FOR ASSISTANCE VIEWING OR READING ANY CITY DOCUMENTS,

contact the City's ADA Coordinator via email adacoordinator@fortcollins.gov or phone: 970-416-4254.

A Request for Reasonable Accommodation can also be completed online.

For more information about the City's Non-Discrimination policy and Accessibility efforts, visit FortCollins.gov/Non-Discrimination.

ARTICLE 4

USE STANDARDS

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CITY OF FORT COLLINS – LAND USE CODE

ARTICLE 4
USE STANDARDS

DIVISION 4.1 PURPOSE

This Article classifies the uses allowed by zone district in order to identify the activities that support the health, safety, and welfare of the people that live and work in all areas of Fort Collins. This Article also includes standards that may apply to a specific use.

DIVISION 4.2 TABLE OF PRIMARY USES

All uses that are not (1) expressly allowed as permitted uses in this Section or (2) determined to be permitted by the Director or the Planning and Zoning Commission pursuant to this Code are prohibited.

	RESIDENTIAL DISTRICTS						MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS										DOWNTOWN DISTRICTS						EMPLOYMENT, INDUSTRIAL, OTHER				
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H. CORE	CA/C/NM	I/R	RC	CN	EC	E	I	POL	T	
RESIDENTIAL USES																																
Single Unit Dwelling	■	■	■	■	■		■	■		■	■		◪	▨			◪		■	■	▨						■	▨				△
Single Unit Attached Dwelling	■	■	■				■	■		■	■	◪	◪	◪	◪		◪	◪	■	■	▨		■	■		■	■/■	▨				△
Two Unit Dwelling	■	■	■				■	■		■	■	◪	◪	◪	◪		◪	◪	■	■	▨		■			■	■/■	▨				
Multi-Unit Dwelling							■	■	■	■	■	■	■	■	■		■	■	■	■	■	■/■	■	■		■	■	■				
Mixed-Use Dwelling Units							■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■		■	■	■				
Accessory Dwelling Unit	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■			△
Short Term Primary Rentals		▣					▣	▣	▣	▣	▣	▣	▣	▣	▣	▣	▣		▣	▣	▣	▣	▣	▣		▣	▣	▣	▣			
Short Term Non-Primary Rentals														▣	▣	▣	▣		▣	▣	▣	▣	▣	▣		▣	▣	▣	▣			
Fraternity & Sorority Houses								▨	◪		▨	▨		▨					■	◪											
Manufactured Housing Community						◪	▨																					▨				△
Shelter for victims of domestic violence	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■				■	■	■	■	■	■		■/■	■/■	■				△

Regardless of the level of review indicated in the Residential Uses table above all affordable housing developments shall be reviewed through basic development review (BDR).

Regardless of the level of review indicated in the Residential Uses table above, multi-unit dwelling developments shall be reviewed through basic development review (BDR) if located within a transit center as further described in Section 4.3.1(H)(1).

■ Basic Development Review	◪ Type 1 (Administrative Review)	▨ Type 2 (Planning and Zoning Commission)	△ Additional Use Standards
■ Minor Amendment	◪ Building Permit	▣ License	

	RESIDENTIAL DISTRICTS						MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS										DOWNTOWN DISTRICTS						EMPLOYMENT, INDUSTRIAL, OTHER			
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H. CORE	CA/C /NM	I/R	RC	CN	EC	E	I	POL	T
INSTITUTIONAL/CIVIC/PUBLIC USES																															
Cemeteries	▨	◪					◪						◪	◪														▨	▨	◪	
Community facilities				▨	▨	▨	◪	◪	◪	◪	◪	◪	◪	◪	▨		◪	▨		◪	◪	◪	◪	◪	▨	◪	◪	◪	◪	▨	
Golf courses	▨	▨					▨							◪														▨	▨	▨	
Homeless Shelters (Excluding Seasonal)												▨			▨		▨					▨	▨	▨		▨	▨	▨	▨		
Hospitals												▨	▨		▨	▨	◪				◪							◪	▨		
Jails, Detention & Penal Centers																												▨	▨		
Neighborhood support/ recreation facilities						▨	◪																								
Neighborhood Parks as Definfed by the Parks and Recreation Policy Plan	◪	◪	■	■	■	■	■	■	■	■	■	■	■	■	■		■	■	■	■	■	■/■	■/■	■/■	■/■	■/■	■/■	■	■	■	
Parks, recreation and open lands, except parks defined by Parks & Recreation Policy Plan	◪	◪	◪	◪	◪	◪	◪	◪	◪	◪	◪	◪	◪	◪	◪		◪	◪	◪	◪	◪	◪	◪	◪	◪	◪	◪	◪	◪	◪	
Public/Private schools (elem., interm. & H.S.)		▨	▨	▨	▨	◪	▨	▨	▨	▨	▨	▨	▨	▨			◪	◪	◪	◪	▨	▨	▨	▨		▨		▨			
Public/Private schools (voc. & tech.)							▨	◪			▨	◪	◪	◪			◪	◪	◪	◪	◪										
Public/Private schools (coll., univ., voc., & tech.)							▨	◪	◪		▨	◪	◪	◪	▨	▨	◪	◪	◪	◪	◪	■/■	◪	◪		◪	◪	◪	◪		
Parks, recreation, & open lands (not neighbrhood park)	◪	◪	◪	◪	◪	◪	◪	◪	◪	◪	◪	◪	◪	◪	◪		◪	◪	■	■	◪	◪	◪	◪	◪	◪	◪	◪		◪	
Neighborhood parks		■	■	■	■	■	■	■	■	■	■	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■			■	
Places of worship or assembly		▨	▨	◪	▨	◪	▨	◪	◪	■	■	◪	◪	◪	◪		◪	◪	■	◪	▨	◪	◪	▨		◪	◪	▨	◪		△
Major Public Facilities															▨		▨		▨	▨									◪		
Minor Public facilities	◪	◪	▨	◪	▨	◪	◪	◪	◪	■	■	◪	◪	◪	◪		◪	◪	◪	◪	◪	■/■	◪	◪	◪	◪	◪	◪	◪	◪	
Riding academies	▨																														
Seasonal Overflow Shelters				◪		▨	◪	◪	■		■	■	■	■	■		■		■	■	■	▨	▨	▨		▨	▨	■			
Transit Facilities (with Repair or Storage)																												▨	◪		
Transit Facilities (without Repair or Storage)												◪		◪		◪			■	◪	◪	▨	▨	▨		▨	▨	◪	◪		
Wildlife rescue and education centers		▨	▨	▨			▨							▨											▨				▨	▨	

■ Basic Development Review
◪ Type 1 (Administrative Review)
▨ Type 2 (Planning and Zoning Commission)
△ Additional Use Standards
■/■ Minor Amendment
◪ Building Permit
▣ License

	RESIDENTIAL DISTRICTS						MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS										DOWNTOWN DISTRICTS						EMPLOYMENT, INDUSTRIAL, OTHER				
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H. CORE	CA/C /NM	I/R	RC	CN	EC	E	I	POL	T	
COMMERCIAL/RETAIL USES																																
Adult oriented uses																													▨			
Adult day/respite care center		▨		▨		◪	◪	◪	◪	■	■	◪	◪	◪	▨		◪	◪	■	■	◪	◪	◪	◪		◪	◪	◪	▨			
Animal Boarding	◪	▨																		▨									▨			
Artisan and photography studios and galleries							▨	◪	◪			◪	◪	◪	◪		◪	◪		◪		■/■	◪	◪		◪	◪	▨	◪			△
Bars, taverns												◪	◪		◪		◪	▨	◪	◪		■/■	◪	◪		◪	◪	◪	▨			
Night clubs												▨					◪	▨				■/■	▨	▨		▨	▨					
Bed & breakfast establishments		▨					◪	◪	◪	▨	■	◪	◪	◪	◪		◪			◪	▨					◪	◪	▨	▨			
Child care centers		▨		▨		◪	◪	◪	◪	■	■	◪	◪	◪	▨		◪	◪	■	■	◪	◪	◪	◪		◪	◪	◪	▨			△
Clubs and Lodges												◪	◪	◪	◪		◪		■	◪	▨	■/■	◪	◪		◪	◪	◪	◪			
Convenience retail stores without fuel sales							◪	◪	◪			◪	◪	◪	◪		◪	◪	◪	◪						◪	◪					△
Convenience retail stores with fuel sales							▨					▨	▨		◪	▨	◪	◪	◪	◪							◪		▨			△
Convenience shopping centers																					▨							▨	▨			
Convention and conference centers																					▨	■/■	▨	▨				▨				
Day Shelter												▨	▨	▨	▨		▨					▨		▨		◪			▨			△
Dog day-care facility												◪	◪	◪	◪		◪	◪	■	◪			▨	▨		▨	▨	◪	◪			
Grocery stores												◪	◪	◪	▨	▨	◪	◪		◪		◪	◪	◪		◪	◪					△
Supermarkets												▨	▨		▨	▨	◪	▨					▨	▨		▨						
Enclosed mini-storage facility							▨								▨		◪		◪	◪								▨	◪			△
Entertainment facilities and theaters												▨	◪	▨	▨	▨	◪	▨	■	◪		■/■	▨	◪		▨	▨					
Exhibit halls												▨	◪	◪	▨		◪		■	◪		■	▨	◪		▨	■/■					
Food Catering or small food product preparation												◪	◪	◪	◪		◪	◪	◪	◪	◪							◪	◪			

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	RESIDENTIAL DISTRICTS						MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS										DOWNTOWN DISTRICTS						EMPLOYMENT, INDUSTRIAL, OTHER				
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H. CORE	CA/C /NM	I/R	RC	CN	EC	E	I	POL	T	
Food Truck Rally												License	License		License			License		License	Type 1	License	License	License		License	License					
Frozen Food Lockers															Type 1				Basic Development Review	Type 1									Type 1			
Funeral homes											Type 2	Type 1	Type 1	Type 2	Type 1		Type 1		Type 1	Type 1								Type 2	Type 1			⚠
Gasoline stations												Type 1			Type 1		Type 1	Type 1	Type 1				Type 2	Type 2		Type 2	Type 1		Type 1			
Health and membership clubs												Type 1		Type 1	Type 1	Type 2	Type 1	Type 1		Type 1	Type 2	Basic Development Review / Minor Amendment	Type 1	Type 1		Type 1	Type 1	Type 2	Type 1			
Homeless Shelters												Type 2			Type 2		Type 2					Type 2	Type 2	Type 2		Type 2	Type 2	Type 2	Type 2			
Indoor Kennel													Type 1		Type 1		Type 1		Type 1	Type 1	Type 1								Type 1			⚠
Limited indoor recreation establishments							Type 2					Type 1	Type 1	Type 1	Type 1		Type 1	Type 1	Basic Development Review	Type 1	Type 2	Basic Development Review / Minor Amendment	Type 1	Type 1		Type 1	Type 1	Type 2	Type 1			⚠
Lodging establishments												Type 1	Type 1	Type 1	Type 1	Type 1	Type 1		Type 1	Type 1	Type 2	Type 2	Type 2	Type 2		Type 1	Type 1	Type 2				
Long-term care facility							Type 2					Type 2	Type 2	Type 2		Type 2					Type 2	Type 2	Type 2	Type 2		Type 2	Type 2	Type 2	Type 2			
Medical centers/clinics												Type 1	Type 1	Type 1	Type 1	Type 2	Type 1	Type 1	Basic Development Review	Basic Development Review	Type 1							Type 1	Type 1			
Medical marijuana centers												Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review		Basic Development Review					Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment		Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment					
Micro-brewery/distillery/winery												Type 1	Type 1		Type 1		Type 1	Type 2	Type 1	Type 1	Type 1	Basic Development Review / Minor Amendment	Type 2	Type 2		Type 2	Type 2	Type 1	Type 2			⚠
Music Studio												Type 1	Type 1	Type 1	Type 1		Type 1					Type 1	Type 1	Type 1		Type 1	Type 1	Type 1	Type 1			
Music Facility, Multi-Purpose												Type 1	Type 1	Type 1								Type 1	Type 1	Type 1		Type 1	Type 1		Type 1			
Offices, financial services & clinics							Type 2	Type 2	Type 1		Basic Development Review	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	Basic Development Review	Basic Development Review	Type 1	Basic Development Review / Minor Amendment	Type 1	Type 1		Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment	Type 1	Type 1			
Outdoor amphitheater												Type 2	Type 2	Type 2	Type 2		Type 2	Type 2			Type 2	Type 1	Type 1	Type 2		Type 2						
Plant Nurseries & Greenhouses		Type 2													Type 1		Type 1			Type 1								Type 1	Type 1			
Plumbing, electrical, and carpenter shops															Type 1		Type 1		Basic Development Review	Basic Development Review									Type 1			
Print Shop												Type 1	Type 1	Type 1	Type 1		Type 1	Type 1	Basic Development Review	Type 1	Type 1	Type 1	Type 1	Type 1		Type 1	Type 1	Type 1	Type 1			
Open air farmers markets								Type 1	Type 1			Type 1	Type 1		Type 1			Type 1		Type 1	Type 1	Type 1	Type 1	Type 1		Type 1	Type 1					⚠

