CITY OF LAFAYETTE

ORDINANCE NO. 15, Series 2026

INTRODUCED BY: Councilor Adam Gianola

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, REPEALING AND REPLACING CHAPTER 26 OF THE CODE OF ORDINANCES WITH A NEW CHAPTER 26 TITLED "LAND USE CODE;" REPEALING THE EXISTING ZONING MAP AND REPLACING IT WITH A NEW ZONING MAP, AND REZONING PROPERTIES WITHIN THE CITY THEREBY; AND SETTING AN EFFECTIVE DATE, AS AMENDED ON SECOND READING

WHEREAS, the City of Lafayette (the "City") is a home-rule city of the State of Colorado with full authority and power to legislate upon, regulate, and control on matters of local and municipal concern, including zoning and land use matters; and

WHEREAS, the Planning Commission and the City Council of the City of Lafayette approved, and the City Council adopted, the 2021 Legacy Lafayette Comprehensive Plan as the City's comprehensive plan to, among other things, establish the vision for the future evolution of the community over the next two decades, and to serve as the foundation for an update to the City's Development and Zoning Code in Chapter 26 of the Code of Ordinances, City of Lafayette, Colorado (the "Code"); and

WHEREAS, the 2021 Legacy Lafayette Comprehensive Plan includes a Future Land Use Plan to guide ongoing development, redevelopment, and reuse of properties within the City's Urban Growth Boundary, and to help shape how various areas around Lafayette may evolve over the next two decades; and

WHEREAS, the City Council finds and determines that repealing and replacing Chapter 26 of the Code with a new Lafayette Land Use Code ("Land Use Code" or "LUC"), and repealing the existing City of Lafayette Zoning Map and replacing it with a new official Zoning Map and rezoning properties within the City thereby, are legislative functions as recognized by Colorado law and such amendments to the Code and Zoning Map are therefore not subject to any requirement for individualized notice to specific property owners; and

WHEREAS, the City carried out a thorough and rigorous public engagement process to gather community input on the proposed new Land Use Code and Zoning Map, which included:

a. Establishing a Working Group comprised of the Planning Commission, representatives from City boards and commissions, and community members. The group met 13 times to review draft code language, provide ongoing policy input, monitor engagement strategies, and advise staff on key Land Use Code provisions. Meetings were open to the public and included public comment opportunities.
b. Maintaining a dedicated digital engagement platform ("Lafayette Listens")

that hosted interactive exercises, key dates, draft documents, and engagement tools. The platform also collected map-based input, comments, and survey participation, drawing more than 5,300 webpage visits.

c. Conducting a citywide survey (1,035 responses) and held 38 community events or meetings, including pop-ups, small-group conversations, special events, and targeted outreach sessions. Together, these activities generated over 2,700 public comments that informed revisions throughout the drafting phases.

d. Reviewing policy questions and comments during public meetings, including ongoing Working Group discussions and City Council meetings and workshops. These sessions guided direction on key policy choices and helped shape the final Land Use Code prior to adoption.

WHEREAS, on June 24, 2026, and July 8, 2026, the Planning Commission held public hearings on the proposed new Land Use Code as required under Section 26-30-2 of the Code, and on the proposed new Zoning Map as required under Section 26-16-8.1 of the Code, and the Planning Commission approved Resolution No. PC-2026-15 recommending the City Council approve the new Land Use Code and the new Zoning Map, with certain modifications and conditions; and

WHEREAS, on August 18, 2026, the City Council held a public hearing on the proposed new Land Use Code as required under Section 26-30-2 of the Code, and on the proposed new Zoning Map as required under Sections 26-16-8.1 and 26-30-1 of the Code, and considered the Planning Commission's recommendations in Planning Commission Resolution No. PC-2026-15, including the recommended modifications and conditions therein; and

WHEREAS, the City Council desires to enact the new Land Use Code and Zoning Map in the forms attached to this ordinance as **Exhibit A** and **Exhibit B**, with the amendments thereto approved by the City Council on second reading; and

WHEREAS, the City Council declares that this ordinance is enacted pursuant to the City of Lafayette's home rule authority under Section 6 of Article XX of the Constitution of the State of Colorado, and pursuant to the City of Lafayette's police powers, in order to preserve, protect, and promote the public health, safety, and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AS FOLLOWS:

Section 1. *Repeal and Replace Chapter 26*. That Chapter 26, "Development and Zoning," of the Code of Ordinances, City of Lafayette, Colorado, including all articles, divisions, sections, and tables, is hereby repealed in its entirety, and replaced by a new Chapter 26, to be titled and known as the "Land Use Code," which new Chapter 26 is attached to this ordinance as **Exhibit A**, with the amendments thereto approved by the City Council on second reading of this ordinance, and consisting of 435 pages, and is made a part of this ordinance, with such amendments, by this reference, as if fully set forth herein.

Section 2. *Zoning Map – Legislative Rezoning Findings*. In accordance with Sections 26-16-8, 26-16-8.1, and 26-30-1 of the Code, the City Council finds and determines as follows:

a. The legislative rezoning of the City is of a technical or corrective nature and is necessary to conform zone district boundaries with existing lot lines [Sec. 26-16-8(a)];

b. The legislative rezoning of the City is necessary because of changed and changing conditions within specific areas of the City and the City as a whole, such that repealing and replacing the City's zone district map to apply the zoning districts and regulations established in the new Land Use Code is in the public interest and reasonably required to promote public health, safety, and welfare by ensuring that future development and redevelopment proceeds in accordance with the new Land Use Code [Sec. 26-16-8(b)];

c. The legislative rezoning is necessary to conform to the Legacy Lafayette Comprehensive Plan by implementing the zoning districts and regulations established in the new Land Use Code throughout the City [Sec. 26-16-8(c)];

Section 3. *Zoning Map - Repeal and Replacement*. That, based on the findings and determinations in Section 2 of this ordinance, above, and based on the Comprehensive Plan and the Code of Ordinances, the existing City of Lafayette Zoning Map is repealed in its entirety and replaced with the new Zoning Map, which is attached to this ordinance as **Exhibit B**, as amended by the City Council on second reading of this ordinance, and consisting of 1 page, and is and made a part of this ordinance, with such amendments, by this reference as if fully set forth herein.

Section 4. *Effective Date*. In accordance with Section 7.3 of the Charter, this ordinance shall become effective on February 1, 2027 ("Effective Date").

Section 5. *Transitional Provisions*.

a. *Pending and new applications*.[1]

i. *Single-step approvals*. A complete application for a single-step approval (all project approvals are reviewed and decided on in with a single application), submitted prior to the Effective Date may be decided under the regulations in effect when the application was determined to be complete, or may be reviewed and decided under the new Land Use Code based on the Planning Director's determination of how to best implement the Comprehensive Plan.

[1] *See* **Exhibit A**, Land Use Code, attached hereto, specifically Section 26-1-6(c) ("Applications In Progress") and Table 26-1-1 ("Applications In Progress"). Subsection a. of Section 5 of this ordinance is intended to be consistent with Section 26-1-6(c) and Table 26-1-1 of the new Land Use Code and shall be interpreted consistent with such section and table.

ii. *Multi-step approvals*. A complete application for the first approval of a multiple-step approval process (at least two applications required, typically over a period of time, to achieve final approval) submitted prior to the Effective Date shall continue to be processed under the regulations in effect when the application was determined to be complete. Provided that the first or any prior approval has not expired, subsequent applications shall be processed pursuant to the regulations in effect prior to the Effective Date if the first step approval was site-design specific, and pursuant to the new Land Use Code if the first step approval was conceptual and subject to future refinement. Applicants may elect to comply with the new Land Use Code for any subsequent application.

iii. *Withdrawn or denied application*s. If an application submitted before the Effective Date is withdrawn or denied on or after the Effective Date, any subsequent application for a substantially similar project on the same lot or development shall comply with the requirements of the new Land Use Code.

b. *Alternative zoning requests*.

i. Before the Effective Date of this ordinance, the owners of property that will be rezoned pursuant to the Zoning Map adopted by this ordinance from a zoning district primarily intended for one general category of land use to a zoning district primarily intended for a different general category of land use (e.g., industrial to commercial, commercial to mixed use, etc.), may submit a written request to the Planning Department seeking alternative zoning regulations under the Land Use Code. Alternative zoning regulations may include, without limitation, rezoning the property to a different zone district, deferring nonconforming use status of the property, and amendments to the Use Table in the new Land Use Code. The request shall identify the property, the zoning district assigned by the adopted Zoning Map, the alternative zoning regulations requested by the property owner, and any information the City reasonably requires to evaluate the request.

ii. Upon receipt of a request under this Section, City staff shall review the request and may initiate a Zoning Map amendment or other land use application deemed appropriate to consider the requested alternative zoning regulation. Nothing in this provision shall obligate the City to initiate or approve a requested zoning map amendment or other alternative zoning regulation. Any proposed alternative zoning regulation or proposed amendment to the adopted Zoning Map shall be reviewed and considered in accordance with the procedures and approval criteria of the new Land Use Code and applicable law. The Planning Commission and City Council may consider any such request before or after the Effective Date of this ordinance.

iii. No application fee will be required for a request submitted pursuant to this provision or for any City-initiated Zoning Map change or

application for an alternative zoning regulation processed in response to such request.

iv. Submission of a request under this provision shall not create any vested right to a particular zoning designation, zoning regulation, development approval, or land use entitlement, and the zoning designation established by the Zoning Map adopted through this ordinance shall remain in effect unless and until amended by a subsequent ordinance enacted by the City Council.

v. An alternative zoning request may not be submitted under this subsection 5.b. for private property zoned Developing Resource (DR), and this subsection 5.b. does not and is not intended to apply to DR-zoned private property. An owner of a privately owned DR-zoned property may submit a rezoning application at any time through the City's generally applicable rezoning process, and, if a complete rezoning application for privately owned DR-zoned property is submitted before the Effective Date, the application may be reviewed as provided in subsection 5.a. above.

Section 6. *Technical and Other Revisions to Land Use Code*.

i. After enactment of this ordinance on second reading and before the Effective Date, City staff, in consultation with the City Attorney's Office, may correct typographical, grammatical, formatting, numbering, cross-reference, citation, scrivener's, and similar technical errors in the new Land Use Code. Staff may also make other minor editorial revisions necessary to improve consistency, readability, or internal organization, provided that no correction or revision alters the meaning, purpose, scope, application, or legal effect of any provision; changes any permitted, conditional, or prohibited use; modifies any substantive standard, procedure, requirement, right, duty, approval criterion, or remedy; or otherwise constitutes a material or substantive change.

ii. Each correction or revision made under subsection a. must be approved by the City Attorney as technical and non-substantive. Upon such approval, the correction or revision may be incorporated into the final published version of the new Land Use Code and shall be deemed part of the Land Use Code adopted by this ordinance.

iii. Any substantive or material changes to the new Land Use Code shall be presented to the Planning Commission and City Council for review and approval and shall be adopted by a subsequent ordinance enacted in accordance with applicable law.

Section 7. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 8. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 9. The repeal or modification of any provision of the Code of Ordinances, City of Lafayette, Colorado, by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 10. This ordinance is deemed necessary for the protection of the health, welfare, and safety of the community.

Section 11. Violations of this ordinance shall be punishable in accordance with Section 1-10 of the Code of Ordinances, City of Lafayette, Colorado.

Section 12. *Publication*. In accordance with Section 7.4 of the Charter, the City Clerk is directed to publish notice of this ordinance within 10 days following enactment hereof on second reading.

INTRODUCED AND PASSED ON FIRST READING THE 18TH DAY OF AUGUST, 2026.

PASSED ON SECOND AND FINAL READING, WITH AMENDMENTS, AND PUBLIC NOTICE ORDERED THE 15TH DAY OF SEPTEMBER, 2026.

CITY OF LAFAYETTE, COLORADO

_____
Saul Tapia Vega, Mayor

ATTEST:

_____
Lynnette Beck, City Clerk

APPROVED AS TO FORM:

_____
Mary Lynn Macsalka, City Attorney



LEGACY LAFAYETTE
LAND USE CODE

Article 26-1 General Provisions
Article 26-2 Zoning Districts
Article 26-3 Use Standards
Article 26-4 Natural Resource Protection
Article 26-5 Site Planning and Development Standards
Article 26-6 Infrastructure, Improvements, and Utilities
Article 26-7 Subdivision Standards
Article 26-8 Administration and Procedures
Article 26-9 Definitions and Measurements

prepared by CLARION

LAFAYETTE LAND USE CODE

AS ADOPTED SEPTEMBER 15, 2026

City of Lafayette

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ARTICLE 26-1. GENERAL PROVISIONS

26-1-1 Official Title and Effective Date

(a) This article of the Lafayette Code of Ordinances shall be known and may be cited as the Lafayette Land Use Code and is referred to internally as the "LUC."

(b) The Effective Date of the LUC is February 1, 2027. All references in the LUC to the "Effective Date of the LUC" or to the "Effective Date" shall refer to that date unless otherwise specified.

(c) This LUC replaces the Lafayette Development and Zoning Code (1986 DZC) adopted by Ordinance No. 1986-01 and amendments thereto. Two copies of the 1986 DZC shall be maintained and remain on record in the City Clerk's Office and the Planning and Building Department, either in hard copy or electronically. An unofficial public copy may also be maintained on the City's website. All copies of the 1986 DZC that are publicly available shall be clearly identified as outdated.

26-1-2 Intent and Purpose

It is the intention of the City that the LUC implement the planning policies adopted by the City Council as reflected in the Comprehensive Plan and other plans adopted by the City. The purpose of the LUC is to:

(a) Preserve and promote the public health, safety, and welfare of the inhabitants of the City and the general public;

(b) Implement the objectives, policies, and strategies of the Comprehensive Plan;

(c) Promote a compact pattern of growth and encourage the efficient use of land;

(d) Facilitate adequate provisions of transportation, water, sewage facilities, schools, parks, and other public requirements;

(e) Expand housing options that serve people of all ages, abilities, and incomes;

(f) Balance the safety and needs of all transportation modes to ensure an efficient transportation system for pedestrians, cyclists, transit, and other vehicles;

(g) Encourage the development of neighborhoods that offer a full complement of amenities and features to serve people as they live, work, and play;

(h) Protect and enhance the quality, continuity, and ecological integrity of riparian and other sensitive habitat areas; and

(i) Enhance and preserve historic preservation through adaptive reuse.

26-1-3 Authority

This LUC is adopted pursuant to the authority granted to the City by the laws of the State of Colorado, including but not limited to:

(a) Colorado Constitution

All powers reserved to the City as a Home Rule municipality under Article XX of the Colorado Constitution.

(b) City Charter

All powers granted by the Charter of the City of Lafayette.

(c) State Enabling Legislation

All powers granted to the City by:

(1) C.R.S. Title 31, Article 15, Powers and Functions of Municipalities;

(2) C.R.S. Title 31, Article 23, Planning and Zoning;

(3) C.R.S. Title 29, Article 20, Local Government Land Use Control Enabling Act;

(4) C.R.S. Title 30, Article 28, County Planning and Building Codes (to the extent applicable);

(5) C.R.S. Title 24, Article 65.1, Areas and Activities of State Interest;

(6) C.R.S. Title 24, Article 67, Planned Unit Development Act; and

(7) Any other powers provided by state law to the extent consistent with this LUC.

26-1-4 Applicability

(a) Generally

(1) The LUC shall apply to all activities on public and private land over which the City has jurisdiction under the constitution and laws of the State of Colorado, the United States, or pursuant to the City's powers.

(2) Not all situations will fall into easily identifiable processes and requirements. The LUC provides appropriate flexibility in dealing with general and specific issues, and especially those that do not fit well with typical processes and standard requirements. The elements that make up the LUC are interrelated and cannot be taken in isolation; all provisions and regulations must be taken within the context and intent of the entire LUC.

(b) Compliance Required

All persons, uses, and development activities shall comply with the following:

(1) The provisions of this LUC; and

(2) All other applicable City, county, state, federal regulations including but not limited to the Lafayette, CO Building Code and the Public Works Standards and Specifications.

26-1-5 Conflicting Provisions

(a) Conflict with State or Federal Regulations

Nothing in the LUC shall be interpreted as requiring a violation of state or federal law.

(b) Conflict with Other City Regulations

If the provisions of the LUC on the same subject are inconsistent with one another, or if they conflict with other City regulations on that subject, the more restrictive provision will control. The more restrictive provision is the one that imposes greater development restrictions or more stringent controls.

(c) Conflict with Private Agreements and Covenants

Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of this LUC, enforcement is the responsibility of the parties to the private restriction. The City has no duty to enforce the private restrictions, nor is the City obligated to adopt regulations consistent with private restrictions.

(d) Determination of Conflict

An LUC Interpretation may be requested in accordance with Section 26-7-4(a)(1) when it is unclear whether this LUC conflicts with other applicable local, state, or federal regulations.

26-1-6 Transitional Provisions

(a) Intent and Applicability

This LUC is not intended to abrogate or annul any building permit, certificate of occupancy, Variance, or other lawful permit issued before the Effective Date. Applications and permits that have not achieved final approval as of the Effective Date shall be processed according to the provisions of this section.

(b) Existing Development Approvals

(1) Any development application that was validly issued all final approvals under any prior regulations may be carried out under the terms and conditions of the approval provided the approval has not expired and the development complies with any applicable standards of this LDC regarding ongoing operations and maintenance.

(2) Approved applications and permits, including building permits and certificates of occupancy, shall remain effective until expired, revoked, or forfeited in accordance with the provisions of the LUC or other relevant codes or laws. The Planning Director may renew or extend the time of a previous approval per Section 26-7-3(g)(5)(B),26-7-3(g)(4) if the required standards or criteria for approval remain valid.

(3) If an approval was granted pursuant to the 1986 DZC, and under the 1986 DZC that type of approval did not have an expiration date, but under this LUC that type of approval is subject to an expiration date, then the permit or approval shall be subject to expiration pursuant to the terms of this LUC; provided that the expiration period shall be deemed to begin running on the Effective Date, not the date of the prior permit or approval.

(4) Any re-application for an expired, lapsed, or terminated project approval shall meet the standards in effect at the time of re-application.

(5) Unless otherwise provided in the initial approval, any proposed revision to an existing application or approval shall be reviewed based on the code in effect at the time of submission of a complete application for the revision.

(c) Applications in Progress

(1) A complete application, as defined in Section 26-7-3(c)(4), for a single-step approval (all project approvals are reviewed and decided on in with a single application), submitted prior to the Effective Date may be decided under the regulations in effect when the application was determined to be complete, or may be reviewed and decided under this LUC based on the Director's determination of how to best implement the Comprehensive Plan.

(2) If an application submitted before the Effective date is withdrawn or denied, any subsequent application for a substantially similar project on the same lot or development shall comply with the requirements of the LUC.

(3) Complete applications for the first approval of a multiple-step approval process (at least two applications required, typically over a period of time, to achieve final approval) submitted prior to the Effective Date shall continue to be processed pursuant to the 1986 DZC. Subsequent applications shall be processed pursuant to the 1986 DZC if the first step

approval was site-design specific, and pursuant to the LUC if the first step approval was conceptual and subject to future refinement, as described in Table 26-1-1 below. Applicants may elect to comply with the LUC for any subsequent application.

Table 26-1-1: Applications in Progress

First Application Processed Under 1986 DZC	Subsequent Application [1]	Processed Under:	
		LUC	1986 DZC
Special Use Review	Site Plan	X	
PUD Sketch Plan	Preliminary Plan/Plat	X	
PUD Preliminary Plan	Final Plan		X
Rezoning Application	Site Plan	X	
Sketch Plat	Preliminary Plat	X	
Preliminary Plat	Final Plat		X

Notes:
[1] Processed pursuant to 1986 DZC or prior land use regulations only if first approval has not expired.

(d) Violations Continue

Any violation of a previously existing provision will continue to be a violation under the LUC and be subject to penalties and enforcement under 26-7-6. If the violation ceases because the use or activity is consistent with the express terms of this LUC, the enforcement action will cease except to the extent of collecting penalties for violations that occurred before the Effective Date. The adoption of this LUC does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous City ordinances that occurred prior to the Effective Date.

26-1-7 Fees, Charges, and Expenses

(a) The City Council shall set fees in amounts sufficient to recover all or a portion of the City's costs spent administering the LUC with respect to any application. The City Council may modify any fee through resolution or ordinance.

(b) Each application fee shall reflect the estimated average time required for City staff to review and process the application and shall not exceed that estimate. A public hearing fee shall be included with all applications requiring a public hearing. The public hearing fee does not include the cost of publishing or mailing public notices.

(c) In addition to application fees, the applicant may be required to pay any costs and fees incurred by the City for the review of the application by outside consultants including but not limited to planning, engineering, survey, and legal consultants.

(d) The application is required to pay fees assessed by referral agencies.

26-1-8 Severability

The provisions of the LUC shall be severable. If any provision is declared invalid by a court of competent jurisdiction, the effect of the decision shall be limited to that provision or provisions that are expressly stated in the decision to be invalid and may, as determined by the City Attorney, be further limited to the specific persons or parcels that are the subject of the decision. To the extent required by the decision, the applicable provision shall be removed from the LUC or otherwise

identified as severed or limited to specific persons or parcels, and the decision shall not affect, impair, or nullify the remainder of the LUC.

ARTICLE 26-2. ZONING DISTRICTS

26-2-1 Zoning Districts Established

The following zoning districts are established as shown in Table 26-7-1 below.

Table 26-2-1: Zoning Districts Summary
Zoning Districts
Neighborhood Districts
NR Neighborhood Rural
N2 Neighborhood 2
N3 Neighborhood 3
OTN Old Town Neighborhood
NC Neighborhood Mixed-Use Center
Employment and Industrial Districts
M1 Employment Mixed-Use
M2 Light Industrial
M3 General Industrial
Special Context Districts
MHC Manufactured Home Community
AG Agricultural
O Open Space
P Parks
CMU Civic Mixed-Use
DR Developing Resource
Form-Based Districts
FN1-3 Form Neighborhood
OTX 1-3 Old Town Mixed-Use
AMX1, 2 Adaptable Mixed-Use
Overlay Districts
PUD Planned Unit Development

26-2-2 Provisions Applicable to All Zoning Districts

(a) Official Zoning Map

(1) The location and boundaries of zoning districts established by this Code are shown on the official Zoning Map for the City of Lafayette. The City of Lafayette shall maintain the official Zoning Map. A digital version of the official Zoning Map shall be made available through the City's website. Physical copies of the Zoning Map shall be made available for review and inspection through the Planning and Building Department.

(2) All amendments to the Zoning Map shall be shown on the map. Changes made to zoning district boundaries shall be promptly entered on the Zoning Map after amendment by the City Council.

(b) Interpretation of District Boundaries

(1) Except where otherwise indicated, zoning district boundaries shall follow municipal corporate limits, section lines, lot lines, or right-of-way lines or extensions of those lines. Unsubdivided property and/or where a zoning district boundary divides a lot or tract, the location of the boundary, unless indicated by dimension, shall be determined by the scale of the Zoning Map.

(2) Where a zoning district boundary overlaps with a right-of-way line and the right-of-way is abandoned, the zoning district boundary shall then follow the center line of the former right-of-way.

(3) Land that is not part of a public railroad or utility right-of-way that is not indicated as being in any zoning district shall be considered to be included in the most restricted adjacent zoning district even when the district is separated from the land in question by a public railroad or utility right-of-way.

(4) If a lot is divided by a zoning district boundary line at the time of enactment of this Code or by subsequent amendments, the appropriate standards and uses for the zoning district that comprises the majority of the parcel area shall apply to the entire lot. If the lot is divided equally, the Planning Director may adjust the district boundary to apply a single district to the property. The adjustment shall be made in consideration of adjacent zoning, existing land uses, and compliance with the Comprehensive Plan. The Planning Director may refer the interpretation of a zoning district boundary to the City Council if the determination has the potential to create significant impacts on adjacent properties.

(c) Principal Structures and Uses

Multiple principal structures or uses are allowed on all lots excluding NR, N2, N3, and OTN or unless specifically limited by the applicable zoning district. All of the structures and uses shall be located within the required setbacks, meet the applicable LUC standards, proper access shall be provided to each structure, and applicable life safety separation requirements shall be met.

(d) Public Works Standards and Specifications (PWDSS)

All applications shall comply with the Public Works Standards and Specifications (PWDSS). Where there is a conflict between the terms of the LUC and the PWDSS, the PWDSS requirements are presumptively applicable. This may require adjustments to dimensional or development standards through Section 26-7-4(a)(2), Minor Adjustment or Section 26-7-4(b)(7), Major Adjustment.

26-2-3 Comprehensive Plan Implementation

(a) Table 26-2-2 identifies which zoning district(s) appropriately implement(s) a given future land use category identified in the Future Land Use Plan of the Comprehensive Plan.

(b) A future land use category is broadly identified and can be implemented through more than one zoning district. A dot indicates that the zoning district presumptively implements the corresponding land use category designation and is therefore an appropriate option for zoning or rezoning of land within that designated area on the Future Land Use Plan.

(c) A blank cell (no dot) indicates that the zoning district is generally not an appropriate option for zoning or rezoning of land within the corresponding land use category, unless the Planning

Director determines the Future Land Use Plan supports the inclusion of other proposed zoning districts based on the consistency of the development scale and uses allowed in the proposed zoning district with existing, proposed, or allowed development on abutting and adjacent lots.

Table 26-2-2: Comprehensive Plan Implementation

Zoning Districts	Housing	Mobile Home	Neighborhood Mixed-Use Center	Adaptable Commercial	Old Town Mixed-Use	Eclectiflex	Agricultural Areas	Open Space	Greenspace	Parks	Other Open Space or Public Land	Public/Institutional
Neighborhood Districts												
NR Neighborhood Rural	●											
N2 Neighborhood 2	●											
N3 Neighborhood 3	●											
OTN Old Town Neighborhood	●											
Center and Corridor Districts												
NC Neighborhood Activity Center			●									
Employment and Industrial Districts												
M1 Industrial						●						
M2 Light Industrial						●						
M3 General Industrial						●						
Special Context Districts												
MHC Manufactured or Mobile Home Community		●										
AG Agricultural							●					
O Open Space								●			●	
P Parks									●	●		
CMU Civic Mixed Use												●
DR Developing Resource												
Form-Based Districts												
FN1 Form Neighborhood General	●		●									
FN2 Form Neighborhood Edge	●		●									
FN3 Form Neighborhood Center	●		●	●								

Table 26-2-2: Comprehensive Plan Implementation

Zoning Districts	Housing	Mobile Home	Neighborhood Mixed-Use Center	Adaptable Commercial	Old Town Mixed-Use	Eclectiflex	Agricultural Areas	Open Space	Greenspace	Parks	Other Open Space or Public Land	Public/Institutional
OTX1 Old Town Core					●							
OTX 2 Old Town Corridor					●							
OTX 3 Old Town Transition	●				●							
AMX1 Adaptable Mixed-Use Core			●	●								
AMX2 Adaptable Mixed-Use Corridor			●	●								

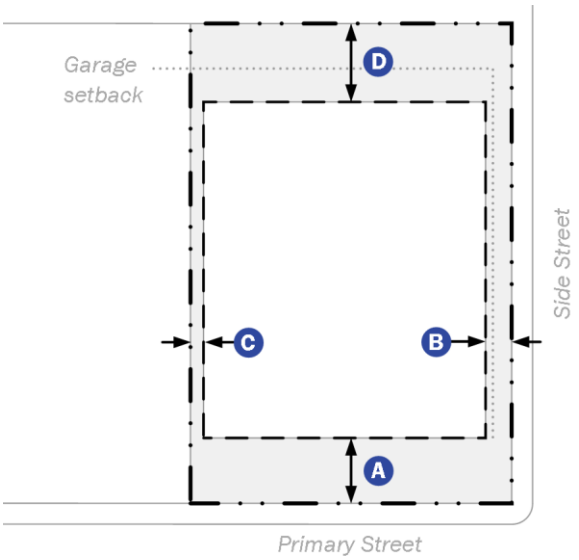
26-2-4 Neighborhood Districts

(a) Neighborhood Rural (NR)

(1) Purpose

The Neighborhood Rural district is intended to acknowledge the presence of existing large-lot, generally one- and two-story housing and clustered neighborhoods. This district is not intended to guide development of new neighborhoods, but instead allows incremental, lot-specific redevelopment within these established areas.

(2) Dimensional Standards



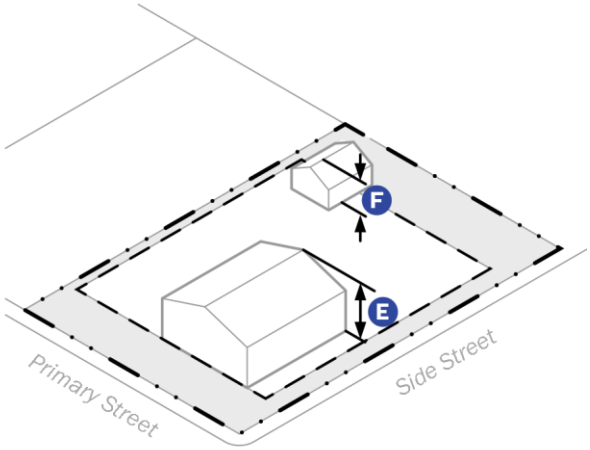


Table 26-2-3: NR Dimensional Standards
DU = Dwelling Unit FT = Feet NP = Not Permitted SF= Square Feet
See Section 26-2-4(a)(3) for exceptions and clarifications to requirements.

Standard		Requirement
	Lot Area (min/max)	
	Single-household dwelling detached	10,000 SF/ No max
	Single-household dwelling attached: townhomes	NP
	Single-household dwelling attached: triplex/fourplex	NP
	Duplex dwelling	NP
	Courtyard development	NP
	Multi-household dwellings	NP
	All other uses	10,000 SF/No max
	Lot Width (min)	
	Single-household attached (townhomes) or duplex (individual lots)	NP
	All other uses	75 FT
	Lot Coverage (max)	30%
	Density (max)	No max
	Setbacks	

Table 26-2-3: NR Dimensional Standards
DU = Dwelling Unit FT = Feet NP = Not Permitted SF= Square Feet
See Section 26-2-4(a)(3) for exceptions and clarifications to requirements.

	Standard	Requirement
	Principal Structure	
A	Front (min)	25 FT
	Front attached garage (min)	25 FT
B	Street side (min)	10 FT
	Street side attached garage (min)	6 FT or 18 FT
C	Side interior (min)	5 FT
D	Rear (min)	30 FT
	Rear attached garage with alley access (min)	30 FT
	Detached Accessory Structure	
	Front (min)	35 FT
	Side Street (min)	10 FT
	Side Interior (min)	5 FT
	Rear (min)	5 FT
	Detached garage with street side or alley access (min)	6 FT or 18 FT
	Building Height	
E	Principal structure (max)	27 FT
F	Accessory structure (max)	16 FT
	Detached ADUs or structure with ADU located within 10 feet of an alley-facing lot line (max)	20 FT

(3) Exceptions and Clarifications

(A) Generally Applicable

(I) See Section 26-2-15(b) for permitted setback encroachments and Section 26-2-15(d) for permitted exceptions to height limitations.

(II) See Section 26-2-15(e) for lot width and setback averaging.

(III) Setbacks, structure locations, or garage entry location may be further limited by clear vision triangle or visibility requirements or existing or proposed easements.

(IV) Window wells are not allowed in side yards with a setback of five feet or less.

(B) Specific Applicability

(I) For single-household attached dwellings, the interior side setback shall only apply to the perimeter of the building, not to property lines along shared walls.

(II) Courtyard development lot size standards apply to entire development site, not to individual lots within courtyard development.

(III) Garage entries shall be located at one of the following locations to discourage vehicle parking that blocks a sidewalk:

(i) No more than six feet from the curb, or

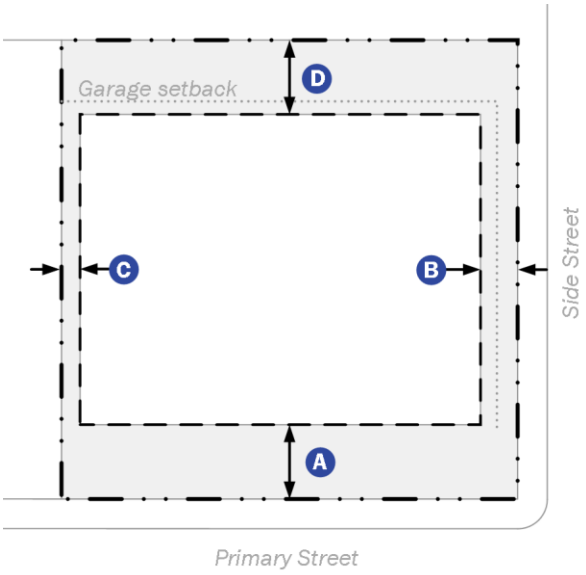
(ii) At least 18 feet from the curb.

(b) Neighborhood 2 (N2)

(1) Purpose

The Neighborhood 2 district is intended for use in areas with existing residential character. N-2 promotes affordable housing availability, encourages neighborhood connectivity for pedestrians and cyclists, and permits appropriate home-based businesses. This district is not intended to be used for new development outside of redevelopment of existing lots.

(2) Dimensional Standards



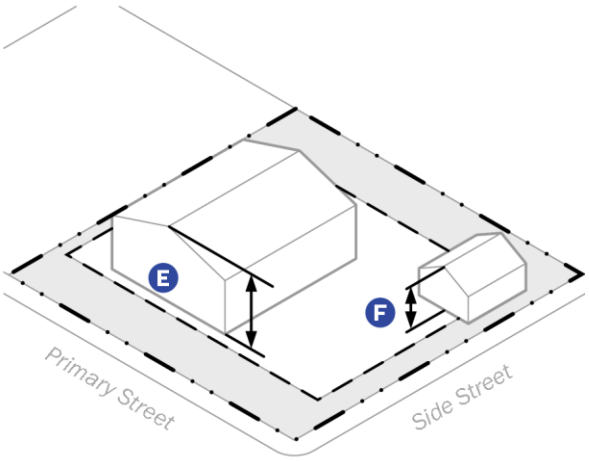


Table 26-2-4: N2 Dimensional Standards
DU = Dwelling Unit FT = Feet NP = Not Permitted SF= Square Feet
See Section 26-2-4(b)(3) for exceptions and clarifications to requirements.

	Standard	Requirement
	Lot Area (min/max)	
	Single-household dwelling detached	5,000 SF/ 20,000 SF
	Single-household dwelling attached: townhomes	1,500 SF per DU/ 5,000 SF per DU
	Single-household dwelling attached: triplex/fourplex	1,500 SF per DU/ 5,000 SF per DU
	Duplex dwelling	2,000 SF per DU/ 5,000 SF per DU
	Courtyard development	NP
	Multi-household dwellings	NP
	All other uses	5,000 SF/ 20,000 SF
	Lot Width (min)	
	Single-household attached (townhomes) or duplex (individual lots)	18 FT per DU
	All other uses	50 FT
	Lot Coverage (max)	40%
	Density (max)	No max
	Setbacks	
	Principal Structure	
A	Front (min)	20 FT

Table 26-2-4: N2 Dimensional Standards
DU = Dwelling Unit FT = Feet NP = Not Permitted SF= Square Feet
See Section 26-2-4(b)(3) for exceptions and clarifications to requirements.

	Standard	Requirement
	Front attached garage (min)	20 FT
B	Street side (min)	10 FT
	Street side attached garage (min)	6 FT or 18 FT
C	Side interior (min)	5 FT
D	Rear (min)	20 FT
	Rear attached garage with alley access (min)	30 FT
	Detached Accessory Structure	
	Front (min)	30 FT
	Side Street (min)	10 FT
	Side Interior (min)	5 FT
	Rear (min)	5 FT
	Detached garage with street side or alley access (min)	6 FT or 18 FT
	Building Height	
E	Principal structure (max)	27 FT
F	Accessory structure (max)	16 FT
	Detached ADUs or structure with ADU located within 10 feet of an alley-facing lot line (max)	20 FT

(3) Exceptions and Clarifications

(A) Generally Applicable

(I) See Section 26-2-15(b) for permitted setback encroachments and Section 26-2-15(d) for permitted exceptions to height limitations.

(II) See Section 26-2-15(e) for lot width and setback averaging.

(III) Setbacks, structure locations, or garage entry location may be further limited by clear vision triangle or visibility requirements or existing or proposed easements.

(IV) Window wells are not allowed in side yards with a setback of five feet or less.

(B) Specific Applicability

(I) For single-household attached dwellings, the interior side setback shall only apply to the perimeter of the building, not to property lines along shared walls.

(II) Courtyard development lot size standards apply to entire development site, not to individual lots within courtyard development.

(III) Garage entries shall be located at one of the following locations to discourage vehicle parking that blocks a sidewalk:

(i) No more than six feet from the curb, or

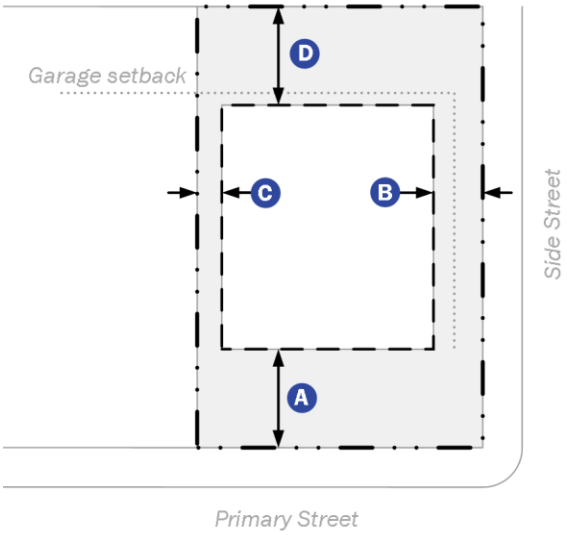
(ii) At least 18 feet from the curb.

(c) Neighborhood 3 (N3)

(1) Purpose

The Neighborhood 3 district is intended to provide for mixed building type residential development and redevelopment in locations where the transportation network and utility infrastructure can reasonably support this scale of residential development. The Neighborhood-3 district differs from other neighborhood districts by allowing smaller lot sizes, taller buildings, and additional commercial uses that are compatible with and supportive of existing neighborhoods.

(2) Dimensional Standards



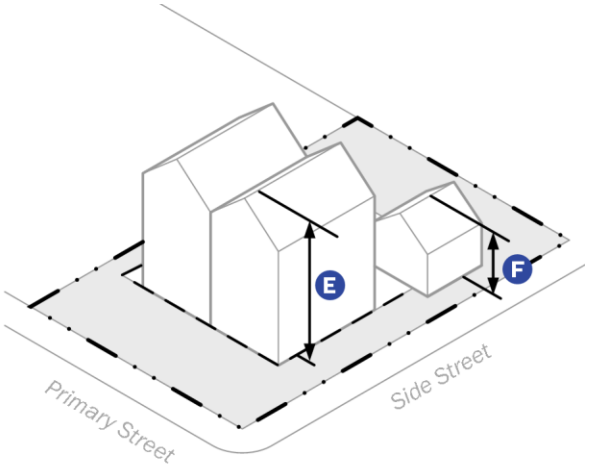


Table 26-2-5: N3 Dimensional Standards
DU = Dwelling Unit FT = Feet NP = Not Permitted SF= Square Feet
See Section 26-2-4(c)(3) for exceptions and clarifications to requirements.

Standard	Requirement
Lot Area (min/max)	
Single-household dwelling detached	2,000 SF/ 9,000 SF
Single-household dwelling attached: townhomes	1,200 SF per DU/ None
Single-household dwelling attached: triplex/fourplex	1,200 SF per DU/ None
Duplex dwelling	2,000 SF per DU/ 4,000 SF per DU
Courtyard development	10,000 SF/ 20,000 SF
Multi-household dwellings	No min/ max
All other uses	2,000 SF/ 9,000 SF
Lot Width (min)	
Single-household attached (townhomes) or duplex (individual lots)	18 FT per DU
All other uses	50 FT
Lot Coverage (max)	60%
Density (max)	No max
Setbacks	

Table 26-2-5: N3 Dimensional Standards
DU = Dwelling Unit FT = Feet NP = Not Permitted SF= Square Feet
See Section 26-2-4(c)(3) for exceptions and clarifications to requirements.

	Standard	Requirement
	Principal Structure	
A	Front (min)	15 FT
	Front attached garage (min)	18 FT
B	Street side (min)	10 FT
	Street side attached garage (min)	6 FT or 18 FT
C	Side interior (min)	5 FT
D	Rear (min)	5 FT
	Rear attached garage with alley access (min)	6 FT or 18 FT
	Detached Accessory Structure	
	Front (min)	30 FT
	Side Street (min)	10 FT
	Side Interior (min)	5 FT
	Rear (min)	5 FT
	Detached garage with street side or alley access (min)	6 FT or 18 FT
	Building Height	
E	Principal structure (max)	35 FT
F	Accessory structure (max)	16 FT
	Detached ADUs or structure with ADU located within 10 feet of an alley-facing lot line (max)	20 FT

(3) Exceptions and Clarifications

(A) Generally Applicable

(I) See Section 26-2-15(b) for permitted setback encroachments and Section 26-2-15(d) for permitted exceptions to height limitations.

(II) See Section 26-2-15(e) for lot width and setback averaging.

(III) Setbacks, structure locations, or garage entry location may be further limited by clear vision triangle or visibility requirements or existing or proposed easements.

(IV) Window wells are not allowed in side yards with a setback of five feet or less.

(B) Specific Applicability

(I) For single-household attached dwellings, the interior side setback shall only apply to the perimeter of the building, not to property lines along shared walls.

(II) Courtyard development lot size standards apply to entire development site, not to individual lots within courtyard development.

(III) Garage entries shall be located at one of the following locations to discourage vehicle parking that blocks a sidewalk:

(i) No more than six feet from the curb, or

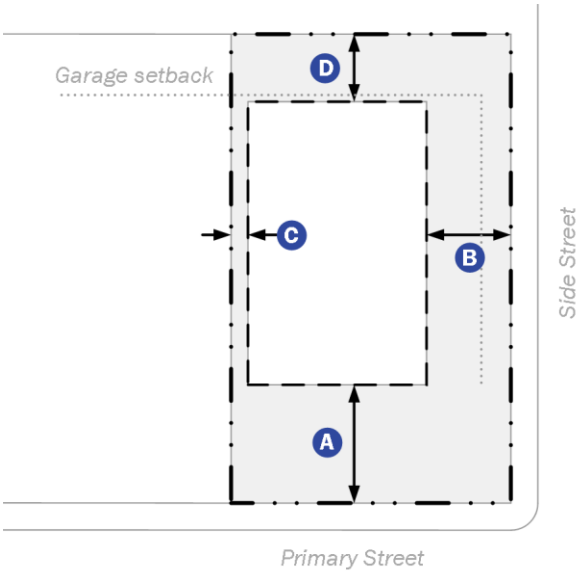
(ii) At least 18 feet from the curb.

(d) Old Town Neighborhood (OTN)

(1) Purpose

The Old Town Neighborhood district is intended to support and continue the unique character and nature of the Old Town area while ensuring that future infill, redevelopment, and additions are compatible with the traditional scale and massing of development traditionally found in Lafayette's Old Town residential neighborhoods. The district is intended to mitigate the potential impacts of development while encouraging the preservation of historic buildings.

(2) Dimensional Standards



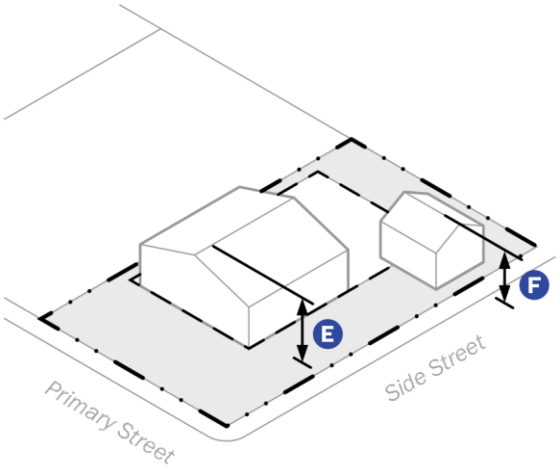


Table 26-2-6: OTN Dimensional Standards
DU = Dwelling Unit FT = Feet NP = Not Permitted SF= Square Feet
See Section 26-2-4(d)(3) for exceptions and clarifications to requirements.

Standard		Requirement
	Lot Area (min/max)	
	Single-household dwelling detached	7,000 SF/ 10,000 SF
	Single-household dwelling attached: townhomes	NP
	Single-household dwelling attached: triplex/fourplex	NP
	Duplex dwelling	3,500 per DU/ No max
	Courtyard development	NP
	Multi-household dwellings	NP
	All other uses	7,000 SF/ No max
	Lot Width (min)	
	Single-household attached (townhomes) or duplex (individual lots)	No min/max
	All other uses	No min/max
	Lot Coverage (max)	30%
	Density (max)	13 DU/acre
	Setbacks	

Table 26-2-6: OTN Dimensional Standards
DU = Dwelling Unit FT = Feet NP = Not Permitted SF= Square Feet
See Section 26-2-4(d)(3) for exceptions and clarifications to requirements.

	Standard	Requirement
	Principal Structure	
A	Front (min)	20 FT
	Front attached garage (min)	20 FT
B	Street side (min)	10 FT
	Street side attached garage (min)	6 FT or 18 FT
C	Side interior (min)	5 FT
D	Rear (min)	20 FT
	Rear attached garage with alley access (min)	20 FT
	Detached Accessory Structure	
	Front (min)	30 FT
	Side Street (min)	10 FT
	Side Interior (min)	5 FT
	Rear (min)	5 FT
	Detached garage with street side or alley access (min)	6 FT or 18 FT
	Building Height	
E	Principal structure (max)	24 FT
F	Accessory structure (max)	20 FT
	Detached ADUs or structure with ADU located within 10 feet of an alley-facing lot line (max)	20 FT

(3) Exceptions and Clarifications

(A) Generally Applicable

(I) See Section 26-2-15(b) for permitted setback encroachments and Section 26-2-15(d) for permitted exceptions to height limitations.

(II) See Section 26-2-15(e) for lot width and setback averaging.

(III) Setbacks, structure locations, or garage entry location may be further limited by clear vision triangle or visibility requirements or existing or proposed easements.

(IV) Window wells are not allowed in side yards with a setback of five feet or less.

(B) Specific Applicability

(I) For single-household attached dwellings, the interior side setback shall only apply to the perimeter of the building, not to property lines along shared walls.

(II) Courtyard development lot size standards apply to entire development site, not to individual lots within courtyard development.

(III) Garage entries shall be located at one of the following locations to discourage vehicle parking that blocks a sidewalk:

(i) No more than six feet from the curb, or

(ii) At least 18 feet from the curb.

(4) Additional Standards in the OTN District

(A) Lot and Building Standards

(I) Lot coverage may be increased as follows, provided the total lot coverage resulting from the application of one or more of the following incentives does not exceed 35 percent. For the purposes of this section, the use of finished

basements as a means to expand the livable area of a principal dwelling or accessory dwelling unit without expanding overall lot coverage is consistent with the intent of these incentives, as is the incorporation of a full finished basement in conjunction with the replacement of a failing foundation on a historic building.

(i) Limiting construction to one-story (16 feet or less) for all primary and accessory structures, including accessory dwelling units: A lot coverage increase of five percent;

(ii) Limiting construction to a one and a half-story (20 feet or less) primary and accessory structures, including accessory dwelling unit: A lot coverage increase of two and one-half percent;

(iii) Obtaining local historic landmark designation for the primary structure on the property in conjunction with the construction of an addition or accessory dwelling unit: A lot coverage increase of five percent, provided that such designation is obtained prior to granting of lot coverage increase, and all additions comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties: Standards for Rehabilitation as set forth in 36 CFR Part 68;

(iv) Incorporating historic buildings: A lot coverage increase of five percent when all proposed additions or accessory dwelling units:

(a) Incorporate buildings over 50 years old; and

(b) Preserve the full width of the front street-facing façade and at least seventy-five 75 percent of the front depth of the building, including all walls, porches, windows, roof forms, and other architectural elements located within these areas.

(v) Preservation of significant trees: A lot coverage increase of two percent for projects that preserve one or more significant trees in conjunction with the construction of a principal dwelling, addition, accessory structure, or detached accessory dwelling unit. For the purposes of this incentive, applicants must demonstrate what steps were taken as part of the site planning process to preserve the significant tree(s), and provide a letter from a certified arborist indicating that the significant tree(s) are free from disease and have an anticipated lifespan of at least ten 10 years. Significant trees shall be defined as follows:

(a) A minimum of six inches in caliper measured 12 inches above soil line for a deciduous tree; or

(b) A minimum of 10 feet in height for a needled evergreen tree.

(II) Modifications to maximum heights established for this district may not be granted as part of a Planned Unit Development.

(III) A bulk plane analysis shall be applied to define the three dimensional area to which development will be limited. The bulk plane extends 12 feet up from all four lot lines and angles in at 45-degree angles from the side lot lines. The buildable area, in which structural development may occur, consists of the area within the required front, side, and rear yard setback and the defined bulk plane.

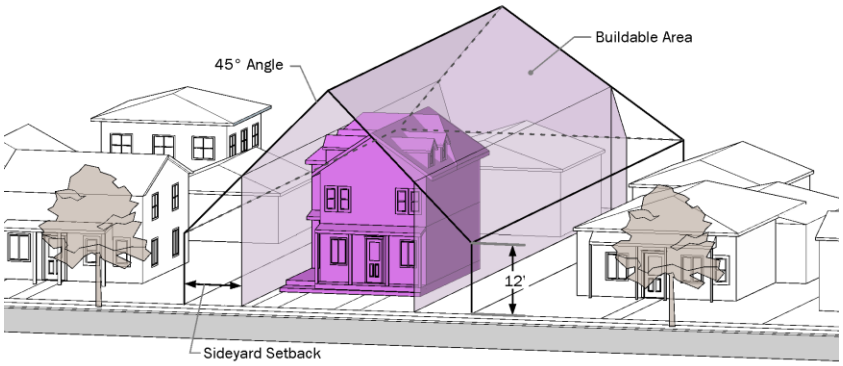


Figure 26-2.A: Bulk Plane Analysis Example

(i) Individual dormers (shed or gable) may extend up to six feet beyond the buildable area, with a maximum width of eight feet. The portion(s) that extend beyond the buildable area shall have a combined width no greater than 50 percent of the length of the roof upon which they are located. The width of the dormer shall be measured at the point that it intersects the bulk plane.

(ii) The end(s) of a side-gabled roof may extend up to five feet beyond the buildable area with a maximum width of 20 feet or no more than 50 percent of the width of the façade with the projecting gable, whichever is smaller. The width of the side-gabled roof shall be measured at the point that it intersects the bulk plane.

(B) Site Plan Review Criteria

(I) All Development

(i) A similar level of design treatment shall be provided on all four sides of a building. Blank walls devoid of windows or other details are prohibited.

(ii) The percentage of the front façade that is occupied by window and door openings shall be a minimum of 25 percent, as is typically found on traditional homes in Old Town. A minimum of ten percent of all other facades shall be occupied by window and door openings. Solid doors with no windows and garage doors shall not count toward this minimum requirement.

(iii) Within 20 feet of each side property line, the cumulative length of walls that exceed 12 feet in height shall be limited to 30 feet. The remaining walls shall:

(a) Be set back at least four feet from portions of the wall plane that exceed 12 feet in height; or

(b) Not exceed 12 feet in height.

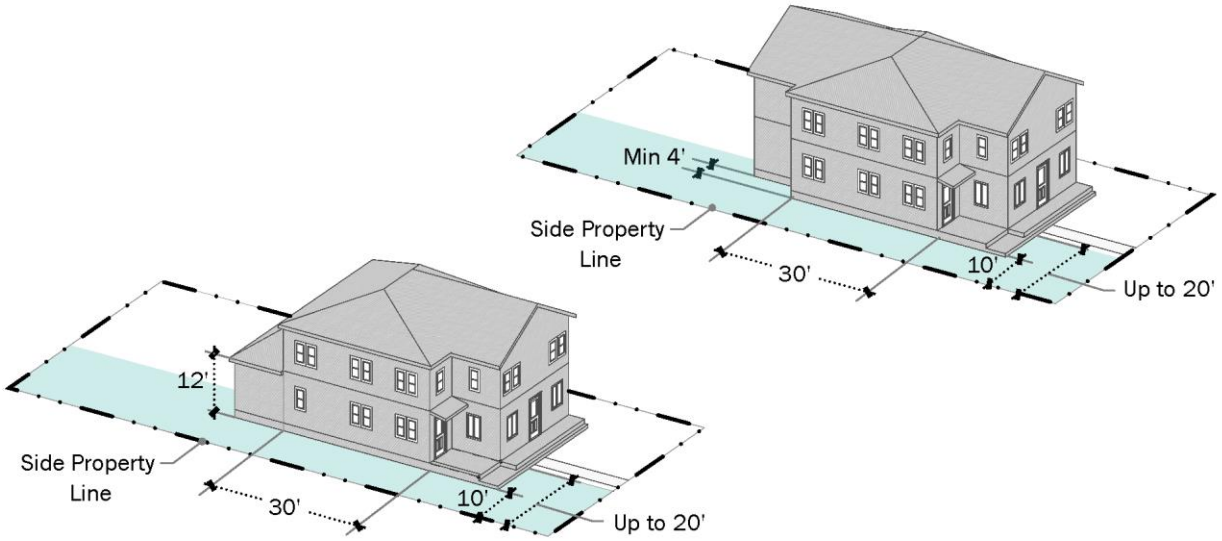


Figure 26-2.B: Front Façade and Side Yard Wall Articulation Requirements

(iv) Air-conditioning units or other HVAC equipment mounted at the ground level must mitigate noise and heat impacts on adjacent residents through one or more of the following strategies:

(a) Locating equipment a minimum of ten feet from ground level bedroom windows and unenclosed patios or porches on the adjacent home;

(b) Locating equipment in a sound-buffering enclosure; and/or

(c) Using equipment certified with a sound rating of the proposed equipment, not to exceed an A-weighted sound pressure level of 65 DBA.

(II) Primary Entry

(i) The primary entry of single-household detached dwellings shall face the primary street frontage.

(ii) At least one primary entrance shall face the primary street frontage. If both entrances face the primary street frontage, an offset in the front façade or other variation in building massing shall be provided to avoid the appearance of an identical or "mirrored" pair of units aligned at the front setback. Examples of appropriate offsets include variation in porch depth or projection, changes in roof form, wall articulation, or similar elements that create visual differentiation between units.

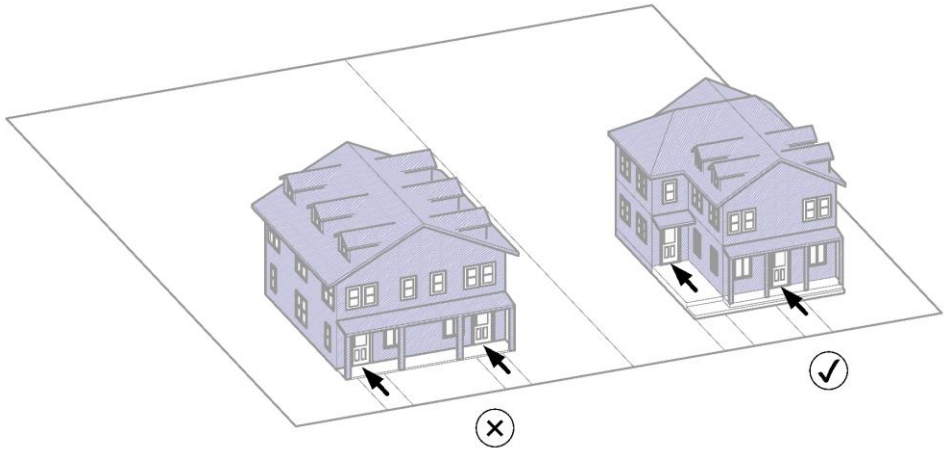


Figure 26-2.C: Primary Entry Requirements

(III) Additions

(i) Additions shall incorporate roof and building forms similar to those found on the principal building.

(ii) Additions shall be designed to appear secondary to the principal building in terms of their mass and form when viewed from the public right-of-way. This standard may be accomplished through two or more of the following techniques.

(a) Concentrating the mass and height of the addition behind or to the side of the principal building;

(b) Using sloped roof forms, dormers, or other creative approaches to accommodate additional square footage on a second story without obscuring the original form and scale of the principal building;

(c) Avoiding the use of building forms that would obscure, remove, or significantly modify the predominant roof form of the principal building, particularly those roof forms that are visible from the public right-of-way;

(d) Incorporating a smaller scale building module or similar transition between the principal building and a larger addition to maintain the traditional form of the principal building; and/or

(e) Aligning or stepping down the height of an addition where it meets the principal building.

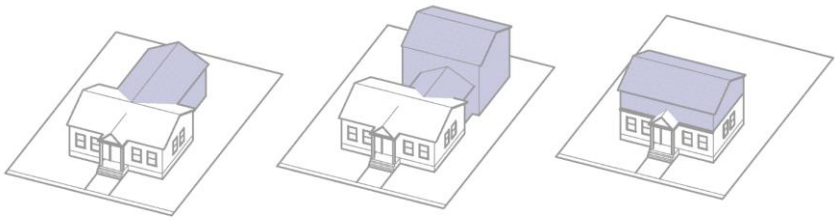


Figure 26-2.D: Addition Requirements

(iii) For buildings that are greater than 50 years old, a change in architectural detailing (e.g., materials, color) or offset in the building wall shall be provided where the addition meets the original building to provide a subtle distinction between old and new building forms.

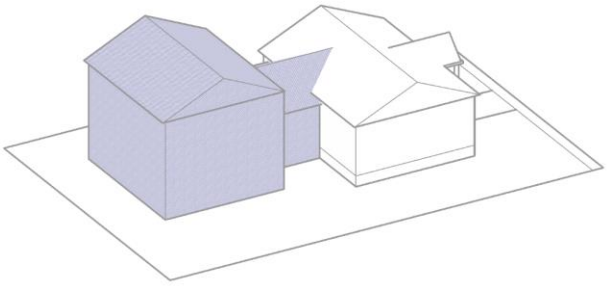


Figure 26-2.E: Historic Building Addition requirements

(IV) Garages

(i) Garages shall be located at the rear of the lot and accessed from an alley where one exists.

(ii) On corner lots, garage doors may face a side street and/or toward an alley where one exists. The number of continuous garage doors facing a side street is limited to two single-car garage doors, or one double-car garage door; however, additional garage doors may face an alley.

(iii) Developments encompassing two acres or more shall incorporate alley access to allow for alley-loaded garages when feasible or when adjacent to an existing alley.

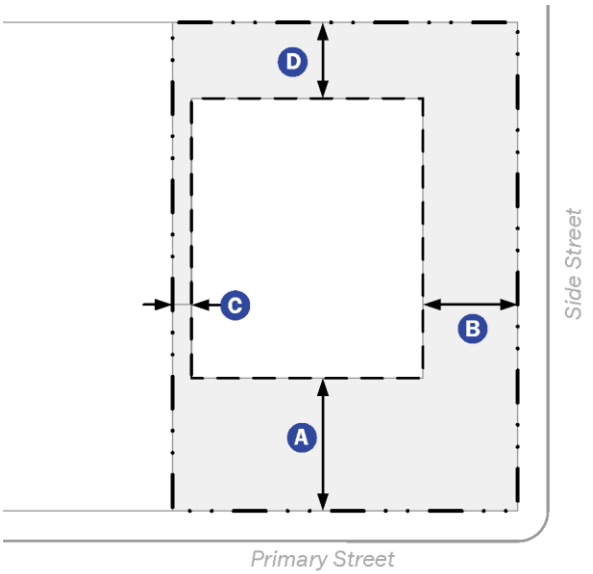
26-2-5 Neighborhood Center Districts

(a) Neighborhood Mixed-Use Center (NC)

(1) Purpose

The Neighborhood Mixed-Use Center district is intended to provide for walkable and welcoming environments that provide a mix of employment, retail, and housing intended to meet the needs of adjacent neighborhoods. Special attention is given to building design and orientation to streets and public spaces. Ground floor areas are intended to promote activity. Housing is integrated within the overall design, above active ground floor uses, and as stand-alone units that scale down in intensity, providing a gentle transition to nearby neighborhoods.

(2) Dimensional Standards



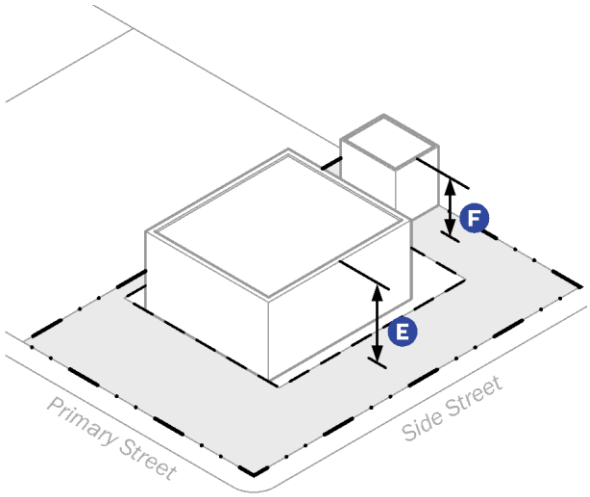


Table 26-2-7: NC Dimensional Standards
DU = Dwelling Unit FT = Feet NP = Not Permitted SF= Square Feet
See Section 26-2-5(a)(3) for exceptions and clarifications to requirements.

	Standard	Requirement
	Related Residential District	
	For residential-only structures, reference the lot standards, setbacks and building height limitations of the listed district.	N3
	Lot Area (min)	5,000 SF
	Lot Width (min)	50 FT
	Lot Coverage (max)	50%
	Setbacks	
	Principal Structure	
A	Front (min)	20 FT
B	Street side (min)	10 FT
C	Side interior (min)	5 FT
D	Rear (min)	20 FT

Table 26-2-7: NC Dimensional Standards
DU = Dwelling Unit FT = Feet NP = Not Permitted SF= Square Feet
See Section 26-2-5(a)(3) for exceptions and clarifications to requirements.

	Standard	Requirement
	Accessory Structure	
	Front (min)	30 FT
	Side Street (min)	20 FT
	Side Interior (min)	5 FT
	Rear (min)	0 FT
	Building Height	
E	Principal structure (max)	35 FT
F	Accessory structure (max)	20 FT

(3) Exceptions and Clarifications

(A) See Section 26-2-15(b) for permitted setback encroachments and Section 26-2-15(d) for permitted exceptions to height limitations.

(B) See Section 26-2-15(e) for lot width and setback averaging.

(C) Setbacks, structure locations, or garage entry location may be further limited by clear vision triangle or visibility requirements or existing or proposed easements.

(D) Where allowed in the table, a zero-foot setback will only be approved where the project site plan identifies appropriate easements and utility location; otherwise, a setback may be required.

26-2-6 Employment and Industrial Districts

(a) Employment and Industrial District Generally Applicable Standards

(1) All service, fabrication, repair operations, and storage of materials shall be enclosed and screened by an opaque fence at least six feet in height.

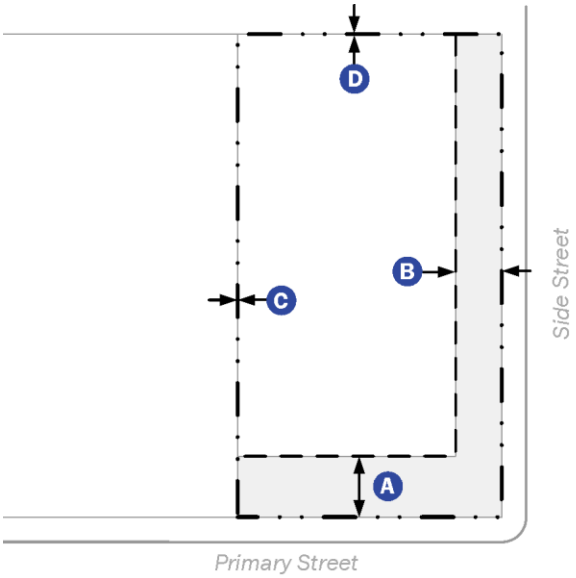
(2) All loading and unloading of materials shall be conducted on private property. Whenever possible, service areas, including loading or unloading areas should be located and designed to not be visible from the public right-of-way,

(b) Employment Mixed-Use (M1)

(1) Purpose

The Employment Mixed-Use district is intended to provide a mixture of office, technology-related, personal service, and residential uses in a walkable business park setting. The district integrates different land uses that support employment activities, including retail, entertainment, and live-work units and is designed for pedestrian enjoyment and safety through the choice of street types, presence of sidewalks, and location of vehicle parking in low-visibility, low-pedestrian conflict areas on the site.

(2) Dimensional Standards



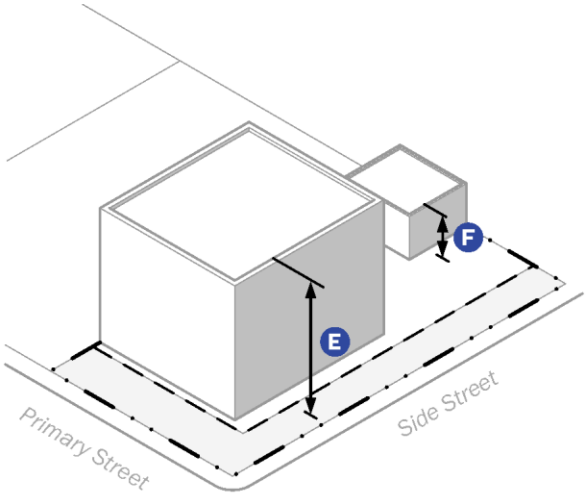


Table 26-2-8: M1 Dimensional Standards
DU = Dwelling Unit FT = Feet NP = Not Permitted SF= Square Feet
See Section 26-2-6(b)(3) for exceptions and clarifications to requirements.

	Standard	Requirement
	Lot Area (min)	None
	Lot Width (min)	50 FT
	Setbacks	
A	Front (min)	10 FT
B	Street side (min)	15 FT
C	Side interior (min)	0 FT
D	Rear (min)	0 FT
	Building Height	
E	Principal structure (max)	35 FT
F	Accessory structure (max)	20 FT

(3) Exceptions and Clarifications

(A) See Section 26-2-15(b) for permitted setback encroachments and Section 26-2-15(d) for permitted exceptions to height limitations.

(B) See Section 26-2-15(e) for lot width and setback averaging.

(C) Setbacks, structure locations, or garage entry location may be further limited by clear vision triangle or visibility requirements or existing or proposed easements.

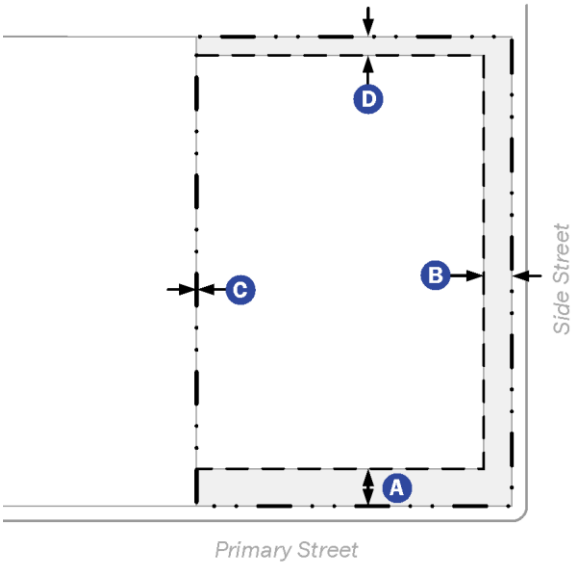
(D) Where allowed in the table, a zero-foot setback will only be approved where the project site plan identifies appropriate easements and utility location; otherwise, a setback may be required.

(c) Light Industrial (M2)

(1) Purpose

The Light Industrial district is intended to allow for light manufacturing, assembly, fabrication, and technology-related land uses that are generally compatible with nearby commercial and residential areas when accompanied by substantial buffering, screening, and standards designed to mitigate impacts. Site design and street scale can be more auto-oriented than M1.

(2) Dimensional Standards



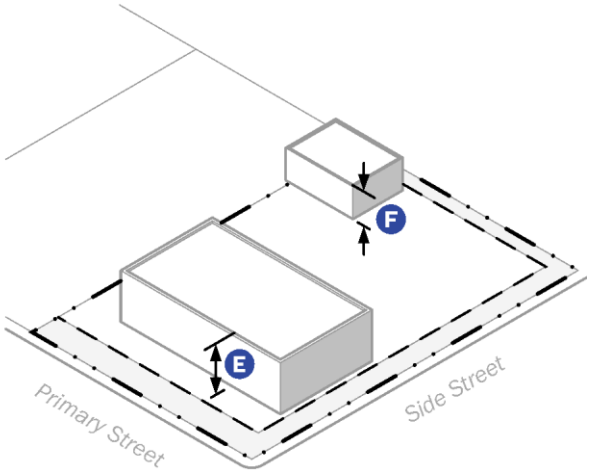


Table 26-2-9: M2 Dimensional Standards
DU = Dwelling Unit FT = Feet NP = Not Permitted SF= Square Feet
See Section 26-2-6(c)(3) for exceptions and clarifications to requirements.

	Standard	Requirement
	Lot Area (min)	None
	Lot Width (min)	50 FT
	Setbacks	
A	Front (min)	20 FT
B	Street side (min)	15 FT
C	Side interior (min)	5 FT
D	Rear (min)	10 FT
	Building Height	
E	Principal structure (max)	35 FT
F	Accessory structure (max)	20 FT

(3) Exceptions and Clarifications

(A) See Section 26-2-15(b) for permitted setback encroachments and Section 26-2-15(d) for permitted exceptions to height limitations.

(B) See Section 26-2-15(e) for lot width and setback averaging.

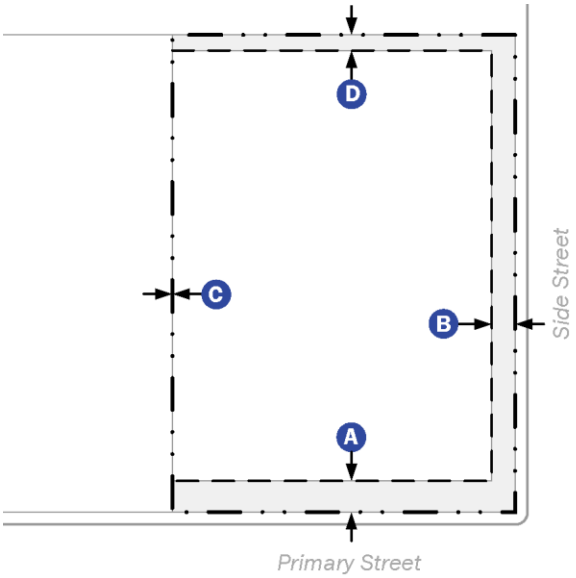
(C) Setbacks, structure locations, or garage entry location may be further limited by clear vision triangle or visibility requirements or existing or proposed easements.

(d) General Industrial (M3)

(1) Purpose

The General Industrial district is intended to accommodate general industrial activity with greater impacts than those in the M2 district, including those that require significant heavy transportation services, uses that frequently operate during nighttime hours, and uses that require additional standards to protect health, safety, or general welfare.

(2) Dimensional Standards



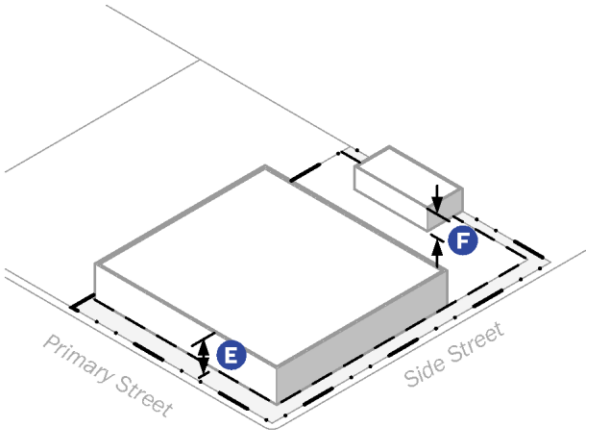


Table 26-2-10: M3 Dimensional Standards
DU = Dwelling Unit FT = Feet NP = Not Permitted SF= Square Feet
See Section 26-2-6(d)(3) for exceptions and clarifications to requirements.

	Standard	Requirement
	Lot Area (min)	None
	Lot Width (min)	50 FT
	Setbacks	
A	Front (min)	20 FT
B	Street side (min)	15 FT
C	Side interior (min)	5 FT
D	Rear (min)	10 FT
	Building Height	
E	Principal structure (max)	35 FT
F	Accessory structure (max)	20 FT

(3) Exceptions and Clarifications

(A) See Section 26-2-15(b) for permitted setback encroachments and Section 26-2-15(d) for permitted exceptions to height limitations.

(B) See Section 26-2-15(e) for lot width and setback averaging.

(C) Setbacks, structure locations, or garage entry location may be further limited by clear vision triangle or visibility requirements or existing or proposed easements.

