Figure A below).
 - (3) **Figure A. Ideally Oriented Luminaire and Mounting Conditions.**



(4) Figure B. Backlight, Uplight and Glare.



(5) Table 5.12.1-2 Maximum Allowable Backlight Ratings.

Mounting Condition	LC0	LC1	LC2	LC3
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Greater than 2 mounting heights from the property line or not ideally oriented	B1	B3	B4	B5
1 to less than 2 mounting heights from the property line and ideally oriented.	B1	B2	B3	B4
0.5 to less than 1 mounting heights from the property line and ideally oriented.	B0	B1	B2	B3
Less than 0.5 mounting heights from the property line and ideally oriented.	B0	B0	B0	B1

(6) Table 5.12.1-3 Maximum Allowable Uplight Ratings.

Table 5.12.1-3 Maximum Allowable Uplight Ratings.				
	LC0	LC1	LC2	LC3
Allowed Uplight Rating.	U0	U0	U1	U2
Allowed light emission above 90 degrees for street or area lighting.	0%			

(7) Table 5.12.1-4 Maximum Allowable Glare Ratings.

Table 5.12.1-4 Maximum Allowable Glare Ratings.				
Mounting Condition	LC0	LC1	LC2	LC3
Greater than 2 mounting heights from the property line.	G0	G1	G1	G2
2 or less mounting heights from the property line and ideally oriented.				
1 to less than 2 mounting heights from the property line and not ideally oriented.	G0	G0	G1	G1
0.5 to less than 1 mounting heights from the property	G0	G0	G0	G1

line and not ideally oriented.				
Less than 0.5 mounting heights from the property. line and not ideally oriented	G0	G0	G0	G0

(8) **Light Trespass Limitations.** The illuminance levels provided in Table 5.12.1-4 shall be used for enforcement, should concerns of obtrusive lighting or question of compliance arise. Lighting plans shall show horizontal illuminance along all lot lines with calculation points spaced no further than ten (10) feet apart. This provision shall apply to all exterior lighting.

(9) **Maximum Horizontal Illuminance.**

Lighting Context Area	Maximum Horizontal Illuminance
Natural Habitat Buffer Zones and River District Landscape Buffers	0.0
LC0	0.0
LC1	0.1
LC2	0.3
LC3	0.8

(J) **Site lumen limit.** The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen shall be determined using either the Parking Space Method (Tables 5.12.1-5) or the Hardscape Area Method (Tables 5.12.1-6). Only one method shall be used per permit application and the applicable method shall be determined by the applicant. For sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens. The total installed initial luminaire lumens are calculated as the sum of the initial luminaire lumens for all luminaires. Sign lighting shall be exempt from the calculation of total installed lumens.

(1) **Table 5.12.1-6 Allowed Total Initial Luminaire Lumens per Site for Non-Residential Outdoor Lighting, per Parking Space Method.**

Table 5.12.1-6 Allowed Total Initial Luminaire Lumens per Site for Non-Residential Outdoor Lighting, per Parking Space Method.			
May only be applied to properties up to ten parking spaces (including handicapped accessible spaces).			
LC0	LC1	LC2	LC3
350 lumens per space	490 lumens per space	630 lumens per space	840 lumens per space

(2) **Table 5.12.1-7 Allowed Total Initial Lumens per Site for Non-Residential Outdoor Lighting, Hardscape Area Method.**

Table 5.12.1-7 Allowed Total Initial Lumens per Site for Non-Residential Outdoor Lighting, Hardscape Area Method.
May be used for any project. When lighting intersections of site drives and public streets or roads, a total of 600 square feet for each intersection may be added to the actual site hardscape area to provide for intersection lighting. Top level, exterior parking garage decks are included as Hardscape Areas.

	LC0	LC1	LC2	LC3
Base Allowance	0.5 lumens per square foot of hardscape.	1.25 lumens per square foot of hardscape.	2.5 lumens per square foot of hardscape.	5 lumens per square foot of hardscape.
Additional allowances for sales and service facilities. No more than two additional allowances per site. Allowance may only be used to light the specific sales or service area selected and may not be used to light other areas of the site.				
Building Facades. This allowance is lumen per unit area of building facade that are illuminated. To use this allowance, luminaires must be aimed at the facade.	0		8 lumens per square foot.	16 lumens per square foot.
Outdoor Sales Lots. This allowance is lumens per square foot of uncovered sales lots used exclusively for the display of vehicles or other merchandise for sale, and may not include driveways, parking or other non-sales areas. To use this allowance, luminaires must be within 0.5 mounting heights of the sales lot area.	0	4 lumens per square foot.	8 lumens per square foot.	16 lumens per square foot.
Outdoor Dining. This allowance is lumen per unit area for the total illuminated hardscape of outdoor dining. In order to use this allowance, luminaires must be within 0.5 mounting heights of the hardscape area of outdoor dining. This allowance includes rooftop dining.	0	1 lumen per square foot.	5 lumens per square foot.	10 lumens per square foot.
Gasoline Station. This allowance is lumens per installed fuel pump. Both sides of a two-sided pump qualify as one allowance.	0	4,000 lumens per pump.	8,000 lumens per pump.	8,000 lumens per pump.

- (K) **Athletic and Recreational Fields.** The lighting for athletic and recreational fields are exempted from the lumen, BUG and color temperature requirements in this section and shall meet the following requirements:
- (1) Lighting shall have a nominal correlated color temperature (CCT) of no greater than 5700 Kelvin.
 - (2) Off-site impacts shall be limited to the maximum extent practical.
 - (3) Lighting controls shall provide the following functions:
 - (I) Lighting shall be dimmable to ten (10) percent to adjust illuminance levels for relative activity (maintenance vs active play).
 - (II) Local or remote manual control with at least two (2) preset illuminance levels.
 - (III) Lights shall be automatically extinguished by one (1) hour after the end of play.
 - (IV) Field lighting aimed upward shall be controlled separately from downward-directed field lighting.
- (L) **Alternative Compliance.** Upon request by an applicant, the decision maker may approve an alternative lighting plan that may be substituted in whole or in part for a plan meeting the standards of this Section.
- (1) **Procedure.** Alternative compliance lighting plans shall be prepared and submitted in accordance with submittal requirements for lighting plans as set forth in this Section. The plan shall clearly identify and discuss the modifications and alternatives proposed and the ways in which the plan will better accomplish the purpose of this Section than would a plan which complies with the standards of this Section.
 - (2) **Review Criteria.** To approve an alternative plan, the decision maker must find that the proposed alternative plan accomplishes the purposes of this Section equally well or better than would a lighting plan which complies with the standards of this Section.
 - (3) In reviewing the proposed alternative plan, the decision maker shall consider the extent to which the proposed design meets the functional safety and security needs, protects natural areas from light intrusion, enhances neighborhood continuity and connectivity, fosters nonvehicular access, and demonstrates innovative design and use of fixtures or other elements.

DIVISION 5.13 YARDS AND SETBACKS

5.13.1 YARDS

All developments shall meet the following yard requirements unless otherwise specified in this Code:

- (A) Cornices, eaves or similar architectural features may extend into a required yard not more than three (3) feet. Fire escapes may extend into a required rear yard not more than six (6) feet.

- (B) No part of a yard required for a building for the purpose of complying with the provisions of this Code shall be included as a yard for another building.
- (C) Solar energy devices, including but not limited to, overhangs, movable insulating walls and roofs, detached solar collectors, sun reflectors and piping, may extend into a required yard not more than three (3) feet.

5.13.2 SETBACKS

- (A) **Features Allowed Within Setbacks.** The following structures and features may be located within required setbacks:
 - (1) trees, shrubbery or other features of natural growth;
 - (2) fences or walls, subject to permit approval, that do not exceed the standards established in Section 4.3.5(H);
 - (3) driveways and sidewalks;
 - (4) signs, if permitted by the sign regulations of this Land Use Code;
 - (5) bay windows and similar sized cantilevered floor areas, and architectural design embellishments of dwellings that do not project more than two (2) feet into the required setback, basement egress windows including the foundation that forms the window well, as long as the window foundation does not exceed the elevation or height of the house foundation, provided none of the foregoing elements shall encroach upon any public easements;
 - (6) eaves that do not project more than two and one-half (2½) feet into the required setback;
 - (7) open outside stairways, entrance hoods, terraces, canopies and balconies that do not project more than five (5) feet into a required front or rear setback and/or not more than two (2) feet into a required side setback, provided they do not encroach on public easements;
 - (8) chimneys, flues and residential ventilating ducts that do not project more than two (2) feet into a required setback and when placed so as not to obstruct light and ventilation, provided they do not encroach on public easements;
 - (9) utility lines, wires and associated structures, such as power poles; and
 - (10) decks which are not more than thirty (30) inches above ground.
- (B) **Contextual Setbacks.** Regardless of the minimum front setback requirement imposed by the zone district standards of this Land Use Code, applicants shall be allowed to use a "contextual" front setback. A "contextual" front setback may fall at any point between the front setback required in the zone district and the front setback that exists on a lot that abuts, and is oriented to, the same street as the subject lot. If the subject lot is a corner lot, the "contextual" setback may fall at any point between the zone district required front setback and the front setback that exists on the lot that is abutting and oriented to the same street as the subject lot. If lots on either side of the subject lot are vacant, the setback shall be interpreted as the minimum required front setback that applies to the vacant lot. This provision shall not be construed as requiring a greater front setback than that imposed by the underlying zone district, and it shall not be

construed as allowing setbacks to be reduced to a level that results in right-of-way widths below established minimums.

- (C) **Front Setbacks on Corner Lots.** In the case of corner lots, only one (1) street line shall be considered as a front line, and the street to which the primary entrance of the principal building faces or to which the building is addressed shall be considered the front line for purposes of determining the front setback.
- (D) **Setbacks Reduced for Public Purpose.** When an existing setback is reduced as a result of conveyance for a public use and the remaining setback is at least seventy-five (75) percent of the required minimum setback for the district in which it is located, then that remaining setback shall be deemed to be in compliance with the minimum setback standards of this Land Use Code.

DIVISION 5.14 OCCUPANCY LIMITS

5.14.1 OCCUPANCY LIMITS; INCREASING THE NUMBER OF PERSONS ALLOWED

- (A) Except as provided in Subsection (B) below, or pursuant to a certificate of occupancy issued by the City to the owner of the property, the maximum occupancy allowed per dwelling unit in a single- unit, two-unit or multi-unit dwelling shall be:
 - (1) one (1) family as defined in Section 7.2.2 and not more than one (1) additional person; and
 - (2) two (2) adults and their dependents, if any, and not more than one (1) additional person.
- (B) **Exceptions.** The following shall be exempt from the maximum occupancy limit established in Subsection (A) above:
 - (1) dwellings regularly inspected or licensed by the state or federal government, including, but not limited to, group homes; and
 - (2) dwellings owned or operated by a nonprofit organization incorporated under the laws of this state for the purpose of providing housing to victims of domestic violence as such is defined in Section 18-6-800.03, C.R.S.
- (C) A violation of this Section shall be proven by a preponderance of the evidence. A person shall be liable for allowing occupancy in excess of this Section if they knew, or through reasonable diligence should have known, that a violation of this Section was occurring.
- (D) **Definitions.** The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them below:
 - (1) **Adult** shall mean any person eighteen (18) years of age or older who is not a dependent.
 - (2) **Dependent** shall mean the biological child of an adult occupying a dwelling unit, or a person related to an adult by reason of adoption, guardianship or other duly authorized custodial relationship, who receives financial support from the adult and who resides with the adult in the dwelling unit at least three (3) calendar months in a calendar year.

- (3) **Occupancy or occupy** shall mean the use of a dwelling unit or any portion thereof for living and sleeping purposes by a person acting in any of the following capacities:
- (a) as an owner of the unit;
 - (b) as a tenant under an express or implied lease or sublease of the unit or of any portion thereof; or
 - (c) as a guest or invitee of the owner, property manager, lessee or sublessee of the unit, if such guest or invitee stays overnight at the unit for a total of thirty (30) or more days within any twelve (12) month period of time.
- (4) **Occupant** shall mean a person who occupies a dwelling unit or any portion thereof for living and sleeping purposes.

(E) Increasing the Occupancy Limit.

- (1) With respect to single-unit and two-unit dwellings, the number of persons allowed under this Section may be increased by the issuance of a certificate of occupancy allowing extra occupancy in zones allowing such use.
- (2) With respect to multiple-unit and single-unit attached dwellings, the decision maker (depending on the type of review, Type 1 or Type 2) may, upon receipt of a written request from the applicant and upon a finding that all applicable criteria of this Code have been satisfied, increase the number of unrelated persons who may reside in individual dwelling units. The decision maker shall not increase said number unless satisfied that the applicant has provided sufficient amenities, either public or private, to sustain the activities associated with multi-family residential development, to adequately serve the occupants of the development and to protect the adjacent neighborhood. Such amenities may include, without limitation, passive open space, buffer yards, on-site management, recreational areas, plazas, courtyards, outdoor cafes, neighborhood centers, limited mixed-use restaurants, parking areas, sidewalks, bikeways, bus shelters, shuttle services or other facilities and services.
- (3) With respect to single-unit, owner occupied dwellings, the number of persons allowed under Section 5.14.1(A)(1) may be increased to allow one (1) additional person by the issuance of a "host family permit," provided that the following conditions are met:
 - (a) Adequate off-street parking is available to accommodate the additional occupant;
 - (b) There have been no violations of Chapter 17 or 20 of the City Code or this Code at the premises for which the permit is sought within the twelve (12) months immediately preceding the date of the application for the permit; and
 - (c) At least two (2) months have elapsed since the issuance of any previous host family permit for the same premises.
- (4) Host family permits shall be valid for ten (10) months from the date of issuance; provided, however, that in the event that the Municipal Judge or Municipal Court Referee determines, during the term of any such permit, that a violation of Chapter 17 or 20 of the City Code or this Code has occurred at the premises for which the permit was issued, the permit may be revoked. The City may charge a twenty-

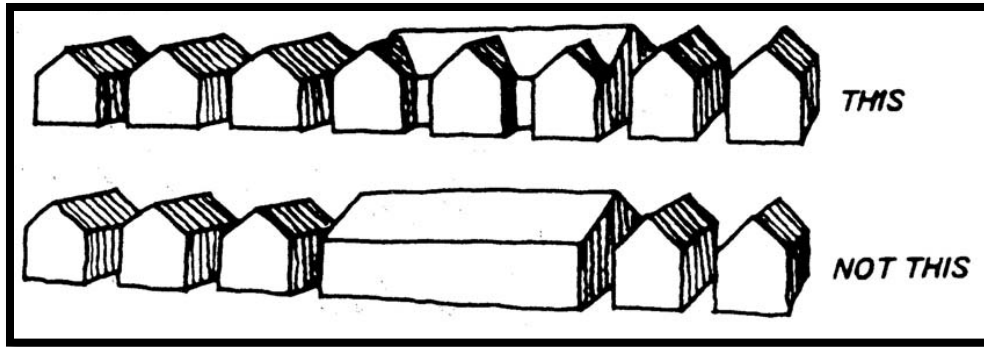
five (\$25) dollar permit fee, or any greater amount not to exceed the costs of processing the application, which shall be payable at the time of application for the host family permit.

DIVISION 5.15 BUILDING STANDARDS

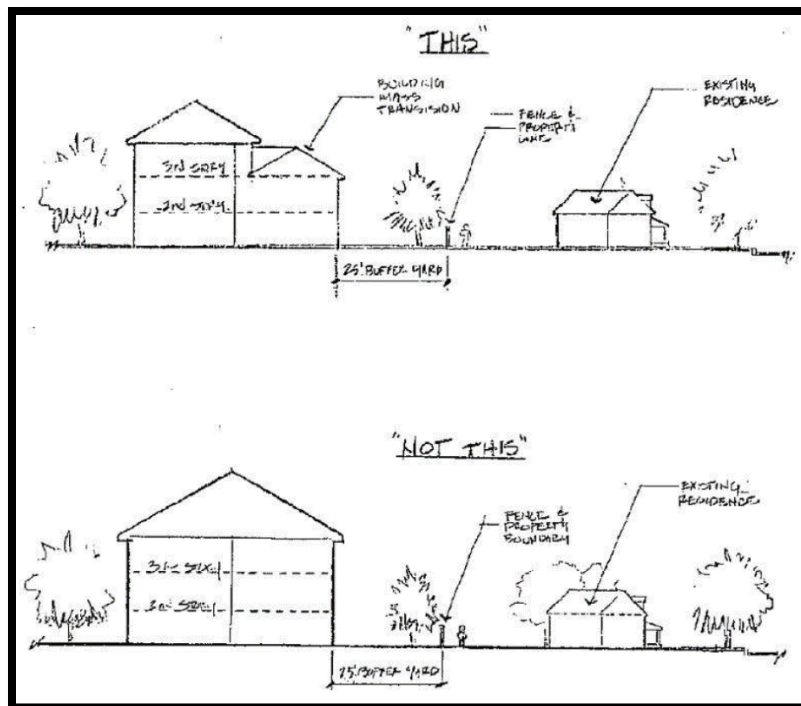
5.15.1 BUILDING AND PROJECT COMPATIBILITY

- (A) **Purpose.** The purpose of this Section is to ensure that the physical and operational characteristics of proposed buildings and uses are compatible when considered within the context of the surrounding area. They should be read in conjunction with the more specific building standards contained in this Division and 5.3 and the zone district standards contained in Articles 2 and 4. All criteria and regulations contained in this Section that pertain to "developments," "the development plan," "buildings" and other similar terms shall be read to include the application of said criteria and regulations to any determination made by the decision maker of Section 6.9.1 for the purpose of evaluating the authorization of an additional use.
- (B) **General Standard.** New developments in or adjacent to existing developed areas shall be compatible with the established architectural character of such areas by using a design that is complementary. In areas where the existing architectural character is not definitively established or is not consistent with the purposes of this Code, the architecture of new development shall set an enhanced standard of quality for future projects or redevelopment in the area. Compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed infill development. Brick and stone masonry shall be considered compatible with wood framing and other materials. Architectural compatibility (including, without limitation, building height) shall be derived from the neighboring context.
- (C) **Building Size, Height, Bulk, Mass, Scale.** Buildings shall either be similar in size and height, or, if larger, be articulated and subdivided into massing that is proportional to the mass and scale of other structures, if any, on the same block face, abutting or adjacent to the subject property, opposing block face or cater-corner block face at the nearest intersection. (See Figures 7a and 7b.)

(1) Figure 7a - Infill Buildings



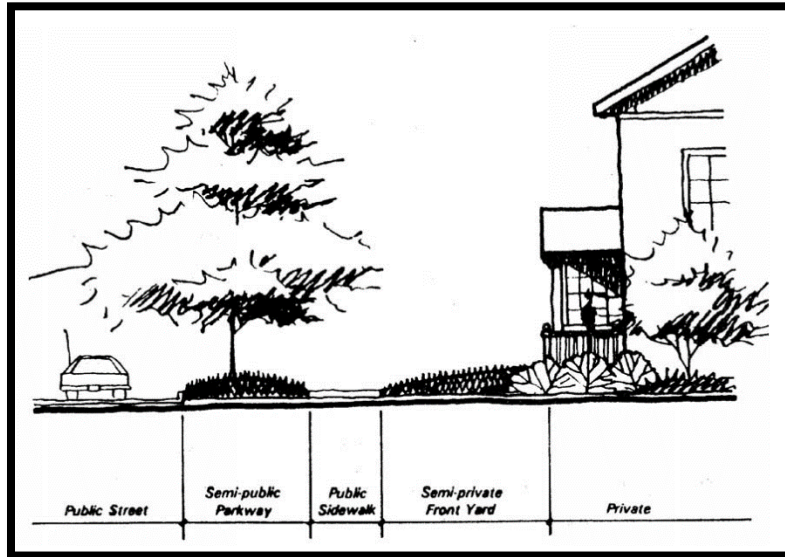
(2) Figure 7b - Infill Buildings



(3) New buildings in historic districts should reflect the historic character of the neighborhood through repetition of roof lines, patterns of door and window placement, and the use of characteristic entry features. These buildings are also subject to Chapter 14 of the City Code and Secretary of the Interior Standards as adopted by the City.

(D) **Privacy Considerations.** Elements of the development plan shall be arranged to maximize the opportunity for privacy by the residents of the project and minimize infringement on the privacy of adjoining land uses. Additionally, the development plan shall create opportunities for interactions among neighbors without sacrificing privacy or security. (See Figure 8.)

(a) Figure 8 Privacy Considerations



(E) **Building Materials.**

- (1) **General.** Building materials shall either be similar to the materials already being used in the neighborhood or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color and texture, shall be utilized to ensure that enough similarity exists for the building to be compatible, despite the differences in materials.
- (2) **Glare.** Building materials shall not create excessive glare. If highly reflective building materials are proposed, such as aluminum, unpainted metal and reflective glass, the potential for glare from such materials will be evaluated to determine whether the glare would create a significant adverse impact on the adjacent property owners, neighborhood or community in terms of vehicular safety, outdoor activities and enjoyment of views. If so, such materials shall not be permitted.
- (3) **Windows.**
 - (a) Mirror glass with a reflectivity or opacity of greater than sixty (60) percent is prohibited.
 - (b) Clear glass shall be used for commercial storefront display windows and doors.
 - (c) Windows shall be individually defined with detail elements such as frames, sills and lintels, and placed to visually establish and define the building stories and establish human scale and proportion.