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

	RESIDENTIAL DISTRICTS						MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS										DOWNTOWN DISTRICTS						EMPLOYMENT, INDUSTRIAL, OTHER				
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H. CORE	CA/C /NM	I/R	RC	CN	EC	E	I	POL	T	
Parking lots and garages (as principle use)											◪	▨			▨		◪		■			▨	▨	▨		▨	▨	◪	◪			
Personal and business service shops							◪	▨	◪		■	◪	◪	◪	◪	▨	◪	◪	■	■		■/■	■/■	◪		◪	■/■	◪				△
Recreational uses															▨		◪												▨			
Restaurant (limited mixed-use)								◪	▨																							
Restaurants (standard)												◪	◪	◪	◪	▨	◪	◪	■	◪	▨	■/■	◪	◪		◪	◪	▨	▨			
Restaurants (fast food with drive-thru)															▨	▨																
Restaurants, Drive-In															▨		◪	▨	◪									▨	▨			△
Retail marijuana stores												■	■	■	■		■					■/■	■/■	■/■		■/■	■/■					
Retail establishments												◪	◪	▨	◪	◪	◪	◪	■	◪		■/■	▨	▨		◪	◪					△
Large Retail establishments												▨	▨		▨	◪	▨					▨	▨	▨								△
Retail stores (with vehicle servicing)												▨			◪		◪												◪			
Retail stores/supply yards (with outdoor storage)															▨		◪												▨			
Small scale reception center		▨										◪	◪	▨	◪	▨	◪			◪		◪	◪	◪		◪	◪					
Harmony Corridor Community Shopping Center																					▨											
Harmony Corridor Lifestyle Shopping Center																					▨											
Harmony Corridor Regional Shopping Center																					▨											
Harmony Corridor Neighborhood Service Center																					▨											
I-25 Activity Centers															▨																	
Unlimited Indoor Recreation Establishments												▨	▨	▨	▨	▨	◪				▨					▨			◪			
Boat sales with storage															▨														▨			△
Vehicle Sales															▨		◪		■								▨		▨			△

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	RESIDENTIAL DISTRICTS						MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS										DOWNTOWN DISTRICTS						EMPLOYMENT, INDUSTRIAL, OTHER				
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H. CORE	CA/C /NM	I/R	RC	CN	EC	E	I	POL	T	
COMMERCIAL/RETAIL USES																																
Vehicle Major Repair															▨		◪		■	▨							▨		◪			△
Vehicle Minor Repair												▨			◪		◪	◪	■	◪						▨	◪		◪			△
Farm implement & heavy equipment sales																			◪										▨			
Manufactured home/recreational vehicle/truck sales																			◪										▨			
Equipment, Truck, trailer rental												▨			◪		◪												◪			
Equipment Rental est. (without outdoor storage)												◪			◪		◪	◪											◪			
Veterinary Hospital																	◪		■	◪							■/■	▨	▨			
Veterinary facilities/small animal clinics or hospitals							◪	▨	◪			◪	◪	◪	◪		◪	◪	■	■	◪		▨	▨		◪	◪	◪	◪			△

■ Basic Development Review
◪ Type 1 (Administrative Review)
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	RESIDENTIAL DISTRICTS						MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS										DOWNTOWN DISTRICTS						EMPLOYMENT, INDUSTRIAL, OTHER				
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H. CORE	CA/C /NM	I/R	RC	CN	EC	E	I	POL	T	
INDUSTRIAL USES																																
Airport/Airstrips																													▨			
Compost facilities	◪	▨													▨										◪			◪	◪	◪		
Dry Cleaning Plants																												▨	▨			
Heavy Industrial																													◪			
Light industrial							▨						◪		◪		◪		◪	▨	◪							◪	◪			△
Junk Yards																													▨			
Medical marijuana cultivation													■				■			■									■			
Medical Marijuana optional premises cultivation operations													■				■			■				■/■					■			
Medical Marijuana Research and Development													■				■			■				■/■					■			
Retail Marijuana cultivation facility													■				■			■									■			
Retail marijuana product manufacturing facility													■				■			■									■			
Retail marijuana testing facility													■				■			■									■			
Oil and gas piplines												▨	▨	▨	▨	▨	▨	▨	▨	▨	▨	▨	▨	▨	▨	▨	▨	▨	▨			△
Oil and gas facilities																													▨			△
Outdoor storage facilities																			◪										◪			△
Recreation vehicle, boat, truck storage																													◪			
Recycling facilities																	▨												◪			
Research laboratories												◪	◪				◪		◪	◪	◪		◪	◪		◪	◪	◪	◪			△
Resource extraction, process and sales	▨	▨																											▨			
Resource recovery																									◪					◪		
Solar energy systems, small- and medium-scale	▨	▨	▨	▨	▨		▨	▨	▨	▨	▨	◪	◪	◪	◪	◪	◪	◪	◪	◪	◪	◪	◪	◪		◪	◪	■	■	▨		
Solar energy systems - large scale																												◪	◪			
Transportation terminals (truck, container storage)																	▨		■										▨			
Warehouses																	◪		■	◪								◪	◪			△
Wholesale distribution facility																	◪		■									◪	◪			
Workshops and custom small industry							▨					◪	◪	◪	◪		◪	◪	■	■	◪		◪	◪		◪	◪	◪	◪			△

■ Basic Development Review
■ Minor Amendment
◪ Type 1 (Administrative Review)
◪ Building Permit
▨ Type 2 (Planning and Zoning Commission)
■ License
△ Additional Use Standards

	RESIDENTIAL DISTRICTS						MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS										DOWNTOWN DISTRICTS						EMPLOYMENT, INDUSTRIAL, OTHER			
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H. CORE	CA/C /NM	I/R	RC	CN	EC	E	I	POL	T
ACCESSORY/MISC USES																															
Accessory buildings	Building Permit	Building Permit	Building Permit	Building Permit	Building Permit	Building Permit	Building Permit	Building Permit	Building Permit	Building Permit	Building Permit	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment		Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	
Accessory Drive-through Facilities												Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment					Type 2 (Planning and Zoning Commission)	Type 2 (Planning and Zoning Commission)				
Accessory uses	Building Permit	Building Permit	Building Permit	Building Permit	Building Permit	Building Permit	Building Permit	Building Permit	Building Permit	Building Permit	Building Permit	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment	Building Permit	Building Permit	Building Permit	
Agricultural activities	Basic Development Review																					Type 1 (Administrative Review)	Type 1 (Administrative Review)	Type 1 (Administrative Review)		Type 1 (Administrative Review)	Type 1 (Administrative Review)			Type 1 (Administrative Review)	
Farm Animals	Basic Development Review	Type 1 (Administrative Review)	Type 1 (Administrative Review)																												
Urban Agriculture	License	License	License	License	License	License	License	License	License	License	License	License	License	License	License	License	License	License			License	License	License	License		License	License	License	License	License	
Heliports and Helipads																					Type 2 (Planning and Zoning Commission)							Type 2 (Planning and Zoning Commission)	Type 2 (Planning and Zoning Commission)		
Outdoor vendor												Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment		Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment	Basic Development Review	Basic Development Review		
Satellite dishes (>39" in diameter)												Type 1 (Administrative Review)	Type 1 (Administrative Review)	Type 1 (Administrative Review)	Type 1 (Administrative Review)		Type 1 (Administrative Review)	Type 1 (Administrative Review)	Basic Development Review	Basic Development Review	Type 1 (Administrative Review)	Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment		Basic Development Review / Minor Amendment	Basic Development Review / Minor Amendment	Type 1 (Administrative Review)	Type 1 (Administrative Review)		
Wireless communication facilities, collocated	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Basic Development Review	Type 1 (Administrative Review)	Type 1 (Administrative Review)	Type 1 (Administrative Review)		Type 1 (Administrative Review)	Type 1 (Administrative Review)	Basic Development Review	Basic Development Review	Basic Development Review	
Wireless communication facilities				Type 2 (Planning and Zoning Commission)								Type 1 (Administrative Review)	Type 1 (Administrative Review)	Type 1 (Administrative Review)	Basic Development Review	Basic Development Review	Basic Development Review	Type 1 (Administrative Review)	Type 1 (Administrative Review)	Type 1 (Administrative Review)	Basic Development Review	Type 2 (Planning and Zoning Commission)	Type 2 (Planning and Zoning Commission)	Type 2 (Planning and Zoning Commission)		Type 2 (Planning and Zoning Commission)	Type 2 (Planning and Zoning Commission)	Basic Development Review	Basic Development Review	Type 1 (Administrative Review)	
Off-site Construction Staging	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment		Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment		Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment	Minor Amendment

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

DIVISION 4.3 ADDITIONAL USE STANDARDS

4.3.1 RESIDENTIAL USES

(A) **Accessory Building** shall be subordinate to a primary building and may contain finished space, unfinished space and habitable space.

(1) Accessory buildings shall not be eligible for a new short term rental License on or after January 1, 2024. Existing short term rental licenses issued before January 1, 2024, may be renewed or a new license after this date may be issued per Section 15-646 of the Code of the City of Fort Collins.

(B) **Accessory Dwelling Unit** shall be subordinate to a primary dwelling unit. The land underneath the primary structure and the accessory dwelling unit is not divided into separate lots. This does not exclude the ability to create a condominium plat.

(1) Accessory Dwellings Units that apply for a building permit on or after January 1, 2024, shall not be used for a short term rental. Existing short term rental licenses issued before January 1, 2024, may be renewed or a new license after this date may be issued per Section 15-646 of the Code of the City of Fort Collins.

(C) Family Care Homes consist of one or more of the following:

(1) **Family Foster Homes.** Family foster homes shall be permitted as an accessory use as defined in Article 7 provided that the maximum number of foster children in any given home shall not exceed four (4).

(2) **Day Care Homes.** Day care homes shall be permitted as an accessory use as defined in Article 7 provided that such homes are licensed by the State of Colorado and that the maximum number of children and the age limitation of children to whom care is provided complies with the State of Colorado regulations for a family child care home, an infant/toddler home or an experienced family child care provider home.

(3) **Elderly Day Care Homes.** Elderly day care homes shall be permitted as an accessory use as defined in Article 7, provided that the maximum number of elderly persons receiving care, protection and supervision in any such home shall not exceed four (4) at any given time.

(D) **Fraternity/Sorority Houses shall** mean residences housing students attending an accredited institution of higher learning within the City.

(E) Home Occupations

(1) A home occupation shall be allowed as a permitted accessory use, provided that all of the following conditions are met:

(a) Such use shall be conducted entirely within a dwelling and carried on by the inhabitants of the dwelling with not more than one (1) additional employee or co-worker. The hours of operation during which clients, customers, employees or co-workers are allowed to come to the home in connection with the business activity are limited to between 8:00 a.m. and 6:00 p.m. Monday through Saturday.

(b) Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character thereof.

(c) The total area used for such purposes shall not exceed one-half (½) the floor area of the user's dwelling unit.

(d) There shall be no exterior advertising other than the residential sign allowed in Section 5.16(D)(5)(a) of this Code.

(e) There shall be only incidental sale of stocks, supplies or products conducted on the premises.

(f) There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.

(g) There shall be reasonable mitigation of noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.

(h) A home occupation shall provide additional off-street parking area adequate to accommodate all needs created by the home occupation.

(i) In particular, a home occupation may include, but is not limited to, the following, provided that all requirements contained herein are met:

(I) art studio;
(II) dressmaking or millinery work;
(III) professional office;
(IV) office for insurance or real estate sales;
(V) teaching;

(j) A home occupation shall not be interpreted to include the following:

(I) animal hospital;
(II) long-term care facility;
(III) restaurant;
(IV) bed & breakfast;
(V) adult-oriented use;
(VI) vehicle repair, servicing, detailing or towing if vehicles are dispatched from the premises, or are brought to the premises, or are parked or stored on the premises or on an adjacent street;
(VII) medical marijuana businesses ("MMBs"), as defined in Section 15-452 of the City Code;
(VIII) retail marijuana establishment as defined in Section 15-603 of the City Code;
(IX) short term primary rentals and short term non-primary rentals.

(2) A home occupation shall be permitted only after the owner or inhabitant of the dwelling in which such occupation is conducted has obtained a home occupation license from the City. The fee for such a license shall be the fee established in the Development Review Fee Schedule, and the term of such license shall be two (2) years. At the end of such term, the license may be issued again upon the submission and review of a new application and the payment of an additional fee. If the City is conducting an investigation of a violation of this Code with respect to the particular home occupation at the time such renewal application is made, the license will not be reissued until the investigation is completed and, if necessary, all violations corrected. The term of the previous license shall continue during the period of investigation. The Director may revoke any home occupation license issued by the City if the holder of such license is in violation of any of the provisions contained in paragraphs (a) through (h) of this Section, provided that the holder of the license shall be entitled to the administrative review of any such revocation under the provisions contained in Chapter 2, Article VI of the City Code.

(F) **Manufactured Housing**

(1) Manufactured Housing Communities shall be developed in accordance with the applicable general development standards contained in this Code and the regulations contained in Chapter 18 of the City Code.

(G) **Mixed Use Dwelling Unit**

(1) Facility Amenities limited to the use of residents in the building such as but not limited to a leasing office, gym, and pool are not considered a separate use.

(2) In the I zone district such use shall be constructed above nonresidential uses, provided that the aggregate floor area of all mixed-use dwellings does not exceed the aggregate floor area of all nonresidential uses in the building.

(H) **Multi-Unit Dwelling** has three or more habitable dwelling units contained within a permitted building type. The land underneath the primary structure is not divided into separate lots.

(1) Multi-unit dwelling developments proposed to be located on lots of five (5) gross acres or less in size and located within a transit center shall be reviewed through basic development review regardless of the level of review indicated in Division 4.2. Transit center locations are shown on the map accompanying the transit center definition in Section 7.2.2.

(I) **Single Unit Detached Dwelling** is a stand-alone residential dwelling unit, other than a manufactured home, providing complete, independent living facilities including permanent provisions for living, sleeping, eating, and cooking.

(1) In the HC, CCN, CCR, and CS Zone only allowed on lots less than six thousand (6,000) sf.