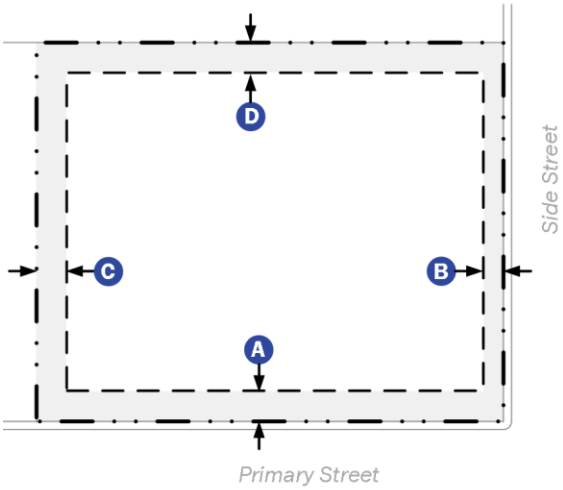
26-2-7 Special Context Districts

(a) Manufactured or Mobile Home Community (MHC)

(1) Purpose

The Manufactured or Mobile Home Community district is intended to preserve the existing stock of manufactured housing in Lafayette as a source of affordable housing. The City recognizes that these neighborhoods may also evolve and may do so while retaining the City's goal of maintaining and preserving Lafayette's affordable housing stock as long as mobile and manufactured units are replaced with other affordable unit types such as tiny houses that meet applicable HUD standards.

(2) Dimensional Standards



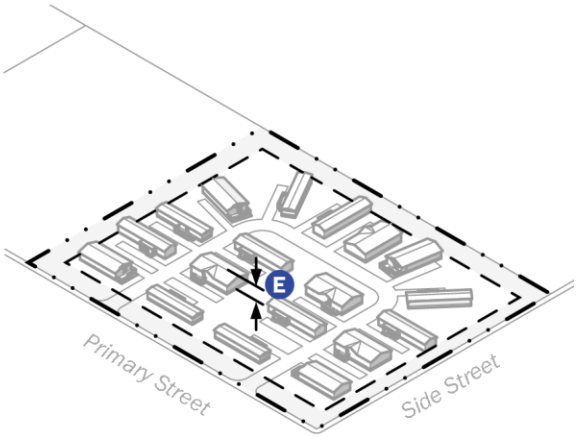


Table 26-2-11: MHC Dimensional Standards
AC = Acre DU = Dwelling Unit FT = Feet N/A = Not Applicable SF= Square Feet
See Section 26-2-7(a)(3) for exceptions and clarifications to requirements.

	Standard	Requirement
	Lot Area (min)	10,000 SF required to rezone to MHC Gross density max: 7 DU/AC
	Lot Width (min)	100 FT for rezone lot N/A to internal lots
	Lot Coverage (max)	None
	Setbacks	
	Principal Structure	
A	Front (min)	See Section 26-3-3(a)(7)
B	Street side (min)	See Section 26-3-3(a)(7)
C	Side interior (min)	See Section 26-3-3(a)(7)
D	Rear (min)	See Section 26-3-3(a)(7)
	Accessory Structure	
	Front (min)	See Section 26-3-3(a)(7)
	Side Street (min)	See Section 26-3-3(a)(7)
	Side Interior (min)	See Section 26-3-3(a)(7)
	Rear (min)	See Section 26-3-3(a)(7)

Table 26-2-11: MHC Dimensional Standards
AC = Acre DU = Dwelling Unit FT = Feet N/A = Not Applicable SF= Square Feet
See Section 26-2-7(a)(3) for exceptions and clarifications to requirements.

	Standard	Requirement
	Building Height	
E	Principal structure (max)	27 FT
	Accessory structure (max)	16 FT

(3) Exceptions and Clarifications

(A) See Section 26-2-15(b) for permitted setback encroachments and Section 26-2-15(d) for permitted exceptions to height limitations.

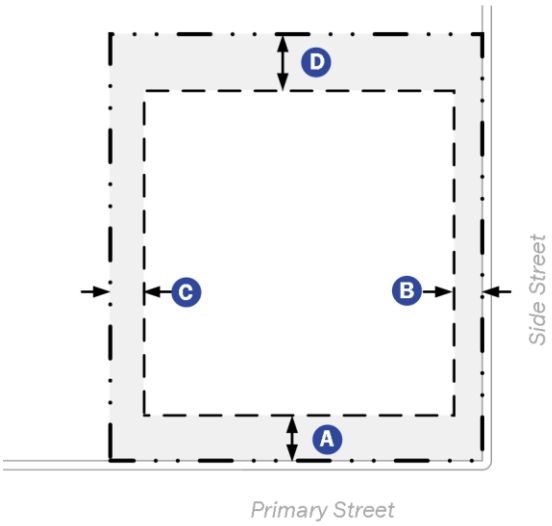
(B) Setbacks, structure locations, or garage entry location may be further limited by clear vision triangle or visibility requirements or existing or proposed easements.

(b) Agricultural (AG)

(1) Purpose

The Agricultural district is intended for rural, privately owned lands that are used for agriculture and farming.

(2) Dimensional Standards



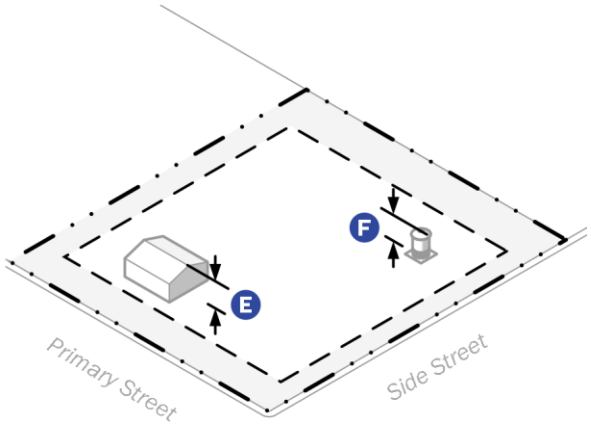


Table 26-2-12: AG Dimensional Standards
AC = Acre FT = Feet
See Section 26-2-7(b)(3) for exceptions and clarifications to requirements.

	Standard	Requirement
	Lot Area (min)	5 AC
	Lot Width (min)	150 FT
	Lot Coverage (max)	20%
	Setbacks	
	Principal Structure	
A	Front (min)	30 FT
B	Street side (min)	20 FT
C	Side interior (min)	30 FT
D	Rear (min)	30 FT
	Accessory Structure	
	Front (min)	40 FT
	Side Street (min)	30 FT
	Side Interior (min)	15 FT
	Rear (min)	30 FT
	Building Height	
E	Principal structure (max)	27 FT
	Accessory structure (max)	27 FT

(3) Exceptions and Clarifications

(A) See Section 26-2-15(b) for permitted setback encroachments and Section 26-2-15(d) for permitted exceptions to height limitations.

(B) See Section 26-2-15(e) for lot width and setback averaging.

(C) Setbacks, structure locations, or garage entry location may be further limited by clear vision triangle or visibility requirements or existing or proposed easements.

(c) Open Space (O)

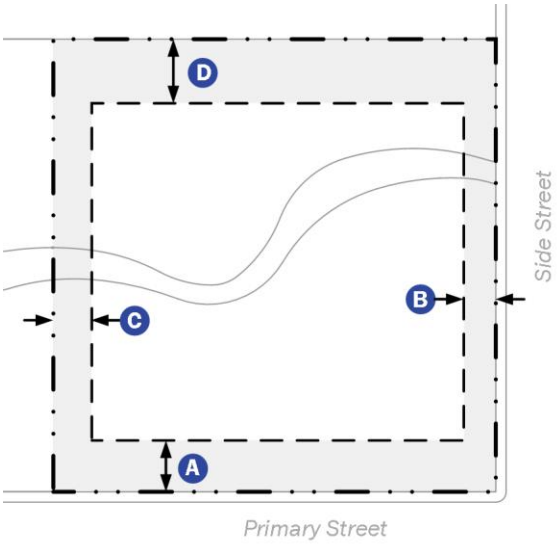
(1) Purpose

The Open Space district is applied to existing or planned open spaces as defined in this LUC. It also functions as a buffer from surrounding communities and preserves agricultural activities in and around Lafayette.

(2) Uses and Activities Allowed

The use and activity requirements and limitations in the Lafayette City Charter and Code of Ordinances apply to the Open Space district.

(3) Dimensional Standards



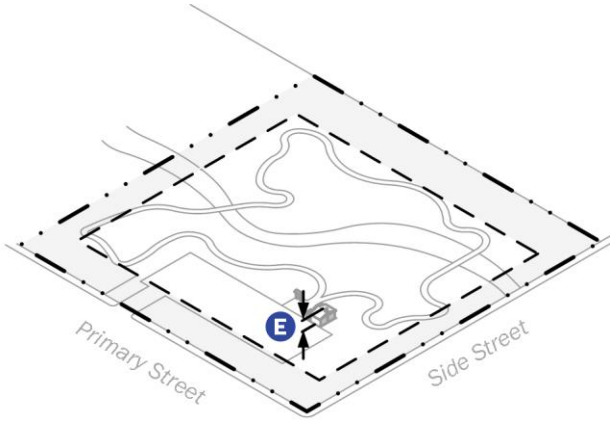


Table 26-2-13: O Dimensional Standards
FT = Feet
See Section 26-2-7(d)(3) for exceptions and clarifications to requirements.

	Standard	Requirement
	Lot Area (min)	None
	Lot Width (min)	None
	Lot Coverage (max)	None
	Setbacks	
	Principal Structure	
A	Front (min)	20 FT
B	Street side (min)	10 FT
C	Side interior (min)	10 FT
D	Rear (min)	20 FT
	Accessory Structure	
	Front (min)	30 FT
	Side Street (min)	20 FT
	Side Interior (min)	5 FT
	Rear (min)	10 FT
	Building Height	
E	Principal structure (max)	35 FT

Table 26-2-13: O Dimensional Standards FT = Feet See Section 26-2-7(d)(3) for exceptions and clarifications to requirements.	
Standard	**Requirement**
Accessory structure (max)	20 FT

(4) Structures

(A) Permanent Structures

Where approved by the City Council, permanent structures for accessory uses or activities may be provided in open space areas to support uses or activities allowed in the district. Permanent structures shall be located as follows:

(I) Exterior

Preferred location is abutting a designated public access with parking facilities and secondary location is abutting a designated public access;

(II) Within the Open Space Area

(i) In a location designated to minimize the impact of the structure and use on sensitive environmental areas, wildlife corridors, or neighboring properties; or

(ii) Along a City-maintained trail.

(B) Temporary Structures

The Director may approve the erection or placement of temporary structures for any use allow in the open space area for a period of time not to exceed 90 days in any calendar year.

(5) Parking

(A) The need for parking shall be determined by the City Council when considering the dedication or purchase of open space. The Director shall determine the required amount of parking based on the size and location of the open space district.

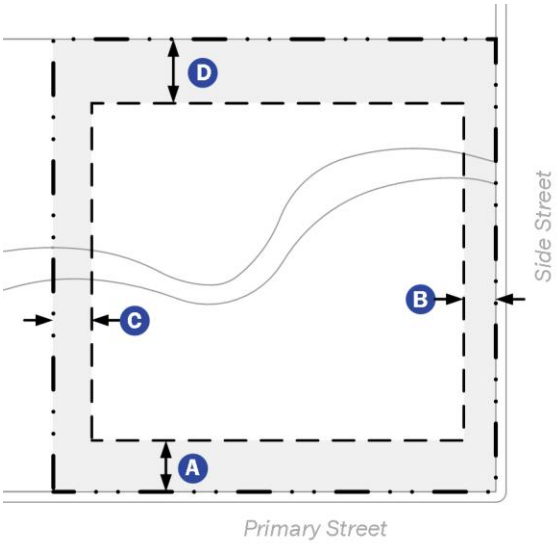
(B) Where required, public parking shall be located as close to the highest classification street as possible and shall encroach into the open space to the minimum extent feasible. Where vehicle parking is provided, bicycle parking shall also be provided per Table 26-5-6.

(d) Parks (P)

(1) Purpose

The Parks district is applied to existing or planned publicly owned recreational properties and publicly owned land that is preserved for parks as defined in this LUC.

(2) Dimensional Standards



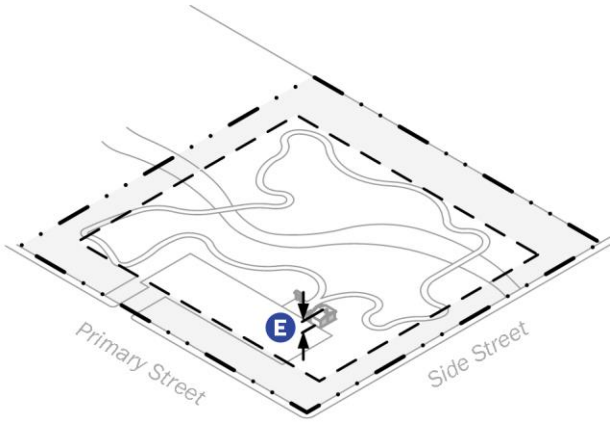


Table 26-2-14: P Dimensional Standards
FT = Feet
See Section 26-2-7(d)(3) for exceptions and clarifications to requirements.

	Standard	Requirement
	Lot Area (min)	None
	Lot Width (min)	None
	Lot Coverage (max)	None
	Setbacks	
	Principal Structure	
A	Front (min)	20 FT
B	Street side (min)	10 FT
C	Side interior (min)	10 FT
D	Rear (min)	20 FT
	Accessory Structure	
	Front (min)	30 FT
	Side Street (min)	20 FT
	Side Interior (min)	5 FT
	Rear (min)	10 FT
	Building Height	
E	Principal structure (max)	35 FT
	Accessory structure (max)	20 FT

(3) Exceptions and Clarifications

(A) See Section 26-2-15(b) for permitted setback encroachments and Section 26-2-15(d) for permitted exceptions to height limitations.

(B) See Section 26-2-15(e) for lot width and setback averaging.

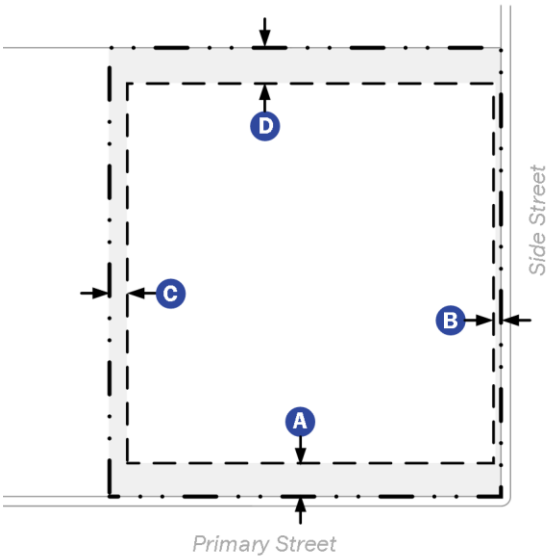
(C) Setbacks, structure locations, or garage entry location may be further limited by clear vision triangle or visibility requirements or existing or proposed easements.

(e) Civic Mixed-Use (CMU)

(1) Purpose

The Civic Mixed-Use district is intended to include civic and institutional campuses where housing can be provided in support of the other uses.

(2) Dimensional Standards



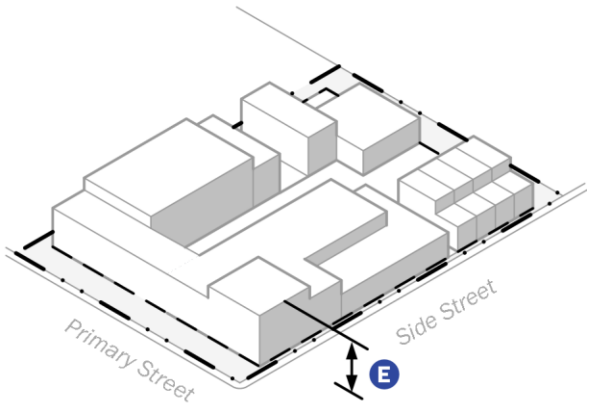


Table 26-2-15: CMU Dimensional Standards
FT = Feet SF= Square Feet
See Section 26-2-7(e)(3) for exceptions and clarifications to requirements.

	Standard	Requirement
	Lot Area (min)	10,000 SF
	Lot Width (min)	50 FT
	Lot Coverage (max)	75%
	Setbacks	
	Principal Structure	
A	Front (min)	20 FT
B	Street side (min)	10 FT
C	Side interior (min)	10 FT
D	Rear (min)	20 FT
	Accessory Structure	
	Front (min)	30 FT
	Side Street (min)	20 FT
	Side Interior (min)	5 FT
	Rear (min)	10 FT
	Building Height	
E	Principal structure (max)	35 FT
	Accessory structure (max)	20 FT

(3) Exceptions and Clarifications

(A) See Section 26-2-15(b) for permitted setback encroachments and Section 26-2-15(d) for permitted exceptions to height limitations.

(B) See Section 26-2-15(e) for lot width and setback averaging.

(C) Setbacks, structure locations, or garage entry location may be further limited by clear vision triangle or visibility requirements or existing or proposed easements.

(f) Developing Resource (DR)

(1) Purpose

The Development Resource district is intended to provide for the annexation of those areas that are presently used for agriculture or other non-urban uses that are adjacent to the city limits of Lafayette. These areas are designated in the Comprehensive Plan as potentially suitable for urban development or redevelopment. This district may be applied at the time of annexation when urban development is not proposed or anticipated, or where the timing of future development depends on the availability of utilities, infrastructure, and other public facilities.

(2) Dimensional Standards

Table 26-2-16: CMU Dimensional Standards
FT = Feet
See Section 26-2-7(f)(3) for exceptions and clarifications to requirements.

	Standard	Requirement
	Lot Area (min)	None
	Lot Width (min)	None
	Lot Coverage (max)	None
	Setbacks	
	Principal Structure	
A	Front (min)	30 FT
B	Street side (min)	20 FT
C	Side interior (min)	30 FT
D	Rear (min)	30 FT
	Accessory Structure	
	Front (min)	40 FT
	Side Street (min)	30 FT
	Side Interior (min)	15 FT
	Rear (min)	30 FT
	Building Height	
E	Principal structure (max)	27 FT
	Accessory structure (max)	16 FT

(3) Exceptions and Clarifications

(A) See Section 26-2-15(b) for permitted setback encroachments and Section 26-2-15(d) for permitted exceptions to height limitations.

(B) See Section 26-2-15(e) for lot width and setback averaging.

(C) Setbacks, structure locations, or garage entry location may be further limited by clear vision triangle or visibility requirements or existing or proposed easements.

(4) Additional Standards in the DR District

(A) Park Dedication Requirements and Water Rights

Property not receiving municipal water or sewer service that is annexed and zoned DR may not be subject to requirements for park dedication or cash payment in lieu of dedicating park land or for water rights fees or requirements or any other fees except for the annexation costs and fees, unless municipal utilities are to be extended to the property, until the time that the property is zoned for development. The requirements

for park dedication and water rights or other fees and requirements shall be met before rezoning from DR is completed. There shall be a signed agreement at the time of annexation to comply with all city requirements for dedication. Any fee changes or dedication requirements imposed generally after annexation of the lot or tract shall be applied to the lot or tract zoned DR at the time of rezoning.

(B) Deferral of Park Dedication Requirements and Water Rights

The payment of any fees and costs contained within Subsection (A) may be deferred pursuant to Article XIV of Chapter 30 of the Code of Ordinances.

26-2-8 Form-Based Districts

(a) Establishment of Form-Based Districts

(1) Form-Based Districts

The following form-based districts (FBD) are applicable as provided in this section:

a. Form Neighborhood (FN)

This district guides the creation of new, walkable predominantly residential neighborhoods.

b. Old-Town Mixed-Use (OTX)

This district allows redevelopment and new development of commercial uses that reflects and conserves the historic scale and design of Old Town.

c. Adaptable Mixed-Use (AMX)

This district guides the development and redevelopment of mixed-use and predominantly commercial areas located across the community.

(2) Comprehensive Plan Implementation

Form-based districts may only be requested for rezoning in the Comprehensive Plan Land Use Categories identified in Table 26-2-2: Comprehensive Plan Implementation.

(b) Development Review Process

(1) Applicability

Development in the form-based districts shall proceed through the following types of review, as applicable:

(A) Development Sketch Plan

(I) A Development Sketch Plan may be required prior to rezoning per Section 26-7-4(b)(5).

(II) If a Development Sketch Plan is not required and the applicant would like preliminary input about a proposed development prior to Rezoning, Regulating Plan, or Site Plan review, they may submit a Development Sketch Plan.

(B) Rezoning

(I) If the subject property is not zoned FBD, the applicant shall first request a Rezoning.

(i) Rezoning district requests shall comply with Table 26-2-2: Comprehensive Plan Implementation.

(ii) The rezoning application shall include the complete development parcel, even if development will only take place on a portion of the complete development parcel. Compliance with the FBD standards shall not be avoided through sequential rezoning applications designed to subvert the district requirements.

(iii) If the complete development parcel is 5 acres or larger, a Development Sketch Plan is required.

(II) If the subject property is zoned FBD, the applicant shall follow the instructions in Section (2)(C), Regulating Plan.

(C) Regulating Plan

A Section 26-7-4(b)(9) Regulating Plan is required for all form-based districts. The following options apply:

(I) Where an adopted Regulating Plan applies, an applicant may:

(i) Submit an application in compliance with that plan;

(ii) Request minor changes to the Regulating Plan per Section 26-7-4(a)(2), Minor Adjustment; or

(iii) Request an amendment to the Regulating Plan through the submission of a new Section 26-7-4(b)(9), Regulating Plan application.

(II) Where there is no adopted regulating plan, the applicant shall submit an application per Section 26-7-4(b)(9), Regulating Plan.

(III) A Planned Unit Development may not be substituted for a Regulating Plan.



Figure 2.F: Sample Regulating Plan

(D) Subdivision

If the subject property has not been subdivided or needs to be resubdivided, the applicant shall submit an application for Section 26-7-4(b)(13), Subdivision Preliminary Plat.

(E) Site Plan

(I) Compliance with the requirements of the FB district standards, building types, frontages, civic spaces, and other applicable LUC standards is shown through Section 26-7-4(b)(8), Major Site Plan or 26-7-4(a)(3), Minor Site Plan, as applicable.

(II) FBD standards may be adjusted through Section 26-7-4(a)(2), Minor Adjustment or 26-7-4(b)(7), Major Adjustment.

(III) A Planned Unit Development may not be substituted for a Site Plan.

(2) Summary

Table 26-2-17 identifies the various procedural requirements to apply the form-based districts. This table is read as follows:

(A) First read down the Property Status column to identify what action needs to be taken based on the property's current zoning, regulating plan, or annexation status.

(B) When the appropriate process is identified, read across that row to identify the applicable steps as described in Section 26-2-8(b)(1).

(C) For example, Where a property is zoned in a form-based district and the applicant proposes to develop in compliance with the existing regulating plan, a subdivision application must be submitted if needed and a site plan is required.

Table 26-2-17: Form-Based District Procedural Requirements
Key: R = Required; I = If Needed; O = Optional -- = Not Applicable

Property Status	Dev. Sketch Plan 26-7-4(b)(5)	Rezone 26-7-4(b)(9)	Reg. Plan 26-7-4(b)(9)	Subdivide 26-7-4(b)(13)	Site Plan 26-7-4(b)(7) or 26-7-4(a)(2)
Current Zoning: Conventional District					
Rezone to FBD (optional)	R	R	R	I	R
Current Zoning: Form-Based District					
Develop in FBD – see Regulating Plan, below	--	--	--	--	--
Rezone to Different FBD, where allowed	R	R	R	I	R
Rezone to Conventional District, where allowed	R	R	--	I	R
Regulating Plan (RP)					
No applicable RP, adoption needed	R	--	R	I	R
Proposed development exempt from RP per Sec. 26-7-4(b)(9)	--	--	--	I	R
Proposed development complies with applicable RP	--	--	--	I	R
Proposed development requires minor change to applicable RP; Not Applicable to OTX	O	--	Minor Adjustment 26-7-4(a)(2)	I	R
Proposed development requires major change to applicable RP (e.g., relocating subdistricts)	R	--	R	I	R
Annexation					
Form-Based District required	O	R	R	I	R

Table 26-2-17: Form-Based District Procedural Requirements Key: R = Required; I = If Needed; O = Optional -- = Not Applicable					
Property Status	**Dev. Sketch Plan 26-7-4(b)(5)**	**Rezone 26-7-4(b)(9)**	**Reg. Plan 26-7-4(b)(9)**	**Subdivide 26-7-4(b)(13)**	**Site Plan 26-7-4(b)(7) or 26-7-4(a)(2)**
Applicant opts to apply FBD	O	R	R	I	R

(c) Generally Applicable Standards

(1) Applicable LUC Standards

All of the requirements of the LUC apply to development in form-based districts except as otherwise provided in this section.

(A) Article 26-5, Site Planning and Development Standards apply except for Section 26-5-5;

a. Article 26-6, Subdivision and infrastructure Standards apply except that in the case of conflict, the FB district standards apply.

(2) Public Works Standards

(A) See Section 26-2-2(d), Public Works Standards and Specifications (PWDSS).

(B) Setbacks, structure locations, or garage entry location may be further limited by clear vision triangle or visibility requirements or existing or proposed easements.

(C) Window wells are not allowed in side yards that allow a setback of five feet or less.

(3) Street Network

The street network shall be designed to meet the requirements of Section 26-5-2, Access and Connectivity.

(4) Permitted Uses and Building Types

Table 26-3-1: Use Table, identifies the uses permitted in the form-based districts. Permitted uses shall occupy a building type designed for the same general use category: (1) Residential; (2) Public, Institutional, and Civic; (3) Commercial; (4) Industrial; (5) Accessory; and (6) Temporary. For example, residential uses must be located in either residential or mixed-use structures.

(3) Dimensional Table Exceptions and Clarifications

The following standards apply to all residential dimensional tables.

(A) Generally Applicable

See Section 26-2-15(e) for lot width averaging. See Section 26-2-15(e) for setback averaging.

(B) Specific Applicability

(I) For single-household attached dwellings, the interior side setback shall only apply to the perimeter of the building, not to property lines along shared walls.

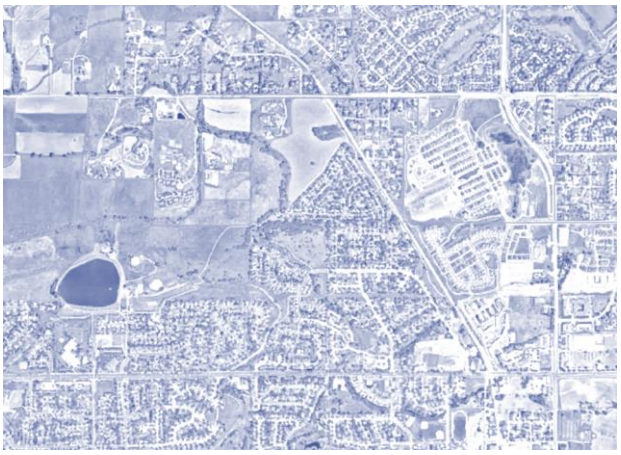
(II) Courtyard development lot size standards apply to entire development site, not to individual lots within courtyard development.

(III) Garage entries shall be located at one of the following locations to discourage vehicle parking that blocks a sidewalk:

(i) No more than six feet from the curb, or

(ii) At least 18 feet from the curb.

(d) Form Neighborhood Districts (FN)





(1) Purpose and Characteristics

The Form Neighborhood districts are applied to new housing areas or major housing redevelopments. The purpose of these districts is to provide a framework that leads to complete, walkable neighborhoods with a mixture of housing types and price points. Form neighborhoods should be oriented around and provide access to community amenities and civic spaces. Residents and visitors should enjoy safe and easy access to nearby civic spaces and neighborhood centers.

(2) Objectives

Form Neighborhood development should be designed to meet the following objectives:

(A) Contribute to Housing Diversity: A mix of housing types should be provided across neighborhoods to expand the range of housing choices available in the City.

(B) Build a Sense of Neighborhood: Projects should be planned to relate to adjoining properties in a positive way, by promoting connections, by planning cooperatively to make joint use of natural features that span across properties, and with designs that convey a sense of visual continuity.

(C) Provide Positive Civic Space: Public and private spaces, plazas and courtyards, and the integration and maintenance of natural and developed spaces should be provided for the public to experience.

(D) Keep Parking Subordinate: Parking areas and lots should not dominate the setting. They should be located outside of significant views and visually buffered.

(3) Applicability

(A) FN district zoning is appropriate for new residential development on a parcel that is not zoned in a conventional neighborhood district (NR, N2, N3, OTN).

(B) FN district zoning is appropriate for existing residential redevelopment on parcels that are not zoned in a conventional neighborhood district (NR, N2, N3, OTN) for any of the following:

(I) Removal and replacement of 60 percent or more of the existing structures in an existing neighborhood;

(II) Removal of existing site features, such as parking or outdoor storage, for replacement with 50 residential dwelling units; or

(III) Conversion of a total of 60 percent of the area of any individual structure with a gross floor area of 100,000 square feet or larger, or a cumulative total of 60 percent of the total area of all existing structures on the site to residential dwelling units (including both residential-to-residential and non-residential-to-residential).

(C) Regulating Plan

The Form Neighborhood Regulating Plan shall provide for each subdistrict as follows:

(I) Form Neighborhood General (FN1)

(i) Form Neighborhood General (FN1) general neighborhood areas are primarily residential and located within the core of the development, abutting other residential development and separated from mixed-use or nonresidential development by FN2 development.

(ii) The land adjacent to the following land uses shall be zoned FN-1 and developed using the FN-1 housing types to create a transition from the existing development to any more intensive portion of the development.

(a) Adjacent to housing types other than multifamily and townhomes, or

(b) Adjacent to a park or open space.

(II) Form Neighborhood Edge (FN2)

Form Neighborhood Edge (FN2) compact, transitional development shall be provided adjacent to the following locations to create a transition from the existing development to any less intensive portions of the development:

(i) Multi-unit or townhome housing types,

(ii) Nonresidential developments, or

(iii) Collector or higher classification street.

(III) Form Neighborhood Centers (FN3)

Form Neighborhood Centers (FN3) are mixed-structure, mixed-use development areas that provide local goods and services and may include employment structures or spaces. FN3 areas shall be located in an area that is safely walkable from the majority of the adjacent residential development and accessible by vehicles from a non-residential street.

(D) Mix of Structure Types and Lot Sizes

(I) Housing Mix Points

(i) FN development shall include a mix of residential building types and lot sizes designed to incorporate housing diversity to meet the required housing diversity points in Table 26-2-18:

Table 26-2-18: Minimum Housing Mix Points
Key: ■= Allowed

Size of Residential Development in Acres	Minimum Required Housing Mix Points
0 to 5	1
>5 to 20	3

Table 26-2-18: Minimum Housing Mix Points
Key: ■= Allowed

Size of Residential Development in Acres	Minimum Required Housing Mix Points
>20 to 40	4
>40	5

(ii) Housing mix points are allocated as follows:

Table 26-2-19: Housing Mix Points
Key: ■= Allowed

Housing Type	Housing Mix Points
Detached House	0.75
Small Detached House	1.5
Duplex	1.5
Triplex/Fourplex	2.0
Townhomes	1.5
Courtyard Development	1.0
Mult-Household Dwelling	2.0
Accessory Dwelling, Detached	0.25

(iii) Accessory dwellings shall meet the following standards to qualify for housing mix points:

(a) A minimum of 35 percent of the total units or lots developed with detached or duplex residential building types shall have ADUs; and

(b) ADU minimum habitable area: 500 square feet.

(II) Percentage of Units

(i) Minimum

The following minimum percentage of housing type units shall be provided within a given development.

(a) For projects with two housing types, the minimum percentage of units of any single housing type is 30%

(b) For projects with three housing types, the minimum percentage of units of any single housing type is 20%

(c) For projects with four or more housing types, the minimum percentage of units of any single housing type is 10%

(d) These requirements shall not apply to affordable housing projects where more than 90% of the total units are affordable.

(ii) Maximum

For projects more than 5 acres in size, the maximum number of detached building types shall be 50 percent of the total number of residential units.

(iii) ADU Calculation

For the purposes of calculating unit percentages, ADUs are not calculated as an individual housing type or an additional unit, rather the principal housing type they are associated with is the calculated housing type and unit (e.g., if a proposed development has 10 single-family detached homes with ADUs,

there is only one housing type and 10 units, not two housing types and twenty units).Table 26-2-19: Housing Mix Points

(E) Form Neighborhood Center (FN3) or Neighborhood Commercial Options

(I) Neighborhood Center Required

A minimum of one FN3 area with a minimum parcel size of three acres shall be provided per 40 acres of form neighborhood development.

(II) Design and Construction

(i) An FN3 area shall include a mix of residential and commercial building types with a minimum commercial gross floor area of 30,000 square feet. All ground floor space in areas designed as pedestrian-oriented shall be designed for commercial use with a shopfront frontage type.

(ii) The Neighborhood Center shall be constructed as soon as possible in the development sequence, and no later than the time residential building permit issuance equals 75 percent of the total number of residential dwellings approved unless otherwise adjusted by the City Council during Regulating Plan approval.

(III) FN3 Adjustments

An applicant may request any of the following adjustments through the Regulating Plan process. Requests for adjustment shall be supported by a site-specific market analysis prepared within no more than two years of the Regulating Plan application.

(i) Reduction of the FN3 area size or commercial space size by up to 20 percent;

(ii) Incorporation of multiple small development commercial types in-lieu of FN3 zoning;

(iii) Elimination of the FN3 requirement where the market analysis shows the development will be adequately served by local retail that located within one-half mile of and is safely walkable from the majority of the parcel.

(IV) Exemption

Form neighborhoods that meet either of the following criteria are not required to include a Neighborhood Center:

(i) There is an existing Neighborhood Center off-site and within a safe ½-mile walk from the majority of the parcel, or

(ii) Topographic or other pre-existing site constraints prohibit the use of 20 percent or more acres of the site.

(F) Lot Layout and Block Sizes

All blocks shall be designed to provide intersecting streets or pedestrian walkways at intervals as necessary to meet existing street patterns, topography, and standards required for safe and convenient vehicular and pedestrian circulation.

(I) Residential Blocks

(i) Residential block length shall not exceed the following unless the block contains a public park or civic space, needs to be varied to accommodate

topography, or where a single block or row of blocks are designed to accommodate an existing major roadway:

(a) FN1: 800 feet.

(b) FN2: 600 feet.

(ii) Residential blocks shall be wide enough to provide at least two tiers of lots, or more as needed to include an alley if required by Section 26-5-2, Access and Connectivity or provided as part of the site design.

(II) Mixed-Use and Nonresidential Blocks

Mixed-use and nonresidential blocks in FN3 areas shall not exceed 1,600 feet in length unless a mid-block pedestrian walkway, crossing the block internally from street-to-street, is provided.

(G) Allowed Building and Lot Types

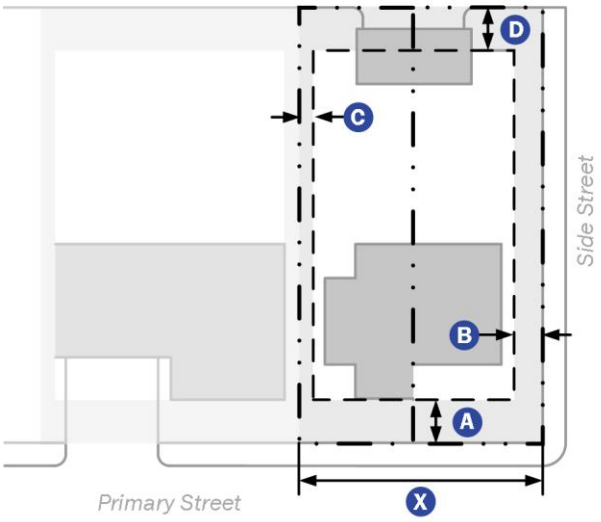
The building types listed in Table 26-2-20 are allowed as identified in each of the subdistrict areas. The left-side column lists all building types allowed in the neighborhood districts. Columns in the center of the table correspond to each subdistrict and indicate whether the building is allowed in that subdistrict. The right-side column provides a cross-reference to building-specific standards that apply to that building type in some or all of the subdistricts in which it is allowed.

Table 26-2-20: FBC Neighborhood- Building and Lot Types
Key: ■= Allowed -- = Not Allowed

Principal Building Type	FN1	FN2	FN3	Standards
Amenity Lot or Tract (e.g., park, easement)	■	■	■	
Detached House	■	--	--	26-2-11(c)
Small Detached House	■	--	--	
Duplex	■	--	--	26-2-11(d)
Triplex/Fourplex	■	■	■	26-2-11(e)
Townhomes	--	■	■	26-2-11(f)
Courtyard Development	■	--	--	26-2-11(g)
Mult-Household Dwelling	--	■	■	26-2-11(h)
Accessory Dwelling, Detached	■	--	--	26-3-4(b)
Civic Building	■	■	■	26-2-11(i)
Main Street Building	--	--	■	26-2-11(k)

(4) Detached House and Duplex Dimensional Standards

The following standards apply to detached houses and duplexes in the FBC Neighborhood Districts:



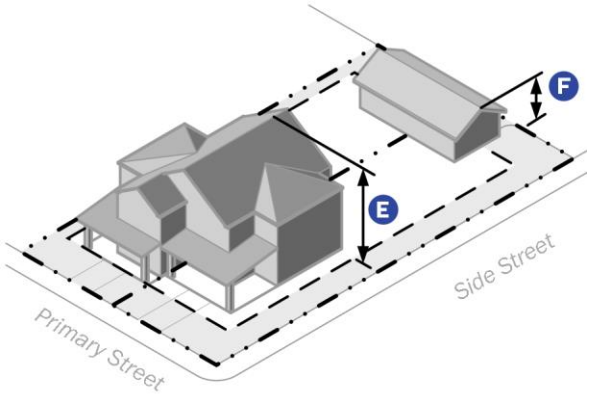


Table 26-2-21: Detached House and Duplex Dimensional Standards
NP = Not Permitted N/A = Not Applicable SF = Square Feet

Standard		FN1	FN1 Small Detached House	FN2	NC
Lot					
X	Lot Width per structure (max, FT)	50	36; max lot size 3,600 SF	34	N/A
	Lot Coverage per structure (max, %)	80	50	80	80
Principal Building Location *One measurement = min, two measurements = min | max range, FT*					
A	Front Build-to Range	10 | 15	10 | 15	10 | 15	10 | 15
	Front Façade, Garage Entry	20	20	20	NP
B	Street Side Build-to Range	8 | 10	8 | 10	8 | 10	8 | 10
	Attached Garage Entry	26-2-8(d)(4)(A)	26-2-8(d)(4)(A)	26-2-8(d)(4)(A)	26-2-8(d)(4)(A)
C	Interior Side Setback	5	5	5	5
D	Rear Setback	15	15	15	10
Accessory Building					
	Interior Side or Rear Setback (min, FT) *Apply either principal building line or this setback, whichever is greater.*	5	5	5	5
	Street Side	10	10	10	10
	Detached Garage, any entry side	26-2-8(d)(4)(A)	26-2-8(d)(4)(A)	26-2-8(d)(4)(A)	26-2-8(d)(4)(A)
	Height	16	16	16	16
Frontage Occupancy (min, %) *Length of façade located within setback range*					

Table 26-2-21: Detached House and Duplex Dimensional Standards
NP = Not Permitted N/A = Not Applicable SF = Square Feet

Standard	FN1	FN1 Small Detached House	FN2	NC
Front Side	70	70	70	70
Street Side	60	60	60	60

(A) Site Layout

(I) A detached house shall not be attached to another residential structure except for an accessory dwelling unit.

(II) A duplex may be built on a single lot or subdivided into individual lots.

(III) If one unit of a duplex is designed with side or rear primary access, the front lot standards shall apply to the side of the lot where that access faces.

(IV) Garage entries shall be located at one of the following locations to discourage vehicle parking that blocks a sidewalk:

(i) No more than six feet from the curb, or

(ii) At least 18 feet from the curb.

(B) Required Yard Space

Each residential unit shall have access to at least 200 square feet of yard space. The minimum dimension of any side of the yard area is 10 feet.

(5) Triplex or Fourplex Dimensional Standards

The following standards apply to triplex and fourplex development in the FBC Neighborhood Districts:

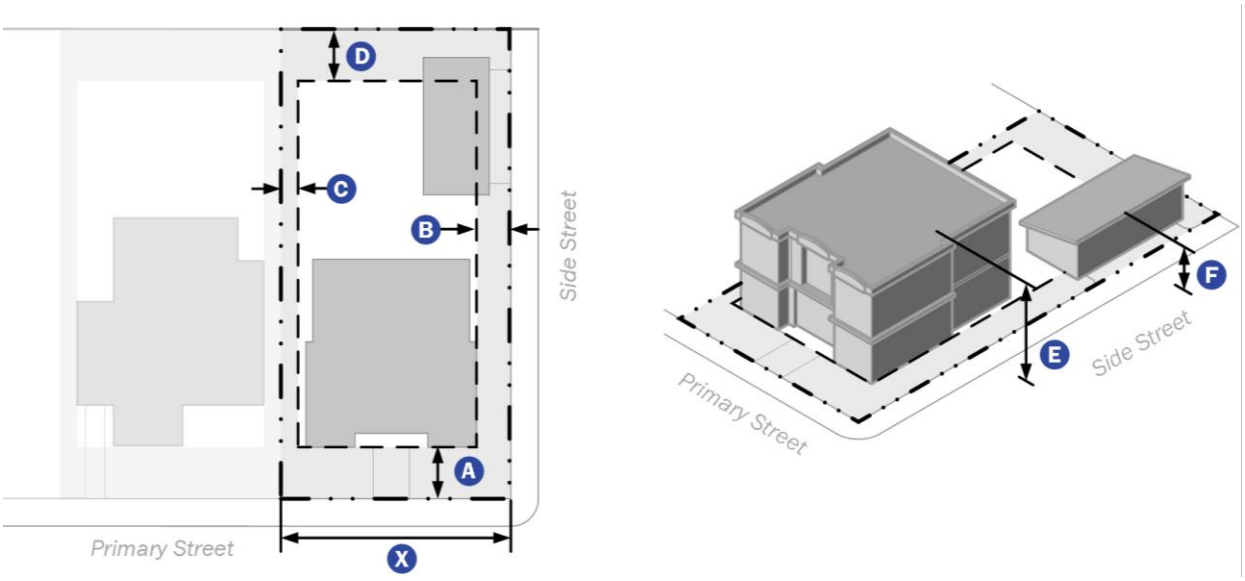


Figure 26-2.G: Triplex/fourplex Measurement Locations and Example Structure

Table 26-2-22: Triplex/Fourplex Building Dimensional Standards
NP = Not Permitted N/A = Not Applicable

	Standard	FN1	FN2	FN3
Lot				
X	Lot Width (min|max, FT)	30|50	30|40	N/A
	Lot Coverage (max, %)	75	80	80
Principal Building Location *One measurement = min, two measurements = min | max, FT*				
A	Front Build-to Range	10 |15	10 |15	10 |15
	Front Façade, Garage Entrance Setback	20	20	NP
B	Street Side Build-to Range	8 | 10	8 | 10	8 | 10
	Attached Garage Entry	26-2-8(d)(5)(A)	26-2-8(d)(5)(A)	26-2-8(d)(5)(A)
C	Interior Side Setback	5	5	5
D	Rear Setback	15	15	10
Accessory Building				
	Interior Side or Rear Setback (min, FT) *Apply either principal building line or this setback, whichever is greater.*	5	5	5
	Street Side	10	10	10
	Detached Garage Entry, any side	26-2-8(d)(5)(A)	26-2-8(d)(5)(A)	26-2-8(d)(5)(A)
F	Height (max, FT)	16	16	16
Frontage Occupancy (min, %) *Length of façade located within setback range*				
	Front Side	70	70	70
	Street Side	60	60	60

(A) Site Layout

(I) A triplex or fourplex may be built on a single lot or subdivided into individual lots.

(II) If one unit or more units are designed with side or rear primary access, the front lot standards shall apply to the side of the lot where that access faces.

(III) Garage entries shall be located at one of the following locations to discourage vehicle parking that blocks a sidewalk:

(i) No more than six feet from the curb, or

(ii) At least 18 feet from the curb.

(B) Required Yard Space

Each unit shall have access to at least 100 square feet of yard space. The minimum dimension of any side of the yard space area is 10 feet.

(6) Townhouse Row Dimensional Standards

The following standards apply to townhouse development in the FBC Neighborhood Districts:

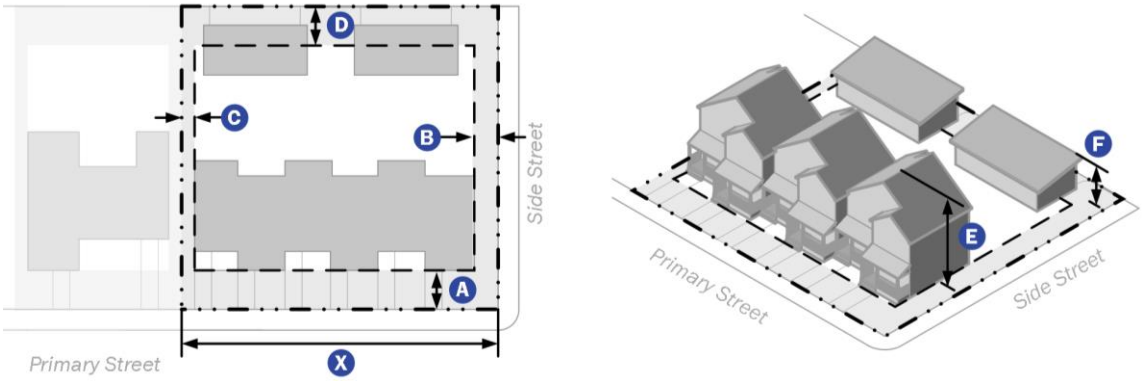


Figure 26-2.H: Townhouse Measurement Locations and Example Structure

Table 26-2-23: Townhouse Row Dimensional Standards
NP = Not Permitted N/A = Not Applicable

Standard		FN1	FN2	FN3
Lot				
X	Lot Width per unit (min|max, FT)	18|40	18|40	N/A
	Lot Coverage (max, %)	60	80	80
Principal Building Location *One measurement = min, two measurements = min | max, FT*				
A	Front Build-to Range	10 |15	10 |15	10 |15
	Front Façade, Garage Entrance Setback	20	20	NP
B	Street Side Build-to Range	8 | 10	8 | 10	8 | 10
C	Interior Side Setback	5	5	5
D	Rear Setback	15	15	10
Accessory Building				
	Interior Side or Rear Setback (min, FT) *Apply either principal building line or this setback, whichever is greater.*	5	5	5
	Street Side	10	10	10
	Detached Garage Entry, any side	26-2-8(d)(6)(A)	26-2-8(d)(6)(A)	26-2-8(d)(6)(A)
F	Height (max, FT)	16	16	16
Frontage Occupancy (min, %) *Length of façade located within setback range*				
	Front Side	70	70	70
	Street Side	60	60	60

(A) Site Design Requirements

(I) Townhome structures may be located on a single lot or each townhome unit may be located on an individual lot.

(II) Garage entries that face a public street shall be located at one of the following locations to discourage vehicle parking that blocks a sidewalk:

(i) No more than six feet from the curb, or

(ii) At least 18 feet from the curb.

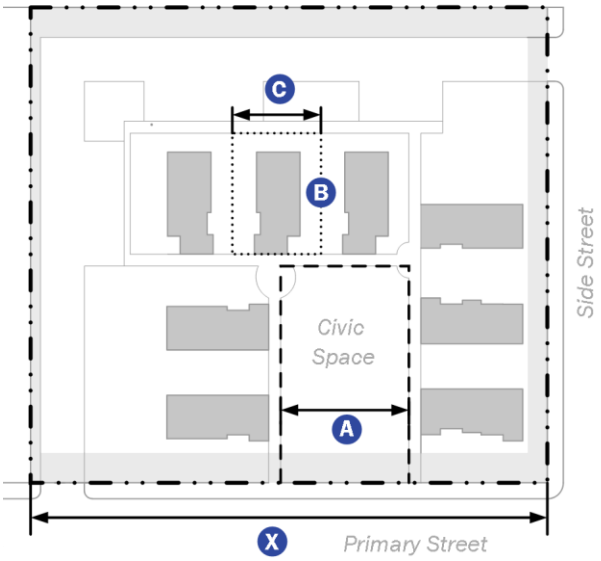
(B) Required Yard Space

Each unit shall have access to at least 100 square feet of yard space. The minimum dimension of any side of the yard space area is 10 feet.

(7) Courtyard Development Dimensional Standards

(A) General

The following standards apply to courtyard development in the Form-Based Neighborhood Districts.



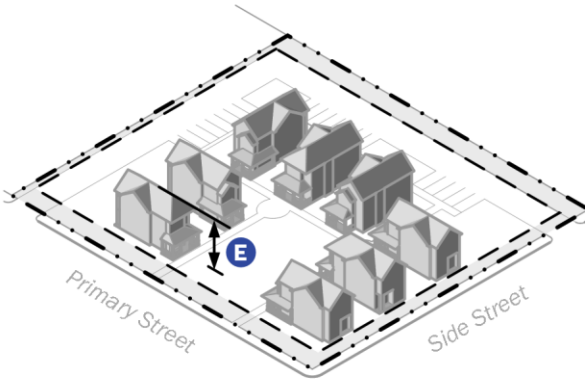


Table 26-2-24: Courtyard Development Dimensional Standards
NP = Not Permitted N/A = Not Applicable

Standard per Structure		FN1	FN2	NC
X	Site Width (min, FT of the overall parcel)	80	80	NP
	Individual area of civic space (min, SF)	400	400	
A	Civic space min side dimension (any side, FT)	20	20	NP
B	Lot Area, per DU (average, SF)	1000	1000	NP
C	Lot Width, per unit (min|max, FT)	20|40	20|40	NP

(B) Development Standards

(I) The minimum site size for a courtyard development is one-half acre and the maximum site size is five acres. The courtyard development may be a designated area within a larger development.

(II) A minimum of 20 percent of the total lot area shall be designed as civic space. The civic space may be provided in one area or divided into multiple locations, each of which shall meet the minimum area and dimensional standards.

(III) A community building(s) for the sole use of the courtyard development residents may be used to meet up to 25 percent of the required civic space requirement.

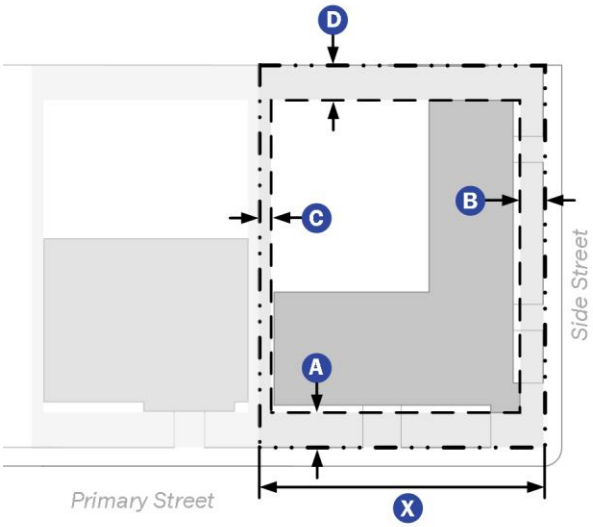
(IV) Paved paths for pedestrian circulation may count toward civic space, but parking areas and driveways for vehicular circulation may not count toward civic space.

(V) Accessory dwelling units are prohibited

(VI) Required landscaping may count toward up to 30 percent of the required civic space.

(8) Multi-household Residential Dimensional Standards

The following standards apply to multi-household residential in the FBC Neighborhood Districts.



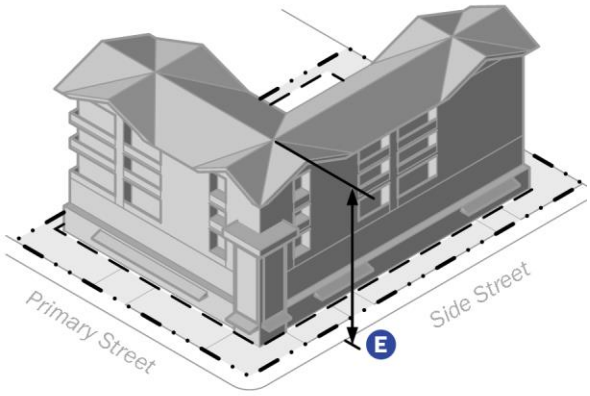


Table 26-2-25: Multi-household Residential Dimensional and Building Standards
NP = Not Permitted N/A = Not Applicable

Standard		FN1	FN2	NC
Lot				
X	Lot Width (max, FT)	Max block dimensions	Max. block dimensions	Max. block dimensions
	Lot Coverage (max, %)	75	80	80
Principal Building Location		*One measurement = min, two measurements = min | max, FT*		
A	Front Build-to Range	10 |15	10 |15	10 |15
X	Front Façade, Garage Entrance Setback	20	20	NP
B	Street Side Build-to Range	8 | 10	8 | 10	8 | 10
C	Interior Side Setback	5	5	5
D	Rear Setback	15	15	10
Frontage Occupancy (min, %) *Length of façade located within setback range*				
	Front Side	70	70	70
	Street Side	60	60	60

(A) Ground Floor Commercial

In NC districts, the Regulating Plan shall designate a shopfront area along the pedestrian-oriented area of the district's main street. Multi-Household Residential buildings in the pedestrian-oriented area shall be designed with ground floor

commercial space along the length of the shopfront area. The commercial space shall extend from the front façade toward to rear wall for at least the front 60 percent of the floor.

(B) Required Yard Space

(I) At least 48 square feet of amenity space shall be provided per unit.

(II) At least 20 percent of the total units shall have a balcony, or for ground floor units, a patio with a minimum dimension of six feet and a minimum area of 48 square feet.

(III) To the extent feasible, balconies and patios shall be located in a manner that takes advantage of scenic views, such as mountains and natural landscapes, or to overlook and provide visual access to site amenity areas.

(IV) Balconies and patios shall be located or designed to minimize direct exposure to midday sun.

(V) The remaining required private amenity space may be aggregated into ground-level or rooftop amenity areas provided that the minimum dimension of such area is 10 feet; however, this minimum dimension shall only be used for small required private amenity areas. For larger private amenity areas, the 10-foot minimum dimension should only be used for trails or other narrow passageways that connect larger, continuous, unified, amenity areas. Ground-level and rooftop private amenity spaces shall include high-quality amenities for the residents such as but not limited to shade structures with durable furniture, outdoor kitchens and dining spaces, playgrounds, fitness trails, sports courts, and dog parks.

(VI) The Planning Director may waive the yard space requirement where the building is located within ½ mile of a public park that is directly accessible via a safe pedestrian route.

26-2-9 Old Town Mixed-Use (OTX)

(a) Purpose and Characteristics

The Old Town Mixed-Use districts are intended to preserve historic character and the eclectic, funky, and small-town nature of the Old Town commercial areas along Public Road, East Simpson Street, and Baseline Road through implementation of the Old Town design goals in Legacy Lafayette. This will be achieved through the adaptive reuse of existing structures, redevelopment of existing sites and structures, and context-sensitive new development or building additions that respect the area's unique history and architectural heritage. The main streets should provide an attractive streetscape that promotes active ground-floor uses and a unique character and frontage that seamlessly integrates public spaces.

(b) OTX Districts

(1) Old Town Main Street (OTX1)

Public Road north of Emma and East Simpson Street are the two main streets in the Old Town Mix-Use Comprehensive Plan category. Development abutting these roads should be oriented to the street, lined with smaller-scaled buildings, focused on ground floor commercial uses, and reflect the mix of structure sizes and types that comprise the diverse design of Lafayette's original neighborhood, described in more detail in the Comprehensive Plan.

(2) Old Town Baseline Corridor (OTX2)

Development on the south side of Baseline should allow for infill and adaptive reuse along with the extension of a compact, walkable mix of structures and uses that help create a northern gateway into Old Town as the heart of the City.

(3) Old Town Transition (OTX3)

The Old Town Transition district is that area along Public Road south of Emma Street where the scale and character of the area transitions from the core, walkable retail and commercial area to a mix of larger building forms with a mix of pedestrian and auto-oriented commercial uses that may include residential and mixed-use infill over time.

(c) Generally Applicable Standards

(1) Lot Combination

To preserve the existing and historic scale of Old Town, administratively approved lot merger per Section 26-7-4(a)(4), Minor Subdivision, is limited in OTX as follows, unless adjusted by the City Council through the Regulating Plan:

a. The maximum width of a merged lot may not exceed the lot width allowed in the district.

b. The maximum size of a merged lot shall not exceed 21,000 square feet or the average size of all existing lots on the same block face, whichever is smaller.

c. Where a larger lot size or greater lot width is requested or required for civic or assembly use, the proposed lot merger shall be via a Section 26-7-4(b)(13), Preliminary Plat application.

(2) Adaptive Reuse

The adaptive reuse of existing structures is encouraged. External changes shall meet the following requirements:

(A) Building additions shall be designed to bring the existing structure into increased conformity with the applicable zoning district dimensions and building type standards.

(B) Where increased conformity with front or street-side build-to standards can be provided through a frontage change, building addition, or provision of civic space, the following site elements may be reduced or eliminated, by the minimum amount required to accommodate the increased conformity, as determined by the Director, in the front or street-side setback through Section 26-7-4(a)(8), Site-Specific Adjustment.

1. Parking spaces,
2. Landscaping, or
3. Relocation of nonconforming signage without elimination of the sign's nonconforming status

(3) Structure Orientation

(A) New structures shall face Public Road, East Simpson Street, or Baseline Road when located on a lot abutting those roads. Buildings on lots at intersections of Public and East Simpson Street or Public and Baseline Road shall be oriented to Public Road.

(B) Where the lot abuts Public and the existing structure has a north/south orientation, any expansion, renovation, or redevelopment of up to 50 percent of the structure's gross area or up to 50 percent of the façade facing Public may maintain the north/south orientation but shall incorporate civic space between the structure and Public or shall include architectural ornamentation or façade openings (windows or doors) on the side facing Public. Where any of the following changes are made, the primary entrance shall be moved to the façade facing Public.

(I) Change to 50 percent or more of the façade on the Public-facing side,

(II) Change to 50 percent or more of the gross area in any part of the structure, or

(III) Conversion from residential to mixed-use or nonresidential use.

(4) Active Civic Space Type Substitution for Frontage Occupancy Requirement

The following civic space types can be substituted for a building frontage occupancy requirement:

Table 26-2-26: OTX Civic Space Substitution
Key: ■= Allowed

Building Type	Fronting Public	Fronting East Simpson	Fronting Baseline	Standards
Green	■	■	■	26-2-13(e)
Common Yard	■	■	■	26-2-13(f)
Pocket Park	■	■		26-2-13(g)
Plaza	■	■	■	26-2-13(h)
Promenade	■	■		26-2-13(i)
Outdoor Activity Zone	■	■		26-2-13(j)

(d) Allowed Building Types

(1) The following building types are allowed in the Old Town form-based districts with the restrictions listed below the table:

Table 26-2-27: OTX Building Types
Key: ■= Allowed -- = Not Allowed

Building Type	OTX1	OTX2	OTX3	Standards
Detached House		--	--	
Small Detached House	--	--	--	
Duplex	--	--	--	
Triplex or Fourplex	Allowed when designed as a detached house; see standards	■	■	26-2-11(e)
Townhouse Row	Allowed on E. Simpson, not Public	■	■	26-2-11(f)
Courtyard Development	--	■	■	26-2-11(g)
Multi-Household	■	■	■	Allowed as part of mixed-use building only 26-2-11(h)
Civic Building	■	■	■	26-2-11(i)
Old Town Shop	■	■	■	26-2-11(j)
Main Street Building	■	■	■	26-2-11(k)
General Building	--	--	■	26-2-11(l)

(2) OTX2 lots abutting Baseline and OTX3 lots shall be designed with mixed-use with ground-floor commercial space or nonresidential building types in the front 40 percent of the lot. Single household attached building types and courtyard development are allowed on the back 60 percent of the lot.

(e) Dimensional Standards

(1) Applicability

(A) Residential-only buildings shall comply with the FN2 standards by building type.

(B) Mixed-use and nonresidential buildings shall comply with the following standards:

Table 26-2-28: Old Town Dimensional Standards
Key: FT = Feet SF = Square Feet NP = Not Permitted N/A = Not Applicable

Standard		OTX1	OTX2	OTX3
Lot				
	Lot Width (max, FT)	150 or the existing width, whichever is greater	150 or the existing width, whichever is greater	300 or the existing width, whichever is greater
	Lot Depth (max, FT)	150	200	N/A
	Lot Coverage (max, %)	80	80	80
Principal Building Location one measurement = min, two measurements = min|max				
A	Front Build-to Range (FT)	0 | 10	0 | 10	10 | 20

Table 26-2-28: Old Town Dimensional Standards
Key: FT = Feet SF = Square Feet NP = Not Permitted N/A = Not Applicable

Standard		OTX1	OTX2	OTX3
B	Street Side Build-to Range (FT)	0 | 10	0 | 10	10 | 20
C	Interior Side Setback (min, FT)	0	0	10
D	Rear, no alley (min, FT)	10	10	10
	Rear, alley (min, FT)	5	5	5
District-Specific Building Standards				
	Building Footprint (max, SF)	10,000	15,000	10,000
	Frontage Occupancy (min, %) (percentage of the front building wall that must be located in the build-to range)	70, may include civic space	60, may include civic space	60, may include civic space
	Residential Unit Location	Ground floor: Behind the front 30% of the front building façade Upper stories: Anywhere	No limitations	No limitations
Parking				
	Location	Side, Rear	Side, Rear	Side, Rear, Interior
	Setback from property line (min, FT)			
	Front	30	26-2-9(e)(2)	26-2-9(e)(2)
	Street side	5	5	5
	Rear	5	5	5
	Rear, alley access	0	0	0

(2) Restrictions

The following restrictions apply to Table 26-2-28:

(A) Utility design and easements must be identified and approved by the Director to allow 0-foot setbacks.

(B) Unless a setback distance is listed, all parking areas shall be located behind a vertical plane created by the front façade of the principal building.

26-2-10 Adaptable Mixed-Use (AMX)

(a) General Provisions

(1) Purpose and Characteristics

The Adaptable Mixed-Use districts are intended to provide walkable, high-quality development that forms a cohesive activity center. The districts integrate a mix of uses that encourage greater activity and vitality through building and site design that is responsive to the character of the street and street frontage. The districts emphasize walkability in the layout of blocks, streets, parks, public spaces, and pedestrian connections. AMX will typically apply to redevelopment of existing commercial properties. Both integration of land uses and redevelopment of AMX sites will include denser residential and office uses at scale to support and match the intensity of existing or surrounding commercial uses.

(A) Adaptable Mixed-Use Center (AMX1)

This district is intended for the redevelopment of existing commercial or manufacturing sites, or the development of vacant or undeveloped sites as integrated mixed-structure/mixed-use sites with residential, office, entertainment, and employment buildings and uses. Development should be walkable and incorporate streetscape features such as public art, pedestrian lighting, street trees, seating areas, and outdoor dining and activities.

(B) Adaptable Mixed-Use Corridor (AMX2)

This district is similar to the AMX1 district but adjusted to accommodate development that is adjacent to a major transportation corridor on a smaller or more shallow site that does not allow significant connection of new or redevelopment to adjacent parcels. AMX2 standards are designed to improve the corridor appearance and economic health.

(2) Applicability

Any of the following applications for or changes on a developed site require the submission of a major site plan for the complete development parcel. A complete development parcel may include one or more individual lots, tracts, or parcels. Development of the entire complete development parcel is not required as part of an individual application.

(A) New development or construction,

(B) New major or minor subdivision or lot split,

(C) New or modified vehicular access to the site,

(D) Substantial modification to existing property that exceeds 50 percent of the property value prior to improvement.

(b) Allowed Building Types

(1) The following building types are allowed in the AMX districts

Table 26-2-29: AMX Building Types
Key: ■= Allowed -- = Not Allowed

Building Type	AMX1	AMX2	Standards
Detached House	--	--	

Table 26-2-29: AMX Building Types
Key: ■= Allowed -- = Not Allowed

Building Type	AMX1	AMX2	Standards
Duplex	--	--	
Triplex or Fourplex	■	--	
Townhouse Row	■	--	26-2-11(f)
Courtyard Development	--	--	
Multi-Household Building	■	■	26-2-11(h)
Civic Building	■	■	26-2-11(i)
Main Street Building	■	■	26-2-11(k)
General Building	■	■	26-2-11(l)
Adaptable Reuse of Existing Building	■	■	

(2) Building type choice shall be in keeping with the character of the existing structures on the same block face and available street access. Generally, main street and general buildings should be located along and oriented toward collector streets. Residential and neighborhood-scale structures should be located along a collector, main, or local street. Buildings on lots abutting arterial streets shall be oriented to an internal street or frontage road to the maximum extent practicable.

(3) To help ensure a viable balance of uses, the total gross square footage of residential development may not exceed 40 percent of the total commercial square footage in the entire contiguous area zoned as an AMX district.

(c) Dimensional and District-Specific Building Standards

(1) Applicability

(A) Residential-only buildings shall comply with the FN2 standards by building type.

(B) Mixed-use and nonresidential buildings shall comply with the following standards:

Table 26-2-30: AMX Dimensional and District-Specific Building Standards
NP = Not Permitted N/A = Not Applicable

	Standard	AMX1	AMX2
Lot			
X	Lot Width (max, FT)	250	500
X	Lot Depth (max, FT)	300	400
	Lot Coverage (max, %)	60	80
Principal Building Location one measurement = min, two measurements = min|max *Where a lot contains multiple principal structures, these standards are applicable to the perimeter of the lot only*.			
A	Front Build-to Range (FT)	10 | 20	10 | 20
X	Frontage Occupancy (%)	70; modification see 26-2-10(c)(2)	50; modification see 26-2-10(c)(2)
B	Street Side Build-to Range (FT)	0 | 10	0 | 10
C	Interior Side Setback (min, FT)	0	0
D	Rear, no alley (min, FT)	10	10
X	Rear, alley (min, FT)	5	10
Building Design			

Table 26-2-30: AMX Dimensional and District-Specific Building Standards
NP = Not Permitted N/A = Not Applicable

	Standard	AMX1	AMX2
X	Building Footprint (max, SF)	40,000	150,000
X	Residential Unit Location in MU Structure	26-2-10(c)(2)	26-2-10(c)(2)
Parking			
X	Location	Side, Rear	Side, Rear
X	Setback from property line (min, FT)		
X	Front	30	30
	Side	5	5
	Street side	15	15
	Rear	5	5

(2) Modifications and Restrictions

The following modifications and restrictions apply to Table 26-2-30:

(A) The frontage occupancy requirement may be waived and the build-to range may be expanded to a depth that allows two double-loaded parking rows between the principal building and required parking lot landscaping through a Section 26-7-4(a)(2) Minor Adjustment for parcels that take primary access from an arterial street.

(B) Residential units in a mixed-use structure shall be located either:

(I) On the ground floor behind the front 30 percent of the front building façade (i.e., in the rear 60 percent of the ground floor), or

(II) Anywhere in upper stories.

(C) Parking setbacks may be waived and perimeter landscaping modified where the two lots abut through a Section 26-7-4(a)(2) Minor Adjustment to allow a shared parking lot with a cross access agreement or for two abutting parking lots.

(d) Site Layout

(1) Access and Connectivity

(A) Multimodal improvements shall be designed to comply with Section 26-5-2, Access and Connectivity.

(B) All multimodal improvements, including streets, sidewalks, and multiuse trails, that abut the development site shall be connected to and continued through the site, connecting to similar infrastructure on another side of the development site in a predominately linear design where feasible. Infrastructure that continues through the site may be realigned to connect across the site in a non-linear manner where allowed by the Public Works Standards and Specifications.

(C) Development of individual parcels shall include multimodal improvement extension where that improvement is shown on the overall development site plan.

(D) Internal streets shall be designed to create a grid network that provides safe movement through the development site and establishes smaller blocks or half blocks that are appropriate for structures, parking, and public spaces across the site.

(E) Alleys and drive aisles do not satisfy the connectivity requirements of this section.

(F) All internal streets shall include at least one lane of on-street parking.

(G) Cul-de-sac and dead end streets are prohibited except to accommodate site constraints created by existing topography or environmentally sensitive areas. Street stub outs to adjacent parcels are allowed where required to provide for future connectivity.

(2) Block Layout

(A) Internal block faces and the total block perimeter shall meet the requirements of Table 26-2-31:

Table 26-2-31: Block Standards

Abutting Street Classification	Block Length (max, FT)
Arterial or Highway	n/a
Collector	n/a
Main Street, as defined on Regulating Plan	1,200 average
Local Street	600

(B) Blocks may exceed the maximum face length if a pedestrian crossing is included in the middle one-third of the block that makes a complete connection across the block.

(I) The maximum block face length of the extended block may not exceed 150 percent of the applicable maximum in Table 26-2-31. Only one pedestrian crossing is allowed per block.

(II) Should traffic volumes on adjacent arterials not support vehicular access at max block face intervals, main streets should be included in development design and building orientation shall shift from major street to main street to achieve walkable, pedestrian-oriented block patterns.

(3) Active Streets and Sidewalks

(A) Mixed-use development sites shall be designed to include a multi-block pedestrian-oriented main street, as shown on the Regulating Plan.

(B) First floor commercial with pedestrian entrances shall be required along at least 60% of the main street unless civic space is provided, and parking shall be alley-accessed from the rear.

(4) Building Type Location

Residential buildings shall be located along local streets or at the side or rear of the site to provide visual privacy and complement adjacent residential uses.

(e) Big Box Conversion Plan

(1) Purpose

A big box conversion plan illustrates how the site will be redeveloped from proposed or existing big box development into a walkable, mixed-use development in compliance with Legacy Lafayette following the anticipated functional life or general abandonment of the proposed structure(s).

(2) Applicability

The big box conversion plan requirements apply to the following AMX sites:

(A) Future Conversion Plan: New development on a site that is ten acres or larger and that is proposed for development of one or more nonresidential structures with a building footprint of 100,000 square feet or more, or

(B) Existing Development Conversion Plan: Redevelopment on a site that is five acres or larger and that has any of the following:

(I) Existing nonresidential structure with a building footprint of 65,000 square feet or more,

(II) Existing block sizes that exceed the requirements of Table 26-2-31, or

(III) Any parking area with 100 or more spaces that cuts off connections between external pedestrian sidewalks or walkways.

(C) The conversion plan shall be applied to the complete development parcel, shall meet the AMX1 or AMX2 district standards, and shall illustrate the overall redevelopment. The Regulating Plan shall be prepared in a manner that allows the proposed development to be approved while incorporating site design choices that expedite options for future redevelopment.

(3) Conceptual Future Design

The conceptual future design of large buildings and building sites shall provide the following:

(A) A mix of uses, including residential;

(B) Civic spaces;

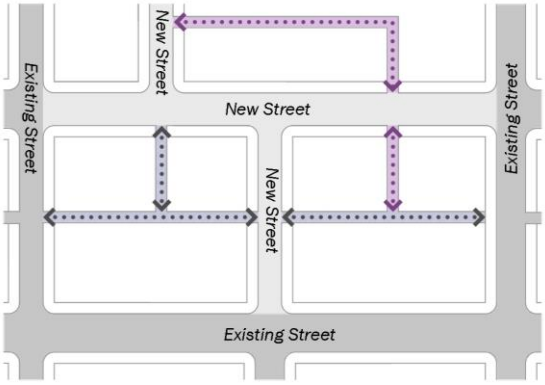
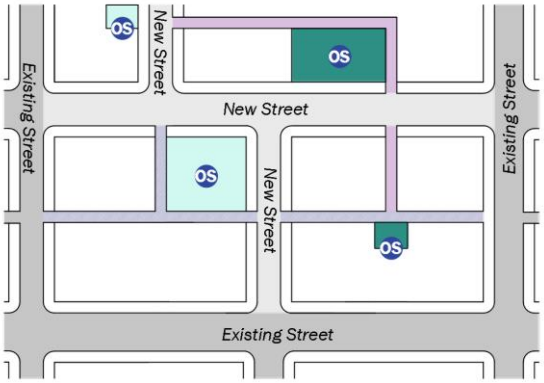
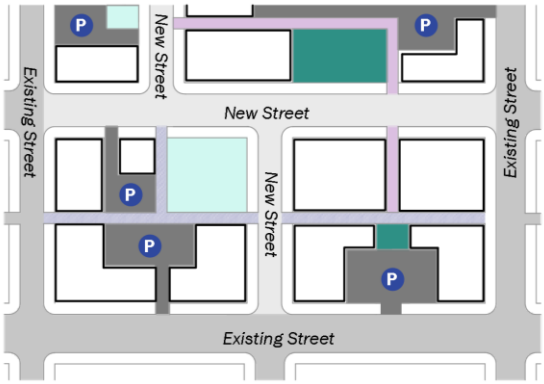
(C) Internal street connectivity and walkable blocks; and

(D) Smaller-scale lots and structures.