- (F) **Building Color.** Color shades shall be used to facilitate blending into the neighborhood and unifying the development. The color shades of building materials shall draw from the range of color shades that already exist on the block or in the adjacent neighborhood.

(G) **Building Height Review.**

- (1) **Special Height Review/Modifications.** Purpose. The purpose of this Section is to establish a special process to review buildings or structures that exceed forty (40) feet in height. This section is not intended to supersede the requirements of Chapter 14 of City Code. Its intent is to encourage creativity and diversity of architecture and site design within a context of harmonious neighborhood planning and

coherent environmental design, to protect access to sunlight, to preserve desirable views and to define and reinforce downtown and designated activity centers. All buildings or structures in excess of forty (40) feet in height shall be subject to special review pursuant to this subsection (G).

- (a) **Review Standards.** If any building or structure is proposed to be greater than forty (40) feet in height above grade, the building or structure must meet the following special review criteria:
- (I) **Light and Shadow.** Buildings or structures greater than forty (40) feet in height shall be designed so as not to have a substantial adverse impact on the distribution of natural and artificial light on adjacent public and private property. Adverse impacts include, but are not limited to, casting shadows on adjacent property sufficient to preclude the functional use of solar energy technology, creating glare such as reflecting sunlight or artificial lighting at night, contributing to the accumulation of snow and ice during the winter on adjacent property and shading of windows or gardens for more than three (3) months of the year. Techniques to reduce the shadow impacts of a building may include, but are not limited to, repositioning of a structure on the lot, increasing the setbacks, reducing building mass or redesigning a building shape.
 - (II) **Privacy.** Development plans with buildings or structures greater than forty (40) feet in height shall be designed to address privacy impacts on adjacent property by providing landscaping, fencing, open space, window size, window height and window placement, orientation of balconies, and orientation of buildings away from adjacent residential development, or other effective techniques.
 - (III) **Neighborhood Scale.** Buildings or structures greater than forty (40) feet in height shall be compatible with the scale of the neighborhoods in which they are situated in terms of relative height, height to mass, length to mass and building or structure scale to human scale.
- (b) **Submittal Requirements.** All development plans proposing building or structure heights in excess of forty (40) feet shall, at a minimum, include the following information:
- (I) a shadow analysis that indicates, on the project development site plan, the location of all shadows cast by the building or structure (with associated dates of the year); and
 - (II) a summary of the key conclusions of the shadow analysis, and steps to be taken to comply with the review standards set forth above.
- (c) **Modification of Height Limits.** To provide flexibility in meeting the height limits contained in Article 4 of this Code, such height limits can be either increased or decreased by the decision maker in the development review process for the following purposes:
- (I) preserving the character of existing residential neighborhoods;
 - (II) allowing architectural embellishments consistent with architectural style, such as peaked roof sections, corner turrets, belvederes or cupolas;
 - (III) defining and reinforcing the downtown areas the major focal point in the community;

- (IV) allowing for maximum utilization of activity centers;
- (V) protecting access to sunlight;
- (VI) providing conscious direction to the urban form of the City through careful placement of tall buildings or structures within activity centers;
- (VII) allowing rooftop building extensions to incorporate HVAC equipment.

(H) **Land Use Transition.** When land uses with significantly different Building Types are proposed abutting each other and where gradual transitions are not possible or not in the best interest of the community, the development plan shall, to the maximum extent feasible, achieve compatibility through the provision of buffer yards and passive open space a minimum of 20 ft. in width to enhance the separation between uses.

(I) **Outdoor Storage Areas/Mechanical Equipment.**

- (1) No areas for outdoor storage, trash collection or compaction, loading or other such uses shall be located within twenty (20) feet of any public street, public sidewalk or internal pedestrian way. Notwithstanding the foregoing, areas for trash collection may be located within twenty (20) feet of an internal pedestrian way.
- (2) Loading docks, truck parking, outdoor storage (including storage containers), utility meters, HVAC and other mechanical equipment, trash collection, trash compaction and other service functions shall be incorporated into the overall design theme of the building and the landscape so that the architectural design is continuous and uninterrupted by ladders, towers, fences and equipment, and no attention is attracted to the functions by use of screening materials that are different from or inferior to the principal materials of the building and landscape. These areas shall be located and screened so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
- (3) Conduit, meters, vents and other equipment attached to the building or protruding from the roof shall be painted to match surrounding building surfaces.
- (4) Outside areas, used on a long-term or regular basis for inventory storage or sale, over-stock, seasonal goods, bulk items and the like shall be located within an area that is permanently screened with walls or fences. Materials, colors and design of screening walls or fences shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the building.
- (5) Outside areas that are used on a temporary basis for the sale of seasonal inventory only shall be defined by nonpermanent walls or fences. Such an enclosure shall not inhibit fire access to the building or pedestrian and bicycle access to the building entrance. If chain link fencing is used, it must be vinyl-clad or covered with a mesh material. Any such enclosure shall be removed upon the conclusion of the seasonal sale period.

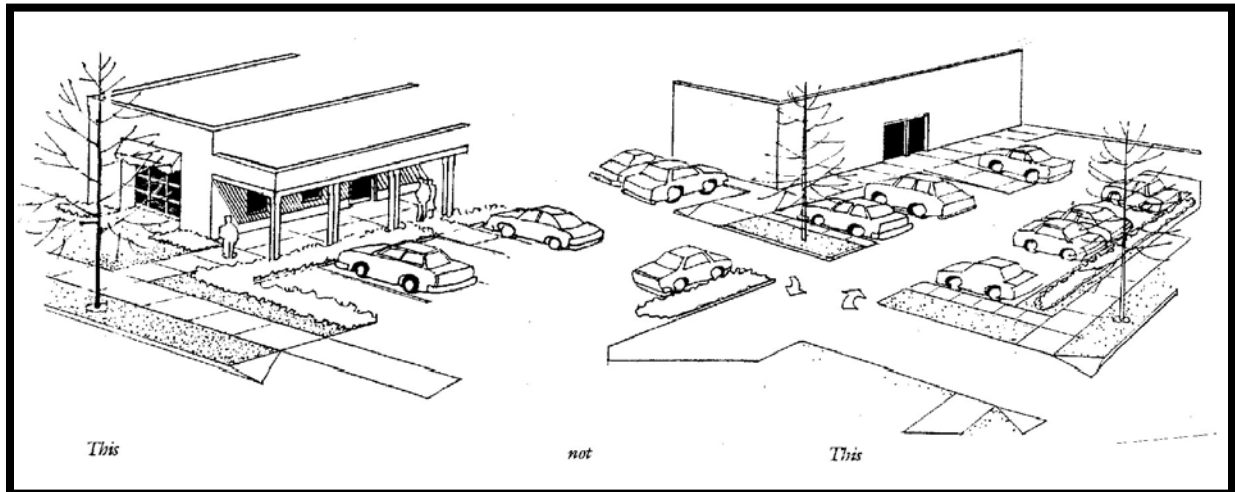
[NOTE: Subsections (4) and (5) shall not apply to temporary vendors who have been issued outdoor vendor licenses as required by Section 15-382 of the City Code, provided that such temporary vendors are not permitted to operate for more than sixty (60) days in any calendar year.]

- (6) All rooftop mechanical equipment shall be screened from public view from both above and below by integrating it into building and roof design to the maximum extent feasible.
 - (7) All satellite dishes that are greater than two (2) meters (78.74 inches) in diameter must be screened and located as required in subsections (1) through (5) of this Section.
- (J) **Operational/Physical Compatibility Standards.** Conditions may be imposed upon the approval of development applications to ensure that new development will be compatible with existing neighborhoods and uses. Such conditions may include, but need not be limited to, restrictions on or requirements for:
- (1) hours of operation and deliveries;
 - (2) location on a site of activities that generate potential adverse impacts on adjacent uses such as noise and glare;
 - (3) placement of trash receptacles;
 - (4) location of loading and delivery zones;
 - (5) light intensity and hours of full illumination;
 - (6) placement and illumination of outdoor vending machines; and
 - (7) location and number of off-street parking spaces.

5.15.2 MIXED-USE, INSTITUTIONAL AND COMMERCIAL BUILDINGS

- (A) **Purpose.** These standards are intended to promote the design of an urban environment that is built to human scale.
- (B) **General Standard.** Mixed-use and nonresidential buildings shall provide significant architectural interest and shall not have a single, large, dominant building mass. The street level shall be designed to comport with a pedestrian scale in order to establish attractive street fronts and walkways. Walkways shall be designed principally for the purpose of accommodating pedestrians and pedestrian connections while secondarily accommodating vehicular movement. Buildings shall be designed with predominant materials, elements, features, color range and activity areas tailored specifically to the site and its context.
- (C) **Relationship of Buildings to Streets, Walkways and Parking.**
 - (1) **Orientation to a Connecting Walkway.** At least one (1) main entrance of any commercial or mixed-use building shall face and open directly onto a connecting walkway with pedestrian frontage. Any building which has only vehicle bays and/or service doors for intermittent/infrequent nonpublic access to equipment, storage or similar rooms (e.g., self-serve car washes and self-serve mini-storage warehouses) shall be exempt from this standard. See Figure 10.

(a) Figure 10 - Orientation to Walkways.



- (2) **Orientation to Build-to Lines for Street front Buildings.** See Article 7 Rules of Measurement Build-to lines.
- (D) **Variation in Massing.** A single, large, dominant building mass shall be avoided in new buildings and, to the extent reasonably feasible, in development projects involving changes to the mass of existing buildings.
- (1) Horizontal masses shall not exceed a height:width ratio of 1:3 without substantial variation in massing that includes a change in height and a projecting or recessed elements.
 - (2) Changes in mass shall be related to entrances, the integral structure and/or the organization of interior spaces and activities and not merely for cosmetic effect. False fronts or parapets create an insubstantial appearance and are prohibited.
- (E) **Character and Image.** In new buildings and, to the extent reasonably feasible, in development projects involving changes to existing building walls, facades or awnings, the following standards shall apply:
- (1) **Site Specific Design.** Building design shall contribute to the uniqueness of a zone district, and/or the Fort Collins community with predominant materials, elements, features, color range and activity areas tailored specifically to the site and its context. In the case of a multiple building development, each individual building shall include predominant characteristics shared by all buildings in the development so that the development forms a cohesive place within the zone district or community. A standardized prototype design shall be modified as necessary to comply with the requirements of this subsection.
 - (2) **Facade Treatment. Minimum Wall Articulation.** Building bays shall be a maximum of thirty (30) feet in width. Bays shall be visually established by architectural features such as columns, ribs or pilasters, piers and fenestration pattern. In order to add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size, the following additional standards shall apply:
 - (I) No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty (30) feet without including at least two (2) of the following:

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

- (II) Side or rear walls that face walkways may include false windows and door openings defined by frames, sills and lintels, or similarly proportioned modulations of the wall, only when actual doors and windows are not feasible because of the nature of the use of the building; and
 - (III) All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear facades shall be prohibited.
- (3) **Facades.** Facades that face streets or connecting pedestrian frontage shall be subdivided and proportioned using features such as windows, entrances, arcades, arbors, awnings, treillage with vines, along no less than fifty (50) percent of the facade.
- (4) **Entrances.** Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.
- (5) **Awnings.** Awnings shall be no longer than a single storefront.
- (6) **Base and Top Treatments.** All facades shall have:
- (a) a recognizable "base" consisting of (but not limited to):
 - (I) thicker walls, ledges or sills;
 - (II) integrally textured materials such as stone or other masonry;
 - (III) integrally colored and patterned materials such as smooth-finished stone or tile;
 - (IV) lighter or darker colored materials, mullions or panels; and/or
 - (V) planters.
 - (b) a recognizable "top" consisting of (but not limited to):
 - (I) cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials;
 - (II) sloping roof with overhangs and brackets; and/or
 - (III) stepped parapets.
- (7) **Encroachments.** Special architectural features, such as bay windows, decorative roofs and entry features may project up to three (3) feet into street rights-of-way, provided that they are not less than nine (9) feet above the sidewalk. Trellises, canopies and fabric awnings may project up to five (5) feet

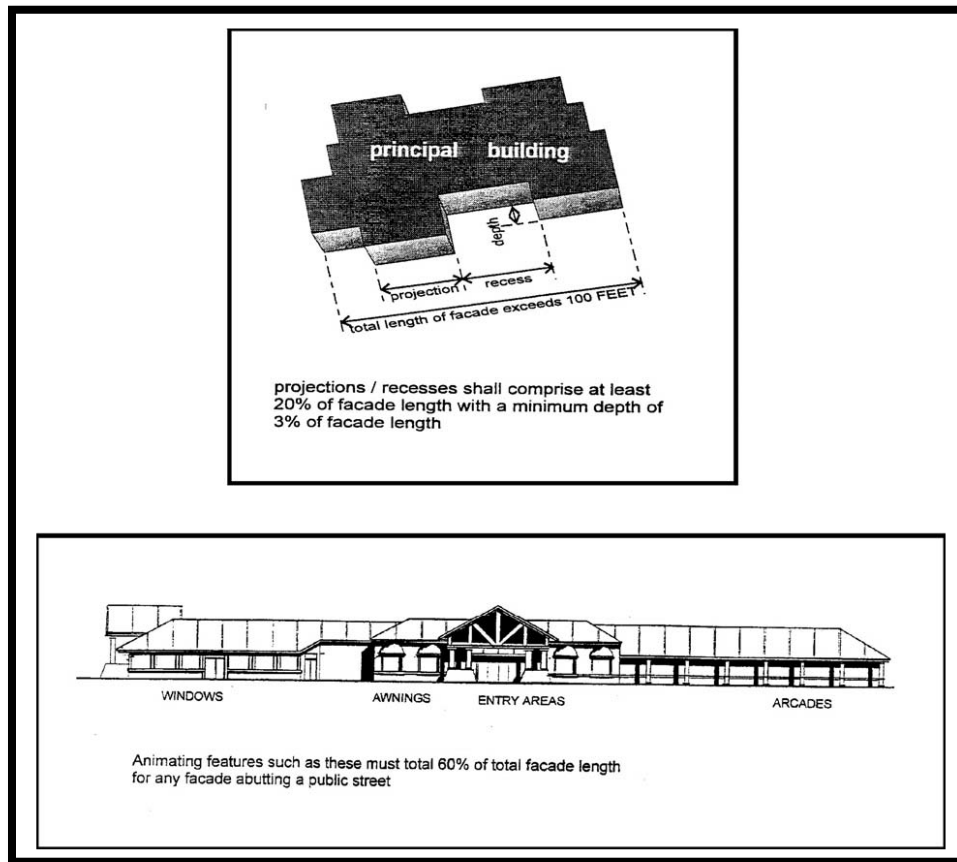
into front setbacks and public rights-of-way, provided that they are not less than eight (8) feet above the sidewalk. No such improvements shall encroach into alley rights-of-way.

- (8) **Drive-through lane width limitation.** No drive-through facility associated with a retail establishment or large retail establishment shall exceed ten (10) feet in width.
- (9) **Illumination prohibition.** Exterior-mounted exposed neon/fiber optic/ rope L.E.D. lighting, illuminated translucent materials (except signs), illuminated striping or banding, and illuminated product displays on appurtenant structures (e.g., fuel dispensers) shall be prohibited.

5.15.3 LARGE RETAIL ESTABLISHMENTS

- (A) **Purpose.** These standards are intended to ensure that large retail building development is compatible with its surrounding area and contributes to the unique community character of Fort Collins. (For expansions/enlargements of large retail establishments, see also Section 6.22.)
- (B) **General Standard.** Large retail buildings shall provide a high level of architectural interest by utilizing high quality materials and design and shall be compatible with the character of the surrounding area. Large retail buildings shall have pedestrian and bicycle access and connectivity and shall mitigate negative impacts. Buildings shall be designed with predominant materials, elements, features, color range and activity areas tailored specifically to the site and its context.
- (C) **Land Use.** All large retail establishments shall be located in a group of more than four (4) retail establishments located in a complex which is planned, developed, owned or managed as a single unit with off-street parking provided on the property. Indoor recreation facilities are exempt from this requirement.
- (D) **Development Standards.**
 - (1) **Aesthetic Character.**
 - (a) **Facades and Exterior Walls:**
 - (I) Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the facade and extending at least twenty (20) percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred (100) horizontal feet; and
 - (II) Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty (60) percent of their horizontal length. (See Figure 11.)
 - (b) **Small Retail Stores.** Where large retail establishments contain additional, separately owned stores that occupy less than twenty-five thousand (25,000) square feet of gross floor area, with separate, exterior customer entrances, the street level facade of such stores shall be transparent between the height of three (3) feet and eight (8) feet above the walkway grade for no less than sixty (60) percent of the horizontal length of the building facade of such additional stores.

(I) Figure 11 - Building.

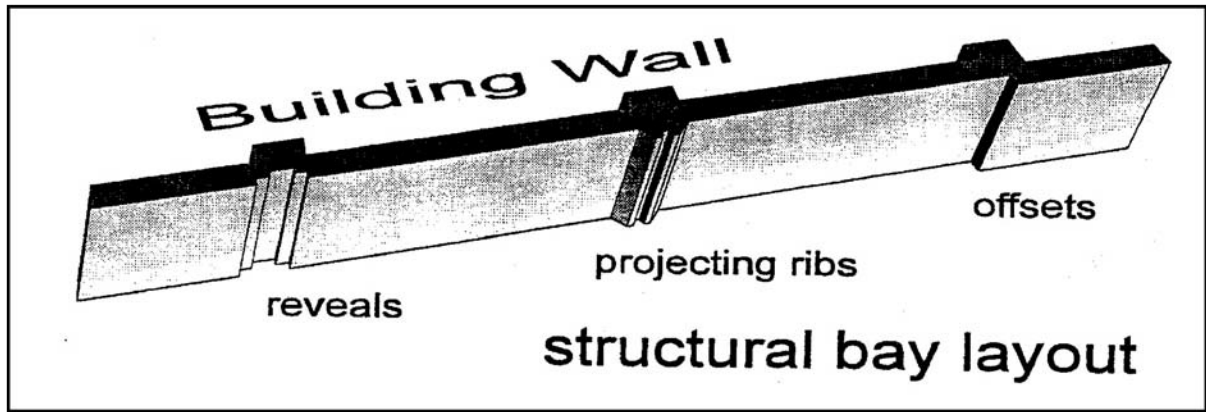


(c) Detail Features. Building facades must include:

- (I) a repeating pattern that includes no less than three (3) of the following elements:
 - (i) color change;
 - (ii) texture change;
 - (iii) material module change; and
 - (iv) an expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as an offset, reveal or projecting rib. (See Figure 12).

Note: At least one (1) of elements (i), (ii) or (iii) shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

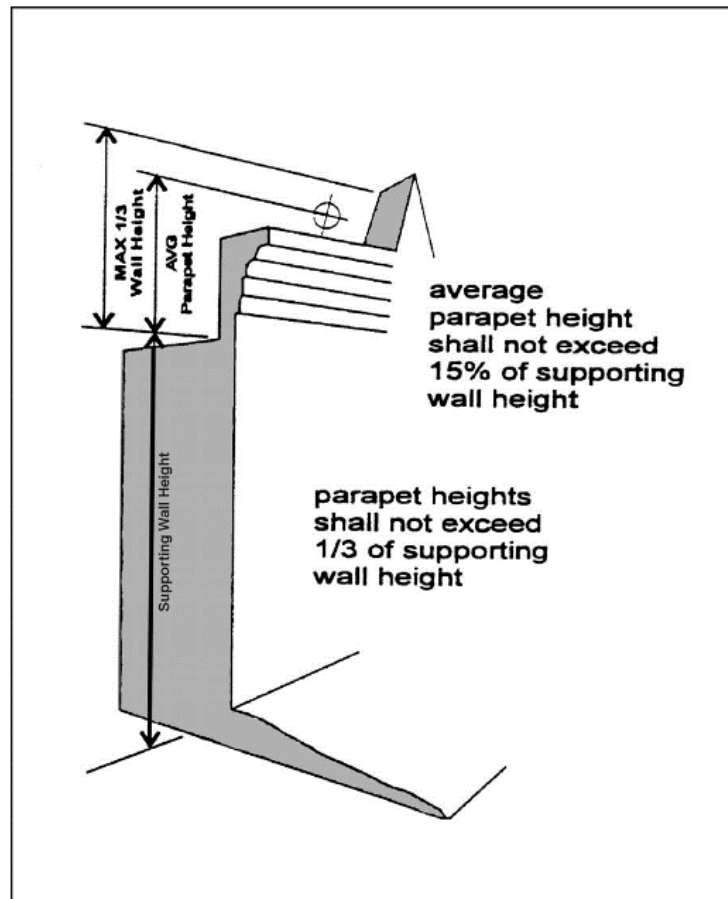
(II) Figure 12 - Expression of Architectural or Structural Bay



(d) Roofs. Roofs shall have no less than two (2) of the following features:

- (1) parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets shall not at any point exceed one-third ($1/3$) of the height of the supporting wall. (See Figure 13.) Such parapets shall feature three-dimensional cornice treatment;

(II) Figure 13 - Parapet Standards



- (III) overhanging eaves, extending no less than three (3) feet past the supporting walls;
 - (IV) sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run; and/or
 - (V) three (3) or more roof slope planes.
- (e) Materials and colors.
- (I) Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, sandstone, other native stone and tinted/textured concrete masonry units.
 - (II) Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.