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

(J) **Single Unit Attached Dwelling**

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

(K) **Shelter for victims of Domestic Violence**

(1) Shall be separated from a shelter by a minimum of one thousand five hundred (1,500) feet.

(L) **Short Term Rentals**

(1) **Applicability.** These standards apply to short term primary rentals and short term non-primary rentals.

(2) **Purpose.** The purposes of these standards are to mitigate the impacts of short term rentals on the neighborhoods in which they are located, to maintain and enhance neighborhood livability, to ensure the health and safety of renters of short term rentals, and to ensure the compatibility of short term rentals with the allowed uses in the applicable zone districts.

(3) **Location.** Subject to subsection (6) below, the allowable locations of short term primary and non-primary rentals are determined by the zone districts and their respective list of permitted uses as described in the applicable zone districts.

(a) On or after January 1, 2024, short term primary and non-primary rentals are prohibited in both accessory buildings and accessory dwelling units. This does not apply to any licenses issued prior to this date or accessory buildings and accessory dwelling units that have applied for a building permit prior to this

date, and such licenses may be renewed or a new license may be issued per Section 15-646 of the Code of the City of Fort Collins.

(4) **Off-street Parking.** See Section 5.9.1(K)(1)(g) for minimum off-street parking space requirements.

(5) **Licensing.** The licensing of short term rentals is governed by the Code of the City of Fort Collins Chapter 15, Article XVIII. No dwelling unit shall be used as a short term primary rental or short term non-primary rental unless a license is first obtained pursuant to Chapter 15, Article XVIII.

(a) Licenses issued to ADUs prior to the adoption of this code may continued to be renewed.

(6) **Nonconforming Use.** A dwelling unit utilized as a short term primary or non-primary rental that is located in a zone district where such use is prohibited, and such short term rental was a lawfully established use as defined in (c) below, is deemed to be a nonconforming use. Such nonconforming use shall correspond to the type (either primary or non-primary) of short term rental conducted prior to March 31, 2017.

(a) In addition to complying with the nonconforming use regulations in Land Use Code Division 6.16, the owner of the dwelling unit must obtain a license pursuant to the Code of the City of Fort Collins § 15-646 and continuously maintain such license to maintain nonconforming use status. Failure to apply for such license by October 31, 2017, shall be considered abandonment of the nonconforming use. Should such license be revoked, not be renewed, or lapse for any period of time, the nonconforming short term rental use shall be considered abandoned or otherwise terminated.

(b) Should ownership of a dwelling unit licensed pursuant to § 15-646 be transferred, and such license was continuously valid until the transfer of ownership, the new owner must comply with the following in order to continue the nonconforming use: (1) apply for a license pursuant to § 15-646 within thirty (30) days of the transfer of ownership; (2) comply with the parking requirements contained in Section 5.9.1(K)(1)(m) of this Code; and (3) continuously maintain any license issued pursuant to § 15-646. Should any license issued to the new owner be revoked, not be renewed, or lapse for any period of time, the nonconforming short term rental use shall be considered abandoned or otherwise terminated.

(c) To be deemed a lawful use, a dwelling unit must have been actually utilized as a short term primary or non-primary rental prior to March 31, 2017, and valid sales and use and lodging tax licenses for such dwelling unit must have been obtained prior to October 31, 2017, in accordance with Chapter 25, Art. IV, of the Code of the City of Fort Collins.

(M) **Two Unit Dwelling is a** building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

(1) In the CS zone district such use shall not be allowed within two hundred (200) feet of North College Avenue.

(N) **Secondary Uses**

(1) In the CC zone district all residential permitted uses, except mixed-use dwellings in multistory shopfront buildings, shall be considered secondary uses and, for projects containing ten (10) or more acres, together shall occupy no more than thirty (30) - 40 - percent of the total gross area of any development plan. If the project contains less than ten (10) acres, the development plan must demonstrate how it contributes to the overall mix of land uses within the surrounding area, but shall not be required to provide a mix of land uses within the development.

(2) In the NC zone district all permitted residential uses, except mixed-use dwellings in multistory shopfront buildings shall be considered secondary uses and, for projects containing five (5) or more acres, together shall occupy no more than thirty (30) percent of the total gross area of any development plan. If the project contains less than five (5) acres, the development plan must demonstrate how it contributes to the overall mix of land uses within the surrounding area but shall not be required to provide a mix of land uses within the development.

4.3.2 INSTITUTIONAL/CIVIC/PUBLIC USES

(A) **Community Facilities**

(1) Community facilities such as community buildings, government offices, recreation centers and libraries shall be placed in central locations as highly visible focal points. To the extent reasonably feasible, they shall be located close to transit stops.

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

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

(C) **Seasonal Overflow Shelter**

(1) The purpose of this Section is to allow for the siting and approval of seasonal overflow shelters while helping to ensure that such shelters are compatible with the adjacent neighborhoods.

(2) General Standards. Seasonal overflow shelters shall be allowed as a permitted use, provided that all of the following conditions are met:

(a) *Occupancy Limit*. No more than fifty (50) persons may be housed at any one (1) seasonal overflow shelter.

(b) *Operations.* An organization with prior homeless shelter management experience must be designated as the operator responsible for managing the seasonal overflow shelter.

(c) *Operating Agreement.* An operating agreement must be completed between the City, the operator and the owner of the real property upon which the seasonal overflow shelter is located, delineating the roles of the parties, and, without limitation, shall include provisions pertaining to parking, hours of operation, site cleanup, loitering, number of staff and designated contact persons for each party. The operating agreement shall be executed by all parties prior to the approval of a seasonal overflow shelter and must be executed preceding each operating season that the shelter is functioning.

(d) *Transportation*. If the seasonal overflow shelter is more than two (2) miles from a homeless shelter, then transit to and from the seasonal overflow shelter and the homeless shelter (or other locations designated in the operating agreement) shall be provided by the operator of the seasonal overflow shelter.

(e) *Neighborhood Meeting.* The City shall require a neighborhood meeting for each application for approval of a seasonal overflow shelter and preceding each operating season that the shelter is functioning.

(f) *Limit.* There shall be no more than three (3) seasonal overflow shelters operating in the City at any given time.

(g) *Compliance with Other Standards.* The property upon which the seasonal overflow shelter is located must continue to comply with the standards of this Code, at least to the extent of its original compliance (so as to preclude any greater deviation from the standards of this Code by reason of a seasonal overflow shelter being located thereon).

(D) **Wildlife Rescue and Education Centers**

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

4.3.3 COMMERCIAL/RETAIL USES

(A) **Adult Day/Respite care centers**

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

(B) **Adult-Oriented Uses**

(1) Adult-oriented uses are permitted only in the zone districts shown in the Use Table of Division 4.2.

(2) Adult-oriented uses shall not be established, operated or maintained within one thousand (1,000) feet of the boundary of any residential zone district (whether within or beyond the City's jurisdictional boundary), any structure occupied for residential purposes, any public park or playground, any child care center, any outdoor recreation facility, any limited indoor recreation use, any place of worship or assembly, any school meeting all of the requirements of the compulsory education laws of the State and/ or any other adult-oriented use. An adult-oriented use lawfully operating as a conforming use shall not be rendered a nonconforming use by the subsequent location of a residential district or residential use, public park or playground, child care center, outdoor recreation facility, limited indoor recreation use, place of worship or assembly, or school within one thousand (1,000) feet of said adult-oriented use.

(3) Method of Measurement. All measurements required pursuant to this use shall be made from the nearest property line of the property from which spacing is required (pursuant to paragraph (B) of this Section) to the nearest entrance of the building in which the adult-oriented use is to occur, using a straight line, without regard to intervening structures or objects.

(4) Displays, Screenings. Advertisements, displays or other promotional materials displaying or depicting "specified anatomical areas" or "specific sexual activities" shall not be shown or exhibited so as to be visible or audible to the public from adjacent streets, sidewalks or walkways or from other areas outside the establishment; and all building openings, entries and windows for adult-oriented uses shall be located, covered or screened in such manner as to prevent the interior of such premises from being viewed from outside the establishment.

(5) No adult bookstore, adult novelty store or adult retail store that, as of June 14, 2002, had adult material in excess of twenty (20) percent of its stock-in-trade, or derived in excess of twenty (20) percent of its revenues from such material, or devoted in excess of twenty (20) percent of its interior business or interior advertising to such material, or maintained in excess of twenty (20) percent of its gross floor area or display

space for the sale or rental of such material, shall be allowed to increase its adult material business beyond the percentages that existed on June 14, 2002.

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

(C) **Animal Boarding**

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

(D) **Bars and Taverns**

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

(E) **Bed and Breakfast Establishment**

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

(2) In the LMN, MMN, HMN, OT-B zone districts such use shall be limited to six (6) beds not including on site owner or staff.

(F) **Boat Sales with Storage**

(1) Not permitted in the Transit-Oriented Development (TOD) Overlay.

(G) **Child Care Center**

(1) Outdoor Play Area is required to be the greater of either 1,200 sq. ft. or 75 sq. ft. per child of 33% of the child capacity of the center.

(2) An outdoor play area as stated above shall not be required for drop-in child care centers.

(3) For the purposes of this Subsection, the capacity of the center is calculated based upon indoor floor space reserved for school purposes of forty (40) square feet per child. Any such play area on the site of the child care center within or abutting any residential district shall be enclosed by a decorative solid wood fence, masonry wall or chain link fence with vegetation screening, densely planted. The height of such fence shall be a minimum of six (6) feet and shall comply with other fences regulations within this Code. Where access to child care centers is provided by other than local streets, an off-street vehicular bay or driveway shall be provided for the purpose of loading and unloading children.

(4) If active and continuous operations are not carried on for a period of twenty-four (24) consecutive months in a child care center which was approved for operation within a residential dwelling, the child care center use shall be deemed to have been abandoned. Such child care center use may thereafter be reestablished only upon approval of a new application in accordance with all applicable provisions of this Code.

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

(H) **Convenience retail stores with fuel sales**

(1) In the LMN, CC, CCN, NC, I zone districts such use shall be spaced at least three thousand nine hundred sixty (3,960) feet (three-quarters [¾] of a mile) from any other such existing or permitted fueling station.

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

(I) Convenience Shopping Center

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

(2) In the I zoned district such use may include drive-in restaurants.

(3) In the NC zone district such use shall be three thousand nine hundred sixty (3,960) feet from any other any other such existing or permitted fueling station.

(J) Day Shelter

(1) In the D, CC, CCN, CCR, CG/CAC, CS, I zone districts such use shall not exceed ten thousand (10,000) square feet and shall be located within one thousand three hundred twenty (1,320) feet (one-quarter [¼] mile) of a Transfort route.

(K) Dog Day-Care Facility Regulations

(1) All services provided by a dog day-care facility shall be conducted within a completely enclosed, soundproof building.

(2) All dog day-care facilities shall be designed and constructed in a manner that reasonably mitigates emission of odor and noise to persons owning, occupying or patronizing properties adjacent to such facilities.

(L) Drive-in Restaurant

(1) In the E, I zone districts such use is only permitted in a convenience shopping center.

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

(M) Enclosed Mini-storage Facility

(1) In the CS zoned districts such use shall be at least 150 feet from South College Avenue.

(2) Not permitted in the South College Gateway Area or the Transit Oriented Development (TOD) Overlay.

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

(N) Funeral Homes

(1) In the OT-C zone district such use shall be located in the street-fronting principal building.

(O) Grocery Stores

(1) In the D, CC, CCN, CCR, CS, NC zone districts shall occupy between five thousand (5,000) and forty-five thousand (45,000) square feet.

(P) **Indoor Kennel**

(1) In the HC zone district only permitted in community or regional shopping center.

(Q) **Limited indoor recreation establishments**

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

(R) **Micro-brewery/distillery/winery**

(1) In the HC zone district only permitted within a community, lifestyle, regional, and convenience shopping center.

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

(S) **Neighborhood Centers**

(1) In the LMN zone district such use shall contain two (2) or more of the following uses:

(a) mixed-use dwelling units;
(b) retail stores;
(c) convenience retail stores;
(d) personal and business service shops;
(e) small animal veterinary facilities;
(f) offices, financial services and clinics;
(g) community facilities;
(h) neighborhood support/recreation facilities; schools;
(i) child care centers;
(j) limited indoor recreation establishments;
(k) open-air farmers markets;
(l) places of worship or assembly;
(m) dog day care;
(n) music studio;
(o) micro brewery/distillery/winery;
(p) standard fast food restaurants (without drive-in or drive-through facilities);
(q) artisan and photography studios and galleries;
(r) convenience retail stores with fuel sales that are at least three-quarters (¾) mile from any other such use and from any gasoline station;
(s) grocery store;
(t) health and membership club, provided that such use or uses are combined with at least one (1) other use.

(T) **Small Animal Veterinary Clinic and Hospital Regulations**

(1) All facilities of a small animal veterinary clinic or a small animal veterinary hospital, including all treatment rooms, cages, pens, kennels and exercise runs, shall be maintained within a completely enclosed, soundproof building.

(2) All such veterinary clinics and hospitals shall be designed and constructed in a manner that reasonably mitigates any emission of odor to persons owning, occupying or patronizing properties adjacent to such clinics or hospitals.

(3) All such veterinary clinics and hospitals shall be designed and constructed in a manner that reduces the sound coming from any such clinic or hospital to the level of sixty-five (65) decibels at any given abutting property line.

(4) No such veterinary clinic or hospital shall board any animal for any length of time except where such boarding is necessary to provide surgical or other medical care to the animals.

(U) Open Air Farmers Markets

(1) In the HC zone district only permitted in neighborhood, community and regional shopping centers only.