Table 26-2-32: Big Box Future Design Plan Elements and Process

Step	Example
1. Identify the complete development parcel	
2. Incorporate external multimodal connections and design internal streets and circulation	

Table 26-2-32: Big Box Future Design Plan Elements and Process

Step	Example
	
3. Locate civic space	
4. Locate buildings and parking	

26-2-11 Building Types

(a) Building Type Standards

This section establishes the building types that regulate the physical form of buildings within each zoning district. These types are intended to create variation within neighborhoods while reinforcing the neighborhood's character and scale.

(b) Standards Applicable to All Building Types

(1) The basic building form shall comply with the standards for the building type chosen.

(2) The building may house any use allowed in the district.

(3) Allowing an ADU on a lot with a residential building type does not change the building type classification because the ADU is considered accessory to the principal building. For example, a duplex with an ADU is not a triplex.

(4) Attached building types may not be "detached" but placed close together and still be considered the same building type. For example, "detached" townhomes are considered detached houses on small lots, not townhouses.

(c) Detached House and Small Detached House

(1) Description

A detached house is a freestanding structure on a single lot. It is typically located within residential neighborhoods of detached house dwellings. Lots for narrower/deeper houses are typically located in a more urban setting while lots for wider houses can be provided in a suburban setting. Small detached houses can be provided in either setting to help enhance the housing mix. The main entrance faces the public street. Garages may be attached to or detached from the main structure.

(2) Building Type Examples (for illustration only; not design requirements)









(3) Standards

(A) Detached House

A detached house shall meet the following standards:

Table 26-2-33: Detached House Building Standards

Standard	Districts Permitted: FN1
Height	
	Max 35 FT
Main Body (max)	
Width	80
Depth	50
Finished Ground Floor Level	
Minimum	Grade at curb level
Maximum	2 FT above grade at curb level
Frontage Types	
	Porch, stoop

Table Notes
[1] OTX1 and 2 lot width standards and lot combination prohibitions apply.

(B) Small Detached House

A small detached house shall also meet the following requirements:

(I) Districts permitted: FN1

(II) Maximum building size: 1,500 square feet above grade. Basements shall be unfinished prior to sale. A tiny house may be constructed on a small detached house lot as the principal structure.

(III) Exterior additions are prohibited for the first five years after the issuance of a Certificate of Occupancy.

(IV) Garages or carports shall be alley-loaded and limited in size to 500 square feet.

(d) Duplex

(1) Description

(A) A duplex is a small-to-medium sized structure that consists of two side-by-side, front/back, or stacked dwelling units within a single building.

(B) This building type is appropriately scaled to be comparable with a detached house, low- or medium-density neighborhoods. Duplex units may be located on a single, shared lot or on individual lots.

(2) Building Type Examples (for illustration only; not design requirements)



Side-by-side



Front/back



Side-by-side



Stacked

(3) Standards

A duplex shall meet the following standards:

Table 26-2-34: Duplex Building Standards
Key: FT = Feet

Standard	Districts Permitted: FN1
Height (max)	
	Max 35 FT
Main Body (max)	
Width	80
Depth	50
Finished Ground Floor Level	
Minimum	Grade at curb level
Maximum	2 FT above grade at curb level
Frontage Types	
Front facade	Porch, stoop, gallery
All other unit entrances	Porch, stoop

Table Notes
[1] OTX1 and 2 lot width standards and lot combination prohibitions apply.

(e) Triplex or Fourplex

(1) Description

(A) A triplex/fourplex is a small-to-medium sized attached structure that consists of three (triplex) or four (fourplex) horizontally or vertically (stacked) attached units with shared walls or floors. Each unit has an individual entrance. A triplex/fourplex may be designed to look like a detached house, with characteristics similar to residential houses in the surrounding neighborhood, such as a pitched roof, front porch, and yards, or it may be designed in a more linear manner similar to a row of townhouses.

(B) Triplexes/fourplexes are typically located in medium-density neighborhoods or in a location that transitions from single-unit residential into a neighborhood center or neighborhood main street.

(C) Triplexes/fourplexes may be located on a single, shared lot or on individual lots in compliance with life safety code requirements.

(2) Building Type Examples (for illustration only; not design requirements)









(3) Standards

(A) A triplex/fourplex designed as a detached house shall meet the standards in Table 26-2-35.

(B) A triplex/fourplex designed as a townhouse row shall meet the standards in Table 26-2-36: Townhouse Building Standards.

Table 26-2-35: Triplex/Fourplex "Detached House Style" Building Standards Key: FT = Feet x | x = minimum | maximum			
	Districts Permitted: FN1	**Districts Permitted: FN2-3, OTX1-2**	**Districts Permitted: OTX3, AMX1**
Height (max)			
	Max 35 FT	Max 35 FT	Max 35 FT
Main Body (max)			
Width	80	40 FT [1]	40 FT
Depth	50	50 FT	50 FT
Finished Ground Floor Level			
Minimum	Grade at curb level	Grade at curb level	Grade at curb level
Maximum	2 feet above grade at curb level	18 inches above grade at curb level	18 inches above grade at curb level
Frontage Types			
	Porch, Stoop	Porch, Stoop	Porch, Stoop
Pedestrian Access			
	Unit entrances may be external or may meet at an internal foyer.	Unit entrances may be external or may meet at an internal foyer.	Unit entrances may be external or may meet at an internal foyer.

Table Notes
[1] OTX2 lot width standards and lot combination prohibitions apply.

(f) Townhouse Row

(1) Description

(A) A townhouse is a small-to-medium-sized attached structure that consists of a row of five to nine units.

(B) Townhouse units may be placed side-by-side horizontally with shared walls or may also be vertically stacked, with shared floors or ceilings in addition to shared walls. "Detached" units are considered detached houses, not townhouses.

(C) Townhouse buildings are typically located in medium-density neighborhoods or in a location that transitions from a lower density residential neighborhood into a neighborhood center or neighborhood main street.

(D) Townhouse units may be located on a shared lot or individual lots. A lot with a townhouse and an ADU is not a duplex.

(2) Building Type Examples (for illustration only; not design requirements)






(3) Standards

A townhouse shall meet the following standards:

Table 26-2-36: Townhouse Building Standards
Key: FT = Feet x | x = minimum | maximum

	Districts Permitted: FN2	Districts Permitted: OTX1-2	Districts Permitted: FN3, OTX3, AMX1
Height			
Maximum	35 FT	24 FT	35 FT
Main Body			
Width	Structure (row): 168 FT max Unit: 18 | 36 FT	Structure (row): 168 FT max [1] Unit: 18 | 30 FT	Structure (row): 168 FT max Unit: 18 | 24 FT
Depth (max)	40 FT	40 FT	40 FT
Finished Ground Floor Level			
Minimum	Grade at curb level	Grade at curb level	Grade at curb level
Maximum	2 feet above grade at curb level	18 inches above grade at curb level	18 inches above grade at curb level
Frontage Types			
	Porch, stoop, dooryard	Porch, stoop, dooryard	Porch, stoop, dooryard
Pedestrian Access			
Front façade entryway	Min:1	Min: 1	Min: 1

Vehicle Access			
Order of priority, depending on availability	Alley, Rear, Front	Alley, Rear, Front	Alley, Rear, Front

Table Notes
[1] OTX2 lot width standards and lot combination prohibitions apply.

(g) Courtyard Development

(1) Description

(A) This development type consists of multiple small dwellings, including tiny houses, arranged to define a shared civic space court that is typically perpendicular to the street. The shared court takes the place of a private rear yard and provides a community-enhancing element.

(B) Courtyard developments are appropriately scaled to fit within primarily low- or medium-density neighborhoods. This development type enables small areas of higher densities and is important for providing a broad choice of housing types and promoting walkability.

(2) Building Type Examples (for illustration only; not design requirements)






(3) Standards

A courtyard development shall meet the following standards:

Table 26-2-37: Courtyard Development Building Standards Key: FT = feet	
	Districts Permitted: FN1, OTX 2-3
Number of Units	
Units per building	1
Buildings per site	Min: 3 Max: 12
Height (max)	
	Max 35 FT
Individual Building Main Body (max)	
Width	40 FT
Depth	40 FT
Frontage Types	
Façade facing civic space	Porch, stoop
Pedestrian Access	
Entryway on façade facing civic space	Min: 1

(h) Multi-Household Building (Residential or Mixed-Use)

(1) Description

(A) Multi-household buildings contain three or more dwelling units that are stacked or side-by-side in a single structure. This building type can be scaled to fit in a variety of neighborhood densities and is important to providing a range of housing choices. The dwelling units may be for rental or ownership through creation of a condominium.

(B) Multi-household buildings may have required or optional ground floor space for activated uses, as determined by the zoning district. In urban areas, multi-household buildings can be incorporated into a walkable setting while providing a transition between lower density residential areas and mixed-use or commercial areas.

(C) This building type is separate from any other individually defined residential building types, including townhouse, rowhouse, or triplex/fourplex.

(2) Building Type Examples (for illustration only; not design requirements)









(3) Standards

A multi-household building shall meet the following standards:

Table 26-2-38: Multi-household Building Standards

	Districts Permitted: FN2	Districts Permitted: FN3, OTX1-3. AMX1-2
Height		
Total for Building (max)	35 FT	FN3, AMX 1-2: 35 FT OTX 1-3: 35 FT
Ground floor (min)	No min	14 FT if activation required
Main Body Dimensions		
Width	No max	NC: max 250 FT OT2: max 100 FT
Depth	No max	No max
Frontage Types		
Shopfront	Not required	See zoning district standards
Other frontages	Dooryard, Gallery, Arcade, Urban General	Dooryard, Gallery, Arcade, Urban General
Transparency		
Ground Floor		
Front and street side façade (min)	40%	40%
Blank wall width (max)	Front façade: 30 FT Street side façade: 50 FT	Front façade: 30 FT Street side façade: 50 FT
Upper Floors		
Front and street side (min)	40%	40%
Pedestrian Access		
Front façade entrance	Min. 1	Min. 1
All other building walls	Min 1 entrance on any side abutting vehicle parking	Min 1 entrance on any side abutting vehicle parking

(i) Civic Building

(1) Description

A building type containing civic (e.g., culture, religion, government) or institutional uses that serve the surrounding community or city. A civic building is often among the most prominently sited and architecturally significant in a neighborhood.

(2) Standards

Civic building design is determined on a site-by site basis, subject to the dimensional standards of the applicable zoning district.

(j) Old Town Shop (Commercial or Mixed-Use)

(1) Description

(A) A small-to-medium sized structure designed in keeping with the scale and character of Old Town Lafayette to house a variety of uses including office, retail, and food service. It may be a single-use commercial building or include a mix of uses. Mixed-use buildings may include upper floor residential where more active ground floor service or commercial uses are provided.

(B) Old Town Shop buildings are typically attached or very close to adjacent buildings and may incorporate structured parking.

(2) Building Type Examples (for illustration only; not design requirements)









(3) Standards

An Old Town Shop building shall meet the following standards:

Table 26-2-39: Old Town Building Standards	
	Districts Permitted: FN3, OTX1-3
Height	
Total for Building (max)	FN3: 35 FT OTX 1-3: 35 FT

Ground floor, floor-to-ceiling (min, FT)	12
Main Body Dimensions	
Width (FT)	No min | 50 max
Depth (FT, max)	80 max
Frontage Types	
Shopfront	See zoning district standards
Other districts	Shopfront or dooryard
Transparency	
Ground Floor Transparency (min)	
Front façade	70%; not applicable to historic buildings
Street side façade	50%; not applicable to historic buildings
Ground Floor Blank Wall Width (max)	
Front façade	10 FT
Street side façade	30 FT
Upper Floor Transparency (min)	
Front and street side façades	25%
Pedestrian Access	
Front façade entrance	Min 1 per individual tenant unit
All other building walls	Min 1 entrance on any side abutting vehicle parking

(k) Main Street Building (Commercial or Mixed-Use)

(1) Description

(A) A small-to-medium sized structure intended to provide retail or services on the ground floor. It may provide a vertical mix of uses. Upper floors may include residential or office uses. Upper floor units are typically accessed by a common entry.

(B) This building type is typically located in pedestrian-oriented areas such as neighborhood centers, along main streets, or at intersections in walkable residential neighborhoods.

(2) Building Type Examples (for illustration only; not design requirements)









(3) Standards

A main street building shall meet the following standards:

Table 26-2-40: Building Size

	Districts Permitted: NC, OTX1-3, AMX1-2
Height	
Building Height (max)	NC, AMX 1-2: 35 FT OTX 1-3: 35 FT
Ground Floor (FT, min)	14
Main Body Dimensions	
Width	20 min | max 150 FT
Depth (FT, max)	No min | No max
Frontage Types	
Shopfront	Required: NC, OT1
Other districts	Dooryard, Gallery, Arcade, Urban General
Transparency	
Ground Floor Transparency (min)	
Front façade	70%
Street side façade	50%
Ground Floor Blank Wall Width (max)	
Front façade	10 FT
Street side façade	30 FT
Upper Floor Transparency (min)	
Front and street side façades	25%
Pedestrian Access	
Front façade entrance	Min: 1 per individual tenant unit
All other building walls	Min: 1 entrance on any side abutting vehicle parking

(I) General Building

(1) Description

(A) A basic building that can be designed for a range of primarily commercial uses, including a single use or a mix of uses, including office and residential. Typically located in a suburban setting, a general building should be designed to be appropriate to the locational context through the frontage type applied.

(B) A general building with a footprint of 65,000 square feet or larger shall meet the big box design standards in Section 26-2-11(I)(3)(B).

(2) Building Type Examples (for illustration only; not design requirements)









(3) Standards

(A) Generally Applicable

A general building shall meet the following standards:

Table 26-2-41: General Building Standards
Key: FT = Feet

	Districts Permitted: NC, OTX3, AMX1	Districts Permitted: AMX2
Height		
	35 FT	35 FT
Main Body Dimensions		
Width	No min | max 250 FT	No min | no max
Depth	No min | no max	No min | no max
Frontage Types		
Shopfront	Not required	Not required
Other	Dooryard, Gallery, Arcade, Urban General	Dooryard, Gallery, Arcade, Urban General
Transparency		
Ground Floor		

Front and street side façade (min)	40%	40%
Blank wall width (max)	Front façade: 30 FT Street side façade: 50 FT unless 26-2-11(I)(3)(B) applies	Front façade: 30 FT Street side façade: 50 FT unless 26-2-11(I)(3)(B) applies
Upper Floors		
Front and street side (min)	40%	40%
Pedestrian Access		
Front façade entrance	Min. 1 per individual tenant unit or 1 per 100 linear feet of frontage, whichever is greater	Min. 1 per individual tenant unit or 1 per 100 linear feet of frontage, whichever is greater
All other building walls	Min. 1 on any building side abutting vehicle parking:	Min. 1 on any building side abutting vehicle parking:

(B) Big Box Design Standards

(I) Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3 percent of the length of the facade and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.

(II) Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other architectural features along no less than 60 percent of their horizontal length.

(III) Small Retail Stores: Where large retail establishments contain additional specialty stores (“sub-stores”) that occupy less than 30,000 square feet of gross floor area and that have separate, exterior customer entrances, the street level facade for the sub-stores shall be transparent above the walkway grade for no less than 50 percent of the horizontal length of the building facade of the sub-stores.

(IV) Building facades must include a repeating pattern that includes at least three of the following elements repeated individually or in combination at intervals between 30 and 50 horizontal feet:

(i) Color change;

(ii) Texture change;

(iii) Material module change;

(iv) An expression of architectural or structural bays through a change in plane no less than 12 inches in width, such as an offset, reveal or projecting rib;

(v) A specific architectural element proposed by the applicant's architect that is acceptable to the Director.

(V) Roofs shall have at least two of the following features:

(i) Parapets concealing flat roofs and rooftop equipment, such as HVAC units, from public view. The average height of the parapets shall not exceed 15 percent of the height of the supporting wall and the parapets shall not at any point exceed one-third of the height of the supporting wall. Parapets shall feature three-dimensional cornice treatment;

(ii) Overhanging eaves, extending no less than three feet past the supporting walls;

(iii) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for everyone foot of horizontal run;

(iv) Three or more roof slope planes;

(v) A specific architectural element proposed by the applicant's architect that is acceptable to the Director.

(VI) Each large retail establishment on a site shall have clearly defined, highly visible customer entrances featuring at least two of the following:

(i) Canopies or porticos;

(ii) Overhangs;

(iii) Recesses/projections;

(iv) Arcades;

(v) Raised corniced parapets over the door;

(vi) Peaked roof forms;

(vii) Arches;

(viii) Outdoor patios;

(ix) Display windows;

(x) Architectural details such as tile work and moldings which are integrated into the building structure and design;

(xi) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting; or

(xii) A specific architectural element proposed by the applicant's architect that is acceptable to the Director.

26-2-12 Frontage Types

(a) Overview

Building frontages are the components of a building façade and yard that provide a transition between the public realm (street, sidewalk, or public areas) and private realm (building interior). These elements define the relationship between the two and the incorporation of shorter building frontages, semi-elevated elements, and varied designs can active these spaces. Commercial space frontage types are more public-facing and residential frontage types are more semi-private. The frontage design and configuration contribute to the overall character and function of the public realm, including its walkability.

(b) Applicability

The frontage standards apply to the area between the front or side build-to zone to the property line along the street or other public space. Frontage types are independent of architectural styles. All principal buildings except historic buildings and buildings within historic districts shall comply with these standards.

(c) Building Frontage Types

The following frontage types are allowed in the form-based districts, as specified by building type in each district:

Table 26-2-42: Frontage Types Allowed by Building Type
Key: ■ = Allowed

Frontage Type	Detached House	Duplex	Tri/Fourplex	Townhouse	Courtyard Development	Multi-household	Old Town Shop	Main Street Building	General Building	Standards
Front Yard	■	■	■	■	■	■	■			26-2-12(d)
Porch	■	■	■	■	■	■	■			26-2-12(e)
Stoop or Patio	■	■	■	■	■	■				26-2-12(f)
Dooryard	■	■	■	■	■	■	■	■	■	26-2-12(g)
Forecourt or Common Yard					■	■				26-2-12(h)
Gallery or Arcade				■		■	■	■	■	26-2-12(i)
Urban General							■	■	■	26-2-12(j)
Shopfront	■					■	■	■	■	26-2-12(k)

(d) Front Yard

(1) Description

A front yard frontage is designed with the building façade separated from the lot line by a formal or informal landscape area. The frontage can include a porch, stoop or patio, either shared across individual entries or provided for each entry. A sidewalk from the porch, stoop or patio shall connect to the adjacent public sidewalk or shared private common area.



(2) Examples (for illustration only; not design requirements)

Front yard frontage types may be designed in a variety of ways, including, but not limited to, any of the following:







(3) Standards

Table 26-2-43: Front Yard Standards
Key: FT = Foot | IN = Inches | SF = Square Feet

Frontage Element	Standard
Min depth of the landscaped areas of a front yard frontage measured from the property line to the building façade	8 FT; may include any required landscape area between the building façade and the property line
Porch, stoop or patio, when included	Apply relevant frontage type standards

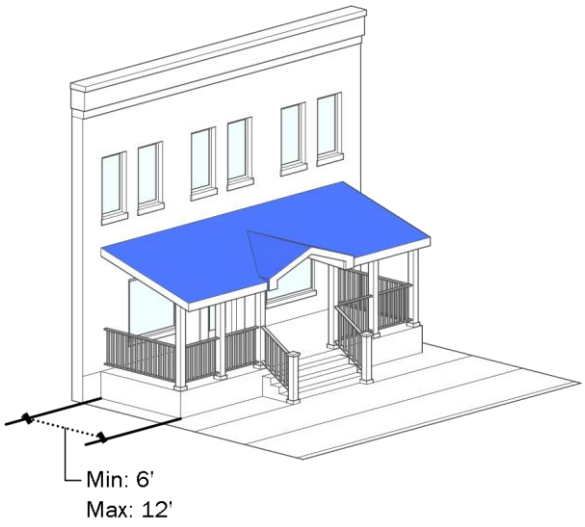
(e) Porch (Projecting or Semi-Enclosed)

(1) Description

(A) A porch is a raised, roofed platform attached to a building forming an articulated entryway and semi-private social space. A porch can be designed to project from the front façade or to be partially enclosed by up to two building projection on the front façade.

(B) A porch is generally intended to access a first floor that is elevated above the sidewalk, to ensure privacy within the building and to function as an outdoor living space. A covered area that is located generally at ground level is considered a patio.

(C) The front façade of the building shall be located within the build-to zone.



(2) Examples (for illustration only; not design requirements)

Porches may be designed in a variety of ways provided they meet the standards in this section.

(3) Standards

(A) Porches shall meet the following dimensional standards:

Table 26-2-44: Porch Standards
Key: FT = Foot | IN = Inches | SF = Square Feet

Frontage Element	Standard
Projection from façade	Min: 6 FT | Max: 12 FT
Width (min)	10 FT
Finished level above elevation at property line	Min: 18 IN | Max: 48 IN
Interior vertical clearance	8 FT
Height (max)	May not exceed second story of structure to which attached

(B) A porch shall have a door providing access to the building.

(C) A projecting porch shall remain open on all sides except those along an exterior wall to which it is attached. A semi-enclosed porch shall remain open along the front side.

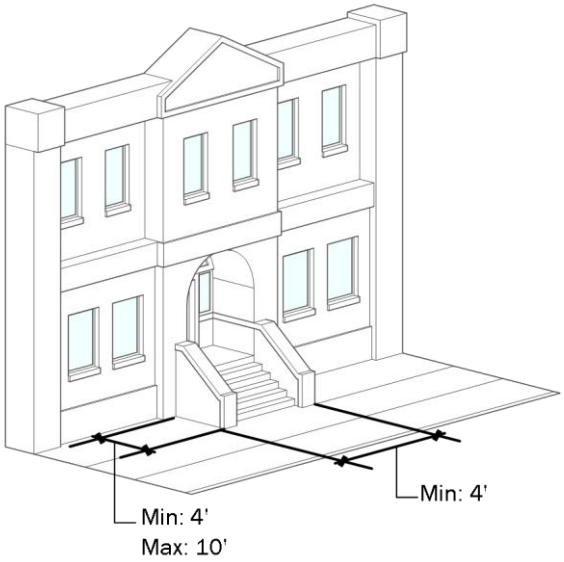
(D) A porch shall contain stairs leading to the ground level. The stairs may lead directly to the sidewalk or be sideloaded.

(f) Stoop or Patio

(1) Description

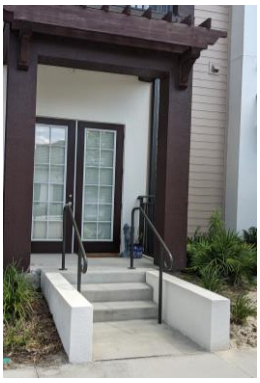
A stoop is a small, raised platform that leads to the entryway to a building. A patio is a small, ground-level platform that leads to the entryway to a building. This frontage is intended to provide access to a first floor that is separated from the sidewalk to ensure

greater privacy. The stoop or patio commonly project forward; however, either may be recessed within the building envelope.



(2) Examples (for illustration only; not design requirements)

Stoops may be designed in a variety of ways provided they meet the standards in this section. Some examples include, but are not limited to:





(3) Standards

(A) Stoops or patios shall meet the following dimensional standards:

Table 26-2-45: Stoop or Patio Standards
Key: FT = Foot | IN = Inches | SF = Square Feet

Façade Element	Standard
Projection from façade (depth)	Min: 4 FT | Max: 10 FT
Width (min)	4 FT
Stoop finished level above elevation at property line (min)	18 IN
Interior vertical clearance if roofed (min)	8 FT
Height (max, if covered)	1 story

(B) A stoop or patio shall remain open on all sides except those along an exterior wall to which it is attached or abutting.

(C) A stoop or patio may be roofed or unroofed.

(D) A stoop or patio may be shared between two adjacent entrances that are separated by no more than four feet.

(E) A stoop shall contain stairs leading to the ground level. The stairs may lead directly to the sidewalk or be sideloaded and connected to a walkway or sidewalk. A stoop or patio frontage type on a mixed-use or nonresidential building type may be expanded into a larger civic space to accommodate outdoor seating areas.

(F) A stoop or patio may encroach into a required build-to zone or setback.

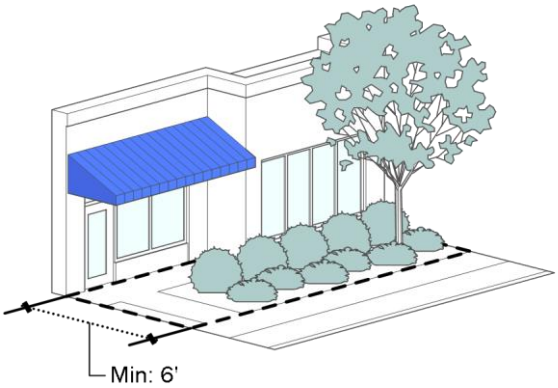
(g) Dooryard

(1) Description

(A) This frontage type requires the principal building to be located to the back of the build-to zone or behind the setback.

(B) A dooryard frontage is created by defining the build-to or setback line with a low wall, fence, or hedge. The enclosed dooryard is a private space that may be at grade, raised, or sunken and is intended for the use of ground floor activities.

(C) This frontage is intended for use in a pedestrian-oriented commercial, mixed-use context, or urban residential context.



(2) Examples(for illustration only; not design requirements)





(3) Standards

(A) Dooryards shall meet the following dimensional standards:

Table 26-2-46: Dooryard Standards
Key: FT = Foot | IN = Inches | SF = Square Feet

Frontage Element	Standard
Depth	Min: 6 FT | Max: 10 FT
Width (min)	15 FT
Wall, fence, hedge height (max)	3 FT

(B) A dooryard that exceeds the maximum allowed depth shall be considered a front yard.

(C) Each dooryard shall provide access to only one entry and shall be separated from adjacent dooryards by a wall, fence, or hedge.

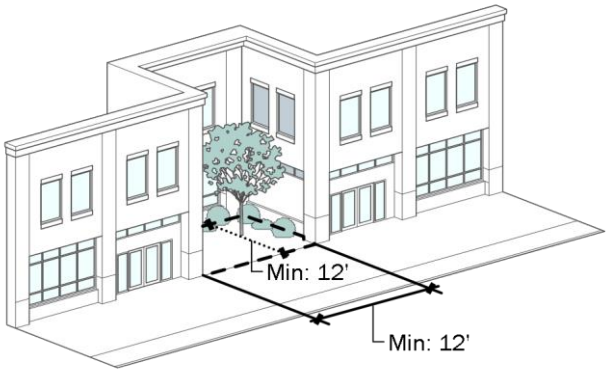
(D) The area within the dooryard may be landscaped or covered with an impervious surface. Required landscaping or street furnishings may be placed within a dooryard. Bicycle parking may be located within a dooryard if a clear walkway at least five feet wide can be provided from the sidewalk to the front entrance.

(h) Forecourt or Common Yard

(1) Description

(A) A forecourt is a semi-public space, open to the sky, formed by a recess in the central portion of the building facade.

(B) A common yard is a semi-public space formed by the location of more than one structure generally enclosing a defined greenspace.



(2) Examples (for illustration only; not design requirements)





(3) Standards

(A) Forecourts or common yards shall meet the following dimensional standards:

Table 26-2-47: Forecourt or Common Yard Standards
Key: FT = Foot | IN = Inches | SF = Square Feet

Frontage Element	Standard
Depth (min)	12 FT
Width (min)	12 FT
Wall, fence, hedge height (max)	3 FT
Minimum pervious surface	Forecourt: 25% Common Yard: 80%

(B) A forecourt shall be enclosed by building walls on three sides. At least 60 percent of the principal building façade shall be located within the build-to range or at the minimum setback.

(C) A common yard shall be enclosed by buildings on three sides.

(D) Solar orientation for the forecourt or common yard shall be taken into consideration when creating the site layout.

(E) Other frontage types may face into a forecourt or common yard but may not encroach more than two feet into the forecourt or common yard.

(F) No more than one forecourt is permitted per building.

(G) A forecourt may not be at a higher elevation than the finished ground floor level of the surrounding building or more than two feet lower in elevation than the adjacent sidewalk.

(H) A forecourt may not contain driveways, parking spaces, passenger drop-offs, garage entrances, loading berths, exhaust vents, mechanical equipment, or refuse and recycling storage.

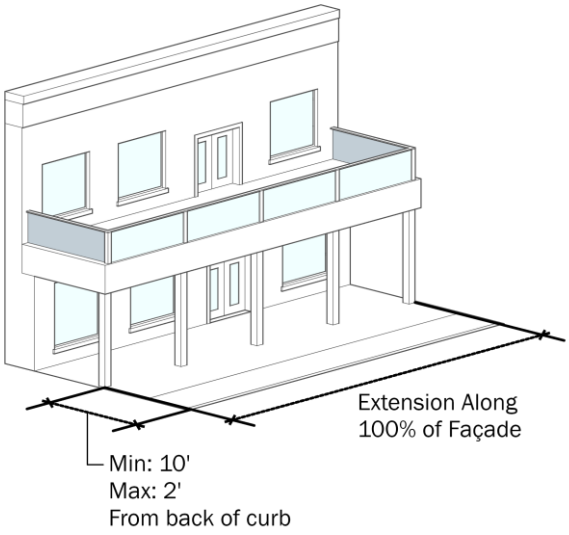
(i) Gallery or Arcade

(1) Description

A gallery or arcade frontage provides a covered walkway for pedestrian circulation along a building façade for the length of either the first or first and second stories.

(A) A gallery is an attached cantilevered structure or a lightweight colonnade over a private sidewalk.

(B) An arcade is a passage located along the exterior walls of a building and covered by the building's upper stories.



(2) Examples (for illustration only; not design requirements)





(3) Standards

(A) Galleries or arcades shall meet the following dimensional standards:

Table 26-2-48: Gallery or Arcade Standards
Key: FT = Foot | IN = Inches | SF = Square Feet

Frontage Element	Standard
Depth	Min: 8 FT | Max: 20 FT
Width of enclosed area (min)	6 FT
Height (max)	May not exceed second story of structure to which attached
Clearance from gallery or arcade ceiling (min)	Ground floor: 11 FT Second floor: 9 FT

(B) An arcade or gallery shall have a consistent depth along the frontage where located.

(C) Seating may be provided under the gallery or arcade.

(D) A gallery or arcade should be open on three sides where possible.

(E) A gallery or arcade must be level with the adjoining public sidewalk.

(F) Columns or piers should generally be evenly spaced across the width of the gallery or arcade.

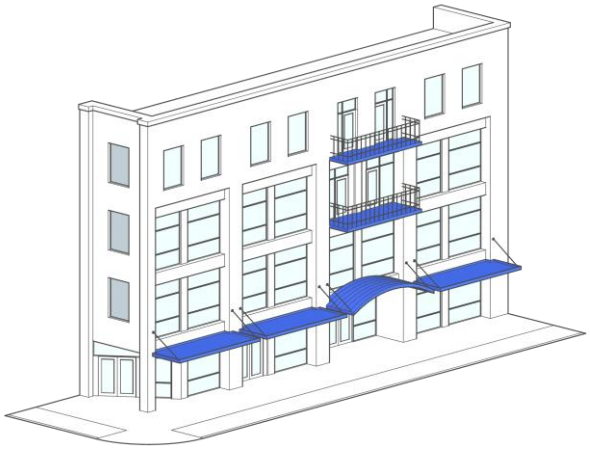
(G) A gallery or arcade must align with and provide continuous passage to any existing gallery or arcade in an adjoining building.

(H) A gallery or arcade may not contain driveways, parking spaces, passenger drop-offs, garage entrances, loading berths, exhaust vents, mechanical equipment, or refuse and recycling storage areas.

(j) Urban General

(1) Description

This is the frontage of a principal building that is placed directly at the sidewalk where the building entrances either directly access the sidewalk or lead to a patio or terrace (elevated pedestrian area) that connects to the sidewalk.



(2) Examples (for illustration only; not design requirements)





(3) Standards

Urban general frontages shall meet the following dimensional standards:

Table 26-2-49: Urban General Standards Key: FT = Foot | IN = Inches | SF = Square Feet	
Frontage Element	**Standard**
Building finished floor elevation above elevation at property line.	Min: 14 IN | Max: 8 FT

(k) Shopfront

(1) Description

This frontage type requires the front façade of the principal building to be located at or near the front of the build-to range with an at-grade public entrance from the sidewalk. The shopfront frontage has a significant amount of ground floor transparency via windows and doors, and is intended for use with service, retail, or restaurant uses.



(2) Examples (for illustration only; not design requirements)





(3) Standards

(A) Shopfronts shall meet the following dimensional standards:

Table 26-2-50: Dooryard Standards
Key: FT = Foot | IN = Inches | SF = Square Feet

Frontage Element	Standard
Ground floor transparency	See building types
Distance between glazing (including windows or doors)(max)	2 FT
Door recess (max)	5 FT; building must be located within 2 feet of the front build-to range or minimum setback

(B) Decorative accordion-style doors/windows or other operable windows that allow the space to open to the street are allowed.

26-2-13 Civic Space Standards

(a) Ownership, Maintenance, and Use

Civic spaces shall be owned, maintained, and used by the following groups:

(1) Public

Parks and natural open spaces that are not stormwater management areas shall be dedicated to the City for public ownership, maintenance, and use.

(2) Private/Public

Playgrounds, squares, plazas, community yards, pocket parks, greens, promenades, and outdoor activity zones in areas that are open to the general public shall be privately owned and maintained and available for public use.

(3) Private/Private

Community gardens, playgrounds, and greens located in residential areas shall be privately owned and maintained and may be limited to use by residents.

(b) Street Frontage and Access

Civic spaces shall be designed for ease of access by nearby residents and employees along with other community members and visitors.

(1) Direct access from public street(s) may be required as specified in the dimensional and street frontage tables for each civic space type. References to street types are based on the Lafayette Multimodal Transportation Plan.

(2) Where a civic space abuts a multiuse trail, pedestrian access shall be provided to the trail.

(c) Community Garden

(1) Description

A grouping of garden plots available to near-by residents or businesses for small-scale cultivation.

(2) Examples (for illustration only; not design requirements)



Figure 2.I: Community garden (left) and layout in neighborhood (right) examples

(3) Dimensions and Street Frontage

Table 26-2-51: Community Garden Standards
Key: FT = Foot | IN = Inches | SF = Square Feet

	FN1, FN2	NC, OTX1, OTX2	AMX1, AMX2

Table 26-2-51: Community Garden Standards Key: FT = Foot | IN = Inches | SF = Square Feet			
Area (min or min | max, SF)	2,400 | 22,000	1,000 | 2,400	Not allowed
Dimension for any side (min, FT)	40	10	Not allowed
Impervious cover (max, %)	10	10	Not allowed
Required public street frontage	n/a	n/a	Not allowed
Accessory structure (max, GSF)	1,000	250	Not allowed

(4) Design and Use

(A) The garden plot layout may be formal or informal. Paths shall be provided for pedestrian circulation.

(B) Permanent accessory structures shall comply with Section 26-3-4, Accessory Uses and .

(C) Temporary structures, such as hoophouses, may be installed on or after April 1, shall be securely attached to the ground, maintained in good condition during the growing season, and completely removed by November 1.

(D) The garden shall be served by a water supply sufficient to support the cultivation practices on the site.

(E) Beekeeping may be provided by the garden coordinator only. The keeping of chickens in a community garden is prohibited. Individual garden plots may be fenced to deter wildlife from grazing.

(F) A community garden may be included in other open space types.

(5) Organization

Community gardens shall be run by a nonprofit entity, community group, or neighborhood group acting as a garden coordinator.

(d) Playground

(1) Description

Open areas designed and equipped for recreation. Playgrounds may be designed for a specific age group of all ages. Playgrounds should be designed as a neighborhood gathering area and may be fronted by structures on some or all sides.

(2) Examples (for illustration only; not design requirements)



Figure 2.J: Playground (left) and location in neighborhood (right) examples

(3) Dimensions and Street Frontage

Table 26-2-52: Playground Standards
Key: FT = Foot | IN = Inches | SF = Square Feet

	FN1, FN2	NC, OTX1, OTX2	AMX1, AMX2
Area (min or min | max, SF)	2,500	1,000	2,500
Dimension for any side (min, FT)	50	25	50
Impervious cover (max, %)	50	80	50
Required public street frontage	1 local street	None	1 street

(4) Location

(A) Stand-alone playgrounds that are not part of another civic space type may be placed within a block or included within a park or green.

(B) To the maximum extent practicable, playgrounds in residential areas shall be easily accessible from nearby residential areas without crossing a street.

(5) Design

(A) Shade and seating shall be provided.

(B) A playground shall include a play structure or interactive water feature.

(C) Playgrounds may be separated from surrounding areas by low fencing with at least one opening per side for public access.

(D) Where a playground abuts a multiuse trail, a pedestrian connection shall be provided to the trail.

(e) Green

(1) Description

Small civic space in urban or higher density suburban areas available for scheduled activities or passive recreation. Greens may be spatially defined by a combination of landscaping and building frontages.

(2) Examples (for illustration only; not design requirements)




Figure 2.K: Neighborhood green examples

(3) Dimensions and Street Frontage

Table 26-2-53: Green Standards
Key: FT = Foot | IN = Inches | SF = Square Feet

	FN1, FN2	NC, OTX1, OTX2	AMX1, AMX2
Area (min or min | max, SF)	5,000 SF | 2 AC	2,000 | 5,000 SF	2,000 | 5,000 SF
Dimension for any side (min, FT)	100	25	25
Impervious cover (max, %)	25	10	10
Required public street frontage	1 street; 2 streets on corner lots	1 street	1 street

(4) Location

A green shall be located within 1,320 linear feet of all residences served.

(5) Design

Space design shall include:

(A) Lawn or walkable ground cover,

(B) Paths, and

(C) Trees.

(f) Common Yard

(1) Description

A civic space in an urban or neighborhood center area that can be used for formal or informal gatherings. A common yard may be spatially defined by buildings, streets, landscaping, or parking.

(2) Examples (for illustration only; not design requirements)



Figure 2.L: Common yard examples - formal (left) and informal (right)

(3) Dimensions and Street Frontage

Table 26-2-54: Common Yard Standards
Key: FT = Foot | IN = Inches | SF = Square Feet

	FN1, FN2	NC, OTX1, OTX2	AMX1, AMX2
Area (min or min | max, SF)	5,000 | 10,000	1,000 | 5,000	1,000 | 5,000
Dimension for any side (min, FT)	50	25	25
Impervious cover (max, %)	30	15	15
Required public street frontage; may not front community connector or regional connector	1 street	1 street	1 street

(4) Design

Space design shall include:

(A) Open shelters or seating areas; and

(B) Informal landscaping design with lawn or other walkable ground cover, at least one shade tree per 1,000 SF of area, and low vegetative screening along street frontages.

(g) Pocket Park

(1) Description

A small-scale civic space, serving the immediate neighborhood, available for informal activities in close proximity to neighborhood residences, and civic purposes, intended as intimate spaces for relaxing, seating, or dining.

(2) Examples (for illustration only; not design requirements)



Figure 2.M: Pocket park examples

(3) Dimensions and Street Frontage

Table 26-2-55: Pocket Park Standards
Key: FT = Foot | IN = Inches | SF = Square Feet

	FN1, FN2	NC, OTX1, OTX2	AMX1, AMX2
Area (min or min | max, SF)	6,000 | 12,000	2,000 | 4,000	2,000 | 4,000
Dimension for any side (min, FT)	50	25	25
Impervious cover (max, %)	30	15	15
Required public street frontage, may not front community connector or regional connector	1 street	1 street	1 street

(4) Design

(A) Space design shall include a combination of landscaped areas and hardscape, walkways along edges or across space, and seating areas.

(B) Pocket parks may be separated from surrounding areas by low fencing with at least one opening per side for public access.

(h) Plaza (Square)

(1) Description

A formal civic space that is defined by building frontages on at least two sides and is available for civic purposes and commercial activities. Designed as gathering areas, plazas (also referred to as "squares") have a higher degree of hardscape and pedestrian traffic than most parks.

(2) Examples (for illustration only; not design requirements)

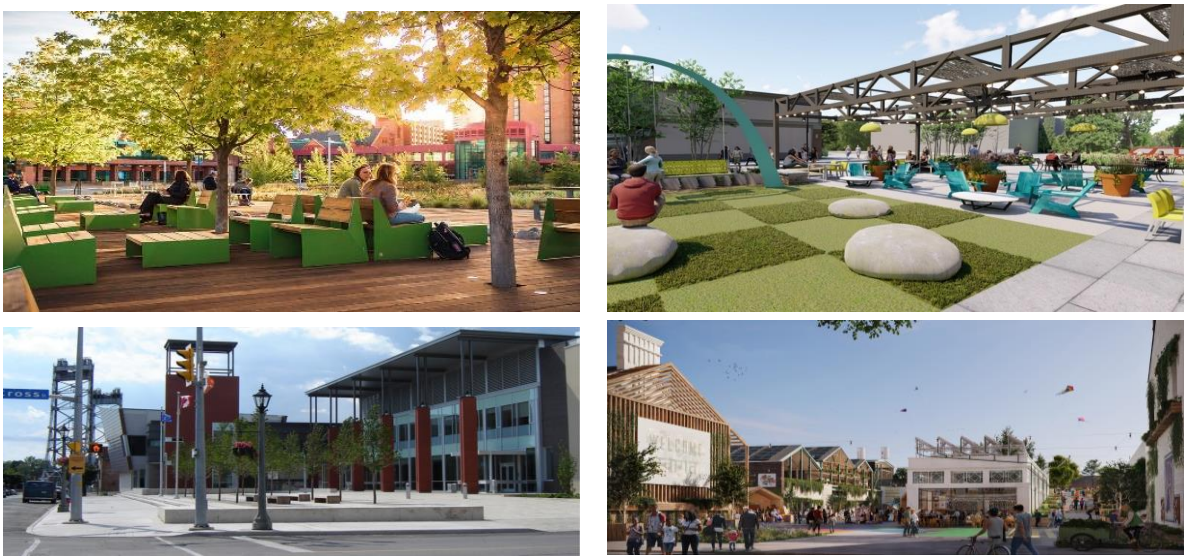


Figure 2.N: Plaza examples

(3) Dimensions and Street Frontage

Table 26-2-56: Plaza/Square Standards
Key: FT = Foot | IN = Inches | SF = Square Feet

	FN1, FN2	NC, OTX1, OTX2	AMX1, AMX2
Area (min or min | max, SF)	10,000 | 22,000	1,000 | 10,000	10,000 | 22,000
Dimension for any side (min, FT)	50	25	50
Impervious cover (max, %)	70	90	70
Required public street frontage	1 street	1 street	1 street

(4) Design

(A) Space design shall include:

(I) Defined seating area(s),

(II) Balance of hardscape and plantings, and

(III) Features such as public art, pavement design, or extended entries into adjacent buildings.

(B) Areas for non-permanent activities such as vendors and display standards may be identified and shall be included in the overall space design to ensure these areas do not appear vacant when not in vendor or display use.

(i) Promenade

(1) Description

Linear, shaded public space along the frontage of one building or shared between two or more buildings that provides inter-block connections between two streets.

(2) Examples (for illustration only; not design requirements)

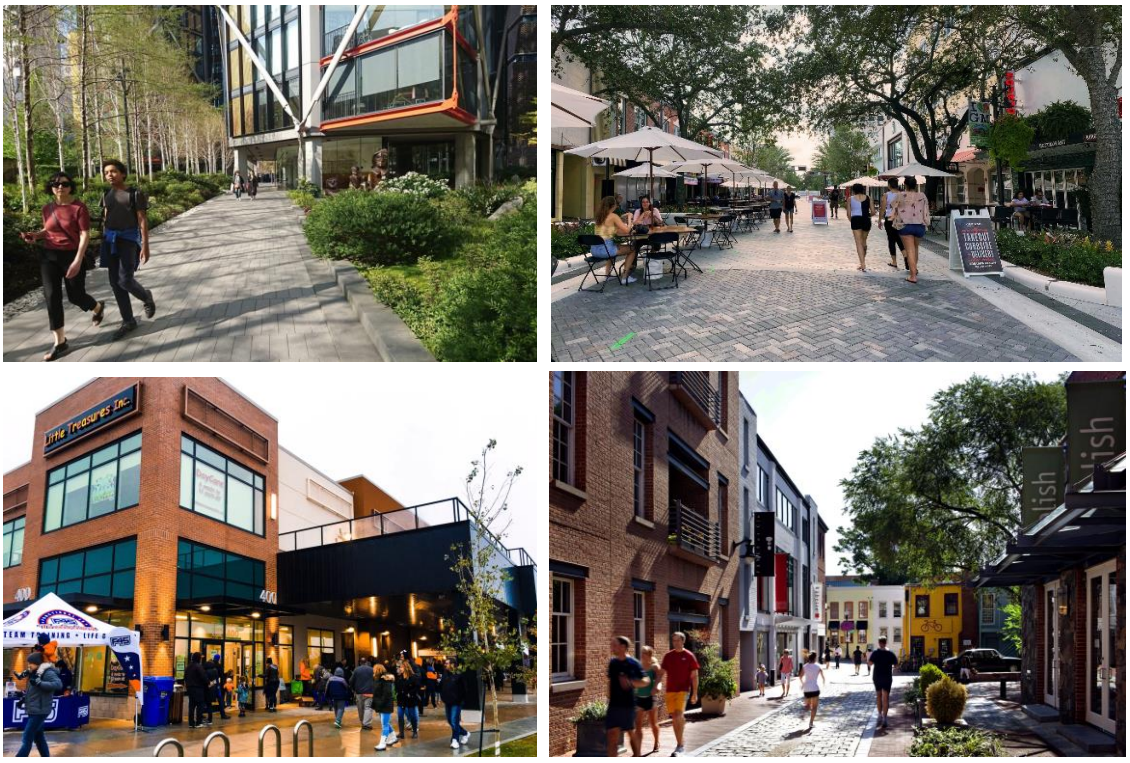


Figure 2.O: Pedestrian promenade examples

(3) Dimensions and Street Frontage

Table 26-2-57: Promenade Standards
Key: FT = Foot | IN = Inches | SF = Square Feet

	FN1, FN2	NC, OTX1, OTX2	AMX1, AMX2
Area (min or min | max, SF)	n/a	n/a	n/a
Dimension for any side (min, FT)	16 | 30	16 | 30	16 |30
Impervious cover (max, %)	100	100	100
Required public street frontage	1 street at each end	1 street at each end	1 street at each end

(4) Design

Space design shall include:

(A) Minimum 12-foot wide sidewalk or hardscape pathway along the length of the building frontage(s).

(B) One tree lawn with minimum dimensions of six-feet by 10-feet per every 40 feet of promenade length, planted with:

(I) At least one shade tree

(II) 50 percent coverage of live plant material. Tree canopy does not count toward the coverage requirement. The remainder of the tree lawn shall be covered in groundcover or mulch. Bare dirt, artificial plants, and real or artificial turf are prohibited.

(C) One shared seating area per tree lawn. Seating areas may also be provided near building entrances.

(j) Outdoor Activity Zone

(1) Description

Area within a mixed-use or commercial development that provides a combination of civic space and seating areas that can be used for seasonal activities as well as temporary uses or amenities, such as pop-up shops, food truck parking, or group meeting or activity space.

(2) Examples (for illustration only; not design requirements)



Figure 2.P: Outdoor activity zone examples

(5) Dimensions and Street Frontage

Table 26-2-58: Outdoor Activity Zone Standards
Key: FT = Foot | IN = Inches | SF = Square Feet

	FN1, FN2	NC, OTX1, OTX2	AMX1, AMX2
Area (min or min | max, SF)	10,000 SF| 2 AC	10,000 SF | 2 AC	10,000 SF | 2 AC
Dimension for any side (min, FT)	2,500	2,500	2,500
Impervious cover (max, %)	80	80	80
Required public street frontage	1 street	1 street	1 street

(6) Design

(A) An outdoor activity zone may extend across up to four abutting lots when established with a development agreement entered into by each of the property owners.

(B) Space design shall include:

(I) Seating areas, and

(II) A focal design element such as a formal landscaped area, a public art feature, or an interactive element.

(k) Open Space (public)

(1) Description

Land dedication accepted by the City for public use.

(2) Design

Open spaces may be a variety of shapes.

26-2-14 Overlay Zoning Districts

(a) Planned Unit Development (PUD)

(1) Purpose

The purpose of a PUD overlay district is to achieve greater flexibility than allowed by the strict application of this LUC, and to encourage unique or innovative land use concepts while providing greater benefit to the City and to ensuring efficient provision of services and utilities.

(2) Applicability

(A) A PUD may be used to make changes to specific standards in a base zone district(s). The requirements of the base zoning district(s) apply unless specifically changed in the terms of the PUD.

(B) A PUD may not be used to change the following:

(I) The uses allowed or prohibited in a conventional base district, or

(II) Any aspect of a form-based district.

(3) Eligibility to Apply

An application for a PUD Overlay District shall:

(A) Contain at least 10 acres of contiguous land;

(B) Include one or more of the following community benefits to the City that implements an objective, goal, or stated intent of the comprehensive plan, in an amount or under conditions significantly more beneficial to the City than would otherwise be required by this LUC for similar types, patterns, or development:

(I) The creation of permanently affordable housing in an amount greater than required by any applicable inclusionary housing provision;

(II) A unique development opportunity, building type, site design, or mix of uses that substantially advances the City's economic development objectives;

(III) The construction or improvement and dedication to the City or to another governmental or quasi-governmental entity acceptable to the City of public amenities, including but not limited to park, trail, or recreation facilities, that the applicant would not otherwise be required to provide; or

(IV) An existing structure or site that is currently designated or is documented as eligible for designation on a city or state inventory of historic structures or on the National Register of Historic Places within a contiguous area included in the PUD application, and must either:

(i) In the case of an existing designated historic structure or site, the PUD application must include a written preservation easement for the structure or site in compliance with all applicable historic preservation standards; or

(ii) In the case of an undesignated historic structure or site, the PUD application must include a written commitment to complete the designation of the structure or site prior to development of any portion of the PUD.

(4) PUD Review and Approved Process

The PUD procedures are set forth in Section 26-7-4(b)(11), PUD Rezoning (Planned Unit Development).

(5) Prohibitions

(A) The PUD Rezoning procedure shall not be used when a Special Use Review, Variance, Minor or Major Adjustment, or Rezoning to an existing base zoning district could achieve a similar result.

(B) The PUD Overlay District shall not be used to provide a site-specific solution to a single issue that can be resolved through a more appropriate administrative means.

26-2-15 Dimensional Standards General Rules and Exceptions

(a) Dimensional Standards Established by Zoning District

(1) The dimensional standards applicable to each zoning district are located within that zoning district.

(2) Legally nonconforming lots may be developed per Section 26-7-5, Nonconformities.

(3) Exceptions and restrictions applicable to some dimensional standards are provided in this section. Other exceptions or restrictions may be provided for elsewhere in this Code. Where there is uncertainty about the applicability of dimensional exception, an applicant may request a Land Use Code Interpretation per Section 26-7-4(a)(1).

(b) Permitted Setback Encroachments

(1) Table 26-2-59 identifies permitted setback encroachments into required setbacks, excluding those setback areas that face permanent open space.

(2) Permitted encroachments may extend into required setbacks up to the maximum distance identified, provided the encroachment does not conflict with other standards in this LUC including but not limited to accessibility, fire access, utilities, drainage, or sight vision clearance areas or PWDSS requirements.

Table 26-2-59: Permitted Setback Encroachments

Site Structure or Feature	Front	Side Street	Side Interior	Rear
Accessory structure	0 feet			
Approved accessibility ramps	Any distance			
Architectural projection	2 feet	2 feet	2 feet	2 feet
Balconies (not used as passageways)	4 feet	18 inches	18 inches	4 feet
Decks (unenclosed and 30 inches or less in height above grade)	0 feet	5 feet	0 feet	10 feet
Driveway, curbs, and sidewalks	Any distance			
Fire escapes	0 feet	2 feet	2 feet	4 feet
Mechanical equipment, including HVAC units	0 feet	3 feet	2 feet	0 feet
Patio or porch (unenclosed) [1], ramp, stoops, and stairs	8 feet	5 feet	0 feet	10 feet
Roof eaves, overhangs, gutters, and downspouts	18 inches			
Shading devices such as awnings and canopies	5 feet	5 feet	2 feet	5 feet
Solar collection devices and equipment	18 inches or 10% of the required setback, whichever is greater			
Window well	0 feet	0 feet	0 feet	3 feet

Notes:
[1] In the OTN district, an unenclosed covered porch that is attached to a principal dwelling unit in existence as of the Effective Date, may encroach into the front or side street yard setback area up to a distance of six feet from the dwelling unit, but in no case shall any portion of such encroachment be closer than three feet from the front or side street lot line.

(c) Permitted Build-to Encroachments

(1) Measurement

(A) Each build-to encroachment shall be measured from the required building line away from the subject property.

(B) Build-to encroachments are not cumulative in that they are always measured from the required building line.

(2) Permitted Encroachments

(A) The following build-to encroachments are permitted as indicated in the form district standards.

(B) Unless otherwise stated, encroachments are not permitted into an easement or public right-of-way.

Table 26-2-60: Build-to Encroachments

Building Element	Maximum Encroachment	Limitations
Awnings	May encroach to back-of-curb or where the tree lawn meets the sidewalk, whichever is less; Clear height: 10 ft.; Max. depth, measured from facade: 4 ft.	
Accessibility ramps and steps	May encroach to the property line	
Balconies	May encroach to the property line	
Bay windows	3.5 FT	May not encroach beyond property line
Overhanging eaves	May encroach to the property line	
Shopfronts	2 FT	
Stoop	Landing, excluding steps: Max. depth: 4 ft. Max. Width: 6ft	
Porch	2 FT	Depth: 8-10 ft. Min. Width: 65% or more of facade width

(d) Permitted Exceptions to Height Limitations

Table 26-2-61: Exceptions to Building Height Limitations

Site Structure or Feature	Maximum Height and Conditions
Chimneys, stacks, vents, antennae (except as otherwise provided), cooling towers, elevator bulkheads, solar panels, tanks, monuments, cupolas, domes, towers, spires, and similar mechanical and nonhabitable structural appurtenances	10 feet above the highest point of the principal building or 10 feet above the maximum permitted height in the zoning district, whichever is less
Emergency sirens and similar devices	Any distance, provided the additional height is the minimum required for life-safety purposes
Parapet walls, safety railings, and screening walls	4 feet

(e) Setback and Lot Width Averaging

(1) Applicability

Front or street side setback and lot width averaging is applicable to infill development and redevelopment in all districts.

(2) Calculation

(A) Front Lots

The average of the front setbacks or lot widths of the adjacent two lots on each side of the lot on the same side of the street. If any applicable lots are vacant, the minimum front setback or lot width required by the applicable zoning district shall be applied.

(B) Street Side Lots

The average of the street side setbacks of the next two lots adjacent to or within two lots on the same or adjacent block the same street frontage as the lot in question. If any applicable lots are vacant, the minimum street side setback required by the applicable zoning district shall be applied.

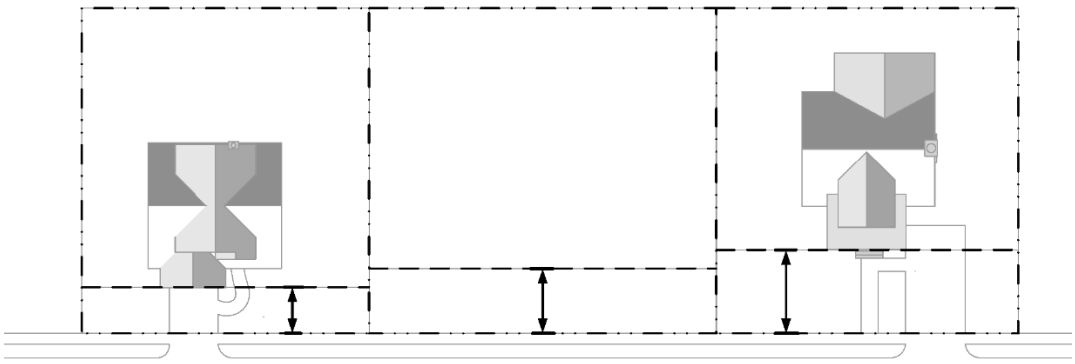


Figure 26-2.Q: Front Setback Averaging

ARTICLE 26-3. USE STANDARDS

26-3-1 General

(a) Multiple Principal Uses

A development may include multiple principal uses, including a combination of residential and nonresidential uses, provided that:

(1) Each use is either a permitted use or a special use in that zoning district;

(2) Special Use approval is obtained for any use determined to be a special use in Table 26-3-1: Use Table;

(3) All use-specific standards applicable to each use are met; and

(4) The development complies with all applicable dimensional, development, and performance standards.

(b) Compliance with Additional Requirements

(1) Any use approved within a zoning district shall also comply with all applicable standards in this Code, any requirements of local, state, or federal law, and any conditions placed on the approval.

(2) All uses required by any unit of local, state, or federal government to have an approval, license, or permit to operate are required to have that local, state, or federal approval, license, or permit in effect at all times.

(3) All uses subject to the operational standards of a local, state, or federal government agency, including without limitation the regulations contained in the Lafayette Code of Ordinances and regulations of the Colorado Department of Public Health and Environment, shall operate in compliance with those standards and regulations at all times.

(c) New and Unlisted Uses

If an application is submitted for a use category or use type that is not specifically listed in Table 26-3-1: Use Table, the Planning Director shall determine the appropriate use category and use type for the proposed use pursuant to the procedures in Section 26-7-4(a)(1), Land Use Code Interpretation. In making their decision, the Planning Director shall consider the potential impacts of the proposed use including the nature of the use, operations, employment characteristics, nuisances, requirements for public utilities, transportation requirements, and whether it includes dwellings, sales, processing, or storage.

26-3-2 Use Table

(a) Organization

(1) In Table 26-3-1, land uses and activities are classified into six general use categories: (1) Residential; (2) Public, Institutional, and Civic; (3) Commercial; (4) Industrial; (5) Accessory; and (6) Temporary. Specific uses are organized within the general use categories, based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This provides a systematic basis for assigning present and future land uses into appropriate zoning districts and for avoiding overlaps and inconsistencies between similar land uses.

(2) The left-side column of Table 26-3-1 lists all use categories and many of the specific uses that might be approved by the City. Columns in the center of the table correspond to each base zoning district and indicate whether the use is allowed in that district. The right-side column provides a cross-reference to use-specific standards that apply to that use in some or all of the zoning districts in which it is allowed.

(3) Use table interpretations are made through Section 26-7-4(a)(1), Land Use Code Interpretation.

(b) Abbreviations Used in the Table

(1) Permitted Uses

A “P” indicates the use is allowed within the respective zoning district.

(2) Uses Requiring Special Use Review

An “S” indicates the use is only allowed through the Special Use review process of Section 26-7-4(b)(12), subject to specified conditions.

(3) Prohibited Uses

A blank cell indicates the listed use is not allowed within the zoning district.

Table 26-3-1: Use Table
P = Permitted S = Special Use Review Blank Cell = Prohibited

Zoning Districts	NR	N2	N3	OTN	NC	M1	M2	M3	AG	MHC	O	P	CMU	DR	FN1	FN2	FN3	OTX1	OTX2	OTX3	AMX1	AMX2	Use-Spec. Stand.
Residential Uses																							
Household Living																							
Dwelling, single-household detached	P	P	P	P					P					P	P	P					P	P	
Dwelling, tiny house	P	P	P	P					P	P				P	P	P					P	P	
Dwelling, duplex		P	P	P	P								P		P	P					P	P	26-3-3(a)(1)
Dwelling, single-household attached (townhomes)		P	P		P										P	P			P	P	P		26-3-3(a)(2)
Dwelling, single household attached (triplex/fourplex)		P	P		P										P	P			P	P	P		26-3-3(a)(3)
Dwelling, multi-household			P		P	P							P		P	P	P		P	P	P	P	26-3-3(a)(4)
Dwelling, live/work			P		P	P	P										P	P	P	P	P	P	26-3-3(a)(5)
Courtyard development		P	P										P		P	P					P	P	26-3-3(a)(6)
Manufactured or mobile home community										P													26-3-3(a)(7)
Group Living																							
Continuing care facility			P		P	S							P		S	S	P			P	P	P	
Group home, FHAA	P	P	P	P	S					P			P	P	P	P	S	S	S	P	S	S	
Group residential facility		S	S	S	S								S		S	S	S				S	S	26-3-3(a)(8)
Public, Institutional, and Civic Uses																							

Table 26-3-1: Use Table
P = Permitted S = Special Use Review Blank Cell = Prohibited

Zoning Districts	NR	N2	N3	OTN	NC	M1	M2	M3	AG	MHC	O	P	CMU	DR	FN1	FN2	FN3	OTX1	OTX2	OTX3	AMX1	AMX2	Use-Spec. Stand.
Community & Cultural Facilities																							
Assembly, Religious or Secular																							
Located on a "Main Street"																	S	S	S	S	S	S	
Bldg. footprint ≥ 7,500 SF	S	S	S	S	P	P	P						P		S	S	S	S	S	S	S	S	
Day care center, adult or child	S	S	S	S	P	P	S						P		S	S	P	P	P	P	P		
Stand alone	P	P	P	P	P	P	S		P	P			P		P	P	P	P	P	P	P	P	26-3-3(b)(1)
Colocated	P	P	P	P	P	P	S		P				P		P	P	P	P	P	P	P	P	26-3-3(b)(1)
Government facility	S	S	S	S	P	P	P	P	P	P	P	P	P	S	S	S	S	S	S	S	P	P	
Museum				S	P	P	P		S				P				P	P	P	P	P	P	
Mortuary																							
With crematorium					S		P	P															
Without crematorium			P		P		P	P													P		
Parks	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	
Public safety facility	S	S	S	S	P	P	P	P	P	P		P	P	S	S	S	P	S	S	S	P	P	
Private recreational club or facility		S	S	S	P	P						P	P		S	S	P		P	P	P	S	
Public recreational club or facility	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	
Open space											P												26-3-3(b)(2) and 26-2-7(c)
Educational Facilities																							
School, private or public		S	S	S	S				S				S		S	S	S	S	S	S	S	S	
Trade school or training facility					P	P	P						P				P				P		
Healthcare Facilities																							

Table 26-3-1: Use Table
P = Permitted S = Special Use Review Blank Cell = Prohibited

Zoning Districts	NR	N2	N3	OTN	NC	M1	M2	M3	AG	MHC	O	P	CMU	DR	FN1	FN2	FN3	OTX1	OTX2	OTX3	AMX1	AMX2	Use-Spec. Stand.
Hospital					S	P	P						P								P	P	
Medical or dental clinic			S		P	P	P						P				S	S	P	P	P	P	
Commercial Uses																							
Agricultural & Animal																							
Agricultural operation									P		P			S									
Animal day care, grooming, or sales					P	P	P	P	S									P	P	P	P		
Community garden	P	P	P	P	P	P	P	P	P	P		P	P		P	P	P	P	P	P			
Kennel	S				S		P		S														
Nursery or greenhouse																							
With retail					P		P	P															26-3-3(c)(1)
Without retail							P	P	P		P												
Urban agriculture	P	P	P	P					P			P		S	P	P							
Veterinary clinic or hospital					P		P		S								S	S	S	S	P		26-3-3(c)(2)
Food & Beverage Services																							
Bar					P	P	P	P									S	P	P	P	P	P	26-3-3(c)(3)
Craft alcohol																							
Large						P	P	P												P	P	P	26-3-3(c)(4)
Small					P	P	P						P				P	P	P	P	P	P	26-3-3(c)(4)
Food truck court					P	P	P					P	P				P	P	P	P	P	P	26-3-3(c)(5)
Neighborhood Cafe					P	P	P						P		P	P	P	P	P	P	P	P	26-3-3(c)(6)
Restaurant					P	P	P						P				P	P	P	P	P	P	26-3-3(c)(7)
Lodging																							
Bed and breakfast	S	S	S	S					S						S	S		P	P				
Hotel or motel					S	P	P						P				S	P	P		P	P	
Marijuana																							

Table 26-3-1: Use Table
P = Permitted S = Special Use Review Blank Cell = Prohibited

Zoning Districts	NR	N2	N3	OTN	NC	M1	M2	M3	AG	MHC	O	P	CMU	DR	FN1	FN2	FN3	OTX1	OTX2	OTX3	AMX1	AMX2	Use-Spec. Stand.
Medical marijuana center					P																		Chapter 56, Code of Ordinances
Medical marijuana-infused product manufacturer						P	P	P															Chapter 56, Code of Ordinances
Medical marijuana testing facility						P	P	P															Chapter 56, Code of Ordinances
Optional premises cultivation facilities						P	P	P															Chapter 56, Code of Ordinances
Retail marijuana cultivation facility						P	P	P															Chapter 56, Code of Ordinances
Retail marijuana products manufacturing facility						P	P	P															Chapter 56, Code of Ordinances
Retail marijuana store					P																		Chapter 56, Code of Ordinances
Natural Medicine																							
Natural medicine healing center			S		P	P	P						P				S	S	P	P	P	P	26-3-3(c)(8)
Natural medicine cultivation facility, natural medicine products manufacturer,						P	P	P															26-3-3(c)(8)

Table 26-3-1: Use Table
P = Permitted S = Special Use Review Blank Cell = Prohibited

Zoning Districts	NR	N2	N3	OTN	NC	M1	M2	M3	AG	MHC	O	P	CMU	DR	FN1	FN2	FN3	OTX1	OTX2	OTX3	AMX1	AMX2	Use-Spec. Stand.
natural medicine testing facility																							
Office & Personal Service																							
Art studio or workshop			S		P	P	P										P	P	P	P	P	P	
Office			S		P	P	P						P				P	P	P	P	P	P	
Personal services			S		P	P							P				P	P	P	P	P	P	
Recreation & Entertainment																							
Adult entertainment								S															26-3-3(c)(9)
Golf course												P	P										
Recreation and entertainment, indoor					P	P	P						P				P	P	P	P	P	P	26-3-3(c)(10)
Private recreation and entertainment, outdoor						S	P					P	S				S	S	S	S	P	P	26-3-3(c)(11)
Recreational vehicle park or campground												S											26-3-3(c)(12)
Retail																							
Building material and supply sales							P	P															
Retail sales																							
Neighborhood					P	P									P	P	P	P	P	P	P	P	26-3-3(c)(13)
Small					P	P											P	P	P	P	P	P	
Medium						P											P	P	P	P	P	P	
Large																		S	S	S	P	P	
Vehicles & Equipment																							

Table 26-3-1: Use Table
P = Permitted S = Special Use Review Blank Cell = Prohibited

Zoning Districts	NR	N2	N3	OTN	NC	M1	M2	M3	AG	MHC	O	P	CMU	DR	FN1	FN2	FN3	OTX1	OTX2	OTX3	AMX1	AMX2	Use-Spec. Stand.
Advanced air mobility								S															
Fleet services							P	P															
Parking lot or garage, commercial						S							P					P			P	P	
Transportation center			S			S	S						S					S	S	S	P	P	
Vehicle fueling station						P	P	P													S	S	26-3-3(c)(14)
Vehicle repair, major							P	P															
Vehicle repair, minor						P	P	P															
Vehicle sales, rental, and leasing, heavy							P	P															
Vehicle sales, rental, and leasing, light							P	P															
Vehicle wash							P	P													S	S	26-3-3(c)(14)
Industrial Uses																							
Manufacturing & Processing																							
Contractor shop and yard							P	P															
Data center								S															26-3-3(d)(1)
Industrial, flex						P	P	P															
Industrial, heavy								P															
Industrial, light						P	P	P														S	
Mining and extraction							S	S					S										
Oil and gas facility and operations								S	S					S									Article 26-10
Slaughterhouse or packaging plant								S															

Table 26-3-1: Use Table
P = Permitted S = Special Use Review Blank Cell = Prohibited

Zoning Districts	NR	N2	N3	OTN	NC	M1	M2	M3	AG	MHC	O	P	CMU	DR	FN1	FN2	FN3	OTX1	OTX2	OTX3	AMX1	AMX2	Use-Spec. Stand.
Storage, Wholesale & Warehousing																							
Outdoor storage								P															
Self-service storage								P															
Warehouse and Wholesale, large							S	S															
Utilities & Communication																							
Battery energy storage system								S															
Utility facility, major							P	P	S					S									
Utility facility, minor	P	P	P	P	P	P	P	P	P	P		P	P	P									
Wireless communication facilities	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S		P/S	P/S	P/S									Article 26-11
Waste & Salvage																							
Composting facility								S	S														26-3-3(d)(2)
Recycling facility								S															26-3-3(d)(2)
Salvage yard								S															
Accessory Uses																							
Accessory dwelling unit	P	P	P	P	P				P	P				P	P	P	P	P	P	P	P	P	26-3-4(a) 26-3-4(b)
Backyard chickens	P	P	P	P	P				P	P		P	P	P	P	P	P	P	P	P	P	P	26-3-4(a) 26-3-4(c)
Beekeeping	P	P	P	P	P				P	P		P	P	P	P	P	P	P	P	P	P	P	26-3-4(a) 26-3-4(d)
Drive-through facility, multi-tenant					P	P	P														P	P	26-3-4(a) 26-3-4(e)
Drive-through facility, standalone					S	S	S														S	S	26-3-4(a) 26-3-4(f)

Table 26-3-1: Use Table
P = Permitted S = Special Use Review Blank Cell = Prohibited

Zoning Districts	NR	N2	N3	OTN	NC	M1	M2	M3	AG	MHC	O	P	CMU	DR	FN1	FN2	FN3	OTX1	OTX2	OTX3	AMX1	AMX2	Use-Spec. Stand.
Family child care home	P	P	P	P	P				P	P			P	P	P	P	P	P	P	P	P	P	26-3-4(a) 26-3-4(g)
Farmstand	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	26-3-4(a)
Home-based business	P	P	P	P	P	P	P		P	P		P	P	P	P	P	P	P	P	P	P	P	26-3-4(a) 26-3-4(h)
Horses and livestock	P						P	P	P			P		P									26-3-4(a)
Outdoor display and sales					P	P																	26-3-4(a) 26-3-4(i)
Outdoor storage, accessory						P	P	P	P		P										P	P	26-3-4(a) 26-3-4(j)
Recreational vehicle or trailer storage	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	26-3-4(a) 26-3-4(k)
Recycling or donation collection point					P	P	P	P					P				P				P	P	26-3-4(a)
Short-term rental	P	P	P	P	P										P	P	P	P	P	P	P	P	26-3-4(a) 26-3-4(l)
Solar energy system, ground-mounted or roof top	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	26-3-4(a)
Urban agriculture, accessory	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	
Accessory use, other	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	26-3-4(a) 26-3-4(m)
Temporary Uses																							
Farmer's market			P	P	P	P	P	P	P	P		P	P				P	P	P	P	P	P	26-3-5(a)
Mobile food truck			P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	26-3-5(a) 26-3-5(b)
Real estate office, construction office or storage building	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P				P	P	26-3-5(a) 26-3-5(c)

Table 26-3-1: Use Table
P = Permitted S = Special Use Review Blank Cell = Prohibited

Zoning Districts	NR	N2	N3	OTN	NC	M1	M2	M3	AG	MHC	O	P	CMU	DR	FN1	FN2	FN3	OTX1	OTX2	OTX3	AMX1	AMX2	Use-Spec. Stand.
Temporary event	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	26-3-5(a)
Temporary outdoor sales, storage or display	P	P	P	P	P	P	P	P	P	P		P	P	P				P	P	P	P	P	26-3-5(a) 26-3-5(d)
Temporary use, other	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	26-3-5(a) 26-3-5(e)

26-3-3 Use-Specific Standards

(a) Residential Uses

(1) Duplex Dwelling

In the N2 district, duplex dwellings shall meet one of the following conditions:

(A) The lot complies with the following conditions:

(I) The lot has a front lot line along a collector street;

(II) On-street parking is permitted along the lot frontage facing the collector street; and

(III) Sidewalks are provided on both sides of the collector street abutting the lot, or will be installed as part of the development; or

(B) The lot contained a duplex building type prior to the Effective Date.

(2) Dwelling, Single-Household Attached (Townhomes)

In the N2 district, single-household attached dwellings shall:

(A) Be limited to a maximum of four dwelling units; and

(B) Meet one of the following conditions:

(I) The lot complies with the following conditions:

(i) The lot has a front lot line along a collector street;

(ii) On-street parking is permitted along the lot frontage facing the collector street; and

(iii) Sidewalks are provided on both sides of the collector street abutting the lot, or will be installed as part of the development; or

(II) The lot contained a single-household attached (townhome) prior to the Effective Date.

(3) Triplex or Fourplex Dwelling

In the N2 district, triplex or fourplex dwellings shall meet one of the following conditions:

(A) The lot complies with the following conditions:

(I) The lot has a front lot line along a collector street;

(II) On-street parking is permitted along the lot frontage facing the collector street; and

(III) Sidewalks are provided on both sides of the collector street abutting the lot, or will be installed as part of the development; or

(B) The lot contained a triplex or a fourplex building type prior to the Effective Date.

(4) Dwelling, Multi-Household

Residential-only structures in the M1 district shall comply with the following:

(A) Structures shall be limited to transitional locations between mixed-use or commercial structures and Neighborhood districts.