- (III) Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
- (IV) Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.

(2) Entryways.

(a) Each large retail establishment on a site shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:

- (I) canopies or porticos;
- (II) overhangs;
- (III) recesses/projections;
- (IV) arcades;
- (V) raised corniced parapets over the door;
- (VI) peaked roof forms;
- (VII) arches;
- (VIII) outdoor patios;
- (IX) display windows;
- (X) architectural details such as tile work and moldings which are integrated into the building structure and design; and/or
- (XI) integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

(b) Where additional stores will be located in the large retail establishment, each such store shall have at least one (1) exterior customer entrance, which shall conform to the above requirements.

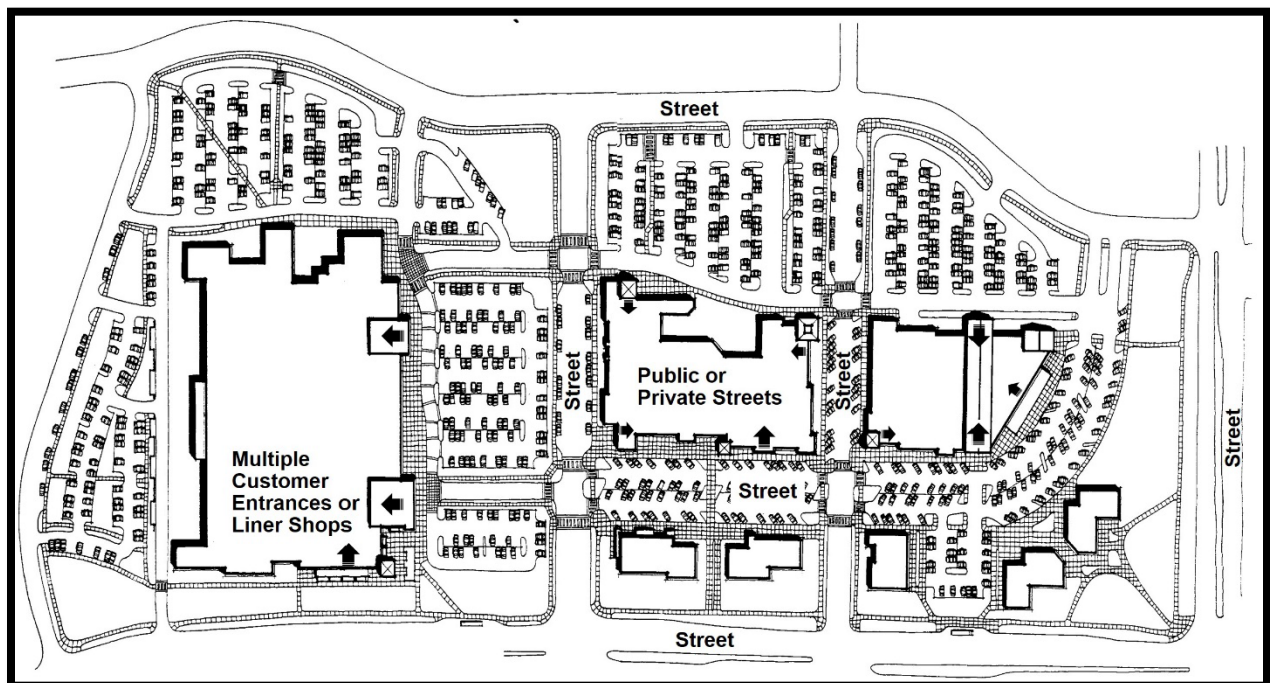
(c) All building facades which are visible from adjoining properties and/or public streets shall comply with the requirements of Article 5.15.3(D)(2) above.

(3) Site Design and Relationship to Surrounding Community.

(a) Entrances. At least two (2) sides of a large retail establishment shall feature operational customer entrances. The two (2) required sides shall be those that are planned to have the highest level of public pedestrian activity, one (1) of which shall also be the side that most directly faces a street with pedestrian access. The other of the two (2) sides having an operational customer entrance may face a second street with pedestrian access, and/or a main parking lot area. If the large retail

establishment does not include a second side entrance that is fully operational and open to the public, then this standard shall be met by attaching smaller retail store(s) ("liner stores") to the side of the large retail establishment which is expected to generate the most pedestrian activity or which faces a public street. Such liner store(s) shall, to the extent reasonably feasible, occupy no less than thirty-three (33) percent of the building elevation on which they are located and shall feature distinctive store fronts and entrances that are significantly differentiated from the large retail establishment in order to create strong identifiable entrance features. Entrances to the liner store(s) may, but need not, provide access into the large retail establishment and must be fully operational and open to customers at times that are generally equivalent to the store hours of the large retail establishment to which they are attached. All entrances, including those of the liner store(s), shall be architecturally prominent and clearly visible from the abutting public street. (See Figure 14.) Movie theaters are exempt from this requirement.

- (l) Figure 14 - Building Entrances (Example of a development with Customer entrances on all sides which face a public street.)



- (b) Parking lot location. No more than fifty (50) percent of the off-street parking area for the lot, tract or area of land devoted to the large retail establishment shall be located between the front facade of the large retail establishment and the abutting streets (the "Front Parking Area"). The Front Parking Area shall be determined by drawing a line from the front corners of the building to the nearest property corners. If any such line, when connected to the plane of the front facade of the building, creates an angle that is greater than one hundred eighty (180) degrees, then the line shall be adjusted to create an angle of one hundred eighty (180) degrees when connected to the plane of the front facade of the building. If any such line, when connected to the plane of the front facade of the building, creates an angle that is less than ninety (90) degrees, then the line shall be adjusted to create an angle of ninety (90) degrees when connected to the plane of the front facade of the building. Parking spaces in the Front Parking Area shall be counted to include all parking spaces within the boundaries of the Front Parking Area, including (i) all partial parking spaces if the part inside the Front Parking Area boundary lines constitutes more than one-half ($\frac{1}{2}$) of said parking

space, and (ii) all parking spaces associated with any pad sites located within the Front Parking Area boundaries. Supermarkets are exempt from this requirement.

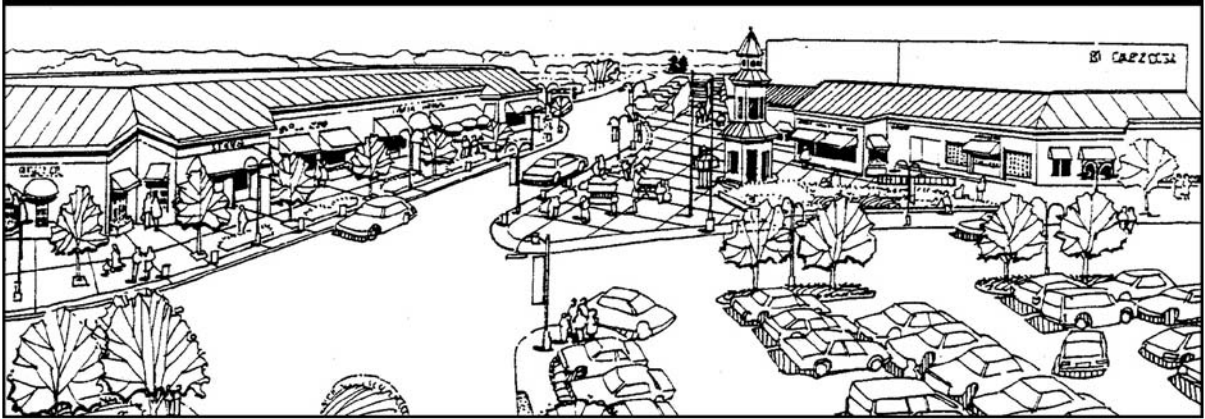
- (c) Back sides. The minimum setback for any building facade shall be thirty-five (35) feet from the nearest property line. Where the facade faces abutting residential uses, an earthen berm, no less than six (6) feet in height, containing at a minimum evergreen trees planted at intervals of twenty (20) feet on center, or in clusters or clumps, shall be provided.
- (d) Connectivity. The site design must provide direct connections and safe street crossings to adjacent land uses.

(4) Pedestrian Circulation.

- (a) Sidewalks at least eight (8) feet in width shall be provided along all sides of the lot that abut a public street.
- (b) Continuous internal pedestrian walkways, no less than eight (8) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all large retail establishments on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials for no less than fifty (50) percent of the length of the walkway.
- (c) Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
- (d) Internal pedestrian walkways provided in conformance with part (b) above shall provide weather protection features such as awnings or arcades within thirty (30) feet of all customer entrances.
- (e) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

- (5) **Central Features and Community Space.** Each retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the appropriate decision maker, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape. (See Figure 15.)

- (a) **Figure 15 – Center with Community Features**



- (6) **Delivery/Loading Operations.** No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of forty-five (45) dB, as measured at the lot line of any adjoining property.

5.15.4 CONVENIENCE SHOPPING CENTER

- (A) **Purpose.** Neighborhood convenience shopping centers are intended to provide locations for small scale, everyday shopping and services assembled in an attractive, convenient destination to primarily serve consumer demand from adjacent areas. These standards supplement the general standards for all commercial and mixed-use development, to promote development in which the commercial component is tempered as needed to reflect neighborhood character and minimize the garish or intrusive characteristics of commercial development.
- (B) **General Standard.** Neighborhood convenience shopping centers shall be compatible with the character of the surrounding neighborhood utilizing high quality materials and finishes and shall be internally compatible and harmonious with respect to quality design, aesthetics and materials, tailored specifically to the site and its context.
- (C) **Land Use.**
- (1) **Size of Development.** A convenience shopping center shall be situated on seven (7) or fewer acres with four (4) or more business establishments located in an area that is planned and developed as a whole.
 - (2) **Permitted Uses.** Permitted uses include retail stores, personal and business services, convenience retail stores (with accessory gas pumps), restaurants without drive-up windows, equipment rental (not including outdoor storage), professional offices, limited banking services such as automated teller machines, multi-unit dwellings, medical offices and clinics, small animal veterinary clinics, and day care services.

(3) **Phasing of Improvements.** If a center is to be built in phases, each phase shall include an appropriate share of the proposed streets and circulation system, landscaping and outdoor spaces, screening and other site and architectural amenities of the entire project. The extent of these improvements shall be determined for each phase of a specific project at the time of project development approval, and may not be based solely upon a proportional or equal share of the entire site. Requirements for a phased project may include off-site improvements.

(D) **Buildings.**

(1) **Architectural Style.** Standardized architecture, recognized as a prototype of a larger chain of establishments, shall be customized as necessary to express a level of quality that enhances the distinctive character of the immediate neighborhood and the City as a whole. Forms and finish materials of buildings, signage, gasoline pump canopies and other accessory structures shall be compatible with the architectural character of the adjacent area through compliance with all of the following standards:

(a) All buildings, including gasoline pump canopies, shall utilize a consistent architectural style, with different buildings, businesses or activities in the center distinguished by variations within the architectural style.

(b) The sides and backs of buildings shall be as visually attractive as the front through the design of roof lines, architectural detailing and landscaping features.

(c) Quality finish materials shall be utilized. Such materials may include, but need not be limited to:

- (I) brick masonry or stone;
- (II) integrally tinted, textured masonry block;
- (III) stucco; or
- (IV) wood siding.

(d) Where any sloped roofs and canopies are used, they shall be covered with:

- (I) high profile asphalt shingles;
- (II) natural clay tiles;
- (III) slate;
- (IV) concrete tiles - with natural texture and color;
- (V) ribbed metal; or
- (VI) wood shakes or shingles, provided that the roof includes required fire protection.

(e) Vending machines and other site accessories shall be integrated into the architectural theme of the center.

(2) **Building Placement.** Minimum building setbacks from the property line of any adjoining residential use shall be twenty (20) feet.

(E) **Site Design.**

(1) **Screening.**

(a) Screening walls or fences shall be at least five (5) feet, but not more than eight (8) feet in height.

(b) Fences or walls shall be constructed of material similar to, or compatible with and complementary to, the primary building material and architecture. (Chain link type fences with or without wood slats or other inserts are not acceptable screening devices.) Fencing shall not impair traffic safety by obscuring views.

(c) Long expanses or fences or wall surfaces shall be architecturally designed so as to avoid monotony by use of repeating elements, alternative opaque and transparent sections, or architectural elements including pillars.

(2) **Landscaping/Streetscapes.**

Ground signage, if any, shall be incorporated into the landscape design.

(3) **Site Setbacks.**

(a) Minimum setbacks of parking and drives from public rights-of-way shall be as follows:

(I) twenty-five (25) feet from any arterial right-of-way; and

(II) fifteen (15) feet from any nonarterial right-of-way.

(b) Minimum setbacks of parking and drives from other land uses shall be as follows:

(I) twenty (20) feet from the property line of any residential use; and

(II) five (5) feet from the property line of nonresidential uses, except a property line between buildings or uses with shared parking areas where zero (0) feet is required.

DIVISION 5.16 SIGNS

5.16.1 SIGNS GENERALLY.

(A) **Title; Purpose and Intent.**

(1) **Title.** Sections 5.16.1, 5.16.2, 5.16.3, 5.16.4, and 5.16.5 may be collectively referred to as the "City of Fort Collins Sign Code," or the "Sign Code". Definitions related to the Sign Code are set out in Section 7.1.2, Definitions.

(2) **Purpose and Intent.** The purpose and intent of the Sign Code is to set out reasonable regulations for the design, location, installation, display, operation, repair, maintenance, and removal of signs in a manner that advances the City's legitimate, important, substantial, and compelling interests, while simultaneously safeguarding the constitutionally protected right of free speech.

(B) **Interests.** The City has a legitimate, important, substantial, or compelling interest in:

- (1) Preventing the proliferation of signs of generally increasing size, dimensions, and visual intrusiveness (also known as "sign clutter") that tends to result from property owners competing for the attention of passing motorists and pedestrians, because sign clutter:
 - (a) Creates visual distraction and obstructs views, potentially creating safety hazards for motorists, bicyclists, and pedestrians;
 - (b) May involve physical obstruction of streets, sidewalks, or trails, creating public negative impacts;
 - (c) Degrades the aesthetic quality of the City, making the City a less attractive place for residents, business owners, visitors, and private investment; and
 - (d) Dilutes or obscures messages on individual signs due to the increasing competition for attention.
- (2) Maintaining and enhancing the historic character of historic Downtown Fort Collins, a unique historic resource of exceptional quality and vibrancy.
- (3) Protecting the health of the City's tree canopy, an important community asset that contributes to the character, environmental quality, and economic health of the City and the region.
- (4) Maintaining a high-quality aesthetic environment to protect and enhance property values, leverage public investments in streets, sidewalks, trails, plazas, parks, open space, civic buildings, and landscaping, and enhance community pride.
- (5) Protecting minors from speech that is harmful to them according to state or federal law, by preventing such speech in places that are accessible to and used by minors.

(C) **Findings.** The City finds that:

- (1) Content-neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out in Section 5.16.1(B) and the constitutionally-protected right to free expression.
- (2) The regulations set out in the Sign Code are unrelated to the suppression of constitutionally-protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers.
- (3) The incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to the Sign Code is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are set out in Section 5.16.1(B).
- (4) Regulation of the location, number, materials, height, sign area, form, and duration of display of temporary signs is essential to prevent sign clutter.
- (5) Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the City's streets if they are not removed.

- (6) Certain classifications of speech are not constitutionally protected due to the harm that they cause to individuals or the community.

(D) Applicability, exemptions, and permit exceptions.

- (1) **Applicability.** The provisions of the Sign Code shall apply to the display, construction, installation, erection, alteration, use, location, maintenance, and removal of all signs within the City that are not specifically exempt from such application.

(2) Sign Permits.

- (a) No sign shall be displayed, constructed, installed, erected, refaced, or altered within the City limits until the City has issued a sign permit, unless the sign qualifies as an exception to the permit requirements.
- (b) No permit is required for routine sign maintenance, painting, or replacing light sources with lighting of comparable intensity (however, the installation of a new manual changeable copy message center or electronic message center does require a permit).

(3) Sign Regulation Exemptions. The Sign Code does not apply to:

- (a) Signs of any type that are installed or posted (or required to be installed or posted) by the Federal government, the State of Colorado, Larimer County, the City, or a School District (collectively, "Governmental Entities"), on property owned or controlled by a Governmental Entity; and/or
- (b) Required signs, posted in accordance with applicable law or regulations.

(4) Sign Regulation Partial Exemptions. The following signs are subject only to subsections (E) through (L) of this Section 5.16.1, inclusive, and shall not require a sign permit:

- (a) Signs that are not visible from any of the following areas due to the configuration of the building(s) or structure(s) or the topography of the site upon which the signs are located:
- (I) Residential lots;
 - (II) Adjoining property that is not under common ownership;
 - (III) Public rights-of-way; or
 - (IV) Property that is located at a higher elevation than the property upon which the sign is displayed.
- (b) Signs that are not legible from adjoining property or rights-of-way due to the configuration of the building(s) or structure(s) or the topography of the site upon which the signs are located or the orientation or setback or typeface of the sign, provided that:
- (I) One (1) such sign may have a sign area that is not more than thirty five (35) square feet, and if a sign area allowance applies to the site, fifty (50) percent of the sign area of the sign is counted towards the sign area allowance;
 - (II) Other such signs may have a sign area that is not more than eight (8) square feet, and are not counted towards any applicable sign area allowance.
- (c) Horizontal projected light signs that are projected onto private property, provided that they are not projected onto required signs.

- (5) **Sign Permit Exceptions.** The following signs may be displayed, constructed, installed, erected, or altered without a sign permit, but are not exempt from other applicable provisions of Section 5.16.2 or Section 5.16.3:
- (a) One (1) optional residential sign per street-facing building elevation of a residential building not exceeding four (4) square feet in area;
 - (b) Flags that are hung from not more than three (3) rigid, straight, building-mounted or ground-mounted flagpoles per one hundred (100) feet of property frontage or fraction thereof, provided that:
 - (I) No more than three (3) flags are flown from any one (1) flagpole;
 - (II) No flag obstructs pedestrian, bicycle, or vehicular traffic, or a required sight triangle; and
 - (III) No flag exceeds thirty-two (32) square feet in area;
 - (c) Small signs, as follows:
 - (I) Signs that are affixed to a building or structure, that do not exceed two (2) square feet in sign area, provided that only one (1) such sign is present on each elevation that is visible from public rights-of-way or adjoining property; and
 - (II) Signs that are less than one (1) square foot in area that are affixed to machines, equipment, fences, gates, walls, gasoline pumps, public telephones, or utility cabinets;
 - (d) Temporary seasonal decorations;
 - (e) Temporary signs (except feather flags and attached or detached temporary banners and pennants, all of which require a sign permit); and
 - (f) Window signs that are less than six (6) square feet in area, provided that:
 - (I) The total area covered by window signs:
 - (i) Does not exceed twenty-five (25) percent of the area of the architecturally distinct window in which they are located; and
 - (ii) Does not exceed twenty-five (25) percent of the sign allowance described in Section 5.16.2(A); and
 - (II) The window signs are not illuminated.

(E) Relationship to Other Regulations.

- (1) In addition to the regulations set out in the Sign Code, signs may also be subject to applicable State laws and regulations (e.g., State of Colorado, Department of Highways, "Rules and Regulations Pertaining to Outdoor Advertising," effective January 1, 1984, as may be amended from time to time), Federal laws and regulations, and applicable adopted building and electrical codes. Exceptions to the sign permit requirements do not constitute exemptions to other applicable codes or permit requirements.
- (2) Where any provision of the Sign Code covers the same subject matter as other regulations of the City, the more specific regulation shall control the more general one, unless the City determines that the more restrictive regulation is clearly unenforceable as a matter of law.

- (3) Where any provision of the Sign Code covers the same subject matter as other regulations of the State of Colorado or the United States, the applicant is advised that nothing in this Chapter shall be construed as a defense to a violation of applicable state or federal law except as may be provided in the state or federal law.
- (4) All signs within the Old Town Historic District within the Downtown District must comply with the Old Town Historic District Design Standards except that the Old Town Historic District Design Standards shall not be interpreted to limit the content of the sign.
- (5) The Downtown District shall be defined by the boundary exhibited in the 2017 Fort Collins Downtown Plan.