(V) Outdoor Storage Facility

(1) In the CL/RA zone district such use may include a towing yard, provided such use is setback at least thirty five (35) from an arterial street.

(W) Personal and Business Service Shop

(1) In the HC zone district only permitted within a neighborhood, community, lifestyle and regional center.

(X) Research Laboratories

(1) In the South College Gateway Area Overlay such use is not permitted.

(Y) Small Scale Reception center

(1) In the UE zone district such use shall comply with the following performance standards;

(a) **Lot Size**. Minimum lot size shall be seven (7) acres.

(b) **Building Size**. The total floor area of any new building shall not exceed seven thousand five hundred (7,500) square feet and the total aggregate floor area of new and existing buildings shall not exceed fifteen thousand (15,000) square feet.

(c) **Building Location and Separation from Residential Areas**. All buildings shall be located a minimum of three hundred (300) feet from the nearest dwelling on any abutting property, except that in cases where there are no dwellings on such abutting property, all buildings shall be located a minimum of two hundred fifty (250) feet from the nearest property line of such abutting property.

(d) **Outdoor Spaces, Location and Separation From Residential Areas**. All outdoor spaces such as lawns, plazas, gazebos and/or terraces used for social gatherings or ceremonies associated with the reception center shall be located within one hundred (100) feet of the primary building and shall be located a minimum of three hundred (300) feet from the nearest dwelling on any abutting property, except that in cases where there are no dwellings on such abutting property, all outdoor spaces, as described above, shall be located a minimum of two hundred fifty (250) feet from the nearest property line of such abutting property.

(e) **Non-Residential Abutment**. At least one-sixth (1/6) of the reception center's property boundary must be contiguous to property that is zoned in one (1) or more of the following nonresidential zone districts within the City:

(I) D;
(II) CC;
(III) CCN;
(IV) CCR;
(V) CG;

(VI) CS;
(VII) NC;
(VIII) CL;
(IX) HC;
(X) E;
(XI) I.

(f) **Access.** Vehicular access to the reception center shall be only directly from an arterial street so as to not add traffic to existing local neighborhood streets.

(g) **Buffering**. If the reception center abuts a single unit dwelling or property zoned for such activity, buffering shall be established between the two (2) land uses sufficient to screen the building, parking, outdoor lighting and associated outdoor activity from view. A combination of setbacks, landscaping, building placement, fences or walls and elevation changes and/or berming shall be utilized to achieve appropriate buffering.

(h) **Hours of Operation**. Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. Sunday through Thursday and 8:00 a.m. to 12:00 a.m. on Friday and Saturday.

(i) **Noise**. No noise will be permitted in violation of Chapter 20, Article II of the City Code, and the following limitations will also apply:

(I) Music that is not amplified (such as stringed quartets or acoustic guitars) will be allowed out of doors, but shall end no later than 8:00 p.m. Sunday through Thursday, and 9:00 p.m. on Friday and Saturday.

(II) Except during wedding ceremonies, sound-amplifying equipment used out of doors shall be limited to speakers with a maximum power rating of fifty (50) watts permanently installed as part of the design of outdoor spaces such as lawns, plazas, gazebos and/or terraces.

(j) **On-Site Caretaker**. There shall be a manager or owner on site during all hours of operation.

(k) **Parking Lot Lighting**. Parking lot lighting, if used at all, shall conform to the requirements contained in Article 5.12, and shall be further restricted such that the fixture does not exceed a height of fourteen (14) feet above ground level.

(Z) Standard Restaurant

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

(AA) Recreational Uses

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

(BB) Retail Establishment

(1) In the CG zone district such use shall not exceed 25,000 sq. ft. or under in size.

(2) In the HC zone district only permitted within a neighborhood, community, lifestyle and regional center.

(CC) **Retail Establishment, Large**

(1) In the CG zone district such use shall be greater than 25,000 sq. ft.

(DD) **Retail and Supply Yard establishment with outdoor storage**

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

(EE) **Vehicle major repair, servicing and maintenance establishments**

(1) Not permitted in the South College Gateway Area Overlay.

(FF) **Vehicle minor repair, servicing and maintenance establishments**

(1) In all permitted zone districts such use shall be conducted indoors.

(2) Not permitted in the South College Gateway Area Overlay.

(GG) **Vehicle Sales and Leasing Establishments for Cars and light trucks**

(1) In the CS District, such use shall be limited to ten (10) percent of the total linear frontage of both sides of North College Avenue between Vine Drive and the northern City limits or the intersection of North College Avenue and State Highway 1, whichever results in the shortest linear distance. Additionally in the CS District, such use shall also be located at least one hundred fifty (150) feet from South College Avenue.

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

(3) In the I zone district such use may include boats, manufactured housing, farm implements and heavy excavation equipment.

(4) In the CG, CL/RA zone districts such use may include outdoor storage.

(5) In the CS zone district such use shall be limited to ten (10) percent of the total linear frontage of both sides of North College Avenue between Vine Drive and the northern City limits or the intersection of North College Avenue and State Highway 1, whichever results in the shortest linear distance.

(6) In the CS zone district such use shall be setback 150 ft. from South College Avenue.

(HH) **Veterinary Hospital**

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

4.3.4 INDUSTRIAL USES

(A) **Light Industrial**

(1) In the LMN zone district such use shall be located within five hundred (500) feet of East Vine Drive.

(2) In the CG zone district such use shall not have outdoor storage.

(3) In the South College Gateway Overlay such use is prohibited.

(B) **Resource Extraction**

(1) In the RC zone district such use shall be prohibited in the natural area protection buffer.

(C) **Warehouse**

(1) In the CS zone district such use shall be setback at least 200 ft. from North College Ave and 150 ft. from South College Avenue.

(2) In the South College Gateway Area Overlay such use is prohibited.

(D) **Wholesale Distribution Facility**

(1) In the CS zone district such use shall be setback at least 200 ft. from North College Ave and 150 ft. from South College Avenue.

(E) **Workshops and Custom Small Industry**

(1) In the LMN zone district such use shall be located within five hundred (500) feet of East Vine Drive.

(F) **Oil And Gas Facilities And Pipelines**

(1) **Purpose And Applicability**

(a) **Purpose.** This Division is intended to protect the public health, safety, and welfare, and the environment and wildlife resources by regulating oil and gas development to anticipate, avoid, minimize and mitigate adverse impacts to existing, planned, and future land uses.

(b) **Applicability.** This Division applies to siting and reclamation of all oil and gas facilities and oil and gas pipelines within City boundaries over which the City has regulatory authority pursuant to law, except for oil and gas facilities and oil and gas pipelines subject to a valid operator agreement between the City and the operator effective prior to April 14, 2023, in which case the operator agreement shall govern the applicable oil and gas facilities and oil and gas pipelines. All persons must obtain approval from the City in accordance with the standards in this Division and all applicable Land Use Code requirements prior to constructing and operating any new oil and gas facility or oil and gas pipeline or enlarging or expanding any oil and gas facility or oil and gas pipeline lawfully existing prior to April 14, 2023.

Any terms used in this Division that are not defined within the Land Use Code shall be defined by the ECMC as set forth in the Code of Colorado Regulations. The terms applicant and operator are used interchangeably at times in this Division.

Where, in any specific case, the requirements of any other provision within the Land Use Code or Code of the City of Fort Collins or any applicable federal or state laws or regulations of any state or federal agency are in conflict with this Division, the more restrictive or stringent requirement shall be imposed.

(2) Existing Oil And Gas Facilities And Pipelines

Application to Existing Oil and Gas Facilities and Pipelines. Oil and gas facilities and oil and gas pipelines that were lawfully established prior to April 14, 2023, referred herein as lawful nonconforming oil and gas facilities and pipelines, are considered nonconforming uses that may continue to operate pursuant to either a valid operator agreement governing such oil and gas facilities or oil and gas pipelines between the City and the operator in effect prior to April 14, 2023, or absent such an operator agreement, pursuant to Land Use Code Division 6.16 as modified in this Section. The following provisions apply to lawful nonconforming oil and gas facilities and pipelines not subject to an operator agreement:

(a) Section 6.16.3 regarding abandonment of use.

(b) Section 6.16.4 regarding reconstruction does not apply to lawful nonconforming oil and gas facilities and pipelines. Reconstruction of such an oil and gas facility or pipeline or facility or pipeline taken by governmental acquisition or damaged by fire or other accidental cause or natural catastrophe is not allowed.

(c) Section 6.16.5 regarding enlargement of buildings and expansion of facilities, equipment or structures does not apply to lawful nonconforming oil and gas facilities and pipelines. Enlargement and expansion of any such facility or pipeline requires such facility or pipeline to be brought into conformance with the Land Use Code.

(I) Enlargement or expansion includes, but is not limited to, any permanent physical change to a lawful nonconforming oil and gas facility or pipeline not required by law that increases operating capacity, harmful air emissions, traffic, noise, risk of spills, or will adversely impact public health, safety, welfare, the environment or wildlife resources. Use of a drilling rig or hydraulic fracturing equipment to deepen or recomplete an existing well into a new geologic formation is considered expansion.

(II) Maintenance activities, the replacement of existing equipment with substantially similar equipment in like and kind, installation of emission control equipment, and the addition of equipment to fulfill mandated regulatory requirements are not considered enlargement or expansion.

(3) Oil and Gas Project Development Plan Review Procedures

In order for a new oil and gas facility to be constructed and operated, or a lawful nonconforming oil and gas facility to be enlarged or expanded, the applicant must receive approval of a project development plan, final plan, and building permit pursuant to the Land Use Code. In order for enlargement or expansion of a lawful nonconforming oil and gas facility to occur, unless an operator agreement as described in above Section 4.3.4(F)(2) provides otherwise, such facility must be brought into conformance with the Land Use Code and receive approval of a project development plan, final plan, and building permit pursuant to the Land Use Code prior to enlargement or expansion and continued operation.

With regards to oil and gas pipelines, flowlines are subject to review as part of the project development plan for any new oil and gas facility to which the flowlines are associated or through a major amendment if additional flowlines are added subsequent to project development plan approval. Crude oil transfer lines, gathering lines and transmission lines are subject to project development plan review and subsequent changes through a major amendment. In order for enlargement or expansion of a lawful nonconforming oil and gas pipeline to occur, unless an operator agreement as described in above Section 4.3.4(F)(2) provides otherwise, such pipeline must be brought into conformance with the Land Use Code and receive approval of a project development plan, final plan, and building and other required permits pursuant to the Land Use Code prior to enlargement or expansion and continued operation.

Specific development standards regarding oil and gas facilities are set forth in Section 4.3.4(F)(4), and specific development standards regarding oil and gas pipelines are set forth in Section 4.3.4(F)(5). The Project Development Plan Review Procedures set forth in Section 6.6.2 are modified as follows:

(a) **Step 1 (Conceptual Review):** Mandatory. In addition to the Concept Plan Submittal requirements pursuant to Section 6.3.1(A)(3), the applicant for a new oil and gas facility or oil and gas pipeline shall provide an alternative location analysis and preliminary site analysis as described below. The Director may waive or modify any information required for the alternative location and preliminary site analysis if, given the facts and circumstances of a proposed oil and gas facility or pipeline, a particular requirement would either be irrelevant, immaterial, redundant or otherwise unnecessary to evaluate the proposed project. Prior to the required neighborhood meeting referenced in (b) below, the City will review all proposed locations for the oil and gas facility or oil and gas pipeline to determine which locations, if any, meet Land Use Code requirements and will prepare a report summarizing its findings with respect to the proposed locations. If the City requests a site visit of any of the locations under consideration, the operator is responsible for securing permission or coordinating with the landowner(s) to conduct the site visit. Prior to selecting the location for the proposed oil and gas facility or oil and gas pipeline, the operator shall consult with the City regarding the proposed locations and the City's report regarding such locations.

(I) **Alternative Location Analysis.** The alternative location analysis must include, at a minimum, the following:

(i) For oil and gas facilities:

(A) A map depicting the following elements within three (3) miles of the proposed surface location. (This requirement is limited to one (1) mile for a proposed single vertical or directional well):

(1) All mineral rights held or controlled by the applicant; and

(2) The location of all features listed in the "Preliminary Site Analysis."

(B) The alternative location analysis shall evaluate a minimum of three potential locations that can reasonably access the mineral resources within the proposed drilling and spacing unit(s), including the following information for each site:

(1) General narrative description of each location;

(2) Any location restrictions that the site does not satisfy;

(3) Any existing surface use agreements or other documentation regarding legal property rights;

(4) Off-site impacts that may be associated with each site;

(5) Proposed truck traffic routes and access roads for each location; and

(6) Any information pertinent to the applicable review criteria that will assist the Director in evaluating the locations.

(ii) For oil and gas pipelines, the alternative location analysis shall evaluate a minimum of three potential alignments for the pipeline, including the following information for each alignment:

(A) General narrative description of each alignment;

(B) Any location restrictions that the alignment does not satisfy;

(C) Any existing surface use agreements or other documentation regarding legal property rights;

(D) Off-site impacts that may be associated with each alignment; and

(E) Any information pertinent to the applicable review criteria that will assist the Director in evaluating the locations.

(II) **Preliminary Site Analysis.** The Preliminary Site Analysis shall include maps with the following information:

(i) Provide an ecological characterization study if the development site contains or is within two thousand (2,000) feet of a natural habitat or feature as defined in Section 5.6.1.