(B) The width of the transitional area shall be determined by the site layout and shall be no more than two structures wide or 200 feet in total lot width, whichever is less. Lot

width shall be measured along the street frontage or, where there is no street frontage, along the lot line generally parallel to the Neighborhood district boundary.

(5) Live/Work Dwelling

(A) At least one person employed on the property shall reside in the dwelling unit where the nonresidential activity or activities occur.

(B) The area where the nonresidential activity is conducted shall not exceed 50 percent of the gross floor area of the dwelling unit.

(C) Signs are limited to not more than two non-illuminated wall or window signs not exceeding 10 square feet in total area.

(D) The work activities shall not adversely impact the public health, safety, or welfare of adjacent properties.

(6) Courtyard Development

(A) Zoning district lot and setback requirements shall apply to the project site as a whole, but not to individual dwelling sites.

(B) A minimum of 10 percent of the total lot area shall be amenity space. The amenity space may be divided into multiple locations, each of which shall be a minimum of 20 feet in any dimension and 400 square feet in total area

(C) A community building(s) for the sole use of the courtyard dwelling residents may be used to meet up to 25 percent of the required amenity space requirement.

(D) Paved paths for pedestrian circulation may count toward amenity space, but parking areas and driveways for vehicular circulation may not count toward amenity space.

(E) Accessory dwelling units are prohibited.

(7) Manufactured or Mobile Home Community

(A) Applicability

This section shall apply to construction, alteration, extension, location, installation, use and maintenance of all existing mobile home parks, existing mobile home subdivisions and new manufactured home communities.

(B) Nonconforming Mobile Homes, Mobile Home Parks, and Mobile Home Subdivisions

(I) Subdivision or Park Alteration or Extension

If an existing mobile home, mobile home park, or mobile home subdivision is proposed to be altered or extended, the expansion or alteration must be in conformance with this section, however, the existing uses and locations may be continued or permitted by Section 26-7-5(e), Nonconforming Use.

(II) Nonconforming Mobile Homes

A legally nonconforming mobile home may be relocated on the same lot or mobile home space, provided the place to which it is relocated complies with the minimum separation requirements of Section 26-3-3(a)(7)(D)(I)(i).

(III) Nonconforming Lot

If an existing mobile home is located on a lot within a mobile home park or outside a mobile home park that is nonconforming because it does not conform with the Section 26-3-3(a)(7)(D)(I) setback requirements, the following options apply:

(i) If the placement of the mobile home can be brought into compliance with the setback requirements through a Section 26-7-4(a)(2) Minor Adjustment, the existing mobile home may remain or be replaced with a mobile home or manufactured home on or within the same building footprint.

(ii) If the placement of the mobile home cannot be brought into compliance with the setback requirements through a Section 26-7-4(a)(2) Minor Adjustment but the mobile home location does comply with fire code separation requirements, the mobile home may remain where it is. A replacement mobile home or manufactured home shall be located to meet the LUC separate requirements to the maximum extent practicable.

(IV) Discontinuance and Abandonment

If the use of the mobile home, mobile home park, or mobile home subdivision is discontinued for a period of 12 consecutive months or more, the mobile home, mobile home park, or mobile home subdivision shall not be occupied or used until it is in conformance with all applicable regulations in this section.

(C) Permits and Licenses Required

It shall be unlawful for any person to engage in the business of installing mobile homes without first having been issued a valid installer's license.

(D) Lot and Building Standards

(I) Setbacks

For manufactured home communities the following setbacks and regulations shall apply:

(i) A minimum separation between mobile or manufactured homes of 15 feet shall be maintained, except that a separation of not less than 10 feet shall be allowed when mobiles or manufactured homes are parked end to end.

(ii) A minimum of 10 feet from any point of the mobile or manufactured home to the pavement of any access road, whether public or private, serving more than one lot or mobile or manufactured home space.

(iii) A minimum setback of 25 feet from the perimeter of the boundaries of the manufactured home community; except when abutting another mobile home subdivision or park, in which case, distance between mobile or manufactured homes shall be 15 feet.

(iv) In addition to paragraphs (a) through (c) above, manufactured home communities that include individually subdivided and owned lots, the following setbacks shall apply to each individual lot:

(a) A minimum side yard setback of seven and one-half feet;

(b) A minimum front yard setback of 15 feet; and

(c) A minimum rear yard setback of 15 feet.

(E) Development Standards

(I) Recreation Area and Open Area

A minimum of 20 percent of the total site area shall be used for common recreation facilities and landscaped open areas. All open areas and common

recreational areas shall be in locations convenient to mobile home lots or spaces. Recreation areas may include space for community use facilities, buildings, swimming pools and tennis courts.

(II) Mobile or Manufactured Homes and Spaces

(i) Paved driveways, the minimum width of which shall be 10 feet, shall be provided where necessary for convenient access to the mobile or manufactured home lot.

(ii) Garages and carports shall be placed no closer than 10 feet from the back of a sidewalk, or the back of curb or road surface if a sidewalk is not present.

(III) Walkways and Lighting

(i) Paved walkways at least four feet wide shall be provided from all mobile or manufactured home spaces or lots to amenity buildings and other community areas, and along all access roads and streets.

(ii) Pedestrian circulation areas shall be lighted at night and all lighting fixtures shall meet the standards set forth in Section 26-5-6, Outdoor Lighting.

(F) Retaliation Prohibited

(I) It shall be unlawful for a landlord or mobile home park owner to retaliate against a tenant of space or mobile home owner in a mobile home park in response to any protected action taken by such tenant or mobile home owner.

(II) Any attempt by a landlord or mobile home park owner to evict a tenant or mobile home owner, or to raise such tenant's or mobile home owner's rent, at any time during the course of the dispute resolution program process handled by the Colorado Division of Housing, or within six months of receiving: (i) a notice of violation or notice of non-violation issued pursuant to Part 11 of the Mobile Home Park Act Dispute Resolution and Enforcement Program; or (ii) an order to cease and desist or an order to take action issued pursuant to Part 11 of the Mobile Home Park Act Dispute Resolution and Enforcement Program, shall create a rebuttable presumption in favor of the tenant or mobile home owner that the eviction action or rent increase was retaliatory.

(III) The presumption created by subsection (F)(II) above may be rebutted by a preponderance of the evidence. Such evidence may include without limitation: (i) that the landlord or mobile home park owner was authorized to increase rent under Part 2 of the Mobile Home Park Act; (ii) that the landlord or mobile home park owner was authorized to terminate the tenancy at the end of any term of the rental agreement; (iii) that the action for possession was authorized under Article 40 of Title 13 of the Colorado Revised Statutes, as amended; (iv) non-payment of rent; (v) the tenant or mobile home owner has breached the lease or rental agreement; or (vi) the eviction or rent increase is by mutual consent of the landlord and tenant.

(IV) For purposes of this section only, the following terms shall have the following meanings:

(i) Protected action means any of the following actions: (i) expressing an intent to file a complaint or lawsuit alleging a violation of the "Mobile Home Park Act," Part 2 of Article 12 of Title 38, Colorado Revised Statutes, as amended; (ii) filing or bringing a private right of action against a landlord or mobile home park owner for a violation of the Mobile Home Park Act, as amended; (iii)

expressing an intent to file a complaint alleging a violation of the "Mobile Home Park Act Dispute Resolution and Enforcement Program," Part 11 of Article 12 of Title 38, Colorado Revised Statues, as amended, with the Division of Housing of the Department of Local Affairs; (iv) filing a complaint alleging a violation of the Mobile Home Park Act Dispute Resolution and Enforcement Program, as amended, with the Colorado Division of Housing of the Department of Local Affairs; (v) expressing an intention to complain or has complained to a governmental agency about conditions in the mobile home park; (vi) expressing an intention to complain or has complained to the mobile home park owner about conditions in the mobile home park; or (vii) expressing an intent to perform or has performed any other act for the purpose of asserting, protecting, or invoking the protection of any right secured under any federal, state or local law.

(ii) Retaliate means any of the following actions: (i) increasing a tenant's or mobile home owner's rent; (ii) decreasing any services that are required to be provided to a tenant or mobile home owner under Part 2 of the Mobile Home Park Act or any applicable local law or regulation relating to mobile home parks; (iii) altering or changing the rules and regulations of the mobile home park in an unreasonable manner; (iv) enforcing the rules and regulations of the mobile home park in an unreasonable, arbitrary or capricious manner; (v) altering or seeking to alter the terms of an existing rental agreement as a condition of renewal; or (vi) bringing or threatening to bring any legal action, including without limitation an action for termination, eviction or possession of the mobile home space.

(8) Group Residential Facility

(A) No group residential facility shall be located within 750 feet of another group residential facility, school or day care center.

(B) Except as provided in paragraph (C) below, it is unlawful for any sex offender to reside in a dwelling unit or group residential facility with any other sex offender unless such individuals are related as parent and child, as siblings, or by marriage.

(C) A dwelling unit or group residential facility may be used as a residence for not more than three sex offenders between the ages of 10 and 18 years, if the dwelling unit or group residential facility is supervised by at least one individual who:

(I) Holds all requisite licenses and permits pursuant to Article 6 of Title 26 of the Colorado Revised Statutes, as amended, to operate a foster care home; and

(II) Holds a Master of Social Work degree or a Master's degree in behavioral science with an emphasis in child development and/or family relations and a minimum of two years paid full time or equivalent part-time experience in social work.

(b) Public, Institutional Civic Uses

(1) Day Care Center, Adult or Child

(A) Day care centers in the NR, N2, N3, OTN, MHC, FN1, and FN2 districts shall meet the following standards:

(I) Compliance with Colorado statutory and licensing requirements;

(II) The building area occupied by the use may not exceed 2,000 SF GFA; and

(III) Where primary access is taken from a local street, a driveway that provides stacking space for at least two vehicles shall be provided.

(B) Day care centers located in mixed-use or non-residential districts shall meet the following standards:

(I) Compliance with Colorado statutory and licensing requirements;

(II) The building area occupied by the use shall not exceed 10,000 SF GFA;

(III) Primary access shall not be provided from a local street; and

(IV) Drive aisles and parking shall be separated from outdoor play areas by a fence or wall.

(C) Co-located day care centers shall meet the following standards:

(I) Compliance with Colorado statutory and licensing requirements;

(II) The center is co-located with one of the following uses:

(i) Dwelling, Multi-household;

(ii) Any use in the Public, Institutional, or Civic Use category except for day care centers, parks, or open space;

(iii) Located in a mixed-use building;

(iv) Office;

(v) Light Industry; or

(vi) Warehousing and Wholesale.

(III) The day care center may be located either within the principal structure or a secondary structure on the site, provided the secondary structure meets the applicable zoning district dimensional standards; and

(IV) Primary access shall not be provided from a local street.

(2) Open Space

Structures and uses in open space areas shall comply with the Code of Ordinances Chapter 80, Article V1

(c) Commercial Uses

(1) Nursery or Greenhouse

The maximum gross floor area of the structure containing this use is limited to 10,000 square feet in the NC district.

(2) Veterinary Clinic or Hospital

Overnight stays are limited to those necessary for medical treatment and those portions of structures in which animals are boarded shall be fully enclosed and sufficiently insulated to minimize noise and odor from being detected off the premises.

(3) Bar

Bars within 100 feet of a Neighborhood district shall close any outdoor seating areas between the hours of 10:00 p.m. and 7:00 a.m.

(4) Craft Alcohol, Small and Large

Small or large craft alcohol uses within 100 feet of a Neighborhood district shall close any outdoor seating areas between the hours of 10:00 p.m. and 7:00 a.m.

(5) Food Truck Court

(A) Food trucks operating within a food truck court shall comply with all applicable city, state, and federal licensing requirements and shall be in good operating condition.

(B) Motorized vehicular drive-through service from individual food trucks is prohibited.

(C) Food trucks and associated seating areas shall not be located in any required landscaping area, access easement, driveway, or fire lane.

(D) All eating, drinking, service, and delivery activity shall occur outside of setbacks, landscaping, and the public right-of-way.

(E) When located adjacent to a Neighborhood zoning district, the hours of operation shall be limited to between 7:00 a.m. and 10:00 p.m.

(F) Accessible restroom facilities, including handwashing facilities, shall be provided.

(G) Food truck courts shall provide trash receptacles sized to meet expected demand and shall empty or remove them on a daily basis. The site shall include a trash collection facility, including but not limited to a designated dumpster location accessible by trash collection vehicles.

(6) Neighborhood Cafe

(A) A neighborhood café shall not exceed 2,000 square feet in gross floor area.

(B) If alcoholic drinks are served, food shall be served as well.

(C) Any outdoor seating area is limited to no more than 30 percent of the gross floor area of the café.

(D) The café shall only operate between the hours of 9:00 a.m. and 8:00 p.m.

(7) Restaurant

Restaurants within 100 feet of a Neighborhood district shall close any outdoor seating areas between the hours of 10:00 p.m. and 7:00 a.m.

(8) Natural Medicine Businesses

(A) Findings and Legislative Intent

(I) The City Council makes the following legislative findings:

(II) The City Council finds and determines that the Colorado Natural Medicine Code, as codified in C.R.S. §§ 44-50-101 through 904 (the "Regulatory Act") specifically authorizes the governing body of a municipality to enact an ordinance to regulate the time, place, and manner of the operation of licenses issued pursuant to the Regulatory Act.

(III) The City Council finds and determines that the Regulatory Act specifically authorizes the governing body of a municipality to enact zoning ordinances to designate the areas where the cultivation, manufacturing, testing, storage, distribution, transfer, and dispensation of natural medicine and natural medicine product, as defined by the Regulatory Act, may be permitted in a municipality.

(IV) The City Council finds and determines that the Regulatory Act specifically authorizes the governing body of a municipality to enact ordinances to establish distance restrictions for buildings where natural medicine services are provided

within the vicinity of a child care center; preschool; elementary, middle, junior, or high school; a residential child care facility; or residential dwelling.

(B) Permitted Locations for a Natural Medicine Healing Center

(I) Natural medicine healing center is a use permitted by right as indicated in Table 26-3-1: Use Table, subject to the distance requirements in Section 26-3-3(c)(8)(D) and the time, place, and manner requirements in Sections 26-3-3(c)(8)(E) through 26-3-3(c)(8)(M).

(II) Natural medicine healing centers are a prohibited use in all other zoning districts.

(C) Permitted Locations for Other Natural Medicine Businesses

Natural medicine cultivation facility, natural medicine products manufacturer, natural medicine testing facility, and any other licensed entity created by the state licensing authority (each a "licensed facility" and collectively the "licensed facilities") are uses permitted by right as indicated in Table 26-3-1: Use Table, subject to the distance requirements in Section 26-3-3(c)(8)(D) and the time, place, and manner requirements in Sections 26-3-3(c)(8)(E) through 26-3-3(c)(8)(M).

(D) Distance from Schools

(I) No natural medicine business that provides natural medicine services shall operate out of a building that is within 1,000 feet of property used for a child care center; preschool; elementary, middle, junior, or high school; or a residential child care facility (collectively "school").

(II) Subsection (I) above does not apply to (i) a licensed natural medicine business located on land owned by the city or the state of Colorado, or (ii) to a licensed natural medicine business that was actively doing business under a valid license issued by the state licensing authority before the school was constructed.

(III) The distances referred to in this section shall be computed by direct measurement from the nearest property line of the land used for a school to the nearest portion of the building in which natural medicine services are provided, using a route of direct pedestrian access.

(E) Business Licensing—Natural Medicine Businesses

It shall be unlawful for any person to operate and maintain a natural medicine business in the city without first obtaining a general business license as required by Chapter 55 of the Code of Ordinances. An applicant for a general business license to operate a natural medicine business in the city shall establish that the applicant is, or will be, entitled to possession of the premises under a lease, rental agreement, or other arrangement for possession of the premises or by virtue of ownership of the premises. If the applicant is not the owner of the premises, the applicant must provide proof that the applicant has the owner's or landlord's permission to operate a natural medicine business on the premises prior to the City's issuance of a general business license.

(F) Hours of Operation—Healing Centers

Natural medicine healing centers and natural medicine businesses that provide natural medicine services shall operate only between the hours of 7:00 a.m. to 10:00 p.m. Participants are not permitted on the premises after 10:00 p.m. unless the

participant is unable to leave the premises by 10:00 p.m. due to an "adverse health event" as defined in regulations adopted pursuant to the Regulatory Act.

(G) Public View of Natural Medicine Businesses; Indoor Operations Only

All doorways, windows, and other openings of natural medicine business buildings shall be located, covered, or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area, subject to applicable city design standards. All activities of natural medicine businesses shall occur indoors.

(H) Lighting of Natural Medicine Businesses

Primary entrances, parking lots, and exterior walkways shall be clearly illuminated with downward facing security lights to provide after-dark visibility for facilitators, participants, and employees, subject to all applicable lighting standards of Section 26-5-6, Outdoor Lighting.

(I) Storage at Natural Medicine Businesses

All storage for natural medicine businesses shall be located within a permanent building and may not be located within a trailer, tent, or motor vehicle.

(J) Odor from Natural Medicine Businesses

Natural medicine businesses shall use an air filtration and ventilation system designed to ensure that the odors from natural medicine and natural medicine products are confined to the premises and are not detectable beyond the property boundaries on which the facility is located. Natural medicine businesses located in a multi-unit building shall use an air filtration and ventilation system designed to ensure that the odors from natural medicine and natural medicine products are confined to the premises and are not detectable beyond the unit in which the facility is located.

(K) Secure Disposal by Natural Medicine Businesses

Natural medicine businesses shall provide secure disposal of natural medicine and natural medicine product remnants or byproducts. Natural medicine and natural medicine product remnants or by-products shall not be placed within the business' or building's exterior refuse container.

(L) Processing of Natural Medicine

(I) For purposes of this section, "processing" means the cultivation, manufacturing, and testing of natural medicine product, or preparation of natural medicine for facilitation and administration of natural medicine services.

(II) The processing of natural medicine that includes the use of hazardous materials, including, without limitation, and by way of example, flammable and combustible liquids, carbon dioxide, and liquified petroleum gases, such as butane, is prohibited.

(III) Nonhazardous materials used to process natural medicine shall be stored in a manner so as to mitigate and ensure odors are not detectable beyond the property boundaries on which the processing facility is located or the exterior walls of the processing facility associated with the processing of natural medicine.

(IV) The processing of natural medicine shall meet the requirements of all adopted city building and life and safety codes.

(V) The processing of natural medicine shall meet all requirements of all applicable water and sewer regulations of the City.

(M) Nuisance

It is unlawful and deemed a nuisance to operate a natural medicine business in violation of any of the requirements set forth in the Regulatory Act or any of the requirements in this LUC and the Code of Ordinances.

(9) Adult Entertainment

(A) No adult entertainment use is allowed within 1,200 feet of any residentially zoned property, property used for a dwelling(s), school, assembly use, public park, other adult entertainment use, or liquor licensed establishment subject to the Colorado Liquor Code, all of which are collectively referred to as protected properties. This distance is measured from the closest property line of the protected property to the closest property line of the adult entertainment use.

(B) Adult use buildings, entries, windows, and openings shall be located, covered, or screened in a manner to prevent a view into the interior from any public or private street or other public or semi-public area.

(10) Recreation and Entertainment, Indoor

The maximum gross floor area of the structure containing this use is limited to 10,000 square feet in the NC district.

(11) Recreation and Entertainment, Outdoor

(A) No outdoor recreation and entertainment uses shall be permitted within 500 feet of a Neighborhood district or residential use.

(B) All activities shall comply with Chapter 75, Article X, Noise of the Code of Ordinances regarding permissible levels of noise and shall be conducted so as to avoid the creation of any noise that would create a public nuisance interfering with the use and enjoyment of adjacent properties.

(12) Recreational Vehicle Park or Campground

(A) Permits and Licenses Required

In addition to the Special Use review approval, a recreational vehicle park or campground license is required to operate and maintain a recreational vehicle park or campground in the City of Lafayette.

(B) Maximum Density

Recreational vehicle parks or campgrounds shall not exceed 12 sites per net acre.

(C) Sites

(I) Each site shall be clearly marked and identified with a sign or symbol attached to a post or tree on or near the site, indicating the type of recreational vehicle that may be parked on the site, if any.

(II) Each site that accommodates a recreational vehicle shall include a parking space for one vehicle in addition to the recreational vehicle. That parking space shall be constructed so no portion of the vehicle extends onto any roadway within or adjacent to the campground or recreational vehicle park.

(III) No permanent or semi-permanent structures, such as cabins, lean-tos, accessory structures, sheds, or habitable buildings, whether placed on a permanent foundation or not, shall be erected on a site except by the owner/operator of the property when used in connection with the operation or maintenance of the property.

(D) Refuse, Waste, and Recycling Disposal

(I) The storage, collection and disposal of refuse, waste, compost, and recycling materials shall control odors, rodents, wildlife, insects, accidents, fire hazards, air pollution, or other nuisance conditions.

(II) The number of containers used and the frequency of collection shall be sufficient to prevent overfilled containers. Refuse shall be routinely collected and removed from the premises a minimum of once weekly. Refuse shall be disposed of at a lawful disposal site in accordance with requirements of the Colorado Disposal Sites and Facilities Act.

(III) All refuse, waste, compost, and recycling materials shall be stored, collected and disposed of as prescribed by Chapter 100, Solid Waste, of the Code of Ordinances.

(E) Sanitary Facilities

(I) Every recreational vehicle park or campground shall include a minimum of one sanitary facility.

(II) All sanitary facilities shall comply with the requirements of the Americans with Disabilities Act (ADA) Standards for Accessible Design.

(III) Required toilet, lavatory, and bathing fixtures shall be provided in accordance with the Colorado department of public health and environment's regulations for campgrounds and recreation areas.

(F) Sanitary Waste Station

(I) A minimum of one sanitary waste station shall be provided in all new recreational vehicle parks or campgrounds that accommodate recreational vehicles where individual sewer hookups are not available for all sites.

(II) The sanitary waste station shall be connected to the campground and recreational vehicle park water supply and provide facilities for washing recreational vehicle waste-holding tanks and for cleaning the general area of the sanitary station.

(G) Fire Protection

(I) Recreational vehicle parks or campgrounds shall be subject to the fire rules and regulations of the city.

(II) The site shall be kept free of litter, rubbish and other flammable materials.

(III) Portable fire extinguishers of a type approved by the fire prevention authority shall be kept in service buildings, and at all other locations designated by such fire prevention authority, and shall be maintained in good operating condition.

(IV) Fire hydrants shall be located in accordance with city standards, regulations and ordinances.

(V) Fires shall be made only in stoves, and other equipment intended for such purpose, such as fire rings or designated firepits.

(13) Retail Sales, Neighborhood

A neighborhood retail sales establishment shall only operate between the hours of 9:00 a.m. and 8:00 p.m.

(14) Vehicle Fueling Stations and Vehicle Washes

(A) The solid wall of a vehicle wash shall be sited parallel to any public street right-of-way.

(B) Detached canopy structures shall be designed in such a manner to create a strong architectural association with the principal building.

(C) The site shall be designed to minimize interference with access and circulation on public street rights-of-way, pedestrian and bus access, and within the parking lot.

(D) The site shall provide efficient traffic flow through the site.

(d) Industrial Uses

(1) Data Center

(A) Enclosed Building

Data centers shall be entirely contained within an enclosed building.

(B) Maximum Size

The maximum size of a data center is limited to 150,000 square feet of gross floor area.

(C) Building Design

Any façade of a building that is visible from a public right-of-way shall include:

(I) Windows, doors, or similar fenestration design features that are distributed horizontally across the façade and comprise no less than 30 percent of the façade's surface area;

(II) A variation in the building material or design for every 150 horizontal feet of façade surface, to include at least one of the following: building material, pattern, texture, color, or accent material.

(D) Residential Adjacency

Data centers that share a property line with a residential use or Neighborhood zoning district shall locate no structure or equipment within 1,000 feet of the shared property line.

(E) Noise Standards

All activities shall comply with Chapter 75, Article X, Noise of the Code of Ordinances regarding permissible levels of noise and shall be conducted so as to avoid the creation of any noise that would create a public nuisance interfering with the use and enjoyment of adjacent properties.

(F) Utility Capacity

(I) The applicant shall submit written verification from the electric utility provider that sufficient capacity exists to meet anticipated needs for electrical power.

(II) The applicant shall submit a water demand analysis prepared by a licensed professional engineer that demonstrates sufficient municipal water capacity exists on the site to meet all anticipated operational and fire suppression needs of the data center.

(G) Climate Controls

Facilities shall be equipped with the proper climate controls for adequate cooling of electronic equipment to occur entirely within the enclosed building.

(2) Composting or Recycling Facility

(A) All storage of material shall be in sturdy containers or enclosures that are covered, secured, and maintained in good condition, or shall be baled or palletized. Storage containers for flammable materials shall be constructed of non-flammable material. No storage, excluding truck trailers and shipping containers, will be visible above the height of the fencing.

(B) Containers shall be of sturdy, waterproof, and rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials.

(C) The facility shall include odor control measures to minimize impacts on adjacent properties.

26-3-4 Accessory Uses and Standards

(a) General

(1) An accessory use shall be permitted only in conjunction with an existing principal use.

(2) Construction of an accessory building or structure must occur concurrently with or subsequent to construction of a principal building.

(3) In the Neighborhood districts, the maximum floor area of an accessory building, excluding detached accessory dwelling units that are subject to Section 26-3-4(b), shall not exceed the lesser of 10 percent of the lot area or 750 square feet. Accessory buildings larger than those permitted by this section may be allowed through a Special Use review.

(4) In all other districts, the maximum floor area shall not exceed 30 percent of the lot area.

(5) Small accessory structures located in a side yard, such as sheds, storage buildings, or mechanical equipment shall be screened from view from any public street. This requirement does not apply to accessory dwelling units or detached garages.

(6) Flagpoles may be located one foot behind the rear edge of any sidewalk or property line, whichever location is further from the property line.

(7) Accessory structures shall not be located over a recorded easement or over any known utility.

(b) Accessory Dwelling Unit (ADU)

(1) Standards for all ADUs

(A) ADUs are permitted as an accessory use to principal single-household detached or duplex dwellings. For duplex dwellings, only attached ADUs are allowed and detached ADUS are prohibited.

(B) ADUs shall be located on the same lot as the principal dwelling unit.

(C) A maximum of one ADU is allowed per principal dwelling unit.

(D) In the OTN district, there shall be a similar level of design treatment on all sides of an ADU. Blank walls devoid of windows or other details are prohibited.

(E) Mobile homes, independent or dependent mobile homes, camping vehicles, travel trailers, or other similar structures shall be prohibited for use as an ADU.

(F) In cases of conflict between the provisions of this section and Chapter 47, Chapter 47 shall control when the property includes a structure that is a local historic landmark or within a historic district.

(2) Additional Standards for Detached ADUs

(A) The floor area of a detached ADU shall not exceed 750 square feet, unless the proposed structure meets the definition of accessible unit as defined in this LUC in which case the floor area shall not exceed 900 square feet. For the purpose of calculating the gross floor area of a detached ADU, basements shall be excluded from the calculation if the vertical distance from grade to its ceiling is five feet or less.

(B) A detached ADU may be contained within the same accessory structure or building that is provided for a separate accessory use, provided, however, that the building footprint of such combined accessory structure shall not exceed 750 or 900 square feet, as applicable.

(C) When a detached ADU is contained within the same accessory structure or building that is provided for a separate accessory use, the building height limitation applicable to accessory dwelling units shall apply to the structure.

(D) Detached ADUs shall maintain a setback from the front lot line in an amount that is equal to the required front setback for a principal structure plus an additional 10 feet. A detached ADU structure that is a local historic landmark is exempt from this requirement.

(E) Detached ADUs shall be constructed not less than six feet from the principal dwelling unit.

(F) When located on a corner lot, detached ADUs shall be oriented towards the primary street frontage or the side street frontage.

(G) To avoid potential impacts to adjacent properties, when a detached ADU is located within 10 feet from the side or rear lot line, the entrances shall be oriented away from those lot lines. Properties served by an alley are exempt from the rear lot line restriction.

(H) Tiny houses, as defined in this LUC, shall be permitted as ADUs provided they meet all of the standards set forth in this section.

(3) Additional Standards for Attached ADUs

The floor area of an attached accessory dwelling unit shall not exceed 50 percent of the floor area of the principal dwelling unit or 1,000 square feet, whichever is less, except that if the ADU is constructed in an attic, second floor, or basement area, its maximum size shall be the entirety of the attic, second floor, or basement area, respectively.

(c) Backyard Chickens

(1) All lots with backyard chickens shall meet the standards set forth in Section 25-99 of the Code of Ordinances.

(2) Backyard chickens shall only be permitted as an accessory use for residential and school uses in the NC, OTX, AMX, O, P, CMU and DR zoning districts.

(3) A maximum of 10 chickens is permitted per residence or school.

(d) Beekeeping

(1) All beekeeping activities shall meet the standards set forth in Section 25-100 of the Code of Ordinances.

(2) Beekeeping shall only be permitted as an accessory use for residential and school uses in the NC, OTX, AMX, and DR zoning districts.

(e) Drive-through Facility, Multi-tenant

(1) Menu boards and directional signs shall be orientated away from public street rights-of-way and to the interior of the lot to the maximum extent practicable. In cases where menu boards and directional signs are orientated to, or visible from, a public right-of-way the view of the signage shall also be screened through the use of landscaping, berms, walls, or other site design techniques.

(2) In cases where a drive-through window or aisle is orientated to, or visible from, a public street right-of-way, the view of the drive-through facility shall be screened from the public street right-of-way by the use a minimum three-foot high berm, slope or masonry wall, or other site design techniques. Landscaping shall be used to soften the berm, slope or masonry wall.

(3) The drive-through service components including ordering areas, pick-up windows, and associated stacking lanes shall not occupy more than 50 percent of the total length of building wall to which the drive-through facility is attached.

(4) The entrance to each drive-through lane/aisle and the direction of traffic flow shall be clearly designated by signs and pavement marking or raised curbs.

(5) Drive-through facilities shall be designed and located to avoid impairing pedestrian mobility or creating risks to pedestrian safety.

(6) All drive-through facilities shall comply with the stacking standards in Section 26-5-3(j).

(f) Drive-through Facility, Standalone

(1) Menu boards and directional signs shall be orientated away from public street rights-of-way and to the interior of the lot to the maximum extent practicable. In cases where menu boards and directional signs are orientated to, or visible from, a public right-of-way the view of the signage shall also be screened through the use of landscaping, berms, walls, or other site design techniques.

(2) In cases where a drive-through window or aisle is orientated to, or visible from, a public street right-of-way, the view of the drive-through facility shall be screened from the public street right-of-way by the use a minimum three-foot high berm, slope or masonry wall, or other site design techniques. Landscaping shall be used to soften the berm, slope or masonry wall.

(3) The entrance to each drive-through lane/aisle and the direction of traffic flow shall be clearly designated by signs and pavement marking or raised curbs.

(4) Drive-through facilities shall be designed and located to avoid impairing pedestrian mobility or creating risks to pedestrian safety.

(5) All drive-through facilities shall comply with the stacking standards in Section 26-5-3(j).

(g) Family Child Care Home, Small or Large

This use shall comply with all applicable state licensing requirements, including without limitation the Family Home Child Care License applicable to the population for which care is being provided, and shall maintain such license in effect at all times when care is being provided.

(h) Home-Based Business

(1) The following home-based businesses are prohibited in all districts:

(A) Vehicle and equipment repair;

(B) Construction equipment storage yards;

(C) Occupations that cause an increase to vehicle or pedestrian traffic beyond that normally generated by residential uses in the vicinity;

(D) Occupations that involve the commercial storage, use, or handling of toxic, hazardous, or flammable materials;

(E) Any use involving medical procedures or body modifications including but not limited to injections, tattoos, and micro-blading; and

(F) Other similar uses that generate undue noise, odor, dust, smoke, glare, heat vibration, or similar disturbances not generally experienced in residential neighborhoods.

(2) Only a person or persons maintaining the dwelling as their primary residence shall operate the home-based business.

(3) The home-based business shall have a maximum of two employees who do not reside on the property but are regularly present at the property for purposes of conducting or supporting the home-based business.

(4) No more than 25 percent of the floor area of the dwelling unit is used for the business. An accessory building may be used provided the floor area limitation is not exceeded and the accessory building can be converted to a common accessory building on termination of the home-based business.

(5) The structure shall maintain a residential appearance. The on-site storage of goods, materials, and equipment shall be entirely within the interior of a principal or accessory structure, excluding those areas necessary to support backyard chickens, beekeeping, and accessory urban agriculture as defined in this LUC.

(6) No truck or van with a gross vehicle weight greater than 16,000 pounds shall be parked on the site or in front of the site on a regular basis.

(7) One sign not to exceed two square feet in area and mounted flat against the building is allowed.

(i) Outdoor Display and Sales

(1) The display and sale of items shall be part of or related to the business located permanently within the principal building on the property where the display or sale is occurring.

(2) The display and sales area shall be outside any required parking, traffic circulation, right-of-way, or landscaping area that serves the site.

(3) The display and sales area cannot be any larger than the square footage of the principal building on the lot, excluding those areas located in an M2 or M3 zoning district.

(4) Accessory outdoor storage areas shall be maintained in an orderly manner with no junk, trash, or debris.

(j) Outdoor Storage, Accessory

(1) The storage of items shall be part of or related to the business located permanently within the principal building on the property where the storage is occurring.

(2) The accessory outdoor storage area shall be outside any required parking, traffic circulation, right-of-way, or landscaping area that serves the site.

(3) In the M1 and AMX districts, the accessory outdoor storage area shall not exceed 25 percent of the total lot area.

(4) Accessory outdoor storage areas shall be effectively screened from any residential use or Neighborhood zoning district.

(5) Accessory outdoor storage areas shall be maintained in an orderly manner with no junk, trash, or debris.

(k) Recreational Vehicles and Trailers

(1) Recreational vehicles or trailers that are stored on private property, shall be stored parallel with the driveway and behind the front yard setback or on a paved area.

(2) No recreational vehicle or trailer shall not be stored within a sight triangle as provided in Section 26-8-2(c), Sight Vision Clearance Area.

(3) No recreational vehicle or trailer shall be stored on private property in such a manner that it projects over a public right-of-way, is located within 18 inches of a public sidewalk, or interferes with public utilities including manholes.

(4) No more than one recreational vehicle and one trailer may be stored within the front yard area.

(l) Short-Term Rentals

(1) Accessory Use Only

Short-term rentals shall be clearly incidental and subordinate to the principal use of a dwelling unit as a primary residence on the lot on which the short-term rental is located.

(2) License Required

It is unlawful to operate any short-term rental in the city without first obtaining a short-term rental license that has been duly issued pursuant to Section 55-63 of the Code of Ordinances.

(3) Primary Residence

It shall be unlawful for any person to operate a short-term rental in a dwelling unit that is not the person's primary residence, except as provided in subsection 4 of this section.

(4) Primary and Accessory Dwellings

On lots where there is both a single-household detached dwelling unit and accessory dwelling unit, short-term rentals are allowed in either dwelling unit; however, a short-term rental cannot be operated in the principal single-household detached dwelling unit by a person maintaining their primary residence in the accessory dwelling unit.

(5) Allowed Signage

A short-term rental shall be allowed one non-illuminated (neither internally nor indirectly illuminated) wall or window sign, not to exceed one and one-half square feet in size.

(6) Safety Requirements

During each short-term rental occupancy, each short-term rental shall be equipped with the minimum facilities required in applicable building codes, including, but not limited to, a smoke detector, carbon monoxide detector, and fire extinguisher. The Planning Director may inspect the dwelling unit proposed to be licensed for the purpose of verifying compliance with such requirements. Refusal by the applicant to allow such inspection shall be grounds for denial, non-renewal, suspension, or revocation of a short-term rental license issued pursuant to Section 55-63 of the Code of Ordinances.

(7) Maximum Guests Permitted

The maximum number of persons allowed to occupy a short-term rental shall not exceed two persons per bedroom, plus two persons.

(8) Parking

Parking intended to serve a short-term rental shall be located on the same lot as the short-term rental unless there is no established parking on the lot. A maximum of two vehicles are permitted to park off-site when there is no established parking on the property.

(9) Simultaneous Short-Term Rentals Prohibited

Short-term rentals shall not include simultaneous rental to more than one party under separate contracts. This limitation is intended to prevent more than one short-term rental contract from operating within the same dwelling unit at the same time, or within a dwelling unit and its associated accessory dwelling unit at the same time. This limitation applies even when multiple short-term rental license holders maintain the same dwelling unit as their primary residence.

(10) Local Responsible Party

During every short-term rental period, the property owner or the property owner's designated local responsible party shall be available 24 hours per day, seven days per week, for the purpose of responding within one hour to complaints regarding the condition or operation of the short-term rental or the conduct of persons at the short-term rental. For purposes of this section, "local responsible party" shall have the meaning set forth in Section 55-62 of this Code of Ordinances.

(m) Accessory Use, Other

The Planning Director may approve an accessory use not otherwise listed specifically in Table 26-3-1: Use Table. The proposed accessory use shall not create significant adverse impacts on the public health, safety, or general welfare, or on surrounding properties.

26-3-5 Temporary Uses and Structures

(a) General

(1) The temporary use shall place all temporary structures, vehicles, and signs outside of any sight triangle, required setback, required parking stall (except as permitted for temporary,

outdoor display sale of merchandise), service drive area, designated trash dumpster location, sidewalk, and any other position on a lot that may interfere with vehicular or pedestrian circulation, or the normal functions of other uses on the property, or be potentially hazardous to the public.

(2) Unless otherwise specified or further restricted in this section, a temporary use shall not exceed 180 consecutive days.

(3) Each parcel or lot is limited to the operation of one temporary use at a time.

(4) All outdoor temporary use areas shall be kept clean, free of garbage and litter, and in good repair at all times.

(5) No temporary use may begin operation before approval of a Temporary Use Permit pursuant to Section 26-7-4(a)(10).

(b) Mobile Food Truck

(1) Mobile food trucks are prohibited on vacant lots and lots with unoccupied structures or unpaved surfaces.

(2) Mobile food trucks shall be located at least 150 feet from any restaurant, measured in a direct line from the mobile retail food establishment to the nearest edge of the building of a restaurant unless written permission is obtained from all restaurants within 150 feet of the proposed mobile food truck location.

(3) A Mobile Food Vending License issued by Boulder County is required and must be kept with the mobile food truck and presented to authorized City officials upon request.

(4) Operators are responsible for obtaining consent of property owners to operate on private property.

(5) Operators are responsible for maintaining trash receptacles and maintaining all areas used for food vending in a safe and clean condition and must dispose of all waste in accordance with Boulder County Public Health regulations.

(6) Mobile food trucks shall be removed from any site at the end of each business day.

(7) Mobile food trucks shall obey all parking and traffic laws and shall not obstruct pedestrian or bicycle access to a public street, alley, path, or sidewalk.

(8) If canopies, umbrellas, tables or chairs are to be set up around the mobile food truck, those structures shall not:

(A) Obstruct the pedestrian or bicycle access or the visibility of motorists, nor block access to a public street, alley, path, or sidewalk; or

(B) Be located upon a public sidewalk within the extended boundaries of a crosswalk, or within ten feet of the extension of any building entranceway, doorway, or driveway.

(9) A Temporary Use Permit for a mobile food truck shall be valid for a maximum of 12 months from the date of issuance.

(c) Real Estate Office, Construction Office or Storage Building

(1) Temporary real estate offices, construction offices, and storage buildings may be permitted for the period of between 30 days before and 30 days after the construction activity. All temporary facilities shall be removed within 30 days after the completion of construction.

(2) The uses shall be located in accordance with all principal building setbacks for the zoning district in which they are located.

(3) Signage shall conform to the provisions of Section 26-5-7, Sign and Attention-Getting Device Regulations.

(d) Temporary Outdoor Sales, Storage or Display

(1) The occupant of a building may engage in the temporary outdoor sale, storage or display of general merchandise on the lot or tract occupied by the building provided the occupant complies with the conditions listed below:

(A) Each applicant shall obtain a Temporary Use Permit and must possess a current city sales tax license.

(B) Any signage proposed to be displayed by the applicant must comply with the permit requirements of Section 26-5-7, Sign and Attention-Getting Device Regulations.

(C) In each calendar year, the aggregate total number of days for which a temporary outdoor sales, storage or display permit is granted shall not exceed 120 days per lot or tract.

(D) The applicant shall demonstrate there will be adequate parking for the existing uses as well as the proposed temporary outdoor sales, storage or display.

(E) All trucks, tents or other structures, including associated parking, shall be located on asphaltic, concrete or equivalent surface unless the applicant can demonstrate no adverse effect on drainage or access as determined by the Planning Director.

(F) The outdoor location shall not interfere with public passage or the otherwise normal flow of pedestrian or vehicular traffic.

(G) The Planning Director may refer the application to other City departments or external agencies if they determine that the proposed outdoor location presents potential risks to persons or property sufficient to warrant such additional review.

(H) The outdoor location may be on an adjacent public sidewalk, provided that the applicant executes a license and indemnity agreement in form required by the City.

(2) A person other than the occupant of a building may engage in the temporary outdoor sale, storage or display of general merchandise on the lot or tract occupied by a building, provided, however, that prior to engaging in the temporary outdoor sale, storage or display, the applicant provides written permission from the property owner and a plan for storage of any vending cart or motorized vehicle for hours of nonoperation, in addition to complying with the conditions listed above.

(e) Temporary Use, Other

The Planning Director may approve a Temporary Use Permit for temporary uses not otherwise listed specifically in Table 26-3-1: Use Table. The proposed temporary use shall not create significant adverse impacts on the public health, safety, or general welfare, or on surrounding properties.

ARTICLE 26-4. NATURAL RESOURCE PROTECTION

26-4-1 Purpose

The purpose of this section is to:

(a) Implement those policies from the Comprehensive Plan and other plans adopted by the City related to natural resource protection;

(b) Guide development and land use within environmentally sensitive lands or other areas containing natural resources that need to be protected;

(c) Protect the public from avoidable financial expenditures for hazard control projects, hazard relief measures and damages to public utilities, streets, and bridges;

(d) Protect people and property and minimize damage from possible hazards; and

(e) Provide a mechanism by which people owning/purchasing land can gain information about the land and whether the land is suitable for development.

26-4-2 Applicability

This section shall apply to all new development, redevelopment, and subdivision of land, unless further limited by the provisions below or by another section of this LUC.

26-4-3 Floodplain

Development within special flood hazard areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of the city shall comply the standards set forth in Article 26-9, Floodplain Standards.

26-4-4 Wetlands

Development that disturbs wetlands as defined in this LUC shall comply with all applicable state and federal permitting requirements. Approval under this LUC does not authorize any activity requiring separate approval from the Water Quality Control Division, the U.S. Army Corps of Engineers, or any other agency with jurisdiction.

26-4-5 Wildlife Habitat and Natural Area Preservation

(a) Purpose

The purpose of this section is to protect areas of significant value as feeding, living, breeding area, or migration corridors between such areas for a diverse variety of wildlife species.

(b) Citywide Map and Affected Properties

(1) The City shall maintain a Citywide map that identifies priority significant natural areas and wildlife habitat, including Bullhead Gulch, Coal Creek, preserved open spaces, and other mapped areas or features.

(2) Affected properties include properties located within 100 feet of the mapped boundary of a significant natural area or wildlife habitat.

(c) Applicability

This section shall apply to affected properties as follows:

(1) Existing Development

Existing development on an affected property shall comply with the fencing, exterior lighting, and domestic animal standards of this section.

(2) New Development and Redevelopment

New development and redevelopment on an affected property shall comply with this section, except as exempted in Subsection (3) below.

(3) Exemptions

Except for the standards applicable to existing development, this section shall not apply to:

(A) Agricultural activities, such as soil preparation, irrigation, planting, harvesting, grazing, and agricultural operation ponds;

(B) Redevelopment or additions to existing structures on sites that have already been developed, provided the changes do not extend beyond the existing disturbed area on the site;

(C) Maintenance and repair of existing roads, utilities, and other public facilities within an existing right-of-way or easement;

(D) Maintenance and repair of flood control structures and activities in response to a flood emergency; or

(E) Wildlife habitat enhancement and restoration activities.

(d) Ecological Assessment

(1) An ecological assessment shall be submitted for the following applications on an affected property:

(A) Annexation;

(B) New residential development with five or more dwelling units or lots;

(C) Nonresidential development that disturbs 10,000 square feet or more; or

(D) Any other new development or redevelopment for which the Planning Director determines that an ecological assessment is necessary to evaluate potential impacts to significant natural areas or wildlife habitat.

(2) The ecological assessment shall be prepared in the appropriate season by a qualified professional approved by the City and shall include a statement of independence and disclosure of any conflicts of interest. The assessment shall describe:

(A) The wildlife use of the area showing the species of wildlife using the area, the times or seasons that the area is used by those species and the "value" (meaning feeding, watering, cover, nesting, roosting, perching) that the area provides for such wildlife species;

(B) Notable habitat features;

(C) Wildlife movement corridors;

(D) Notable plant communities, including the species and locations of any significant native trees or native vegetation;

(E) The general ecological functions provided by the site and its features;

(F) Any issues regarding the timing of development-related activities stemming from the ecological character of the area; and

(G) Any measures needed to mitigate the projected adverse impacts of the development project on natural habitats and features.

(e) Setbacks

(1) Where the ecological assessment identifies significant natural areas or wildlife habitat on or adjacent to the site, development shall have a minimum setback of 50 feet from the identified area or habitat unless Colorado Parks and Wildlife recommends a lesser or greater distance based on the presence of specific wildlife species. The setback shall be measured in a straight line without regard to topography from the outer edge of the natural habitat or feature to the nearest area of disturbance or construction activity.

(2) No disturbance or construction activity shall occur within the setback, except for the following limited purposes:

(A) Utility installations when the installations cannot reasonably be located outside the setback or other nearby areas of development;

(B) Construction of a trail or pedestrian walkway that will provide public access, provided that the trail or walkway is compatible with the ecological character or wildlife use of the natural habitat or feature; and

(C) Construction or installation of recreation features or public park elements, provided that the features or elements are compatible with the ecological character or wildlife use of the natural habitat or feature.

(f) Wildlife Corridor Connections

(1) As determined by the ecological assessment, wildlife corridors shall be provided to connect the site to off-site natural habitats or features.

(2) Wildlife corridors shall be designed and constructed to allow for the continuance of existing wildlife movement between natural habitats or features and to enhance the opportunity for the establishment of new connections between areas for the movement of wildlife.

(g) Fencing

Fencing on an affected property shall comply with the following standards:

(1) No fencing shall exceed 40 inches in height, unless the Planning Director determines that:

(A) A fence exceeding 40 inches in height is necessary to confine permitted domestic animals or to protect permitted ornamental landscaping or gardens; or

(B) Any portion of the fence exceeding 40 inches in height includes at least one opening at least six feet wide along each 50 feet of horizontal fence distance to allow the passage of deer, elk, or other identified wildlife.

(2) Mesh or woven wire fences are prohibited.

(3) Wood rail fencing shall employ three rails or less, be the round or split rail type, shall not exceed 12 inches in width, top view, and shall have at least 18 inches between the lower two rails.

(4) Wire fencing shall be three strands or less. The top wire should be a 12.5 gauge twisted barbless type. The middle strands, which may be barbed, should be located a minimum 12 inches apart and from the top wire preventing entanglement when mule deer jump over. The bottom strand shall be 16 inches from the ground.

(5) The design and materials used in the construction of the fence shall be approved by the Planning Director based on the types of wildlife intended for protection and the potential risks to those species of wildlife.

(h) Outdoor Lighting

Use of outdoor lighting shall be minimized on affected properties and lighting shall be designed so that it does not spill over or onto significant natural areas or wildlife habitat. All lighting fixtures shall be downward directed and comply with the standards in Section 26-5-7, Outdoor Lighting.

(i) Domestic Animals

Development applications for property that includes important wildlife habitat shall include a plan with specified enforcement measures for the control of domestic animals and household pets. The plan shall include provisions to prevent the harassment, disturbance and killing of wildlife and to prevent the destruction of important wildlife habitat.

ARTICLE 26-5. SITE PLANNING AND DEVELOPMENT STANDARDS

26-5-1 Purpose

The purpose of the site planning and development standards is to regulate the physical layout and design of development within Lafayette to ensure the protection of the health, welfare, safety, and quality of life. These standards address the physical relationship between development and adjacent properties, the multimodal transportation system, and the natural environment, in order to implement the Comprehensive Plan and other adopted plans' vision for a resilient and sustainable community with welcoming public spaces and unique neighborhoods.

26-5-2 Access and Connectivity

(a) Purpose

The purpose of this section is to balance the safety and needs of all transportation modes to ensure an efficient transportation system for pedestrians, cyclists, transit and other vehicles.

(b) Applicability

This section shall apply to:

(1) New development; and

(2) Redevelopment, infill, and changes to building or site elements in accordance with Section 26-7-4(a)(8), Site-Specific Adjustment.

(c) Compliance with Plans and Technical Standards

All streets, sidewalks, and multimodal improvements shall be provided and constructed in accordance with the Multimodal Transportation Plan, the Public Works Standards and Specifications, and any applicable regional transportation plans or studies.

(d) Circulation Plan

(1) Site Plan Review applications shall include a circulation plan that addresses street connectivity, emergency and service vehicle access, parking movements, bicycle movements, transit movements, pedestrian movements, accommodation of loading operations, turning radii, and traffic calming measures.

(2) Internal access and circulation systems shall be designed to minimize conflict between all modes of transportation.

(e) Vehicular Circulation

(1) Streets

All street design and construction shall comply with the standards in Section 26-6-7, Streets, Alleys, and Easements.

(2) Access

(A) Site layout and access design shall minimize, to the extent feasible, the number of traffic conflict points on a site by defining and consolidating internal driveways or access points.

(B) All development shall provide no more than one external access point. The Public Works Director may require additional access points if they determine the proposed use needs them to accommodate anticipated traffic, allow access by emergency services, or that additional access points would benefit traffic flow and the safety or pedestrians, bicycles, and vehicles using the street.

(C) Turn lanes shall be provided where appropriate or warranted.

(f) Pedestrian Circulation

The following standards shall apply to development on lots or parcels where the required site elements in paragraphs (1) and (2) below were not provided at the time of subdivision approval or through construction of subdivision related improvements in accordance with Section 26-6-8(a).

(1) Sidewalks Required

(A) Sidewalks shall be provided along all public streets in accordance with Section 105-28 of the Code of Ordinances.

(B) Sidewalks shall be at least five feet wide. The Planning Director may increase this minimum width to eight feet where warranted by anticipated pedestrian activity including areas near transit stops, mixed-use or commercial areas, or other pedestrian-generating destinations.

(C) Sidewalks, including ramps, curbs, and gutters shall be designed and constructed in compliance with the Public Works Standards and Specifications.

(2) On-Site Pedestrian Connections

(A) Sidewalks shall be designed to allow convenient pedestrian access through or across the development and shall connect with sidewalks of adjacent properties in accordance with the Pedestrian Plan in the Multimodal Transportation Plan.

(B) All multi-household dwellings, mixed-use, commercial, and industrial development shall provide a network of safe, reasonably direct, and convenient on-site pedestrian walkways. The walkways shall be a minimum width of five feet and built from the entrances of each residential, mixed-use, and commercial building on the site, including pad site buildings, to all existing and planned:

(I) Parking areas and bicycle parking facilities;

(II) Open spaces, trails, public parks, and greenways that abut the site;

(III) Public sidewalks or walkways on adjacent properties that abut the site; and

(IV) Adjacent transportation centers, transit stops and shelters, public parks, greenways, schools, community centers, and shopping areas.



Figure 26-5.A: On-Site Pedestrian Connections

(C) On-site pedestrian walkways and crosswalks shall be identified through the use of one or more of the following methods:

(I) Changing paving material, patterns, or paving color (does not include the painting of the paving material);

(II) Changing paving height;

(III) Vertical wayfinding including bollards or signage; and/or

(IV) Raised median walkways with landscaped buffers.

(D) At least one walkway within the development shall provide a direct link between the primary entrance and the sidewalk adjacent to the principal public right-of-way.

(E) Pedestrian walkways, ramps, and transit stops shall be ADA compliant.

(F) For the comfort and convenience of pedestrians, when designing walkways internal to the development, the City encourages the inclusion of landscaping treatments such as benches, trash receptacles, shade trees and/or other vegetative cover.

(g) Bicycle Circulation

The following standards shall apply to development on lots or parcels where the required site elements in paragraphs (1), (2), and (3) below were not provided at the time of subdivision approval or through construction of subdivision related improvements in accordance with Section 26-6-8(b).

(1) All new development, except individual lot development of single-household detached, duplex, or single-household attached dwellings, shall be served by an internal bicycle circulation system (including shared roadway lanes, widened outside roadway lanes, bicycle lanes, shoulders, and/or separate bicycle paths) that permits the safe movement of bicyclists among the following origin and destination points within the development to the maximum extent practicable.

(A) Bicycle parking facilities or areas near the primary entrance(s) of principal buildings (or the buildable area of lots, for subdivisions), as well as any adjacent transportation

center, transit stops and shelters, public parks, greenways, schools, community centers, and shopping areas;

(B) Any future designated or planned bus stops and shelters;

(C) Recreation facilities and other common use area and amenities.

(2) The development's internal bicycle circulation system shall not conflict with the safe movement of vehicles between the development's internal origin and destination points.

(3) Sidewalks shall not be used to satisfy the bicycle circulation requirement.

(h) Cross-Access between Adjacent Mixed-Use and Nonresidential Uses

All development or redevelopment in the NC, M1, and CMU districts shall comply with the following standards.

(1) To the maximum extent practicable, each lot layout shall be designed to allow for cross-access to adjacent properties to encourage shared parking and shared access points to a street. This may be established by one or more of the following:

(A) Connecting streets and driveways;

(B) Coordinating parking lot and parking structure entrances;

(C) Common service/delivery areas;

(D) Legally shared parking lots and parking structures;

(E) Linkages between parking lots and parking structures; or

(F) Providing shared access for two adjacent lots from public rights-of-way to minimize driveways.

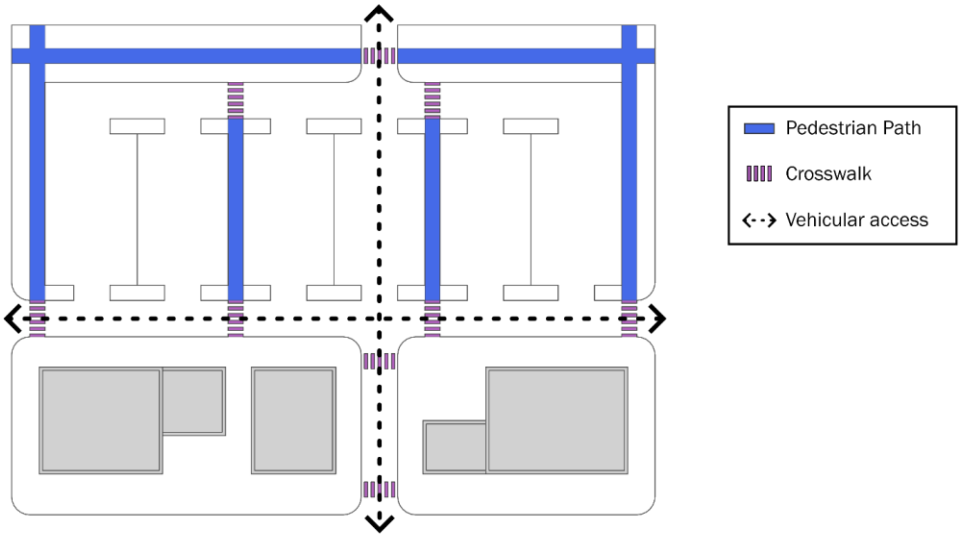


Figure 26-5.B: *Cross-Access Between Uses*

(2) When cross-access is deemed impractical by the Planning Director on the basis of topography, the presence of natural features, or vehicular, bicycle and/or pedestrian safety, this requirement may be waived provided that appropriate bicycle and pedestrian connections are provided between adjacent multi-household, mixed-use or nonresidential developments or land uses.

(i) Transit Stops

(1) Where an adopted plan of the City or a transit agency recognized by the City identifies a future transit stop location, no permanent or temporary structure shall be located in any portion of the site identified for that transit stop, or for access points or parking facilities required by this LUC. Transit footings or structures shall be installed at the time of development of the site to the maximum extent practicable.

(2) Use of those portions of the site shall be limited to a transit stop and required landscaping and buffering until arrangements for the dedication or acquisition of that portion of the site for transit stop purposes is finalized, or until the City or the transit agency that designated the location indicates in writing that it is no longer needed for transit stop purposes.

26-5-3 Off-Street Parking and Loading

(a) Purpose

The purpose of this section is to regulate the amount and design of off-street parking and loading for different land uses to help protect the public health, safety and general welfare by:

(1) Mitigating traffic congestion;

(2) Providing for safe and convenient interaction between motor vehicles, bicycles, and pedestrians;

(3) Encouraging multi-modal transportation options and enhanced pedestrian safety;

(4) Providing flexibility to respond to the transportation, access, and loading impacts of various land uses in different areas of the city; and

(5) Mitigating the adverse visual impact of large concentrations of exposed parking and loading areas including parking docks and ramps.

(b) Applicability

(1) General Applicability

(A) This section shall apply to:

(I) New development;

(II) Redevelopment, infill, and changes to building or site elements in accordance with Section 26-7-4(a)(8), Site-Specific Adjustment; and

(III) Changes of use.

(B) Should the owner or occupant of any lot or building change the use of the lot or building thereby increasing off-street parking or loading requirements, the new use may not be started until the increased off-street parking or loading requirements are met or otherwise adjusted through the alternative parking options in Section 26-5-3(h).

(2) Interpretations

For specific uses not listed in Table 26-5-1: Minimum Off-Street Vehicle Parking Requirements, the Planning Director shall determine the appropriate number of parking spaces required pursuant to the procedure in pursuant to the procedures in 26-7-4(a)(1), Land Use Code Interpretation. In making their decision, the Planning Director shall consider the type of activity, intensity, number of employees, square feet of floor area, and similarity to listed uses.

(c) Parking Plan

(1) No Building Permit or other development approval shall be issued until the applicant provides plans that show the location of any required off-street parking spaces and loading areas.

(2) The parking plan shall include:

(A) Delineation the width, angle, and dimension of individual parking and loading spaces including standard vehicle, electric vehicle, accessible, and bicycle parking;

(B) Circulation area necessary to serve parking spaces;

(C) Access to streets and property to be served;

(D) Curb cuts;

(E) Dimensions, continuity and substance of screening;

(F) Grading, drainage, and surfacing details;

(G) Delineation of obstacles to parking and circulation in finished parking area;

(H) Specifications relating to signs and bumper guards;

(I) Lighting plan;

(J) Landscaping; and

(K) Other pertinent required data.

(d) Parking Calculations

(1) All parking and loading requirements that are based on square footage shall be calculated on the basis of gross floor area of the subject use, unless otherwise specified.

(2) Parking spaces designed or designated exclusively for recreational vehicles, motorcycles, scooters, and other two-wheeled vehicles shall not be included in the calculation of minimum or maximum vehicle parking requirements.

(3) Parking spaces intended for storage of business vehicles, such as fleet vehicles, delivery vehicles, or vehicles on display associated with sales or rental shall not be included in the calculation of minimum or maximum vehicle parking requirements unless otherwise stated.

(4) When measurements of the minimum or maximum number of parking or loading spaces (including bicycle parking) results in a requirement of a fractional number, any fraction shall be rounded down.

(5) Lots containing more than one use shall provide parking and loading based on the shared parking calculations in Section 26-5-3(h)(2).

(e) Minimum Off-Street Vehicle Parking Spaces Required

No property shall be used, nor shall any structure be erected, altered or added to, unless off-street parking space is provided by the owner of the property or structure in the minimum amount as is specified in Table 26-5-1 below or as otherwise provided for in this section.

Table 26-5-1: Minimum Off-Street Vehicle Parking Requirements
GFA = Gross Floor Area

	Minimum Vehicle Parking
Residential Uses	

Table 26-5-1: Minimum Off-Street Vehicle Parking Requirements
GFA = Gross Floor Area

	Minimum Vehicle Parking
Household Living	
Dwelling, single-household detached	1 per unit
Dwelling, tiny house	1 per unit
Dwelling, duplex	1 per unit
Dwelling, single-household attached (townhomes)	1 per unit
Dwelling, single household attached (triplex/fourplex)	1 per unit
Dwelling, multi-household	≤3 bedroom: 1 per unit 4+ bedroom: 2 per unit +10% of unit total: guest parking
Dwelling, live/work	1 per unit
Courtyard development	1 per unit
Manufactured home community	1 per unit
Group Living	
Continuing care facility	0.25 per assisted living bed 1 per independent living bed
Group home, FHAA	1 per Single-household detached dwelling structure 0.5 per other dwelling type
Group residential facility	0.5 per bed
Public, Institutional & Civic Uses	
Community & Cultural Facilities	
Assembly, Religious or Secular	2 per 1,000 square feet GFA
Day care center, adult or child	2 per 1,000 square feet GFA
Government facility	Exempt
Museum	2 per 1,000 square feet GFA
Mortuary (with or without crematorium)	2 per 1,000 square feet GFA
Parks or open space	Exempt
Public safety facility	Exempt
Private or public recreational club or facility	2 per 1,000 square feet GFA
Educational Facilities	
School, private	Elementary and Middle School: 1 per classroom High Schools: 6 per classroom
School, public	Exempt
Trade school or training facility	2 per 1,000 square feet GFA
Healthcare Facilities	
Hospital	1.5 per bed
Medical or dental clinic	3 per 1,000 square feet GFA
Commercial Uses	
Agricultural & Animal	

Table 26-5-1: Minimum Off-Street Vehicle Parking Requirements
GFA = Gross Floor Area

	Minimum Vehicle Parking
Agricultural operation	Exempt
Animal day care, grooming, or sales	2 per 1,000 square feet GFA
Community garden	Exempt
Kennel	1 per 1,000 square feet GFA
Nursery or greenhouse with retail	2 per 1,000 square feet GFA
Nursery or greenhouse without retail	1 per 1,000 square feet GFA
Urban agriculture	None
Veterinary clinic or hospital	3 per 1,000 square feet GFA
Food & Beverage Services	
Bar	2 per 1,000 square feet GFA
Craft alcohol	
Large	2 per 1,000 square feet GFA
Small	2 per 1,000 square feet GFA
Food truck court	Exempt
Neighborhood Cafe	1 per 1,000 square feet GFA
Restaurant	3 per 1,000 square feet GFA (outdoor dining areas exempt)
Lodging	
Bed and breakfast	1 per guest rental room or unit
Hotel or motel	1 per guest rental room or unit
Office & Personal Service	
Office	2 per 1,000 square feet GFA
Personal services	2 per 1,000 square feet GFA
Recreation & Entertainment	
Adult entertainment	2 per 1,000 square feet GFA
Golf course	5 per hole
Recreation and entertainment, indoor	3 per 1,000 square feet GFA
Private recreation and entertainment, outdoor	Courts: 2 per court Sport Fields: 10 per field Mini-golf: 4 per hole Concessions, office, or other indoor support space: 3 per 1,000 square feet GFA
Recreational vehicle park or campground	1 per camp site or recreational vehicle space
Retail	
Building material and supply sales	2 per 1,000 square feet GFA
Retail sales	
Neighborhood	1 per 1,000 square feet GFA
Small	3 per 1,000 square feet GFA
Medium	2.5 per 1,000 square feet GFA

Table 26-5-1: Minimum Off-Street Vehicle Parking Requirements
GFA = Gross Floor Area

	Minimum Vehicle Parking
Large	2 per 1,000 square feet GFA
Vehicles & Equipment	
Fleet services	Exempt
Parking lot or garage, commercial	Exempt
Transportation center	Exempt
Vehicle fueling station	2 per 1,000 square feet GFA
Vehicle repair, major	3 per 1,000 square feet GFA
Vehicle repair, minor	3 per 1,000 square feet GFA
Vehicle sales, rental, and leasing, heavy	3 per 1,000 square feet GFA
Vehicle sales, rental, and leasing, light	3 per 1,000 square feet GFA
Vehicle wash	1 per 1,000 square feet GFA (principal use only)
Industrial Uses	
Manufacturing & Processing	
Contractor shop and yard	2 per 1,000 square feet GFA
Data center	1 per 1,000 square feet GFA
Industrial, flex	2 per 1,000 square feet GFA
Industrial, heavy	1 per 1,000 square feet GFA
Industrial, light	2 per 1,000 square feet GFA
Mining and extraction	Exempt
Oil and gas facility and operations	Exempt
Slaughterhouse or packaging plant	1 per 1,000 square feet GFA of enclosed buildings
Storage, Wholesale & Warehousing	
Outdoor storage	1 per 1,000 square feet GFA of enclosed buildings
Self-service storage	2 per 100 storage units
Warehouse and wholesale, large	1 per 1,000 square feet of floor area
Utilities & Communication	
Battery energy storage system	Exempt
Utility facility, major	Exempt
Utility facility, minor	Exempt
Wireless communication facilities	Exempt
Waste & Salvage	
Composting facility	1 per 1,000 square feet GFA
Recycling facility	1 per 1,000 square feet GFA
Salvage yard	1 per 1,000 square feet GFA of enclosed building
Accessory Uses	
All	Exempt
Temporary Uses	

Table 26-5-1: Minimum Off-Street Vehicle Parking Requirements GFA = Gross Floor Area	
	Minimum Vehicle Parking
All	Determined by the Planning Director during the review of a Temporary Use Permit

(f) Maximum Vehicle Parking Limitations

The following use categories or types shall not provide more than 125 percent of the minimum number of off-street parking spaces required by Table 26-5-1 unless a parking alternative is approved in accordance with Section 26-5-3(h)(8), Parking Study Adjustment:

(1) Multi-household dwelling;

(2) Food and Beverage Services;

(3) Healthcare Facilities;

(4) Hotel or motel;

(5) Office and Personal Service;

(6) Recreation and Entertainment; and

(7) Medium and Large Retail Sales.

(g) Electric Vehicle Parking

(1) Electric vehicle charging stations and infrastructure shall be provided as required by the Lafayette, CO Building Code.

(2) Electric vehicle charging stations shall be counted toward satisfying minimum off-street vehicle parking space requirements.

(3) Electric vehicle charging stations shall be reserved for parking and charging electric vehicles only, and shall be signed accordingly. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that apply to any other vehicle.

(4) Vehicle charging equipment shall be designed and located so as to not impair pedestrian, bicycle, or wheelchair movement or create safety hazards on sidewalks.

(5) Information shall be posted identifying voltage and amperage levels and any type of use, fees, or safety information related to the electric vehicle charging station.

(6) A phone number or other contact information for the equipment owner and/or operator shall be provided on the equipment for reporting when it is not functioning or other problems are encountered.

(h) Parking Alternatives

(1) General

(A) The minimum and maximum parking requirements in Table 26-5-1 and Section 26-5-3(f), may be adjusted as described in this section, provided that no combination of reductions shall result in the reduction of the minimum number of parking spaces required by more than 50 percent.

(B) A parking study is required for any request to reduce minimum parking requirements by more than 50 percent.

(2) Shared Parking

(A) If two or more uses listed in Table 26-5-1 share a parking lot or structure, the total off-street parking requirement for those two combined uses shall be reduced by the percentages shown in the table below.

Table 26-5-2: Shared Parking Reductions

Property Use or Use Category [1]	Multi-Household Residential	Public, Institutional, or Civic	Food, Beverage, Lodging, Recreation, or Entertainment	Retail	Other Commercial
Multi-Household Residential	--	10%	10%	20%	30%
Public, Institutional or Civic	10%	--	20%	30%	40%
Food, Beverage, Lodging, Recreation, or Entertainment	10%	20%	--	30%	40%
Retail	20%	30%	30%	--	20%
Other Commercial Uses	30%	40%	50%	20%	--

Notes:
[1] As listed in Table 26-3-1: Use Table.

(B) To calculate the revised minimum parking requirement, calculate the minimum off-street parking requirement individually for the two uses with the highest off-street parking requirement, and then multiply that sum by the percentage shown in the cell for that combination of uses in Table 26-5-2.

(C) If more than two uses share a parking lot or structure, the reduction factors in Table 26-5-2 are applied only to the two uses with the highest parking requirements. The minimum parking required for the third and additional uses sharing the parking lot or facility are then added to the adjustment calculated in Subsection (B) above without further adjustment.

(3) On-Street Parking

Any on-street parking space in which more than one-half of the area of the parking space abuts the subject property, measured at the property line, may be counted toward the minimum number of required vehicle parking spaces on a one-to-one basis, subject to the following:

(A) On-street parking may not be used to meet the minimum off-street parking requirements for single-household detached and manufactured home residential uses.

(B) On-street parking that is subject to residential parking permit restrictions or other time restrictions shall not be used to meet any minimum vehicle parking requirements for any use.

(C) Each on-street parking space may only be counted once toward the parking requirements of the abutting lot, regardless of the number of individual buildings or tenants on the lot.

(D) Where individual on-street parking spaces are not striped or otherwise delineated, the number of eligible on-street parking spaces shall be calculated by dividing the length of available curb frontage abutting the subject property by the City's standard parallel parking space length, with any partial space rounded down.

(E) No development or use approved with an on-street parking credit shall be considered nonconforming if the on-street parking is later removed by City action and the remaining off-street vehicle parking does not meet the minimum off-street parking requirements of this section.

(4) Off-Site Parking

The Planning Director may allow required parking spaces to be provided on a building site other than that of the use for which the spaces are required. Off-site parking shall meet the following conditions:

(A) The parking area is located on land under the same ownership as the use it serves, or a recorded easement in perpetuity that has been established for the use of an off-site location for parking and filed with the County Clerk and Recorder.

(B) Off-site parking shall be located as follows:

(I) For multi-household dwellings, no more than 300 feet from any normally used entrance of the principal use served; and

(II) For nonresidential or mixed uses, no more than 600 feet from any normally used entrance of the principal use served.

(III) The above distances shall be measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.

(C) The off-site parking area shall be convenient to use without causing unreasonable:

(I) Hazard to pedestrians;

(II) Hazard to vehicular traffic;

(III) Traffic congestion;

(IV) Interference with commercial activity or convenient access to other parking areas in the vicinity;

(V) Detriment to the appropriate use of business lands in the vicinity; or

(VI) Detriment to any abutting residential neighborhood.

(5) Proximity to Transit

The minimum number of required off-street parking spaces required in Table 26-5-1, may be reduced by 10 percent for uses within one-quarter of a mile of a transportation center, measured radially in a straight line.

(6) Affordable and Senior Housing

The minimum number of required off-street parking spaces required in Table 26-5-1, may be reduced by up to 75 percent for affordable residential and senior housing developments that satisfy the following:

(A) Have a minimum of 10 dwelling units; and

(B) At least 25 percent of the dwelling units are restricted for purchase or occupancy at below-market rate levels approved by the Planning Director; or

(C) At least 75 percent of the dwelling units are restricted for purchase or occupancy by persons 65 years of age or older.

(7) Additional and Enhanced Bicycle and Electric Bicycle Parking

(A) The minimum parking required by Table 26-5-1 may be reduced by five percent if the applicant provides at least five bicycle spaces in excess of the minimum requirements of Table 26-5-6; or

(B) The minimum parking required by Table 26-5-1 may be reduced by 10 percent if the applicant:

(I) Provides at least five bicycle spaces in excess of the minimum requirements of Table 26-5-6; and

(II) Provides a dedicated bicycle storage area with at least two showers and four lockers for every shower provided.

(8) Parking Study Adjustment

(A) An applicant may submit a parking study to request a reduction in the number of minimum required vehicle parking spaces more than 10 percent or to exceed the maximum allowed parking where requested to address the nature of the operations of the proposed use.

(B) The parking study shall be prepared by a licensed professional engineer and include the following information:

(I) Estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) Parking Generation;

(II) A parking analysis of at least two comparable uses addressing demand characteristics, peak period activity, off-peak activity, and opportunities for reductions and/or off-site shared parking, Comparability will be determined by density, scale, bulk, area, type of activity, and location; and

(III) The source of data used, and methods used to develop the recommendations.

(i) Vehicle Parking Use, Location, and Design

(1) Use of Off-Street Parking Spaces

Required off-street parking spaces shall be available for the parking of operable passenger automobiles, trucks or motorcycles of residents, customers, patrons and employees and shall not be used for the storage of vehicles or material or for the parking of trucks used for conducting the business or use located on the property.

(2) Location

(A) Off-street parking spaces shall be located on the same lot as the use, unless otherwise allowed by Section 26-5-3(h)(4).

(B) All areas to be considered as off-street parking shall be unobstructed and free of other uses.

(C) Unobstructed access to and from a public street shall be provided for all off-street parking spaces.

(3) Accessible Parking

Parking shall be provided consistent with the Americans with Disabilities Act (ADA) requirements, including but not limited to the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements. The minimum number of designated parking spaces for each parking area shall comply with the table below.

Table 26-5-3: Minimum Number of Required Accessible Parking Spaces

Total Parking Space in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20 plus 1 for each 100 over 1,000

(4) Design Requirements

Parking and loading areas shall be designed in accordance with the following requirements:

(A) Surfaces

All off-street parking spaces and maneuvering areas shall be surfaced with a durable, all-weather surface, including but not limited to asphalt, concrete, paving blocks, and permeable pavers.