(F) **Measurements.**

- (1) **Property Frontage.** Property frontage is measured as the length of each property boundary that abuts a public street right-of-way.
- (2) **Sign Area.**
 - (a) *Generally.* In general, sign area is the area within a continuous polygon with up to eight (8) straight sides that completely encloses the limits of text and graphics of a sign, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign's contents from the background against which they are placed.
 - (b) *Additions.* The area of all freestanding and ground signs shall include the area of the sign face(s) as calculated in subsection (F)(2)(a), together with any portion of the sign structure which exceeds one and one-half (1½) times the area of the sign face(s).
 - (c) *Exclusions.* The sign area does not include the structure upon which the sign is placed (unless the structure is an integral part of the display or used to differentiate it), but does include any open space contained within the outer limits of the display face, or between any component, panel, strip, or figure of any kind composing the display face, whether this open space is enclosed by a frame or border or not.

Figure (F)(2)(c) Sign Area Measurement



- (d) *Multiple Sign Faces*. Freestanding temporary signs may have multiple faces. The area of such signs is measured using the vertical cross-section that represents the sign's maximum projection upon a vertical plane (e.g., for a sign with two (2) opposite faces on the same plane, the total cumulative area of both faces is used for area calculation).



Figure (F)(2)(d) Multiple Sign Faces

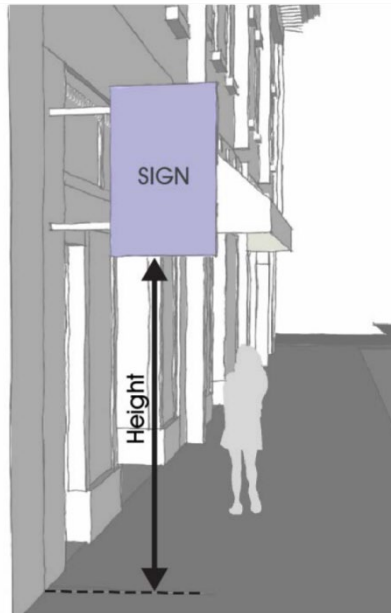
- (e) *Three-Dimensional Sign Faces*. The area of signs that do not have a flat sign face is measured using the vertical cross-section that represents the sign's maximum projection upon a vertical plane.

Figure (F)(2)(e)
Three-Dimensional Sign Faces



- (3) **Sign Clearance**. Sign clearance is the distance between the bottom of a sign or related structural element that is not affixed to the ground and the nearest point on the ground-level surface under it.

**Figure (F)(3)
Sign Clearance**

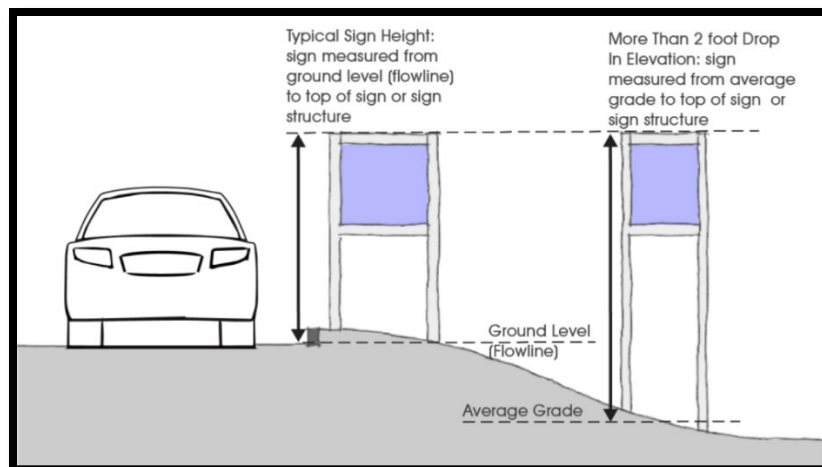


(4) **Sign Height.** Sign height is measured as:

(a) For ground-mounted signs:

- (I) The distance between ground level at the base of the sign and the top of the sign or sign structure, whichever is higher; or
- (II) If the average grade under the base of the sign is more than two (2) feet lower than the average grade of the nearest adjoining street, then the height of the detached sign shall be measured from the elevation of the flowline of the street to the top of the sign or sign structure.

**Figure (F)(4)(a)
Sign Height (Ground-Mounted Signs)**



- (b) For building-mounted signs, the greatest distance between the lowest part of the sign or sign structure and the highest part of the sign or sign structure.

**Figure (F)(4)(b)
Sign Height (Building-Mounted Signs)**



- (5) **Projection.** Projection is the horizontal distance between a building wall or fascia to which a sign is mounted and the part of the sign or sign structure that is most distant from the wall or fascia, Measured perpendicular to the vertical plane of the wall or fascia.

Figure (F)(5) Projection



- (6) **Setbacks.** Sign setbacks are measured perpendicularly from the property line that defines the required setback to the nearest point on the sign or sign structure.

(G) Prohibited signs and sign elements.

- (1) **Generally.** The prohibitions in this subsection (G) apply to temporary and permanent signs in all areas of the City.
- (2) **Prohibited Signs.** The following signs are not allowed, whether temporary or permanent:
 - (a) Temporary signs, except as specifically permitted in Section 5.16.3, Temporary Signs;
 - (b) Portable signs, except as permitted in the Code of the City of Fort Collins Chapter 24, Article IV;
 - (c) Wind-driven signs except flags, feather flags, banners, and pennants in compliance with Section 5.16.3;
 - (d) Inflatable signs, and signs that are designed to appear as inflatable signs (e.g., plastic balloons);
 - (e) Revolving or rotating signs;
 - (f) Permanent off-premises signs;
 - (g) Billboards; and
 - (h) Abandoned signs.
- (3) **Prohibited Design Elements.** The following elements shall not be incorporated as an element of any sign or sign structure, whether temporary or permanent:
 - (a) Animated or moving parts, including any moving, swinging, rotating, or spinning parts or flashing, blinking, scintillating, chasing, fluctuating, or otherwise animated light; except as expressly allowed in this Sign Code;
 - (b) Cardboard, card stock, or paper, except when laminated or used as a window sign located on the interior side of the window;
 - (c) Motor vehicles, unless:
 - (I) The vehicles are operational, and either:
 - (i) Automobile dealer inventory; or
 - (ii) Regularly used as motor vehicles, with current registration and tags.
 - (II) The display of signage on the motor vehicle would not interfere with the immediate operation of the motor vehicle (e.g., signs that are held in place by an open hood or trunk are not allowed; signs that cover windows are not allowed; and signs that would fall off of the vehicle if the vehicle were in motion are not allowed); and
 - (III) The motor vehicle is legally parked in a vehicle use area depicted on an approved site plan.
 - (d) Semi-trailers, shipping containers, or portable storage units, unless:
 - (I) The trailers, containers, or portable storage units are:
 - (i) Structurally sound and capable of being transported;

- (ii) Used for their primary purpose (e.g., storage, pick-up, or delivery); and
- (iii) If subject to registration, have current registration and tags; and
- (II) The display of signage is incidental to the primary purpose; and
 - (i) The semi-trailer, shipping container, or portable storage unit is parked or placed in a designated loading area or on a construction site in an area that is designated on an approved construction staging plan.

Exception: This standard does not apply to shipping containers that are used as building cores.

- (e) Stacked products (e.g., tires, soft drink cases, bagged soil or mulch) that are placed in unapproved outdoor storage locations;
- (f) Materials with a high degree of specular reflectivity, such as polished metal, installed in a manner that creates substantial glare from headlights, streetlights, or sunlight.

Exception: This standard does not prohibit retroreflective materials that comply with the standards set forth in the Manual on Uniform Traffic Control Devices.

- (g) Rooftop signs and all other types of signs that project above the roof deck, except that signs are allowed on parapet walls if the parapet wall was constructed as a part of the building and the parapet wall includes a sign band within which the sign is installed.

Exception: Secondary Roof signs as provided in subsection 5.16.2(F).

(4) **Prohibited Obstructions.** In no event shall a sign, whether temporary or permanent, obstruct the use of:

- (a) Building ingress or egress, including doors, egress windows, and fire escapes;
- (b) Operable windows (with regard to movement, not transparency); or
- (c) Equipment, structures, or architectural elements that are related to public safety, building operations, or utility service (e.g., standpipes, downspouts, fire hydrants, electrical outlets, lighting, vents, valves, and meters).

(5) **Prohibited Mounts.** No sign, whether temporary or permanent, shall be posted, installed, mounted on, fastened, or affixed to any of the following:

- (a) Any tree or shrub;
- (b) Any utility pole or light pole, unless:
 - (I) The sign is a banner or flag that is not more than ten (10) square feet in area;
 - (II) The owner of the utility pole or light pole consents to its use for the display of the banner or flag;
 - (III) The banner or flag is mounted on brackets or a pole that extends not more than thirty (30) inches from the utility pole or light pole;

- (IV) The banner or flag is either situated above an area that is not used by pedestrians or vehicles, or the bottom of the banner or flag has a sign clearance of at least eight (8) feet; and
- (V) Any applicable City encroachment or banner permits are obtained.

(c) Utility cabinets.

(H) **Prohibited Locations.** In addition to applicable setback requirements and other restrictions of this Sign Code, no sign shall be located in any of the following locations:

- (1) In or over public rights-of-way (which, in addition to streets, may include other sidewalks, parkways, trails, multi-use pathways, retaining walls, utility poles, traffic calming devices, medians, and center islands that are within public rights-of-way), except:
 - (a) Signs painted on or affixed to transit shelters and bus benches as authorized by the provider of the shelter or bench, but not extending beyond the physical structure of the shelter or bench;
 - (b) Signs that are the subject of a revocable license agreement with the City, installed and maintained in accordance with the terms of that agreement;
 - (c) Portable signs permitted pursuant to the Code of the City of Fort Collins, Chapter 24, Article IV; or
 - (d) Signs posted by the City or jurisdiction that owns or maintains the right-of-way; or
- (2) Within any sight distance triangle, as provided in subsection (I), below.

(I) **Illumination.** The illumination of signs, where permitted, shall comply with the standards of this subsection (I) and Division 5.12, Exterior Site Lighting.

(1) **Generally.**

- (a) In general, attached illuminated signs shall be turned off by 11:00 PM if they located within three hundred (300) feet of property that is zoned, used, or approved for residential use. However, signs may be illuminated in Downtown, Commercial/Industrial, and Mixed-Use sign districts after 11:00 PM if:
 - (I) The operating hours of the use to which the sign relates extend past 10:30 PM, in which case the sign shall be turned off not more than thirty (30) minutes after the end of operating hours each day; and the sign is dimmed by at least thirty (30) percent between midnight and 6:00 AM;
 - (II) The lighting that illuminates the sign is used primarily for the protection of the premises or for safety purposes; or
 - (III) The sign is separated from residential uses by an arterial street.
- (b) Illuminated signs shall avoid the concentration of illumination. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or nuisance to adjoining property.
- (c) No sign or associated luminaire shall create light spillover of more than one (1) lux at any property line that is zoned or used for single-unit detached, duplex, or townhome purposes.
- (d) Every electric sign shall have affixed thereon an approved Underwriters' Laboratories label, and all wiring connected to such sign shall comply with all provisions of the National Electrical Code, as adopted by the City.

- (e) Electrical service to freestanding signs shall be installed underground. Electrical service to attached signs shall be provided from the building and concealed from view.

(2) Internal Illumination.

- (a) No internal sign lighting shall include any exposed light source, except that neon or comparable tube lighting is permitted in locations where internal sign illumination is allowed.
- (b) During the time between sunset and the time an illuminated sign must be turned off pursuant to subsection (1)(1)(a), above, internally lit signs (including electronic message centers) shall not exceed six hundred (600) nits of luminance.

(3) Indirect Lighting.

- (a) All signs that use indirect lighting shall have their lighting directed in such a manner as to illuminate only the face of the sign, and not to create glare or sky glow.
- (b) When indirect lighting is used to illuminate detached signs, the light source must be concealed from view from on and off-site vehicular and pedestrian use areas and from within existing buildings.
- (c) Indirect lighting of signs shall not exceed the following illuminance:
 - (I) Commercial/Industrial and Mixed-Use Sign Districts: six hundred (600) lux.
 - (II) Downtown Sign District: five hundred (500) lux.
 - (III) All Other Sign Districts: four hundred (400) lux.

- (4) *Off-Premises Signage.* No new illumination may be added to existing off-premises signage.

(J) Message Centers.

(1) Manual Copy Message Centers.

(a) Design.

- (I) Manual changeable copy message centers shall appear integrated into the sign face of a permanent sign that also includes text and graphics that are not part of the manual changeable copy message center.
- (II) No manual changeable copy message center may be constructed using face or screen materials such as expanded metal or other types of mesh; any type of corrugated plastic such as Filon, V3, or Styrene; or other types of materials that are commonly used for "portable" or "homemade" signs.

- (b) **Dimensions.** No manual changeable copy message center shall occupy more than eighty (80) percent of the sign area of a sign.

(c) Operation and Maintenance.

- (I) No changeable copy sign or portion of a sign may have changeable copy that is nailed, pinned, glued, taped, or comparably attached.

- (II) If any part of the changeable copy portion of a sign or the track type system or other method of attachment is absent from the sign, or deteriorates so that it is no longer consistent with the style or materials used in the permanent portion of the sign, or is altered in such a way that it no longer conforms to the approved plans and specifications, the sign shall be removed or repaired within fourteen (14) days.
- (2) **Electronic Message Centers.** Digital electronic message centers ("EMCs") may be incorporated into signs as provided in this subsection.
- (a) **Number, Design, Dimensions.**
- (I) Not more than one (1) sign with an EMC component is allowed per street frontage.
 - (II) EMCs shall appear to be incorporated into the face of a permanent sign that includes text or graphics that are not part of the EMC.
 - (III) EMCs shall not have a pixel pitch that is greater than twelve (12) mm.
 - (IV) EMCs shall be integrated harmoniously into the design of the sign face and structure, shall not be the predominant element of the sign, and if located at the top of a sign, the sign must include a substantial cap feature above the EMC, which consists of the same material, form, color, and texture as is found on the sign face or structure.
 - (V) Not more than fifty (50) percent of the sign area of a permitted sign may be occupied by EMCs.
- (b) **Spacing, Prohibitions.**
- (I) Signs with EMC components shall be separated from each other and from property used or if the property is vacant but zoned for residential purposes (except multi-unit buildings with more than four [4] units) by a distance of not less than one hundred (100) feet, measured in a straight line.
 - (II) EMCs are not allowed on a freestanding pole sign.
 - (III) In the Downtown (D) District, wall signs with electronic message centers are not permitted on properties located within the boundaries of the Portable Sign Placement Area Map, See Section 24-150, et seq., Fort Collins City Code.
- (c) **Operations.**
- (I) The message displayed on an EMC shall not change more frequently than once per sixty (60) seconds. If a single sign includes multiple EMCs, they shall be considered a single EMC for the purposes of this standard.
 - (II) EMCs shall contain static messages only, and animated, dissolve, or fade transitions are not allowed.
 - (III) EMCs shall be controlled by dimming software and sensors to adjust brightness for nighttime viewing and variations in ambient light. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare.

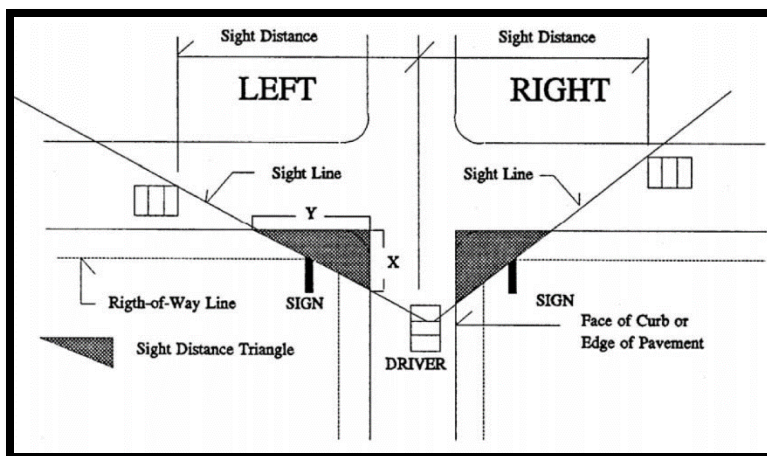
(d) **Certification.** Prior to acceptance of the installation by the City, the permit holder shall schedule an inspection with a Zoning Inspector to verify compliance. The permit holder and the business owner, business manager or property manager shall be in attendance during the inspection.

(K) **Sight Distance Triangles.** Signs that obstruct view within an area between forty-two (42) inches and seventy-two (72) inches above the flowline of the adjacent street shall be set back from the right-of-way line a distance as established in Table (K), Sight Distance Triangles.

Table (K) Sight Distance Triangles ¹			
Type of street	Y distances (ft.) ²	X distances (ft.)	Safe sight distance (ft.)
Arterial	Right: 135	15	500
	Left: 270		
Collector	Right: 120	15	400
	Left: 220		
Local	Right: 100	15	300
	Left: 150		

Table Notes:
¹ These distances are typical sight distance triangles to be used under normal conditions and may be modified by the Director of Engineering in order to protect the public safety and welfare in the event that exceptional site conditions necessitate such modification.
² See Figure (K) for illustration.

Figure (K)
Sight Distance Triangle Setbacks



(L) **Content.** Except as provided in this subsection (L), no sign shall be approved or disapproved based on the content or message it displays.

(1) **Prohibition on Certain Types of Unprotected Speech.** The following content, without reference to the viewpoint of the individual speaker, shall not be displayed on signs:

(a) Text or graphics that is harmful to minors as defined by state or federal law;

(b) Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats, as such words and phrases are defined by controlling law;

- (c) Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs; or
- (d) Signs that provide false information related to public safety (e.g., signs that use the words "Stop," "Yield," "Caution," or "Danger," or comparable words, phrases, symbols, or characters that are presented in a manner as to confuse motorists or imply a safety hazard that does not exist).

(2) **Severability.** The narrow classifications of content that are prohibited from display on signs by this subsection (L) are either not protected by the United States and Colorado Constitutions, or are offered limited protection that is outweighed by the substantial and compelling governmental interests in protecting the public safety and welfare. It is the intent of the City Council that each provision of this subsection (L) be individually severable in the event that a court holds one or more of them to be inconsistent with the United States Constitution or Colorado Constitution.

(M) Sign Districts.

- (1) **Generally.** In recognition that the City is a place of diverse physical character, and that different areas of the City have different functional characteristics, signs shall be regulated based on sign district in which they are located.
- (2) **Sign Districts Created.** The following sign districts are created: Downtown, Commercial/Industrial, Multi-unit, Single-unit, and Residential Neighborhood. Sign districts shall correspond to zoning districts as provided in Table (M), Sign Districts.

Table (M) Sign Districts	
Sign District	Corresponding Zoning Districts
Downtown	D; RDR
Commercial/Industrial	T; CC; CCN; CCR; CG; CS; CL; HC; E; I
Mixed-Use	LMN; MMN; HMN; NC
Multi-unit	OT-B; OT-C; MH
Single-unit	RUL; UE; RF; RL; OT-A; POL; RC
Residential Neighborhood Sign District	See map on file at City Clerk's office. To the extent of any geographic overlap with other sign districts, the Residential Neighborhood Sign District supersedes the overlapped sign district.

5.16.2 PERMANENT SIGNS

(A) Sign Area Allowance.

- (1) **Generally.** The sign area allowance limits the total amount of sign area that may be allocated to certain types of signs (listed in Tables (B) to (F)) on a site based on the location and use of the site. Sign area allowance is calculated as set out in Table (A), Sign Area Allowance.