(ii) All drilling and spacing units proposed by the applicant within one (1) mile of the City's boundaries; and

(iii) All features defined below that are wholly or partially within one (1) mile of the proposed oil and gas facility:

(A) Any existing or future building approved as occupiable space, as defined in the City's Building Code;

(B) City parks or City property intended to be used for City parks;

(C) City maintained trails and trailheads or City property intended to be used for City trails and trailheads;

(D) Outdoor venues, playgrounds, permanent sports fields, amphitheaters, or other similar places of outdoor assembly;

(E) City natural areas;

(F) Existing and approved oil and gas facilities and pipelines;

(G) Areas within the FEMA 100-Year Floodplain boundary;

(H) The centerline of all USGS perennial and intermittent streams and the map will indicate which surface water features are downgradient;

(I) Active reservoirs and public and private water supply wells of public record;

(J) Natural habitats and features as defined in Land Use Code Section 5.6.1 within one (1) mile of the proposed oil and gas facility;

(K) High priority habitat as defined by the ECMC; and

(L) Disproportionately impacted communities, as defined by the ECMC.

(b) **Step 2 (Neighborhood Meeting):** Mandatory. After a proposed location has been selected for the oil and gas facility or oil and gas pipeline, a neighborhood meeting must be held. Written notice of the neighborhood meeting must be mailed to the owners of record and occupants of all real property within one (1) mile (exclusive of public rights-of-way, public facilities, parks or public open space) of the property line of the parcel of land upon which the development is planned.

(c) **Step 3 (Development Application Submittal):** All items or documents required for project development plans as described in the development application submittal master list for oil and gas facilities and oil and gas pipelines shall be submitted. The Director may waive or modify the foregoing submittal requirements if, given the facts and circumstances of the specific application, a particular requirement would either be irrelevant, immaterial, redundant or otherwise unnecessary for the full and complete review of the application.

The complete project development plan application must be submitted and accepted by the City as complete prior to the applicant submitting any required Form 2 or 2A to the ECMC. Should the applicant submit any required Form 2 or 2A to the ECMC prior to submitting its complete project development plan application to the City, the applicant must withdraw the Form 2 or 2A and refrain from resubmitting until a complete project development plan application has been submitted and accepted by the City as complete.

(4) Oil and Gas Facility Development Standards

The following requirements apply to oil and gas facilities in addition to other applicable Land Use Code requirements.

(a) **Location Restrictions for New Oil and Gas Facilities or Enlarged or Expanded Existing Oil and Gas Facilities.**

(1) Allowed Zone Districts. Oil and gas facilities may only be located on property located within:

(i) The Industrial (I) zone district;

(ii) A zone district to which oil and gas facility is added as an allowed use for a particular parcel pursuant to Division 6.9, Addition of Permitted Uses; or

(iii) A Planned Unit Development (PUD) overlay in which oil and gas facilities are an allowed use.

A development application for an oil and gas facility may not be submitted until oil and gas facility is an allowed use for the proposed location.

(2) Setbacks. Setbacks for new oil and gas facilities and enlarged or expanded existing oil and gas facilities cannot be modified pursuant to Division 6.8, Modification of Standards. Setbacks are measured as the shortest distance from the edge of the working pad surface.

(i) No working pad surface shall be located within two thousand (2,000) feet from the following:

(A) The nearest wall of any existing or platted building approved or to be approved as occupiable space as defined under the City's Building Code;

(B) The property boundary line of any property containing a City park or City property intended to be used for a City park;

(C) The easement or parcel boundary of City maintained recreation trails and trailheads or City property intended to be used for City maintained trails and trailheads;

(D) The edge of outdoor venues, playgrounds, permanent sports fields, amphitheaters, or other similar places of outdoor assembly; or

(E) The property boundary line of any property containing a City natural area.

(ii) No working pad surface shall be located within one thousand (1,000) feet from the following:

(A) Public water supply surface intakes or public water supply wells;

(B) Ditches that transport water used by, or to augment, a public water supply system; or

(C) Conservation easements.

(3) Buffer zones surrounding natural habitats and features. Oil and gas facilities shall protect natural habitats and features specified in Section 3.4.1 through buffer zones. Buffer zones set forth in the *Buffer Zone Table for Fort Collins Natural Habitats and Features* in Section 5.6.1(E) are measured from the shortest distance from the working pad surface to the top of bank, and are modified as follows:

(i) All features under the Stream Corridors category: 1,000 feet

(ii) Wetlands greater than 1/3 acre: 1,000 feet

(iii) Lakes or reservoirs: 1,000 feet

(iv) Naturalized storm drainage channels/detention ponds: 1,000 feet

(v) Naturalized irrigation ponds: 1,000 feet

(vi) Buffer zones for natural habitats and features not listed above will conform to the buffer distances specified in Section 5.6.1(E) or 1,000 feet, whichever is greater.

(b) **Prohibited Oil and Gas Facilities.** The following facilities are prohibited within the City:

(I) Injection wells for disposal of oil and gas exploration and production wastes;

(II) Gas storage wells;

(III) Disposal pits;

(IV) Commercial disposal facilities;

(V) Centralized exploration and production waste management facilities;

(VI) Subsurface disposal facilities; and

(VII) Glycol dehydrators and desiccant gas processing dehydrators.

(VIII) Onsite oil storage greater than thirty (30) feet in height.

(c) **Landscaping.** Land Use Code Section 5.10.1 applies in addition to the following requirements:

(I) The requirements of Section 5.10.1, Landscaping and Tree Protection, apply within designated setbacks as defined in Section 4.3.4(4)(A)(2) above to meet the Landscaping and Tree Protection general standard set forth in Land Use Code Section 5.10.1.

(II) No landscaping may be placed within a twenty-five (25) foot buffer around any tank or other structure containing flammable or combustible materials.

(d) **Environmental Protection.** Land Use Code Section 5.6.1, Natural Habitats and Features, applies in addition to the requirement for an Ecological Characterization Study if the development site contains or is within two thousand (2,000) feet of a natural habitat or feature.

(e) **Artificial Lift.** Artificial lift may not be accomplished through the use of traditional pump jacks and an alternative artificial lift system must be used that is both less visible and has fewer auditory impacts than a traditional pump jack. Alternatives such as gas lift, linear rod pumps, or hydraulic pumping unit must be used instead of traditional pumpjacks and are to be as low profile as practicable with a maximum height of thirty (30) feet.

(f) **Fencing Plan.** The requirements in this Subsection (f) apply to oil and gas facilities in substitution of the requirements set forth in Land Use Code Section 4.3.5(C), Fences and Walls. A fencing plan must be submitted as part of the application for a project development plan and such plan must demonstrate how the oil and gas facility will comply with the following requirements:

(I) All pumps, wellheads and production facilities must be fenced to prevent unauthorized access and fencing must:

(i) Completely surround such facilities;

(ii) Be no less than six (6) feet in height;

(iii) Be noncombustible and allow for adequate ventilation;

(iv) May not consist of solid masonry walls; and

(v) Must be visually compatible with surrounding land uses.

(II) Each fence enclosure must be equipped with at least one gate. Each gate must meet the following requirements:

(i) Gates shall be provided with a combination catch and locking attachment device for a padlock and shall be kept locked except when being used to access the oil and gas location; and

(ii) Gates must provide adequate access for emergency responders and the operator must provide Poudre Fire Authority with a "Knox Padlock" or "Knox Box with a key" to allow emergency access to the oil and gas location.

(5) Oil and Gas Pipelines

Oil and Gas Pipelines. To the maximum extent feasible, oil and gas pipelines must be utilized for the transport of oil, gas, and produced water within and from any oil and gas location except that temporary tanks may be utilized during drilling, flowback, workover, completion, hydraulic fracturing and maintenance operations. All oil and gas pipelines needed to transport oil, gas, and produced water within and from any oil and gas location must be constructed prior to the production phase of such oil and gas facility.

Oil and gas pipelines must meet the following requirements in order to be approved:

(a) Oil and gas pipelines shall be located underground except to the extent above ground connections to surface oil and gas facilities are necessary.

(b) Oil and gas pipelines shall be sited a minimum of fifty (50) feet away from residential and non-residential buildings. This distance shall be measured from the nearest edge of the oil and gas pipeline. Increased setbacks of up to one hundred and fifty (150) feet may be required for public safety on a case-by-case basis in consideration of the size, pressure, and type of oil and gas pipeline being proposed.

(c) Oil and gas pipelines that pass within one hundred and fifty (150) feet of residential or non-residential building or the high-water mark of any surface water body shall incorporate leak detection, secondary containment, or other mitigation, as appropriate.

(d) To the maximum extent feasible, oil and gas pipelines shall be aligned with established roads in order to minimize surface impacts and reduce natural habitat fragmentation and disturbance.

(e) To the maximum extent feasible, operators shall share existing oil and gas pipeline easements and consolidate new corridors for oil and gas pipeline easements to minimize surface impacts.

(f) The legal description of the location of all new oil and gas pipelines must be recorded on the respective property with the Larimer County Clerk and Recorder within thirty (30) days of completion of construction.

(g) Coordinates of all oil and gas pipelines shall be provided in a format suitable for input into the City's GIS system depicting the locations and type of above and below ground facilities.

(h) Operators shall use boring technology when crossing streams, rivers, irrigation ditches or wetlands with a pipeline to minimize negative impacts to the channel, bank, and riparian areas, except that open cuts may be used across irrigation ditches if the affected ditch company approves the technique.

(i) Special conditions of approval for all gathering lines and transmission lines:

(I) Operator must make available to the City upon request all records submitted to PHMSA or the PUC including those related to inspections, pressure testing, pipeline accidents and other safety events.

(II) Operator shall comply with Fort Collins right-of-way permit and easement processes for all gathering lines installed in Fort Collins owned property or rights-of-way.

(6) **Plugging and Abandonment of Wells and Pipelines and Decommissioning of Oil and Gas Facilities**

(a) The plugging and abandonment of a well, abandonment of an oil and gas pipeline, and the decommissioning of any oil and gas facility are subject to basic development review. City review and approval of an application to plug and abandon a well, abandon an oil and gas pipeline or decommission and oil and gas facility is intended to be in addition to any required ECMC review and approval. The following documents and information shall be provided as part of the basic development review application:

(I) Coordinates of the well proposed to be plugged and abandoned or pipeline to be abandoned.

(II) A removal plan for flowlines and wastewater pipelines associated with any well proposed to be plugged and abandoned to the extent such lines will not serve a well that has not been plugged and abandoned.

(III) A sampling and monitoring plan associated with any well proposed to be plugged and abandoned. Site investigation, sampling, and monitoring shall be conducted to demonstrate that the well has been properly abandoned and that soil, air and water quality have not been adversely impacted by oil and gas facilities or other sources of contamination. Such sampling and monitoring shall be conducted by a qualified environmental engineering or consulting firm with experience in oil and gas investigations. Director approval that the sampling and monitoring plan contains the information required pursuant to this Subsection (3) is required prior to sampling occurring and such plan shall include, but is not limited to, the following:

(i) Site survey, historical research, and/or physical locating techniques to determine exact location and extent of oil and gas facilities.

(ii) Documentation of plugging activities, abandonment and any subsequent inspections.

(iii) Soil sampling, including soil gas testing.

(iv) Groundwater sampling, if deemed necessary.

(v) Installation of permanent groundwater wells for future site investigations, if deemed necessary.

(vi) A minimum of five (5) years of annual soil gas and groundwater monitoring at the well location.

(vii) Upon completion of the site investigation and sampling, not including the ongoing monitoring, the consultant must provide a written report verifying that the soil and groundwater samples meet applicable Environmental Protection Agency and State residential regulations and that a reclaimed site would not pose a greater health or safety risk for future residents or users of the site. Otherwise, the decision maker may require that the following actions be completed by a qualified professional before development may occur, including but not limited to:

(A) Remediation of environmental contamination to background levels.

(B) Well repair or re-plugging of a previously abandoned well.

(IV) A final reclamation plan for the associated oil and gas location. The final reclamation plan must demonstrate how the following reclamation requirements will be satisfied:

(i) All oil and gas related improvements and equipment must be removed from the oil and gas location, including flowlines, gathering lines, and oil and gas pipelines of any kind unless such improvements or equipment are needed to serve a well that has not been plugged and abandoned.

(ii) Upon written request, the Director may approve in writing the abandonment in place of any oil and gas pipeline. The Director may approve abandonment in place only if removal would cause greater adverse impacts to public health, safety, welfare, or the environment than allowing the oil and gas pipeline to remain. If an oil and gas pipeline is abandoned in place, a tracer will be placed in any nonmetal line. Any oil and gas pipeline approved to be abandoned in place must comply with all ECMC rules and the location of the abandoned oil and gas pipeline must be recorded with the Larimer County Clerk and Recorder on the corresponding property.

(iii) The oil and gas location must be reclaimed and revegetated to the satisfaction of the City and in consultation with the landowner, the oil and gas location and all access roads associated with the oil and gas location proposed to be reclaimed within three (3) years after seeding, or as directed by the landowner in a surface use agreement.

(b) Prior to commencing plugging and abandonment of a well, the applicant must provide the City with evidence of ECMC approval of the request to plug and abandon.

(c) After plugging and abandonment is completed, the operator must:

(I) Provide the City with evidence of ECMC approval of the completed plugging and abandonment.

(II) Provide evidence that the location of the plugged and abandoned well has been recorded with the Larimer County Clerk and Recorder on the corresponding property.

(III) Permanently mark by a brass plaque set in concrete, similar to a permanent benchmark, to monument the plugged and abandoned well's existence and location. Such plaque shall contain the information required by the ECMC to properly identify the well.