(B) Screening

(I) All off-street parking areas with six or more spaces shall be adequately screened from any adjoining MHC or Neighborhood district by landscaping and/or an opaque fence six feet in height. The landscaping and fencing shall be maintained in good condition at all times.

(II) Parking lots of six or more spaces located adjacent to public rights-of-way shall be screened by either a minimum 36 inch high fence, wall or berm. A landscaped berm may average 36 inches in height but may be no less than 18 inches in height from the top of the closest curb within a public right-of-way. Berms shall be planted with a combination of shrubs, ornamental grasses, groundcover, or other living plant material to provide sufficient visual screening of parked vehicles.

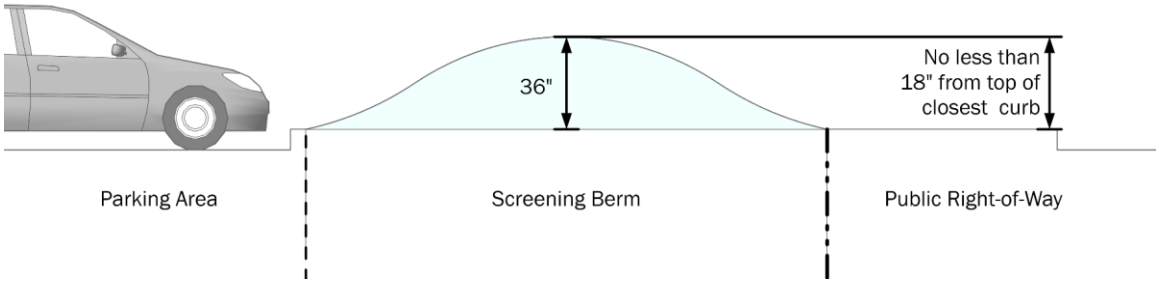


Figure 26-5.C: Parking Area Screening Requirements

(C) Maneuvering Space

All parking areas servicing a use requiring three or more parking spaces shall be designed and traffic controlled so that access to and from a public street shall require vehicular traffic to be traveling in a forward direction when entering or exiting the parking area. The off-street parking area shall further be designed so that the parking area is separated from the public street or sidewalk by a physical barrier that is adequate to prevent a vehicle from entering or exiting the parking area except by access routes indicated on the parking plans.

(D) Access

(I) Access to off-street parking areas shall be designed and constructed to facilitate the flow of traffic to provide maximum safety for traffic access and egress and maximum safety for pedestrians and vehicular traffic on the site in accordance with Section 26-5-2(e), Vehicular Circulation and the Public Works Standards and Specifications.

(II) All access or curb cut shall maintain a sight vision clearance area as defined by Section 26-8-2(c).

(III) In the OTN district, service drive access for all garages constructed after November 15, 2002, shall be from the alley if an alley abuts the rear or side lot lines of the lot, or may be from a side street if a lot is bounded on two adjacent sides by a street. Additionally, service drive access for all accessory dwelling units shall be from the alley if an alley abuts the rear or side lot lines of the lot, or may be from a side street if a lot is bounded on two adjacent sides by a street. If an alley or side street does not abut the lot, the service drive for an accessory dwelling unit shall share its access to a public street with the service drive for the principal dwelling unit.

(E) Lighting

All parking and loading areas shall comply with the applicable outdoor lighting standards of Section 26-5-6.

(5) Construction Standards

(A) The minimum dimensions of regular parking spaces shall be determined using the Table below.

Table 26-5-4: Minimum Parking Space Dimensions

Angle (A)	Stall Width (B)	Stall to Curb (C)	Aisle Width One- Way (D)	Aisle Width Two-Way	Curb Length (E)	Overhang [1] (F)
0°	9	9	12	20	23	0
30°	9	18	11	20	18	1
45°	9	20	13	20	12.7	1.5
60°	9	21	18	22	10.4	1.5
90°	9	19	24	24	9	1.5

Notes:
[1] Overhang may be used to reduce parking space length if a solid curb is installed, the overhang area is landscaped with plant material that does not exceed 12 inches in mature height, and there are no structures such as poles or vehicle charging infrastructure impeding the use of the overhang. If an attached sidewalk and curb are proposed as a wheel stop, the sidewalk must be the minimum required sidewalk width plus the overhang width.

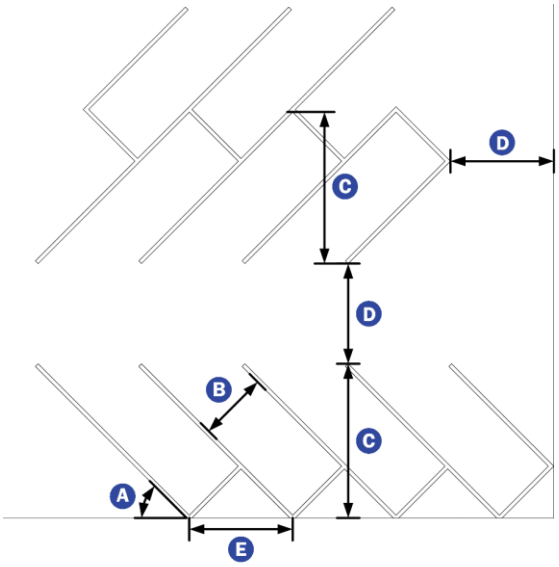


Figure 26-5.D: Minimum Parking Space Dimensions

(B) The width of accessible parking spaces shall be a minimum of eight feet. Access aisles adjacent to accessible spaces shall be a minimum of five feet wide, except as provided as follows:

(I) One in every eight accessible spaces, but not less than one, shall be served by an accessible aisle eight feet wide minimum and shall be designated "van accessible."

(II) All accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility.

(III) Spaces designed with the eight-foot wide accessible aisle shall have an additional sign "Van Accessible" mounted below the symbol of accessibility. The signs shall be located so they cannot be obscured by a vehicle parked in the space.

(j) Drive-Through Facilities, Vehicle Stacking, and Loading

(1) Prohibitions

Drive-through facilities are prohibited on lots with a single structure that are not part of a larger mixed-use or commercial development, and interior lots that take all access from a single public street.

(2) Minimum Vehicle Stacking Space Requirements

Vehicle stacking lanes for drive-through uses shall be provided according to the table below.

Table 26-5-5: Minimum Required Vehicle Stacking

Use	Required Stacking Spaces (Minimum)
Food and Beverage Uses	3 spaces per service lane
Office and Personal Services and Retail Sales	2 spaces per service lane
Vehicle Wash	3 spaces per service lane, stall, or bay
Other Uses	2 spaces per service lane, unless the stacking analysis shows and the Planning Director determines that more or fewer are required based on characteristics and anticipated use

(3) Design and Location

(A) Drive-through stacking lanes shall have a minimum width of eight feet and length of 20 feet. Stacking lanes shall be measured from the point of service.

(B) Drive-through lanes and related motor vehicle circulation shall not interfere with access to or reduce the number of motor vehicle parking spaces below the minimum required for all uses of the site, and shall not interfere with multi-modal access to, from, or through the site.

(C) All stacking lanes must be clearly identified through the use of means such as striping, landscaping, and signs.

(4) Stacking Analysis

All drive-through facilities shall be required to submit a stacking analysis prepared by a licensed traffic engineer that demonstrates compliance with this section and that includes recommendations of the length and number of stacking lanes to be associated with the proposed business in order to:

(A) Avoid or mitigate interference with on-site parking spaces and drive aisles associated with the proposed use or other adjacent uses;

(B) Avoid or mitigate vehicle stacking in conflict with entry and exit points for both the subject use and adjacent uses; and

(C) Prevent vehicle stacking in the public right-of-way or stacking that impedes private or public right-of-way or access.

(5) Off-Street Loading Areas

(A) Educational Facilities

A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading students shall be located on the site of any school having a capacity greater than 25 students.

(B) All Other Loading Areas

(I) In the M zoning districts, a minimum loading area of 300 square feet shall be provided for all Commercial or Industrial Uses as listed in Table 26-3-1: Use Table with a minimum gross floor area of 15,000 square feet.

(II) Buildings or structures to be built or substantially altered containing uses that receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use.

(III) No loading area for an existing use shall be eliminated unless the required loading area is re-established.

(IV) Off-street parking areas used to fulfill the requirements of this section shall not be used for loading and unloading operations except during periods of the day when not required to be used for parking areas.

(k) Bicycle Parking

(1) Types of Spaces

(A) Short-term bicycle parking spaces are designed to service individuals that are generally staying at a site for less than three hours. Short-term spaces include but are not limited to stands or other devices constructed to enable the bicycle to have at least two points of contact with the rack and allows the user to secure the bicycle by locking the frame and one wheel.

(B) Long-term bicycle parking spaces are designed to serve individuals that are generally staying at a site for three or more hours. Long-term spaces include but are not limited to lockers, or a locked enclosure, or supervised area within a building or weather protected enclosure providing an extra layer of security for bicycles from theft, vandalism, and weather.

(2) Amount Required

(A) Each nonresidential principal structure shall provide the following, depending on the category of use shown in Table 26-3-1: Use Table.

Table 26-5-6: Minimum Bicycle Parking Spaces Required

Use or Use Category	Short-Term Spaces	Long-Term Spaces
Multi-household Dwelling	2 plus .05 per bedroom	2 plus .05 per bedroom
Food and Beverage Services, Recreation and Entertainment, and Retail Sales	2 plus 1 per 5,000 square feet of gross floor area	2 plus 1 per 12,000 square feet of gross floor area
Office and Personal Service	2 plus 1 per 20,000 square feet of gross floor area	2 plus 1 per 10,000 square feet gross floor area
Industrial Uses	2	2 plus 1 per 15,000 square feet internal gross floor area

(B) If more than 10 bicycle parking spaces of a single type, either short-term or long-term, are required, a minimum of 10 percent of the required bicycle parking spaces shall be designed to accommodate cargo bicycles, bicycles with trailers, or electric bicycles.

(3) Location

(A) Short-term bicycle spaces shall be located within 50 feet from the main entrance of the principal building.

(B) Short-term bicycle racks shall be located so that they:

(I) Are easily accessed from the street and protected from motor vehicles;

(II) Are visible to passers-by to promote usage and enhance security;

(III) Do not impede or interfere with pedestrian traffic or routine maintenance activities;

(IV) Do not block access to buildings, bus boarding or freight loading;

(V) Allow reasonable clearance for opening of passenger-side doors of parked cars; and

(VI) Are covered, to the maximum extent practicable, where users will leave their bikes for a longer amount of time.

(C) Long-term bicycle parking shall be covered and secured to the maximum extent practicable. Covered bicycle parking includes but is not limited to a secure and accessible room in a building, a secure and accessible enclosure within a parking structure, or a cluster of bicycle lockers at a transportation center.

(4) Design Standards

(A) No more than 50 percent of the required bicycle parking spaces may require the bicycle to be hung or parked vertically, rather than being parked with both tires on the ground.

(B) Bicycle parking spaces shall be a minimum of six feet long and two feet wide and have an overhead clearance of seven feet if covered.

(C) Cargo bicycle, electric bicycle, and bicycle trailer parking spaces shall be a minimum of 10 feet long and three feet wide.

(D) A four foot wide aisle is required between rows of bicycle parking spaces or between a row of bicycle parking spaces and any wall.

(E) Bicycle racks shall be located on improved non-permeable surfaces and shall be anchored to the ground.

(F) Bicycle racks shall provide two points of contact with the bicycle frame such as an inverted “U” or a post and ring.

(G) Areas designated for bicycle parking shall be clearly marked and reserved for bicycle parking only.

(H) Wherever 10 or more long-term spaces are required, a bicycle repair station shall be provided. The repair station should be co-located with long-term bicycle parking and include a repair stand. The repair stand must include a clear area measuring a minimum of 90 inches by 45 inches, with the back of the repair stand placed at least 12 inches from the wall. A basic repair stand should have:

(I) A supporting arm to hold a bicycle without causing damage;

(II) Basic tools attached to the stand with tamper-proof hardware; and

(III) An air pump attached to the stand with tamper-proof hardware.

(5) Alternative Bicycle Parking

The Planning Director may waive or reduce the requirements of this section if:

(A) Existing bicycle parking facilities are located within the public right-of-way and within 100 feet of the building's main entrance, provided that a minimum of two bicycle parking spaces are provided on site; or

(B) The applicant demonstrates the demand and need for bicycle parking on the site is less than required by this section because of the site's location, the site design, proximity to transit, or other factors.

26-5-4 Landscaping, Buffering, and Screening

(a) Purpose

The purpose of this section is to:

(1) Implement the Comprehensive Plan;

(2) Improve the visual quality of streetscapes abutting and within new development and redevelopment;

(3) Protect and expand the City's tree canopy on development sites;

(4) Ensure the efficient use of limited water resources through efficient irrigation and waterwise landscaping practices;

(5) Encourage on-site stormwater infiltration and on-site reuse to improve water quality and reduce stormwater infrastructure costs;

(6) Promote energy efficiency through increased shading; to reduce heat islands;

(7) Promote fire safe landscaping practices;

(8) Increase biodiversity and pollinator habitat; and

(9) Protect public health and safety.

(b) Applicability

(1) This section shall apply to:

(A) New development;

(B) Redevelopment, infill, and changes to building or site elements in accordance with Section 26-7-4(a)(8), Site-Specific Adjustment; and

(C) Changes of use.

(2) All landscape plans approved under prior ordinances of the City of Lafayette shall remain subject to fulfillment of all terms of such plans and to the provisions of Section 26-5-4(j), Maintenance.

(c) Landscape Plan

(1) A landscape plan is required for shall comply with the requirements of this section.

(2) The required landscape plan shall be prepared and stamped by a Colorado licensed landscape architect, excluding plans for single-household dwelling, duplex dwelling, or

multi-household dwelling four or fewer units, including single-household attached dwellings, not including common areas.

(3) Plans for a single-household dwelling, duplex dwelling, or multi-household dwelling four or fewer units, including single-household attached dwellings, may instead be prepared by a certified landscape contractor.

(d) General Landscaping Standards

(1) Plant Selection

(A) All plants shall be suitable for the Front Range, as determined by the Colorado State University Extension, unless otherwise approved by the Planning Director.

(B) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. To encourage the efficient use of water and enhance local biodiversity, the following are required:

(I) Protection, preservation, and installation of native, pollinator species and natural vegetation.

(II) Selection of plants based on disease and pest resistance.

(III) Consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

(2) Minimum Plant Quality Standards

All plant materials shall comply with or exceed minimum standards in the Colorado Nursery Act Regulations (C.R.S. Title 35, Article 26) and the current edition of the American Standard for Nursery Stock (ANSI Z60.1-2014).

(3) Minimum Plant Size

Plant material shall be installed in the following minimum sizes:

(A) Shrubs: Minimum five-gallon container.

(B) Deciduous trees: Minimum two-inch diameter measured six inches above the ground.

(C) Evergreen trees: Six feet minimum height.

(D) Ornamental grasses and perennials: One-gallon container.

(4) Plant Installation

Plant materials shall be spaced appropriately to allow adequate room for the plant at maturity.

(5) Hydrozones

Plants shall be hydrozoned with plants that have a similar water requirement. For example, plants of a very low hydrozone are not to be planted in a moderate to high hydrozone.

(6) Living Material Standards

Living plants shall cover a minimum of 50 percent of the landscape area at ground level at maturity. This does not include the tree canopy and shall not apply to landscape areas in the right-of-way.

(7) Low Water Use Planting Requirements

(A) Where landscaping is required by this LUC, at least 50 percent of all plant material, as measured by coverage area shown on the submitted landscape plan, shall be very low to low water use native plant species that provide suitable habitat for local pollinator species.

(B) An additional 25 percent of all plant material, as measured by coverage area shown on the submitted landscape plan, shall be a very low to moderate water use species acceptable for the region.

(C) No one species may make up more than 25 percent of the total non-grass plant materials within the landscaped area.

(D) Acceptable species may be identified through water wise plant list references, including, but not limited to: the Colorado State University Extension Front Range Tree Recommendation List; the Colorado State University Extension Fact Sheet on Xeriscaping; and the Colorado Native and Water Wise Grass Guide.

(8) Permitted Cool Season Turf and Overhead Irrigation

(A) Except as specified in Section 26-5-4(f)(2), no portion of any lot or parcel, as shown on the submitted landscape plan, may be vegetated with water intensive, cool season turf such as Kentucky bluegrass or fescue. This limitation shall not apply to any public recreation area or sports field owned or operated by the City or any public or quasi-public entity.

(B) Only areas planted with native and low-water use grasses, as shown on the submitted landscape plan, may be irrigated with overhead spray. This limitation shall not apply to any public recreation area or sports field owned or operated by the City or any public or quasi-public entity.

(C) Irrigated, cool season turf shall not be installed in roadway medians, curbside landscaping strips, parking lot islands and swales, transportation corridors, areas with slopes greater than 25 percent, and areas less than eight feet wide.

(D) Notwithstanding Sections 26-5-4(d)(8)(A) through 26-5-4(d)(8)(C) above, nonfunctional turf areas that do not serve a civic, recreational, or community purpose shall not be installed on:

(I) Any property containing a principal use that is listed as a Public, Institutional, Civic, Commercial, or Industrial us in Table 26-3-1: Use Table.

(II) Any property within a common interest community as defined in C.R.S. 38-33.3-103 that is owned and maintained by a unit owners association, such as entryways, parks, and other common elements as defined in C.R.S. 38-33.3-103.

(III) Any stormwater detention area.

(9) Landscape Treatment

The landscape treatment for non-functional areas shall be alternative turf species or native grasses including Buffalograss, Blue grama, Native shortgrass prairie mix, or other native or adapted seed or seed blends with lower demand than cool season turfgrass. There is no limitation on the use of preferred turf grass species.

(10) Prohibited Plants

The following plants may not be planted as landscaping due to their impact on foundations, sidewalks and other impervious areas, their negative impact on the built environment, and their intolerance to natural conditions:

(A) Plants listed on the Colorado Department of Agriculture Noxious Weed lists or in the Boulder County Weed Management Plan;

(B) Ash (Fraxinus, species);

(C) Aspen (all Populus tremuloides species and cultivars);

(D) Cottonwood (all species, including Populus deltoides, P. fremontii, and P. nigra), unless being used to continue the native appearance along the borders of side or rear lot or parcel lines with open space or natural areas;

(E) Tamarisk (Tamarix, all species);

(F) Siberian elm (Ulmus, all species);

(G) Russian olive (Elaeagnus angustifolia, all cultivars);

(H) Wintercreeper (Eunymus coloratus);

(I) Leadwort (Plumbago);

(J) Day lily (Hemerocallis);

(K) Silvergrass (Miscanthus);

(L) Russian sage (Salvia yangii);

(M) Juniper (Juniperus); and

(N) The Planning Director shall have discretion to prohibit other plant species included on landscape plans that are determined by the City to be invasive, even when they are included on a water-wise plant reference list.

(11) Non-Living Ground Cover

(A) Non-living groundcover shall be applied to all remaining areas without plant coverage to retain water and inhibit weeds, unless otherwise allowed in paragraph (B), below. This may include inorganic mulch including rock, gravel, or cobble or organic mulch including bark and wood chips.

(B) To provide habitat for beneficial insects, ground-pollinators, and other wildlife, up to five percent of the groundcover area may be left without mulch.

(C) Organic mulch is the preferred mulch treatment around all plant material and shall be applied:

(I) At one cubic yard per 80 square feet at a depth of four inches, and as appropriate to each species.

(II) To the soil surface, not against the plant stem or base of tree trunks to minimize disease.

(D) Inorganic mulch including rock, gravel, or cobble shall have a minimum depth of two inches. Rock, gravel, or cobble shall not be located adjacent to a public right-of-way unless explicitly approved by the Planning Director.

(E) Recycled rubber for landscape use is discouraged, however, may be considered for playground use.

(F) Exceptions to the provision of mulch for low and very low water areas shall be considered based on individual plant requirements in those areas.

(G) Nonporous fabrics (e.g. plastic) shall not be placed under mulches.

(H) It is recommended that porous weed fabrics and mats are used sparingly to preserve soil health.

(I) Edging, curbing, or other barrier approved by the Planning Director shall be used to define and separate landscape areas with different non-living ground covers.

(12) Soil Amendment

The existing soil shall be amended with a minimum of four cubic yards of organic matter per 1,000 square feet of landscaped area, tilled into the soil to a depth of not less than six inches.

(13) Planting Location

(A) All required landscaping shall be located on the property for which it is required or in the right-of-way directly adjacent to the property.

(B) No landscaping shall be required to be installed where it would obstruct vision across any clear vision triangle between three and seven feet above grade, but any vegetation that would otherwise be required to be installed in a clear vision triangle shall be installed elsewhere on the lot or parcel.

(C) Landscaping shall not be installed within four feet of any fire hydrants and shall not obstruct or grow into utility boxes, but any vegetation that would otherwise be required to be installed in that location shall be installed elsewhere on the lot or parcel.

(D) Landscaping shall not be installed in a manner that or maintained in a manner that obstructs the visibility of traffic signs, street name signs, or other official signs installed for public safety or wayfinding purposes.

(E) No trees shall be required to be installed within any easement for underground utilities or where it would grow within four vertical feet of any overhead electric or utility lines, but any vegetation that would otherwise be required to be installed in that location shall be installed elsewhere on the lot or parcel.

(14) Firescaping Standards

(A) Wood mulches and irrigated living plant material with high fuel volume shall not be installed within the first six feet from the home or building in order to create defensible space.

(B) Non-flammable materials such as flagstone, pavers, rock mulch, and fire resistant plants shall be installed within the first six feet of the home or building. Fire resistant plant species shall be identified through CSU Extension's FireWise Plant Materials Fact Sheet or other FireWise resources approved for use by the City.

(C) At maturity, tree canopies shall not extend within six feet of the home or building.

(D) Shrubs shall be planted individually or grouped into small, separated clusters. Continuous hedges, dense foundation plantings, or uninterrupted shrub masses are prohibited within defensible space areas.

(E) Fire-resistant plant species are highly recommended throughout the landscape.

(15) Water Features

(A) Recirculating water systems shall be used for water features.

(B) Wind shut-off sensors for water features shall be provided.

(C) Pool and spa covers are highly recommended to prevent evaporation or loss of water due to wind.

(16) Artificial Plant Materials

Artificial turf and other artificial plant materials are prohibited within landscape areas except for the use of functional turf as defined in this LUC.

(17) Tree Preservation

(A) All cottonwood trees having a caliper of six inches in size and all other deciduous or coniferous trees having a caliper of three inches in size or larger shall be preserved to the maximum extent practicable, when they do not substantially interfere with the construction of buildings on the property or with the grading of the property as may be necessary for the construction of buildings on the property. This requirement shall not prohibit tree removal within or adjacent to an irrigation ditch or ditch easement when the removal is required or authorized by the ditch owner.

(B) If trees specified in paragraph (A) are removed, they shall be replaced by trees of no less than two-inch caliper and no greater than four-inch caliper, with the total gross caliper inches of the replacement trees being at least two times the total caliper inches of those trees removed. For example, if one three-inch caliper tree is removed, it could be replaced by two three-inch caliper trees or three two-inch caliper trees.

(C) In lieu of planting replacement trees, the property owner may pay a tree mitigation fee equal to the cost of the replacement trees that would otherwise be required by this section.

(D) Preservation of each existing healthy tree greater than three-inch caliper shall relieve the applicant of the obligation to plant one new tree that would otherwise be required by this LUC.

(E) Unhealthy or prohibited trees may be removed in conjunction with site development without replacement. The Planning Director may require documentation from a qualified arborist or other qualified professional to determine whether a tree qualifies for this exemption.

(18) Protection of Existing Trees and Shrubs During Construction

(A) Where a landscape plan indicates that existing trees or shrubs are to be preserved, those existing trees and shrubs shall be protected from damage during construction on site.

(B) Each tree indicated for preservation shall be protected by installing temporary fencing at a distance of at least one-and-one-half times the distance of the dripline from the tree trunk, and construction materials and debris shall not be placed or stored within that fenced area.

(C) Each shrub indicated for preservation shall be protected by installing temporary fencing around that shrub.

(19) Restoration and Revegetation of Disturbed Areas

All portions of the site where existing vegetative cover is damaged or removed but not covered with new improvements, shall be revegetated with a mix of native, adaptive and

drought-tolerant grasses and groundcovers to prevent erosion. Revegetated areas shall be maintained and provided with adequate water until vegetation is established and capable of survival without supplemental watering.

(e) General Irrigation Standards

Irrigation system improvements shall be designed in conformance with the following criteria.

(1) New landscaped areas shall be watered by a permanent automatic irrigation system. Exemptions may be provided if it is the minimum necessary to alleviate practical difficulties for:

(A) Edible plants that are hand watered.

(B) Native plants and grasses that do not require supplemental irrigation post-establishment and may instead be irrigated by hand or with a temporary irrigation system for establishment.

(C) Very low and low hydrozone plants that are hand watered.

(2) The following irrigation system components are highly recommended:

(A) Smart irrigation controllers labeled by U.S. Environmental Protection Agency's Water Sense Program or with published reports posted on the Smart Water Application Technologies website;

(B) Master shut-off valves and flow sensors, integrated with the automatic irrigation controller; and

(C) Sensors (rain, freeze, wind, or soil moisture), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions or when sufficient soil moisture is present.

(3) The irrigation system shall be designed in accordance with the following requirements:

(A) Be programmable to comply with required irrigation schedules and restrictions such as providing peak season irrigation during night hours;

(B) Prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures; and

(C) Ensure that the operating pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

(4) Turfgrass irrigation shall be designed in accordance with the following requirements:

(A) In order to reduce runoff, and maximize sprinkler effectiveness, maximum application rate shall be one and a quarter inches per hour.

(B) Six-inch minimum pop-up height is required for all spray heads and rotors.

(C) Check valves or anti-drain valves are required on all sprinkler heads.

(D) Sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations. Spacing must achieve head-to-head coverage. Minimum acceptable distribution uniformities shall be 60 percent for spray head zones and 70 percent for rotor zones.

(E) Turf and non-turf areas shall be irrigated on separate valves.

(5) Irrigation of specific hydrozones shall be designed in accordance with the following requirements:

(A) The design of the irrigation system shall conform to the hydrozones of the landscape plan.

(B) Each remote-control valve shall irrigate a hydrozone with similar microclimate, soil conditions, slope, and plant materials with similar water demand.

(C) Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plants and soil type within that hydrozone.

(D) In mulched planting areas, the use of low flow irrigation is required for any vegetation that will exceed 12 inches mature height.

(E) Trees shall be placed on separate valves from shrubs, groundcovers, and turfgrass to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree. Bubblers for trees shall not exceed one and one-half gallons per minute (gpm) for each device.

(6) Installation of irrigation systems shall be in accordance with an approved final irrigation plan.

(7) Property owner shall keep a set of "as-built" drawings of irrigation system with dimensions shown for irrigation components.

(8) Property owners shall operate their irrigation system in accordance with the approved final landscape plan, unless otherwise required by this LUC or other requirements adopted by the City.

(f) Minimum Landscaping Requirements by Property Type

The following property type landscape requirements shall be followed in addition to those specified in Section 26-5-4(d).

(1) Street Frontage Landscaping

(A) Each development shall plant at least one tree for each 40 linear feet of frontage along each abutting public or private street. Each tree shall be provided with a minimum of 750 cubic feet of soil and trees shall be spaced to account for mature spread.

(I) If a detached sidewalk exists along the street frontage, and the area between the sidewalk and the street is at least eight feet in width, required trees shall be planted in the area between the sidewalk and each abutting public or private street. If the area between the sidewalk and the street frontage is less than eight feet in width, required trees shall be planted a minimum of four feet from the back of the sidewalk.

(II) If an attached sidewalk exists along the street frontage, trees shall be planted a minimum of four feet from the back of sidewalk.

(III) If no sidewalk exists, required trees shall be planted within eight feet of the street right-of-way.

(IV) Trees installed along streets that will be widened or improved in the future, to the extent that such widening is known, shall take into account plans for future widening of streets so that established trees will not be disturbed during future construction.

(V) Where an easement or existing utilities prevent required street trees from being planted in the locations required by paragraphs (I) through (IV), above, trees shall

be planted in the tree lawn or adjacent to the right-of-way as close to the street frontage as practicable.

(B) Trees shall be mulched with a three inch deep layer of shredded wood, placed four to six inches away from the trunk, and extending in an eight-foot diameter circle or to the outer edge of the planting hole, whichever is greater.

(C) In nonresidential areas, such area may be paved if it functions as pedestrian access to storefronts and is integrated into the overall design of the other improvements on the site.

(D) The property owner shall install an automatic irrigation system meeting the requirements of Section 26-5-4(e) for all landscaping within public rights-of-way. This requirement shall not apply to single-household detached, duplex, and single-household attached dwelling provided an exterior hose bib or other exterior water connection is provided and located to allow the adjacent street frontage landscaping to be irrigated.

(2) Single-Household and Duplex Dwellings

A minimum of one tree per 1,000 square feet of landscaped area shall be installed, distributed throughout the site. Existing healthy, mature trees may be counted toward this requirement and additional tree planting is not required in areas where existing tree canopy or root zones prevent new tree installation.

(3) Residential Uses with Three or More Dwellings

(A) The property owner shall provide street frontage landscaping pursuant to Section 26-5-4(f)(1) and parking lot landscaping as required by Section 26-5-4(f)(5).

(B) Landscape improvements shall be designed to enhance the overall appearance of the development and integrate the project with adjacent land uses and the surrounding neighborhood. A minimum of 15 percent of the net site area, calculated after any required public land or right-of-way dedication, shall be landscaped area.

(C) A minimum of one tree per 1,000 square feet of landscaped area shall be installed, distributed throughout the site.

(D) A minimum of one shrub per 150 square feet of landscaped area shall be installed. Shrubs shall be grouped and distributed throughout the site. Trees may be substituted for up to one-half of the required shrubs at the rate of one tree for 10 shrubs and vice versa, subject to Planning Commission approval.

(4) Nonresidential

(A) The property owner shall provide street frontage landscaping pursuant to Section 26-5-4(f)(1) and parking lot landscaping as required by Section 26-5-4(f)(5).

(B) Landscape improvements shall be designed to enhance the overall appearance of the development and integrate the project with adjacent land uses and the surrounding neighborhood. A minimum of 15 percent of the net site area, calculated after any required public land or right-of-way dedication, shall be landscaped area.

(C) A minimum of one tree per 1,000 square feet of landscaped area shall be installed, distributed throughout the site.

(D) A minimum of one shrub per 150 square feet of landscaped area shall be installed. Shrubs shall be grouped and distributed throughout the site. Trees may be substituted

for up to one-half of the required shrubs at the rate of one tree for 10 shrubs and vice versa and ornamental grass may be substituted for shrubs up to a maximum of 20 percent, subject to Planning Commission approval.

(5) Parking Lots

The following standards shall apply to all parking lots with more than 15 parking spaces.

(A) Interior Landscaping

(I) Minimum Required

A minimum of 10 percent of the interior area of the parking lot shall be landscaped. Required perimeter landscaping shall not count toward the 10 percent. For irregular shaped parking lots, the Planning Director shall determine the perimeter of the parking lot for the purpose of calculating the parking lot area.

(II) Landscape Islands

(i) Each landscape island shall be a minimum of 15 feet wide as measured from back-of-curb. If the island includes a pedestrian walkway, it shall be a minimum of 18 feet wide.

(ii) Landscape islands shall be curbed unless an alternative design is approved by the Public Works Director for drainage or water quality purposes.

(III) Planting Requirements

(i) There shall be one tree and 8 shrubs or ornamental grasses per 250 square feet of required interior parking lot landscaping.

(ii) The required landscape areas shall be generally evenly distributed throughout the parking lot. Clustering is allowed if it is demonstrated that this will improve summer shade or winter solar gain.

(IV) Vegetated Swales

As an alternative to meeting the minimum interior landscaping requirements using landscape islands, the Planning Director may approve vegetated swales provided each swale:

(i) Is at least eight feet in width, and shall be at least 20 feet in length, located to border the entire length or width of each vehicle parking space or group of vehicle parking spaces.

(ii) Is located and designed so that at least 75 percent of stormwater runoff from the vehicle parking and drive aisle surfaces is directed to the swales; and

(iii) Meets the planting requirements in Subsection (III), above.

(B) Perimeter Landscaping

(I) Parking lots shall have a landscape setback of 20 feet from arterial street rights-of-way or 15 feet from any other street right-of-way. This setback may be reduced to 10 feet if used in combination with a three-to-four-foot articulated masonry or stone decorative wall with trees and shrubs on both sides of the wall to soften its appearance.

(II) Parking lots abutting streets shall comply with Section 26-5-4(f)(1) and the area between the edge of the parking lot and the street shall be vegetated with six shrubs per 35 linear feet of the parking lot edge.

(III) Plant material intended as buffer shall be planted at a density to provide effective screening within two years.

(6) Stormwater Detention

(A) General Provisions

(I) New development shall incorporate green infrastructure and natural flood mitigation techniques including but not limited to rain gardens, bioswales, retention ponds, and restored wetlands to the maximum extent practicable.

(II) All stormwater detention facilities shall be appropriately landscaped in coordination with the Planning Director after consultation with the Public Works Director.

(III) Landscaping associated with stormwater detention facilities shall be integrated into the overall design of the project.

(IV) Landscaping shall enhance the overall appearance of the project, prevent erosion and improve water quality of storm water runoff whenever possible.

(V) Stormwater detention facilities may function as open area for active recreation, trail corridors or habitat enhancement areas if they are designed appropriately and approved by the planning director after consultation with the Public Works Director.

(VI) The use of planting strips and shallow, landscaped depressions along roads is encouraged to help trap and remove pollutants from figure stormwater runoff.

(B) Minimum Requirements

(I) All stormwater detention facilities shall be planted with grass appropriate to the function of the area. Functional areas to be used for active recreation can be turf-type grass and irrigated with a permanent irrigation system. Areas not intended for active recreation use shall be seeded to native grasses and wildflowers. The property owner shall establish a complete, weed free stand of grass. Trail corridors may be seeded with native grasses if appropriately integrated with adjacent improvements.

(II) Landscape improvements shall be designed to enhance the function of the facility. Areas designed for recreation shall include clusters of trees to provide shade, located so they do not impair the function of the facility.

(III) Habitat and water quality enhancement, including wetland plantings in low wet areas is encouraged.

(C) Ownership and Maintenance

All detention facilities shall be owned and maintained by the property owner unless otherwise approved by the City Council.

(g) Landscape Buffers and Transition Landscaping

(1) A combination of plantings, berms, walls and fences shall be used as appropriate to buffer sensitive habitat and noncompatible uses.

(2) A 20-foot-wide landscape buffer is required between a lot proposing nonresidential or mixed-use development and a lot containing only residential uses.

(3) Plants shall be selected to blend with the native vegetation for development at the border between developed area and non-irrigated natural open area.

(4) Adjacent land uses of different intensities shall be screened through a combination of berming, plantings, and fencing. Opaque screening shall be used only when necessary to mitigate the impact of noise, light, unattractive aesthetics and traffic. If a fence is used as screening, then plant material shall also be used, except in Industrial zoning district where a fence may be used alone.

(h) Fences, Hedges, and Walls

(1) All fences and walls over three feet in height require a Building Permit.

(2) It shall be the responsibility of the property owner to locate all property lines. No fence, hedge, or wall may extend beyond or across a property line except with the joint written agreement of the abutting property owner.

(3) Fences, hedges, and walls shall be located outside of the right-of-way and be placed a minimum of 18 inches from any public sidewalk.

(4) Barbed wire, sharp-pointed, or electrically charged fences are prohibited except in the M2, M3, DR, O, and P districts. Barbed wire, sharp-pointed, or electrically charged fences located in a DR zone shall be placed a minimum of 15 feet from all property lines.

(5) Fences or walls shall not exceed six feet in height.

(6) Fences, hedges, and walls over 36 inches in height are prohibited within the sight vision clearance area.

(i) Guarantee of Installation

Required landscape improvements shall be installed prior to issuance of a Certificate of Occupancy for all structures. The property owner may, in the sole discretion of the City, post a financial guarantee for the improvements equal to 115 percent of the cost of improvements. Installation shall then occur within the next planting season. This guarantee shall be released upon completion of the installation of the landscaping.

(j) Maintenance

For all properties located within the city, the property owner shall keep all landscaping maintained and in healthy growing condition. All property owners shall be responsible for maintenance of landscaping within the portion of the public right-of-way between the back of the curb or street pavement and their property. The following actions are to be taken as needed:

(1) Watering, weeding, cleaning, mowing, edging, mulching, pruning, trimming, or other maintenance as needed and in accordance with acceptable horticultural practices.

(2) Areas of native or naturalized landscape are exempt from this level of maintenance. Acceptable maintenance of native plants includes, but is not limited to, removal of dead or diseased plants, weed control and seasonal mowing.

(3) Mowing turf grass to a preferred height of three and one-half inches, to promote root growth and reduce water requirements.

(4) Trimming street trees to eight feet above the sidewalk.

(5) Removing litter and weeds.

(6) Removing and replacing dead and dying plants that are required by an approved landscape plan, within two months of their death except during adverse weather conditions.

(7) Replenishing non-living landscape materials that no longer cover the area on which they were originally deposited to achieve full coverage to a minimum depth of four inches for organic mulch and two inches for inorganic mulch.

(8) Irrigation systems are to be monitored and adjusted periodically to ensure that the water demands of all plant materials are met.

(9) Irrigation system repairs shall be made within seven days after the damage is identified by the property owner or documented in written notice from the City, unless seasonal conditions prohibit repairs.

(10) It is strongly preferred that fertilizers, herbicides, and pesticides be used sparingly to prevent runoff and other environmental hazards.

(11) A maintenance statement satisfying the following conditions shall be placed on the landscape plan, stating: "Landscapes shall be maintained to ensure water efficiency. A regular maintenance schedule shall include but not be limited to checking, adjusting, and repairing irrigation equipment; resetting the smart irrigation controller; aerating and de-thatching turf areas (only if needed); replenishing mulch; fertilizing; pruning, and weeding in all landscaped areas."

(12) The property owner shall maintain the landscaping as approved in the final landscape plan.

26-5-5 Site and Building Design

(a) Applicability

This section shall apply to:

(1) New development; and

(2) Redevelopment, infill, and changes to building or site elements in accordance with Section 26-7-4(a)(8), Site-Specific Adjustment.

(b) Generally Applicable Standards

(1) Sustainable Design

(A) Exemptions

The sustainable site design standards below shall not apply to new development and redevelopment of single-household detached dwellings, duplex dwellings, single-household attached (triplex or fourplex), and accessory dwelling units.

(B) Waste Diversion Enclosures

All buildings shall include dumpster enclosures for a minimum of two waste streams (trash, recycling).This may include shared enclosures between multiple buildings.

(C) Additional Sustainability Features

In addition to complying with paragraph (B) above, new development shall select a minimum of two features and redevelopment shall select a minimum of one features below. A feature required by another provision of this LUC, the Lafayette, CO Building Code, the PWDSS, or any other applicable city, state, or federal requirement shall not count toward the minimum number of required sustainable design features unless the applicant demonstrates that the feature exceeds the minimum applicable requirement.

(I) Bird-safe glazing treatments including patterned, fritted, etched, screened, opaque, translucent, non-reflective, or similar glazing treatments that enable birds to perceive the glass as a solid object;

(II) On-site renewable energy systems, where not otherwise required by applicable building or energy codes;

(III) EV charging stations or EV-ready spaces in excess of the minimum required by the Lafayette, CO Building Code;

(IV) Publicly accessible bicycle amenities, such as bicycle repair stations, covered bicycle parking, e-bike charging stations, or similar amenities, in excess of those required by this LUC;

(V) Preservation and reuse of an existing building or structure as part of the proposed development or redevelopment;

(VI) Green infrastructure or stormwater runoff reduction measures, including bioswales, rain gardens, or permeable pavement provided all features comply with this LUC and the PWDSS;

(VII) Tree planting or landscape improvements that exceed the minimum landscaping requirements of this LUC;

(VIII) Community gardens, food production areas, or similar shared outdoor amenities that support local food production;

(IX) Cool roof, green roof, or similar roof treatment; or

(X) Other sustainable site or building design features that are not otherwise required and that provide an equivalent or greater environmental benefit, as approved by the Planning Director

(2) Multi-Building Developments

For developments with three or more buildings, the buildings shall be arranged and grouped to define using one or more of the following methods. For the purpose of this section, framing means the placement or orientation of buildings so that their facades or edges clearly define the space or feature identified.

(A) Framing the corner of an adjacent street intersection or entry point to the development;

(B) Framing and enclosing a pedestrian and/or vehicle road or access corridor within or adjacent to the development site;

(C) Framing and enclosing parking areas, public spaces, or other site amenities on at least three sides;

(D) Framing and/or enclosing outdoor dining or gathering spaces for pedestrians between buildings; or

(E) Framing one or more areas of natural vegetation.

(3) Circulation and Parking

(A) Development shall be designed to minimize negative traffic impacts on and of the surrounding uses.

(B) To the maximum extent practicable, garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from street frontage.

(4) Building Entrances

(A) The primary building entrance shall face a public or private street. For buildings on corners, there shall either be an additional entrance on the side street frontage, or the primary entrance shall be on the corner. A façade containing a primary building entrance may be curved or angled toward an intersection at street intersections.

(B) Primary building entrances shall be defined and articulated with architectural elements such as pediments, columns, porticos, porches, overhangs, or other elements approved by the Planning Director.

(C) For buildings with multiple tenant entries, each entrance shall be defined and articulated with architectural elements.

(5) 360 Degree Architecture

All sides of each primary building façade shall be designed to provide architectural and visual interest and have consistent architectural treatment on all building façades. A consistent architectural treatment is one where all building walls have defined levels of articulation and use different combinations of the same materials. A consistent architectural treatment does not require that each façade have an identical design.

(6) Neighborhood Transition Standards

(A) Setbacks

Buildings abutting a property in the NR, N2, N3, OTN, or MHC zoning districts shall comply with the minimum front setback of the adjacent Neighborhood or MHC zoning district along the common property line or the minimum building setback of the zoning district where the building is located, whichever is greater.

(B) Building Height

(I) Any portion of a building within 50 feet of a property in the NR, N2, N3, OTN, or MHC zoning districts shall not exceed the maximum building height allowed in the abutting Neighborhood zoning district or the maximum building height of the zoning district where the building is located, whichever is lower. Where a lot abuts two or more Neighborhood or MHC zoning districts, the zoning district with the lowest maximum building height shall govern.

(II) Any portion of a building between 50 feet and 100 feet of a property in the NR, N2, N3, OTN, or MHC zoning districts shall not exceed the maximum building height allowed in the abutting Neighborhood zoning district, plus 15 feet; or the maximum building height of the zoning district where the building is located, whichever is lower. Where a lot abuts two or more Neighborhood or MHC zoning districts, the zoning district with the lowest maximum building height shall govern.

(III) Any portion of a building beyond 100 feet from a property in NR, N2, N3, OTN, OR MHC zoning districts shall not exceed the allowed building height of the zoning district where the building is located.

(c) Additional Standards for Multi-Household Dwellings

Buildings shall not extend more than 60 continuous feet without incorporating:

(1) Projections, recessions, or reveals such as columns, pilasters, cornices, and bays, and having a change of wall plane that is a minimum depth of two feet and has the effect of casting shadows; and

(2) One of the following:

(A) Changes in materials, colors, patterns, or textures;

(B) Changes in roof form;

(C) Windows, doors, and openings; or

(D) Alcoves, porticoes, awnings, and other architectural features to provide visual interest and relief.

(d) Additional Standards for Mixed-Use and Nonresidential Buildings

All buildings shall incorporate a minimum of three of the following architectural design elements or site features, designed in a manner appropriate to the size and scale of the structure or the site, as approved by the Planning Director:

(1) Variation in materials, material modules, expressed joints and details, surface relief and texture to break up building forms and wall surfaces. Such detailing may include sills, headers, belt courses, reveals, pilasters, window bays or similar features for all sides of the building;

(2) Variation in roof lines/roof materials in order to add interest to and reduce the scale of buildings or expanses of blank wall. This can be accomplished through design elements such as overhangs, eaves, recesses, projections, raised cornice parapets over doors or bays and peaked roof forms;

(3) Facade features that emphasize the principal building entrance through projecting or recessed forms, detail, color and/or material;

(4) Outdoor patio in combination with or without outdoor seating located between the building and the primary public street;

(5) Ground story transparency of at least 50 percent in the form of windows and/or door(s) for facades facing all public street frontages;

(6) Public art; or

(7) Other architectural or site features that help create a consistent design for the site and reflect the design of the area where the project is located, as determined by adopted plan or by the Planning Director.

26-5-6 Outdoor Lighting

(a) Purpose

The purpose of this section is to provide for outdoor lighting throughout the city to:

(1) Enhance safety and security;

(2) Minimize light pollution and reduce sky-glow;

(3) Improve nighttime visibility through glare reduction;

(4) Encourage lighting techniques and systems that conserve energy;

(5) Reduce the adverse effects light can have to wildlife habitats and behavior; and

(6) Reduce development impact on nighttime environments.

(b) Applicability

(1) This section shall apply to:

(A) New development;

(B) Redevelopment, infill, and changes to building or site elements in accordance with Section 26-7-4(a)(8), Site-Specific Adjustment; and

(C) Changes of use.

(2) The following lighting types are exempt from this section:

(A) Emergency lighting used by police, fire fighting, or medical personnel, or at their direction;

(B) Traffic control devices and luminaires on these devices installed by the City or other governmental entity;

(C) All temporary lighting required for construction projects, related to road construction and repair, installation of sewer and water facilities, and other public infrastructure;

(D) The lighting of federal or state flags, provided that the light is above the flag and faces downward;

(E) Navigational lighting systems at airports and other lighting necessary for aircraft safety;

(F) Holiday lighting and seasonal decorations provided that individual lamps have a light output of 70 lumens or less. Holiday decorative lights may blink, so long as the safety of any moving vehicle is not impacted;

(G) String, bistro, and similar lighting, provided the emission of no individual lamp exceeds 50 lumens and no installation of lighting exceeds, in the aggregate, 6,000 lumens;

(H) Low voltage LED lights and solar lights used to illuminate pathways in Neighborhood zoning districts, provided the lights are installed not more than 18 inches above the adjacent ground level; and

(I) Lighting for a temporary use, provided that such lighting shall be turned off within 30 minutes after the last event of the day.

(c) Prohibited Lighting

The following types of outdoor lighting are prohibited:

(1) Any lighting that could interfere with the safe movement of vehicles, bicycles, or pedestrians on public or private streets;

(2) Searchlights and rotating beacons except as required by response personnel during emergency conditions;

(3) Uplighting, except in cases where the fixture is shielded by a roof overhang or similar structural shield

(4) Laser, strobe, and or flashing light sources or any similar high intensity light; and

(5) Mercury vapor lighting.

(d) Lighting Plan Required

All development subject to this section shall provide a lighting plan with the applicable land use application and/or Building Permit. The lighting plan shall include the information required by the City to demonstrate compliance with this section including but not limited to fixture locations, fixture specifications or cut sheets, mounting heights, shielding details, photometric information, and similar information.

(e) General Standards

(1) Lighting Types and Efficiency

(A) LED or other high efficiency light fixtures shall be used to the maximum extent practicable.

(B) All outdoor lighting fixtures shall have a nominal correlated color temperature (CCT) of not more than 3,000 Kelvin (K).

(2) Light Shielding and Trespass

(A) All lighting fixtures shall be fully shielded so that the lighting element is not visible to an observer at any property line.

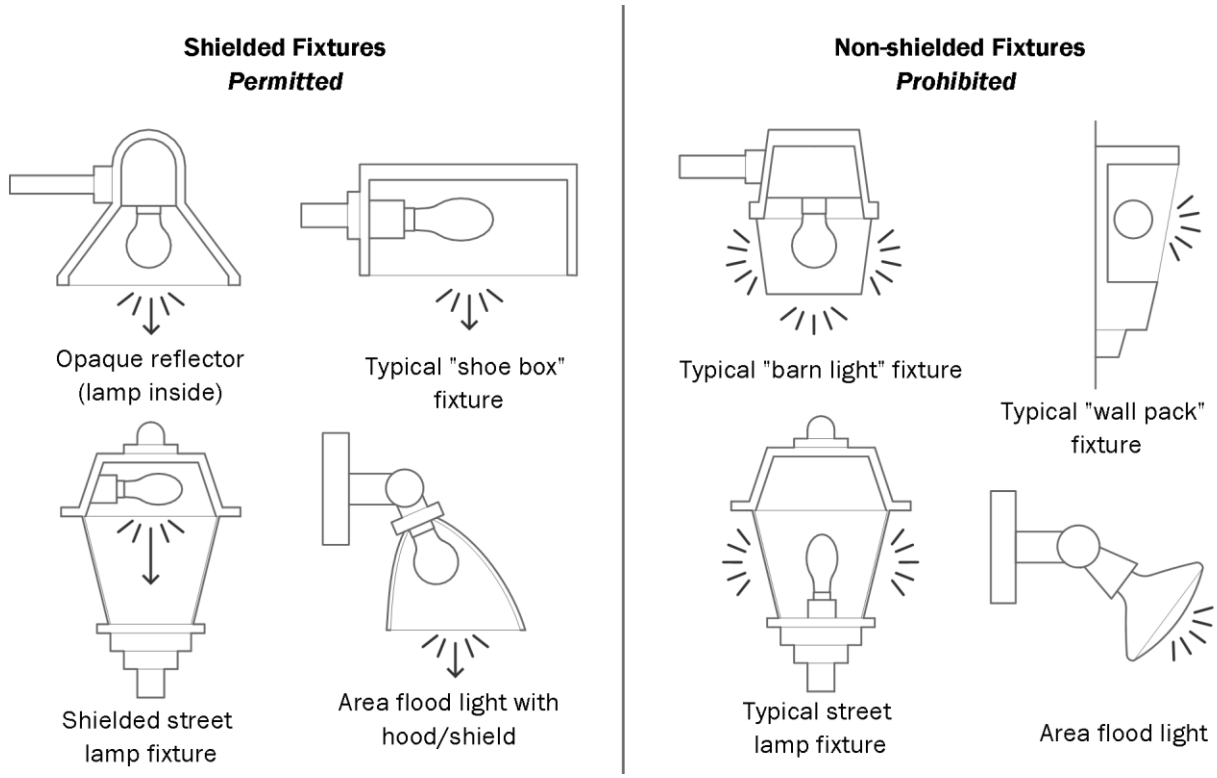


Figure 26-5.E: Examples of Fully Shielded Lighting Fixtures

(B) All lighting shall be designed so that the lighting level at each property line that does not front on a public or private street shall not exceed 1.0 footcandle.

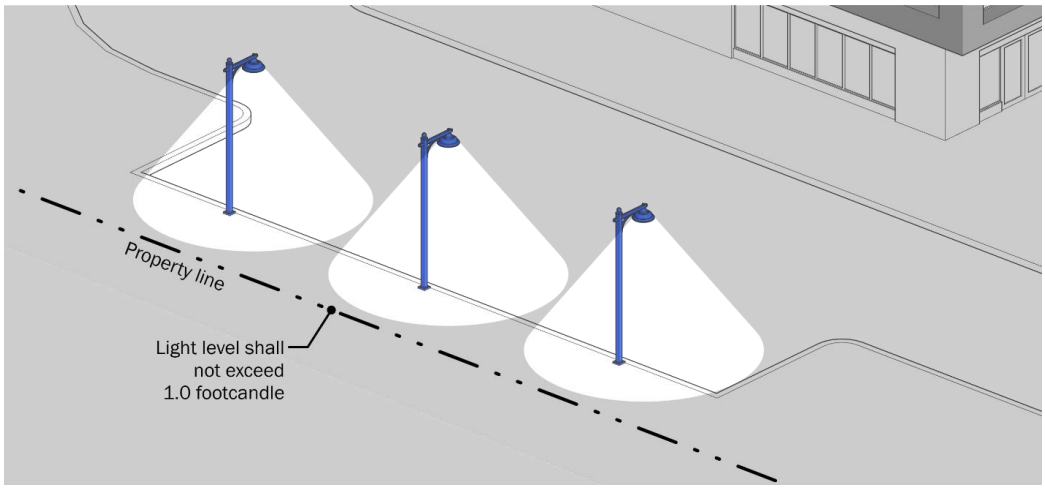


Figure 26-5.F: *Light Trespass Limitations*

(3) Lighting Levels

Maximum on-site illumination, including spillage from doorways, signs, and windows, shall not exceed 10 footcandles, unless otherwise allowed in this Code.

(4) Lighting Controls

All nonresidential outdoor lighting fixtures shall remain off between 11:00 p.m. and 6:00 a.m. except for security purposes or to illuminate walkways, vehicular circulation or access areas, equipment yards, and parking lots.

(f) Additional Standards for Specific Lighting Types

(1) Parking Lot Lighting

The maximum height of light poles is 20 feet in Neighborhood zoning districts and 30 feet in all other districts, measured from the parking surface to the top of the lighting fixture.

(2) Canopy Lighting

(A) Canopies for service stations and other overhangs may be illuminated provided all light fixtures are mounted on the undersurface of the canopy and all light fixtures are full cutoff.

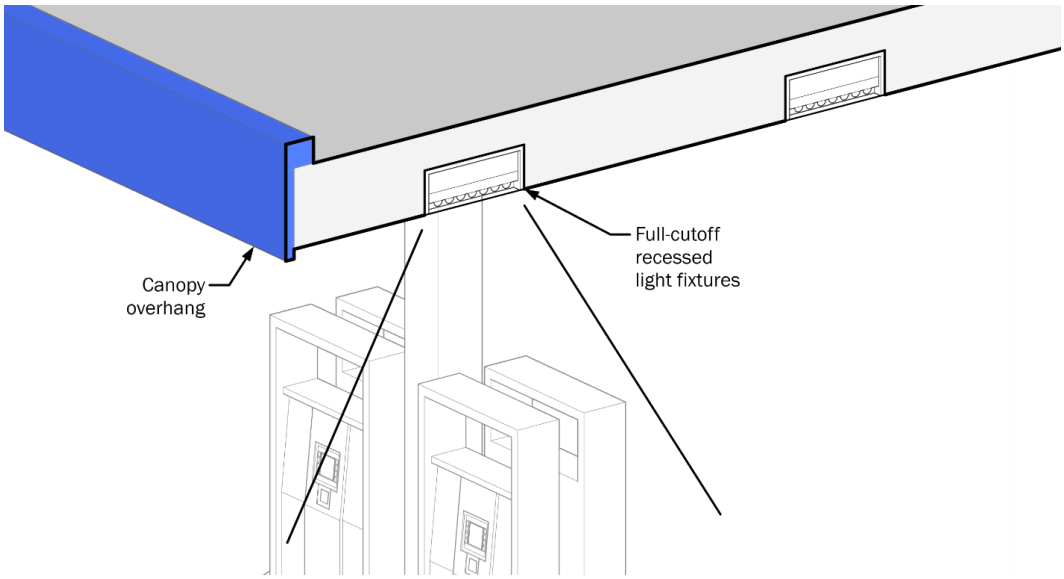


Figure 26-5.G: Canopy Lighting

(B) All light emitted by an under-canopy fixture shall be substantially confined to the ground surface beneath the perimeter of the canopy.

(3) Outdoor Recreation Facilities

Lighting for sporting and/or athletic facilities associated with an outdoor recreation and entertainment or recreational club use shall comply with the following standards:

(A) All lighting installations shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA RP-6: Sports and Recreational Area Lighting).

(B) Field lighting for all outdoor recreational facilities shall be turned off within 30 minutes after the completion of the last event of the night.

(4) Pedestrian-Scaled Lighting

(A) Where on-site pedestrian walkway lighting is provided, lighting fixtures shall be pedestrian-scaled and designed to direct light downward.

(B) Pedestrian walkway lighting may include:

(I) Bollard lamps with shatterproof lamp coverings mounted no higher than four feet above grade;

(II) Pole-mounted fixtures no more than 12 feet in height; or

(III) Other pedestrian-scale lighting approved by the Planning Director.

26-5-7 Sign and Attention-Getting Device Regulations

(a) General Provisions

(1) Intent

The purpose of these sign regulations is to reasonably regulate the City's legitimate, important, substantial, or compelling interest in:

(A) Avoiding the proliferation of signs of generally increasing size, dimensions, and visual intrusiveness that tends to result from property owners competing for the attention of passing motorists and pedestrians because this approach to signage:

(I) Creates visual distraction and obstructs views, potentially creating safety hazards for motorists, bicyclists, and pedestrians;

(II) May involve physical obstruction of streets, sidewalks, or trails, creating public safety hazards;

(III) Degrades the aesthetic quality of the City, making the City a less attractive place for residents, business owners, visitors, and private investment; and

(IV) Dilutes or obscures messages on individual signs due to the increasing competition for attention.

(B) Maintaining and enhancing the character of the Old Town Mixed-Use district and commercial corridors, both of which are resources of exceptional quality and vibrancy to the community as a whole.

(C) Coordinating the location and type of signage with existing and proposed street frontage landscaping in a manner that contributes to the character, environmental quality, and economic health of the City and the region.

(D) Maintaining a high-quality aesthetic environment to protect and enhance property values, leverage public investments in streets, sidewalks, trails, plazas, parks, open space, civic buildings, and landscaping, and enhance community pride.

(E) Protecting minors from speech that is harmful to them according to state or federal law, by preventing such speech in places that are accessible to and used by minors.

(2) Interpretation

These sign regulations shall be interpreted to implement following City-adopted findings:

(A) Content-neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out in this article and the constitutionally protected right to free expression.

(B) The regulations set out in this article are unrelated to the suppression of constitutionally protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers.

(C) The incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to this article is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are set out in this article.

(D) Regulation of the location, number, materials, height, sign area, form, and duration of display of temporary signs is essential to preventing sign clutter.

(E) Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the public on City's streets or sidewalks if they are not removed.

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

(3) Noncommercial Message Substitution

Noncommercial copy may be substituted for commercial copy or other noncommercial copy on any legal sign, notwithstanding any other provision of this section.

(4) Short Title

This section may be referred to as the "sign regulations."

(5) Interpretation

Where the term "sign" or "signage" is used, the term "device" shall be inferred.

(b) Applicability

(1) The sign regulations apply to and regulate the display, construction, installation, erection, alteration, use, location, maintenance, and removal of all signs, attention-getting devices ("devices"), and associated support structures in all districts unless the sign, device, item, or activity is expressly exempted from these sign regulations.

(2) It is unlawful to display, construct, erect, alter, use, or maintain any sign or device except in conformance with the provisions of these sign regulations.

(3) It is unlawful for any person to place, attach, or maintain any sign on private property without securing the consent of the owner or their tenant.

(c) Sign Permit

(1) Required

A Sign Permit shall be required for the following unless specifically exempted in Section 26-5-7(c)(2).

(A) Erect, place, modify the size or shape, or allow the continued placement of a sign or device;

(B) Convert any portion of a sign from temporary to permanent or from non-electric message sign to electronic message sign (EMS);

(C) Changes to nonconforming signs; and

(D) Replace or repair a sign or sign structure allowed per Section 26-5-7(l)(2).

(2) Sign or Device Exemptions

The following signs or devices are exempt from the Sign Permit requirement and are not included in the total allowable sign area calculation nor total number of signs permitted for the premises. Exempt signs and devices are required to comply with Section 26-5-7(e), Prohibited Locations.

(A) Building Entry Sign

(I) The sign type is limited to wall or monument sign.

(II) The sign shall comply with the following standards:

Max. Size	Max. Height	Max. Number of Signs
2 sf per face or 4 sf in total area	6 ft	1 per tenant or 1 per building, whichever is greater

(III) Building entry signs may be illuminated.



Figure 26-5.H: Building Entry Sign Example

(B) Carried Signs

Signs carried by a person and not set on or affixed to the ground.

(C) Internal and Integral Signs

This category includes:

(I) Signs not intended for view or readily legible from the public right-of-way or adjacent residential, public, or civic districts or uses.

(II) Integral signs that are carved into stone or similar material that are integral to the building or plaques that are placed flat against a building. Integral signs shall not exceed six square feet in area.

(III) Signs that are less than one square foot in area that are affixed to machines, equipment, fences, gates, walls, gasoline pumps, or utility cabinets.

(IV) Signs or banners on fences and structures within an arena, park, recreational complex, or athletic field, provided such signs or banners face inward to the arena, park, recreational complex, or athletic field.



Figure 26-5.I: Internal and Integral Sign Examples

(D) Motor Vehicle Signs

Signs displayed on motor vehicles that are being operated or stored in the normal course of a business; but only if the primary purpose of the vehicle is not for the display of signs and only if such vehicles are parked or stored in areas appropriate to their use as commercial or delivery vehicles.

(E) Noncommercial Signs

Limited to the following:

(I) Noncommercial flag, or

(II) Noncommercial sign in residential zoning districts and residential properties in mixed-use districts, provided the sign is less than six square feet per face and four feet in height.

(F) Public and Government Signs

This category includes:

(I) Official public signs approved by a governmental body with jurisdiction over issues such as traffic safety, pedestrian safety, schools, railroads, or public notice.

(II) Signs and notices required to be displayed, maintained, or posted by law or by any court or governmental order, rule, or regulation.

(III) Government signs and notices provided for the convenience and safety of the community.

(G) Safety Notifications

Temporary or permanent signs erected by public utilities or construction companies to warn of danger or hazardous conditions in the public right-of-way as required, including without limitation, signs indicating the presence of underground cables, gas lines, and similar devices.

(H) Window Signs

Window signs placed on windows located at or below the second floor level when the total area of the sign coverage:

(I) Does not exceed 25 percent of the total window area in the same vertical plane at the ground floor level on the side of the building or business unit upon which the signs are displayed; and

(II) Does not exceed 25 percent of the total allowable sign area for the premises.



Figure 26-5.J: Window Sign Examples: Left Signage is Acceptable, Right Signage is Not Allowed

(3) Change of Copy and Maintenance Exemptions

(A) Changing of copy on an existing approved sign designed for the use of replaceable copy, whether electrical, illuminated, EMS, or painted;

(B) Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes. Replacement of or a change of a plastic sign face will be included as an exempt operation;

(C) Changes in permitted temporary signs.

(d) Prohibited Signs and Devices

The following types of signs, sign structures, and devices are prohibited in all districts, except as otherwise provided by these sign regulations.

(1) Distracting, Interfering, or Confusing Signs or Devices

(A) Non-electronic message signs that are animated by means of flashing, scintillating, blinking, traveling lights, display video or full animation, or any other means not providing constant illumination, except for:

(I) Traditional barber poles; and

(II) Gauges and dials that may be animated to the extent necessary to display correct measurement.

(B) Signs that contain or are an imitation of an official traffic or emergency sign or signal or which, by reason of their size, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or that hide from view any traffic or street sign or signal or device.

(C) Signs with a lighting or control mechanism that causes radio, radar, cellular, wireless, or other electronic signal interference.

(2) External Movement and Light Projecting Signs or Devices

(A) Signs or devices that operate or employ visible moving parts or any portion of which move or give the illusion of motion;

(B) Signs or devices that emit audible sound, odor, or visible matter;

(C) Signs or devices that employ live animals, or

(D) Signs or devices that are light projecting or operate or employ any motion picture projection or video projection.

(3) Specific Sign and Device Types

(A) Roof signs;

(B) Temporary signs, unless specifically allowed in Section 26-5-7(j);

(C) Wind signs;

(D) Attention-getting devices; or

(E) All other signs not otherwise specifically authorized or exempted by these sign regulations.

(e) Prohibited Locations

Signs, including exempt signs, sign structures, and devices are prohibited in the following locations:

(1) Signs located:

(A) In any right-of-way, public easement, or on other public property without written approval of the City;

(B) Placed on private property without the consent of the owner or authorized agent of the owner of such property;

(C) Within a clear vision triangle as identified in Section 26-8-2(c), Sight Vision Clearance Area;

(D) Attached to utility poles, other utility or public infrastructure structures or equipment, or wireless communication facilities;

(E) Attached to an inoperable or improperly licensed motor vehicle or parked semi-trailer;

(F) Off-premises; and

(G) Attached to trees, rocks, or other natural features; and

(2) Signs that create conflict with traffic control signs, signals, or various private signs resulting in vehicular or pedestrian safety hazards, including any sign placed at any location where it may, by reason of its size, shape, design, location, content, coloring, or manner of illumination, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, by obscuring or otherwise physically interfering with any official traffic control device, or that may be confused with an official traffic control device;

(3) Signs that create a danger to the public during periods of inclement weather or high winds due to their location or the manner in which they are placed;

(4) Signs that create a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations;

(5) Signs that obstruct firefighting, police, or emergency activities; and

(6) Signs that are improperly mounted or installed, such as signs attached to a standpipe, gutter drain, unbraced parapet wall, or fire escape, unless the safety of such sign and such mounting have been verified in writing by a structural engineered licensed to practice in the state.

(f) Standards Applicable to All Signs

(1) Multiple Frontages

Where a developed parcel has frontage on more than one public right-of-way or street, excluding alleys, driveways, and service ways, the provisions of this subsection shall apply to either the primary or secondary frontage. Permitted signage may only be allocated to the frontage from where it is calculated; signage square footage cannot be “moved” from one frontage to another.

(2) Multi-Tenant Signage

Wall signage in multi-tenant structures shall be allocated to each tenant unit based on the percentage of front wall area of the individual unit. Tenants with side, rear, or alley entrances are permitted wall signage on the wall with their primary public entrance only.

(3) Orientation

The principal orientation of any sign shall be determined by the Planning Director in accordance with the intent and standards of these sign regulations, applicable street classification, and the following:

(A) The orientation of a freestanding sign is to the nearest public right-of-way to which it is perpendicular or parallel;

(B) The orientation of a wall sign is to the nearest street with the highest traffic volume;

(C) The orientation of a projecting wall sign is to the nearest street with the highest traffic volume and to which the sign is most nearly perpendicular;

(D) The orientation of all other signs, including canopy signs, shall be to the nearest public right-of-way.

(4) Tree or Vegetation Removal

No person may damage, destroy, trim, or remove any trees or shrubs located within the public right-of-way for the purpose of increasing visibility of a sign, excluding public and government signs described in Section 26-5-7(c)(2)(F) and safety notifications described in Section 26-5-7(c)(2)(G).

(g) Permanent Sign Standards

(1) Access Point Sign

(A) Each vehicular access point may have one access point sign.

(B) Access point signs that are visible from the public right-of-way shall be permanently anchored or fastened.

(C) Access point signs are for locations with vehicular access, not pedestrian access.

(D) Access point signs at subdivision or neighborhood entries may be either freestanding or attached to an entry wall.



Figure 26-5.K: Access Point Sign Example

(2) Awning Sign

Awning signs shall meet the following standards:

(A) The entire surface of the awning on which the sign is located shall be considered the sign.

(B) The awning on which the sign is installed shall be over a window or building entrance. The awning may cover individual areas of no more than three feet of structure exterior between multiple structure windows or entrances.

(C) Not allowed on awnings above the first story of a building.

(D) The sign shall not project:

(I) Above the top of the awning,



Figure 26-5.L: Awning Sign Example

(II) From the face of the awning, or

(III) Over a private or public vehicular way

(E) When extended over either a public or private sidewalk, the minimum clearance from the lowest point of the awning or any under awning sign to the top of pavement is eight feet.

(3) Canopy Sign

(A) Attached Façade Canopy

Attached canopy signs shall meet the following standards:

(I) Shall not project more than two feet above or below the canopy upon which it is mounted.

(II) Shall not project from the face of a canopy.

(III) Signs that project below a canopy and under canopy signs shall have a minimum of clearance of eight feet.



Figure 26-5.M: Canopy Sign Example

(B) Structural Canopy and Arcades

(I) Attached signs on freestanding canopies shall be mounted on the canopy and shall not project above or below the canopy fascia.

(II) Attached signs on arcades, colonnades, or porticos, may be installed below the structural canopy with a minimum of eight feet of clearance provided.





Figure 26-5.N: Structural Canopy Sign Examples

(C) Marquee Sign

Marquee signs shall meet the following standards:

(I) The sign shall be flush mounted on the marquee structure and may not extend above or below the structure.

(II) The minimum required ground clearance is eight feet.

(III) May only be approved with a permitted theater or assembly use.



Figure 26-5.O: Marquee Sign Example

(D) Monument Sign

Monument signs shall meet the following standards:

(I) Monument signs shall be permanently attached to a base that is a maximum of 12 inches above the adjacent grade and not attached to any building, wall, or fence.

(II) The width of the top of the sign structure can be no more than 120 percent wider than the width of the base.



Figure 26-5.P: Monument Sign Examples

(E) Pole Signs

Pole signs shall meet the following standards:

(I) Pole signs shall be limited to pedestrian-oriented dimensions:

(i) Maximum height: 16 feet

(ii) Maximum sign size: 25 square feet

(II) The minimum required ground clearance over a pedestrian walkway or sidewalk is eight feet.



Figure 26-5.Q: Pedestrian Pole Sign allowed (left) Vehicle Pole Sign prohibited (right)

(F) Projecting Sign

Projecting signs shall meet the following standards:

(I) The minimum required ground clearance is eight feet.

(II) Shall not extend above the building façade where mounted.

(III) Shall not project more than 6 feet from the face of the building and may not extend beyond the curb.

(IV) Swinging projecting signs are prohibited.



Figure 26-5.R: Projecting Sign Examples

(G) Wall Signs

(I) Wall signs shall not be attached to or displayed against any parapet wall that does not extend around the entire perimeter of the building.

(II) Wall signs shall not project above the building wall on which they are located.

(III) Wall signs that extend more than one foot from the face of the wall shall be located to provide at least 8 feet of ground clearance.

(4) Freestanding Signs

All freestanding signs, including monument, pole, and freestanding canopy, shall meet the following requirements unless otherwise indicated.



Figure 26-5.S: Wall Sign Examples

(A) Setbacks

All freestanding signs except for flags shall comply with the following setback requirements. These setbacks may be different than the required zoning district or other specified sign setback line.

Table 26-5-7: Freestanding Sign Setback Requirements

Freestanding Sign Height	Minimum Setback
Properties located on Public Road north of Spaulding Street and south of Baseline Road or on Simpson Street west of Michigan Avenue and east of Public Road	
7 feet or less	0 feet
	Adjoining MHC or Neighborhood zoning: 25 feet
7 – 25 feet	10 feet or 1.25 x the height of the building, whichever is less
	Adjoining MHC or Neighborhood zoning: 25 feet
All other properties	
7 feet or less	10 feet from any property line adjacent to a street [1]
Over 7 feet	25 feet from any property line adjacent to a street

Notes:
[1] When buildings on adjoining lots have front setbacks of less than 10 feet, the minimum setback shall be the adjoining building.

(B) Shared Sign

Where two or more property owners share a common lot line, the property owners may combine the lot frontage for the purpose of sharing a freestanding sign on or near the common lot line.

(C) Sign Separation

(I) Where a lot has more than one street frontage, the minimum horizontal distance between signs on the same lot shall be 75 feet.

(II) The horizontal distance between freestanding signs on adjoining lots shall not be less than the height of the taller sign unless that would prohibit the installation of any size freestanding sign on one property. Where the height of the existing sign would prohibit a freestanding sign on the adjoining property, the adjoining property may install a monument sign with a maximum size of 36 square feet.

(III) Noncontiguous lot frontage is calculated separately.

(D) Fence or Wall Signs

(I) Signs displayed on fences or upon walls that are not an integral part of a building or that are used as fences shall be considered freestanding signs.

(II) Fence signs shall be erected or mounted in a plane parallel to the fence or wall and shall not extend above the top of the fence or wall or project more than 15 inches from the face of the fence or wall.

(h) Sign Illumination

(1) Static Illumination

(A) Any light used for the illumination of a sign shall be shielded so that the light does not shine directly onto surrounding areas.

(B) Neither the direct nor the reflected light from any light source shall create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares.

(C) Any illuminated sign visible from and located within 300 feet of any lot in an MHC or Neighborhood zoning district shall be turned off no later than 11:00 p.m. or one-half hour after the principal use of the lot is closed, whichever is later, excluding light primarily used for the protection of the premises or provision of light for safety purposes.

(2) Electronic Message Signs (EMS)

(A) Freestanding signs in the AMX district may install an EMS, subject to the following limitations:

(I) Only one electronic message sign shall be permitted per lot.

(II) The maximum height of an electronic message sign shall be seven feet.

(III) The displayed message shall not change more frequently than once per eight seconds.

(IV) The sign shall contain static messages only, and may not otherwise have movement, or the appearance or optical illusion of movement, on any part of the sign structure, display or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating, or varying of light intensity. The messages may be changed only through dissolve or fade transitions, and the change time shall not exceed one second between each message.

(V) The sign shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing. The intensity of the light source shall not produce glare that constitutes a nuisance. Lighting from the message module shall not exceed 500 nits or candelas per square meter between dusk to dawn as measured by the equivalent "percentage of maximum brightness-nighttime" setting on the applicant's sign controlling software.

(VI) Any current or existing electronic message signs operating under separate authority within the City shall adjust the signage to conform to the provisions of this section upon making any modifications, changes, or revisions, structural or otherwise, to an existing EMS.