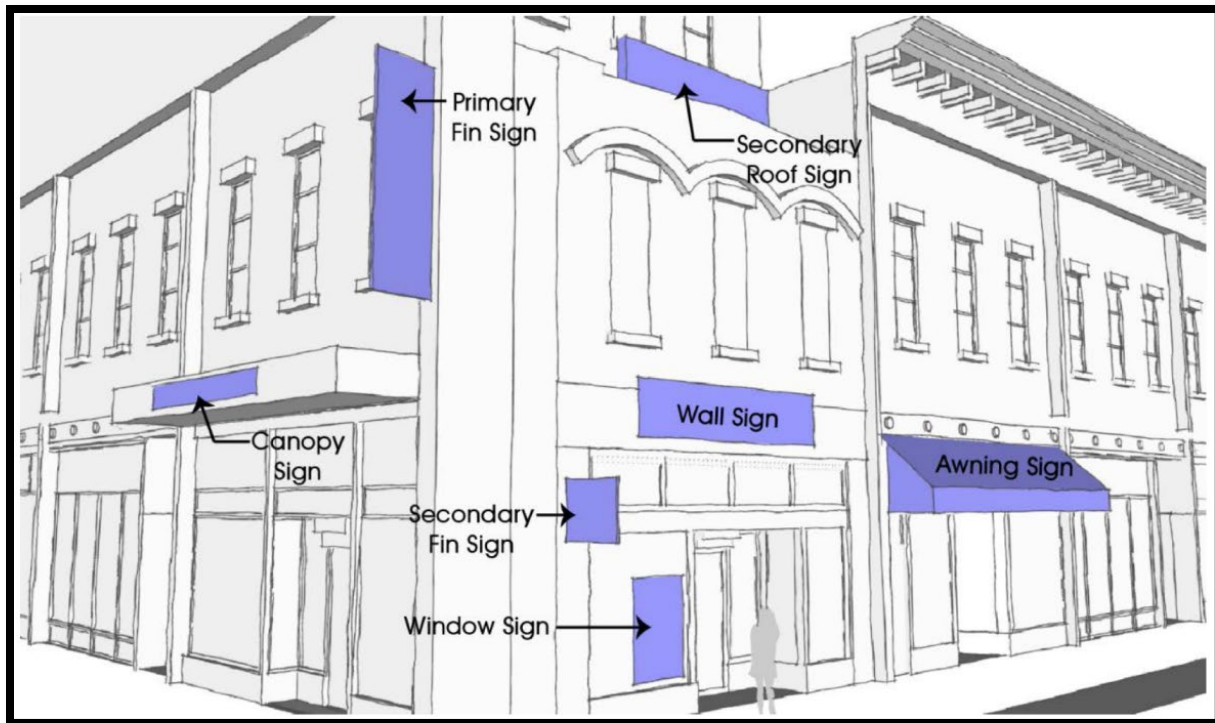
Table (A) Sign Area Allowance					
Location/Use	Calculation				
	For 1st 200 lf. of bldg. frontage.	+	For each lf. of bldg. frontage in excess of 200 lf.	=	But not less than
Generally					

All Sign Districts ¹	2 sf./lf.	+	1 sf./lf.	=	1 sf./lf. of lot frontage
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TABLE NOTES:
¹ Sign allowance is calculated per building frontage and may only be applied to the frontage to which the calculations apply. No more than 3 building frontages shall be used for the purposes of the sign allowance calculations.

- (2) **Sites without Frontage on Public Streets.** If a building does not have frontage on a dedicated public street, the owner of the building may designate the one building frontage for the purpose of calculating the sign area allowance.
- (3) **Allocation of Sign Area Allowance.**
 - (a) If the only building frontage that fronts on a public street is a wall containing no signs, the property owner may designate another building frontage on the building on the basis of which the total sign allowance shall be calculated, provided that no more than twenty-five (25) percent of the total sign allowance permitted under this Sign Code may be placed on frontage other than the building fascia which was the basis for the sign allowance calculation.
 - (b) In all other cases, the sign allowance for a property may be distributed in any manner among its building and/or street frontages except that no one building, or street frontage may contain more sign area than one hundred (100) percent of the sign area allowance.

Figure (A), Sign Types



(B) **Wall Signs.** Wall signs are allowed according to the standards in Table (B), Wall Signs.

Table (B) Wall Signs						
Type of Sign Standards	Sign District					
	Outside of Residential Neighborhood Sign District ¹					
	Downtown	Commercial/Industrial	Mixed-Use	Multi-Unit	Single-Unit	Within Residential Neighborhood Sign District ¹
Applied or Painted Wall Signs						
Max. #	Not limited.	Not limited.	1 per single-unit dwelling or duplex building that fronts on an arterial; or 1 per nonresidential use.	1 per single-unit dwelling or duplex building that fronts on an arterial; or 1 per nonresidential use.	1 per single-unit dwelling or duplex building that fronts on an arterial; or 1 per nonresidential use.	1 per single-unit dwelling or duplex building that fronts on an arterial; not limited for nonresidential uses.
Subject to Sign Area Allowance	Yes.	Yes.	Nonresidential uses only.	Nonresidential uses only.	Nonresidential uses only.	Yes.
Max. Sign Area	In addition to sign allowance, 6 sf. is allowed on rear wall if: (i) the wall includes a public entrance; (ii) site is within DDA Alley Enhancement Project area; and (iii) a projecting sign is not installed on the wall.	Limited by sign area allowance.	Single-unit or duplex building: 4 sf. Nonresidential use: 35 sf.	Single-unit or duplex building: 4 sf. Nonresidential use: 35 sf.	Single-unit or duplex building: 4 sf. Nonresidential use: 35 sf.	Limited by sign area allowance, except if tenant space does not have outside wall, in which case 30 sf.
Max. Sign Height	4.5 ft. if within 15 ft. of elevation of sidewalk below; 7 ft. if above 15 ft. of elevation of sidewalk below but any portion below fourth story; 9 ft. if entirely above fourth story.	7 ft.	7 ft.	7 ft.	7 ft.	2.5 ft. within Neighborhood Service Center or Neighborhood Commercial Uses; 2 ft. within Convenience Shopping Center use; and 1.5 ft. for all other Institutional, Business, Commercial, or other Nonresidential uses.
Max. Sign Width	N/A.	N/A.	N/A.	N/A.	N/A.	N/A.

Allowed Lighting	Indirect only.	Indirect only.	Indirect only.	Indirect only.	None.	Indirect only.
Other Standards	For flush wall signs consisting of framed banners, all banners shall be sized to fit the banner frame so that there are no visible gaps between the edges of the banner and the banner frame.	For flush wall signs consisting of framed banners, all banners shall be sized to fit the banner frame so that there are no visible gaps between the edges of the banner and the banner frame.	Not allowed if detached sign is installed.	Not allowed if detached sign is installed.	Not allowed if detached sign is installed.	Location shall harmonize with architecture of the building(s) to which sign is attached, (e.g., projection, relief, cornice, column, change of building material, window or door opening); Flush wall signs shall align with other such signs on the same building.

Figure (B)(1)
Applied or Painted Wall Signs



Table (B) Wall Signs						
Type of Sign Standards	Sign District					
	Outside of Residential Neighborhood Sign District ¹					
	Downtown	Commercial/Industrial	Mixed-Use	Multi-Unit	Single-Unit	Within Residential Neighborhood Sign District ¹
Applied or Painted Wall Signs - Vertically Oriented						

Max. #	1 per building.	1 per building.	1 per building.	1 per building.	1 per building.	1 per single-unit dwelling or duplex building that fronts on an arterial; 1 per building for nonresidential uses.
Subject to Sign Area Allowance	Yes.	Yes.	Nonresidential uses only.	Nonresidential uses only.	Nonresidential uses only.	Yes.
Max. Sign Area	Limited by sign area allowance.	Limited by sign area allowance.	Single-unit or duplex building: 4 sf. Nonresidential use: 35 sf.	Single-unit or duplex building: 4 sf. Nonresidential use: 35 sf.	Single-unit or duplex building: 4 sf. Nonresidential use: 35 sf.	Limited by sign area allowance, except if tenant space does not have outside wall, in which case 30 sf.
Max. Sign Height	10' if within 15' of elevation of sidewalk below; 25 ft. if above 15' of elevation of sidewalk below.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Max. Sign Width	2 ft.	2 ft.	2 ft.	2 ft.	2 ft.	2 ft.
Allowed Lighting	Indirect only.	Indirect only.	Indirect only.	Indirect only.	Indirect only.	Indirect only.

Figure (B)(2)
Applied or Painted Wall Signs - Vertically Oriented

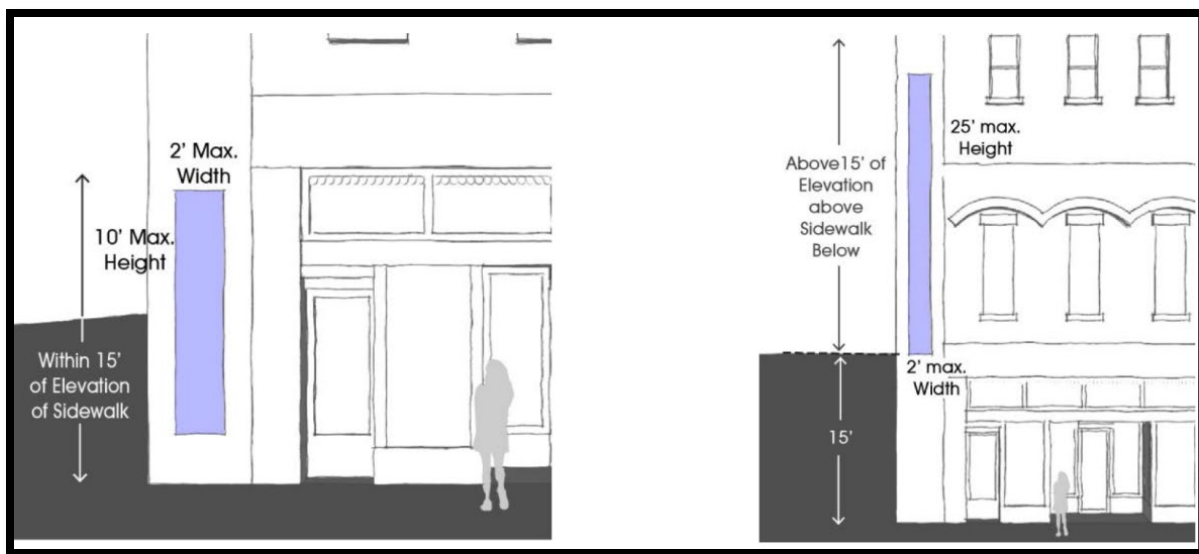


Table (B) Wall Signs						
Type of Sign Standards	Sign District					
	Outside of Residential Neighborhood Sign District ¹					
	Downtown	Commercial/Industrial	Mixed-Use	Multi-Unit	Single-Unit	Within Residential Neighborhood Sign District ¹
Cabinet Wall Signs or Dimensional Wall Signs						
Max. #	Not limited.	Not limited.	Not limited for nonresidential or mixed-use; 1 per building per frontage for multi-unit properties.	Not limited for nonresidential or mixed-use; 1 per building per frontage for multi-unit properties.	Not limited for nonresidential or mixed-use; 1 per building per frontage for multi-unit properties.	Not limited for nonresidential or mixed-use; 1 per building per frontage for multi-unit properties.
Subject to Sign Area Allowance	Yes.	Yes.	Nonresidential uses only.	Yes.	Yes.	Yes.
Max. Sign Area	Limited by sign area allowance.	Limited by sign area allowance.	Limited by sign area allowance.	Limited by sign area allowance.	Limited by sign area allowance.	Limited by sign area allowance.
Max. Sign Height	4.5 ft. if within 15 ft. of elevation of sidewalk below; 7 ft. if above 15 ft. of elevation of sidewalk below but any portion below fourth story; 9 ft. if entirely above fourth story.	7 ft.	7 ft.	7 ft.	7 ft.	2.5 ft. within Neighborhood Service Center or Neighborhood Commercial Uses; 2 ft. within Convenience Shopping Center use; and 1.5 ft. for all other Institutional, Business, Commercial, or other Nonresidential uses.
Max. Projection	1 ft.	1 ft.	1 ft.	1 ft.	1 ft.	1 ft.
Allowed Lighting	Any.	Any.	Any.	None.	None.	Internal only.
Other Standards	Raceway must be finished to match color of wall; raceway must be not more than 50% of height of attached letters or shapes.	Raceway must be finished to match color of wall; raceway must be not more than 50% of height of attached letters or shapes.	Raceway must be finished to match color of wall; raceway must be not more than 50% of height of attached letters or shapes.	Raceway must be finished to match color of wall; raceway must be not more than 50% of height of attached letters or shapes.	Raceway must be finished to match color of wall; raceway must be not more than 50% of height of attached letters or shapes.	Raceway must be finished to match color of wall; raceway must be not more than 50% of height of attached letters or shapes.

(C) **Window Signs.** Window signs are allowed according to the standards in Table (C), Window Signs.

Table (C) Window Signs						
Type of Sign Standards	Sign District					
	Outside of Residential Neighborhood Sign District ¹					
	Downtown	Commercial/Industrial	Mixed-Use	Multi-Unit	Single-Unit	Within Residential Neighborhood Sign District ¹
All Window Signs						
Max. #	Not limited. ¹	Not limited. ¹	Not limited. ¹	Not limited.	Not limited.	Not limited.
Subject to Sign Area Allowance	Yes, except as provided in "other standards," below.	Yes, except as provided in "other standards," below.	Nonresidential only, and except as provided in "other standards," below.	No.	No.	Yes.
Max. Sign Area ²	Up to 50% of area of architecturally distinct window.	Up to lesser of 50% of area of architecturally distinct window or 80 sf.	Up to lesser of 50% of area of architecturally distinct window or 80 sf.	Nonresidential: Up to lesser of 50% of area of architecturally distinct window or 80 sf.; Residential: 6 sf.	Nonresidential: Up to lesser of 50% of area of architecturally distinct window or 80 sf.; Residential: 6 sf.	Nonresidential: Up to lesser of 25% of area of architecturally distinct window or 80 sf.; Residential: 6 sf.
Max. Sign Height	No Max.	7 ft.	7 ft.	3 ft.	3 ft.	3 ft.
Allowed Lighting	Internal.	Internal.	Internal.	None.	None.	Internal.
Other Standards	Window signs that are not exempt from sign permits are counted towards sign area allowance. See subsection (A), above, and Section 5.16.1(D)(5)(f).	Window signs that are not exempt from sign permits are counted towards sign area allowance. See subsection (A), above, and Section 5.16.1(D)(5)(f).	Window signs that are not exempt from sign permits are counted towards sign area allowance. See subsection (A), above, and Section 5.16.1(D)(5)(f).	Not allowed above the first story of nonresidential buildings.	Not allowed above the first story of nonresidential buildings.	Not allowed above the first story of nonresidential buildings.

(D) **Projecting Signs.** Projecting signs include awning signs, marquee signs, under-canopy signs, and fin signs. Projecting signs are allowed according to the standards in Table (D), Projecting Signs. Projecting signs shall not extend into the public right-of-way, except that the City may grant a revocable license to allow projecting signs to encroach into the right-of-way.

Table (D) Projecting Signs						
Type of Sign Standards	Sign District					
	Outside of Residential Neighborhood Sign District ¹					
	Downtown	Commercial/Industrial	Mixed-Use	Multi-Unit	Single-Unit	Within Residential Neighborhood Sign District ¹
Awning Signs						

Max. #	1 per awning.	1 per awning.	1 per awning.	1 per awning; limited to nonresidential uses.	1 per awning; limited to nonresidential uses.	1 per awning; limited to nonresidential uses.
Subject to Sign Area Allowance	Yes.	Yes.	Nonresidential uses only.	Nonresidential uses only.	Nonresidential uses only.	Yes.
Max. Sign Area	Lesser of 35 sf. or 25% of total area of the awning.	Lesser of 35 sf. or 25% of total area of the awning.	Lesser of 35 sf. or 25% of total area of the awning.	Lesser of 35 sf. or 25% of total area of the awning.	Lesser of 10 sf. or 10% of total area of the awning.	Lesser of 35 sf. or 25% of total area of the awning.
Max. Projection (may project into right-of-way with revocable license)	7 ft.	7 ft.	7 ft.	7 ft.	7 ft.	7 ft.
Min. Sign Clearance	8 ft. to awning; 7 ft. to valance.	8 ft. to awning; 7 ft. to valance.	8 ft. to awning; 7 ft. to valance.	8 ft. to awning; 7 ft. to valance.	8 ft. to awning; 7 ft. to valance.	8 ft. to awning; 7 ft. to valance.
Allowed Lighting	Indirect; or backlighting of letters and graphics is allowed if background is completely opaque.	Indirect; or backlighting of letters and graphics is allowed if background is completely opaque.	Indirect; or backlighting of letters and graphics is allowed if background is completely opaque.	Indirect; or backlighting of letters and graphics is allowed if background is completely opaque.	For nonresidential uses only; Indirect; or backlighting of letters and graphics is allowed if background is completely opaque.	Indirect; or backlighting of letters and graphics is allowed if background is completely opaque.
Other Standards	Not allowed above first story; awning must be installed over window or building entrance Awning sign shall not project above top of awning or beyond face of awning.	Not allowed above first story; awning must be installed over window or building entrance Awning sign shall not project above top of awning or beyond face of awning.	Not allowed above first story; awning must be installed over window or building entrance Awning sign shall not project above top of awning or beyond face of awning.	Not allowed above first story; awning must be installed over window or building entrance Awning sign shall not project above top of awning or beyond face of awning.	Not allowed above first story; awning must be installed over window or building entrance Awning sign shall not project above top of awning or beyond face of awning.	Not allowed above first story; awning must be installed over window or building entrance Awning sign shall not project above top of awning or beyond face of awning.
Under-Canopy Signs						
Max. #	1 per building entrance for canopies that are attached to buildings; 1 per elevation for detached canopies.	1 per building entrance for canopies that are attached to buildings; 1 per elevation for detached canopies.	1 per building entrance for canopies that are attached to buildings; 1 per elevation for detached canopies.	1 per building entrance for canopies that are attached to buildings; 1 per elevation for detached canopies.	1 per building entrance for canopies that are attached to buildings; 1 per elevation for detached canopies.	Under canopies that cover vehicular use areas: 1 per street frontage; all others not limited.

Subject to Sign Area Allowance	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Max. Sign Area (per face)	Not covering vehicular use area: 4 sf.; Covering vehicular use area: 12 sf.	Not covering vehicular use area: 4 sf.; Covering vehicular use area: 12 sf.	Not covering vehicular use area: 4 sf.; Covering vehicular use area: 12 sf.	Not covering vehicular use area: 4 sf.; Covering vehicular use area: 12 sf.	Not covering vehicular use area: 4 sf.; Covering vehicular use area: 12 sf.	Not covering vehicular use area: 4 sf.; Covering vehicular use area: 12 sf.
Min. Sign Clearance	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.
Allowed Lighting	Any.	Any.	Any.	Indirect only.	Indirect only.	Indirect only.
Other Standards	Under-canopy sign shall not project above top of canopy to which it is mounted; painted or applied wall sign standards apply if parallel to building facade; secondary fin sign standards apply if perpendicular to building facade; not allowed if secondary fin sign is present at same entrance.	Under-canopy sign shall not project above top of canopy to which it is mounted; painted or applied wall sign standards apply if parallel to building facade; secondary fin sign standards apply if perpendicular to building facade; not allowed if secondary fin sign is present at same entrance.	Under-canopy sign shall not project above top of canopy to which it is mounted; painted or applied wall sign standards apply if parallel to building facade; secondary fin sign standards apply if perpendicular to building facade; not allowed if secondary fin sign is present at same entrance.	Not allowed if secondary fin sign is present at same entrance.	Not allowed if secondary fin sign is present at same entrance.	Not allowed on a canopy that covers a vehicular use area if a canopy sign is present; not allowed if secondary fin sign is present at same entrance.
Fin Signs (Primary)						
Max. #	1 per street frontage per nonresidential, mixed-use, or multifamily building.	1 per street frontage per nonresidential, mixed-use, or multifamily building.	1 per street frontage per nonresidential, mixed-use, or multifamily building.	1 per street frontage per nonresidential, mixed-use, or multifamily building.	1 per street frontage per nonresidential, mixed-use, or multifamily building.	1 per street frontage per nonresidential, mixed-use, or multifamily building.
Subject to Sign Area Allowance	Yes.	Yes.	Yes, but only for nonresidential, mixed-use, or multifamily buildings.	Yes, but only for nonresidential, mixed-use, or multifamily buildings.	Yes, but only for nonresidential, mixed-use, or multifamily buildings.	Yes.
Max. Sign Area	12 sf. if within 15 ft. of elevation of sidewalk below; 25 sf. if between 15 ft. and 45 ft. of elevation above sidewalk below; 45 sf. if entirely above 45 ft. of	15 sf.	15 sf.	15 sf.	15 sf.	7 sf.

	elevation above sidewalk below.					
Max. Sign Height	7 ft. if within 15 ft. of elevation of sidewalk below; 10 ft. if 15 ft. to 45 ft. of elevation above sidewalk below; 18 ft. if entirely above 45 ft. of elevation above sidewalk below.	7 ft.	7 ft.	7 ft.	7 ft.	4 ft.
Max. Projection (may project into right-of-way only by revocable license)	Entirely or partially below third story: 3 ft.; entirely above third story: 6 ft.; Not more than 4 ft. within right-of-way.	6 ft.; not more than 4 ft. within right-of-way.	6 ft.; not more than 4 ft. within right-of-way.	6 ft.; not more than 4 ft. within right-of-way.	6 ft.; not more than 4 ft. within right-of-way.	4 ft.; not more than 4 ft. within right-of-way.
Min. Sign Clearance	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.
Allowed Lighting	Any.	Any.	Any.	Any.	Any.	Internal only.
Other Standards	City may authorize up to 48 in. encroachment into right-of-way by revocable license if total sign area for fin signs is lesser of 1 sf. per lf. building frontage or 12 sf.	City may authorize up to 48 in. encroachment into right-of-way by revocable license if total sign area for fin signs is lesser of 1 sf. per lf. building frontage or 12 sf.	City may authorize up to 48 in. encroachment into right-of-way by revocable license if total sign area for fin signs is lesser of 1 sf. per lf. building frontage or 12 sf.	City may authorize up to 48 in. encroachment into right-of-way by revocable license if total sign area for fin signs is lesser of 1 sf. per lf. building frontage or 12 sf.	City may authorize up to 48 in. encroachment into right-of-way by revocable license if total sign area for fin signs is lesser of 1 sf. per lf. building frontage or 12 sf.	