(d) **Reclamation.** Within six (6) months after plugging and abandoning a well, abandoning an oil and gas pipeline, or decommissioning an oil and gas facility, reclamation of the associated oil and gas location must be completed pursuant to the approved final reclamation plan unless the Director grants additional time to complete reclamation in consideration of the complexity of the reclamation and conditions that may delay reclamation such as the season and weather. The operator must notify the City upon commencement of reclamation and upon completion.

4.3.5 ACCESSORY/MISCELLANEOUS USES

(A) **Accessory Buildings, Structures and Uses**

(1) Accessory buildings, structures and uses (when the facts, circumstances and context of such uses reasonably so indicate) may include, but are not limited to, the following:

(a) Home Occupations;
(b) Horse and household pets;
(c) Signs;
(d) Off-street parking areas;
(e) Off-street loading areas;
(f) Fences;
(g) Private green houses;
(h) Private swimming pools, recreations facilities and clubhouses;
(i) Storage of merchandise in business, commercial and industrial districts;
(j) Cultivation, storage and sale of crops, vegetables, plants and flowers produced on the premises;
(k) Family-care homes;
(l) Solar energy systems;
(m) Satellite dish antennas less than thirty-nine (39) inches in diameter;
(n) Hoop houses;
(o) Garage sales, wherein property which not originally purchased for the purpose of resale is sold, provided that such sales are limited to no more than five (5) weekend periods (as defined in Section 15-316 of the City Code) in one (1) calendar year;
(p) Community based shelters services.
(q) Drive-through facilities.

(2) In the UE zone district accessory buildings 2,500 sq. ft. or greater shall be reviewed by the Planning and Zoning Commission.

(B) Composting

(1) Composting facilities shall be located at least six hundred sixty (660) feet from any land located in the RL, LMN, or MMN zone districts and/or any residential use (except a residential use occupied by the owner, operator or any employee of such composting facility) as such zone districts or residential uses exist at the time of the establishment of such composting facility.

(2) Composting facilities shall contain and treat on-site, all water run-off that comes into contact with the feedstocks or compost, in such manner that the run-off will not contaminate surface or ground water.

(3) Composting facilities shall not be located in any floodway.

(4) No composting facility shall commence operation until a nuisance condition control plan, specifying all measures to be taken to control nuisance conditions (such as odor, noise, scattered solid waste, dust or vectors) has been approved by the Director. The Director's approval shall be based on a finding that the nuisance condition control plan adequately and reasonably identifies potential nuisance conditions and that compliance with the plan will fully address, significantly mitigate, or substantially reduce any adverse conditions to a level reasonably calculated to protect the health and safety of the public.

(C) Fences and Walls

(1) Fences and walls are allowed in all zone districts as provided in this Section.

(2) If used along collector or arterial streets, such features shall be made visually interesting and shall avoid creating a "tunnel" effect. Compliance with this standard may be accomplished by integrating architectural elements such as brick or stone columns, incorporating articulation or openings into the design, varying the alignment or setback of the fence, softening the appearance of fence lines with plantings, or similar techniques. In addition to the foregoing, and to the extent reasonably feasible, fences and sections of fences that exceed one hundred (100) feet in length shall vary the alignment or setback of at least one-third (⅓) of the length of the fence or fence section (as applicable) by a minimum of five (5) feet.

(3) **Materials:** Chain-link fencing with or without slats shall not be used as a fencing material for screening purposes. Except as permitted below, no barbed wire or other sharp-pointed fence and no electrically charged fence shall be installed or used in any zone districts.

(a) In the Urban Estate (UE), Rural Land (RUL) and Foothills Residential (RF) Districts, barbed wire and portable electrically charged fencing may be used for the purpose of livestock and pasture management. Electrically charged fencing must only be used within permanent fencing. Electrically charged fencing that is located along any public right-of-way shall contain signage that identifies it as being electrically charged. Such signage shall occur every three hundred (300) feet and be a minimum of thirty-six (36) square inches in area. All electrically charged fencing shall be limited to low impedance commercially available electric fence energizers using an interrupted flow of current at intervals of about one (1) second on and two (2) seconds off and shall be limited to two thousand six hundred (2,600) volts at a five-hundred-ohm load at seventeen (17) mililamperes current. All electric fences and appliances, equipment and materials used shall be listed or labeled by a qualified testing agency and shall be installed in accordance with - 46 - manufacturers' specifications and in compliance with the National Electrical Code, 1981 Edition NFPA 701981.

(b) In the Employment (E) District and the Industrial (I) District, the Director may grant a revocable use permit that must be renewed every three (3) years for installation of security arms and barbed wire strands atop protective fences or walls, provided that the following conditions are met: the lowest strand of barbed wire must be maintained at least ten (10) feet above the adjoining ground level outside the fence; exterior area security lighting controlled by an automatic light level switch must be installed and maintained in good operating condition; and such lighting must be directed into the site and not outward toward the perimeter.

(4) Fences and walls must be:

(a) No more than four (4) feet high between the front building line and front property line;

(b) No more than four (4) feet high if located in the front yard, or within any required side yard setback area in the front yard, except if required for demonstrated unique security purposes;

(c) No more than six (6) feet high if located within any required rear yard setback area or within any side yard setback area in a rear yard;

(d) No more than forty-two (42) inches in height when located within the visual clearance triangle described in Section 5.16.1(K), and, if over thirty-two (32) inches in height within such triangle, fences shall be constructed of split rail with a minimum dimension of twelve (12) inches between horizontal members;

(e) No closer than two (2) feet to a public sidewalk;

(f) No closer than three (3) feet to a lot line along an alley where an alley-accessed garage door is set back at least twenty (20) feet from the lot line, and no closer than eight (8) feet to a lot line along an alley where an alley-accessed garage door is set back less than twenty (20) feet from the lot line, except that alley fences on lots in the RL and OT districts may be located closer to the lot line along an alley when the City Engineer approves such a location is safe.

(D) **Urban Agriculture**

(1) The following standards apply to all urban agriculture land uses, except those urban agriculture land uses that are approved as a part of a site-specific development plan.

(2) The intent of these urban agriculture regulations is to allow for a range of urban agricultural activities at a level and intensity that is compatible with the City's neighborhoods.

(3) Standards

(a) *License required.* Urban agriculture land uses shall be permitted only after the owner or applicant for the proposed use has obtained an urban agriculture license from the City that finds the use complies with the conditions of below Subsection (3)(b). The fee for such a license shall be the fee established in the Development Review Fee Schedule. If active operations have not been carried on for a period of twenty-four (24) consecutive months, the license shall be deemed to have been abandoned regardless of intent to resume active operations. The Director may revoke any urban agriculture license issued by the City if the holder of such license is in violation of any of the provisions contained in subsection(b) below, provided that the holder of the license shall be entitled to the administrative review of any such revocation under the provisions contained in Article 6.

(b) General Standards. Urban agriculture shall be allowed as a permitted use, provided that all of the following conditions are met:

(I) Mechanized Equipment. All mechanized equipment used in the urban agriculture land use must be in compliance with Chapter 20, Article II of the City Code regarding noise levels.

(II) Parking. Urban agriculture land uses shall provide additional off-street vehicular and bicycle parking areas adequate to accommodate parking demands created by the use.

(III) Chemicals and Fertilizers. Synthetic pesticides or herbicides may be applied only in accordance with state and federal regulations. All chemicals shall be stored in an enclosed, locked structure when the site is unattended. No synthetic pesticides or herbicides may be applied within a Natural Habitat Buffer Zone.

(IV) Trash/Compost. Trash and compost receptacles shall be screened from adjacent properties by utilizing landscaping, fencing or storage within structures and all trash shall be removed from the site weekly. Compost piles and containers shall be set back at least ten (10) feet from any property line when urban agriculture abuts a residential land use.

(V) Maintenance. All urban agriculture land uses shall be maintained in an orderly manner, including necessary watering, pruning, pest control and removal of dead or diseased plant materials, and shall be maintained in compliance with the provisions of Chapter 20 of the City Code.

(VI) Water Conservation and Conveyance. To the extent reasonably feasible, the use of sprinkler irrigation between the hours of 10:00 a.m. and 6:00 p.m. shall be minimized. Drip irrigation or watering by hand may be done at any time. The site must be designed and maintained so that any water runoff is conveyed off-site into a City right-of-way or drainage system without adversely affecting downstream property.

(VII) Identification/Contact Information. A clearly visible sign shall be posted near the public right-of-way adjacent to all urban agriculture land uses, which sign shall contain the name and contact information of the manager or coordinator of the agricultural land use. If a synthetic pesticide or herbicide is used in connection with such use, the sign shall also include the name of the chemical and the frequency of application. The contact information for the manager or coordinator shall be kept on file with the City. All urban agriculture signs must comport with Article 5 of this Code.

(VIII) If produce from an urban agriculture land use is proposed to be distributed within the City, the applicant must provide a list of proposed Food Membership Distribution Sites in the application.

(IX) Floodplains. If urban agriculture is proposed within a floodplain, then a Floodplain Use Permit is required in accordance with Chapter 14 of the City Code.

(X) Hoop Houses. If an urban agriculture land use contains a hoop house, then the hoop house shall be set back a minimum of five (5) feet from any property line and shall also be located in such a manner that the hoop house does not generate potential adverse impacts on adjacent uses, such as shading or glare.

(XI) Additional Impact Mitigation. The Director may impose measures, such as landscaping, fencing or setbacks, deemed by the Director to reasonably mitigate potential visual, noise or odor impacts on adjoining property. The Director's imposition of measures shall be found reasonable where the Director determines that any noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line of the parcel where the urban agriculture land use is conducted will likely be reduced to a level that will not adversely impact public health and safety. Where an urban agriculture land use abuts a residential use, there shall be a minimum setback of five (5) feet between the operation and the property line.

(XII) Notice. At the time of an initial application for an urban agriculture land use within a residential zone (OT, UE, RF, RL, LMN, MMN, HMN, MH, RC and POL) or if the urban agriculture land use exceeds one-half (0.5) acre in size, the Director shall determine whether the proposed urban agriculture land use presents a significant impact on the affected neighborhood, and, if so, the Director shall schedule a neighborhood meeting and provide mailed and posted notice for such meeting. Such notice and neighborhood meeting shall be conducted in accordance with Article 6 of this Code.

(E) Off-Site Construction Staging

(1) Applicability. Use of any parcel for off-site construction staging shall be permitted only in accordance with the provisions of an off-site construction staging license issued pursuant to this Section 4.3.5(E).

(2) Purpose. The purpose of requiring an off-site construction staging licensed under this Section 4.3.5(E) is to address the compatibility of off-site construction staging with the zone districts in which they are located, mitigate the impact off-site construction staging on adjacent parcels, the neighborhoods and environment, and ensure the health and safety of off-site construction staging.

(3) Location. Subject to issuance of and compliance with an off-site construction staging license under subsection (4) below, off-site construction staging shall be permitted in specified zone districts as listed in Division 4.2, Table of Primary Uses.

(4) Off-site construction staging license.

(a) An application for an off-site construction staging license shall be accompanied by a site and grading plan that shows the following for the site on which the off-site construction staging is to occur:

(I) Existing grade contours of the site and of adjoining properties;
(II) Locations of different activities to be located on the site;
(III) List of materials and equipment to be stored on the site, including the means and methods to safely store any hazardous material or dangerous equipment;
(IV) Any proposed grading necessary to stabilize the site;
(V) Proposed erosion control measures and storm drainage control measures to prevent wind and water erosion, drainage impacts and tracking mud onto streets;
(VI) Flood ways and flood plains;
(VII) Natural habitat and features;
(VIII) Fences;
(IX) Restrooms;
(X) Existing trees;
(XI) Existing easements and rights-of-way;

(XII) Existing underground utilities;
(XIII) Other information necessary to describe the site;
(XIV) Traffic control plan reflecting means of ingress and egress to be used;
(XV) Mitigation plan to address any adverse impacts to the site, or adjacent parcels, caused by the off-site construction staging during and after the staging; and
(XVI) Restoration and final site condition plan.

(b) An off-site construction staging license shall be issued, with or without conditions, if the Director finds that the off-site construction staging:

(I) is not detrimental to the public good; and

(II) will not cause substantial adverse impacts to the parcel on which it is located or adjacent parcels or the environment, with or without mitigation; and

(III) is located within a quarter (.25) of a mile of the construction or development site to be served by the off-site construction staging.

(c) An off-site construction staging license issued hereunder shall expire eighteen (18) months after the date of issuance unless an extension is granted.

(I) A six (6) month extension may be granted by the Director upon a finding that the conditions specified in Section 4.3.5(E)(4)(b), including any conditions to mitigate adverse impacts, have been and continue to be satisfied.

(II) The Director may further extend the license up to an additional twelve (12) months beyond the first six (6) month extension, for a maximum total of not more than thirty-six (36) months, if a neighborhood meeting for which the neighborhood is notified in compliance with Section 6.3.6(D) is conducted and the Director determines: the extension is not detrimental to the public good; and that the license conditions specified in Section 4.3.5(E)(4)(b), including any conditions to mitigate adverse impacts, have been and continue to be satisfied.

(d) After expiration of an off-site construction staging license, at least four (4) consecutive months shall lapse before a new license is issued for the same parcel.

(e) The Director may modify or revoke any off-site construction staging license issued by the City for any of the following:

(I) After issuance of the license, the site or activities thereon are found to be out of compliance with the approved application or license, including any conditions to mitigate adverse impacts; or

(II) An adverse impact not previously anticipated at the time the license or license extension was issued is identified and such adverse impact cannot be adequately mitigated and/or is detrimental to the public good.

(f) The Director shall inform the license holder in writing of the decision to modify or revoke the license and the reasons for same.

(I) The license holder may appeal any decision denying, modifying or revoking an off-site construction staging license to the Land Use Review Commission pursuant to Article 6 .