(VII) Temporary signs are prohibited on any premise that contains an outdoor electronic message sign.

(3) Signs at Street Intersections

Signs between a height of two and one-half feet and 10 feet above the street elevation are not allowed within the sight vision clearance area, as defined by Section 26-8-2(c), except that one sign pole that is 12 inches or less in cross-sectional area may be allowed in a sight vision clearance area.

(i) Allowable Signage by Zoning District

(1) Neighborhood, AG, MHC, and FN Districts

The following permanent signage is permitted by use or structure in the Neighborhood, AG, MHC, and FN districts.

Table 26-5-8: Permanent Signs Permitted in Neighborhood, AG, MHC, and FN Districts

Sign Category	Number (max)	Sign Area per Lot (max)	Height (max)	Illumination	Additional Standards
Freestanding					
Access Point	1 per vehicle entrance	32 square feet	3 feet	Direct	None
Monument					
Single-Household Detached and Duplex	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed
All Other Residential Uses	2 per use	32 square feet (32 square feet per sign face)	6 feet	Direct	None
Nonresidential Uses	2 per use	25 square feet (15 square feet per sign face)	6 feet	Direct	None
Attached					
Wall [1] [2]					
Single-Household Detached and Duplex	1 per use	4 square feet (2 square feet per sign face)	4 feet	Not allowed	None
All Other Residential Uses	1 per street frontage	15 square feet (10 square feet per sign face)	6 feet	Direct	
Nonresidential Uses	2 per use	25 square feet (15 square feet per sign face)	6 feet	Direct	

Notes:
[1] The total area of all wall signs on any face of a building shall not exceed 25 percent of the area of that portion of the building facade between ground level and the roof line or 25 feet above grade level, whichever is less, upon which the signs are located.
[2] Window signs exceeding 25 percent of the total window area per Section 26-5-7(c)(2)(H) shall be considered as part of the total wall signage allowed. No window sign exceeding 4 square feet in area may be displayed in any window above the ground floor level, and no window signs may be displayed in any window area above the second floor level.

(2) Center and Corridor, Employment and Industrial, CMU, OTX, and AMX Districts

(A) Maximum Total Allowed Sign Area

(I) For lots containing one tenant, the total sign area for all signs for which Sign Permits are required shall not exceed one and one-half square feet per lineal foot of total building frontage for the first 200 feet of building frontage and one-half square foot per lineal foot of building frontage after.

(II) For lots containing multiple tenants, the total sign area for all signs for which Sign Permits are required shall not exceed two square feet per lineal foot of total building frontage for the first 200 feet of building frontage and one-half square foot per lineal foot of building frontage after.

(III) The maximum size for any individual sign may not exceed the size referenced in Table 26-5-9.

(B) Minimum Sign Area Entitlement

Where the maximum sign calculation only permits less than the following amount of signage, properties are entitled to the following minimum signage:

(I) Each property shall be entitled to one freestanding sign per street frontage of 50 square feet per face and one wall sign per business of 32 square feet in size so long as all other requirements of this section are met.

(II) For properties where the minimum sign area entitlement is applicable, maximum individual sign size shall be limited to the sizes permitted in Table 26-5-9, not the sign sizes based on lineal footage calculation above.

Table 26-5-9: Permanent Signs Permitted in Center and Corridor, Employment and Industrial, CMU, OTX, and AMX Districts

Sign Category	Number (max)	Area per Sign (max)	Height (max)	Illumination	Additional Standards
Freestanding					
Access Point	2 per property	6 square feet	3 feet	Direct or Indirect	None
Monument Single-Tenant	1 per frontage [1]	100 square feet (50 square feet per face)	12 feet	Internal, Direct, or Indirect	
Monument Multi-Tenant	1 per frontage [1]	300 square feet (150 square feet per face)	16 feet	Internal, Direct, or Indirect	
Pole	1 per frontage [1]	100 square feet (50 square feet per face)	25 feet or 1.25 times the height of the principal building on the lot where the sign is located	Internal, Direct, or Indirect	
Attached					
Awning or Canopy	1 per street frontage	Lesser of 150 square feet or 30% of total awning or canopy area	Top of vertical face of awning; 12 inches above canopy	Direct or Indirect	None
Marquee	1 per building frontage	20 square feet	Top of vertical face of marquee where attached	Internal, Direct, or Indirect	None
Projecting (Private Property)	1 per building face	30 square feet (15 square feet per face)	Multi-story building: 15 feet above sidewalk	Internal, Direct, or Indirect	None

Table 26-5-9: Permanent Signs Permitted in Center and Corridor, Employment and Industrial, CMU, OTX, and AMX Districts					
Sign Category	**Number (max)**	**Area per Sign (max)**	**Height (max)**	**Illumination**	**Additional Standards**
			One-story building: top of roofline [2]		
Projecting (Public Property) [3]	1 per building face	1 square foot for each linear foot of building frontage or tenant or 30 square feet (15 square feet per face), whichever is less	Multi-story building: 15 feet above sidewalk One-story building: top of roofline [2]	Internal, Direct, or Indirect	
Suspended	1 per building face [4]	10 square feet (five square feet per face)	Top of vertical face of arcade, marquee, or canopy to which they are attached [3]	Internal, Direct, or Indirect	None
Wall [5]	1 per tenant	100 square feet (50 square feet per face)	25 feet above grade [6]	Internal, Direct, or Indirect	None

Notes:
[1] Either monument or pole, not both.
[2] Projecting or suspended signs have a minimum clearance above the sidewalk or ground level of eight feet.
[3] Signs projecting over public property shall not project more than 48 inches from the face of the building.
[4] The minimum horizontal distance between suspended signs shall be 15 feet.
[5] Window signs exceeding 25 percent of the total window area per Section 26-5-7(c)(2)(H) shall be considered as part of the total wall signage allowed. No window sign exceeding 4 square feet in area may be displayed in any window above the ground floor level, and no window signs may be displayed in any window area above the second floor level.
[6] A wall sign may project above the roof line or parapet wall of the building upon which the sign is located, if the maximum vertical projection is no more than 24 inches or one-third of the total height of the sign.

(j) Temporary Signs

(1) Temporary Signs Allowed With Permit

The temporary sign types listed in this section are named for the activity or use that the Sign Permit is associated and are not intended to specify content requirements. Signs shall be limited to freestanding, wall, or window signs, unless otherwise specified.

Table 26-5-10: Temporary Signs Allowed by Permit				
Activity, Use, or Event	**Number (max)**	**Area per Sign (max)**	**Height (max)**	**Duration**
Development, Construction, or Sale [1]				
Active Real Estate Listing				
Existing Residential	1 per street frontage on the property listed	6 feet	6 feet	The sign may be placed when the real estate listing becomes active and shall be removed within 7 days of the closing of

Table 26-5-10: Temporary Signs Allowed by Permit

Activity, Use, or Event	Number (max)	Area per Sign (max)	Height (max)	Duration
Existing Nonresidential	1 per street frontage on the property listed	32 square feet (16 square feet per sign)	8 feet	the sale of the property or when the listing is deactivated.
Vacant Land [2]	1 per street frontage on the property listed	64 square feet (32 square feet per sign)	8 feet	
Active subdivision [2]	1 per street frontage	64 square feet (32 square feet per sign)	8 feet	The sign may be placed on or after the date of recordation of the Final Plat and must be removed within two years from the date of issuance of the first Building Permit in the project or within 30 days from the time that 75% of the lots or dwellings in the subdivision have been sold, whichever time period is shorter.
Active Building Permit [2]	1 per street frontage	64 square feet (32 square feet per sign) [2]	8 feet	The sign may be placed when the construction permit is issued and must be removed within 14 days of the issuance of the Certificate of Occupancy.
Events				
Estate/Garage/Yard Sale	6 off-premises signs per sale	2 square feet (1 square foot per face)	3 feet	The signs shall be displayed only during the day of the sale.
Open House/Auction	5 off-premises signs per open house	2 square feet (1 square foot per face)	3 feet	Signs may be placed for a time period not to exceed two eight hour periods in any two week period.
Retail and Commercial Sales (Seasonal Sales/Grand Opening Events)	1 per street frontage	64 square feet (32 square feet per sign) [3]	6 feet	The signs may be placed 14 days before the event and shall be removed within 48 hours of the end of the event. Each property or business in a multi-tenant center is limited to displaying retail and commercial sales signs for 30 consecutive days in a calendar year.
Nonresidential Uses				
General	Any	30 square feet aggregate [4]	3 feet	Uses at a single mailing address shall not display temporary signs for more than 60 days during the first half of each calendar year and 60 days during the second half of each calendar year.
Sidewalk Signs	See Section 26-5-7(j)(2)			

Notes:
[1] The minimum distance between freestanding signs shall be 1,000 feet.
[2] See Section 26-5-7(j)(2) for off-premise sign allowances.
[3] Banner signs are permitted.
[4]General temporary signs for nonresidential uses may be window signs, wall signs, not more than 1 freestanding, or any combination of those signs.

(2) Location and Design of All Temporary Signs

(A) Signs in the right-of-way are permitted only if they are determined by the City Engineer to be necessary for traffic regulation or for special activities of general public interest.

(B) All temporary signs shall be made of durable materials and shall be permanently attached to either a building, or structure wall, or other surface to which it is mounted, or to the ground by direct attachment to a pole, rigid wall, frame, or structure.

(C) Temporary signs shall not contain any digital components or a changeable message component or mechanism.

(3) Off-Premises Development, Construction, or Sale Signs

(A) A Sign Permit may be issued for a temporary off-premises freestanding sign advertising subdivision, development, construction, or other property improvement projects to be placed at a major intersection located at a distance no greater than one-half mile from the referenced location.

(B) The Sign Permit may be issued upon a finding by the Planning Director that:

(I) The signage placed within the development/subdivision project cannot be reasonably viewed from a major thoroughfare; and

(II) The signage will not impede or otherwise interfere with vehicular or pedestrian traffic.

(C) The permit for a temporary off-premises sign shall state the approved duration, and shall not exceed one year, subject to renewal by the City.

(D) The sign shall be limited to the promotion of residential and commercial subdivision developments that have received final plan approval within 24 months of the Sign Permit application and shall not be deemed appropriate for individual commercial uses.

(E) No more than two temporary off-premises signs shall be allowed per development, only one of which may be permitted at any intersection.

(F) A maximum of two temporary off-premises signs may be permitted at the same intersection corner.

(G) No Sign Permit shall be issued for a temporary off-premises sign within the city without the applicant providing the City with proof of permission from the property owner where such temporary off-premises sign is proposed to be located.

(H) Off-premises signs shall be set back from the street right-of-way a minimum of 25 feet.

(4) Sidewalk Signs

Nonresidential properties located within the OTX zoning district may display sidewalk signs under the following provisions:

(A) One sidewalk sign is permitted for each physical business address. Multiple signs are allowed within multi-tenant buildings, however such signs for businesses in multi-tenant buildings must not be displayed together or side by side.

(B) Sidewalk signs may be displayed only during the business's hours of operation.

(C) Sidewalk signs must be placed outside of required Americans with Disabilities Act (ADA) walkways, outside of any required exits and/or entrances, and outside of driveways.

(D) The applicant shall propose some method to care for sign during windy weather to ensure the sign does not blow over, block walkways, and/or interfere with pedestrian

or vehicular traffic. Measures may include approved weighting material or removal during such conditions.

(E) Sidewalk signs may be allowed on sidewalks located in the public right-of-way of city streets if the proposed location does not inhibit the free flow of pedestrian or vehicular traffic and meets the provision of Subsection (C) above.

(F) A no-fee Sign Permit shall be required prior to placement of a sidewalk sign.

(k) Installation

(1) Principal Structure

Permanent signs shall not be installed until construction of the principal structure on the lot has commenced.

(2) Electric Signs

(A) Electric signs shall be constructed of incombustible materials meeting the requirements of this section.

(B) Electric signs shall be raintight. Service holes fitted with waterproof covers may be provided to each compartment of electric signs.

(C) No electric equipment or electrical apparatus of any kind that causes interferences with radio or television reception shall be used in the operation of illuminated signs. Whenever interference is caused by a sign that is unfiltered, improperly filtered or otherwise defective, or by any other electrical device or apparatus connected to the sign, the Planning Director may order the sign disconnected until it is repaired.

(3) Clearance

(A) No person shall locate a sign with less than three feet horizontal or eight feet vertical clearance from overhead electric conductors that are energized in excess of 750 volts.

(B) No person shall erect a sign or sign structure in such a manner that any portion of its surface or supports will interfere in any way with free use of any fire escape, exit or standpipe. No person shall erect or maintain a sign that obstructs any window to such an extent that any light or ventilation is reduced to a point below that required by any provision of this section or other ordinance of the city.

(C) Where any freestanding sign has a clearance of less than eight feet from the ground, a barrier or other adequate protection shall be provided to prevent hazard to pedestrians and motorists.

(4) Structural Design Requirements

(A) Signs and sign structures shall be designed and constructed as specified in this section to resist wind and seismic forces. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground so as not to overstress any of the elements thereof. The overturning moment produced from lateral forces may not exceed two-thirds of the dead load resisting moment. The structural frame of the building or the anchoring of the sign shall be adequate to resist uplift due to overturning. The weight of earth superimposed over footings may be used in determining the dead load resisting moment, if it is carefully placed and thoroughly compacted.

(B) Signs and sign structures shall be designed and constructed in compliance with the city building code, including all requirements to resist seismic forces.

(C) Wind loads and seismic loads need not be combined in the design of signs or sign structures. Signs shall be designed to withstand the loading that produces the larger stresses. Vertical design loads, other than roof line loads, shall be assumed to be acting simultaneously with the wind or seismic shock.

(D) The design of structural members shall conform to the requirements of the city building code. Vertical and horizontal loads exerted on the soil shall not produce stresses exceeding those specified in the city building code.

(E) The working stresses of wire rope and its fastenings shall not exceed 25 percent of the ultimate strength of the rope or fasteners. Working stresses for wind loads combined with dead loads may be increased as specified in the city building code.

(5) Construction Standards

Signs and sign structures shall be securely built, constructed and erected in conformity with the requirements of this section.

(A) Supports for signs or sign structures shall not be placed in or upon public right-of-way or public easements, except pursuant to the terms of a lease where the right-of-way has been leased to an adjacent property owner, or except under the provisions of Section 26-5-7(j)(4), Sidewalk Signs.

(B) Materials of construction for signs and sign structures shall be of the quality and grade specified for buildings in the city building code. Plastic materials shall be those specified in the building code that have a flame spread rating 225 or less and a smoke density no greater than that obtained from the burning of untreated wood under similar conditions when tested in accordance with the building code standards in the way intended for use. The products of combustion shall be no more toxic than the burning of untreated wood under similar conditions.

(C) All sign structures, except for construction signs, those signs specifically exempted in Section 26-5-7(c)(2), window signs, and signs located inside buildings, shall have structural members of heavy timber or incombustible material. Wall signs, projecting signs and signs on arcades and marquees shall be constructed of incombustible material, except as provided in Section 26-5-7(k)(5)(D) below, or as specifically approved by the Planning Director. No combustible materials other than approved plastics shall be used in the construction of electrical signs.

(D) Nonstructural trim may be of wood, metal, approved plastic or any combination thereof. Display surfaces in all types of signs may be of metal or other approved materials.

(E) Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil either vertically or horizontally shall not exceed safe values. Braced ground signs shall be anchored to resist specified wind or seismic loads acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil for effective resistance to pull-out amounting to a force of 25 percent greater than the required resistance to a depth of not less than three feet. Anchors and supports shall be guarded and protected when near driveways, parking lots or similar locations where they could be damaged by moving vehicles.

(F) Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to support safely the loads applied.

(G) No anchor or support of any sign, except flat wall signs, shall be connected to or supported by an unbraced parapet wall.

(H) Noncommercial signs less than six square feet per face and under four feet in height may be constructed by any sturdy material and shall be anchored securely to the ground or a building, fence or other structure.

(I) Where freestanding signs are located in vehicular parking and circulation areas, a base or barrier of concrete or steel, not less than 30 inches high, shall be provided to protect the base of the sign from possible damage by vehicles.

(J) The Planning Director may approve the use of any materials if an applicant submits sufficient technical data to substantiate such proposed use and if the Planning Director determines that such materials are satisfactory for the use intended.

(I) Maintenance and Abandonment

(1) General Maintenance

All signs, including those exempt from Sign Permits, shall be maintained and kept in good repair, and in conformance with the original Sign Permit. A sign that is maintained and kept in good repair shall meet the following criteria:

(A) All sign supports, braces, guy wires, anchors, and related screening are kept in repair, in a proper state of preservation.

(B) There is no evidence of deterioration, including chipped or peeling paint, rust, corrosion, fading, discoloration, broken or missing sign faces, text, logos, graphics, or other elements of the sign.

(C) There are no missing, flickering, or inoperative lights that create a perception of deterioration or abandonment of the sign.

(2) Repair or Replace

Any non-maintained sign shall be repaired or replaced within 15 calendar days following notification from the City. Noncompliance with such notice shall constitute a nuisance subject to the enforcement actions set forth in Section 26-7-6, Violations and Enforcement.

(3) Abandoned Signs

(A) Except as otherwise provided in this article, the City may determine that a sign or sign structure has been abandoned where the sign or sign structure is no longer used by the property or sign owner. Abandonment can be shown by discontinuance or an expired permit.

(I) Abandonment through discontinuance of sign use may be shown by any of the following:

(i) Expiration or revocation of a business license for the business located on the property, or

(ii) Cessation of use of the property where the sign or sign structure is located for the use or purpose associated with the sign for a period of 90 days; or

(iii) The sign or sign structure has been damaged, and repairs and restoration have not been started within 45 days of the date the sign was damaged, or, once started, are not diligently pursued to completion.

(II) Temporary signs shall be considered abandoned if the associated permit has expired, the special event has occurred in the past, the total sign area of all temporary signs exceeds the total area permitted on the lot, or the sign fails to meet the maintenance requirements of this section.

(B) A nonconforming sign that meets the requirements of this section may be considered abandoned and will be subject to enforcement and removal in accordance with Section 26-7-6, Violations and Enforcement.

(C) Nothing in this section prohibits permanent signs accessory to businesses that are open only on a seasonal basis, if there is a clear intent to continue operation of the business.

(4) Removal of Sign or Sign Copy

Permanent signs that have been abandoned must be either fully removed or, when allowed by the Planning Director, the sign structure may remain but the sign copy must be covered or removed. Temporary signs that have been abandoned shall be removed.

(m) Measurements and Calculation

(1) Applicability

This section applies to all sign types and classifications, including permanent and temporary signs.

(2) Clearance

(A) Clearance is the area under the sign that shall be free of obstructions to allow passage of pedestrians and vehicles.

(B) Clearance for pole, projecting, and wall signs extending more than 12 inches from the wall signs shall be measured as the smallest vertical distance between the sign and the finished grade directly underneath the sign at the lowest point of the sign structure, including any framework or other structural elements.

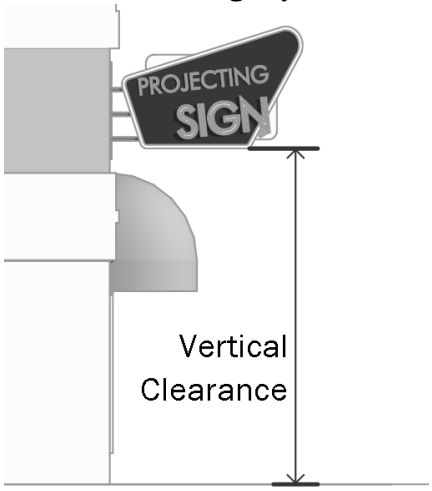


Figure 26-5.T: Clearance Measurement

(3) Height

(A) Sign height is measured from the average finished grade at the sign foundation to the top of the highest attached component of the sign.

(I) For purposes of this section, average finished grade shall be considered the lower of:

(II) The lowest elevation where the base of the sign meets ground level or

(III) The nearest public or private sidewalk within 25 feet of the sign.

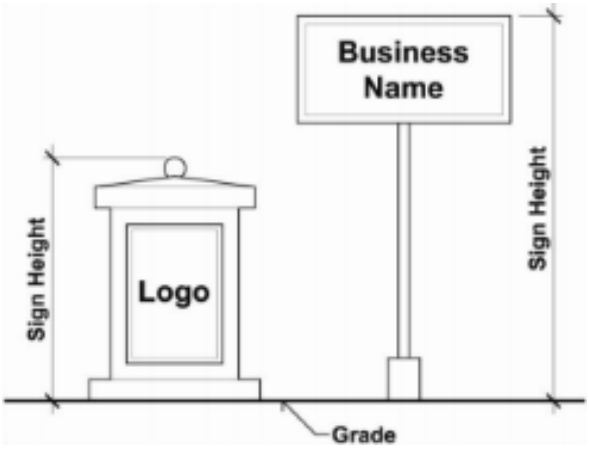


Figure 26-5.U: Sign Height Measurement

(B) When the existing finished grade at the point of measurement is lower than the average elevation of the adjacent street finished grade parallel to the location where the sign will be installed, that portion of the sign below the street shall not be included in determining the sign's overall height. If a sign is located on a mound, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign.

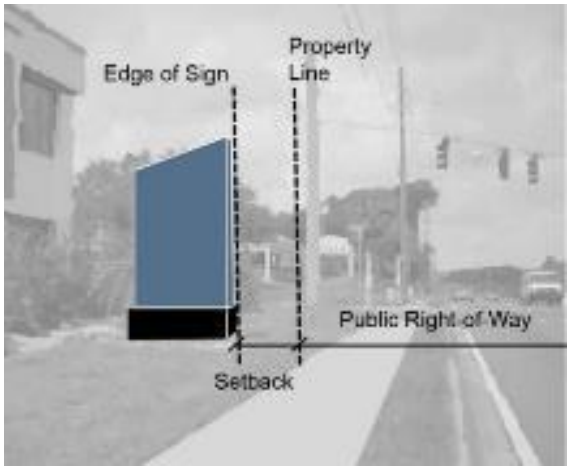


Figure 26-5.V: Setback Measurement

(4) Setback

Setback is measured at that portion of any sign or sign structure that is closest to the property line.

(5) Signage Allowance

Maximum signage allowance is calculated on the basis of the horizontal, linear dimension of a building frontage measured from external wall to external wall.

(A) A building frontage is the wall of a principal building that abuts a street, a parking area, or other circulation area open to the general public and that has either a main window display or a public entrance to the building.

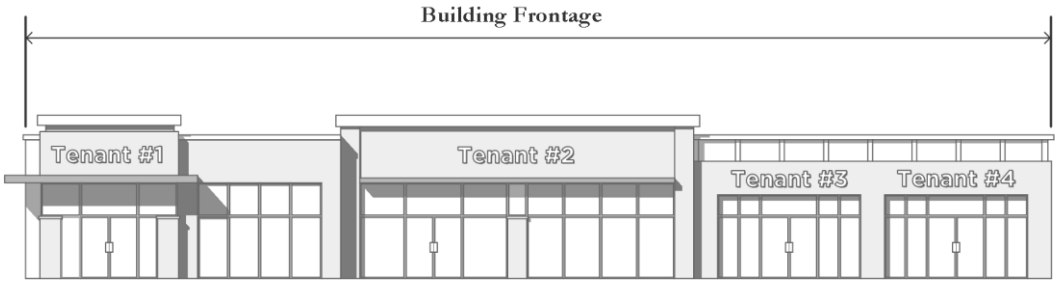


Figure 26-5.W: Building Frontage Measurement

(B) Accessory structures shall not be included in the calculation of maximum signage. Wall signs may be affixed to accessory structures.

(C) In the Employment and Industrial districts, a building side with an entrance open to employees is a building frontage.

(D) Where more than one tenant occupies a building, each tenant having a public entrance or main window display for its exclusive use shall be considered to have its own building frontage, measured as the front width of the portion of the building occupied by that tenant.

(E) The following standards apply to buildings with multiple frontages:

(I) Signage is permitted on a maximum of two building frontages.

(II) Permitted signage may only be allocated to the frontage from where it is calculated; signage allowances cannot be "moved" from one frontage to another.

(6) Sign Area

(A) In computing the area of a sign, standard mathematical formulas for common regular geometric shapes, including, without limitation, triangles, parallelograms, circles, ellipses, or combinations of shapes shall be used.

(B) A sign shall be considered to be a single display surface or display device containing elements clearly organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements or where there is reasonable doubt about the relationship of elements, each element shall be considered a single sign.

(C) In the case of an irregularly shaped sign or a sign with letters or symbols directly affixed to or painted on the wall of a building, the area of the sign is the entire area within a single continuous rectilinear perimeter of not more than eight straight lines enclosing the extreme limits of writing, representation, emblem or any other figure of similar character, together with any material or color forming an integral part or background of the display or used to differentiate such sign from the backdrop or structure against which it is placed.

(D) In computing the total sign area, the portion of the sign structure to be included is that which is visible and viewed in the same plane as the sign face and that either exceed 50 percent of the area of the display or is made an integral part of the background of the display.



Figure 26-5.X: 3D Sign Measurement

(E) Where a sign has two or more display faces, the area of all faces is included in determining sign area.

(F) The total surface area of multiple-unit signs includes the vertical and horizontal spacing between the letters that constitute the word or words that convey the sign's message.

(G) Where three-dimensional figures are used as signs, the area is the total area, projected on a vertical plane, of each side of the figure that is visible beyond the boundaries of the lot upon which the figure is located. For purpose of this section, a figure is considered to have no less than one nor more than four sides, and the number of sides to be measured shall be determined by the location and visibility of the figure.

(H) All temporary and permanent riders or attachments to signs or sign structures are included as part of the total sign area for the sign to which they are attached.

(7) Separation

Separation is a required linear distance between signs that is measured in feet along the property lines from the center of the sign(s).

ARTICLE 26-6. SUBDIVISION AND INFRASTRUCTURE STANDARDS

26-6-1 Purpose

The purpose of this article is to establish the minimum standards for subdivisions and redevelopment to:

(a) Guide the future growth and development of the City in accordance with the Comprehensive Plan and other adopted plans and policies;

(b) Provide safe ingress and egress for vehicular, bicycle, pedestrian, and all other types of traffic;

(c) Ensure safe and efficient traffic circulation through coordinated and connected street systems with relation to major thoroughfares, adjoining subdivisions, adjoining streets, and public facilities;

(d) Provide adequate water supply, sewage disposal, storm drainage and other utilities and facilities;

(e) Provide for adequate sites for recreation areas, access to trail networks, and other public purposes;

(f) Ensure protection, sound use and management of natural resources and open spaces through sound development design practices; and

(g) To provide for the coordinated development of adjoining properties to the benefits of future residents and the general public.

26-6-2 Applicability

This article applies to:

(a) All plats and subdivision of land within the corporate limits of the City of Lafayette, including property that is being annexed into the city.

(b) Development or redevelopment without subdivision where existing infrastructure does not meet the standards of this LUC. Section 26-7-4(a)(8), Site-Specific Adjustment may be applied to establish appropriate thresholds for applicability of requirements.

26-6-3 General Standards

(a) Suitability of Land for Subdivision

Land subject to natural hazards such as flooding shall be considered unsuitable for residential occupancy or other uses that impair the health, safety or welfare of the inhabitants. Where preliminary site planning or existing mapping indicates that hazardous conditions exist on or adjacent to lands proposed for subdivision, the proposal shall be disapproved unless design of lots, streets, and improvements eliminates or mitigates any specific life safety hazards.

(b) Creation of Building Site

No building or other development permit shall be issued until a building site, building tract or building lot has been created by compliance with one of the following conditions:

(1) The lot or tract and is part of a plat of record, properly approved by the City Council and filed in the plat records of Boulder County, Colorado; or

(2) The parcel, tract, or lot faces upon a dedicated street and was legally created prior to the Effective Date of the original subdivision regulations of the City of Lafayette or prior to annexation to the City of Lafayette, whichever is applicable, in which event a Building Permit for only one principal building conforming to all the requirements of this Code may be issued on each such original separately owned parcel without first complying with Subsection (1) above.

(c) Compliance with City Standards

All required improvements set forth in this section shall comply with the Public Works Department Standards and Specifications and Fire Code.

(d) Financial Responsibility

Provision of required infrastructure is the financial responsibility of the developer.

26-6-4 Boundary Survey and Monumentation

The boundary survey, internal property lines and monumentations shall be prepared and sealed by a Colorado licensed professional land surveyor and meet all C.R.S. requirements. The location of all monuments required by this section shall be indicated on the plat, and shall be installed as follows:

(a) All street center line monuments shall be iron pin monuments five-eighths inch in diameter and 18 inches long, set in concrete at least eight inches in diameter and located in the ground at all points on street center lines where there is a change in direction or curvature, at all street intersections and at the radius point of a cul-de-sac.

(b) All quarter corner and section corner monuments shall be set in monument boxes of a type approved by, or obtained through, the City, and shall be set to the finished grade before acceptance by the City.

(c) All monuments shall have a cap bearing the number of the land surveyor setting the monuments.

(d) Accuracy between all monuments shall be not less than one part in 10,000.

(e) In no case shall monuments be set more than 1,400 feet apart.

26-6-5 Lots

(a) Each lot shall be designed to provide an adequate, accessible building site for a structure devoted to the intended use of the land and shall meet or exceed the minimum requirements of applicable zoning district.

(b) Each lot shall have the minimum frontage on a dedicated public street required by the applicable zoning district. The use of a private easement for principal access to a lot shall not be allowed.

(c) Lots with double frontage shall be avoided except where essential to provide separation from major arterials or because of the slope.

(d) Side lot lines shall be substantially at a right angle or radial to street lines when feasible.

(e) All lots shall have a defined rear yard.

26-6-6 Blocks

(a) To promote walking, bicycling, and shorter vehicle trips, the perimeter length of blocks created through a subdivision after the Effective Date (excluding blocks to accommodate only parks or open spaces) shall comply with the standards in the table below.

Table 26-6-1: Maximum Block Length Requirements

District Category	Block Face Length (Max)	Block Perimeter Length (Max)
Neighborhood	500 feet	1,400 feet
Center and Corridor	300 feet	1,200 feet
Form-Based Districts	See Section 26-2-8	
All Other Districts	None	None

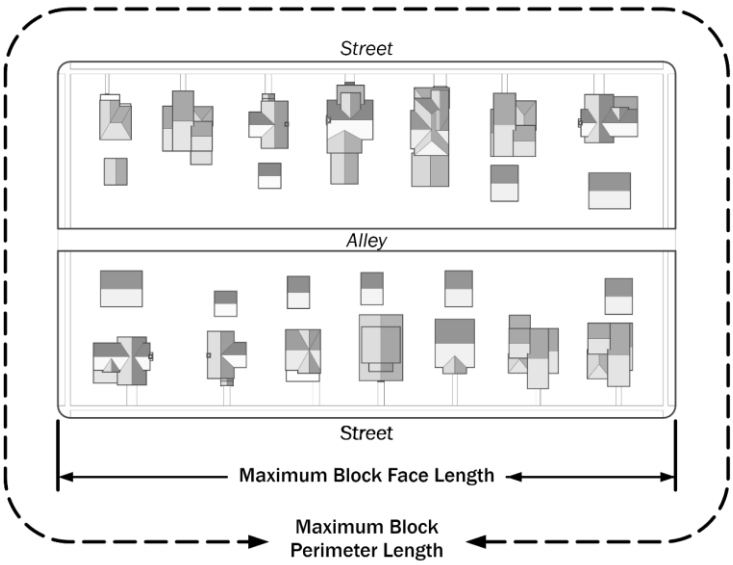


Figure 26-6.A: Block Face and Perimeter Length

(b) The Planning Director may allow a block face or block perimeter to exceed the maximum length limitations set forth above if the block is adjacent to a railroad right-of-way, a freeway or arterial street, or if topographical conditions justify a variation of the requirement.

(c) Where blocks exceed more than 600 feet between intersections or at other locations of high pedestrian activity, mid-block pedestrian crossings shall be provided.

(d) Corner lots shall contain sufficient area to accommodate a building devoted to the intended use of the lot.

26-6-7 Streets, Alleys, and Easements

(a) Street Pattern

The street pattern shall conform to the Multimodal Transportation Plan, Comprehensive Plan, and PWDSS, and shall afford safe and convenient access to all lots within the subdivision.

(b) Street Layout

(1) Streets shall be designed to join with planned or existing streets:

(A) No more than two streets shall intersect at one point.

(B) Two streets meeting a third street from opposite sides shall meet at the same point, or their center lines shall be offset at least 300 feet.

(2) Streets shall be designed to bear a logical relationship to the existing topography.

(3) Streets that are extensions of existing or platted streets shall bear the same classification as that assigned to the existing or platted street in the Multimodal Transportation Plan, Comprehensive Plan, or other plans adopted by the City and shall conform to any special standards pertaining to street classifications.

(c) Street Connections

(1) Half-Streets

Half-streets shall not be permitted.

(2) Dead-end Streets

(A) Dead-end streets that do not end in a formal turnaround shall not be permitted, unless they are designed to connect with future streets on adjacent lands and have not been platted.

(B) Where a street is designed to connect with a future street, a temporary turn-around shall be provided in accordance with PWDSS.

(3) Cul-de-sacs

(A) Cul-de-sacs shall not exceed 500 feet in length and the radius of the turning area shall be at least 45 feet to the curb, and 50 feet to the edge of the right-of-way.

(B) Surface drainage on a cul-de-sac shall be towards the intersecting street unless a drainage easement is provided from the cul-de-sac.

(C) Each cul-de-sac that provides motor vehicle access to any lots abutting a public or private collector or arterial street shall include an easement at least 10 feet in width providing pedestrian and bicycle through connection from the closed end of the cul-de-sac to the abutting collector or arterial street.

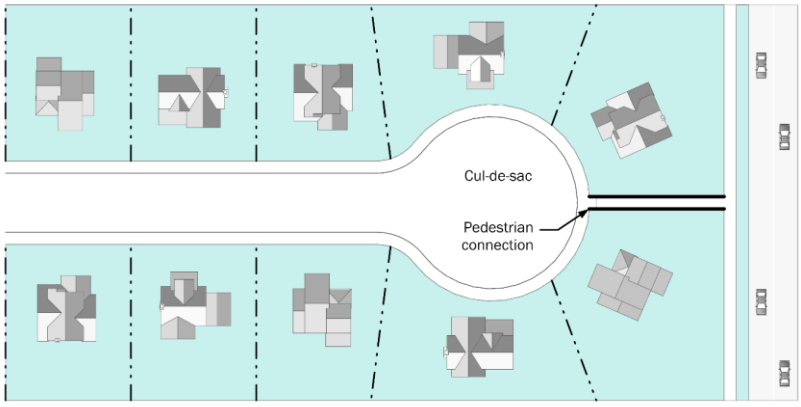


Figure 26-6.B: Cul-de-sac Pedestrian Connection

(d) Street Names

Streets shall have the names of existing streets that are aligned in the city.

(e) Street Design Standards

Street designs, including pavement width and right-of-way widths shall comply with the minimum width standards established in the Public Works Department Standards and Specifications.

(f) Street Improvements

(1) All streets and alleys proposed for dedication to the public shall meet PWDSS standards.

(2) In cases where an existing street that has not been brought up to City specifications is located within a subdivision, the street shall be improved in order to meet City specifications.

(3) If any subdivision is located adjacent to any existing street right-of-way, the developer shall develop the street with improvements as required to bring the street up to City specifications.

(4) The developer shall provide and install street signs at all street intersections and traffic control signs.

(5) Permanent reference monuments and monument boxes shall be installed by the developer to City specifications.

(g) Street Lighting

(1) The developer shall install street lights at intersections, pedestrian crossings, and at additional points designated by the City.

(2) All street lighting shall comply with the requirements set forth in Section 26-5-5(d)(7), Outdoor Lighting.

(3) Street light poles shall meet all City specifications.

(h) Alleys and Easements

Paved alleys shall be provided in Commercial districts and shall be required unless other provisions are made and approved for service access.

26-6-8 Sidewalks and Paths

(a) Sidewalks

Sidewalks are required and shall be designed and constructed to PWDSS.

(b) Bicycle Paths

Bicycle facilities, such as bike lanes or shared use paths, shall be provided in accordance with the Pedestrian and Bicycle Plan in the Multimodal Transportation Plan and designed and constructed to PWDSS.

26-6-9 Infrastructure, Improvements, and Utilities

(a) Applicability

(1) The standards in this section are applicable to all preliminary plats and any development or redevelopment that does not require subdivision but for which necessary infrastructure, improvements, or utilities need to be provided or updated.

(2) All required public improvements shall be the financial responsibility of the applicant.

(b) Drainage

(1) Drainage easements and drainage improvements shall be designed by a registered engineer to accommodate expected run-off as determined by the drainage plan.

(2) Improvements shall be designed and installed to PWDSS requirements.

(c) Infrastructure

(1) Water Distribution

(A) Each applicant for development shall provide additional water rights pursuant to Chapter 120 of the Code of Ordinances, storage, and distribution facilities to serve the proposed development, including all areas of park land dedication, amenity space, and private recreation facilities. All facilities shall comply with Chapter 120.

(B) The water main distribution system shall be designed to connect with the City water system and make water available to each lot in the proposed subdivision. Design and installation of the system shall be to PWDSS requirements and Public Works Director approval.

(2) Sanitary Sewage Collection

The sewage collection system shall be designed to connect with the city system and provide service to each lot in the proposed subdivision in compliance with the PWDSS and Public Works Director approval.

(d) Utilities

(1) Design

All utilities shall be designed by a professional engineer licensed in the State of Colorado.

(2) General Utilities

All utilities, except major power transmission lines as defined by PWDSS or the utility, shall be underground, unless specifically exempted by the City Council, that shall grant such exemption only in cases of extreme difficulty.

(3) Oversize Reimbursement

In the event oversized utilities are required by City policy or standards, agreements for reimbursement shall be made, whereby the developer shall be allowed to recover the cost of the utilities that have been provided by them beyond the needs of their development and standard City specifications. The method and time of payment shall be established in accordance with the current policies of the City and/or agreement between the developer and City Council.

(e) Guarantee and Warranty

(1) All public improvements shall have a three-year warranty time, beginning on the day that the City has made an initial inspection and found that all public improvements, including but not limited to streets, sidewalks, drainage facilities, utilities, and fiber optic conduits, to the extent that such conduits are to be owned and maintained by the City, except the final one and one-half inch top lift of asphalt, have been installed to City specifications.

(2) Ten percent of the total value of the escrow, letter of credit or other financial guarantee provided to the City shall be retained by the City during the warranty period.

(3) The final one and one-half inch top lift of asphalt paving shall be installed only after the construction of all structures that may be built within a subdivision or particular filing of a subdivision is complete or after the initial three-year warranty period has expired, whichever is last to occur.

(4) After the expiration of the three-year warranty period, the City Engineer may, at their discretion, approve the construction of the final one and one-half inch top lift of asphalt on a street-by-street basis upon finding that substantially all of the structures have been built, the occupants of which are likely to use the street in question.

(5) The final one and one-half inch lift of asphalt shall also have a three-year warranty period for which 10 percent of the total value of the escrow, letter of credit, or other financial guarantee applicable to the one and one-half inch lift shall be retained by the City during the warranty period.

(6) The developer shall be responsible for requesting an initial inspection of all public improvements to begin the warranty period, and a final inspection of all public improvements at the end of the three-year warranty period.

(7) At the developer's request, the City Engineer shall make an inspection of the public improvements. When the City Engineer finds that the public improvements meet City standards, the City Engineer or Public Works Director shall, by way of a written letter to the developer, acknowledge the acceptance of the public improvements and authorize the reduction or elimination of the escrow, letter of credit or other financial guarantee, which shall occur after the three-year warranty period.

(8) The developer is responsible for protecting improvements from damage during the construction period. Any repairs to or replacements of public improvements made by the developer at the end of the three-year warranty period, including but not limited to repairs or replacements necessitated by damage due to construction traffic or activities, shall themselves be warranted for a period of three years from the date of repair or replacement and an escrow, letter of credit or other financial guarantee acceptable to the city attorney shall be provided to the city, in an amount equal to 10 percent of the value of such repairs or replacements, for such three-year period.

(f) Stormwater Quality

(1) General Provisions

(A) Purpose

The purpose of this section is to:

(I) Minimize damage to public and private property and infrastructure;

(II) Safeguard the health, safety, environment, and general welfare of the public;

(III) Protect water and aquatic resources; and

(IV) Ensure that water quality impacts are addressed during the planning, design, construction, and post construction phases of development.

(B) Applicability

For the purposes of this LUC, this section shall apply to all development applications that may generate water that enters the City's storm drainage system, in compliance with the Code of Ordinances, Section 104.34.

(C) Professional Engineering Required

Drainage systems shall be designed by a professional engineer licensed in Colorado.

(2) Compliance with City, State, and Federal Regulations

All development subject to this section shall comply with Chapter 104 of the Code of Ordinances and Colorado state law regarding stormwater management including requirements or limits on infiltration, retention, detention, and discharge.

(3) Storm Water Discharge Permit

Projects that are required to do so shall obtain a storm water discharge permit from the Colorado Water Quality Control Division.

(4) Coordination with Area Storm Drainage Pattern

(A) Storm drainage systems shall be separate and independent of any sanitary sewer systems.

(B) The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the proposed development but also runoff from those areas adjacent to and upstream from the development itself, as well as their effects on lands downstream.

(C) If a development is proposed to occur in phases, a general drainage location for the entire area shall be presented with the first phase and development stages for the drainage system for each section shall be indicated.

26-6-10 Public Land Dedication

(a) General Requirements

(1) Unless approved by the City Council at the time of annexation or prior subdivision, every annexation, subdivision, or residential or commercial development shall require the dedication of certain sites for parks and recreation or open space use and may require reservation of sites for school and other public purposes. The use of the dedicated area for either park or open space shall be determined by the City Council based on applicable plans, policies, and community need.

(2) Land dedicated may include the one hundred year floodplain, national and state historical or natural features, and proposed public areas set aside in state, regional, county or city Comprehensive Plans.

(3) Land dedicated shall not include sites for technical, private or public schools, public agencies, sites for service organizations that are not open to the general public, and sites unsuitable for public use due to steep slopes, rock formations, adverse topography, utility easements, or other features that may be harmful to the health and safety of the public.

(4) These requirements shall not apply in cases where dedication arrangements were made and approved by the City Council at the time of annexation or previous subdivision of the property.

(5) For all applications for annexation, any proposed public land dedication for parks, open space, and recreation use shall be reviewed by the Lafayette Open Space Advisory Board (LOSAB) as early in the process as feasible and prior to consideration of the annexation by City Council.

(b) Method and Amount of Land Dedicated

(1) Residential and mixed-use development in which 50 percent or more of the development is residential shall dedicate 15 percent of the total land area to the City, except in cases where satisfactory dedication, cash-in-lieu, or other arrangements were made and approved by the City Council at the time of annexation or prior subdivision.

(2) Commercial and industrial development and mixed-use development in which less than 50 percent of the development is residential shall dedicate 12 percent of the total gross lot area.

(3) A minimum of 80 percent of land dedicated shall lend itself to utilization for open space or public recreation purposes that include, but are not limited to, the following: playfields, tennis courts, picnic sites, or open space.

(4) Required land to be used for open space or public recreation shall be dedicated to the City by means of a Final Plat dedication or deed at locations designated by the City.

(5) Detention ponds and medians shall not be counted as parks, open space, or recreation use for the purpose of meeting the dedication requirements of this section..

(6) Land offered for dedication shall:

(A) To the maximum extent feasible, be included in areas that have a minimum dimension of no less than 10 feet on any side;

(B) Land offered for park dedication shall be generally flat and able to be designed for public use; and

(C) Not be undesirable, leftover parcels that are in inaccessible locations on the site.

(c) Cash-in-Lieu of Dedication or Alternative Land Dedication

(1) If the City Council, in its sole discretion, determines that there is insufficient, suitable land available within the subdivision to meet the dedication requirement of Section 26-6-10(b), the developer shall be required to pay to the City cash, transfer other suitable property, or some combination of both in lieu of land dedication requirements. The cash payment for the property that was to be dedicated shall be in an amount equal to the cost of real estate in Lafayette as determined annually by the City Manager. If the City Council determines to accept other property instead of, or as a partial payment toward the cash payment in this section, the fair market value of the other property shall be used as the basis of the satisfaction of the requirement.

(2) A payment in lieu of land dedication shall be made prior to final approval of the subdivision, and such payment shall be used for the acquisition of land and for the improvement of parks, open space, playgrounds and recreation areas in the city, which may benefit the residents of the City in general, as well as those of the proposed subdivision.

(d) Land Dedication Deferral

The payment of all fees and costs and the accomplishment of certain actions contained within Sections 26-6-10(a) through 26-6-10(c) may be deferred pursuant to Article XIV of Chapter 30 of the Code of Ordinances.

(e) Reservation of Land for Schools and other Public Agencies

(1) If requested by a public agency, the City Council may require a developer to reserve land areas sufficient for development of public schools or other public agency facilities. A public agency includes the State of Colorado and any political subdivision thereof.

(2) Land reserved shall, by the nature of its natural topography, soil condition, and connecting utilities, lend itself to development of the desired facility.

(3) Land reserved shall be purchased by the public agency at its fair market value according to the following schedule:

(A) Within 90 days following approval of the final plat, the requesting agency and the developer shall enter into an option agreement for a period of no greater than one year, with a renewal provision for one additional year, unless other terms are mutually agreed upon between the developer and the requesting agency.

(B) When the option is signed, the public agency shall deposit with an escrow agent an amount that shall be determined by the public agency and the developer to equal the actual costs and expenses of replatting the subdivision if the option is not exercised, plus 10 percent. In the event the public agency and developer cannot agree upon the estimated expenses, the City Manager shall make the determination. In the event the option is extended for an additional year, the public agency shall deposit an additional 10 percent of the estimated costs and expenses with the escrow agent.

(C) For the purpose of this section, the fair market value of the land reserved shall be the value of the raw, undeveloped land, plus a proportionate share, as they benefit the reserved land, of the actual cost of the improvements required of the developer.

(D) In the event the public agency and the developer cannot agree as to the fair market value, the parties shall submit the matter to binding arbitration, under such rules and regulations as prescribed by the American Arbitration Association.

26-6-11 Public Art in Lieu of Fee

A developer may, pursuant to Section 28-27 of the Code of Ordinances, propose to provide public artwork within their subdivision, development or elsewhere in lieu of paying the public art fee that would otherwise be payable pursuant to Chapter 30 of the Code of Ordinances.

ARTICLE 26-7. ADMINISTRATION AND PROCEDURES

26-7-1 Review and Decision-Making Bodies

(a) City Council

The City Council shall have all those powers and duties available to the governing body of a home rule municipality in the State of Colorado, including but not limited to those powers in Chapter 6 of the City Charter, and those decisions shown in Table 26-7-1: Review Procedures Summary.

(b) Planning Commission

(1) Creation, Composition, and Duties

The Planning Commission is established by City Charter Section 4.14 and has the duties and jurisdiction as set forth in the City Charter, Lafayette Code Chapter 5, and this section.

(2) Meetings and Hearings

The Planning Commission shall schedule and hold regular meetings and public hearings. All hearings shall be open to the public and shall be governed by the following rules:

(A) Notice shall be provided pursuant to Section 26-7-3(e).

(B) All evidence and testimony shall be presented publicly.

(C) The proceeding shall be electronically recorded with video and audio.

(c) Board of Adjustment (BOA)

(1) Organization

(A) The Planning Commission shall serve as the BOA concurrent with their terms on the Planning Commission.

(B) Vacancies shall be filled in the same manner prescribed for vacancies on the Planning Commission in accordance with Chapter 5 of the City Charter.

(C) At the first meeting of each calendar year or as needed if there is a vacancy, members shall elect a chairperson and other officers as needed and adopt BOA rules of conduct.

(2) Powers and Duties

(A) The BOA shall have the following responsibilities:

(I) To hear and decide Section 26-7-4(b)(2), Administrative Appeal, where the appellant alleges that there is error in any determination required by this LUC as made by an administrative official; and

(II) To hear and decide Section 26-7-4(b)(15), Variance;

(III) The BOA's authority does not extend to Appeals and Variances of any matters that are the subject of or related to applications or decisions governed by Section 26-3-3(d)(1).

(3) Hearings

The BOA shall schedule public hearings. Five members shall constitute a quorum. All hearings and meetings shall be open to the public and shall be governed by the following rules:

(A) Notice shall be provided as required in Section 26-7-3(e).

(B) All evidence and testimony shall be presented publicly.

(C) The proceedings shall be electronically recorded with video and audio.

(4) Decisions

The concurring vote of four members shall be necessary to reverse any determination of any administrative official or to grant any Variance. Any BOA decision shall be subject to review by a court of competent jurisdiction.

(d) Planning Director

The Planning Director administers the LUC as the designee of the City Manager. The Planning Director is vested with the power necessary for LUC administration including, but not limited to, making determinations assigned to the Planning Director, performing or delegating duties, and providing LUC interpretations.

26-7-2 Summary Table of Review Procedures

Table 26-7-1: Review Procedures Summary
OPT = Optional ✓ = Required Blank Cell = Not Applicable
R = Review and Recommendation F = Feedback D = Decision A = Appeal <> = Public Hearing

Application Type	Code Section	Pre-Application Requirements		Review and Decision-Making Body			
		Pre-App Conference	Neighborhood Meeting	Planning Director	Planning Commission	City Council	BOA
Administrative Applications							
Floodplain Development Permit	26-9-13						
LUC Interpretation	26-7-4(a)(1)	OPT		D			<A>
Minor Adjustment	26-7-4(a)(2)	OPT		D			<A>
Minor Site Plan	26-7-4(a)(3)	OPT		D			<A>
Minor Subdivision	26-7-4(a)(4)	OPT		D or R [2]		<D> [2]	<A>
Oil & Gas Permit	Article 26-10						
PUD Final Development Plan (FDP)	26-7-4(a)(5)	OPT		D			<A>
PUD PDP or FDP Minor Amendment	26-7-4(a)(5)	OPT		D			<A>
Private Easement Dedication or Vacation	26-7-4(a)(6)	OPT		D			<A>

Table 26-7-1: Review Procedures Summary
OPT = Optional ✓ = Required Blank Cell = Not Applicable
R = Review and Recommendation F = Feedback D = Decision A = Appeal <> = Public Hearing

Application Type	Code Section	Pre-Application Requirements		Review and Decision-Making Body			
		Pre-App Conference	Neighborhood Meeting	Planning Director	Planning Commission	City Council	BOA
Sign Permit	26-7-4(a)(7)	OPT		D			<A>
Site-Specific Adjustment	26-7-4(a)(8)	OPT		D			<A>
Subdivision Final Plat	26-7-4(a)(9)	OPT		D			<A>
Temporary Use Permit	26-7-4(a)(10)	OPT		D			<A>
Wireless Comm. Facilities Permit	Article 26-11						
Applications Requiring a Public Hearing							
Annexation	26-7-4(b)(1)	✓		R	<R>	<D>	
Administrative Appeals	26-7-4(b)(2)						<D>
Comprehensive Plan Adoption/Amendment [3]	26-7-4(b)(3)	✓	✓	R	<R>	<D>	
Dedication of Public Right-of-Way and Public Easement	26-7-4(b)(4)	OPT		R		<D>	
Development Sketch Plan	26-7-4(b)(5)	✓	✓	R	<F>	<F>	
Floodplain Variance	26-9-14						
LUC Text Amendment	26-7-4(b)(6)	OPT		R	<R>	<D>	
Major Adjustment	26-7-4(b)(7)	✓	✓	R	<R>	<D>	
Major Site Plan	26-7-4(b)(8)	✓	✓	R	<R>	<D>	
Regulating Plan	26-7-4(b)(9)	✓		R	<R>	<D>	
Rezoning	26-7-4(b)(10)	✓	✓	R	<R>	<D>	
PUD Preliminary Development Plan	26-7-4(b)(11)	✓	✓	R	<D>		
Special Use Review	26-7-4(b)(12)	✓	✓	R	<R>	<D>	
Subdivision Preliminary Plat	26-7-4(b)(13)	✓	✓	R	<D>	<A> or <D>[4]	
Vacation of Public Right-of-Way and Public Easement	26-7-4(b)(14)	OPT		R	<R>	<D>	
Variance	26-7-4(b)(15)	OPT	OPT	R			<D>
Vested Property Rights	26-7-4(b)(16)						

Notes:
[1] Based on type of adjustment requested and concurrent development application requirements.
[2] If the application includes dedications such as utility or access easements, street rights-of-way, or public land.

Table 26-7-1: Review Procedures Summary
OPT = Optional ✓ = Required Blank Cell = Not Applicable
R = Review and Recommendation F = Feedback D = Decision A = Appeal <> = Public Hearing

Application Type	Code Section	Pre-Application Requirements		Review and Decision-Making Body			
		Pre-App Conference	Neighborhood Meeting	Planning Director	Planning Commission	City Council	BOA

[3] Not applicable to City-initiated applications.
[4] If called up by City Council.

26-7-3 Common Review Procedures

(a) Pre-application Conference

(1) Purpose

Pre-application conferences allow applicants to present City staff with an initial development concept and receive preliminary direction on application requirements, review procedures, and review criteria. Staff may also relay the governing zoning district, key goals and objectives of the City's Comprehensive Plan and other guiding documents, and feedback from referral agencies. Pre-application conferences are informal meetings and not intended to provide the type of comprehensive review or direction that occurs through formal reviews of complete applications, however, applicants who provide detailed development concepts generally receive more constructive feedback at this stage.

(2) Applicability

(A) Pre-application conferences are required as identified in Table 26-7-1: Review Procedures Summary.

(B) The Planning Director may waive the pre-application conference based on applicant request where the Director deems the proposed project to be simple, low impact, and non-controversial and where the applicant has successful prior development experience with the City.

(3) Public Attendance

Pre-application conferences are informational for the applicant and are not open to the public.

(4) Process

(A) Applicants shall schedule a pre-application conference in accordance with required City schedule and process.

(B) Where a pre-application conference is required, it must take place prior to the filing of the application.

(C) The applicant shall submit a narrative describing the proposed project and a conceptual plan, if applicable.

(D) Where a pre-application conference is required for a specific application type, the application shall be filed within 120 days of the meeting or a new pre-application conference may be required.

(E) The Planning Director may determine that an additional, follow-up pre-application conference(s) is required to address outstanding issues or where there are significant changes to the application. Where an additional pre-application conference is required, the applicant shall not submit the application until the meeting has been held.

(5) Record and Effect

(A) A pre-application conference is advisory only and does not constitute a decision of any aspect or item of an application nor a thorough review of the project.

(B) The City is not responsible for making or keeping a summary of the topics discussed at the pre-application conference.

(b) Neighborhood Meetings

(1) Purpose

The purpose of a neighborhood meeting is to:

(A) Allow the applicant to present information about a proposed development to the adjacent residents;

(B) Allow adjacent residents to provide the applicant with comment and feedback about the proposed development; and

(C) Provide an opportunity for a City representative to attend and clarify the application process.

(2) Process

(A) An applicant shall hold neighborhood meeting no more than 120 days prior to submitting a development application.

(B) The Planning Director may require a neighborhood meeting for applications not otherwise required to hold a neighborhood meeting based on the size, complexity, or potential impacts of the proposed development on the surrounding neighborhood.

(C) An applicant may request that the Planning Director waive a neighborhood meeting.

(I) A request to waive a neighborhood meeting shall include a concise narrative explaining:

(i) Why the project uses, structures, site design, or operations will have limited to no potential for negative impacts on adjoining properties and the surrounding neighborhood; or

(ii) How the applicant has either met staff or neighborhood concerns or is in compliance with the LUC and not required to make further application changes.

(II) The Planning Director will issue a written decision on the request to waive a neighborhood meeting.

(D) The Planning Director may require an additional neighborhood meeting after a development application has been submitted if the application has been substantially modified following the initial neighborhood meeting.

(3) Requirements for All Neighborhood Meetings

(A) Notice

(I) The applicant shall provide the following notice a minimum of 10 days prior to the neighborhood meeting:

(i) Mailed notice identifying the date, time, place (or access information if the meeting is virtual), and subject of the meeting shall be provided within the distance specified in Section 26-7-3(e)(4)(A).

(ii) Posted notice, including the same details listed for mailed notice, shall be provided on at least one sign per street frontage or public trail frontage on the subject property in accordance with Section 26-7-3(e)(4)(B).

(II) The applicant shall submit a mailing list showing the addresses and date mailed and photographs and dates of the posted notices with the project application.

(B) Meeting Requirements

(I) The meeting may be held in-person or as a virtual or hybrid meeting. In-person or hybrid meetings shall be held at a location within the general area of the subject property and in a room with sufficient space to accommodate the anticipated number of attendees. If sufficient space is not provided, the Planning Director may require an additional meeting.

(II) A detailed summary of the neighborhood meeting presentation and a list of all of the comments provided by the attendees shall be submitted as part of the project application and included in the required meeting materials for Planning Commission and City Council review or decision, as applicable.

(c) Application Submittal and Completeness Review

(1) Authority to Submit Application

A development application may only be submitted by:

(A) The owner, contract purchaser, or any other person having a recognized property interest in the land on which development is proposed; or

(B) A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a letter or document signed by the owner, contract purchaser, or other person. If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.

(2) Application Content

(A) To be accepted for review, an application shall be submitted to the Planning and Building Department on one or more forms available in the Planning Department office, via the City's electronic submittal system, or available on the City's website.

(B) The applicant bears the burden of ensuring that an application contains complete and sufficient information to demonstrate compliance with application requirements and contains all required supporting documents.

(C) The Planning Director may require additional information necessary to evaluate the application based on size, complexity, or potential impacts of the project on the surrounding neighborhood.

(D) The Planning Director may waive application submittal requirements of the LUC if the Director determines the waiver will not compromise a complete review and the information is not necessary to describe the proposal or demonstrate compliance with the applicable approval criteria.

(3) Application Fees

(A) Application fees in effect at the time of application submittal shall be submitted with the application. Applications are not complete, and will not be processed by City staff, until all applicable application fees have been paid.

(B) The City Council may elect to allow fee waivers or reductions for specific types of applications or categories of applicants. Where a fee waiver may apply, the applicant shall provide information supporting their qualifications for the waiver.

(C) The Director may require the payment of a second application fee for any application that includes City comments that have not been fully addressed so as to require a fourth resubmittal.

(D) The schedule of application fees is available in the Planning and Building Department office, or on the City's website, or both.

(4) Complete Application Required

(A) Determination of Completeness

The Planning Director shall determine whether the application is complete based on substantial compliance with the submittal requirements for the applicable review process and payment of required fees.

(B) Complete Applications

A complete application shall be processed according to the procedures in the LUC. Following a determination of completeness, the Planning Director, Planning Commission, or City Council may request additional information in the course of the review if it is deemed necessary to determine compliance with the relevant standards and review criteria for the application.

(C) Incomplete Applications

(I) If an application is incomplete, the Planning Director shall provide a written determination of the incomplete items to the applicant. Any deficiencies noted by the Planning Director shall be addressed by the applicant prior to resubmitting the application. Applicants shall have 45 days to resubmit an application following a Planning Director request for additional information or the application may be deemed abandoned.

(II) An incomplete application shall not be processed.

(5) Withdrawal of an Application

The applicant may withdraw an application at any time upon submittal of a written request to the Planning Director. The Director may authorize a return of application fees proportionate to the work completed to process the application. If the applicant submits a

new or revised application concerning the same property, a new application fee must be paid.

(6) Abandoned Applications

If a complete application has been reviewed and comments provided to the applicant for correction but a resubmittal addressing staff-noted deficiencies has not been received within 90 days of staff providing the applicant with comments, the application shall be deemed abandoned and application fees paid in connection with the application shall not be returned. The applicant may request 90 additional days to address staff-noted deficiencies, and the Planning Director may approve such additional time. If the applicant submits a new or revised application concerning the same property, a new pre-application conference may be required, and a new application fee shall be paid.

(d) Application Review

(1) Referral to Staff and Review Agencies

The Planning Director shall distribute applications that require referral to appropriate City departments and external agencies for their comments.

(2) Referral to Outside Consultant

The Planning Director may authorize all or a portion of the review of a development application to be performed by an outside consultant where the City determines that it does not have the required expertise or staff capacity to properly evaluate specialized aspects of an application.

(A) The Planning Director shall notify the applicant of the decision to retain consultant review prior to retaining a consultant or incurring any related expenses and notify the applicant that all costs for the consultant review will be charged to the applicant.

(B) If the applicant decides to proceed with the application, the City shall select and contract with the consultant(s), shall invoice the applicant for costs incurred, and shall require payment of those costs before the Planning Director makes a decision on the application, or before a public hearing is scheduled before the Planning Commission or City Council, as applicable. The invoice may also include consultant time and expenses for related application review by other City departments such as Public Works.

(3) Staff Review and Application Revisions

(A) City staff shall complete their review and provide the applicant with a copy of all relevant comments.

(B) When outside agencies submit recommendations and comments, the Planning Director shall share the comments and recommendations with the applicant. This may or may not be at the same time as the complete staff comments, depending on the timing of the agency comments.

(C) The application shall not move forward for further review until the Planning Director determines that:

(I) The applicant has adequately responded to the City's recommendations and comments; or

(II) If the application requires decision-making by the Planning Commission or City Council, the applicant requests that the application move forward without

responding to the City's recommendations and comments. A decision that requires administrative determination shall not be forwarded for review.

(4) Applications Subject to Staff Recommendation

(A) Staff Report

If an application is subject to decision by another decision-making body per Table 26-7-1: Review Procedures Summary, staff shall prepare a written staff report that summarizes the proposal, findings, and recommendations.

(B) Distribution of Application and Staff Report

The Planning Director shall provide the staff report to the decision-making body and shall make the staff report and related application materials available for public review prior to the public meeting or public hearing at which the application is scheduled to be heard.

(e) Scheduling and Noticing of Public Hearings

(1) Scheduling

(A) If an application is subject to a public hearing per Table 26-7-1: Review Procedures Summary, the Planning Director shall schedule the public hearing for either a regularly scheduled meeting or special meeting of the Planning Commission, City Council, or Board of Adjustment, as applicable.

(B) No public notice shall be made for incomplete applications or for applications requiring additional revisions and review.

(2) Summary of Public Notice Requirements

All development applications shall comply with Colorado law and the provisions of this section with regard to public notification. The required notice for each application type is identified in the table below.

(A) Notice requirements shall apply to any public hearing associated with the individual application type.

(B) Notice for two or more application types that will be reviewed concurrently may be combined into a single notice for each form of notice required (e.g., one letter, one publication) provided all of the required information for each type application is included.

Table 26-7-2: Public Notice Requirement
Key: ✓ = Required -- = Not Required

Application Type	Mailed	Posted	Published
Annexation	✓	✓	✓
Administrative Appeal	✓	--	✓
Comprehensive Plan Adoption	--	--	✓
Comprehensive Plan Amendment [1]	✓ (Site-specific only)	✓	✓ (Site-specific only)
Development Sketch Plan	✓	✓	✓
LUC Text Amendment	--	--	✓

Table 26-7-2: Public Notice Requirement
Key: ✓ = Required -- = Not Required

Application Type	Mailed	Posted	Published
Major Adjustment	✓	✓	✓
Major Site Plan	✓	✓	✓
Rezoning	✓	✓	✓
PUD Rezoning Preliminary Plan	✓	✓	✓
Special Use Review	✓	✓	✓
Subdivision Preliminary Plat	✓	✓	✓
Vacation or Dedication of Public Right-of-Way	✓	✓	✓
Variance	✓	✓	✓

Notes:
[1] Mailed notice and sign posting is only required for site-specific requests to change future land use classifications.

(3) Content of Public Notices

All public notices shall include:

(A) The date, time, and place of the public hearing;

(B) Application type and a statement of the nature of the matter to be considered;

(C) Description of the location of the subject property;

(D) Location where the public may view the application;

(E) The agency or office and contact information where further information may be obtained.

(4) Requirements by Notice Type

(A) Mailed Notice

(I) Notice shall be sent by first class mail to property owners within 750 feet of the subject property at least 10 days prior to any required public hearing.

(II) Failure of any individual notice addressee to receive the notice shall not in any way invalidate or affect subsequent action on the application and the requirement shall not be construed as a legal precedent to the official approval.

(B) Posted Notice

(I) The applicant shall place notice of the public hearing on the subject property at least 10 days in advance of the date of public hearing. All posted notices shall be:

(i) Printed on weatherproof material and be approved for size, durability, and content by the Planning Director;

(ii) Placed on the subject property along each abutting improved public street and oriented so that each sign is clearly visible with at least one sign posted on a street frontage; and

(iii) In place during the period leading up to the decision-making body's final action.

(II) On large parcels, interior parcels, or parcels that are difficult to see from the exterior boundary lines, the Planning Director may require additional posted signs as may be necessary to reasonably ensure that notice is provided around the property.

(III) No person other than the applicant, applicant's agent, or City staff shall erect, remove, or alter public notice signs.

(C) Published Notice

The City shall publish notice in a newspaper of general circulation within the city at least 10 days prior to the public hearing. Based on the size, complexity, or potential impacts of the project on the surrounding neighborhood of a proposed application, the Planning Director may require that notice shall be provided to other newspapers, radio, City website, social media, television stations, and other City communication channels for use as a public service announcement.

(5) Omissions or Defects in Notice

The purpose of public notice provided in this section is to reasonably inform surrounding property owners of a pending review application. No minor omission or defect in the mailed, published or posted notice shall be deemed to impair the validity of the proceedings to consider the application. If, at or prior to the public hearing or final approval, an omission or defect in the public notification is brought to the attention of the decision-maker, the decision-maker shall determine whether the omission or defect impairs or has impaired the ability of individuals entitled to notice to participate in the public review process. If the decision-maker finds that defective notice impaired the ability to participate, the decision-maker shall continue the review process or hearing for at least 10 days. Any omission or defect in the public notice that is not brought to the decision-maker's attention or that the authority finds did not impair the ability to participate in the review process shall not affect the validity of the proceedings.

(f) Review, Recommendation, and Decision

(1) Public Hearing

Where a public hearing is required, it shall proceed according to the bylaws of the body overseeing the hearing.

(2) Applications Subject to Staff Decision (Administrative Applications)

(A) Decision

If an application is subject to a final decision by the Planning Director per Table 26-7-1: Review Procedures Summary, the Planning Director shall approve, approve with conditions, or deny the application based on the review criteria applicable to that type of application. The decision shall be in writing, shall clearly state the reasons for a denial or for any conditions of approval, and shall be sent to the applicant.

(B) Planning Commission Referral

(I) The Planning Director may refer an application to the Planning Commission based on the proposed size, complexity, or potential impacts of the project on adjacent neighborhoods or developments.

(II) If the Planning Director refers a decision to the Planning Commission, the Planning Commission shall conduct a public hearing pursuant to Section 26-7-3(e) before making the decision per Section 26-7-3(f)(2), except that the Planning Commission shall make a final decision pursuant to the same review criteria that the Planning Director would have been required to apply.

(3) Decision by Planning Commission, City Council, or Board of Adjustment

(A) The decision-making body shall review the application against the applicable criteria and make decisions based on policies, standards, plans, staff and reviewing body recommendations, applicable law, testimony, and evidence presented at the public hearing.

(B) The decision shall be in writing and accompanied by a statement that explains the applicable criteria and standards, states the relevant facts relied upon, and explains the rationale for the decision.

(4) Recommendation or Decision

(A) The Planning Commission, City Council, or BOA shall, based on their role in the review and decision-making process, make a recommendation or decision on the application as follows:

(I) Approve or recommend approval of the application;

(II) Approve or recommend approval the application with conditions;

(III) Deny or recommend denial of the application;

(IV) Continue the public hearing; or

(V) Once the public hearing has been opened, allow withdrawal of the application.

(B) If the BOA determines that additional evidence is needed to resolve the matter; it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain the needed evidence and to reconsider the decision based on that evidence.

(5) Conditions of Approval

(A) Where a decision-making body is authorized to recommend or make a decision on an application subject to applicable criteria, the decision-making body may recommend or approve an application subject to conditions necessary to bring the proposed development into compliance with the LUC.

(B) All conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the City prior to the review of the application. The conditions may include those necessary to carry out the purpose and intent of City policies and this LUC.

(C) Any condition of approval that requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.

(D) During its consideration, the decision-making body may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the federal or state constitutions, statutes, or regulations. Discussions of potential conditions to mitigate impacts do not

reflect actions by the decision-making body unless and until the decision-making body takes formal action to attach that condition to a development approval or permit.

(E) Unless otherwise provided in the LUC, any representations of the applicant, including through information in submittal materials or statements made during public hearings shall be binding as conditions of approval.

(F) Any conditions of approval shall be listed in or attached to the approval document, and violation of any approved condition shall be a violation of this LUC.

(6) Development Agreement

In connection with any approval under this LUC, an applicant may be required to enter into a development agreement with the City for any of the following purposes:

(A) To establish schedule(s) for development, installation of improvements and/or amenities, and payment or escrow of fees or guarantees by the applicant, or the City, or both;

(B) To ensure that conditions related to the applicant's mitigation of impacts of the development on surrounding areas are performed without cost to the City;

(C) To document what portions, if any, of the costs of infrastructure or facilities needed to serve the property will be borne by the City, and under what terms or conditions; and

(D) To address any other matter related to the completion of the development consistent with the Comprehensive Plan or related to reducing or mitigating the potential impacts of the development on surrounding areas or the city, that is not contrary to state or federal law.

(7) Continuance

(A) When a public hearing is open, the City Council or Planning Commission may, in its discretion or as provided in the applicable rule of procedure, continue the hearing to a date/time certain.

(B) If the applicant requests a continuance and the continuance is granted, the applicant shall pay all additional costs to continue or reschedule the proceeding.

(8) Time Limits for Decision

When this LUC requires a decision within a specific time period, the City and the applicant may mutually agree in writing to a different time period. This time period applies unless a specific time period is required by state or federal law.

(g) Post-Decision Actions and Limitations

(1) Appeal

A person aggrieved by a final decision may appeal as follows:

(A) Administrative Appeal to BOA: See Section 26-7-4(b)(2).

(B) Final Planning Commission decisions may be appealed to the City Council. The Planning Commission is not an administrative official of the City.

(C) Final City Council quasi-judicial decisions may be appealed to the district court in accordance with applicable state law.

(2) Subsequent Applications

No development application for the same request or the substantially same request involving the same property shall be permitted within one year of an application denial. Following the one-year period, a new application may be submitted.

(3) Approval Adjustments

(A) Application

Substantive adjustments to approved applications may be requested as follows:

(I) Where adjustment is needed to accommodate a site-specific issue discovered following approval, the applicant may request either a Section 26-7-4(b)(7) Major Adjustment or Section 26-7-4(a)(2) Minor Adjustment, depending on the scope change requested.

(II) A property owner with an existing development approval or permit who wants to request modification to the approval terms, conditions, or mitigations may request an adjustment based the original approval process:

(i) Approval required a public hearing: Section 26-7-4(b)(7) Major Adjustment.

(ii) Administrative approval, no public hearing: Section 26-7-4(a)(2) Minor Adjustment.

(B) Modification

The Planning Director may modify any decisions to correct a clerical error.

(I) Public notice and hearing are not required.

(II) The Planning Director shall send a copy of the corrected decision to each recipient of the original decision.

(4) Reconsideration or Modification

The following actions are permitted after a decision is made following a public hearing at the discretion of the original decision-maker.

(A) Reconsideration

(I) Written request for rehearing shall be made within 10 days of the issuance of the decision.

(II) If the party requesting the rehearing can meet one of the following criteria, the City Council may, at its discretion, suspend its order and re-open the hearing to reconsider, modify, or rehear the issue:

(i) New evidence has been discovered that could not reasonably have been presented at the original hearing but is now offered for review,

(ii) Proof of a mistake or misrepresentation was made at the original hearing that requires rehearing to be corrected;

(iii) Upon a showing of mistake of fact or law; or

(iv) Proof of a clerical error that can only be corrected through rehearing.

(5) Lapsing and Extension of Approvals

(A) Lapsing

Except where a different time period is provided in a specific procedure, approvals lapse and are deemed void as follows unless, prior to the lapsing date, a building

permit or other approval based upon such approval is issued and construction is commenced and pursued toward completion:

(I) Administrative approvals: 180 days following the date of final approval.

(II) Any approval requiring a public hearing: Two years from the date of final approval.

(III) Rezoning and annexation approvals do not lapse.

(B) Extension of Approval

(I) Request

The Planning Director may extend any approval that is subject to lapsing, regardless of which decision-making body acted as the original decisionmaker excluding Sketch Plans processed under the 1986 DZC, one time as follows:

(i) Application approval: Extension not to exceed 180 days unless a shorter time period is provided in the specific procedure;

(ii) Completion of improvements: extension not to exceed one year.

(iii) A second extension request, if needed, shall be made to the decision-making body that issued the original approval, such as the Planning Commission. The second extension request may not exceed 180 days.

(II) Application

(i) A request to extend any approval shall be submitted in writing to the Planning Director prior to the expiration of the original approval.

(ii) An extension request shall include payment of required fees and written description of the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes to the Comprehensive Plan or this LUC that have occurred since approval, and the anticipated time schedule for completion.