Figure (D)
Fin Signs (Primary)

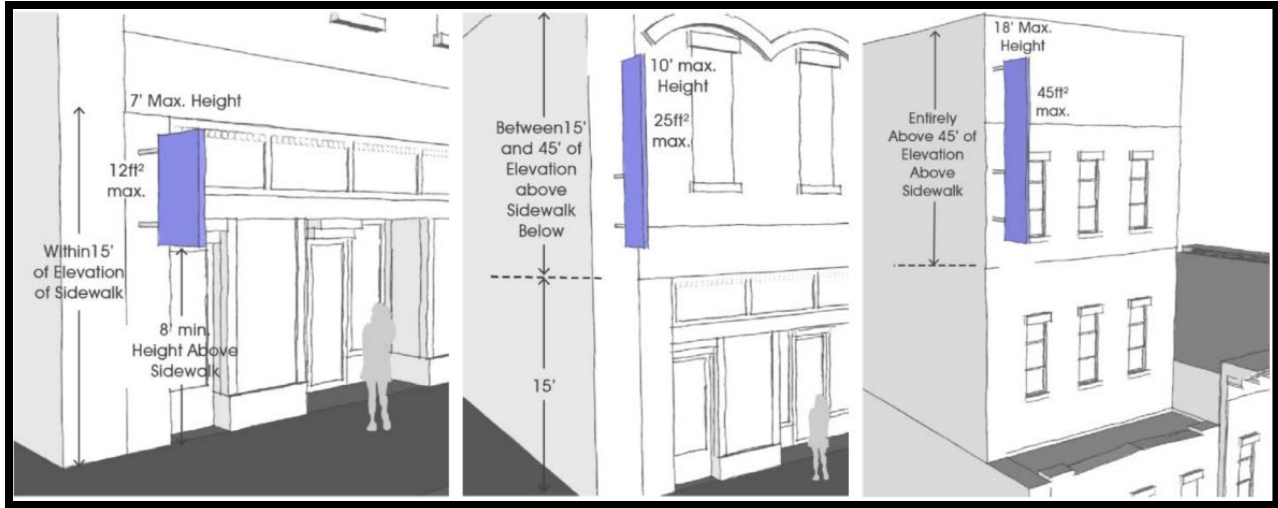


Table (D)
Projecting Signs

Type of Sign Standards	Sign District					
	Outside of Residential Neighborhood Sign District ¹					Within Residential Neighborhood Sign District ¹
	Downtown	Commercial/Industrial	Mixed-Use	Multi-Unit	Single-Unit	
Fin Signs (Secondary)						
Max. #	1 per public building entry.	1 per public building entry.	1 per public building entry.	1 per public building entry.	1 per public building entry.	1 per public building entry.
Subject to Sign Area Allowance	Yes.	Yes.	Yes, but only for nonresidential uses.	No.	No.	Yes.
Max. Sign Area	4 sf.	4 sf.	4 sf.	4 sf.	4 sf.	4 sf.
Max. Projection	4 ft.	4 ft.	4 ft.	4 ft.	4 ft.	1 ft.
Min. Sign Clearance	By building code.	By building code.	By building code.	By building code.	By building code.	By building code.
Allowed Lighting	Indirect only.	Any.	Any.	Not allowed.	Not allowed.	Internal only.
Other Standards	Must be located above entrance, within 3 ft. of top of door; not allowed if under-canopy sign is present at	Must be located above entrance, within 3 ft. of top of door; not allowed if under-canopy sign is present at same entrance.	Must be located above entrance, within 3 ft. of top of door; not allowed if under-canopy sign is present at same entrance.	Must be located above entrance, within 3 ft. of top of door; not allowed if under-canopy sign is present at same entrance.	Must be located above entrance, within 3 ft. of top of door; not allowed if under-canopy sign is present at	Must be located above entrance, within 3 ft. of top of door; not allowed if under-canopy sign is present at same entrance.

	same entrance.				same entrance.	
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(E) **Canopy Signs.** Canopy signs are allowed according to the standards in Table (E), Canopy Signs.

Table (E) Canopy Signs						
Type of Sign Standards	Sign District					
	Outside of Residential Neighborhood Sign District ¹					
	Downtown	Commercial/Industrial	Mixed-Use	Multi-Unit	Single-Unit	Within Residential Neighborhood Sign District ¹
All Canopy Signs						
Max. #	1 per canopy elevation, for nonresidential, multi-unit, or mixed-use property.	1 per canopy elevation, for nonresidential, multi-unit, or mixed-use property.	1 per canopy elevation, for nonresidential, multi-unit, or mixed-use property.	1 per canopy elevation, for nonresidential, multi-unit, or mixed-use property.	1 per canopy elevation, for nonresidential, multi-unit, or mixed-use property.	1 per street frontage, on canopy that covers vehicular use area of nonresidential, multi-unit, or mixed-use property.
Subject to Sign Area Allowance	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Max. Sign Area (per sign)	20 percent of canopy fascia on elevation to which sign is mounted.	30 percent of canopy fascia on elevation to which sign is mounted.	30 percent of canopy fascia on elevation to which sign is mounted.	15 percent of canopy fascia on elevation to which sign is mounted.	10 percent of canopy fascia on elevation to which sign is mounted.	12 sf. on canopy that covers vehicular use area.
Allowed Lighting	Internal only.	Internal only.	Internal only.	Internal only.	Internal only.	Internal only.
Min. Sign Clearance	By building code.	By building code.	By building code.	By building code.	By building code.	By building code.
Other Standards	Canopy signs shall not project above the top of the canopy to which they are mounted.	Canopy signs shall not project above the top of the canopy to which they are mounted.	Canopy signs shall not project above the top of the canopy to which they are mounted.	Canopy signs shall not project above the top of the canopy to which they are mounted.	Canopy signs shall not project above the top of the canopy to which they are mounted.	Not allowed on a canopy that covers a vehicular use area if an under-canopy sign is present.

(F) **Secondary Roof Signs.** Secondary roof signs are allowed according to the standards in Table (F), Secondary Roof Signs.

Table (F) Secondary Roof Signs						
Type of Sign Standards	Sign District					
	Outside of Residential Neighborhood Sign District ¹					
	Downtown	Commercial/Industrial	Mixed-Use	Multi-Unit	Single-Unit	Within Residential Neighborhood Sign District ¹

Max. #	1 per building, for nonresidential or mixed-use property.	1 per building, for nonresidential or mixed-use property.	1 per building, for nonresidential or mixed-use property.	1 per building, for nonresidential or mixed-use property.	1 per building, for nonresidential or mixed-use property.	1 per building, for nonresidential or mixed-use property.
Subject to Sign Area Allowance	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Max. Sign Area (per sign)	Limited by sign area allowance.	Limited by sign area allowance.	Limited by sign area allowance.	Limited by sign area allowance.	Limited by sign area allowance.	Limited by sign area allowance.
Max. Sign Height	1 st or 2 nd story secondary roof: 3 ft.	1 st or 2 nd story secondary roof: 3 ft.	1 st or 2 nd story secondary roof: 3 ft.	1 st or 2 nd story secondary roof: 3 ft.	1 st or 2 nd story secondary roof	1 st or 2 nd story secondary roof: 3 ft.
Allowed Lighting	Any.	Any.	Any.	Any.	Any.	Any.
Other Standards	Distance between secondary roof and bottom of sign face shall not exceed 6 in.; not allowed above 2 nd story.	Distance between secondary roof and bottom of sign face shall not exceed 6 in.; not allowed above 2 nd story.	Distance between secondary roof and bottom of sign face shall not exceed 6 in.; not allowed above 2 nd story.	Distance between secondary roof and bottom of sign face shall not exceed 6 in.; not allowed above 2 nd story.	Distance between secondary roof and bottom of sign face shall not exceed 6 in.; not allowed above 2 nd story.	Distance between secondary roof and bottom of sign face shall not exceed 6 in.; not allowed above 2 nd story.

Figure (F)
Secondary Roof Sign



(G) **Freestanding Permanent Signs.** Detached permanent signs are allowed according to the standards in Table (G)(1), Freestanding Permanent Signs.

Table (G)(1) Freestanding Permanent Signs	
	Sign District
	Outside of Residential Neighborhood Sign District ¹

Type of Sign Standards	Downtown	Commercial/Industrial	Mixed-Use	Multi-Unit	Single-Unit	Within Residential Neighborhood Sign District ¹
Primary Detached Signs						
Max. #	1 per frontage. ¹	1 per frontage. ¹	1 per frontage for nonresidential, mixed-use, or multi-unit property. ¹	1 per site for nonresidential, mixed-use, or multi-unit uses ¹ ; 1 per site for single-unit detached or duplex if the lot fronts on an arterial; 2 per public vehicular entry into residential subdivision or multifamily site (one single face sign on each side of entry).	1 per site for nonresidential, mixed-use, or multi-unit uses ¹ ; 1 per site for single-unit detached or duplex if the lot fronts on an arterial; 2 per public vehicular entry into residential subdivision or multifamily site (one single face sign on each side of entry).	1 per site for nonresidential, mixed-use, or multi-unit uses ¹ ; 2 per public vehicular entry into residential subdivision or multifamily site (one single face sign on each side of entry).
Subject to Sign Area Allowance	Yes.	Yes.	Yes, for nonresidential or multi-unit uses.	No.	No.	Yes.
Max. Sign Area	Based on setback and style, see Table (G)(2), below.	Based on setback and style, see Table (G)(2), below.	Based on setback and style, see Table (G)(2), below.	Single-unit detached or duplex building with frontage on arterial: 4 sf. All other allowed signs: 35 sf.	Single-unit detached or duplex building with frontage on arterial: 4 sf. All other allowed signs: 35 sf.	32 sf. ²
Max. Sign Height	Based on setback and style, see Table (G)(2), below.	Based on setback and style, see Table (G)(2), below.	Based on setback and style, see Table (G)(2), below.	Single-unit detached or duplex building with frontage on arterial: 5 ft. Multi-unit or Nonresidential use: 8 ft.	Single-unit detached or duplex building with frontage on arterial: 5 ft. Multi-unit or Nonresidential use: 8 ft.	Multi-unit or Nonresidential use: 5 ft. ²
Allowed Lighting	Any.	Any.	Any.	Indirect only.	None.	Indirect only.
Setbacks and Spacing	See Table (G)(2), below; 15 ft. setback from interior lot lines; 75 ft. spacing between freestanding signs.	See Table (G)(2), below; 15 ft. setback from interior lot lines; 75 ft. spacing between freestanding signs.	See Table (G)(2), below; 15 ft. setback from interior lot lines; 75 ft. spacing between freestanding signs.	Not allowed if a wall sign is installed.	Not allowed if a wall sign is installed.	75 ft. from adjacent residential zone or existing or approved residential use.
Max. Cabinets or Modules per Sign Face	3	3	3	3	3	3

Other Standards	Location may be established by approved development plan. Structure shall match primary finish and colors of associated buildings. Pole style signs shall contain no more than thirty (30) percent (or forty [40] percent if located within the site distance triangle) of free air space between the top of the sign and the ground, vertically and between the extreme horizontal limits of the sign extended perpendicular to the ground. A base or pole cover provided to satisfy this requirement shall be integrally designed as part of the sign by use of such techniques as color, material and texture. Freestanding signs that existed prior to December 30, 2011, and that do not comply with this requirement shall be removed or brought into compliance by December 31, 2019, provided that such signs otherwise comply with Section 5.16.4, Nonconforming Signs.					Structure shall match primary finish and colors of associated buildings; must be monument style.
Secondary Detached Signs						
Max. #	1 per vehicular access point to nonresidential, mixed-use, or multifamily property.	1 per vehicular access point to nonresidential, mixed-use, or multifamily property.	1 per vehicular access point to nonresidential, mixed-use, or multifamily property.	1 per vehicular access point to nonresidential, mixed-use, or multifamily property.	1 per vehicular access point to nonresidential, mixed-use, or multifamily property.	1 per street frontage of a nonresidential, mixed-use, or multifamily uses.
Subject to Sign Area Allowance	Yes.	Yes.	Nonresidential uses only.	No.	No.	No.
Max. Sign Area	16 sf.	16 sf.	16 sf.	16 sf.	16 sf.	20 sf.
Max. Sign Height	4 ft.	4 ft.	4 ft.	4 ft.	4 ft.	5 ft.
Allowed Lighting	Any.	Any.	Any.	Indirect only.	Indirect only.	Indirect only.
Setbacks and Spacing	2 ft. from right-of-way; 10 ft. from property lines.	2 ft. from right-of-way; 10 ft. from property lines.	2 ft. from right-of-way; 10 ft. from property lines.	2 ft. from right-of-way; 10 ft. from property lines.	2 ft. from right-of-way; 10 ft. from property lines.	2 ft. from right-of-way; 10 ft. from property lines.
Max. Cabinets or Modules per Sign Face	1	1	1	1	1	1
Other Standards	Same as primary freestanding sign; however, pole style signs are not allowed.	Same as primary freestanding sign; however, pole style signs are not allowed.	Same as primary freestanding sign; however, pole style signs are not allowed.	Same as primary freestanding sign; however, pole style signs are not allowed.	Same as primary freestanding sign; however, pole style signs are not allowed.	Same as primary freestanding sign; however, pole style signs are not allowed.
Drive-Thru Lane Signs						
Max. #	1 per drive through lane	1 per drive through lane	1 per drive through lane	1 per drive through lane	1 per drive through lane	1 per drive through lane
Subject to Sign Area Allowance	No.	No.	No.	No.	No.	No.
Max. Sign Area	30 sf. ³	30 sf. ³	30 sf. ³	30 sf. ³	30 sf. ³	30 sf. ³
Max. Sign Height	6 ft.	6 ft.	6 ft.	6 ft.	6 ft.	6 ft.
Allowed Lighting	Any.	Any.	Any.	Any.	Any.	Any.
Setbacks and Spacing	2 ft. from the right of way; if the sign faces	2 ft. from the right of way; if the sign faces	2 ft. from the right of way; if the sign faces	2 ft. from the right of way; if the sign faces	2 ft. from the right of way; if the sign faces	2 ft. from the right of way; if the sign faces

	out to the right-of-way 10 ft.	out to the right-of-way 10 ft.	out to the right-of-way 10 ft.	out to the right-of-way 10 ft.	out to the right-of-way 10 ft.	out to the right-of-way 10 ft.
Max. Cabinets or Modules per Sign Face	1	1	1	1	1	1
Other Standards	Must be oriented to the drive-thru lane; if any part of the sign structure is visible from abutting property or right-of-way additional screening is required. ⁴	Must be oriented to the drive-thru lane; if any part of the sign structure is visible from abutting property or right-of-way additional screening is required. ⁴	Must be oriented to the drive-thru lane; if any part of the sign structure is visible from abutting property or right-of-way additional screening is required. ⁴	Must be oriented to the drive-thru lane; if any part of the sign structure is visible from abutting property or right-of-way additional screening is required. ⁴	Must be oriented to the drive-thru lane; if any part of the sign structure is visible from abutting property or right-of-way additional screening is required. ⁴	Must be oriented to the drive-thru lane; if any part of the sign structure is visible from abutting property or right-of-way additional screening is required. ⁴

Table Notes:

¹ Frontages include the frontage of all properties that are part of a group of properties that are planned or developed with shared pedestrian or vehicular access. Signs may not be allocated from one frontage to another.

² Additional sign area and sign height are allowed as follows:

(i) Convenience shopping centers: Max. sign area: 40 sf., Max. sign height 8 ft.;

(ii) Neighborhood service centers or neighborhood commercial districts: Max. sign area: 55 sf., Max. sign height: 10 ft.

³ A Drive-Thru Lane EMC may be 100% of the sign area if the display changes no more than three times in a 24 hr. period.

⁴ For a Drive-Thru Lane Sign screening may be achieved through plants or other materials compatible to the primary building.

**Table (G)(2)
Setback for Primary Detached Signs Based on Sign Height and Sign Area**

Distance from Street Right-of-Way Line (ft.)	Monument Style Sign Max. Height (ft.)	Max. Sign Area (per face) (sf.)	Pole Style Sign Max. Height (ft.)	Max. Sign Area (per face) (sf.)
0	7	45	10	20
5	8.5	60	10	30
10	10	75	12	40
15	12	90	12	50
20	12	90	14	60
25	12	90	16	70
30	12	90	18	80
36+	12	90	18	90

(H) Projected Light Signs.

(1) Horizontal Projected Light Signs.

- (a) Horizontal projected light signs that are projected onto public sidewalks are allowed only by portable sign permit, except that with respect to such signs, the area in which the portable sign permit may be issued is expanded to include the following zoning districts: D, RDR, CCR, CG, and NC, and all pedestrian-oriented shopping streets within the CC and HC zoning districts.

(b) All horizontal projected light signs require a permit.

(c) The projected image of a horizontal projected light sign:

- (I) Shall be entirely within ten (10) feet of a building entrance;
- (II) Shall not exceed six (6) square feet in area;
- (III) Shall be projected onto a sidewalk or landscaped area;
- (IV) Shall not project onto safety or traffic signage (e.g., crosswalk markings, bicycle dismount signs, etc.); and
- (V) Shall comply with all applicable lighting standards.

(d) The projector shall be concealed from view and either:

- (I) Located entirely on private property; or
- (II) Hung under an awning, canopy, eave, or arcade that is allowed to encroach over the right-of-way by way of a revocable license.

(e) A Horizontal projected light sign shall not be displayed on the public sidewalk at the same time as a sidewalk sign.

(2) **Vertical Projected Light Signs.** Vertical projected light signs are not allowed as permanent signs. See Section 5.16.3 for the temporary use of vertical projected light signs.

(3) **Operation.** All projected light signs shall contain static messages only. Animated, dissolve, or fade transitions are not allowed.

(l) **Restoration or Reconstruction of Historic Signs.** The provisions of this subsection apply to buildings in the Downtown sign district that are fifty (50) years or older, whether they are formally recognized as historic at the local, state, or national level, or whether they are located within a designated historic district.

(1) A sign on a designated property, or a property determined to be eligible for designation on the National Register of Historic Places, the State Register of Historic Properties, or as a Fort Collins Landmark, that may not otherwise comply with the strict provisions of this Sign Code and has been approved by the Historic Preservation Commission through a review of Chapter 14 of the City Code shall be permitted and shall not be counted in sign area allowance for the property.

(2) A sign on a property which is not designated or individually eligible for designation on the National Register of Historic Places, the State Register of Historic Properties, or as a Fort Collins Landmark, that may not otherwise comply with the strict provisions of this Sign Code and is inspired by a historic sign on the property and does not require a review through Chapter 14 of the City Code by the Historic Preservation Commission shall be reviewed by the Director. In approving such signs, the Director shall not condition approval on changes in content and must find the following:

(a) The sign is not detrimental to the public good;

(b) The size and location of the sign are comparable to a historic sign of the property and the deviation from the provisions of this Sign Code are nominal and inconsequential with the context of the neighborhood;

- (c) The sign is comparable to the quality, character and design of a historic sign of the property; and
- (d) The sign shall not degrade the historic character of the neighborhood or convey a false sense of history.

The Director may deny any sign application that does not meet all the standards of this Section. All signs approved through Section 5.16.2(l) shall count towards the sign area allowance for the property.

5.16.3 TEMPORARY SIGNS

(A) **Applicability.** The regulations contained in this Section 5.16.3 apply to temporary signs. The standards of this Section are applied in conjunction with all other applicable standards.

(B) **Standards for Attached Temporary Signs.**

- (1) **Generally.** The standards of this subsection apply to temporary signs that are attached to buildings. Temporary signs that are not attached to buildings are subject to the standards of subsection (C), below. Duration of display is limited by subsection (D).
- (2) **Attached Temporary Banners and Pennants.** Attached temporary banners and pennants may only be displayed provided a permit is obtained pursuant to Section 5.16.4(B)(2).
- (3) **Temporary Sign Covers.** Temporary sign covers are permitted in all sign districts, provided that they are used during a period not to exceed forty (40) days in which a new permanent sign or sign component is being fabricated and such sign or sign component is permitted and installed in accordance with this Sign Code.
- (4) **Temporary Window Signs.**
 - (a) Temporary window signs are allowed in all locations where permanent window signs are allowed, provided that the standards of Section 5.16.2(C) are met as to the combination of temporary and permanent window signs.
 - (b) Temporary window signs shall be affixed to the window such that the fastener (e.g., tape) is not highly visible, or shall be mounted vertically inside of the building for viewing through the window.