(5) Restoration of Site. Within fifteen (15) days after expiration of the license, the license holder must have completed restoration of the site consistent with the approved restoration or final site condition plan included in the application.

(F) **Outdoor Vendor**

(1) Outdoor vendors shall be prohibited on undeveloped lots.

(2) Outdoor vendors shall be considered as accessory uses in the zone districts in which they are permitted, provided they are on lots that contain a principal building wherein active operations are being conducted. Outdoor vendors that qualify as accessory uses shall not be subject to change-of-use regulations which would otherwise require the properties on which they are located to be brought into compliance with the standards of this Code.

(3) Outdoor vendors located on lots wherein active operations in the principal building have ceased shall be considered principal uses and shall be subject to change-of-use regulations requiring that the properties upon which they are located be brought into compliance with the applicable standards of this Code.

(4) Signage for outdoor vendors shall be limited to signs placed directly onto the vehicle or cart used in connection with the business.

(5) Outdoor vendors shall comply with all outdoor vendor regulations and standards contained in Chapter 15 of the City Code.

(6) An outdoor vendor shall be situated on a lot in such a manner that no aspect of its operation shall impede vehicular, pedestrian or bicycle circulation.

(7) The owner of a private parcel or lot, or owner of the principal business thereon, upon which an outdoor vendor, or outdoor vendors, vend from mobile food trucks, pushcarts, or any other vehicles, as such terms are defined in Section 15-381 of the City Code, shall not allow such outdoor vendor, or outdoor vendors, to operate on such private parcel or lot for more than three (3) consecutive calendar days, or for more than three (3) total calendar days within any calendar week, defined for purposes of this Section as Sunday through Saturday, unless stationary vending is an approved use thereon.

(8) The owner of a private parcel or lot upon which stationary vending will occur shall comply with the following additional requirements:

(a) Obtain an approved minor amendment to allow stationary vending on the private parcel or lot as an accessory use.

(I) A property owner may apply for a minor amendment to allow stationary vending only for private parcels or lots within non-neighborhood zone districts. Non-neighborhood zone districts solely for purposes of eligible stationary vendor locations shall be defined as: D, CC, CCN, CCR, CG, NC, CL, HC, E, and I.

(II) Stationary vending shall not be permitted on parcels or lots within any neighborhood zone district. Neighborhood zone districts solely for purposes of non-eligible stationary vendor locations shall be defined as: RUL, UE, RF, RL, LMN, MMN, OT-A, OT-B, OT-C, HMN.

(III) Stationary vending shall not be allowed to occur for more than twelve (12) hours per calendar day on the private parcel or lot for which a minor amendment has been granted to allow such use; and

(IV) After the completion of each period of vending operations, a stationary vendor shall not be allowed to leave outdoors overnight (3:00 a.m. to 7:00 a.m.) on any private parcel or lot where stationary vending is allowed any food truck, push cart, or vehicle, as such terms are defined in Section 15-381 of the City Code, from which the vendor vends.

(G) Solar Energy Systems

The following standards shall apply to all solar energy systems.

(1) Purpose. The purposes of these solar energy system supplementary regulations are to promote reduced dependence on nonrenewable energy sources, to design solar energy systems in a manner that minimizes impacts on adjacent properties and to promote systems that are visually compatible with the character of the areas in which they are located and that are not detrimental to public health, safety and welfare.

(2) General Design Standards:

(a) To the maximum extent feasible, ancillary solar equipment shall be located inside the building or screened from public view.

(b) The applicant shall demonstrate that the height, location, setback or base elevation of a solar energy system minimizes potential glare and visual impacts of the system on adjacent properties.

(c) Support structures for ground-mounted solar facilities shall, to the extent reasonably feasible, use materials, colors and textures that complement the site context.

(d) All solar energy system appurtenances, including, but not limited to, plumbing, water tanks and support equipment, shall be of a color that is complementary to the site location, and shall be screened to the extent reasonably feasible without compromising the effectiveness of the solar collectors. Solar panels/collectors are exempt from the screening requirements of this Code.

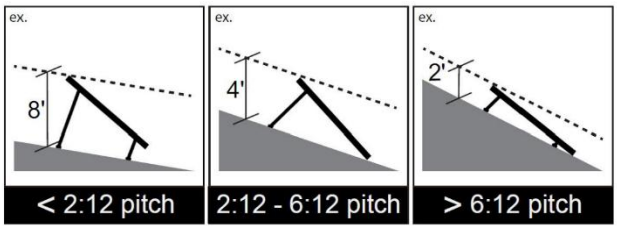
(e) Building-mounted solar energy systems are exempt from the height requirements of this Code, except that they must comply with the height limitations of this Section 4.3.5(G), including the following:

Solar Energy Table

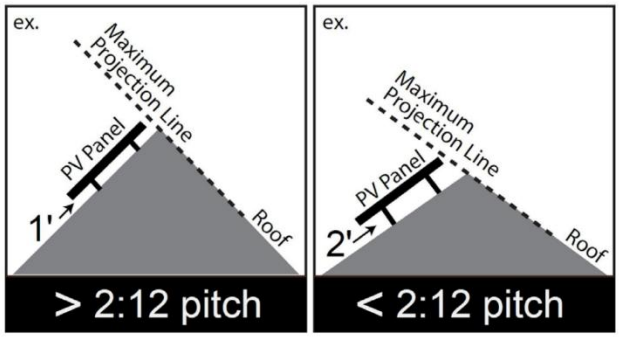
Non-residential and residential buildings (excluding single-dwelling unit or duplex dwellings)	
< 2:12 pitch	8 feet high, as measured on a vertical axis to the roof below, to which it is installed (see Figure 16.3 below)
2:12 to 6:12 pitch	4 feet high, as measured on a vertical axis to the roofline below, to which it is installed.
> 6:12 pitch	2 feet high, as measured on a vertical axis to the roofline below, to which it is installed.
Single dwelling unit and duplex dwellings (principal and accessory buildings)	
No higher than 1 foot, as measured on a vertical axis to the roof below, to which it is installed, unless roof pitch is 2:12 or less, in such case 2 feet is permitted. No portion of a solar energy system shall project above the maximum projection line depicted within Figures 16.3 and 16.4 below.	
All buildings	
Building-mounted solar energy systems shall not extend horizontally beyond any roof overhang.	
Building-mounted solar energy systems	
Solar panels installed on the sides of buildings as awnings or attached to buildings as shade elements are permitted so long as the provisions of this and other applicable requirements are met.	

Maximum Height for Roof-mounted Systems

(Principal Building [Excluding Single-Unit and Two-Unit Dwellings]



Maximum Height for Roof-Mounted Systems (Single Unit and Two-Unit Dwellings)



(3) Standards for Small, Medium and Large-scale Solar Energy Systems. Solar energy systems shall conform to the applicable size-based regulations as set out in this subsection:

(a) Small-Scale Solar Energy Systems.

(I) Covering less than one-half (0.5) acre.

(II) Maximum Height. All ground-mounted small-scale solar energy systems shall comply with the accessory building height limits within the zone district, except for light poles with integrated solar panels, which are subject to the standards of Article 5.

(III) Setbacks. Ground-mounted, small-scale solar energy systems shall not be located within the front, side or rear building setbacks, or the front yard area. If necessary for the system's effectiveness, ground-mounted solar energy collectors may be located within the minimum setbacks for the zone district, provided that the solar energy collector is located no less than fifteen (15) feet from rights-of-way and five (5) feet from all other property lines.

(IV) Parking. No minimum parking requirements shall apply. Parking spaces located beneath covered parking solar energy systems are exempt from maximum parking limits.

(b) Medium-Scale Solar Energy Systems.

(I) Covering between one-half (0.5) acre and five (5) acres.

(II) Maximum Height. All ground-mounted medium-scale solar energy systems shall comply with the accessory building height limits within the zone district, except for light poles with integrated solar panels, which are subject to the standards of this Code.

(III) Setbacks. Ground-mounted, medium-scale solar energy systems shall not be located within the front, side or rear building setbacks, or the front yard area.

(IV) Fencing/Access. Ground-mounted medium-scale solar energy systems shall be enclosed with a perimeter fence with a minimum height of five (5) feet and a maximum height of seven (7) feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. Warning signage shall be placed at the entrance and perimeter of the facility.

(V) Visual Appearance. Buildings and accessory structures shall, to the extent reasonably feasible, use materials, colors and textures that blend the facility into the existing environment.

(VI) Landscaping. Landscaping and/or screening materials shall be provided to assist in screening the facility from public rights-of-way and neighboring residences.

(VII) Lighting. Lighting shall be limited to the minimum necessary for security and shall incorporate shielded full cut-off light fixtures.

(VIII) Electrical Interconnections. All electrical interconnection and distribution lines within the project boundary shall be underground, except for power lines that extend beyond the project site or are within a substation.

(c) Large-Scale Solar Energy Systems.

(I) Covering more than five (5) acres.

(II) Maximum Height. All ground-mounted large-scale solar energy systems shall comply with the accessory building height limits within the zone district, except for light poles integrating solar panels, which are subject to the standards of Article 5.

(III) Setbacks. Large-scale solar energy systems shall be set back from all property lines a minimum of thirty (30) feet, and shall be located at least one hundred (100) feet from all residentially zoned land. Additional setbacks may be required to mitigate visual and functional impacts.

(IV) Fencing/Access. Ground-mounted large-scale solar energy systems shall be enclosed with a perimeter fence with a minimum height of five (5) feet and a maximum height of seven (7) feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. Warning signage shall be placed at the entrance and perimeter of the facility.

(V) Visual Appearance. Buildings and accessory structures shall, to the extent reasonably feasible, use materials, colors and textures that blend the facility into the existing environment.

(VI) Landscaping. Landscaping and/or screening materials shall be provided to assist in screening the facility from public rights-of-way and neighboring residences.

(VII) Lighting. Lighting shall be limited to the minimum extent necessary for security and shall incorporate shielded full cut-off light fixtures.

(VIII) Electrical Interconnections. All electrical interconnection and distribution lines within the project boundary shall be underground, except for power lines that extend beyond the project site or are within a substation.

(4) Maintenance. Any solar energy system that has not been in working condition for a period of one (1) year shall be subject to Section 115 (Unsafe Structures and Equipment) of the International Building Code, as determined by the City, which may require the panels and associated equipment to be removed, or the unsafe condition otherwise mitigated if it is determined to be unsafe. If so determined by the Building Official, the panels and associated equipment shall be promptly removed from the property to a place of safe

and legal disposal, after which the site and/or building, as applicable, must be returned to its preexisting condition.

(5) Use Restrictions in Established Residential Areas. Notwithstanding the use review criteria contained set out in Article 4, if either a small-scale solar energy system or a medium-scale solar energy system is located on an existing platted lot and within an established residential neighborhood, then such system must be processed as a permitted use subject to review by the Planning and Zoning Commission.

(6) Allocation of Energy. Energy derived from solar collectors may be allocated to the lot where the system is located or may be distributed to other locations.

(H) Wireless Communication

(1) **Applicability and Exemptions.** The provisions of this Section shall apply to any Wireless Communications Facility (WCF) within the City. The requirements set forth in this Section shall not apply to:

(a) Antennas or towers used by FCC-licensed amateur (ham) radio operators.

(b) Television or radio antennas. Those antennas, including over the air reception devices, located on single unit dwellings or duplexes, not exceeding one (1) meter in diameter and less than five (5) feet above the highest point of the existing principal structure, or for ground mounted antennas, the requirement that the height be no more than the distance from its base to the property line or the maximum height specified for accessory structures for that zone district, whichever is less. The Director has the authority to approve modifications to the height restriction related to over the air reception device antennas and antenna structures, if in the reasonable discretion of the City, modifications are necessary to comply with federal law.

(c) Government-owned facilities. City-owned communications WCFs located on City-owned property and/or public rights-of-way, and any government-owned WCF installed upon the declaration of a state of emergency by the federal, state or local government, or a written determination of public necessity by the City.

(d) Over the Air Reception Devices (OTARD) antennas and associated masts. The Director may approve modifications to the height restriction related to OTARD antennas and OTARD antenna structures, if in the reasonable discretion of the Engineer, modifications are necessary to comply with federal law.

(e) A facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of this Code.

(2) **Location**. Subject to the requirements of paragraph (3) of this Section, WCFs may be attached to or mounted on any existing building or structure (or substantially similar replacement structure) located in any zone district of the city. With the exception of OTARD, and associated masts, WCFs shall not, however, be permitted to be attached to or mounted on any residential building containing four (4) or fewer dwelling units.

(3) **Cooperative Collocation**. No WCF or equipment owner or lessee or employee thereof shall act to exclude or attempt to exclude any other wireless communication provider from using the same building, structure or location. WCF or equipment owners or lessees or employees thereof, and applicants for the approval of plans for the installation of such facilities or equipment, shall cooperate in good faith to achieve co-location of

WCFs and equipment. Any application for the approval of a plan for the installation of WCFs or equipment shall include documentation of the applicant's good faith efforts toward such cooperation.

(4) **Standards.**

(a) *Setbacks.* With respect to a WCF that is a tower or a monopole, the setback of the facility from the property lines shall be one (1) foot for every foot of height. However, to the extent that it can be demonstrated that the structure will collapse rather than topple, this requirement can be waived by the Director. In addition, the setbacks for ground-mounted wireless telecommunication equipment shall be governed by the setback criteria established in this Code.

Collocated WCFs in the R-U-L zone district shall be setback from the center line I-25 of Carpenter Road a distance of at least one thousand three hundred twenty (1,320) feet (one-quarter (¼) mile).