(III) Review

(i) When deciding to extend or change any deadlines, the Planning Director or Planning Commission, as applicable, shall consider if development regulations have materially changed so as to render the project inconsistent with the regulations prevailing at the time the extension would expire.

(ii) Additional review may result in additional conditions.

(6) Revocation

(A) An approval may be revoked where the Planning Director has evidence supporting fraud, mistake, or irregularity.

(B) The Planning Director shall provide the owner of record and approval holder (if other than the owner) of the property subject to the development approval a notice to hearing show cause why the approval should not be revoked.

(I) The notice shall state the date, time, and place for a public hearing at which the City Council will consider whether the development approval should be revoked.

(II) The notice shall also set forth a concise statement of the grounds for revocation.

(III) Notice shall be served at least 30 days prior to the hearing; it may be provided in person or by first class United States mail.

(C) Following the hearing, the City Council shall issue a make findings either revoking the approval or finding insufficient evidence to revoke the approval.

26-7-4 Specific Review Procedures

(a) Administrative Applications

(1) Land Use Code Interpretation

(A) Purpose

The purpose of an LUC Interpretation is to clarify how regulations are applied to a specific case as well as guide general application of the LUC.

(B) Applicability

(I) The Planning Director may provide a written interpretation of the contents and requirements of the LUC, including interpreting Table 26-3-1: Use Table to determine whether a use not specifically mentioned can reasonably be interpreted to fit into a use category.

(II) Interpretations may be requested for a provision of the LUC subject to a proposed or current application, hearing, or appeal.

(III) The Planning Director may provide a property-specific interpretation in the form of a clarification that identifies whether specific regulations in the LUC are applicable to the subject property.

(C) Authority

An interpretation may be requested by any:

(I) Applicant;

(II) Property owner adjacent to an action proposed pursuant to the LUC; or

(III) Any City departments or other governmental agencies that may be subject to the provisions of the LUC.

(D) Specific Procedures

Applications for an LUC Interpretation shall follow the applicable common review procedures for an administrative approval identified in Section 26-7-3.

(E) Review Criteria

The Planning Director shall review and decide on an LUC interpretation based on the following considerations:

(I) The intent or purpose statement of the specific regulation or LUC section;

(II) Context of related regulations and/or City records related to the Code's review and adoption;

(III) Implementation of the Comprehensive Plan or other applicably City plans; and

(IV) Individual and community life, safety, and public health.

(2) Minor Adjustment

(A) Purpose

A Minor Adjustment allows limited changes to the dimensional or numeric standards of the LUC. Minor Adjustments are intended to provide greater flexibility, when necessary, without requiring a reapplication or Variance.

(B) Applicability

(I) A Minor Adjustment may be requested to modify a numeric standard listed in Table 26-7-3: Minor Adjustments to accommodate:

(i) Anticipated site-specific issues,

(ii) Site-specific issues discovered during the construction process, or

(iii) Specific adjustments allowed as Minor Adjustments in this LUC.

(II) The Minor Adjustment process is not applicable to PUDs. PUD amendments are provided for in 26-7-4(b)(11)(D)(II).

(III) The Planning Director may require that a Minor Adjustment application be processed as a Major Adjustment if the application raises a significant public issue for which parties other than the owner of the property may want to offer testimony.

(C) Initiation

A request for Minor Adjustment shall be submitted as follows:

(I) As a stand-alone application;

(II) Concurrently with a new application for administrative review, such as a Minor Site Plan, Minor Subdivision, or Sign Permit; or

(III) Where a Minor Adjustment is requested as a remedy for site issues discovered during the construction process, in conjunction with resubmission of the development approval for which the adjustment is requested.

(D) Authority

(I) New Development and Redevelopment

A Minor Adjustment is required for any request to change any of the numerical standards listed in Table 26-7-3: Minor Adjustments by up to 10 percent.

Table 26-7-3: Minor Adjustments

LUC Standard	Maximum % Adjustment	
	Minor	Major 26-7-4(b)(7)
Lot and Building Standards		
Lot Area (Minimum)	10%	25%
Lot Width (Minimum)	10%	25%
Setbacks, Front/Side/Rear (Minimum)	10%	25%
Site Planning and Development Standards		
Landscaping Requirements (Minimum)	10%	25%
Off-Street Parking Spaces (Minimum)	10%	25%

Table 26-7-3: Minor Adjustments		
LUC Standard	**Maximum % Adjustment**	
	Minor	**Major 26-7-4(b)(7)**
Sign Area and Height (Maximum)	10%	25%

(II) Standard Adjustment for Infill Development

To encourage the development of infill lots and maximize the City's public infrastructure investments, the following adjustments are allowed as Minor Adjustments at the request of the applicant without a showing that the project meets the Section 26-7-4(a)(2)(H) Review Criteria:

(i) Infill development on a conforming lot shall be entitled to a 10 percent site-specific adjustment to all application zoning district dimensional standards.

(ii) Infill development on a nonconforming lot shall be entitled to a 25 percent site-specific adjustment to all dimensional standards.

(III) Prohibited Adjustments

(i) Minor Adjustments shall not be used to:

(a) Allow uses other than those permitted in Table 26-3-1: Use Table;

(b) Modify standards not listed in Table 26-7-3: Minor Adjustments ;

(c) Allow a building height above the maximum allowed in the zoning district; or

(d) Modify a standard that has already been modified through a different Minor or Major Adjustment, PUD, or Variance approval.

(ii) The Major Adjustment procedure shall not apply to any proposed modification that results in:

(a) A change to the standards in Section 26-3-3, Use-Specific Standards;

(b) A change to Building or Fire Codes;

(c) A change to the City's engineering standards; or

(d) Changes to requirements for public roadways, utilities, or other public infrastructure or facilities.

(E) Reasonable Accommodations Required by Fair Housing Amendments Act

(I) The Planning Director may approve a Minor Adjustment in response to a written request for reasonable accommodation under the federal Fair Housing Amendments Act (FHAA), provided that the adjustment is reasonable and is necessary to comply with the FHAA.

(II) The Planning Director may approve a type of adjustment that is different than the applicant's request if the Planning Director deems such adjustment would satisfy the requirements of the FHAA and would result in fewer impacts on the surrounding area.

(F) Accommodations for Religious Land Uses

(I) The Planning Director may approve Minor Adjustments that eliminate a substantial burden on religious exercise as guaranteed by federal Religious Land

Use and Institutionalized Persons Act (RLUIPA), provided that the adjustment does not allow a use or activity in a zoning district where it is not shown as a permitted or special use in Table 26-3-1: Use Table.

(II) If a request to eliminate a substantial burden on religious exercise would require the allowance of a use or activity in a zoning district where it is not shown as a permitted or special use in Table 26-3-1: Use Table, the Planning Director may have the applicant submit a request through the Special Use Review pursuant to Section 26-7-4(b)(12) but the only approval criteria to be used in that is case is whether the use or activity must be allowed in order to protect the applicant's rights under RLUIPA.

(G) Specific Procedure

Applications for Minor Adjustments shall follow the applicable common review procedures for the associated application.

(H) Review Criteria

The Planning Director shall review and decide on the application based on the following considerations:

(I) The adjustment is required to allow one of the following, and:

(i) Compensate for an unusual site constraint or unusual requirement of the proposed use or building that is not common to other lots, uses, or buildings in the surrounding area;

(ii) Protect a sensitive resource, or natural feature; or

(iii) Allow improved site or structure design that is consistent with the intent of the applicable regulations in keeping with the site and, where appropriate, neighborhood context.

(II) Allowing the adjustment will not result in development that is incompatible with the site or abutting properties.

(I) Decision-Making

(I) In granting a Minor Adjustment, the Planning Director may require conditions that will secure the objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties, including but not limited to additional landscaping or buffering.

(II) Approval of a Minor Adjustment authorizes only the specific adjustments approved, and only to the application subject property.

(J) Post-Decision Actions

An approved Minor Adjustment is valid for the same time period as the associated application approval.

(3) Minor Site Plan

(A) Purpose

The purpose of a Minor Site Plan is to allow administrative review of certain small-scale or minor development projects or low-impact uses to ensure compliance with the standards of the LUC and to encourage quality development reflective of the adopted objectives, policies, and strategies of the Comprehensive Plan.

(B) Applicability

(I) A Minor Site Plan is required for the following structures and associated site improvements:

(i) New residential dwellings: single-household detached, duplex, or single-household attached up to five units;

(ii) Expansions, alterations, or modifications that increase or decrease the total number of existing dwelling units on a lot by up to four units;

(iii) New mixed-use or nonresidential buildings:

(a) In OTX districts: up to 5,000 square feet gross floor area;

(b) Outside of OTX districts: up to 10,000 square feet gross floor area;

(iv) Expansions, alternations, or modifications to existing nonresidential buildings, provided the cumulative increase in gross floor area of the subject building does not exceed the following:

(a) In OTX districts: up to 5,000 square feet or 25 percent of the existing building size, whichever is greater, or

(b) Outside of OTX districts: up to 10,000 square feet 25 percent of the existing building size, whichever is greater; and

(v) Design and construction of or changes to a surface parking lot.

(II) The Director may waive the Minor Site Plan requirement for this non-exhaustive list of activities, but they shall be subject to the standards of the LUC as determined through Building Permit review:

(i) Improvements inside a structure that do not increase gross floor area or building height, increase the density or intensity of use, or meet the application threshold requirements for other development standards (such as parking or landscaping requirements);

(ii) Construction or erection of fences, hedges, or walls;

(iii) Changes to approved colors and materials; and

(iv) Installation of the following:

(a) Roof and fascia changes;

(b) Minor parking lot revisions;

(c) Minor repairs that do not result in discernable changes; or

(d) Repainting of approved parking stalls.

(C) Specific Procedure

Applications for a Minor Site Plan shall follow the applicable common review procedures for an administrative approval identified in Section 26-7-3.

(D) Review Criteria

The Planning Director shall review and decide on the Minor Site Plan application based on the following considerations:

(I) Compliance with all applicable standards of the LUC;

(II) Design scale that is appropriate to the site and function of the project and building(s);

(III) Where appropriate, transition in height and scale between the proposed building and surrounding land uses;

(IV) The relative quality and overall design in relationship to the location and proposed use;

(V) Landscaping design that takes into consideration the function, use, and quality of exterior spaces, including but not limited to open areas and buffering;

(VI) Provision of a safe, convenient, and efficient circulation network that minimizes conflicts between pedestrians, bicyclists, and vehicular traffic; and

(VII) Establishment of an organized site layout and a visually cohesive appearance.

(E) Lapsing and Extension

A Minor Site Plan approval is valid for 180 days. Extension may be requested per Section 26-7-3(g)(5)(B).

(4) Minor Subdivision

(A) Purpose

The purpose of a Minor Subdivision is to evaluate proposed subdivisions that will create few lots or involve minimal adjustments to approved Minor Subdivision or Final Plats.

(B) Applicability

(I) A Minor Subdivision is required for any application to:

(i) Create up to five building lots (including via lot combination);

(ii) Create condominiums or townhomes within an existing building;

(iii) Adjust or merge lot line(s) between parcels; and

(iv) Change an approved Minor Subdivision or Final Plat to:

(a) Correct an error in the description;

(b) Correct any monument;

(c) Correct a clerical error such as lot numbers, acreage, street names and identification of adjacent recorded plats; or

(d) Identify, relocate, or eliminate private easements through acceptance or vacation.

(II) Successive Minor Subdivisions that have the effect of avoiding the Major Subdivision process are prohibited. A lot may only be created or changed through Minor Subdivision once.

(C) Specific Procedure

Applications for a Minor Subdivision shall follow the applicable common review procedures for an administrative approval identified in Section 26-7-3 with the following modification:

(I) When a proposed Minor Subdivision includes dedications such as utility or access easements, street rights-of-way, or public land, the application shall be referred to the City Council by the Planning Director for decision on the subdivision and dedication plat.

(D) Review Criteria

The Planning Director shall review and decide on the application based on the following considerations:

(I) Consistency with the Comprehensive Plan, the Code of Ordinances, and other adopted plans and policies of the City, as applicable;

(II) Compliance with all applicable standards of this LUC; and

(III) The proposed lot changes:

(i) Do not affect a recorded easement without approval from the easement holder; and

(ii) Will not limit the City's ability to effectively provide adequate facilities or services, including but not limited to water and street connections.

(E) Recordation

City staff shall record the final Minor Subdivision plat with the Boulder County Clerk and Recorder following Planning Director approval. The City Clerk shall return one executed copy to the applicant and file copies of the plat as required by state statutes.

(5) PUD Final Development Plan (FDP)

(A) Purpose

The purpose of a Final Development Plan is to review part of all of a PUD for compliance with the Preliminary Development Plan approval prior to the start of construction.

(B) Applicability

Following approval of a PDP, a subsequent FDP approval shall be required before any development activity occurs.

(C) Specific Procedure

Applications for an FDP approval shall follow the applicable common review procedures for an administrative approval identified in Section 26-7-3 with the following modifications:

(I) All or a portion of the land area within the approved PDP may be approved for FDP;

(II) In making a decision, the Planning Director shall review and decide on the application based on the following considerations:

(i) The FDP complies with the approved PDP;

(ii) The application is consistent with the Comprehensive Plan and other adopted plans and policies of the City, as applicable; and

(iii) The application is consistent with all applicable standards of the LUC, including the provision of community benefits pursuant to Section 26-2-14(a).

(D) Post-Decision Actions

(I) Amendment

(i) Application

The applicant or their successors may request amendments to the FDP.

(a) Upon receipt of an FDP amendment application, the Planning Director shall determine if the proposed amendment constitutes a major or minor amendment subject to the criteria below.

(b) Amendments to the approved FDP shall not affect buildings or portions of the district not included in the proposed amendment.

(ii) Major Amendments

An amendment will be deemed major, and processed as a new PUD application, if it involves any one of the following:

(a) A change in the overall PUD district boundary;

(b) A change of 10 percent or more of the gross square footage of nonresidential building area;

(c) A change of five percent or more of the approved number of projected dwelling units;

(d) Any change to any included public or private parks and/or open space;

(e) Any change in land use or density that is likely to substantially impact or burden public facilities and utilities infrastructure as determined by the Planning Director;

(f) Any change in land use or density that is likely to substantially impact or burden mobility adjacent to the PUD district or to the overall major street system;

(g) Any other proposed change to the PDP or FDP, which substantively alters one or more components of the PUD district.

(II) Minor Amendments

Amendments not meeting one or more of the major amendment criteria shall be considered minor. If the Planning Director determines the amendment to be minor, the Planning Director may administratively act on the amendment and attach stipulations or conditions of approval, to protect the public health, safety, and welfare.

(III) Lapsing and Expiration

If the applicant does not establish vested rights for a PUD pursuant to Section 26-8-4(b)(15), and no development has occurred on the site in the three years following the approval date of the FDP, the FDP shall be considered lapsed and the requirements of the base zoning districts shall be applicable to any future development unless a new FDP is approved.

(6) Private Easement Dedication or Vacation

(A) Purpose

A Private Easement Dedication or Vacation is the mechanism by which a new private easement may be formally dedicated or all or a portion of previously platted or dedicated private easement may be vacated.

(B) Applicability

(I) This process shall apply to all forms of easements, including those created for a temporary purpose and excluding public access easements that are subject to

Section 26-7-4(b)(4). Easements may be reserved for the continued use of existing or future sewer, gas, water or similar pipelines and appurtenances, for overland drainage, drainage facilities or canals and appurtenances, and for electric, cable television, telephone and similar lines and appurtenances, or any other public purpose.

(II) An Easement Dedication or Vacation is required to dedicate or vacate if the subject easement(s) has not been dedicated or vacated in association with a Minor Subdivision or Preliminary Plat.

(III) Eligible applicants for dedication of easements include anyone with a property interest in the abutting and underlying land, and eligible applicants for vacations are only the easement holder.

(C) Specific Procedures

Applications for an Easement Dedication or Vacation shall follow the applicable common review procedures for an administrative approval identified in Section 26-7-3.

(D) Review Criteria

The Planning Director shall review and decide on the application based on the following considerations:

(I) All legal prerequisites for recording or eliminating the property interest have been established, and all forms and fees required by the City have been submitted

(II) The applicant has established written evidence of ownership, and provided notice to all other ownership interests in the easement or affected property

(III) The application will not be detrimental to any adjacent property owner, and no owner or entity with a property interest in the easement has objected.

(IV) For a vacation, there is no public purpose for the easement, considering the Comprehensive Plan or other City plans or policies.

(V) The application meets all other procedures and requirements of the Colorado Statutes, the Colorado Constitution, and this LUC.

(E) Recordation

City staff shall record the final Minor Subdivision plat with the Boulder County Clerk and Recorder within 30 days after the date Planning Director approves the application.

(7) Sign Permit

(A) Purpose

The purpose of a Sign Permit is to review a proposed sign for compliance with Section 26-5-7, Sign and Attention-Getting Device Regulations.

(B) Applicability

A Sign Permit is required for the display, placement, or installation of a sign or changes to a sign for which a permit is required pursuant to Section 26-5-7(c).

(C) Specific Procedure

Applications for a Sign Permit shall follow the applicable common review procedures for an administrative approval identified in Section 26-7-3 with the following modifications:

(I) Applications for Sign Permits containing an electronic message sign shall include the manufacturer's specifications and nit (candela per square meter) rating.

(II) A decision to approve, approve with conditions, or deny an application for a Sign Permit shall be made within 30 days after the City's receipt of a complete application.

(D) Review Criteria

(I) The Planning Director shall review and decide on the application based on compliance with this LUC.

(II) No condition attached to the approval of any Sign Permit shall include any form of content regulation prohibited by state or federal law.

(8) Site-Specific Adjustment

(A) Purpose

The Site-Specific Adjustment process establishes sliding-scale thresholds for the applicability of new or increased site layout and development standards in a manner that is proportionate to development changes proposed in the application.

(B) Applicability

(I) Site-Specific Adjustments are only applicable to redevelopment, including adaptive reuse, or infill projects.

(II) Where any of the following are applicable, an applicant may request a Site-Specific Adjustment to a new or increased standard:

(i) Exterior change or expansion of an existing building element, as measured by total increase in floor area or building height or percentage change to an individual element (e.g., roof or wall); or

(ii) Change to the total area of an existing site elements (e.g., landscape or parking areas), as measured by the percent of the changed area in relationship to the original area.

(iii) Adaptive reuse without building or site element changes but where a change of use(s) would require applicability of new or increased development standards.

(III) Site-Specific Adjustments may be requested for the applicability of new standards or increased standard requirements that were not previously applicable to the building or site. For example, if a site previously required four street trees and now requires eight street trees, a Site-Specific Adjustment may be required for the increased four tree requirement. Where it is difficult to determine previous building element or site element requirements, the existing condition will be presumed to meet the previous requirements.

(IV) Site -Specific Adjustments apply only to measurable development standards that are applicable to the building or site element being changed. For example, if a parking lot is being reduced in size, an adjustment may be made to the required parking lot landscaping, but not to connectivity or building material standards.

(V) Development activity that falls below the thresholds identified in Table 26-7-5 is still required to complying with applicable standards of this LUC or any applicable federal, state, or local regulations.

(C) Specific Procedures

Applications for a Site-Specific Adjustment shall follow the applicable common review procedures for an administrative approval identified in Section 26-7-3 with the following modifications:

A Site-Specific Adjustment may be submitted:

(I) As a stand-alone application, or

(II) In conjunction with another application to which the Site-Specific Adjustments will apply. Where a Site-Specific Adjustment application is submitted with another application that requires Planning Commission or City Council approval, the Site-Specific Adjustment shall be decided on by the same body.

(D) Calculated Adjustment

(I) A calculated adjustment shall be determined by the Planning Director based on the percent change as follows:

Table 26-7-4: Applicability of Development Standards

Building Element Change *Measured by % external change in or to element (e.g., building footprint or roof type)*	**Site Element Change** *Measured by % of site element changed compared to overall area*	**Required Compliance** *With new or increased development standards for element being changed with applicable measurable standards*
Less than 10%	Less than 10%	Not required
10% to 74.9%	10% to 74.9%	• Compliance with measurable standards roughly equivalent to percentage of increase • Compliance beyond maximum required for new development is not required
75% or more	75% or more	Full compliance

(II) Calculated adjustments shall incorporate all building and site element changes made over the previous five year period. For example, if an existing structure is enlarged by six percent in year one and another 13 percent in year three, the year three calculated adjustment shall be for a 19 percent change to the existing structure.

(E) Compliance

Applicable new or increased development standards shall be incorporated in the design of the building or site element subject to the Site-Specific Adjustment unless the Planning Director determines that it would be appropriate to expand the compliance area. For example, if a second-story addition is made to a building, façade design changes may be allowed to be applied to both the first and second stories.

(F) Lapsing and Extension

(I) A Site-Specific Adjustment approval is valid for one year following Planning Director approval. The Director may extend the approval for an additional 180 days based on a written request from the applicant prior to the lapsing date.

(II) A Site-Specific Adjustment approved by the Planning Commission or City Council with another application approved by the same body is valid for the same period of time as the associated application.

(9) Subdivision Final Plat

(A) Purpose

The purpose of a Final Plat is to demonstrate compliance with an approved Preliminary Plat and applicable standards of the LUC, and to serve as the official, recorded map of the property to be subdivided.

(B) Applicability

A Final Plat is required for all division of land that does not qualify as a Minor Subdivision pursuant to Section 26-7-4(a)(4).

(C) Specific Procedure

Applications for a Final Plat shall follow the applicable common review procedures for an administrative approval identified in Section 26-7-3 with the following modifications:

(I) If the applicant is seeking vested rights with the Final Plat, the vested rights application shall be reviewed concurrently with an application for a Final Plat. Applicants seeking vested rights shall comply with the procedures in Section 26-7-4(b)(16).

(D) Review Criteria

The Planning Director shall review and decide on the application, based on the following considerations:

(I) The Final Plat conforms to the approved Preliminary Plat, including any conditions of approval;

(II) The application is consistent with all applicable standards of this LUC;

(III) The Final Plat does not include a lien, conveyance, or encumbrance that applies to part, but not all, of any lot or parcel shown on the Final Plat. Encumbrances that encumber all of one or more lots shown on the Final Plat are permitted.

(E) Recordation

The Final Plat shall be recorded with the Boulder County Clerk and Recorder within 30 days after the date of signature by the Planning Director. The City Clerk shall return one executed copy to the applicant and file copies of the plat as required by state statutes.

(10) Temporary Use Permit

(A) Purpose

The purpose of a Temporary Use Permit is to allow review and decision on applications for uses and structures that are temporary in nature.

(B) Applicability

A Temporary Use Permit is required before establishing, constructing, or installing any temporary or seasonal use or structure designated as a temporary use in Table 26-3-1: Use Table.

(C) Specific Procedure

Applications for a Temporary Use shall follow the applicable common review procedures for an administrative approval identified in Section 26-7-3.

(D) Review Criteria

The Planning Director shall review and decide on the application based on compliance with the applicable standards set forth in Section 26-3-5, Temporary Uses and Structures.

(E) Lapsing and Expiration

(I) A Temporary Use Permit shall be valid beginning on the date specified on the permit and shall remain valid for the time period indicated on the permit, but in no event, longer than 180 days.

(II) The Planning Director may grant a single extension equal to the length of the original approval or a shorter period of time based on the circumstances of the permit and the Planning Director's discretion. All temporary uses or structures must cease or be removed no later than one year after the original expiration date.

(F) Completion of Temporary Use

Before the expiration of a Temporary Use Permit, the permittee shall: discontinue all temporary uses; remove all temporary structures, associated property and equipment; clean the temporary use site from all trash, litter, and debris; and complete any vegetation or site registration that may be required, all to the satisfaction of the Planning Director.

(b) Applications Requiring a Public Hearing

(1) Annexation

(A) Purpose

Land may be annexed to or de-annexed from the City in accordance with state law and as determined by the City Council.

(B) Applicability

Any request to add land to or delete land from the corporate limits of the City shall comply with this section.

(C) Specific Procedure

Applications for an Annexation shall follow the applicable common review procedures for an application requiring a public hearing in Section 26-7-3 with the following modifications:

(I) The applicant and the City shall complete all those actions necessary for full compliance with C.R.S. §31-12.101 et. seq., the Colorado Annexation Act of 1965, as amended. In case of any conflict between the provisions of the LUC and the requirements of C.R.S. §31-12.101 et. seq., the provisions of C.R.S. §31-12.101 et. seq. shall apply.

(II) Each application for Annexation shall be accompanied by an application for zoning of the annexed properties into one or more of the zoning districts shown in Article 26-2, Zoning Districts. The City shall complete the procedure for making a decision on the proposed zoning of the land pursuant to Section 26-7-4(b)(13), concurrent with the final reading of the Annexation.

(III) Any landowner requesting Annexation shall waive in writing any preexisting vested property rights from other jurisdictions in the petition for annexation. An owner's written consent is considered sufficient to waive any prior vested property rights.

(D) Review Criteria

(I) In making their recommendation or decision, the Planning Commission and City Council shall consider the following:

(i) The findings required by C.R.S. §31-12-110; and

(ii) Consistency with the Comprehensive Plan and other adopted City plans and policies

(II) The City shall never be compelled to annex, unless otherwise required by state law, even if all these review criteria have been satisfied.

(E) Post-Decision Actions

An approved Annexation or De-annexation does not expire.

(2) Administrative Appeals

(A) Purpose

The purpose of an Administrative Appeal is to provide a process for appealing administrative decisions and actions made in relation to this LDC.

(B) Applicability

(I) Standing

An applicant, adjacent property owner, or party who can show they have been aggrieved by a final decision may appeal a final decision by the Planning Director or other City administrative official under this LUC to the Board of Adjustment (BOA).

(II) Exceptions

The following do not qualify for appeal and the BOA does not have jurisdiction over these actions pursuant to this section:

(i) Staff reports for the Planning Commission at a public hearing.

(ii) Actions by the Planning Commission, which is not an "administrative official" for purposes of this LDC.

(iii) Any development application that is approved by the Planning Commission, City Council, or BOA.

(C) Specific Procedures

The applicable common review procedures for an application requiring a public hearing in Section 26-7-3 does not apply to Administrative Appeals. The following steps apply:

(I) The applicant shall file an Appeal within 10 days of the final decision from which the Appeal is made. The application for an Appeal must specifically identify all sections of this LUC that the appellant believes were interpreted or applied incorrectly.

(II) The administrative official whose decision is being appealed shall transmit the appeal record to the BOA as quickly as reasonably possible.

(III) Notice shall be provided per Section 26-7-3(e). A copy of the notice of appeal shall also be mailed to each party to the appeal at least 20 days before the date of the hearing.

(IV) An Appeal stays the development application from being processed by the City or pursued by the applicant. Processing will not be stayed if, after the notice of Appeal, the officer from whom the Appeal is taken certifies to the BOA that a stay, in the official's opinion, would cause eminent peril to life and property. In this case, proceedings will not be stayed unless a restraining order is granted by a court of competent jurisdiction.

(V) The following appeals to the Board of Adjustment shall be heard and decided on within 30 days of filing an appeal that complies with the requirements of Section 26-9-5(b)(2):

(i) A Sign Permit application,

(ii) Approval of a permit or approval related to a religious assembly use or a wireless communications facility (WCF),

(iii) Any application pursuant to the LUC involving exercise of federal first amendment rights, or

(iv) Where state or federal laws or court decisions have required a prompt final decision by the City.

(D) Review Criteria

The Board of Adjustment shall review and determine whether the administrative decision was made in accordance with the intent and requirements of this LUC, considering whether the administrative official:

(I) Acted in a manner inconsistent with the provisions of this LUC; or

(II) Made erroneous findings of fact based on the evidence and testimony on the record.

(E) Post-Decision Actions

A BOA decision on an appeal does not expire. Any person aggrieved by the decision may file an action in accordance with Colorado law.

(3) Comprehensive Plan Amendment

(A) Purpose

The purpose of a Comprehensive Plan Amendment is to establish a process for Comprehensive Plan amendments and ensure that proposed site-specific amendments to the adopted Comprehensive Plan are consistent with the objectives, policies, and strategies of the Plan.

(B) Applicability

A Comprehensive Plan Amendment is required for all proposed amendments to the Comprehensive Plan.

(I) Site-specific amendments may be requested by a property owner.

(II) Larger-scale amendments must be initiated by the City.

(C) Specific Procedures

Applications for a site-specific Comprehensive Plan Amendment shall follow the applicable common review procedures for an application requiring a public hearing in Section 26-7-3 with the following modifications:

(I) The Planning Director may limit the timing and frequency of when site-specific Comprehensive Plan Amendments are considered to better ensure a holistic review process and avoid small or piecemeal amendments.

(II) Legislative Comprehensive Plan Amendments are exempt from Sections 26-7-3(a)through 26-7-3(d) of the common procedures. Site-specific Comprehensive Plan Amendments shall comply with the following requirements:

(D) Review Criteria

The Planning Commission shall review and recommend and City Council shall review and decide the application based on the following considerations:

(I) Plan adoption or amendment promotes the long term economic, social, and environmental health of the City;

(II) Plan adoption or amendment provides for equitable treatment of and opportunities for all portions of the City's population;

(III) Plan adoption or amendment complies with all requirements of Colorado law regarding city Comprehensive Plans including but not limited to C.R.S. §§ 31-23-206 et. seq; and

(IV) Plan adoption or amendment protects the public health, safety, and welfare of the City's residents.

(E) Post-Decision Actions

Comprehensive Plan adoption or amendment does not expire.

(4) Dedication of Public Rights-of-Way and Public Easements

(A) Purpose

The dedication of public rights-of-way and public easements is the process to officially record rights-of-way or easements that grant specific access and property interests for public purposes, as stated on the recorded document, typically a plat, deed, or separate easement instrument, or other instrument of dedication or conveyance.

(B) Applicability

(I) Public rights-of-way and public easements may be dedicated in association with a minor or major subdivision process, or the procedures in this section.

(II) Eligible applicants for the dedication of public right(s)-of-way or public easement(s) include any person or entity with a property interest in the abutting and underlying land. The City may require all property owners of land abutting or underlying the proposed right-of-way or easement to join or consent to the application.

(C) Specific Procedure

In addition to the common procedures found in this LUC, the following requirements are specific to dedicating public rights-of-way and public easements within the city.

(I) The applicant shall submit an application, a plat, or other legal document showing the proposed dedication, the effect to adjacent or abutting properties, and a legal description and instrument of conveyance as warranted based on the request.

(II) The City shall evaluate the application for completeness and coordinate review of the application in accordance with the applicable common review procedures for an application requiring a public hearing identified in Section 26-7-3, except that neither Planning Commission review nor a public hearing by City Council is required. The review shall include a request for comments from all referral agencies who may have facilities or other interest in the proposed right-of-way or easement.

(III) The City may require the applicant to complete a consent form for all applicable public and private utility providers.

(D) Review Criteria and Decision-Making

The City Council shall review and decide on the application, based on the following considerations:

(I) The legal requirements for recording the right(s)-of-way or easement(s) have been established, and all forms and fees required by the City have been submitted.

(II) The applicant has provided proof of ownership and provided notice to the owners of all other property interests in the proposed easement, proposed right-of-way, or affected property.

(III) The right-of-way or easement will serve a public purpose and the dedication is sufficient to meet the standards in this LUC and the PWSS.

(IV) The dedication will not be detrimental to any adjacent property owner.

(V) No owner or entity with a property interest in the proposed easement or right-of-way has objected.

(VI) All parties with an interest in or potentially impacted by the request have received written notice and have had an opportunity to comment, including public and private utility providers.

(VII) There are no conflicts with existing or planned easements, rights-of-way, or infrastructure.

(VIII) For dedication of public right-of-way, the property to be dedicated is free and clear of all liens and encumbrances, except as may otherwise be approved by the City Council in its sole and exclusive discretion.

(IX) The application meets all other applicable procedures and requirements of Colorado statutes and the Code of Ordinances.

(E) Decision

Following review and analysis by staff and referral agencies, the Planning Director shall refer the dedication application to the City Council for review and a decision. The City Council shall review each dedication application relative to the applicable approval criteria in Subsection (D) above, and shall by resolution approve, approve with conditions or modifications, or disapprove the dedication.

(F) Effect of Decision

After approval of the dedication of a public right-of-way or a public easement, the City shall record the plat, deed, or other dedication, conveyance, or easement instrument, as applicable, with the County.

(5) Development Sketch Plan

(A) Purpose

The purpose of a Development Sketch Plan is to allow a review of the concept and the appropriateness of the proposed development in order to identify major problems that must be resolved and to assess the overall feasibility of the request.

(B) Applicability

(I) A Development Sketch Plan is required for the following:

(i) An application for a Rezoning of a lot or parcel that contains 5 or more contiguous acres of lands;

(ii) Major Site Plan applications that include developments with multiple primary buildings.

(II) A Development Sketch Plan is optional for all other types of development.

(III) The Planning Director may waive the requirement for a Development Sketch Plan based on a written applicant request identifying proposed reasons for waiver, including small project size, lack of complexity, or limited potential impacts of the project on the surrounding neighborhood.

(C) Specific Procedures

Applications for a Development Sketch Plan shall follow the applicable Section 26-7-3 common review procedures for an application requiring a public hearing with the following modifications:

(I) The Planning Commission and City Council shall review the application and may provide feedback regarding the proposed development for applicant consideration in preparation of the subsequent application, such as a Rezoning or Major Site Plan request. Planning Commission and City Council comments are not binding.

(II) Feedback issued on a Development Sketch Plan shall be valid for two years. If the applicant fails to submit an associated development application for at least the first phase of development, together with a phasing plan for the balance of the development, the Development Sketch Plan shall be deemed withdrawn.

(III) Requests for modification or amendment shall be submitted as a new Development Sketch Plan application.

(D) Review Criteria

The Planning Commission and City Council shall consider at least the following in providing their feedback on a Development Sketch Plan:

(I) How the proposed project complies conceptually with the Comprehensive Plan and other adopted City plans and the applicable requirements of this LUC;

(II) How the proposed development incorporates variety in the type, design, and siting of buildings;

(III) How the project will impact neighboring properties (e.g., water drainage, traffic circulation, environmental impacts);

(IV) How the project will impact connected systems (e.g., stormwater, wildlife habitat, natural hazards); and

(V) How the proposal promotes the efficient use of land and public streets, utilities, and governmental services.

(6) Land Use Code Text Amendment

(A) Purpose

The LUC Text Amendment process establishes a process to revise the text, tables, or graphics of the LUC.

(B) Applicability

An LUC Text Amendment is required to amend the current LUC.

(C) Specific Procedures

Applications for an LUC Text Amendment shall follow the applicable common review procedures for an application requiring a public hearing in Section 26-7-3 with the following modifications:

(I) The Planning Director shall initiate all LUC Text Amendments, whether proposed by staff, the Planning Commission, or the City Council.

(II) The Planning Director shall have the discretion to schedule the application for the next Planning Commission meeting at which adequate agenda time, based on then-existing agenda items, will be available to consider the application.

(D) Review Criteria

The Planning Commission shall review and recommend and the City Council shall review and decide on the LUC Text Amendment application based on the following considerations:

(I) The proposed LUC amendment is consistent with the Comprehensive Plan, or is needed to implement the Comprehensive Plan, and is consistent with other policies and plans adopted by the City; and

(II) The proposed LUC Amendment is consistent with and does not conflict with or contradict other provisions of the LUC; and

(III) The proposed amendment meets at least one of the following criteria:

(i) The amendment is required because of changed conditions or circumstances in general or in a specific area of the city;

(ii) The amendment is required to allow the LUC to reflect trends in development or regulatory practices;

(iii) The amendment is required to expand, modify, or add requirements for development in general or to address specific development issues;

(iv) The amendment is required to promote economic growth and investment; or

(v) The proposed Code amendment provides for equitable treatment of and opportunities for all portions of the City's population.

(E) Post-Decision Actions

An approved LUC text amendment does not expire.

(7) Major Adjustment

(A) Purpose

A Major Adjustment allows changes to certain LUC numeric standards or development approval conditions or mitigation requirements. Major Adjustments are intended to provide development flexibility, when necessary, without requiring a reapplication or Variance.

(B) Applicability

(I) Allowed

A Major Adjustment may be requested for the following:

(i) Modify a numeric standard listed in Table 26-7-5 to accommodate:

(a) Anticipated site-specific issues,

(b) Site-specific issues discovered during the construction process, or

(c) Making a nonconforming structure or site element conforming.

(ii) A request to modify an approval condition or mitigation requirement established by the Planning Commission or City that can be shown to be financially unreasonable or inapplicable to the reason for the condition or mitigation.

(II) Prohibited

Major Adjustments shall not be used for any of the following:

(i) Allow uses other than those permitted in Table 26-3-1: Use Table;

(ii) Modify standards not listed in Table 26-7-5: Major Adjustments;

(iii) Modify a standard that has already been modified through a different or prior process, including Minor or Major Adjustment, PUD, or Variance approval;

(iv) Change the standards in Section 26-3-3, Use-Specific Standards;

(v) Change the Building or Fire Codes;

(vi) Change the City's engineering standards or requirements for public roadways, utilities, or other public infrastructure or facilities; or

(vii) PUD adjustments; PUD amendments are provided for in 26-7-4(b)(11)(D)(II).

(C) Initiation

A request for Major Adjustment may be submitted as follows:

(I) As a stand-alone application;

(II) Concurrently with a new application for one of the following associated application types: Major or Minor Site Plan, Sign Permit, Minor Subdivision, Preliminary Development Plan, or Regulating Plan;

(III) Where requested as a remedy for site issues discovered during the construction process, in conjunction with resubmission of the development approval for which the adjustment is requested; or

(IV) Where requested to adjust development approval conditions or mitigation requirements, as a Major Adjustment application to the approval sought to be adjusted.

(D) Scope of Adjustments Requested

(I) Table of Major Adjustments

A Major Adjustment may be requested to adjust the dimensional or numerical standards listed in Table 26-7-5: Major Adjustments by more than 10 percent.

Table 26-7-5: Major Adjustments

LUC Standard	Maximum % Adjustment	
	Minor 26-7-4(a)(2)	Major
Zoning District Lot and Building Standards		
Lot Area (Minimum)	10%	25%
Lot Width (Minimum)	10%	25%
Setbacks, Front/Side/Rear (Minimum)	10%	25%
Building Height (Maximum)	n/a	Per Council determination
Site Planning and Development Standards		
Landscaping Requirements (Minimum)	10%	25%
Off-Street Parking Spaces (Minimum)	10%	25%
Sign Area and Height (Maximum)	10%	25%
Approval Condition or Mitigation		

Table 26-7-5: Major Adjustments		
LUC Standard	**Maximum % Adjustment**	
	Minor 26-7-4(a)(2)	**Major**
As requested by applicant		Per Council determination

(E) Specific Procedure

Applications for Major Adjustments shall follow the applicable Section 26-7-3 Common Review Procedures for the associated application with the following modification:

(I) Major Adjustments require review and recommendation by the Planning Commission and decision by the City Council, regardless of the concurrent application. For example, a Minor Subdivision requesting a Major Adjustment requires review by Planning Commission and approval by City Council, rather than through a Minor Adjustment reviewed by the Planning Director.

(II) Major Adjustments of development approval conditions or mitigation requirements require submission of evidence that the condition or mitigation requirement are either financially unreasonable or will not resolve the issue for which the condition or mitigation was imposed.

(F) Review Criteria

The Planning Commission shall review and recommend, and the City Council shall review and decide on the application based on the following considerations:

(I) The adjustment is required to allow one of the following:

(i) Compensate for an unusual site constraint or unusual requirement of the proposed use or building that is not common to other lots, uses, or buildings in the surrounding area;

(ii) Protect a sensitive resource, or natural feature; or

(iii) Allow improved site or structure design that is consistent with the intent of the applicable regulations in keeping with the site and, where appropriate, neighborhood context.

(II) Allowing the adjustment will not result in development that is incompatible with the site or abutting properties;

(III) The adjustment is consistent with Comprehensive Plan, the Code of Ordinances, and other adopted plans and policies of the City, as applicable;

(IV) The adjustment is warranted by virtue of design or special amenities incorporated in the project; and

(V) Where applicable, the adjustment will provide options for a more connected neighborhood layout and level of multi-modal connectivity equal or better than would have been required without the adjustment or whether the adjustment will allow for the creation of a building on the site that is restricted to use for supportive or community service uses such as day care centers, religious or secular assembly, recreational club or facility, or medical or dental clinic.

(G) Decision-Making

(I) In granting a Major Adjustment, the City Council may require conditions that will secure the objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties, including but not limited to additional landscaping or buffering.

(II) Approval of a Major Adjustment authorizes only the specific adjustments approved, and only to the application subject property.

(H) Post-Decision Actions

An approved Major Adjustment is valid:

(I) Stand-alone application: two years.

(II) Associated applications: for the same time period as the associated application approval.

(III) Development approval conditions or mitigation requirements: same time period as the amended approval.

(8) Major Site Plan

(A) Purpose

The purpose of a Major Site Plan is to ensure that development projects comply with the standards of the LUC and to encourage quality development reflective of the adopted Comprehensive Plan objectives, policies, and strategies.

(B) Applicability

A Major Site Plan is required for any proposed development that exceeds the threshold for a Minor Site Plan in accordance with Section 26-7-4(a)(2) and that is not exempt as set forth in Section 26-7-4(a)(1).

(C) Specific Procedures

Applications for Major Site Plan review shall follow the applicable common review procedures for an application requiring a public hearing in Section 26-7-3.

(D) Review Criteria

The Planning Commission shall review and recommend and City Council shall review and decide on the application based on the following considerations:

(I) The application is consistent with the Comprehensive Plan and other adopted plans and policies of the City, as applicable;

(II) The application is consistent with all applicable standards of the LUC;

(III) The development scale is appropriate to the site and function of the project or building;

(IV) The architectural design provides a transition in scale and character between the proposed building and surrounding land uses by incorporating comparable building heights, massing, and design elements;

(V) The quality and overall design is compatible with the location and proposed use;

(VI) The landscaping takes into consideration the function use, and quality of exterior spaces including but not limited to open areas and buffering;

(VII) The site provides a safe, convenient, and efficient circulation network that minimizes conflicts between pedestrians, bicyclists, and vehicular traffic; and

(VIII) The development has an organized site layout and a visually cohesive appearance.

(E) Post-Decision Actions

An approved Major Site Plan is valid for two years.

(9) Regulating Plan

(A) Purpose

A Regulating Plan establishes the location and boundaries of subdistricts and the site-specific types of development that will be allowed in a form-based district.

(B) Applicability

(I) A Regulating Plan is required for any development in an FBD except for property located in an area where the subdistricts have been mapped and the project qualifies for a Section 26-7-4(a)(3) Minor Site Plan.

(II) An existing Regulating Plan may be modified through a Minor Adjustment or amended through the approval of a new Regulating Plan.

(III) Regulating Plans are not subject to modification by Planned Unit Development.

(C) Specific Procedures

Applications for Regulating Plan approval shall follow the applicable common review procedures for an application requiring a public hearing in Section 26-8-3 with the following modifications:

(I) Where subdivision is required, the regulating plan may be submitted concurrently with submission of a subdivision application.

(II) Where subdivision is not required, a Regulating Plan must be approved prior to site plan submission.

(III) A Regulating Plan shall identify the location and boundaries of the applicable FBC subdistricts and other relevant site and structure information, including:

(i) Street, alley, block, and lot layout;

(ii) OTX lot combinations that exceed or will be allowed to exceed Section 26-2-9(c)(1)

(iii) Location of multimodal transportation elements, including multi-use trails, bike paths, and pedestrian connections;

(iv) General location of utility easements;

(v) Building type by lot in compliance with FBC district mix and location requirements;

(vi) Frontage type by lot;

(vii) Location of park or open space area(s) subject to public land dedication;

(viii) Civic space location and dimensions;

(ix) Surface and structured parking location; and

(x) Location of hazards, environmentally sensitive areas, and stream buffers.

(D) Review Criteria

The Planning Commission shall review and recommend, and the City Council shall review and decide on the Regulating Plan application based on the following considerations:

(I) The proposed Regulating Plan is consistent with the Comprehensive Plan, or is needed to implement the Comprehensive Plan, and is consistent with other policies and plans adopted by the City;

(II) The proposed form-based code subdistrict allocation complies with the standards of the applicable form-based district;

(III) The proposed building types, frontages, and civic spaces comply with the standards of the applicable form-based district;

(IV) Required park or open space dedication is provided; and

(V) The City or other service providers have the capacity to serve the development enabled by the Rezoning with adequate roads, water, sewer, and other public services and facilities.

(E) Post-Decision Actions

(I) An approved Regulating Plan does not expire.

(II) Regulating Plans are subject to Section 26-7-4(a)(2), Minor Adjustment.

(10) Rezoning

(A) Purpose

The purpose of a Rezoning is to establish a process for amendments to the Zoning Map when the proposed amendments reflect changes in public policy, changed conditions, or to advance the welfare of the City. The purpose is neither to relieve particular hardships nor to confer special privileges or rights on any person.

(B) Applicability

A Rezoning is required to change zoning district classification of a lot or parcel to a different zoning district classification, excluding Planned Unit Development, or to create, modify, or repeal an overlay zoning district.

(C) Specific Procedures

Applications for a Rezoning shall follow the applicable Section 26-7-3 common review procedures for an application requiring a public hearing with the following modifications:

(I) Applicants

(i) Lot-specific rezoning applications may be requested as follows by the owner(s) of all of the real property in the area proposed for Rezoning, or by the Planning Commission or the City Council.

(ii) Request for a change of the boundary(ies) of any zoning district made by one or more owner(s) of real property within the area proposed for change shall be accompanied by a petition requesting the change signed by the owners of at least 51 percent of the land in the area proposed for Rezoning.

(II) Notice

City-initiated Rezonings updating the zoning designations for an area of the city encompassing more than 50 acres of land or involving more than 25 properties owned by unique owners establish Citywide policy regarding future urban growth and do not require mailed notice to individual property owners.

(D) Review Criteria

The Planning Commission shall review and recommend and City Council shall review and decide on the application based on the following considerations:

(I) The land to be rezoned was initially zoned in error or the rezoning is of a technical or corrective nature in order to conform zoning district boundaries with lot lines;

(II) Because of changed or changing conditions in a particular area or in the city generally, it is in the public interest and reasonably necessary in promotion of the public health, safety or welfare to rezone a property to encourage development or redevelopment;

(III) The Rezoning is necessary to conform to the Comprehensive Plan;

(IV) The Rezoning is necessary to provide land for a community related use that was not anticipated at the time of adoption of the Comprehensive Plan, but which use is generally consistent with the policies and goals of the plan, is in the public interest, and is reasonably necessary in promotion of the public health, safety or welfare;

(V) The City or other service providers have the capacity to serve the development enabled by the Rezoning with adequate roads, water, sewer, and other public services and facilities; and

(VI) If the application is to create or modify an overlay zoning district, the application will effectively and efficiently promote the purpose of the overlay zoning district.

(11) PUD Rezoning (Planned Unit Development)

(A) Purpose

The purpose of a PUD Rezoning is to establish a process to create or amend a PUD overlay district that changes specific provisions of the base zoning districts or other applicable LUC standards as described in the PUD application.

(B) Applicability

(I) A PUD Rezoning is required to create a PUD district. The base zoning districts may also be rezoned to different base districts as part of the PUD Rezoning process. A PUD may not be used to modify form-based districts.

(II) PUD applications shall be reviewed through a two-step process: Preliminary Development Plan (PDP) that is submitted with the Rezoning application, and Final Development Plan (FDP).

(C) Specific Procedure – Preliminary Development Plan (PDP)

(I) A Preliminary Development Plan is required for all PUD Rezoning applications.

(II) Applications for a PDP shall follow the applicable Section 26-7-3 common review procedures for an application requiring a public hearing with the following modifications:

(i) The Planning Commission shall review and the City Council shall decide on the application based on the following considerations:

(a) The application is consistent with the Comprehensive Plan and other adopted plans and policies of the City, as applicable;

(b) The application is consistent with all applicable standards of the LUC, including the provision of community benefits pursuant to Section 26-2-14(a);

(c) Consideration of the Rezoning criteria in Section 26-7-4(b)(10)(D); and

(d) The PDP shows the following:

(1) Adequate public services and facilities shall be provided concurrently with the projected impacts of the development;

(2) Adequate circulation and access shall be provided to serve all development areas to be developed;

(3) Appropriate screening and buffering of adjacent property, uses, and structures shall be provided;

(4) An appropriate set of base zoning district standards for the entire property or for each development area to be developed; and

(5) An appropriate phasing or development schedule for the entire property or for each development area to be developed if applicable.

(D) PDP Post-Decision Actions

(I) Lapsing and Extension

(i) Within two years of PDP approval, the applicant shall submit an FDP for all or part of the development area for review.

(ii) The Planning Commission may grant an extension to the PDP approval when the applicant requests the extension in writing prior to the expiration of the two-year period.

(iii) If more than two years elapse from the PDP approval date without submission of an FDP and no extension has been granted, the PDP approval shall lapse.

(II) Amendments to PDPs

(i) Application

(a) The applicant or its successors may request amendments to the PDP or the FDP.

(b) Upon receipt of a PDP amendment application, the Planning Director shall determine if the proposed amendment constitutes a major or minor amendment, subject to the criteria below.

(c) Amendments to the approved PDP or FDP shall not affect buildings or portions of the district not included in the proposed amendment.

(ii) Major Amendments

An amendment will be deemed major, and require a new PDP application, if it involves any one of the following:

(a) A change in the overall PUD district boundary;

(b) A change of 10 percent or more of the gross square footage of nonresidential building area;

(c) A change of five percent or more of the approved number of projected dwelling units;

(d) Any change to any included public or private parks and/or open space;

(e) Any change in land use or density that is likely to substantially impact or burden public facilities and utilities infrastructure as determined by the Planning Director;

(f) Any change in land use or density that is likely to substantially impact or burden mobility adjacent to the PUD district or to the overall major street system;

(g) Any other proposed change to the PDP or FDP, which substantively alters one or more components of the PUD district.

(iii) Minor Amendments

Amendments not meeting one or more of the criteria listed above for major amendments shall be considered minor. If the Planning Director determines the amendment to be minor, the Planning Director may administratively act on the amendment and attach stipulations or conditions of approval, to protect the public health, safety, and welfare.

(III) Final Development Plan (FDP)

PUD Final Development Plan applications are reviewed per Section 26-7-4(a)(5).

(E) Amendment to Approved Plans

(I) Overall Planned Unit Development

The use, density, dimensional, and base zone district standards contained in an approved PUD may only be amended through application for a new rezoning and PDP, except that approved uses or residential density may be transferred between development pods/areas through a minor PDP amendment.

(II) Preliminary Development Plan

Proposed amendments to approved PDPs shall be classified as major or minor. Major amendments require submission of a new PDP application. The Planning Director may approve the following minor amendments for individual lots provided all remaining, applicable standards are met and the minor amendments do not represent a significant change in any of the agreed upon deviations from the base district standards:

(i) Decreases in density so long as the character of the site is maintained;

(ii) Changes in dimensional standards of up to 10 percent so long as the character of the site is maintained;

(iii) Changes in the location and type of landscaping and/or screening so long as the character and intent of the original design are maintained;

(iv) Changes in the orientation or location of parking areas and vehicular and pedestrian circulation areas so long as the effectiveness and character of the overall site circulation, parking and parking lot screening are maintained;

(v) The reorientation, but not complete relocation, of major structures so long as the character of the site is maintained; and

(vi) Minor subdivision.

(F) Planned Unit Developments Approved Under Prior Codes

(I) Intent

The City's intent is to continue to allow the development PUDs approved under prior codes, determining that they remain valid under this LUC subject to the lapsing provisions of Section 26-7-4(b)(11)(F)(III). To give effect to this intent, interpretation may be required to fully describe applicable terms and requirements and to avoid the continuance of shell PUDs that cannot be fully implemented or developed.

(II) Interpretation

PUDs approved under prior codes shall be interpreted as follows:

(i) PUDs that predate this LUC shall be narrowly interpreted and are limited to the specified terms of approval.

(ii) PUDs that refer to zone districts not included in this LUC shall be interpreted or applied according to the 1986 DZC (or earlier) requirements.

(iii) If the PUD approval is silent as to a term or requirement, the most closely similar provision of this LUC shall be applied. For example, if a PUD does not specify a process for amendment, the process for amending PUD approvals in Section 26-7-4(b)(11)(D)(II) will be used.

(iv) Where a base zone district(s) was not specified in the PUD approval, the Director shall interpret and apply a zone district(s) from this LUC that most closely reflects the PUD's dimensional and use standards.

(v) Where this LUC changes a generally applicable standard, such as updates to ADU or outdoor lighting standards, the updated generally applicable standards are also applicable to approved PUDs unless the PUD was approved with a specific standard(s) regulating the same topic.

(III) Lapse of Plan

(i) If a single-phase Planned Unit Development is less than 75 percent completed, as measured in terms of residential unit count or approved total mixed-use or nonresidential structure footprint, or a multiphase Planned Unit Development is less than 75 percent complete in terms of residential unit count, total structure footprint, or total phases, as specified in the PDP approval, as of the end date of the approved development schedule, a lapse of the PDP as applied to the incomplete lots or parcels shall be deemed to have occurred.

(ii) If the PD was approved with base zone districts, future development may proceed in compliance with the requirements of the base zone districts and this Code, but any approved PD modifications shall be lapsed.

(iii) If the PD was not approved with base zone districts, the Director may determine the appropriate base zone districts and future development may proceed in compliance with the requirements of the base zone districts.

(IV) Development Schedule Extension

An applicant may request an extension of the development schedule as follows:

(i) The Planning Director may extend the schedule one time for up to one year.

(ii) The applicant may request a PUD development schedule review from the City Council at any point prior to the end date of the schedule.

(iii) The Planning Director may extend the development schedule timeframe for up to three years in the event of any of the following:

(a) A national or regional economic recession,

(b) A national or regional health emergency, or

(c) National or regional events in or outside of the United States that impact the general price or availability of labor or materials by more than 20 percent.

(d) The maximum allowed cumulative extension period is five years. Any PUD that has not been completed within this extension timeframe may be resubmitted as a new application.

(12) Special Use Review

(A) Purpose

The purpose of a Special Use Review is to evaluate proposed development and land uses that have unique or widely varying operating characteristics or unusual features, ensure compatibility with surrounding areas, and that adequate mitigation is provided for anticipated impacts.

(B) Applicability

A Special Use Review is required to establish any of the uses listed as special uses in any zoning district as indicated in Table 26-3-1: Use Table.

(C) Specific Procedures

Applications for a Special Use Review shall follow the applicable Section 26-7-3 common review procedures for an application requiring a public hearing with the following modifications:

(I) Special Use Review applications may be reviewed in combination with a Minor or Major Site Plan application. However, each application shall be decided separately based upon the applicable criteria of this LUC, and the Site Plan decision shall be deemed approved only following approval or approval with conditions of the Special Use Review application.

(II) If an approved special use is not implemented on the subject property accordance with the approved time schedule, or within two years, whichever is longer, the Special Use Review approval shall expire unless the applicant can demonstrate to the Planning Commission that:

(i) Commencement of the special use has suffered an unavoidable delay;

(ii) The applicant still intends to implement the use; and

(iii) An extension of the approval would be in the best interests of the City.

(III) If the Planning Commission finds that the complies with the criteria above, it may extend the time for completion of construction and establishment of the special use.

(D) Review Criteria

The Planning Commission shall review and recommend and City Council shall review and decide on the application based on the following considerations:

(I) The proposed use is consistent with the Comprehensive Plan and the purpose of the applicable zoning district;

(II) The proposed use complies with the requirements of this LUC, including any use-specific standards for the use in Section 26-3-3;

(III) The City or other service providers have the capacity to serve the development enabled by the Special Use Review with adequate roads, water, sewer, and other public services and facilities; and

(IV) Any impacts on the surrounding area associated with the environment, wildlife, access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, odor, and other material adverse impacts have been addressed and/or mitigated to the maximum extent practicable.

(E) Post-Decision Actions

Special Use Review approvals shall be implemented within the time period established in the approval or one year, whichever is shorter. Extension is subject to Section 26-7-3(g)(5).

(13) Subdivision Preliminary Plat

(A) Purpose

The purpose of a Preliminary Plat is for the City to review an overall plan for a proposed subdivision to ensure compliance with this LUC, the Comprehensive Plan, and the adequate provision of facilities and services in the city.

(B) Applicability

A Preliminary Plat is required for all divisions of land into two or more parcels except those that qualify as a Minor Subdivision pursuant to Section 26-7-4(a)(4).

(C) Specific Procedure

Applications for a Preliminary Plat shall follow the applicable common review procedures for an application requiring a public hearing identified in Section 26-7-3 with the following modification:

(I) A written notice of the Planning Commission action shall be submitted to the City Council.

(II) The Planning Commission decision may be called-up and reviewed by initiation of the City Council upon the request of three City Council members. In the case of a call-up, the call-up shall be initiated by City Council at a regularly scheduled City Council meeting occurring no later than the second regularly scheduled City Council meeting after the Planning Commission decision.

(D) Review Criteria

(I) In making its decision, the Planning Commission shall review and decide on the application based on the following considerations:

(i) The Preliminary Plat is consistent with applicable provisions of the Comprehensive Plan;

(ii) The Preliminary Plat is substantially consistent with the recommendations made by Planning Commission and City Council at Sketch Plan application;

(iii) The Preliminary Plat complies with the applicable standards of this LUC;

(iv) The Preliminary Plat provides evidence that public water and sewer system connections can be efficiently implemented; and

(v) The Preliminary Plat proposes reasonable project phasing in terms of infrastructure capacity, transportation connections, provision of open space and trails, and any other aspect of the development that will be developed across multiple phases.

(II) Whenever a Preliminary Plat is approved for development of the subdivision in phases, the City Council may provide the periods of time allowed for Final Plat approval of each phase of the development after the first.

(E) Post-Decision Actions

(I) Approval of a Preliminary Plat shall be valid for one year, unless a longer phasing plan is approved as a part of the Preliminary Plat. If the developer fails to submit to the Planning Director a Final Plat conforming to the approved Preliminary Plat within one year of final approval of the Preliminary Plat, or as otherwise required by a longer phasing plan, the Preliminary Plat shall be deemed lapsed.

(II) Extension is subject to Section 26-7-3(g)(5).

(14) Vacation of Public Rights-of-Way and Public Easements

(A) Purpose

(I) The procedure for vacation of streets, alleys, or other public ways, and vesting of title upon vacation, shall conform to state law as provided in Sections 43-2-301 et seq., C.R.S., as amended. In addition, said vacation shall conform to the specific procedure as provided in this LUC.

(II) The City Council has the authority to:

(i) Vacate public rights-of-way, which include any public street, alley, lane, parkway, avenue, road, trail, public access easement, or other public way designated or dedicated on a subdivision plat, or conveyed by deed, or acquired by prescriptive use, whether or not it has been used as such.

(ii) Vacate public easements designated or dedicated on a subdivision plat, or conveyed by deed or recorded easement instrument, or acquired by prescriptive use, whether or not it has been used as such..

(B) Applicability

(I) Public right-of-way may be vacated in association with a major subdivision process, or by the procedures in this section.

(II) Public easements may be vacated in association with a minor or major subdivision process, or by the procedures in this section.

(III) Eligible applicants for a vacation include the City or any person or entity with a property interest in the abutting or underlying land.

(IV) For vacation of public right-of-way or public easements abutting or upon multiple properties, the City may require all property owners to join or consent to the application..

(C) Specific Procedure

In addition to the common review procedures in this LUC, the following requirements are specific to vacating public rights-of-way and public easements in the City.

(I) The applicant shall submit an application, a plat, or other legal document showing the proposed vacation, the effect on adjacent or abutting property, and a legal description of the right-of-way or easement to be vacated.

(II) The City shall evaluate the application for completeness and coordinate review of the application in accordance with the applicable common review procedures for an application requiring a public hearing identified in Section 26-7-3, except that neither Planning Commission review nor a public hearing by City Council is required for vacation of a public utility easement. The review shall include a request for comments from all referral agencies who may have facilities or other interest in the right-of-way or easement.

(III) The City may require the applicant to complete a consent form for all applicable public and private utility providers.

(IV) Following review and analysis by staff and referral agencies, the Planning Director shall schedule a review of the vacation application by the City Council.

(D) Review Criteria and Decision-Making

(I) Vacation of public right-of-way and public easements shall be left to the sound discretion of the City Council. The applicant shall have the burden of presenting sufficient information to justify the requested vacation. The City Council shall not exercise its discretion to vacate any public right-of-way or public easement, unless it meets the following criteria:

(i) The vacation of public right-of-way shall not leave any land adjoining said right-of-way without an established public road or private-access easement connecting said land with another established public road;

(ii) All parties with interest in or potentially impacted by the request have received written notice and have had time to comment, including public and private utility providers;

(iii) For vacation of a public easement, no owner or entity with a property interest in the easement has objected;

(iv) No property would be left without reasonable access to or provision of any public facilities or utility services by reason of the vacation;

(v) The right-of-way or easement is no longer necessary for public use or convenience;

(vi) No public right-of-way or part thereof shall be vacated so as to leave any land adjoining the public right-of-way without an established public road connecting the land with another established public road;

(vii) The vacation will not restrict access to any parcel so that access is unsafe, unreasonable, or economically prohibitive;

(viii) The vacation does not result in a right-of-way or easement configuration that could create difficulty in the provision of services or installation of public improvements;

(ix) Adequate right-of-way or easements have been reserved for use and/or maintenance by the City or other utility agencies; and

(x) There is no current or future public purpose for the public right-of-way or public easement when considering the Comprehensive Plan, Standards and Specifications, and other adopted plans or policies.

(II) In exercising discretion to vacate a public right-of-way, the City Council may also consider impacts on mobility, parking, traffic, and safety, as well as any benefits to the City that will result from removing the public right-of-way from the municipal street system.

(E) Decision

(I) The Planning Commission shall review and recommend and the City Council shall review and decide each public right-of-way vacation application. The City Council shall review and decide each public easement vacation application. The Planning Commission and the City Council, as applicable, shall review the vacation application relative to the applicable approval criteria in Subsection (D), above. The City Council shall approve, approve with conditions or modifications, or disapprove a vacation request. Any approval or approval with conditions or modifications shall be adopted by ordinance and any disapproval shall be by resolution.

(II) The City Council may condition a decision to vacate a public right-of-way or public easement on reserving any interest the City Council determines necessary to serve a public purpose or the interests of affected property.

(F) Effect of Decision

After approval of an ordinance vacating public right-of-way or a public easement, the City shall record the ordinance, on or after the ordinance's effective date, with the County. The vacation ordinance shall vest title to the vacated land in accordance with Colorado law.

(15) Variance

(A) Purpose

The purpose of a Variance is to request relief from the strict application of the regulations of the LUC.

(B) Applicability

(I) A Variance is required for all applications requesting deviations from the standards and provisions of this LUC that do not qualify for approval as a Minor or Major Adjustment.

(II) Variances are not permitted for:

(i) The establishment or expansion of a use in a district in which the use is not permitted by this LUC;

(ii) Residential development that would result in an increase in density greater than that permitted in the applicable zoning district; and

(iii) Changes or modifications to any definition contained in this LUC.

(C) Specific Procedures

Applications for a Variance shall follow the applicable Section 26-7-3 common review procedures for an application requiring a public hearing with the following modifications:

(I) Applications shall be received at least 30 days prior to the Board of Adjustment meeting at which the Variance is to be heard.

(D) Review Criteria and Decision-Making

(I) Review

In making its decision, the Board of Adjustment shall review and decide on the application based on the following considerations:

(i) One of the following conditions is met:

(a) The subject property has a unique site condition that is not generally applicable to other lots in the surrounding area; or

(b) The Variance will allow a structure that is reasonably necessary for the convenience or welfare of the public;

(c) The variance would allow modification to the property that best preserves its historic character; and or is needed to facilitate a new use in the designated landmark; or

(d) The Variance is necessary to allow or improve access to sunlight for solar energy devices; and

(ii) The strict application of the LUC standards for which a Variance is sought would produce practical difficulties or unnecessary hardship;

(iii) The need for the Variance was not knowingly created or created without investigation of LUC provisions by the owner, lessor, or operator of the property;

(iv) The grant of the Variance will not prevent or impair the use of, or the supply of light and air to, adjacent conforming property within the same zoning district; and

(v) The Variance is the minimum Variance that will afford relief of the subject standards of the LUC.

(II) Decision-Making

(i) All decisions on Variances are site specific.

(ii) No single decision of the Board of Adjustment sets a precedent.

(iii) The decision of the board shall be made on the particular facts of each case.

(E) Post-Decision Actions

A Variance approval shall not expire.

(16) Vested Property Rights

(A) Purpose

The purpose of this section is to provide procedures necessary to implement Article 68 of Title 24, Colorado Revised Statutes, title "Vested Property Rights."

(B) Site Specific Development Plan

(I) The following plans may be recognized as a "site specific development plan":
  (i) Major or Minor Site Plans
  (ii) Subdivision Preliminary Plat
  (iii) PUD Final Development Plan, and where accompanied by subdivision, PUD Final Development Plan and Final Plat

(II) The following may not be recognized as a "site specific development plan":
  (i) Development Sketch Plans.
  (ii) Preliminary Development Plans.
  (iii) Special Use Reviews.
  (iv) Variances.
  (v) Any zoning classification or district.

(C) Procedure

(I) No "site specific development plan" may be designated until after a public hearing requested by the landowner and following the approval of the development at all other required stages of the development review process required by this LUC.
  (i) The request for a hearing must be made in writing by the landowner to the Planning Director prior to the issuance of any building permit for the development.
  (ii) For those site specific development plan approvals not requiring a public hearing, the applicant shall request, in writing, that the application be referred to the Planning Commission for hearing and the Planning Director will refer the requested application to the Planning Commission.

(II) In addition to any and all other fees and charges imposed by this LUC, the applicant seeking approval of a "site specific development plan" shall pay all costs incurred by the City as a result of the developer's request for approval of a "site specific development plan," including publication of notices.

(III) Notice of the “site specific development plan” hearing is required. The notice may, at the City's option, be combined with any notice required by this LUC. At the hearing, interested persons shall have an opportunity to be heard.

(IV) The approval of a "site specific development plan" by the City Council shall contain terms and conditions that are reasonably necessary to protect the public health, safety, and welfare. The failure of the developer to abide by the terms and conditions shall result in a forfeiture of the vested property right.

(V) A "site specific development plan" shall be deemed approved upon the effective date of the City Council approval action. In the event amendments to a "site specific development plan" are proposed and approved, the effective date of the amendments, for purposes of duration of a vested property right, shall relate back to the date of the approval of the original "site specific development plan," unless

the City Council specifically finds to the contrary and incorporates the finding in its approval of the amendment.

(VI) Each map, plat, site plan or other document constituting a "site specific development plan" shall contain the following language: "Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended." Failure of the document to contain this statement shall invalidate the creation of the vested property right. In addition, a notice describing generally the type and intensity of use approved, the specific lots(s) or tract(s) of property affected and stating that a "vested property right" has been created shall be published once, not more than 14 days after approval of the "site specific development plan," in a newspaper of general circulation in the city.

(VII) A vested property right shall be valid for a period of three years from its effective date of approval, unless a longer period is agreed to in writing between the City Council and the developer.

(VIII) The approval of a "site specific development plan" shall not constitute an exemption from or waiver of any other provisions of this article, the LUC, or any other ordinances, codes and regulations of the City pertaining to the development and use of property.

(IX) Nothing in this section is intended to create any vested property right, but only to implement the provisions of Article 68 of Title 24, C.R.S., as amended. In the event of the repeal of Article 68 of Title 24, C.R.S. or a judicial determination that Article 68 of Title 24, C.R.S. is invalid or unconstitutional, this section shall be deemed to be repealed and the provisions of this section no longer effective.

26-7-5 Nonconformities

(a) Nonconforming Status

(1) The property owner shall bear the burden of establishing that a nonconformity lawfully exists and meets the definition of nonconforming structure, use, lot, or site feature as set forth in Article 26-8-3, Definitions.

(2) A nonconformity shall lose its legal nonconforming status when a use, structure, or other site improvement modifies a nonconformity without being lawfully authorized in accordance with the provisions of the LUC.

(b) Authority to Continue

(1) Nonconformities may continue to be used and occupied, subject to regulations as to the maintenance of premises and conditions of operations set forth in this section, unless the nonconformity is terminated as provided in this section.

(2) Any legal nonconformity under a previously existing land use code provision will also be a legal nonconformity under the LUC, as long as the condition that resulted in the nonconforming status under the previous Code continues to exist. If a nonconformity under a previously existing Code provision becomes conforming because of the adoption of the LUC, then the condition will no longer be a nonconformity.

(c) Change of Ownership or Tenancy

Changes in ownership, tenancy, or management of property (that do not include changes in occupancy or operation) with an existing nonconformity may occur, but the nonconformities shall continue to be subject to the standards of this section.

(d) Nonconforming Structures

(1) Maintenance and Minor Repair

A nonconforming structure may be maintained and repaired to its existing state provided the maintenance and repairs do not increase the degree of nonconformity. Maintenance and minor repairs include the following:

(A) Maintenance of land to protect against and mitigate health and environmental hazards;

(B) Repairs necessary to maintain and to correct any damage or deterioration to the structural soundness of, or the exterior or interior appearance of, a structure without expanding the height or footprint of the structure, unless compliant with the LUC;

(C) Repairs that are required to remedy unsafe conditions; and

(D) Repairs necessary to comply with current Building Code requirements.

(2) Restoration

(A) A structure that has been partially or wholly damaged or destroyed by fire, extreme weather, or other cause beyond the control of the owner or occupant may be restored provided that the restoration is completed within three years of the damaging or destructive event. This timeframe may be extended by the City Council where local or economic circumstances render this timeframe unworkable.

(B) No restoration shall increase the degree or extent of nonconformity, in any respect, beyond that which existed prior to the damaging or destructive event.

(3) Expansion or Alteration

(A) Unless as otherwise expressly stated in this section, a nonconforming structure may be expanded or altered provided that the expansion or alteration does not increase the degree or extent of nonconformity, in any respect, beyond that which existed prior to the expansion or alteration.

(B) Expanded or altered areas of a nonconforming structure shall be in full compliance with all provisions of the LUC.

(C) Once expanded or altered to a conforming condition, in whole or part, no structure, or part of a structure, shall revert to a nonconforming condition.

(4) Nonconforming Historic Structures

Nonconforming historic structures shall be exempt from the maintenance and minor repair limitations of Section 26-7-5(d)(1) and expansion and alteration limitations of Section 26-7-5(d)(3) provided that the proposed repair, expansion, or alteration does not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

(e) Nonconforming Use

(1) Change of Use

(A) A nonconforming use shall not be changed to another nonconforming use.

(B) A nonconforming use, if changed to a conforming use, shall not be subsequently changed back to any nonconforming use, unless otherwise permitted by the LUC.

(2) Expansion of Use

A nonconforming use located in a conforming structure may be extended throughout the structure provided that:

(A) No structural alteration of the building (or portion of the building containing the nonconforming use in the case of buildings with multiple uses) shall be permitted;

(B) No additional dwelling units shall be permitted in the building; and

(C) No additional nonresidential units and/or uses shall be permitted.

(3) Abandonment of Use

Whenever a nonconforming use has been replaced with a conforming use or the special equipment and furnishings particular to the nonconforming use have been removed from the premises and have not been replaced for a continuous period of one year, the nonconforming use shall be considered discontinued and future use of the land or building shall comply with the LUC.

(f) Nonconforming Lots

(1) Use of Nonconforming Lots

An unimproved nonconforming lot may be used in accordance with the applicable zone district regulations provided that the following conditions are met:

(A) The nonconforming lot is shown to have been legally created;

(B) The structure or use proposed on the lot is designed to comply with applicable standards to the maximum extent practicable; and

(C) The nonconforming lot is not held in identical ownership with one or more adjacent, unimproved nonconforming lot(s) that have continuous frontage with the first nonconforming lot.

(2) Merger of Adjacent, Unimproved, Nonconforming Lots

If two or more adjacent, unimproved, nonconforming lots with continuous frontage are held in identical ownership at any time after the Effective Date, the lands shall be considered to be an undivided lot or parcel and no portion of such lands shall be used in a manner that diminishes compliance with the lot width and area requirements established by this section.

(g) Nonconforming Site Features

(1) Nonconforming Signs

(A) Signs Accessory to Nonconforming Uses

Signs accessory to legal nonconforming uses shall be permitted subject to all regulations of the zoning district wherein such signs and uses are located.

(B) Continuation of Legal Nonconforming Signs

A legal nonconforming sign that is not required to be discontinued under the provisions of Section 26-5-7(I)(3) may be continued 60 days after the date the sign premises becomes annexed to the city; however, the sign shall be maintained and in good condition as required by Section 26-5-7(I), but it shall not be:

(I) Structurally changed to another nonconforming sign, but its contents may be changed;

(II) Structurally altered in order to prolong the life of a sign, except to meet safety requirements;

(III) Altered so as to increase the degree of nonconformity of the sign;

(IV) Expanded;

(V) Re-established after its discontinuance for 90 days;

(VI) Continued in use after cessation or change of the business or activity to which the sign pertains; or

(VII) Re-established after damage or destruction if the estimated cost of reconstruction exceeds 50 percent of the appraised replacement cost as determined by the Planning Director.