(C) **Standards for Detached Temporary Signs.**

- (1) **Generally.** The standards of this subsection apply to temporary signs that are not attached to buildings. Temporary signs that are attached to buildings are subject to the standards of subsection (B), above. Duration of display is limited by subsection (D).
- (2) **Detached Temporary Signs.** Detached temporary signs are allowed according to the standards in Table (C), Detached Temporary Signs. Detached temporary sign types that are not listed in Table C (including but not limited to inflatable signs) are not allowed. Detached banners and pennants may only be displayed provided a permit is obtained pursuant to subsection (E), below. Portable signs may only be displayed provided a permit is obtained pursuant to the Code of the City of Fort Collins, Chapter 24, Article IV.

Table (C) Detached Temporary Signs (sf. = square feet/ft. = linear feet/N/A = not applicable)				
Type of Sign Standards	Sign District			
	Downtown	Commercial-Industrial	Multi-Unit/Mixed Use	Single-Unit
Yard Signs				
Max. #	Single-Unit and Duplex Residential Buildings: Not Limited.	Single-Unit and Duplex Residential Buildings: Not Limited.	Single-Unit and Duplex Residential Buildings: Not Limited.	Residential Buildings: Not limited.
	Multi-Unit Residential Buildings: 1 per 20 ft. of property frontage or fraction thereof	All other uses: 2 per vehicular access point.	Multi-Unit Residential Buildings: 1 per 20 ft. of property frontage or fraction thereof.	Nonresidential and Residential Mixed Use Buildings: 1 per 80 ft. of property frontage or fraction thereof.
	Nonresidential and Residential Mixed Use Buildings: 1 per 80 ft. of property frontage or fraction thereof.		Nonresidential and Residential Mixed Use Buildings: 1 per 80 ft. of property frontage or fraction thereof.	
Max. Sign Area (per sign)	6 sf.	8 sf.	8 sf.	6 sf.
Max. Sign Height	4 ft.	4 ft.	4 ft.	4 ft.
Allowed Lighting	None.	None.	None.	None.
Setbacks and Spacing	2 ft. from property lines; 2 ft. from all other signs.	2 ft. from property lines; 2 ft. from all other signs.	2 ft. from property lines; 2 ft. from all other signs.	2 ft. from property lines; 2 ft. from all other signs.
Other Standards	Must be installed in permeable landscaped area.	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 ft. in any horizontal dimension, not more than 10 ft. from vehicular access point.	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 ft. in any horizontal dimension.	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 ft. in any horizontal dimension.
Site Signs				
Max. #	Residential Buildings: Not Limited	1 per 600 ft. of property frontage or fraction thereof.	1 per 600 ft. of property frontage or fraction thereof, provided that the area of the property is at least 2 acres; properties that are less than 2 acres shall not display site signs.	1 per 600 ft. of property frontage or fraction thereof, provided that the area of the property is at least 2 acres; properties that are less than 2 acres shall not display site signs.
	Nonresidential and Residential Mixed Use Buildings: 1 per property.			
Max. Sign Area	16 sf.	32 sf.	32 sf.	32 sf.
Max. Sign Height	6 ft.	6 ft.	6 ft.	6 ft.
Allowed Lighting	External, down directional and	External, down directional and	External, down directional and	External, down directional and

	concealed light source.	concealed light source.	concealed light source.	concealed light source.
Setbacks and Spacing	2 ft. from front property lines.	2 ft. from front property lines.	2 ft. from front property lines.	2 ft. from front property lines.
	10 ft. from all other property lines.	10 ft. from all other property lines.	10 ft. from all other property lines.	10 ft. from all other property lines.
	10 ft. from all other signs.	10 ft. from all other signs.	10 ft. from all other signs.	10 ft. from all other signs.
	12 ft. from building walls.	12 ft. from building walls.	12 ft. from building walls.	12 ft. from building walls.
Other Standards	Where allowed, site signs shall be installed in permeable landscaped areas or hardscaped areas other than vehicular use areas and sidewalks that are at least 5 ft. in every horizontal dimension and at least 40 sf. in area.	Where allowed, site signs shall be installed in permeable landscaped areas or hardscaped areas other than vehicular use areas and sidewalks that are at least 5 ft. in every horizontal dimension and at least 40 sf. in area.	Where allowed, site signs shall be installed in permeable landscaped areas or hardscaped areas other than vehicular use areas and sidewalks that are at least 5 ft. in every horizontal dimension and at least 40 sf. in area.	Where allowed, site signs shall be installed in permeable landscaped areas or hardscaped areas other than vehicular use areas and sidewalks that are at least 5 ft. in every horizontal dimension and at least 40 sf. in area.
Swing Signs				
Max. #	Not allowed.	Not allowed.	1 per property frontage.	1 per property frontage.
Max. Sign Area	N/A.	N/A.	5 sf., including riders.	5 sf., including riders.
Max. Sign Height	N/A.	N/A.	5 ft.	5 ft.
Allowed Lighting	N/A.	N/A.	None.	None.
Setbacks and Spacing	N/A.	N/A.	2 ft. from all property lines.	2 ft. from all property lines.
Other Standards	N/A.	N/A.	Swing signs shall be installed in permeable landscaped areas that are at least 4 ft. in every horizontal dimension and at least 20 sf. in area.	Swing signs shall be installed in permeable landscaped areas that are at least 4 ft. in every horizontal dimension and at least 20 sf. in area.
Feather Flags				
Max. #	1 per 100 ft. of property frontage or fraction thereof; may be clustered.	1 per 100 ft. of property frontage or fraction thereof; may be clustered.	1 per 100 ft. of property frontage or fraction thereof; may be clustered.	Residential Buildings: Not Allowed. Nonresidential Buildings: 1.
Max. sign area	40 sf.	40 sf.	40 sf.	10 sf.
Max. sign height	15 ft.	15 ft.	15 ft.	10 ft.
Other Standards	Not allowed if freestanding banner is present Must be installed in a permeable landscaped area with a radius that	Not allowed if freestanding banner is present Must be installed in a permeable landscaped area with a radius that	Must be installed in a permeable landscaped area with a radius that extends not less than 3 ft. from the flag pole.	Must be installed in a permeable landscaped area with a radius that extends not less than 3 ft. from the flag pole.

	extends not less than 3 ft. from the flag pole.	extends not less than 3 ft. from the flag pole.		
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(D) Duration of Display of Temporary Signs.

- (1) **Generally.** The purpose of temporary signs is to display messages for a temporary duration. Temporary signs shall not be used as a subterfuge to circumvent the regulations that apply to permanent signs or to add permanent signage to a property in addition to that which is allowed by this Sign Code.
- (2) **Classification of Temporary Sign Materials.** Temporary signs are constructed from a variety of materials with varying degrees of durability. Common materials are classified in Table (D)(1), Classification of Temporary Sign Materials.

Material	Material Class				
	1	2	3	4	5
Paper, card stock, foam core board, or cardboard	✓				
Laminated paper or cardstock, polyethylene bags		✓			
Cloth, canvas, nylon, polyester, burlap, flexible vinyl, or other flexible material of comparable durability			✓		
Inflexible vinyl, hard plastic, composite, or corrugated plastic ("coroplast")				✓	
Wood or metal					✓

(3) Duration of Display.

- (a) In general, a temporary sign shall be removed as of the earlier of the date that:
 - (I) It becomes an abandoned sign;
 - (II) It falls into disrepair (see Section 5.16.5); or
 - (III) The number of days set out in Table (D)(2), *Duration of Temporary Sign Display by Material Class*, expires.

Sign Type	Max. Duration for Individual Sign by Material Class					Max. Posting Days/Year
	1	2	3	4	5	
Yard Sign	Not Allowed.	45 days.	Not Allowed.	60 days.	180 days.	180 days.
Site Sign	Not Allowed.	Not Allowed.	Not Allowed.	60 days.	180 days.	180 days ¹ .
Swing Sign	Not Allowed.	Not Allowed.	Not Allowed.	60 days.	180 days.	180 days ¹ .
Window Sign	30 days per sign.	30 days per sign.	30 days per sign.	30 days per sign.	30 days per sign.	30 days per sign.
Feather Flags	Not Allowed.	Not Allowed.	20 days.	Not Allowed.	Not Allowed.	20 days.

Table Notes:
¹ Alternatively, the sign type may be displayed for three hundred sixty (360) days every two (2) calendar years.

(b) Temporary required signs shall be removed as required by the applicable regulation.

- (4) **Administrative Interpretations.** Materials for signage that are not listed in this subsection (D) may be introduced into the market. When a material is proposed that is not listed in this subsection (D), the Director shall determine the class of materials with which the new material is most closely comparable, based on the new material's appearance, durability, and colorfastness. No temporary sign shall be displayed for a longer period than a site sign constructed of class 5 material, regardless of the durability material (although such a sign may be permissible as a permanent sign under Section 5.16.2).

(E) Banners and Pennants.

- (1) Attached unframed banners, detached banners, and attached and detached pennants are allowed in any zone district subject to the restrictions in below Table (E), provided that a permit is obtained from the Director. The Director shall issue a permit for the display of banners and pennants only in locations where the Director determines that such banners and pennants will not cause unreasonable annoyance or inconvenience to adjoining property owners or other persons in the area and on such additional conditions as deemed necessary to protect adjoining premises and the public. All banners and pennants shall be removed on or before the expiration date of the permit. If any person, business or organization erects any banners or pennants without receiving a permit, as herein provided, the person, business or organization shall be ineligible to receive a permit for a banner or pennant for the remainder of the calendar year.
- (2) Each business or non-profit entity or other organization, and each individual not affiliated with an entity or organization, shall be eligible to display banners and pennants pursuant to a valid permit for a maximum of forty (40) days per calendar year. A permitted banner may exceed the forty (40) days when there is City authorized construction work in the portion of public right-of-way abutting the property, until such time as all applicable construction materials, equipment and fencing is removed from the right-of-way.
- (3) The Director shall review a banner or pennant permit application within two (2) business days to determine completeness. If it is complete, the Director shall approve or deny the application within three (3) business days after such determination. If it is incomplete, the Director shall cause the application to be returned to the applicant within one (1) business day of the determination, along with written reasons for the determination of incompleteness.
- (4) Notwithstanding the size and time limitations contained in Table E in the Downtown sign district:
- (a) In conjunction with a special event permit, three (3) banners larger in size than forty (40) square feet may be displayed for fifteen (15) days.
- (b) The Director may approve a temporary banner permit application upon the Director's determination that:
- (I) The banner display is not detrimental to the public good;
 - (II) The banner does not project into the right-of-way;
 - (III) The banner is attached to a building thirty (30) feet or greater in height;
 - (IV) The banner is mounted flush with the building wall;
 - (V) The banner is on the side of building that fronts a right-of-way or public plaza;
 - (VI) There is no more than fifteen (15) square feet of permanent signage on the side of the building on which the banner is to be displayed;
 - (VII) The banner does not cover more than one (1) architecturally distinct window;

- (VIII) No feather flags are displayed on the property;
- (IX) Only one (1) banner is displayed at a time;
- (X) The banner does not exceed six (6) feet in width and twenty-five (25) feet in height; and
- (XI) The banner is displayed no more than a four (4) consecutive month period.

Table (E) Banners and Pennants (sf. = square feet/ft. = linear feet/N/A = not applicable)				
Standard	Sign District			
	Downtown	Commercial-Industrial	Multi-Unit/Mixed Use	Single-Unit
Attached Banners and Pennants				
Max. # on each building elevation	1	1 per 300 ft. of building elevation or fraction thereof, but not more than 3 banners per building.	1	Residential Buildings: Not Allowed. Nonresidential Buildings: 1.
Max. Sign Area	40 sf.	40 sf.	40 sf.	Residential Buildings: N/A Nonresidential Buildings: 40 sf.
Allowed Lighting	None.	External.	None.	None.
Max. Sign Height	7 ft.	7 ft.	4 ft.	4 ft.
Other Standards	None.	If more than one banner is allowed on a building elevation, banners may be clustered.	None.	None.
Detached Banners and Pennants				
Max. #	Either framed or unframed: 1 per property frontage; or 1 per 100 ft. of property frontage if secured to temporary construction fencing related to permitted construction (may be clustered).	Either framed or unframed: 1 per property frontage; or 1 per 100 ft. of property frontage if secured to temporary construction fencing related to permitted construction (may be clustered).	Either framed or unframed: 1 per property frontage; or 1 per 100 ft. of property frontage if secured to temporary construction fencing related to permitted construction (may be clustered).	Not allowed.
Max. Sign Area (per banner)	40 sf.	40 sf.	40 sf.	40 sf.
Allowed Lighting	None.	None.	None.	None.
Max. Sign Height (applies to freestanding banner frames)	6 ft.	6 ft.	6 ft.	6 ft.

(5) For banners and pennants in all sign districts, the following shall apply:

- (a) Mounting hardware shall be concealed from view;
- (b) Banners shall be stretched tightly to avoid movement in windy conditions;
- (c) All banners that are installed in banner frames shall be sized to fit the banner frame so that there are no visible gaps between the edges of the banner and the banner frame;
- (d) Banners are not allowed if any of the following are present on the property: feather flag, yard sign, site sign, or swing sign; and
- (e) Any common line of pennants must be stretched tightly to avoid movement in windy conditions.

(F) Vertical Projected Light Signs.

- (1) Vertical projected light signs may be used in connection with a temporary special event, during the term of the temporary special event. Such special events may include, but are not limited to, Art in Public Places events or Downtown Development Authority Alley Enhancement Projects.
- (2) The projected image of a vertical projected light signs is limited to nonresidential and mixed-use properties, but is not limited by zoning district.
- (3) The projected image shall not fall onto a surface with a high degree of specular reflectivity, such as polished metal or glass. The image shall be positioned to harmonize with the architectural character of the building(s) to which it is projected, and shall avoid any projection, relief, cornice, column, window, or door opening.
- (4) The projected image shall not exceed fifteen (15) square feet if any portion of it is on a first story building wall or on a structure that is not a building, or thirty (30) square feet if all of the image is above the first story of a building, except that a projected image may occupy one hundred (100) percent of the side or rear wall area of a building in the Downtown sign district, provided that the building is within the Downtown Development Authority's Alley Enhancement Project and the building wall does not face a vehicular right-of-way.
- (5) The path of the projection shall not cross public rights-of-way or pedestrian pathways at a height of less than seven (7) feet.
- (6) Vertical projected light signs shall contain static messages only, and animated, dissolve, or fade transitions are prohibited.
- (7) Vertical projected light signs are subject to the illumination standards of Section 5.16.1(I) unless the City determines that additional illumination will be permitted because it will pose no material detrimental effects on neighboring properties or public rights-of-way due to the location and/or timing of the display. Such determination, and allowable illumination levels, shall be specified in the permit that allows the vertical projected light sign.

5.16.4 NONCONFORMING SIGNS AND ADMINISTRATION

(A) Nonconforming Signs.

- (1) Nonconforming signs shall be maintained in good condition and no such sign shall be:
 - (a) structurally changed to another nonconforming sign, although its content may be changed;

- (b) structurally altered in order to prolong the life of the sign;
 - (c) altered so as to increase the degree of nonconformity of the sign; or
 - (d) enlarged.
- (2) Except as provided in subsection (A)(3), below, all existing nonconforming signs located on property annexed to the City shall be removed or made to conform to the provisions of this Article no later than seven (7) years after the effective date of such annexation; provided, however, that during said seven (7) year period, such signs shall be maintained in good condition and shall be subject to the same limitations contained in subparagraphs (A)(1)(a) through (f), above. This subsection shall not apply to off-premises signs that are subject to the just compensation provisions of the Federal Highway Beautification Act and the Colorado Outdoor Advertising Act.
- (3) All existing signs with flashing, moving, blinking, chasing or other animation effects not in conformance with the provisions of this Article and located on property annexed to the City shall be altered so that such flashing, moving, blinking, chasing, or other animation effects shall cease within sixty (60) days after such annexation, and all existing portable signs, vehicle-mounted signs, banners, and pennants located on property annexed to the City shall be removed or made to conform within sixty (60) days after such annexation.
- (4) Historic signs shall be considered conforming for the purposes of this Section. The Director may designate a sign as an historic sign if:
- (a) the applicant provides documentation that the sign has been at its present location for a minimum of fifty (50) years;
 - (b) the sign is structurally safe or capable of being made structurally safe without substantially altering its historic character. The property owner is responsible for making all structural repairs and restoration of the sign to its original condition; and
 - (c) the sign is representative of signs from the era in which it was constructed and provides evidence of the historic use of the building or premises.

Additionally, a sign shall be considered historic if the HPC through a review of Chapter 14 of the City Code as approved the historic nature of the sign.

(B) Administration.

- (1) All sign permit applications shall be accompanied by detailed drawings indicating the dimensions, location, and engineering of the particular sign, plat plans when applicable, and the applicable processing fee.
- (2) The Director shall review the sign permit application within two (2) business days after receipt to determine if it is complete. If it is complete, the Director shall approve or deny the application within three (3) business days after such determination. If it is incomplete, the Director shall cause the application to be returned to the applicant within one (1) business day of the determination, along with written reasons for the determination of incompleteness.

5.16.5 SIGN MAINTENANCE

- (A) Maintenance Standards.** Signs and sign structures of all types (attached, detached, and temporary) shall be maintained according to the following standards:

- (1) **Paint and Finishes.** Paint and other finishes shall be maintained in good condition. Peeling finishes shall be repaired. Signs with running colors shall be repainted, repaired, or removed if the running colors were not a part of the original design.
 - (2) **Mineral Deposits and Stains.** Mineral deposits and stains shall be promptly removed.
 - (3) **Corrosion and Rust.** Permanent signs and sign structures shall be finished and maintained to prevent corrosion and rust. A patina on copper elements (if any) is not considered rust.
 - (4) **Damage.** Permanent signs that are damaged shall be repaired or removed within one (1) year, of being damaged unless the damage creates a material threat to public safety, in which case the Chief Building Official may order prompt repair or removal. Temporary signs that are obviously damaged (e.g., broken yard signs) shall be removed within twenty-four (24) hours of being damaged.
 - (5) **Upright, Level Position.** Signs that are designed to be upright and level, whether temporary or permanent, shall be installed and maintained in an upright and level position. Feather flag poles shall be installed in a vertical position. Signs that are not upright and level shall be removed or restored to an upright, level position.
 - (6) **Code Compliance.** The sign must be maintained in compliance with all applicable building, electrical, and property maintenance codes (including any exceptions that may apply to existing sign structures).
- (B) **Quality of Repairs.** Repairs to signs shall be equal to or better in quality of materials and design than the original sign.
- (C) **Altering or Moving Existing Signs.**
- (A) Any alteration to an existing sign structure (except for alterations to changeable copy, replacement of a panel in a cabinet sign, replacement of a light source with a comparably bright light source, application of paint or stain) shall require a new permit pursuant to Section 5.16.4(B) prior to commencement of the alteration. Alterations requiring a new permit shall include, without limitation:
 - (a) Changes to the area of manual changeable copy center on a sign, including the installation of a new manual changeable copy center where one was not previously present;
 - (b) Changing the size of the sign;
 - (c) Changing the shape of the sign;
 - (d) Changing the material of which the sign is constructed;
 - (e) Changing or adding lighting to the sign (except as provided above);
 - (f) Changing the location of the sign; or
 - (g) Changing the height of the sign.
 - (B) No sign permit is required for removal of sign displays from supporting structures for maintenance, provided that they are replaced on the same support in the same configuration and the maintenance did not involve work that requires a permit.

DIVISION 5.17 WATER ADEQUACY DETERMINATIONS

5.17.1 PURPOSE.

- (A) The general purpose of this Division is to establish the standards and procedures by which the adequacy of proposed water supplies for development are reviewed and determined pursuant to C.R.S. § 29-20-301, et seq. The specific purposes are to:
- (1) Fulfill the C.R.S. § 29-20-303(1) requirement that the City "shall not approve an application for a development permit unless it determines in its sole discretion, after considering the application and all of the information provided, that the applicant has satisfactorily demonstrated that the proposed water supply will be adequate.";
 - (2) Protect public health, safety, and welfare by ensuring that the water supplies for developments are adequate;
 - (3) Ensure that growth and development in the City occur in a planned and coordinated manner;
 - (4) Ensure that the City is provided with reliable information concerning the adequacy of developments' proposed water supplies to inform the City, in the exercise of its discretion, in the approval of development applications and permits;
 - (5) Promote safe, efficient, and economic use of public resources in developing and providing water; and
 - (6) Ensure City participation in the review and approval of development plans that pass through and impact City residents, businesses, neighborhoods, property owners, and resources.

5.17.2 APPLICABILITY.

- (A) This Division shall apply to all development, or redevelopment, that requires new, expanded, or increased water use, whether potable or non-potable, within the incorporated municipal boundaries of the City. No such development or redevelopment shall be approved and allowed to proceed unless the Director has determined that the proposed water supply for the development or redevelopment is adequate.
- (1) Temporary non-potable water supply systems to establish native vegetation are exempt from these requirements if the term of use is three (3) consecutive years or less and identified as such on an approved landscape plan.
 - (2) Except as stated in Subsection 5.17.5(D), the modification of standards review set forth in Division 6.8 shall not apply to this Division 5.17

5.17.3 APPLICATION.

- (A) **Application Timing.** An applicant seeking a water adequacy determination shall file an application with the Director pursuant to this Division at the same time as submitting an application for final plan or basic development review, as outlined in Divisions 2.5 and [2.18](#), unless the application timing is altered pursuant to the following:
- (1) Upon written request at the time of application, the Director may defer the timing of an application for a water adequacy determination for potable or non-potable water until submittal with a development construction permit (Division [2.6](#)) if the Director determines such timing will not substantially interfere with or otherwise make it more difficult to determine whether the proposed water supply is adequate.