(b) *WCFs.* All WCFs shall be consistent with the architectural style of the surrounding architectural environment (planned or existing) considering exterior materials, roof form, scale, mass, color, texture and character. Such facilities shall also be compatible with the surrounding natural environment considering land forms, topography, and other natural features. If such facility is an accessory use to an existing use, the facility shall be constructed out of materials that are equal to or better than the materials of the principal use.

(c) *WCFs in Residential Zone Districts.* Non-collocated WCFs permitted in the following zone districts: UE, RL, LMN, MMN, and HMN, as specified in Article 4 - Use Standards must be located on a non-residential parcel and installation must be mitigated by use of concealment design techniques and compatibility standards.

(d) *Collocated or attached WCFs .*WCFs shall be of the same color as the building or structure to which or on which such equipment is mounted.

Whenever a wireless telecommunication antenna is attached to a building roof, the height of the antenna shall not be more than fifteen (15) feet over the height of the building. All WCF equipment shall be located as far from the edge of the roof as is feasible. Even if the building is constructed at or above the building height limitations contained in other sections of this Code, the additional fifteen (15) feet is permissible.

Whenever WCFs are mounted to the wall of a building or structure, the equipment shall be mounted in a configuration as flush to the wall as feasible and shall not project above the wall on which it is mounted. Such equipment shall, to the extent feasible, also feature the smallest and most discreet components that the technology will allow so as to have the least possible impact on the architectural character and overall aesthetics of the building or structure.

Roof- and ground-mounted WCFs shall be screened by parapet walls or screen walls in a manner compatible with the building's design, color and material.

(e) *Landscaping.* WCFs and related transmission equipment may need to be landscaped with landscaping materials that exceed the levels established in Division 5.10, due to the unique nature of such facilities. Landscaping may therefore be required to achieve a total screening effect at the base of such facilities

or equipment to screen the mechanical characteristics. A heavy emphasis on coniferous plants for year-round screening may be required.

If a WCF and related transmission equipment has frontage on a public street, street trees shall be planted along the roadway in accordance with the policies of the City Forester.

(f) *Fencing.* Chain link fencing shall be unacceptable to screen facilities. Fencing material shall consist of wood, masonry, stucco or other acceptable materials and be opaque. Fencing shall not exceed six (6) feet in height.

(g) *Berming.* Berms shall be considered as an acceptable screening device. Berms shall feature slopes that allow mowing, irrigation and maintenance.

(h) *Irrigation*. Landscaping and berming shall be equipped with automatic irrigation systems meeting the water conservation standards of the City.

(i) *Color.* All WCFs and related transmission equipment shall be painted to match to the extent feasible the color and texture of the wall, building or surrounding built environment. Muted colors, earth tones and subdued colors shall be used.

(j) *Lighting.* The light source for security lighting shall comply with the requirements of Division 5.12. Light fixtures, whether freestanding or tower-mounted, shall not exceed twenty-two (22) feet in height.

(k) *Interference.* Wireless telecommunication facilities and equipment shall operate in such a manner so as not to cause interference with other electronics such as radios, televisions or computers, and otherwise in compliance with applicable federal standards for avoiding signal interference. An applicant shall provide a written statement ("Signal Interference Letter") from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems.

(l) *Radio frequency standards.* All WCFs shall comply with federal standards for radio frequency emissions. An applicant shall provide a written statement ("Emission Standards Letter") from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential emissions in excess of federal radio frequency standards.

(m) *Access Roadways.* Access roads must be capable of supporting all of the emergency response equipment of the Poudre Fire Authority.

(n) *Foothills and Hogbacks.* Applicants for WCFs and related transmission equipment in or near the foothills bear a special responsibility for mitigating visual disruption. If such a location is selected, the applicant shall provide computerized, three-dimensional, visual simulation of the facility or equipment and other appropriate graphics to demonstrate the visual impact on the view of the city's foothills and hogbacks.

(o) *Airports and Flight Paths*. WCFs and related transmission equipment shall comply with Federal Aviation Administration (FAA) requirements and obtain the necessary approvals from the FAA.

(p) *Historic Sites and Structures.* WCFs and related transmission equipment shall not be located on any historic site or structure unless permission is first obtained from the city's Historic Preservation Commission as required by Chapter 14 of the City Code.

(q) *Concealment Required.* All WCFs shall, to the extent feasible, use concealment design techniques, and when not feasible utilize camouflage design techniques.

(r) *Compatibility Required.*

(I) Purpose. The purpose of this Section is to ensure that proposed WCFs are compatible with the surrounding context by ensuring that:

(i) New or existing WCFs do not adversely impact the visual character* of the community within the area of adjacency; and

(ii) The design of WCFs are compatible and contextually appropriate with the built or natural environment surrounding a proposed wireless communication site.

(II) To accomplish its purpose, this Section provides the standards for design compatibility of WCFs with the existing context within the delineated area of adjacency surrounding a proposed WCF site.

* For the purposes of this Section, character is defined as special physical characteristics of a structure or area that set it apart from its surroundings and contribute to its individuality. This can include but is not limited to the built environment, landscaping, natural features and open space, and types and styles of building architecture.

(III) WCF Site and Area of Adjacency.

As used in this Section, the *area of adjacency* shall mean an area measured radially from the center point of the WCF. Any element of a lot or parcel of property shall be considered within the area of adjacency if any portion of such lot or parcel is within the boundary. The limits of the boundary shall be based on the following calculation:

The overall height (from grade to highest point of the proposed facility) of the proposed WCF multiplied by five (5).

In the event that the area of adjacency is absent of an established visual character the WCF shall be designed in such a way that most closely relates to the landscape, historic, or future potential use of land.

(IV) Design Standards for a Proposed WCF.

Proposed WCFs and equipment shall mimic the height and appearance of structures or natural elements appropriate to the context in a way that protects and enhances the character of the area both on the development site and within the area of adjacency. The Table 1 requirements shall apply to the development of facilities on the development site as follows:

Table 1 – Standards for Compatibility on the Development Site and Within the Area of Adjacency

Purpose	Standards for Compatibility on the Development Site and Within the Area of Adjacency
Height and Mass of WCFs	New or modified WCFs shall use concealment, and when not feasible, camouflage that reflects the character of the area of adjacency. The overall height and mass of a facility or equipment established under these standards are the maximum height that if any greater, would otherwise defeat concealment. 1. Height. New or modified WCFs shall not exceed 15 feet or 15%, whichever is less, of the average height of buildings or landscape within the area of adjacency. If a lot containing a residential land use falls within or abuts the area of adjacency, the maximum height of the facility shall not exceed forty-five (45) feet. 2. Massing. All WCFs shall mimic the mass (height and width) in a way that is subordinate to the natural environment or built environment found within the area of adjacency.
Materials for WCFs	Create visual and contextual connection between WCFs colors and materials with those found in the surrounding area. New or modified WCFs shall utilize, to the extent feasible, the following elements found within the area of adjacency to inform their concealment techniques: a) Architectural style b) Building materiality c) Color d) Tree species e) Structures that are related to the primary use of the site
Technology for Facilities	To the extent feasible, new WCFs and related transmission equipment shall utilize industry best practices and the latest technology available to achieve concealment and compatibility with the context. Such facilities or shall feature the smallest and most discreet components that the technology will allow so as to have the least possible impact on the character and overall aesthetics of the area of adjacency.

(5) The regulations contained in this Section shall not apply to the installation, operation, maintenance, or upgrade of a small cell facility by a telecommunications provider principally located within a public highway. The regulation of such activities is addressed in Chapter 23 of the Code of the City of Fort Collins, and design standards for small cell facilities are addressed in the City's Small Cell Handbook as may be amended from time to time.

(6) **Review Procedures and Requirements.**

(a) General. No new WCF shall be constructed and no collocation or modification to any WCF may occur except after a written request from an applicant, reviewed and approved by the City in accordance with this Section. All WCFs shall comply with the zone district use standards and land use application processes identified in this Code.

(b) Application Requirements. All applications for WCFs shall include:

(I) Application form as provided by the Director.

(II) If the applicant is not the owner of the property or structure to which the WCF is to be attached, an executed Letter of Authorization from the landowner.

(III) A report, signed and sealed by a professional engineer in the State of Colorado, or a verified statement from a qualified radio frequency engineer, demonstrating or assuring that the site will be in full compliance with federal radio-frequency emissions standards for WCFs.

(IV) A signal interference certification bearing the seal and signature of a professional engineer in the State of Colorado, representing that all WCFs covered by the application shall be designed, sited and operated in accordance with applicable federal signal interference requirements.

(V) Submittal fees.

(VI) Scaled site plan, photo simulation, scaled elevation view and supporting drawings, calculations, showing the location and dimension of all improvements, including information concerning topography, tower and where applicable, structure height, setbacks, drives, parking, street trees, adjacent uses, drainage.

(VII) Narrative detailing the rationale for the proposed location.

(VIII) Other information reasonably deemed by the Director to be necessary to assess compliance with this Section. Documents requiring signatures and seals by appropriate qualified professionals shall be provided by applicant prior to issuance of a permit under this Section.

(c) Structural Assessment. Prior to issuance of a WCF permit for any WCF proposing a new pole or attachment to a non-City-owned structure, the applicant shall submit a stamped and signed structural assessment for each new proposed WCF host support structure conducted by a professional engineer, licensed in the State of Colorado.

(I) When the structural assessment indicates a need for a stronger structure to address issues such as wind load factor, applicant shall provide a replacement structure at applicant's cost satisfactory to the Director in consultation with Fort Collins Utilities, as applicable.

(II) All costs for conducting an assessment under this subsection (3) shall be borne by the applicant, and shall be paid by the applicant prior to issuance of a permit under this Section.

(d) New Structures. All applications for new vertical structures associated with a WCF shall demonstrate that other alternative siting options, including collocations, are not feasible. Notwithstanding anything in this Section to the contrary, all WCFs and associated vertical structures located within the City shall satisfy the location and design criteria set forth in subsections (2)-(4) above.

(7) **Timeframes for Review.**

(a) Application types. All WCFs shall be reviewed according to the following timeframes (the review of Eligible Facility Requests is addressed in (7)(c) below):

(I) Review of a completed application to collocate a facility other than a small cell facility on an existing tower or base station: 90 days.

(II) Review of an application to deploy a WCF other than a small cell facility on a new structure: 150 days.

(III) Review of an application for a new tower, base station, or alternative tower structure that does not qualify as a small cell facility: 150 days.

(b) Tolling the Timeframe for Review. The relevant review timeframe begins to run when the application is filed with the City, and may be tolled only by mutual agreement or where the City determines that an application is incomplete.

(I) To toll the timeframe for incompleteness, the City shall provide written notice to the applicant within thirty (30) calendar days of receipt of the application, specifically delineating all missing documents or information required in the application;

(II) Upon providing the notice of incompleteness to the applicant, the timeframe for review pauses. The timeframe for review begins running again when the applicant makes a supplemental written submission in response to the City's notice of incompleteness; and

(III) Following a supplemental submission, the City will notify the applicant within ten (10) business days whether the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in subparagraphs (I) and (II) of this subsection. In the case of a second or subsequent notice of incompleteness, the City may not specify missing documents or information that were not delineated in the original notice of incompleteness.

(c) Specific Review Procedures for Eligible Facility Requests (EFR).

(I) EFR standards. The City shall prepare, and from time to time revise as deemed necessary by the Director and make available, an application form requiring the information necessary for the City to consider whether the project covered by an application would:

(i) result in a Substantial Change to the physical dimensions of the site; and

(ii) violate a generally applicable law, regulation, or other rule reasonably related to public health and safety.

The application shall not require an applicant to demonstrate a need or business case for the proposed modification or collocation.

(II) Timeframe for EFR review. Subject to the tolling provisions below, an eligible facility request shall be approved within sixty (60) days of the date of the request unless it the City determines that it does not qualify as an eligible facilities request. Upon receipt of an application for an eligible facility request pursuant to this subsection, the City shall review such application to determine whether the application so qualifies.

(III) Tolling the timeframe for EFR review.

(i) The sixty (60) calendar day review period begins to run when the application is filed with the City, and may be tolled only by mutual agreement or where the City determines that an application is incomplete:

(A) To toll the timeframe for incompleteness, the City must provide written notice to the applicant within thirty (30) calendar days of receipt of the application, specifically delineating all missing documents or information required in the application;

(B) Upon notice of incompleteness to the applicant, the timeframe for review pauses. The timeframe for review begins running again when the applicant makes a supplemental written submission in response to the City's notice of incompleteness; and

(C) Following a supplemental submission, the City will notify the applicant within ten (10) business days whether the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in subparagraphs (A) and (B) of this subsection. In the case of a second or subsequent notice of incompleteness, the City may not specify missing documents or information that were not delineated in the original notice of incompleteness.

(ii) If the City fails to approve or deny an EFR within the time frame for review (accounting for any tolling), the request shall be deemed granted; provided that this approval shall become effective only upon the City's receipt of written notification from the applicant after the review period has expired (accounting for any tolling) indicating that the application has been deemed granted.

(IV) Interaction with Telecommunications Act 47 U.S.C. Section 332(c)(7). If the City determines that the applicant's request is not an EFR as delineated in this subsection, the applicant shall be advised as to the relevant provisions of the City Code that govern the process to consider the request, and whether the Code requires any additional information to be submitted in order for the request to be considered complete. If the applicant subsequently indicates an intent for the proposal to be considered under the relevant section of the City Code and submits all required information, the presumptively reasonable timeframe under Section 332(c)(7), as set forth in applicable federal and state law will begin to run from submittal of the required information under the applicable provision of this Code.