(2) Upon written request at the time of application, the Director may defer the timing of an application for a water adequacy determination for potable water until submittal with a building permit (Division [2.7](#)), if the provider is an established potable water supply entity and the Director determines such timing will not substantially interfere with or otherwise make it more difficult to determine whether the proposed water supply is adequate.

(B) **Separate Applications.** The applicant shall file separate applications for water adequacy determinations for each portion of the development served by different water supply entities or water supply systems unless the Director determines that a single combined application can fully describe and provide needed information and be effectively analyzed. Subsequent sections in this Division provide distinctions in the evaluation process for established potable water supply entities, other potable water supply entities, and non-potable water supply entities.

(C) **Material Changes.** The City shall make a determination that a proposed water supply is adequate only once for each portion of a development served by a different potable or non-potable water supply entities or water supply systems during the development review process unless the water demands or supply of the portion of the development for which approval is sought are materially changed. The Director shall determine whether changes to the water demands or supply for any development or redevelopment are material and require a new water adequacy determination. The Director's determination that a material change has occurred is not subject to appeal pursuant to the Land Use Code or Code of the City of Fort Collins.

(D) **Application After Director Denial.** If the Director denies an application for a water adequacy determination, the applicant may submit another application at any time, subject to applicable fees, that addresses the stated reason or reasons for denial.

5.17.4 PROCEDURES AND STANDARDS FOR WATER ADEQUACY DETERMINATIONS: ESTABLISHED POTABLE WATER SUPPLY ENTITIES

(A) **Application Requirements.**

(1) Requests under this Section shall include a letter as described in Subsection (a), unless exempted pursuant to Subsection (b).

(A) A letter prepared by a registered professional engineer or by a water supply expert from the established potable water supply entity that contains the following information:

- (I) An estimate of the water supply requirements for the proposed development through build-out conditions;
- (II) A description of the established potable water supply entity's water supply system and the physical source(s) of water supply that will be used to serve the proposed development. If the proposed source(s) includes groundwater, this description must include water quality test results and results of an analysis into the potential impact on water treatment processes or the quality of delivered potable water;
- (III) An estimate of the amount of water yield projected from the proposed water supply system and water rights portfolio under various hydrologic conditions;
- (IV) Water conservation and/or water demand management measures, if any, that may be implemented within the proposed development;
- (V) Results from analyses performed demonstrating the ability for the proposed water supply to meet demands of the proposed development under various hydrologic conditions;

- (VI) An affidavit signed by the entity manager attesting that to the best of their knowledge, the entity is in compliance with all applicable regulations; and
- (VII) Such other information as may be required by the Director in order to determine whether the proposed water supply will be adequate.

All letters shall be provided to City Council for informational purposes only and kept on file with the City's Community Development and Neighborhood Services Department. At the established potable water supply entity's discretion, the letter may describe their entire service area and be submitted for a determination once updated as required based on any material changes to any of the requirements in this Section or in their reported supply as described in Subsection 5.17.3 (C). If the letter describes the entire service area, then the entity does not need to resubmit the approved letter with each letter as outlined in Subsection 5.17.4(A)(2) but should be referenced within the letter content in addition to what is outlined in Subsection 5.17.4(A)(2).

- (b) The letter described in Subsection (a) shall not be required if the established potable water supply entity has a water supply plan, or other plans that cumulatively provide the information, that:
 - (I) Has been reviewed and updated, if appropriate, within the previous ten (10) years by the governing board of the established potable water supply entity;
 - (II) Has a minimum twenty-year planning horizon;
 - (III) Lists the water conservation measures, if any, that may be implemented within the service area;
 - (IV) Lists the water demand management measures, if any, that may be implemented within the development or service area;
 - (V) Includes a general description of the established potable water supply entity's water obligations, such as a general description of customer demands and operational water delivery obligations, such as augmentation requirements and return flow obligations;
 - (VI) Includes a general description of the established potable water supply entity's water supply system and water rights portfolio; and
 - (VII) Includes an affidavit signed by the entity manager attesting that, to the best of their knowledge, the entity is in compliance with Colorado Primary Drinking Water Regulations, 5 CCR 1002-11.

All water supply plans, or other plans that cumulatively provide the information required above shall be provided to City Council for informational purposes only and kept on file with the City's Community Development and Neighborhood Services Department. The Director may defer providing the Council with any water supply plan or other plans until such time as the established potable water supply entity updates their existing water supply plan. Once the plan, or plans, are on file, they do not need to be resubmitted with each letter as outlined in Subsection 5.17.4(A)(2) but should be referenced within the letter content in addition to what is outlined in Subsection 5.17.4(A)(2).

- (2) Requests for a water adequacy determination for all or portions of a development to be served with potable water by an established potable water supply entity shall be in a form as required by the Director. Such requests shall include a letter prepared by a registered professional engineer or by a water supply expert from the established potable water supply entity:

- (a) Identifying the portions of a development to be served with potable water by the established potable water supply entity;
 - (b) Stating its ability to provide an adequate water supply for the proposed development;
 - (c) Stating it is willing to commit to provide an adequate water supply for the proposed development including any conditions of the commitment; and
 - (d) Providing the length of time the letter is valid for should the proposed development not occur immediately.
- (B) *Review of Application.*** The Director shall promptly review the application and associated materials concurrently with the required Final Plan, Basic Development Review, Development Construction Permit, or Building Permit application.
- (C) *Standards.*** To issue a determination that a proposed water supply is adequate under this Section, the Director must find that the statements in the application and associated materials are complete, correct, and reliable.
- (D) *Decision.***
- (1) Based upon the information provided by the applicant and developed by the City and any consultants, the Director shall issue all water adequacy determinations pursuant to this Section in writing including specific findings and shall either:
 - (a) Approve the application finding that the proposed water supply is adequate;
 - (b) Approve the application with conditions finding the proposed water supply is adequate provided the conditions are met; or
 - (c) Deny the application finding that the proposed water supply is inadequate.
 - (2) All water adequacy determinations shall become part of the plan set for the associated development application, if approved. The Director shall maintain a record of all information submitted or developed upon which any water adequacy decision was based, and that record shall become part of the associated development application.
 - (3) The Director may impose conditions of approval that when met, as determined by the Director, will bring the proposed water supply into compliance with all applicable standards set forth in this Section. No building permit may be issued until all conditions have been met.
 - (4) The Director’s decision is not subject to appeal pursuant to the Land Use Code or Code of the City of Fort Collins.

5.17.5 PROCEDURES AND STANDARDS FOR WATER ADEQUACY DETERMINATIONS: OTHER POTABLE WATER SUPPLY ENTITIES.

- (A) *Application Requirements for Other Potable Water Supply Entities.*** Applications for a water adequacy determination for all or portions of a development to be served with potable water by other potable water supply entities shall be in a form as required by the Director. Such applications shall include all of the following:
- (1) A summary document linking the information to the standard of review.
 - (2) Report including information required under Section 29-20-304(1), C.R.S.:

- (a) An estimate of the water supply requirements for the proposed development through build-out conditions;
 - (b) A description of the potable water supply entity's water supply system and the physical source of water supply that will be used to serve the proposed development. This should include water quality test results and proposed methods of water treatment from a registered professional engineer or water supply expert;
 - (c) A description of all elements of the water rights portfolio either owned or planned for acquisition required for proposed water supply;
 - (d) An estimate of the amount of water yield projected from the proposed water supply under various hydrologic conditions;
 - (e) Water demand management measures, if any, that may be implemented within the development to account for hydrologic variability; and
 - (f) Description of all water conservation measures to be applied in the development and how they would be enforced and effectuated.
- (3) Financial documentation establishing that the proposed provider is able to create the proposed water supply system and maintain it in perpetuity.
- (4) A fee assessment describing the proposed water rates and fees for the new system and how those fees compare with those charged by the established potable water supply entities. This assessment should include consideration of any metro district, homeowners' or property owners' association, or other taxes or fees that are also uniquely applicable to the proposed development to be served by the other potable water supply entity.
- (5) Approval documentation from other regulatory agencies such as CDPHE. At the Director's discretion, this information may substitute in whole or in part for the application requirements set forth in this Section. If additional approvals will be required, provide an explanation of how those approvals will be obtained, and at the Director's discretion, the additional approvals may be required as conditions of approval.
- (6) Detailed process diagrams stamped by a registered professional engineer on any proposed water treatment processes as well as how any waste products created from the treatment process will be properly disposed of.
- (7) Such other information as may be required by the Director in order to determine whether the proposed water supply will be adequate.
- (8) An other potable water supply entity with an approved ODP or PUD Overlay as outlined in [Division 2.3](#) and [Division 2.15](#) that includes the entire proposed service area, may at either the other potable water supply entity's, or Director's discretion, submit an application that describes their entire proposed service area once with the initial phase of development and then update the initial determination with a letter from a professional engineer for each subsequent phase with the information required in Subsection [3.13.4\(A\)\(2\)](#); or as required based on any material changes to:
- (a) Any of the requirements set forth in this Section;
 - (b) The reported water supply as set forth in [Section 3.13.3\(C\)](#); or
 - (c) The proposed development, as determined by the Director.

(B) Review of Application.

- (1) **Agreement on Costs.** Prior to the City reviewing any application under this Section, the applicant shall agree in writing to reimburse the City for all costs associated with reviewing the application and associated materials, including costs associated with consultants hired to assist the Director's review. No water adequacy determination shall be issued unless and until all such costs have been paid to the City. The fee assessed by the City shall not exceed the cost of the review and administration of the review process.
- (2) **Review.**
- (a) The Director shall review the materials provided by the applicant following the completion of the agreement identified in Subsection [3.13.5\(B\)\(1\)](#). The time needed for the Director's review shall be based on the complexity of the application, the proposed water supply, and proposed water supply system.
 - (b) Following the submission of the application, the Director shall be entitled to require any such additional or supplemental information from the applicant as may be required to review and ensure compliance with all review criteria.
 - (c) The review will be completed concurrently with the required Final Plan, Basic Development Review, Development Construction Permit, or any plan amendments as specified in [Section 3](#).
- (C) **Standards.** To issue a water adequacy determination under this Section, the Director must find that the application and associated materials establish that:
- (1) The quality of the proposed potable water supply will be sufficient for build-out of the proposed development by:
 - (a) Providing potable water to the development of a quality that meets or exceeds all state and federal water quality standards;
 - (b) Providing potable water to the development of a quality equal to or better than the quality of potable water provided by the City of Fort Collins as measured by appropriate water quality aspects; and
 - (c) Establishing and maintaining a water supply entity that has the technical expertise and resources to maintain the quality of the water supply for the lifetime of the development.
 - (2) The quantity of the proposed potable water supply will be sufficient for build-out of the proposed development by:
 - (a) Relying upon a renewable and/or sustainable physical supply of water, that takes into account any impacts if multiple users have rights to use water from a single source, such as an aquifer;
 - (b) Having ability to acquire a water rights portfolio that provides a permanent firm yield equal to or greater than the maximum assumed demand in all hydrological conditions, including a modeled one-in-fifty-year drought or equivalent or more stringent standard, when taking into consideration reasonable transit and other losses and all applicable obligations, including augmentation requirements and return flow obligations; and
 - (3) For lands to be served by tributary groundwater, establishing that the plan for augmentation will operate to provide a permanent firm yield equal to or greater than the maximum assumed demand in all hydrological conditions, including a modeled one-in-fifty-year drought or equivalent or more stringent standard, when taking into consideration reasonable losses and all applicable obligations, including augmentation requirements and return flow obligations for the lifetime of the development.

- (4) The dependability of the proposed potable water supply will be sufficient for build-out of the proposed development by:
- (a) Establishing that the water supply system includes sufficient redundancy equal to or better than the redundancy of the City of Fort Collins system;
 - (b) If the water supply system includes a water treatment facility, include the class of facility and treatment processes and provide information that the level of operations is equivalent or better as required by CDPHE, and demonstrate how the facility operators will ensure they have the technical expertise and resources to operate the treatment facility dependably and sustainably in a manner that is economical, safe, and that does not produce any harmful by-products;
 - (c) Establishing that the water supply system and water rights portfolio can operate during water supply shortages and emergencies, including infrastructure issues, natural disasters, and long-term climate change; and
 - (d) Establishing and maintaining a water supply entity that can oversee and maintain the water supply system and water rights portfolio for the lifetime of the development.
- (5) The availability of the proposed potable water supply will be sufficient for build-out of the proposed development by:
- (a) Establishing the applicant has, or has the ability to acquire, the necessary property rights and resources to build and operate the proposed water supply system;
 - (b) For lands to be served by tributary groundwater, establishing that the proposed use of the tributary groundwater is sustainable with evidence of assured supply for the lifetime of the development; and
 - (c) For lands within the water service area of an established potable water supply entity, establishing that the lands to be served by the other potable water supply entities have been removed from the water service area of the established potable water supply entity; or the established potable water supply entity consents to the proposed service by the other potable water supply entity. The Director may, however, waive this requirement if an established potable water supply entity is incapable of providing a reasonable level of service to the proposed development.

(D) Modification of Standards. If a potable water supply entity cannot meet the standards set forth above in Subsection 5.17.5(C), with the exception of 5.17.5(C)(5)(c) which shall not be subject to modification, then they may seek a modification of standards pursuant to Division 6.8 with the Director as the designated decision maker. In addition to the four (4) standards set forth in Section 6.8.2(H) for granting a modification, the Director may also grant a modification if such modification would not be detrimental to the public good and the standard as modified is comparable to an existing standard already being employed by another established potable water supply entity. The Director's decision regarding a requested modification of standards is not subject to appeal pursuant to the Land Use Code or Code of the City of Fort Collins.

(E) Decision.

- (1) Based upon the information provided by the applicant and developed by the City and any consultants, the Director shall issue all water adequacy determinations in writing including specific findings and shall either:
- (a) Approve the application finding that the proposed water supply is adequate;

- (b) Approve the application with conditions finding the proposed water supply is adequate provided the conditions are met; or
 - (c) Deny the application finding that the proposed water supply is inadequate.
- (2) All water adequacy determinations shall become part of the plan set for the associated development application, if approved. The Director shall maintain a record of all non-privileged information submitted or developed upon which the water adequacy determination was based for the proposed water supply and proposed water supply system, and that record shall become part of the associated development application.
 - (3) The Director may impose conditions of approval that when met, as determined by the Director, will bring the proposed water supply into compliance with all applicable standards set forth in this Section, including conditions that the applicant acquire the required water right decrees and water contracts for the water supply system; and/or the applicant completing construction of all infrastructure for the water supply system. No building permit may be issued until all conditions have been met.
 - (4) The Director's decision is not subject to appeal pursuant to the Land Use Code or Code of the City of Fort Collins.
 - (5) The Director shall require a disclosure, recorded by the Larimer County Clerk, to be provided at the time of all property sales or transfers that the water supply for the development is being provided by the approved entity.

5.17.6 PROCEDURES AND STANDARDS FOR WATER ADEQUACY DETERMINATIONS: NON-POTABLE WATER SUPPLY ENTITIES.

(A) *Application Requirements for Non-Potable Water Supplies.* Applications for a water adequacy determination for all or portions of a development to be served with non-potable water shall include all of the following:

- (1) Summary document linking the information to the standard of review.
- (2) Report including information required under Section 29-20-304(1), C.R.S.:
 - (a) An estimate of the water supply requirements for the proposed development through build-out conditions;
 - (b) A description of the water supply system and physical source of water supply that will be used to serve the proposed development. This description must include water quality test results and results of an analysis investigating any limitations of use due to poor quality;
 - (c) A description of all elements of the water rights portfolio either owned or planned for acquisition, contracts, and/or IGAs required for the proposed water supply;
 - (d) An estimate of the amount of water yield projected from each proposed water supply source under various hydrologic conditions. For surface water sources, this should include results of an analysis of historical temporal availability of the proposed supplies throughout the year, annual volumetric yield, and the frequency and flow rate of deliveries. For groundwater sources, this should include descriptions of the decreed place of use, flow rate, and annual volumetric limits, and their temporal availability of the proposed supplies throughout the year, including any augmentation requirements;

- (e) Water demand management measures, if any, that may be implemented within the development to account for hydrologic variability; and
 - (f) Description of all water conservation measures to be applied in the development and how they would be enforced and effectuated. At a minimum, smart controllers and flow meters are required per the Land Use Code.
- (3) Financial documentation showing that the proposed provider is able to create the proposed water supply system and maintain it in perpetuity.
 - (4) A narrative describing how the entity plans to ensure compliance equal to or better than City water conservation requirements including those outlined in Division 5.9.
 - (5) Approval documentation from other regulatory agencies, including the established potable water supply entity whose service area contains the proposed non-potable system when applicable. At the Director's discretion, this information may substitute in whole or in part for the application requirements set forth in this Section.
 - (6) Such other information as may be required by the Director.

(B) Review of Application.

- (1) **Agreement on Costs.** Prior to the City reviewing any application under this Section, the applicant shall agree in writing to reimburse the City for all costs associated with reviewing the application and associated materials, including costs associated with consultants hired to assist the Director's review. No water adequacy determination shall be issued unless and until all such costs have been paid to the City. The fee assessed by the City shall not exceed the cost of the review and administration of the review process.
- (2) **Review.**
 - (a) The Director shall review the materials provided by the applicant following the completion of the agreement identified in Subsection 5.17.6(B)(1). The length of the Director's review shall be based on the complexity of the application, the proposed water supply, and proposed water supply system.
 - (b) Following the submission of the application, the Director shall be entitled to require any such additional or supplemental information from the applicant as may be required for the Director's review.
 - (c) Applications for water adequacy determinations for Non-potable systems shall be submitted at the same time as Development Construction Permit for review.

(C) Standards. To issue a water adequacy determination under this Section, the Director must find that the application and associated materials establish that:

- (1) The quality of the proposed non-potable water supply will be sufficient for build-out of the proposed development by providing non-potable water to the development of a quality sufficient to meet all planned landscape needs and other intended non-potable water uses shown in the approved landscape or utility plans;
- (2) The quantity of the proposed non-potable water supply will be sufficient for build-out of the proposed development by:
 - (a) Relying upon a renewable and/or sustainable physical supply of water;

- (b) Having a water rights portfolio that provides a permanent firm yield equal to or greater than the maximum daily water requirement (accounting for typical conveyance and irrigation and other inefficiencies) under various hydrological conditions, including a modeled one-in-fifty-year drought or equivalent or more stringent standard, when taking into consideration all applicable obligations, including augmentation requirements and return flow obligations; and
 - (c) For lands to be served by tributary groundwater, establishing that the plan for augmentation will operate to provide a permanent firm yield equal to or greater than the maximum assumed demand under various hydrological conditions, including a modeled one-in-fifty-year drought or equivalent or more stringent standard, when taking into consideration all applicable obligations, including augmentation requirements and return flow obligations.
- (3) The dependability of the proposed non-potable water supply will be sufficient for build-out of the proposed development by:
- (a) If the non-potable water supply system includes treatment, establishing that the treatment can and will operate sustainably in a manner that is economical, safe, and that does not produce any harmful by-products; and
 - (b) Establishing and maintaining a water supply entity that has the technical expertise and resources to oversee and maintain the non-potable water supply system.
- (4) The availability of the proposed water supply will be sufficient for build-out of the proposed development by:
- (a) Establishing the applicant has, or has the ability to acquire, the necessary property rights and resources to build and operate the proposed non-potable water supply system; and
 - (b) For lands to be served by tributary groundwater, establishing that the proposed use of the tributary groundwater is sustainable with evidence of assured supply for the lifetime of the development.

(D) Decision.

- (1) Based upon the information provided by the applicant and developed by the City and any consultants, the Director shall issue all water adequacy determinations in writing including specific findings and shall either:
- (a) Approve the application finding that the proposed water supply is adequate;
 - (b) Approve the application with conditions finding the proposed water supply is adequate provided the conditions are met; or
 - (c) Deny the application finding that the proposed water supply is inadequate.
- (2) The written determination shall be included in the plan set for the associated development application, if approved. The Director shall maintain a record of all non-privileged information developed to review the proposed water supply and proposed water supply system and that record shall become part of the associated development application.
- (3) The Director may impose conditions of approval that when met, as determined by the Director, will bring the proposed water supply into compliance with all applicable standards set forth in this Section, including conditions that the applicant acquire the required water right decrees and water contracts for the water supply system. No building permit may be issued until all conditions have been met.

- (4) The Director's decision is not subject to appeal pursuant to the Land Use Code or Code of the City of Fort Collins.