(2) Other Site Features

Nonconforming site features, such as parking, loading, stacking, lighting, landscaping, or buffering that do not meet the requirements of this LUC, may continue to be used as they were on the date they became nonconforming. Nonconforming site features shall be brought into compliance with any change of use or development or redevelopment of structures in accordance with the thresholds established in Section 26-7-4(a)(8), Site-Specific Adjustment.

(h) Nonconforming Dwelling in OTN District

In the OTN district, an addition to a legal nonconforming principal dwelling unit may encroach into the front, side street, or rear yard setback provided it does not extend deeper into the setback than the existing portion of the dwelling within the same setback. In no case may the addition be closer than three feet from the front, side or rear lot line, unless it complies with the provisions of this LUC.

26-7-6 Violations and Enforcement

(a) Violations

(1) It is unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure or to use any land in violation of any provisions of the LUC or any amendment to the LUC.

(2) It is a violation of this ordinance to fail to obtain any local, state, or federal license or permit required to conduct the activity being conducted on the property or to maintain any required license or permit in good standing at all times that the activity is in operation.

(3) Any person, firm or corporation, either as owner, lessee, occupant or otherwise, who violates any of the provisions of the LUC or any amendment to the LUC, or who interferes in any manner with any person in the performance of a right or duty granted or imposed upon them by the provisions of the LUC shall be guilty of a violation of the LUC.

(4) It is unlawful to occupy, use, or change the use of any structure or land except in conformity with all of the provisions of this LUC and the conditions of any approval granted under this title.

(b) Development Approvals or Permits

No permit or approval may be issued under the LUC unless all structures and uses of land to be authorized by the permit or approval conform to the LUC, and the terms and conditions of other applicable permits and approvals issued under the LUC.

(c) Enforcement

Penalties for violations and enforcement powers are established in Chapter 7 of the Code of Ordinances.

ARTICLE 26-8. DEFINITIONS AND MEASUREMENTS

26-8-1 Rules of Construction

The following rules shall apply for construing or interpreting the terms and provisions of the LUC.

(a) Meanings and Intent

All provisions, terms, phrases, and expressions contained in the LUC shall be construed according to the general purposes set forth in this section and the specific purpose statements set forth throughout the LUC.

(b) Headings, Illustrations, And Text

In the event of a conflict or inconsistency between the text of the LUC and any heading, caption, figure, illustration, table, or map, the text shall control.

(c) Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

(d) Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the City. References to days are calendar days unless otherwise stated.

(e) References to Other Regulations/Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of the regulation, resolution, ordinance, statute, or document, unless otherwise specifically stated.

(f) Delegation of Authority

Any act authorized by the LUC to be carried out by a specific official of the City may be carried out by a designee of the official.

(g) Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the City of Lafayette unless otherwise indicated.

(h) Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

(i) Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows: "And" indicates that all connected items, conditions, provisions, or events apply; and "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

(j) Tenses and Plurals

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the usage clearly indicates otherwise.

26-8-2 Measurements

(a) Lot and Building Standards

(1) Building Footprint

The total area, measured at the outside face of a building at its ground plane, exclusive of uncovered porches, terraces, and steps.

(2) Build-to Zone

An area of a lot designated for placement of a building facade along a street, located parallel to a front lot line. The build-to zone defines an area in which the locations of building fronts can vary within a specified range.

(3) Density, Gross

Gross density shall be calculated by the number of dwelling units per gross acre.

(4) Floor Area, Gross

The gross area of the building measured along the outside face of the structure of the building including each floor level and interior balconies, but excluding garages, enclosed parking areas, exterior unenclosed balconies, and enclosed mechanical areas.

(5) Frontage Occupancy

Frontage occupancy is the linear distance in which a building façade must be located within a required setback or build-to range. The frontage occupancy measurement includes the following voids from building features:

(A) Arcade or courtyard;

(B) Alcove, entry door recess, or recessed upper story balcony;

(C) Chamfered, curved, or indented corner;

(D) Facade articulation; or

(E) Upper floor stepback.

(6) Lot Area

The total lot area within the platted boundary lines of a lot.

(7) Lot Coverage

The portion of the lot that is covered by the principal building and all accessory buildings including, but not limited to, covered or enclosed porches, patios, and decks. Accessibility

ramps that meet ADA requirements shall not count toward the lot coverage. The coverage is expressed as a percentage of such area in relation to the total gross area of the lot or site.

(8) Lot Width

(A) For lots with a consistent width from front to rear lot line, the horizontal distance between the side lot lines, measured along a straight line parallel to and along the front lot line.

(B) For corner lots or irregular lots, the length of a line between the two side lot lines that is measured at the front building setback line, and at right angles to an axis connecting the midpoints of the front lot line and the rear lot line.

(9) Setbacks

(A) Front

The shortest distance between the front lot line and any point on a primary or accessory structure for which Table 26-2-59: Permitted Setback Encroachments does not provide an exception from setback requirements. On double frontage lots, both streets shall be considered front lot lines for the purpose of calculating required setbacks.

(B) Rear

The shortest distance between the rear lot line and any point on a primary or accessory structure for which Table 26-2-59: Permitted Setback Encroachments does not provide an exception from setback requirements.

(C) Side Interior

(I) The shortest distance between an interior side lot line located between the front and rear setback lines and any point on a primary or accessory structure for which Table 26-2-59: Permitted Setback Encroachments does not provide an exception from setback requirements.

(II) The side interior setback is applicable between structures, not between abutting units.

(D) Side Street

The shortest distance between a side lot line parallel to and abutting a street located between the front and rear setback lines and any point on a primary or accessory structure for which Table 26-2-59: Permitted Setback Encroachments does not provide an exception from setback requirements.

(10) Yard Requirements

(A) In the Old Town Neighborhood zoning district, the lot line that fronts on an east/west street shall be considered the front lot line and the lot line that fronts on a north/south street shall be considered the side street lot line for purposes of determining setbacks and height of buildings.

(B) Where a lot in a Commercial or Industrial zoning district shares a common side or rear lot line with a lot in a Neighborhood district, the required side or rear yard setback of the Neighborhood district shall be observed along the common lot line in the Commercial or Industrial district.

(C) Where the side yard of a lot in a Commercial or Industrial district is an extension of the front yard of a lot in an adjacent Neighborhood district, a side yard setback equal to one-half the required front yard setback of the Neighborhood district shall be observed by the lot.

(b) Height

(1) Building Height

(A) Building height is the maximum vertical distance measured from the applicable grade directly below the point of measurement to:

(I) The highest point of a flat or mansard roof; or

(II) The midpoint between the highest eave line and the highest ridge line of a gable, gambrel, hip, shed, or similar pitched roof.

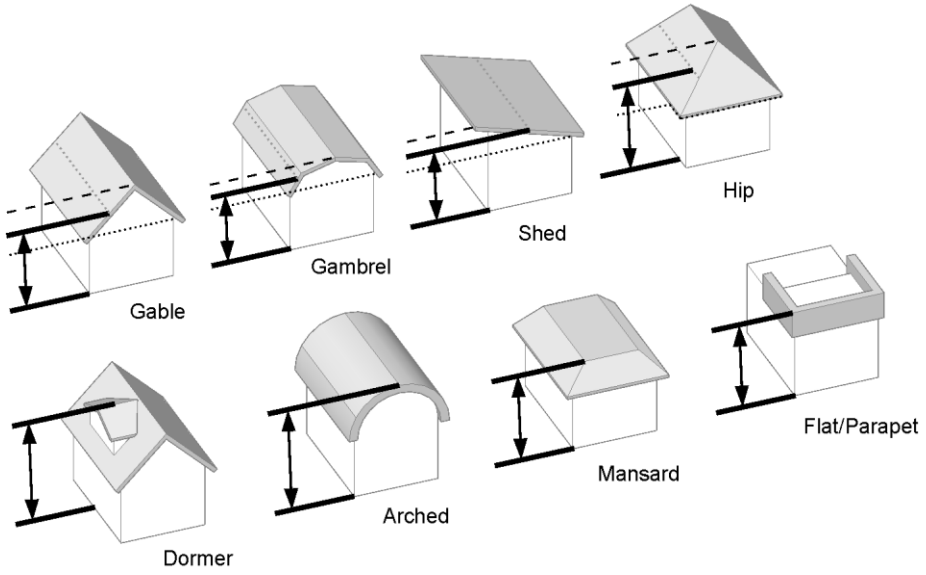


Figure 26-8.A: Building Height Measurement

(B) For development on a single lot, the applicable grade is the existing or natural grade prior to excavation, filling, or other disturbance.

(C) For a development involving multiple lots or buildings, the applicable grade is the over-lot grade elevation established by an approved engineered grading plan.

(2) Fence Height

Fence height shall be measured from the finished grade on the side nearest the street or abutting property to the top of the fence.

(3) Story Height

(A) An attic story is considered a half-story and counts toward the calculation of maximum number of stories.

(B) Basements are not considered a story. A basement shall be counted as a story if the vertical distance from grade to its ceiling is more than five feet.

(C) If a ground story is more than five feet above original grade, the space below counts as an additional story.

(D) Story height is measured from the top of finished floor to the top of the finished floor above.

(c) Sight Vision Clearance Area

(1) No structure or plant material over 36 inches in height, except for single trunk trees that are trimmed from the ground to a line at least seven feet above the level of the intersection, shall be placed or maintained within the sight triangle areas defined below:

Table 26-8-1: Required Sight Vision Clearance Area

Street Designation	D distance	L distance	R distance
Local	17 feet	200 feet	122 feet
Collector	19 feet	313 feet	167 feet
Arterial	19 feet	401 feet	181 feet
State Highway	19 feet	591 feet	211 feet

(2) See for location of D, L and R distances. All distances are measured from a point where the two curb lines, if extended, or the edge of the roadway if no street curb exists, would intersect.

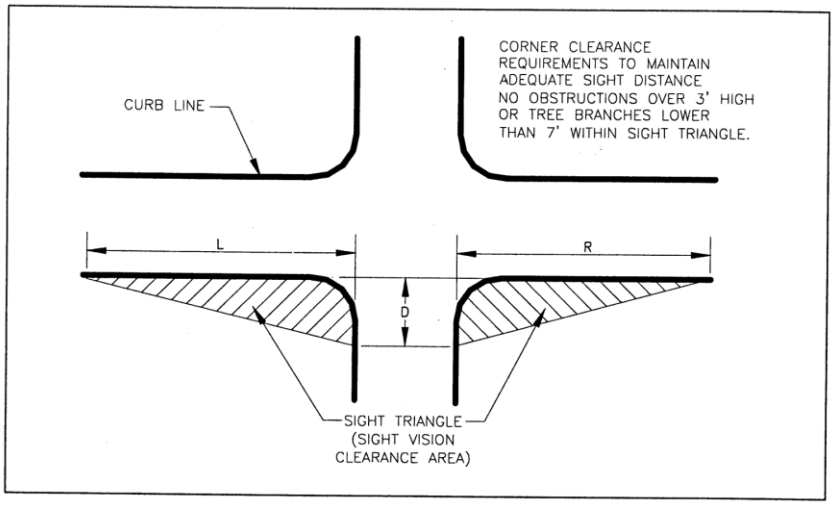


Figure 26-8.B: Sight Vision Clearance Area

26-8-3 Definitions

A

Abutting

To physically touch, adjoin, or share a common border with another property without an extra lot or public street, not including an alley, in between.

Access Easement

Any land or interest in land dedicated to the City for the purposes of vehicular or pedestrian access or travel, whether or not it has been used for those purposes.

Accessible Unit (ADU)

A detached accessory dwelling unit that:

1. Satisfies the requirements of the Federal "Fair Housing Act", 42 U.SC. Sec. 3601 et seq., as amended;
2. Incorporates universal design (any dwelling unit designed and constructed to be safe and accessible for any individual regardless of age or abilities); or
3. Is either a Type A or Type B dwelling unit as defined in §§9-5-101(10) and 9-5-101(12), C.R.S.

Accessory Building or Structure

A building or structure detached from a principal building and customarily used with, and clearly incidental and subordinate to, the principal building or use, and located on the same lot with such principal building.

Accessory Dwelling Unit

A detached or attached dwelling unit that is:

1. Located on the same lot or parcel as the principal single-household detached dwelling;
2. Incidental and subordinate to the principal dwelling unit; and
3. Excluded from the calculation of dwelling units per acre that are permitted in a given zoning district.

Accessory Dwelling Unit, Attached

An attached accessory dwelling unit that is connected to or an integrated part of the principal single-household detached dwelling.

Accessory Dwelling Unit, Detached

An accessory dwelling unit that is located within an accessory structure detached from the principal single-household detached dwelling.

Accessory Use, Other

A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot not otherwise listed specifically as an accessory use in Table 26-3-1: Use Table.

Activation (also Active Use)

Design or use requirements focused on provision of physical, social, or cultural programming in an area so people are encouraged to linger, interact, and actively use the space. Active uses are street-level, pedestrian-oriented spaces that generate foot traffic and human interaction throughout the day.

Active Recreation Areas

Areas of active play or recreation such as sports fields, school yards, picnic grounds, or other areas with intense foot traffic.

Adaptive Reuse

The rehabilitation or conversion of an existing structure for any use(s) other than the present use(s).

Addition

Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Adjacent

To lie near, border or, not distant or far from, nearby, across a street or right-of-way; for the purposes of this LUC also includes adjoining, contiguous, or abutting.

Advanced Air Mobility

The use of unmanned aircraft systems, powered-lift aircraft, electric vertical takeoff and landing aircraft, or similar emerging aircraft technologies to transport passengers or cargo, together with any associated area of land, structural surface, building, structure, or facility used for the takeoff, landing, staging, loading, unloading, charging, fueling, parking, storage, maintenance, or dispatch of such aircraft. The term includes commercial drone delivery hubs, drone staging areas, vertiports, and similar facilities, but does not include the personal recreational use of small unmanned aircraft systems.

Adult Entertainment

1. An establishment such as an auditorium, bar, cabaret, concert hall, nightclub, restaurant, theater, or other commercial establishment, other than an adult retail establishment, that provides amusement or entertainment featuring one or more of the following:
    a. A live performance, act, or escort service distinguished or characterized by an emphasis on the depiction, description, exposure, or representation of specified anatomical areas or the conduct or simulation of specified sexual activities.
    b. Audio or video displays, computer displays, films, motion pictures, slides or other visual representations or recordings characterized or distinguished by an emphasis on the depiction, description, exposure, or representation of specified anatomical areas or the conduct or simulation of specified sexual activities.
2. For the purpose of this definition:
    a. Specified anatomical areas means human genitals, pubic hair, vulva, and female breasts below a point immediately above the areola if less than completely or opaquely covered; and human male genitals in a discernibly turgid state even if completely and opaquely covered.
    b. Specified sexual activities means human genitals in a state of sexual arousal; acts of human masturbation; sexual intercourse or sodomy; and fondling or other erotic touching of human genitals, pubic regions, buttocks, vulva, or female breasts.

Agricultural Operation

The cultivation of agricultural or horticultural crops, composting, aquaponics, aquaculture, hydroponics, the keeping of livestock and/or poultry, commercial horse stables, or a combination of these activities. Accessory uses commonly include greenhouses and other facilities and storage necessary for the management of the agricultural operation or transport of products.

Alley

Public right-of-way within a block upon which the rear of building lots generally abut; its use is for secondary access to the lot and/or service purposes.

Amateur Radio Operator

Any person holding a valid amateur radio operators and station license issued by the Federal Communication Commission.

Amateur Radio Tower

A structure as contemplated by the Building Code used for the purpose of the transmission and reception of amateur radio signals and includes antennas and other appurtenances thereto.

Amenity Space

Land areas within a development that are not dedicated or protected by a covenant designed and intended for common use or enjoyment of residents of or visitors to the site and may include landscaped areas, areas for passive and active recreation, trail systems and seating along trail systems, and plazas.

Animal Day Care, Grooming, or Sales

A facility in which household pets are housed, groomed, bred, boarded, trained in return for compensation, or sold.

Application Rate

The amount of water applied to a given area over a given time, usually measured in inches per hour.

Architectural Projection

Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, including, without limitation, roof overhangs, mansards, chimneys, unenclosed exterior balconies, marquees, canopies, pilasters, and fascias, but not including signs.

Art Studio or Workshop

A use with an interior building area for artist galleries, studios, and residences used for the creation, display, and associated sale of various artistic mediums and creative arts.

Assembly, Religious, or Secular

Private, non-profit membership organizations that provide meeting space and facilities for their members. Examples include religious institutions and civic and social organizations such as private lodges, clubs, fraternal organizations, and similar private, non-commercial membership organizations.

Athletic Field of Play

Land, often requiring equipment, designed for outdoor games and sports such as baseball, football, tennis and soccer.

Awning

A movable shelter supported entirely from the exterior wall of a building and of a type that can be retracted, folded or collapsed against the face of the supporting building.

B

Backflow Prevention Device

A safety device used to prevent pollution or contamination of a water supply due to the reverse flow of water.

Backyard Chicken(s)

Any female breed of chicken not to include any poultry such as ducks, quail, geese, pigeons, and/or turkeys, for raising and keeping in the backyard area of residential uses as an accessory use.

Balcony

An exterior platform projecting from a building wall, either recessed or cantilevered, situated at least four feet above grade, and open on one or more sides with railings or parapets not exceeding 42 inches in height.

Bar

An establishment primarily devoted to the serving of alcoholic beverages by the drink and in which the service of food is only incidental to the consumption of such beverages.

Basement

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

Battery Energy Storage System

One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

Bed and Breakfast

A single-household detached dwelling, or portion of the dwelling, that is owner-occupied or occupied by a resident manager in which short-term lodging rooms and meals are provided.

Beekeeping

The management and maintenance of beehives, colonies, combs, and other associated appliances as an accessory use.

Berm

An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise or provide buffering from adjoining properties

Blank Wall

A broad, unbroken exterior building facade that lacks architectural details, doors, or windows.

Block Face

All the lots facing one side of a street between the two nearest intersecting streets; just one side of a single block

Building

Any permanent structure built for the shelter or enclosure of persons, animals, or property of any kind.

Building Element

Distinct, identifiable physical feature of a structure that are regulated by this LUC, including exterior walls, roofs, balconies, porches, or awnings.

Building Form

The shape and structure of a building as distinguished from its substance or material.

Building Mass

The three-dimensional bulk of a building height, width, and depth.

Building Material and Supply Sales

A business involved in the sale, storage, and distribution of structure-related supplies and services including lumber, brick, tile, cement, insulation, floor covering, lighting, plumbing supplies, electrical supplies, cabinetry, and roofing materials.

Building or Structure, Accessory

A subordinate building or structure located on the same lot as the primary structure, the use of which is incidental to the principal use. For the purpose of dimensional standards, accessory structures shall include detached ADUs.

Building, Principal

A building in which there is conducted the principal use of the lot on which the building is located.

Building Scale

The size and proportion of a building relative to surrounding buildings and environs, adjacent streets, and pedestrians.

Bulk Plane

A series of horizontal and vertical planes which, when applied in three-dimensions limit the allowable space a building may occupy.

C

Canopy

A permanently roofed shelter covering a sidewalk, driveway or other similar area, that may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.

Carport

A permanent roofed structure used to shelter one or more motor vehicles that is open on at least two sides, formed by a roof projecting from the side of a building or constructed as a freestanding structure.

Certified Landscape Contractor

A person certified to design and install landscapes and irrigation through the: Associated Landscape Contractors of Colorado Landscape Industry Certified Technician, Qualified Water Efficient Landscaper (QWEL) program, Irrigation Association's Certified Irrigation Designer program, or another program labeled by U.S. Environmental Protection Agency's WaterSense program.

Channel

The physical confine of stream, or waterway consisting of a bed and stream banks, existing in a variety of geometries.

Check Valve or Anti-Drain Valve

A valve located under, or incorporated within, a sprinkler head or other location within the irrigation system, to hold water in the system so it minimizes drainage from the lower elevation sprinkler heads when the system is off.

City Council

The duly elected officials who constitute the legislative and governing body of the City of Lafayette, Colorado.

Commercial Horse Stable

A facility where horses, mules, or ponies are hired, bred, shown, or boarded including accessory stables or exercise areas. Horse stables are often for the display of equestrian skills and the hosting of events, including but not limited to show jumping, dressage, and similar events of other equestrian disciplines.

Community Garden

A plot of land where plants are grown and harvested by a non-profit organization or group of individuals for use by the organization and individuals who operate and maintain the garden.

Complete Development Parcel (CDP)

The full extent of a parcel, tract, or lot held in single ownership or for which development is substantially controlled by an individual, legal entity, group of individuals, or group of legal entities.

Composting Facility

A facility where organic solid waste is collected, stored, and decomposed in a controlled setting. This term includes activities related to management, collection, transportation, staging, composting, and curing.

Continuing Care Facility

A facility or integrated group of facilities that provides a continuum of accommodations and care, from independent living to convalescence care and long-term skilled nursing care. This use typically includes a full range of living arrangements from independent living, congregate housing, residential care, and skilled nursing and sometimes hospice care. It also provides a range of ancillary facilities and services such as health care, meals with common dining facilities, physical therapy, education, recreation, and other social and cultural activities.

Contractor Shop and Yard

A building and related outdoor areas used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. This use may include showrooms and shops for the display and sale of electrical, plumbing, heating, air conditioning, sheet metal, and other material in connection with contracting services.

Conventional Zoning District

Base and overlay zoning districts that regulate primarily through a combination of lot dimensions and use standards with limited reliance on building form.

Cool Season Turf

Continuous plant coverage consisting of nonnative grasses or grasses that have not been hybridized for arid conditions and which, when regularly mowed, form a dense growth of leaf blades and roots. Cool-season varieties or blends include, but are not limited to, Kentucky bluegrass and fescue.

Craft Alcohol, Large

A facility primarily engaged in the production, packaging, storage and distribution of ales, beers, meads, distilled drinks, wines, or similar beverages for off-site wholesale, retail, or commercial

distribution. The facility may include accessory tasting rooms, tap rooms, retail sales, or on site consumption areas.

Craft Alcohol, Small

A commercial use that brews ales, beers, meads, distilled drinks, wines, or similar beverages on site and serves those beverages on site. Packaging, canning, bottling, and off-site sales are permitted as accessory uses.

D

Data Center

A purpose-built structure, substantial modification to an existing structure, or an integrated group of structures, including corresponding electrical infrastructure, that houses information technology equipment and services that:

1. Provide large-scale data storage, processing and transport services;
2. Support the delivery of cloud computing services; or
3. Support artificial intelligence, machine learning, or similar computational services.

Day Care Center, Adult or Child

A nonresidential establishment providing for the care, supervision, and protection of children under the age of 16 years or the elderly and/or disabled adults for less than 24 hours. The term includes facilities commonly known as day care centers, day nurseries, nursery schools, kindergartens, preschools, play groups, day camps, and summer camps.

Deciduous Tree

A plant or tree with foliage that is shed annually.

Deck

An uncovered exterior platform elevated above grade that may be attached to a principal or accessory building or detached as an independent structure, typically supported by posts, piers, or similar structural elements.

Density, Gross

Total land area including, but not limited to, streets, retention areas, parks, amenity space, and open space.

Density, Net

Developable area only, excluding streets, parks, other public land areas, amenity space, and open space.

Development

Any manmade change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Disturbance

Disturbance means any activity that alters or removes vegetation, changes existing grade, disturbs soil, or results in construction, placement, or expansion of a building, structure, utility, trail, driveway, parking area, or other site improvement.

Drive-through Facility

Any use, which by design, physical facilities, services, or operating procedures permits persons to receive services, or obtain or drop off goods, while remaining in their vehicle. Drive-through facilities may include, but are not limited to, facilities at restaurants, donation drop-offs, banks, dry cleaners, and pharmacies.

Drive-through Facility, Multi-tenant

A drive-through facility accessory to a tenant space located within a multi-tenant building or integrated commercial center, where the drive-through facility serves a business operating as part of a larger shared development

Drive-through Facility, Standalone

A drive-through facility associated with a principal use located on an individual site or within a freestanding building that is not part of a multi-tenant building.

Dwelling

A building or portion of a building used for residential occupancy, and conforming to any Building Code, Fire Code, and Safety Code adopted by the City of Lafayette.

Dwellings, Courtyard (Courtyard Development)

A residential development that combines a group of small individual single-household dwelling units or tiny house, oriented around an amenity space for communal use of the residents of the development. This definition shall not include any use meeting the definition of a manufactured home community.

Dwelling, Duplex

Two dwelling units attached side by side, vertically, or front/back under one roof that share common internal, side, or rear wall, or some combination of those, each of which is occupied by one household.

Dwelling, Live/Work

A dwelling unit containing integrated residential and nonresidential working spaces in separate areas of the unit, typically with a ground-floor workspace oriented toward the street and residential living areas located above or behind the workspace. The workspace is designed to accommodate customer, client, or employee activity and is intended for commercial activities more intensive than a home-based business.

Dwelling, Modular

A dwelling unit that is manufactured in sections in a factory, none of which sections is a complete dwelling unit, and that is then assembled into a complete dwelling unit on site, provided that the assembled dwelling unit is installed on an engineered permanent foundation, is either:

1. Certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 et seq., as amended and is built for the Colorado climate and snow loads pursuant to Department of Housing and Urban Development standards established under the provisions of 42 USC 5401 et seq.; or
2. Complies with the City's applicable building code.

The term does not include travel trailers, camper trailers, campers, self-contained motor homes, or camper buses.

Dwelling, Multi-Household

A building containing five or more dwelling units with shared internal walls and under a shared roof.

Dwelling, Single-Household Attached, Townhome Row (Townhomes)

Three to nine horizontally attached single-household dwelling units that share common walls, floors, or ceilings with a front facade designed to appear as a single row of units.

Dwelling, Single-Household Attached, Triplex or Fourplex (Triplex or Fourplex)

Three or four horizontally or vertically attached single-household dwelling units with individual entrances that share common walls, floors, or ceilings.

Dwelling, Single-Household Detached (Detached House)

A single-household dwelling that is not attached to any other dwelling by any means and that complies with the International Residential Code or the City's applicable residential building code. This use also includes a manufactured home, a modular dwelling, and a tiny house.

Dwelling, Tiny House

A single-household dwelling that contains 400 square feet or less in floor area, excluding lofts, and is installed on a permanent foundation.

Dwelling Unit

A structure or portion of a structure designed for occupancy as a residence by a single household.

E

Easement (Related: Public Easement, Private Easement)

Any land or interest in land or designated public improvement dedicated to the City, whether or not it has been used.

Eclectiflex

As defined in the Legacy Lafayette Comprehensive Plan, the Eclectiflex land use category allows for greater flexibility in land uses in business park, industrial, and commercial areas on the south and east sides of Lafayette. The Eclectiflex category encourages the creation of additional areas of activity in these area, centered around outdoor recreation or entertainment. Employment is the focus of Eclectiflex areas, but land uses may include a mixture of retail, entertainment, and live-work units. For example, a brewery of indoor sports center could fit into a business park located within Eclectiflex.

Electric Vehicle Charging Station

A facility in which electric vehicle charging services are made available to the public or to a group of occupants or users of the property or development, including the structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

Emission Device

A component of the system that disperses water to the landscape and includes but is not limited to sprinklers, bubblers, emitters, and microsprays.

Evergreen Tree

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

Established Landscape

The point at which plants in the landscape have developed roots into the soil adjacent to the root ball.

Establishment Period

The first 365 days of growing season after installing the plant in the landscape.

Evapotranspiration (ET)

Water evaporated from adjacent soil surfaces and transpired by plants during a specific time.

F

Façade

The front or principal face of a building

Family Child Care Home

Provision of less than 24-hour care at any time for two or more children that are unrelated to each other or the provider, and are cared for in the provider's place of residence.

Family Child Care Home, Small

A family child care home that provides care for 2 to 6 children.

Family Child Care Home, Large

A family child care home that provides care for 7 to 12 children.

Farmer's Market

An occasional or periodic market held in an open area or structure where groups of individual sellers offer for sale to the public items such as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on site.

Farmstand

A temporary or permanent structure used for the sale and display of agricultural or horticultural products such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants, herbs, and wool.

Fire Escape

A permanent, exterior means of egress attached to a building, consisting of metal or other noncombustible construction, designed to provide emergency exit from upper floors to grade level. A fire escape typically includes stairs, platforms, and railings, and is intended for use only during emergencies when normal exit routes are inaccessible.

Fleet Services

A central facility for the storage and/or staging of vehicles used regularly in business operation and not available for sale, or long-term storage of operating vehicles. Typical uses include, but are not limited to, ambulance service, school bus lots, staging areas for shared vehicle services, and other operations that require frequent arrival and departure of cars or vans such as courier, delivery, and express services, cleaning services, or security services.

Flood-Related Definitions

FEMA

The Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

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

Flood, Base

The flood having a one percent chance of being equaled or exceeded in any given year.

Flood Hazard, Area Special

The land in the floodplain subject to a one percent or greater chance of flooding in any given year.

Flooding Area

An area so designated on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

Flood Insurance Rate Map (FIRM)

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the city.

Flood Insurance Study

The official report provided by the Federal Insurance Administration which includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

Floodway (Regulatory Floodway)

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

Floor, Lowest

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that

such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements.

New Construction

Structures for which the "start of construction" commenced on or after the Effective Date.

Start of Construction

The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; but does include excavation for a basement, footing, piers or foundations or the erection of temporary forms; as well as the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or pouring of concrete pads, and installation of utilities) is completed.

Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local Health, Sanitary, or Safety Code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Floor Area

The gross area of the building measured along the outside face of the structure including each floor level and interior balconies, but excluding garages, enclosed parking areas, exterior unenclosed balconies, and enclosed mechanical areas.

Flow Rate

The rate at which water flows through pipes and valves (gallons per minute or cubic feet per second).

Food Truck Court

An area of land on which one or more mobile food trucks sell food and/or beverages to the public and on which the public may consume food and/or beverages.

Form-Based District

A base or sub-district that regulates development through a combination of standards focused on building form, building frontages, and civic spaces.

Frontage, Street

The linear frontage of a lot or tract abutting a private or public street that provides principal access to or visibility of the premises.

Functional Turf

Turf that is located in a recreational use area or other space that is regularly used for civic, community, or recreational purposes, which may include playgrounds, sports fields, picnic grounds, amphitheaters, portions of parks, and the playing areas of golf courses, such as driving ranges, chipping and putting greens, tee boxes, greens, fairways, and roughs.

G

Golf Course

A tract of land typically laid out for at least nine holes for playing the game of golf that may include a clubhouse, dining and snack bars, accessory retail sales of related sporting goods, and practice facilities.

Government Facility

A building, facility, or site housing the offices, operations, infrastructure, or facilities of a department or agency of the city, county, state, or federal government, or a quasi-governmental entity, together with incidental storage.

Green Infrastructure

Green infrastructure means the range of measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspirate stormwater and to mitigate the impact of development on sewer systems and surface waters.

Groundcover

Living plant material that grows low to the ground, usually under 12-inches in height, often of a spreading nature.

Grounds

The yard areas or premises.

Group Home, FHAA

A residential dwelling or facility where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of residents protected by the provisions of the Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Colorado, including but not limited to facilities providing housing for people experiencing disabilities, mental health conditions, or developmental disabilities.

Group Residential Facility

A residence that provides a community living environment for persons requiring custodial care, medical treatment, or specialized social services, but that does not meet the definition of an FHAA

Group Home. This use includes but is not limited to transitional housing developments, correctional diversion program housing, post-incarceration program housing, and domestic violence shelters.

H

Hardscape

Non-living components of landscape design that is made of any durable material (pervious and non-pervious).

Historic Building or Structure

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Individually listed on a state inventory or survey of historic places;
3. Designated as a historic structure;
4. Individually listed on a local inventory or survey of historic places:
    a. By an approved state program as determined by the Secretary of the Interior or;
    b. Directly by the Secretary of the Interior in states without approved programs; or
5. Over 50 years old.

Home-Based Business

A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use of the lot. This includes the preparation and packaging of those food products that are eligible to be prepared and sold following the requirements of the Colorado Cottage Foods Act codified at C.R.S. 25-4-1614.

Horses and Livestock

Personal horses or livestock for the use of the occupants of the lot and their guests.

Hospital

An institution providing health services primarily for human inpatient medical or surgical care and including overnight accommodation for persons receiving treatment and related facilities such as emergency rooms, laboratories, outpatient departments, training facilities, rehabilitation facilities, central services facilities, and staff offices that are an integral part of the facilities.

Hotel or Motel

A building in which lodging services are provided and offered to the public for compensation, which is open to transient guests.

Household

One or more persons who intend to live together in the premises of a dwelling unit as a single housekeeping unit. The total number of persons living together shall not exceed the maximum number permitted by the current building and fire codes adopted by the City of Lafayette, by any applicable state or federal law or regulation, or by affordable housing guidelines applicable to the dwelling unit.

Household Pet

Those animals commonly kept indoors as pets, including, but not limited to, dogs, cats, or other domestic animals of similar size; white mice, guinea pigs, miniature pot-bellied pigs and miniature goats, or similar small animals; birds; turtles; and fish.

Hydrozone

A portion of the landscaped area having plants with similar water needs that are served by a single irrigation valve or set of irrigation valves with the same schedule. A hydrozone may be irrigated or non-irrigated. For example, a naturalized area planted with native vegetation that will not need supplemental irrigation once established is a non-irrigated hydrozone.

Very Low Hydrozone

Plant materials that require five inches or less of supplemental water applied during the growing season. The plant materials within this zone are typically drought-tolerant natives.

Low Hydrozone

Plant materials that require over five inches and up to or equal to 10 inches of supplemental water applied during the growing season.

Moderate Hydrozone

Plant materials that require over 10 inches or up to or equal to 15 inches of supplemental water applied during the growing season. The plant materials within this zone are typically native hydrophilic or exotic species.

High Hydrozone

Plant materials that require over 15 inches of supplemental water applied during the growing season. The plant materials within this zone are intended for high pedestrian traffic areas such as sports fields or community gathering spaces.

I

Infill Development

Development on vacant, undeveloped, or underused land surrounded by existing development that is already served by public infrastructure, such as transportation and utilities.

Industrial, Flex

A use that combines office and storage for goods, wares, and merchandise, including distribution functions that may require off-street loading. This use also includes buildings that could be used for either office, industrial, makerspace, light craft production and sales, research and prototype production, or other light industrial or commercial uses.

Industrial, Heavy

An establishment or business that uses hazardous inputs or creates hazardous by-products in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts on the environment or surrounding areas including but not limited to noise, vibration, smoke, dust, glare, heat, odors, fumes, emissions, fire hazards, or other environmental or public safety impacts. Examples include but are not limited to: asphalt and concrete batch plants, fuel alcohol plants, fuel bulk plants, ice and cold storage plants, and sawmills.

Industrial, Light

Industrial operations relying on the assembly, distributing, fabricating, manufacturing, packaging, processing, recycling, repairing, servicing, storing, using parts previously developed from raw material including, but not limited to, electronic instruments or devices, food and beverage processing, scientific research and testing and commercial bakeries. This use includes warehouse or wholesale facilities that contain 10,000 square feet or less of gross floor area. This use includes uses that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building where such assembly fabrication, or processing take place.

Infiltration Rate

The rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).

K

Kennel

Any lot or tract on which the following are harbored:

1. Four or more animals; or
2. Four or more of any one species of household pet, including rabbits, but excluding household pets customarily housed in a cage, aquarium, or similar enclosure, at least four months of age.

Kiosk

A small structure, typically located within a pedestrian walkway or similar circulation area, intended for use as a small shop, or for use as a display space for posters, notices, and exhibits.

L

Landscaped Area

An entire parcel of real property less the building footprint, driveways, nonirrigated portions of parking lots, hardscapes, and other nonporous areas. Water features are included in the calculation of the landscaped area.

Landscape Buffer

A land area with landscape plantings and other components used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.

Landscaping or Landscape Improvements

Plantings of grass, shrubs, trees or similar living plants, with minimal use of other ground surface treatment such as decorative rock, bark, or stone. These inert materials are allowed to be used in conjunction with live material in planting beds, but do not count toward the calculations of required landscaping or landscaping improvements.

Lapse

The termination of a right, interest, duty or obligation as a result of the passage of time, or failure of a condition, or a change in circumstance.

Lighting-Related Definitions

Correlated Color Temperature (CCT)

The color temperature of a light source is determined by comparing its chromaticity with that of an ideal black-body radiator. The temperature (usually measured in kelvin (K)) at which the heated blackbody radiator matches the color of the light source is that source's color temperature. Yellow-red colors are considered warm, and blue-green colors are considered cool.

Glare

Direct or reflected light emanating from uncontrolled or poorly screened light sources that creates discomfort or loss in visual performance and visibility.

Kelvin

The base unit of measurement for temperature.

Lamp

The light-producing source installed in the bulb portion of a luminaire.

Light Fixture

An electrical device used to create artificial light or illumination.

Light Source

Neon, fluorescent or similar tube lighting, an incandescent bulb, including the light-producing elements therein and any reflecting surface that, by reason of its construction or placement, becomes the light source.

Lumen

A unit used to measure the actual amount of visible light that is produced by a lamp as specified by the manufacturer.

Uplighting

Lighting that is directed in such a manner as to project light rays above the horizontal plane running through the lowest point on the fixture where light is emitted.

Livestock

Cattle, horses, mules, burros, sheep, swine, llamas, and goats (excluding miniature goats), regardless of use, and any animals, except dogs and cats, that are used for working purposes on agricultural land.

Lot

A piece or plot of land shown as such on a duly recorded plat.

Lot, Corner

A lot or parcel of land abutting on two or more streets at their intersection or on two parts of the same street forming an interior angle of less than 135 degrees.

Lot, Double Frontage

A lot that has street frontage along two opposite, non-intersecting boundary lines. The term does not include corner lots located with frontages only on two streets that intersect at the corner of the lot.

Lot Line

The external boundary of a lot.

Lot Line, Front

The property line of a lot dividing the lot from the adjoining street. On a corner lot or double frontage lot, the property owner may elect which street frontage shall be the front lot line only for the purpose of determining the rear yard. Any yard adjacent to a street shall be considered a front yard for the purposes of determining setbacks and height of buildings except that, in the Old Town Neighborhood zoning district, the lot line that fronts on an east/west street shall be considered the front lot line.

Lot Line, Rear

The property line of a lot opposite or more parallel to the front lot line. On corner lots, the owner shall determine which yard shall be the rear yard if the definition of a rear yard defines more than one rear yard.

Lot Line, Side

Any lot property line other than a front, street side, or rear lot line.

Lot Line, Side Street

1. Generally, the lot line that meets the front lot line and abuts a street other than the primary abutting street.
2. In the Old Town Neighborhood zoning district, on lots bordered on two contiguous sides by streets, the lot line of the lot that divides the lot from a north/south street.

Low Flow Irrigation or Drip Irrigation

The application of irrigation water at low pressure through a system of tubing or lateral lines and emitters such as point source emitters, dripper lines, microsprays and bubblers. Low flow irrigation systems apply small volumes of water slowly at or near the root zone of plants.

Low Impact Development (LID)

Development design/construction strategy that maintains the predevelopment hydrologic regime to the extent possible at the development site. The goal of LID is to mimic the natural runoff hydrograph as much as practicable in terms of magnitude, frequency, duration, timing, and rate of change of stream flows. LID focuses on small scale stormwater retention and detention, reduced impervious areas, and increased runoff periods.

M

Main Street

A main street is a primary thoroughfare connecting neighborhoods and mixed-use or nonresidential areas that has an area(s) with a grouping of economic, social, or cultural activity spaces.

Manufactured Home

Factory-built, single-household structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Section 5401 et seq.), commonly known as the HUD Code (U.S. Department of Housing and Urban Development).

Manufactured or Mobile Home Community

A site, lot, tract, or parcel of land used for the continuous accommodation of two or more occupied manufactured homes and maintained for dwelling purposes on a permanent basis on individual lots,

pads, or spaces; whether those lots, pads, or spaces be individually owned, leased, or rented. This definition includes mobile home park and mobile home subdivisions in existence as of the Effective Date.

Marijuana-Related Uses

See Chapter 56, Marijuana, of the Code of Ordinances.

Marquee

A permanently roofed structure attached to and supported by a building and projecting from the building.

Master Shut-Off Valve

An automatic valve installed at the irrigation supply point which controls water flow into the irrigation system. When this valve is closed water will not be supplied to the irrigation system.

Maximum Extent Practicable

The Planning Director has determined that no feasible or prudent alternative exists, that all possible efforts to comply with the standards or regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant, and that the costs of complying with an LUC standard or criteria clearly outweigh the benefits to the public of complying with the standard or criteria. Economic considerations may be taken into account but shall not be the overriding factor determining whether compliance with a standard or criteria in the LUC is impracticable.

Mainline

Piping upstream of the control valve in an irrigation system.

Mechanical Equipment

Devices or systems installed on a property to support building operations or utilities including but not limited to HVAC units, heating or cooling systems, ventilation equipment, electrical panels, transformers, generators, utility meters and boxes, plumbing or piping systems, tanks, satellite antennas, and sustainable energy installations.

Median

The landscaped area between opposing directions street traffic lanes.

Medical or Dental Clinic

A health care facility where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, counselors, therapists, or social workers, and where patients are not usually lodged overnight. This use includes dialysis and other outpatient services clinics and emergency care clinics without ambulance services. This use includes establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks, oxygen, and miscellaneous types of medical supplies and services.

Mining and Extraction

The development or extraction of mineral deposits, including but not limited to limestone, coal, sand, rock, clay, dirt, gravel, and other materials, and quarry aggregate from their natural occurrences on affected land. The term includes but is not limited open pit mining and surface operations, strip mining, quarrying, dredging, and the disposal of refuse from those activities.

Minor Subdivision

A division of land that meets the criteria set forth in Section 26-7-4(a)(4)(B).

Mobile Food Truck

A retail food establishment that is not intended to be permanent and is a motorized wheeled vehicle, or a trailer that is licensed for use on public roadways, designed and equipped to serve food and beverages, operating in either a static or transitory location.

Mobile Home

A single-household dwelling, factory-built and factory-assembled residence which does not comply with the National Manufactured Homes Construction Safety and Standards Act. (42 U.S.C. Section 5401 et seq., 1978, as amended).

Mobile Home Park

A parcel of land used for the continuous accommodation of two or more occupied mobile homes. Mobile home parks are typically operated for the financial benefit of the owner of the parcel of land but may also include individual lot ownership. Mobile home park does not include manufactured home communities.

Mobile Home Subdivision

An area or tract of land subdivided specifically to be occupied by mobile home for residential purposes.

Mortuary

An establishment with facilities for the preparation of human or animal remains for burial or interment, for the display of the deceased and rituals connected with, and conducted before burial, and for funeral services. This definition includes columbaria and may include a facility for the permanent storage of cremated human or animal remains.

With Crematorium

A mortuary that includes cremation facilities for human or animal remains.

Without Crematorium

A mortuary that does not include cremation facilities for human or animal remains.

Motor Home

A motor vehicle containing cooking and/or sleeping facilities and designated as temporary living quarters for recreational, camping, and travel use. The term "motor home" shall include vehicles designed as "camper buses" and shall include vehicles which may have been originally designed for use as vans, buses, and the like, but which have been converted to be used as temporary living quarters.

Mulch

Any organic material such as leaves, bark, wood chips, straw, or inorganic material such as crushed stone or gravel, or other materials left loose and applied to the soil surface for the beneficial purpose of reducing evaporation.

Multimodal Transportation

Transportation options that can include walking, bicycling, vehicles, and public transit.

Museum

A facility or area that is open to the public and is intended for the acquisition, preservation, study, and exhibition of works of artistic, historical, or scientific value.

N

Native Plant

A species that is indigenous within the Colorado Front Range and naturally occurring in one or more plant communities.

Natural Medicine Business-Related Definitions

Facilitator

An individual who is licensed by the state licensing authority to engage in the practice of facilitation and perform and supervise natural medicine services for a participant pursuant to article 170 of title 12, C.R.S., as provided in the Regulatory Act.

Natural Medicine

Psilocybin or psilocin and other substances described in the Regulatory Act as "natural medicine."

Natural Medicine Business

Any of the following entities licensed under the Regulatory Act and includes a natural medicine healing center, a natural medicine cultivation facility, a natural medicine products manufacturer, or a natural medicine testing facility, or another licensed entity created by the state licensing authority.

Natural Medicine Cultivation Facility

A location where regulated natural medicine is grown, harvested, and prepared in order to be transferred and distributed to a natural medicine business.

Natural Medicine Healing Center

A facility where an entity is licensed by the state licensing authority that permits a facilitator, as defined by the Regulatory Act, to provide and supervise natural medicine services for a participant, as defined by the Regulatory Act, which includes a participant consuming and experiencing the effects of regulated natural medicine or regulated natural medicine product under the supervision of a facilitator.

Natural Medicine Product

A product infused with natural medicine that is intended for consumption, as provided by the Regulatory Act.

Natural Medicine Products Manufacturer

A person who manufactures regulated natural medicine products for transfer to a natural medicine business.

Natural Medicine Services

A preparation session, administration session, and integration session provided by a licensed facilitator to a participant pursuant to article 170 of title 12, C.R.S., as provided by the Regulatory Act.

Natural Medicine Testing Facility

A public or private laboratory licensed by the state licensing authority to perform testing and research on regulated natural medicine and natural medicine product.

Participant

An individual who is 21 years of age or older who receives natural medicine services prescribed by and under the supervision of a facilitator, as provided by the Regulatory Act.

Regulated Natural Medicine

Natural medicine that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed, as provided by the Regulatory Act.

Regulated Natural Medicine Product

A natural medicine product that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed, as provided by the Regulatory Act.

State Licensing Authority

The authority created under the Regulatory Act for the purpose of regulating and controlling the licensing of the cultivation, manufacturing, testing, storing, distribution, transfer, and dispensation of regulated natural medicine and regulated natural medicine product, as provided by the Regulatory Act.

Naturalized Landscape

A non-native plant that does not need human help to reproduce and maintain itself over time in an area where it was not native.

Neighborhood Cafe

An establishment that serves a limited menu of food items and does not contain more than 2,000 square feet of gross floor area. Accessory uses to the service of food may include retail sales and the sale of non-alcoholic or alcoholic beverages.

Neighborhood-Scale

The atmosphere or physical environment that is created by the combination of land use and buildings within an area. Neighborhood scale is established and influenced by land use types and intensity, traffic generation, and also by the location, size, and design of structures as well as the interrelationship of all these features. The scale of new structures should be in proportion with that of surrounding traditional buildings.

Nonconforming Lot

A lawfully established lot created prior to adoption of this LUC or any amendment thereafter that does not comply with lot dimensional requirements of this LUC.

Nonconforming Sign

A lawfully established sign constructed or installed prior to adoption of this LUC or any amendment thereafter that does not comply with the sign regulations of this LUC.

Nonconforming Site Feature

Any site feature that that lawfully existed prior to adoption of this LUC or any amendment thereafter but does not comply with the standards of this LUC.

Nonconforming Structure

A lawfully established building or structure constructed or installed prior to adoption of this LUC or any amendment thereafter that does not comply with the area, height, placement, or other dimensional regulations of this LUC.

Nonconforming Use

A use that lawfully existed prior to adoption of this LUC or any amendment thereafter, but does not comply with the terms of this LUC.

Nonconformity

An existing use, structure, lot, site feature, or sign that was lawfully established prior to the effective date of this LUC or any amendment thereafter and that does not conform to one or more provisions of this LUC.

Nonfunctional Turf

Turf that is not functional turf, including but not limited to turf located in a street right-of-way, parking lot, median, or transportation corridor.

Nuisance

Any public nuisance defined by City Ordinance, Code, and/or State Statute.

Numeric Standard

A specific, measurable quantitative threshold, limit, or value.

Nursery or Greenhouse

A parcel of land used to raise plants, shrubs, trees, and other horticultural and floricultural products, conducted within or without an enclosed building

With Retail

A nursery where products are displayed and sold on-site. This use does not include the sale of garden tools, equipment, and supplies.

Without Retail

A nursery where products are transported to market and no on-site sales occur.

O

Occupant

Any person residing in or having actual possession of a mobile home, camping vehicle, or dwelling.

Occupied Area

The area of an individual mobile home lot or campsite covered by a mobile home, camping vehicle, or tent and accessory structures.

Office

Establishments that provide executive, management, administrative, or professional services, but not involving the sale of merchandise except as incidental to a permitted use. Accessory uses may include cafeterias, health facilities, activity areas, parking, or other amenities primarily for the use of employees in the firm or building.

Oil and Gas Facility and Operations

One or more of the facilities defined as such in Section 26-3-3(d)(1).

Open Space

Privately-owned property protected by real covenant, or publicly-owned property protected by real covenant and/or designated by ordinance or resolution of the City Council, which real covenant or designation designates the property for use as one or more of the following: a community buffer; a wildlife corridor and habitat area; a wetland; a view corridor; agricultural land; an area of archeological, historical, geologic or topographic significance; an area containing significant renewable or nonrenewable natural resources; and/or other undesignated, typically non irrigated, undeveloped land uses. Open space shall not include parks or developed active recreation areas.

Operating Pressure

The pressure at any point in the irrigation system when the system is functioning. Operating pressure is measured with flow in the line. Also known as dynamic pressure.

Outdoor Display and Sales

The placement of products or materials for sale outside the enclosed business space of a retail or wholesale sales establishment as an accessory use to that establishment.

Outdoor Storage (Principal)

Any lot or portion of a lot that is used for the sole purposes of the outdoor storage of fully operable motor vehicles, construction equipment, construction materials, or other tangible materials and equipment.

Outdoor Storage, Accessory

The storage of items used in connection with a principal use outside of an enclosed structure, including but not limited to the storage of goods in trade, bunks of lumber, pallets of material, unassembled products, baled cardboard, defective/old appliances, scrap material, or loose materials such as gravel, mulch or discarded materials, storage pods, trailers, sheds, and similar material.

Outlot

A piece or plot of land shown as such on a duly recorded plat that is not occupied or intended to be occupied by a habitable structure.

Overhead Sprinkler Irrigation Systems

Sprinkler irrigation systems characterized by high flow rates including but not limited to pop-ups, impulse sprinklers, rotors, and similar devices.

Overspray

The water that is delivered beyond the landscaped area, wetting pavements, walks, structures, or other non-landscaped areas.

Owner

Any person who, alone, jointly or severally with others, or in a representative capacity (including, without limitation, an authorized agent, executor or trustee) has legal or equitable title to any property in question.

Owner or Manager

The person who owns, has charge, care, or control of a manufactured home community or recreational vehicle park or campground.

P

Parking Lot or Garage, Commercial

A principal use of land for the parking of vehicles on or in which parking is generally available to the public and a fee is generally charged. This use includes a surface parking lot, above-ground structure, or below-ground structure.

Parks

Land that may be developed or unimproved but that is created, established, designated, maintained, provided, or set aside for purposes of serving the general population's need for rest, enjoyment, play, assembly and recreation, and all facilities, structures and buildings located on that land. Accessory uses may include playgrounds, maintenance facilities, swimming pools, restrooms and dressing rooms, concessions, and parking.

Patio

A surfaced, uncovered outdoor area located at or near grade level that is intended for outdoor living, dining, or recreation and is not structurally elevated above surrounding grade

Person

An individual or group of individuals, association, partnership, corporation, firm, company, or private or public agency.

Personal Services

Establishments engaged in the provision of informational, instructional, personal improvement, personal care, and similar services, such as portrait shops, photography studios, art and music schools, licensed massage therapists, driving schools, health and fitness studios, handicraft or hobby instruction, laundry and dry-cleaning retail outlets, beauty and barber shops, shoe repair, tailor or alterations shops, and tattoo parlors.

Planned Unit Development

A land area designated as an overlay district and held under unified control designed and planned to be developed in a single phase or a series of phases according to an approved Preliminary Development Plan and Final Development Plan as described in Section 26-7-4(b)(11).

Planning Commission

The board appointed by City Council to review and make decisions as directed by the LUC and the Comprehensive Plan for the City of Lafayette.

Porch

A covered or uncovered entrance to a building or a roofed structure projecting from the exterior wall or walls of a principal structure and supported by piers, posts, or columns that may be fully weatherproof or open to weather.

Primary Residence

A dwelling unit that is a person's usual place of return for housing, i.e., the person's domicile. A person can have only one primary residence.

Private Easement

A non-possessory legal right that allows a specific individual or group to use a defined portion of another person's property for a designated, limited purpose. It benefits specific land or a specific person, rather than the general public.

Private Recreational Club or Facility

A facility operated by a private, membership-based, homeowners association, or similar entity for the provision of social and recreation programs and facilities intended to serve residents, members, or other users associated with a specific residential development or neighborhood. This use may include meeting rooms, game rooms, club houses, swimming pools, courts, exercise equipment, snack bars, kitchens, and similar facilities. This use does not include indoor recreation and entertainment uses.

Public Easement

A legal right that grants the general public access to or use of a specific, defined portion of private property for a specific use.

Public Entrance

An entrance to a building or premises that is customarily used or intended for use by the general public, and excludes fire exits, special employee entrances, and loading dock entrances not generally used by the public.

Public Recreational Club or Facility

A facility operated by a governmental, public, or nonprofit entity for the provision of social and recreation programs and facilities intended to serve the general public or significant segments of the community. This use may include meeting rooms, game rooms, club houses, swimming pools, courts, exercise equipment, snack bars, kitchens, and similar facilities. This use does not include indoor recreation and entertainment uses.

Public Right-of-Way

Any platted or designated public street, alley, lane, parkway, avenue, road or other public way or right-of-way, whether or not it has been used as such.

Public Safety Facility

Facilities for the provision of local rapid response emergency services such as police, firefighting, and medical services, including areas for the storage and maintenance of emergency vehicles and equipment and housing and feeding of emergency personnel.

Q

R

Ramada

Any freestanding roof or shade structure installed, erected, or used above a mobile home or any portion thereof.

Real Estate Office, Construction Office, or Storage Building

A facility or area used as:

1. A temporary office to sell or lease land or buildings or interests in land or buildings within a specified area; and/or

2. A temporary field construction office or temporary outdoor storage of construction equipment and materials associated with an active permit to demolish or construct buildings, structures or infrastructure including construction waste and recycling receptacles and temporary sanitation facilities.

Recreation and Entertainment, Indoor

Indoor facilities for entertainment, sports, and recreational activities completely enclosed by a structure such as health clubs, bowling, skating, swimming, tennis, teen clubs, health and fitness centers, gyms, escape rooms, haunted houses, stadiums, and similar indoor activities. This use shall also include banquet halls, auditoriums, convention centers, conference centers, and other similar event venues.

Recreation and Entertainment, Outdoor

Commercial entertainment or recreation facilities such as golf courses, amusement parks, athletic fields, miniature golf, go-cart and skateboard park, swimming pool, tennis, handball, pickleball, basketball courts, batting cages, drive-in theaters, outdoor amphitheaters, ski area, and other similar uses.

Recreational Vehicle or Trailer Storage

The storage of a vehicle primarily designed as temporary living quarters for recreational, camping or travel use, that either has its own motive power or is mounted on or towed by another vehicle. The term includes but is not limited to a camping trailer, fifth wheel trailer, motor home, recreational park trailer, travel trailer, or truck camper.

Recreational Vehicle Park or Campground

An area established, maintained, operated, or used for temporary occupancy of camping vehicles, tents, or other camping equipment including all public and private lands and surface waters of the state available to the public for picnicking, fishing, and other recreational activities.

Recycling Facility

A facility for processing materials that are collected for recycling. Processing includes but is not limited to baling, briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and cleaning.

Recycling or Donation Collection Point

An accessory use that serves as a drop-off point for temporary storage for non-hazardous recoverable or reusable goods. These are typically small enclosed containers in or at public or quasi-public areas such as parking lots, schools, or other publicly accessible facilities.

Redevelopment

New construction, renovation, replacement, or rebuilding on a site that has existing buildings or on an existing building.

Refuse

All combustible or noncombustible, putrescible or nonputrescible solid or liquid wastes.

Refuse, Waste, and Recycling Collection Area

A centralized outdoor storage facility for receptacles used for the purposes of storage, collection, and disposal of refuse, waste, and recycling materials. The term "waste" shall not be interpreted as including hazardous waste.

Rent

Any money or any other consideration given for the right to use, occupy, or possess property.

Restaurant

An establishment where food and beverages are prepared, served, and consumed within the principal building, or off the premises as carry-out orders; or in an outdoor seating area on the premises. Accessory uses may include an outdoor dining area.

Retail Sales

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of goods or merchandise.

Retail Sales, Neighborhood

An establishment with up to 2,000 square feet of gross floor area.

Retail Sales, Small

An establishment with between 2,001 and 10,000 square feet of gross floor area.

Retail Sales, Medium

An establishment with between 10,001 and 20,000 square feet of gross floor area.

Retails Sales, Large

An establishment with over 20,000 square feet of gross floor area

Roof

The cover of any building, including the eaves and similar projections.

Roof Forms

The type, arrangement of ridges or parapet walls, or materials used on a roof.

Roof Line

The highest point on any building where an exterior wall encloses usable floor space (including roof areas for housing mechanical equipment) and the highest point on any parapet wall if the parapet wall extends around the entire perimeter of the building.

Root Zone

The depth of the plant roots in the soil; the area in which plant roots grow.

Runoff

Water which is not absorbed by the soil or landscape to which it is applied and flows from the area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate), run times are set too long or a valve is stuck open, or when there is a severe slope.

S

Salvage Yard

Any use involving storage and/or sale of inoperable, disused, dismantled or wrecked vehicles, equipment, machinery, or goods, or the storage or processing of scrap metal, wastepaper, rags, wastes, construction wastes, industrial wastes or other scrap, salvage, waste, or junk materials.

Sanitary Facilities

Toilets, urinals, lavatories, showers, utility sinks, and drinking fountains, and the service buildings containing these items.

Sanitary Waste Station

A facility used for removing and disposing of wastes from self-contained camping vehicle sewage holding tanks.

School, Private or Public

A public or private preschool, elementary school, secondary school, college or university.

Screening

A vertical barrier, including opaque fences/walls, sight obscuring fences, or landscaped screening, situated between adjacent uses or properties, or maintenance, trash, storage or loading areas, constructed or planted to reduce impacts on adjacent land areas or uses.

Self-Service Storage

A building or group of buildings consisting of individual, self-contained units that are leased to individuals, organizations, or businesses for self-service storage of personal property.

Setback

The required distance from a lot line to any structure on the property.

Sewage

Any liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried wastes resulting from the discharge of water closets, laundry tubs, washing machines, sinks, showers, or any other source of water-carried or nonwater-carried wastes of human origin or containing putrescible material.

Sex Offender

An individual who is required to register as a sex offender pursuant to C.R.S. § 18-3-412.5, as amended.

Short-Term Rental

The provision of lodging services within a dwelling unit, for compensation, to a person or persons for periods of less than 30 days, but excludes hotels or motels and bed and breakfasts. Short-term rental does not include rental of a dwelling unit for meetings such as luncheons, banquets, parties, weddings, fundraisers, or other similar gatherings for direct or indirect compensation. As used in this definition, "lodging services" shall have the same meaning set forth in Section 110-37 of the Code of Ordinances.

Shrub

A self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than 12 feet in height at its maturity. It may be evergreen or deciduous.

Sign-Related Definitions

Art

All forms of original creations of visual art, including, but not limited to, sculpture; mosaics; painting, whether portable or permanently fixed, as in the case of murals; photographs; crafts

made from clay; fiber and textiles; wood; glass; metal; plastics; or any other material or any combination thereof; calligraphy; mixed media composed of any combination of forms or media; unique architectural styling or embellishment, including architectural crafts, environmental landscaping; or restoration or renovation of existing works of art of historical significance. Works of art are not intended to be used for commercial advertising purposes.

Dissolve

A mode of message transition on an electronic message sign accomplished by varying the light intensity or pattern, where the first message gradually and uniformly appears to dissipate and lose legibility simultaneously with the gradual and uniform appearance and legibility of the second message.

Fade

A mode of message transition on an electronic message sign accomplished by varying the light intensity, where the first message gradually and uniformly reduces intensity to the point of not being legible and the subsequent message gradually and uniformly increases intensity to the point of legibility.

Illumination, Direct

Lighting by means of an unshielded light source, including neon tubing, that is effectively visible as part of the sign, where light travels directly from the source to the viewer's eye.

Illumination, Indirect

Lighting of a surface by a light source that is directed at the reflecting surface in such a way as to illuminate the sign from the front, or a light source that is primarily designed to illuminate the entire building facade upon which a sign is displayed, but does not include lighting that is primarily used for purposes other than sign illumination, including, without limitation, parking lot lights or lights inside a building that may silhouette a window sign but that are not primarily installed to serve as inside illumination.

Illumination, Internal

Lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or that is within letters or designs that are themselves made of translucent material.

Maintenance

The replacing, repairing, or repainting of a portion of a sign or any structure or renewing of copy that has been made unusable by ordinary wear and tear, weather, or accident.

Sign

Any writing, pictorial representation, decoration (including any material used to differentiate sign copy from its background), form, emblem, trademark, flag, or banner, or any other figure of similar character that:

1. Is a structure or any part thereof (including the roof or wall of a building); or
2. Is written, printed, projected, painted, constructed, or otherwise placed or displayed upon or designed into a building, board, plate, canopy, awning, or vehicle or upon any material object or device whatsoever; and

3. By reason of its form, color, wording, symbol, design, illumination or motion, attracts or is designed to attract attention to the subject thereof or is used as a means of identification, advertisement or announcement.

A sign shall be considered to be a single display surface or display device containing elements clearly organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements or where there is reasonable doubt about the relationship of elements, each element shall be considered a single sign.

The term sign shall not include the following:

4. Art that does not include commercial speech; or

5. Products, merchandise, or other materials that are offered for sale or used in conducting a business, when such products, merchandise, or materials are kept or stored in a location which is designed and commonly used for the storage of such products, merchandise or materials.

Sign, Access Point

A sign located at a vehicular access point to a property including entrances to a subdivision or neighborhood.

Sign, Attached

A sign that is mounted on or attached to a structure, including a wall sign, window sign, projecting, or suspended sign.

Sign, Animated or Flashing

Any sign or part of a sign which changes physical position by any movement or rotation, or which gives the visual impression of such movement by use of lighting, including blinking, chasing, scrolling, or other animation effects, or signs which exhibit intermittent or sequential flashing of natural or artificial light or color effects.

Sign, Awning or Canopy

A type of sign with one face affixed to an awning or to a canopy.

Sign, Construction

A temporary sign announcing subdivision, development, construction, or other improvement of a property by a building contractor or other person furnishing services, materials, or labor to the premises.

Sign, Electric

Any sign containing electric wiring, but not including signs illuminated by exterior light sources, such as floodlights.

Sign, Electronic Message

A sign module capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means, including animated graphics and video.

Sign, Freestanding

A sign that is supported by one or more columns, upright poles or braces extended from the ground or from an object on the ground or that is erected on the ground, where no part of the

sign is attached to any part of a building, structure, or other sign; the term includes monument, pole signs, pedestal signs, and ground signs.

Sign, Marquee

A sign attached to a marquee.

Sign, Monument

A sign supported by the ground and not attached to a building or structure, and where the bottom edge of the sign structure is on or in the ground. A multi-tenant monument sign is a monument Sign Permitted for a property with three or more tenants, as identified by individual tenant addresses.

Sign, Off-Premises

A sign directing attention to a specific business, product, service, entertainment event or activity, or other commercial activity that is not sold, produced, manufactured, furnished or conducted at the property upon which the sign is located.

Sign, Pole

A freestanding sign with a visible support structure, such as a pole or post, connecting the sign face to the ground, and in which the support structure is significantly narrower than the sign face it supports.

Sign, Projecting

A sign attached to a building and extending in whole or in part 15 inches or more horizontally beyond the surface of the building to which the sign is attached.

Sign, Real Estate

A sign indicating the availability for sale, rent, or lease of the specific lot, building, or portion of a building upon which the sign is erected or displayed.

Sign, Roof

A sign mounted upon or that projects above any portion of the roof or parapet of the building or structure.

Sign, Sidewalk

A sign with two faces that are adjoined at the top and displayed at an angle, which is not permanently anchored or secured, or similar design.

Sign, Suspended

A sign that is suspended from the underside of a horizontal plane surface and is supported by that surface.

Sign, Temporary

A sign that is intended for a temporary period of display for the purpose of announcing a special event or advertising or directing persons to a subdivision or other land or building development.

Sign, Time-Temperature-Date

A sign that displays the current time, outdoor temperature, date of the month, or any combination of that information.

Sign, Wall

Any sign attached to or painted on the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall.

Sign, Wind

A sign consisting of one or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons, or other objects or material; fastened in such manner as to move upon being subjected to pressure by wind.

Sign, Window

A sign that is painted on, applied, or attached to, or located within three feet of the interior of a window and that can be seen through the window from the exterior of the structure, but excludes merchandise included in a window display.

Sign Face

The surface of a sign upon, against, or through which the message is displayed or illustrated.

Sign Structure

Any supports, uprights, braces or framework of a sign.

Site Element

Any physical feature or development component on a site that is not a building.

Slaughterhouse or Packaging Plant

The feeding of livestock, poultry, pigs, or small animals for commercial purposes in lots, pens, ponds, sheds or buildings where food is supplied primarily by means other than grazing, foraging, or other natural means, and/or a facility for the slaughtering and processing of domestic farm animals and the refining, packaging, and distribution of their byproduct.

Smart Irrigation Controller

An automatic timing device with nonvolatile memory used to remotely control valves that operate an irrigation system. Smart irrigation controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather-based), soil moisture data or flow data or a combination of methods.

Soil Amendment

Organic material added to the soil to improve texture, moisture holding capacity, nutrient capacity, water and air infiltration.

Solar Energy System, Ground-Mounted or Rooftop

A system of panels, wiring, and related equipment used to transform direct solar energy into thermal, chemical, or electrical energy that is mounted either to the ground or to a building.

Station

An area served by one valve or by a set of valves that operate simultaneously.

Street

A public right-of-way either dedicated or established by usage, other than an alley, which provides primary access to adjacent property.

Street, Arterial

Those public streets which serve to move medium to high traffic volume through and between major residential, commercial, or industrial areas within the city.

Street, Collector

Public streets with low to medium traffic volume, whose purpose is to channel traffic from residential, industrial, or commercial areas to arterial streets.

Street, Local

Public streets with low volume, low speed traffic which is intended to provide access to adjacent residential or commercial lots.

Street Tree

A shade or ornamental tree planted along public or private streets and drives to provide shade to reduce heating of pavements, provide spatial definition and visual enhancement.

Structure

Anything constructed or erected with a fixed location on the ground and/or above or below grade, including telecommunication facilities, but does not include other poles, lines, cables or other transmission or distribution facilities or public utilities. For the purposes of floodplains, "structure" means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a mobile home.

Subdivision

The division of land into two or more lots, plats, sites, or other division of land for the purpose, whether immediate or future, of sale or building development. Subdivision shall also include, when appropriate to the context, the process of creating a single lot from previously unsubdivided real property or from previously subdivided lots, outlots, tracts or parcels. Subdivision does not include the division of property for the purpose of dedication or conveyance of public rights-of-way, or conveyance to the City for municipal uses.

Swimming Pool

A structure whether in-ground, or above ground, for the containment of water in excess of 18 inches in depth or greater than 100 square feet in surface area for private, public, semi-public, or commercial use.

T

Temporary Event

A temporary use on public or private property including but not limited to fundraising activities, educational, historic, religious, and patriotic displays or exhibits, circuses, amusements, outdoor concerts, festivals, revivals, street fairs, block parties, outdoor arts and crafts fairs, and other organized community events.

Temporary Outdoor Sales, Storage, or Display

The temporary display, sale, or storage of products associated with a business including seasonal sales such as sale of healthy, nonhazardous, cut or live evergreen trees, wreaths, tree stands, pumpkins, or legal fireworks, but not including a farmstand.

Temporary Use, Other

An impermanent land use established for a limited and fixed period of time with the intent to discontinue the use upon the expiration of that time period not otherwise listed specifically as a temporary use in Table 26-3-1: Use Table.

Tract

A piece or plot of land or assemblage of contiguous pieces or plots of land as established by survey, plat or deed.

Trade School or Training Facility

An establishment, other than elementary or junior high schools, senior high schools, or colleges and universities, offering training or instruction in a trade, art, or occupation, including, but not limited to, beauty schools, dance schools, yoga/reiki training, and trade or vocational schools.

Transit Stop

A designated location where passengers board or exit a bus, shuttle, or similar transit vehicle. A transit stop may include a sign, bench, shelter, schedule information, lighting, bicycle parking, or similar passenger amenities.

Transportation Center

A hub location where transit lines or routes for multiple transit modes meet to facilitate transfers. This use includes park and ride facilities in parking lots or structures that encourage transfer from private vehicles to mass transit or to encourage carpooling for purposes of community or for access to recreation areas.

Transportation Corridor

A transportation system that includes all modes and facilities within a described geographic area, having length and width.

Travel Trailer

A portable structure, mounted on wheels and designed to be towed by a motor vehicle, and containing cooking and/or sleeping facilities to provide temporary living quarters for recreational camping or travel use. Such structures may be constructed with rigid sides, or may have collapsible side walls of fabric, plastic or other pliable material.

Turf

A surface layer of earth containing mowed grass with its roots.

U

Unenclosed Covered Porch

An unenclosed covered porch shall mean that the front and sides of the porch are unobstructed by walls, screening, glass or any other material except support columns, in all areas of such front and sides that are more than three feet above the floor of the porch.

Urban Agriculture

The use of a parcel of land five acres or smaller in size for the cultivation of food and/or horticultural crops, composting, aquaponics, aquaculture and/or hydroponics. This use may include the production of food products from food grown on the premises and accessory keeping of animals subject to City regulations.

Urban Agriculture, Accessory

A parcel of land where garden crops are grown in a manner incidental to the principal residential use of the property and where the production garden crops on the property does not constitute a principal income for the property owner.

Use, Accessory

A use customarily incidental and subordinate to the principal use of a lot or contiguous lots in the same ownership which is conducted for the benefit of the owners, occupants, employees, customers, or visitors of the lot.

Use, Principal

The principal use of a principal building, lot or tract is the primary function for which the same is used.

Utility Facility, Major

A large facility required for the operation of a utility including but not limited to electrical substations, major water storage reservoirs, utility-scale solar (solar farms), and similar uses that are larger than those facilities needed for distribution or collection of water, sewer, electrical power, or communications from main lines or substations to individual homes or neighborhoods of the city.

Utility Facility, Minor

A small facility required for the operation of a utility including minor wells, pump houses, and similar facilities primarily used to distribute or collect water, sewer, electrical power, or communications from main lines or substations to individual homes or neighborhoods of the city.

V

Vacant Lot

A lot on which no principal structure or productive activity has been present or conducted on the lot within the past 12 months.

Vacation

The extinguishment by ordinance of all right, title or interest of the City in and to any public right-of-way or easement.

Valve

A device used to control the flow of water in an irrigation system.

Variance

A grant of relief to a person from the requirement of this LUC when specific enforcement would result in unnecessary hardship.

Vegetated Swale

A broad, shallow at-grade or slightly depressed channel with a dense stand of vegetation covering the side slopes and bottom that filter pollutants and reduce the velocity of stormwater runoff.

Vehicle Fueling Station

A facility limited to retail sales to the public of gasoline, biodiesel, electricity, ethanol fuel blends, hydrogen, natural gas or other fuels for motor vehicles, as well as motor oil, lubricants, travel aides,

and minor vehicle accessories. Accessory uses may include convenience food and beverage sales, vehicle washes, and air pumps.

Vehicle Repair, Major

An establishment primarily engaged in the repair, rebuilding, reconstruction, painting, bodywork, or overhaul of motor vehicles, trailers, or similar mechanical equipment, including transmission work, engine rebuilding, frame repair, upholstery work, collision repair, vehicle painting, tire recapping, or similar intensive repair activities. Accessory uses include outdoor repair, storage, and staging areas.

Vehicle Repair, Minor

An establishment primarily engaged in routine maintenance and light repair of motor vehicles and similar mechanical equipment, including oil changes, lubrication, tire repair and replacement, brake service, battery replacement, inspections, alignments, muffler replacement, tune-ups, and similar services typically completed within a short period of time and conducted entirely within an enclosed building. This use does not include vehicle painting, bodywork, frame repair, engine rebuilding, dismantling, or outdoor storage of inoperable vehicles or parts.

Vehicle Sales, Rental, and Leasing, Heavy

An establishment that specializes in the sale, display, lease, rental, or storage of heavy equipment including, but not limited to, tractors, trucks with a gross vehicle weight of over 10,000 pounds, semi-trucks and/or trailers, boats, recreational vehicles, manufactured or mobile homes, and other large equipment.

Vehicle Sales, Rental, and Leasing, Light

An establishment that specializes in the sale, display, lease, rental, of light motor vehicles, including automobiles, vans, light trucks, and light trailers.

Vehicle Wash

Any building or premises or portions of the building or premises used for washing motor vehicles, including the use of automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying.

Veterinary Clinic or Hospital

A facility used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals and preventive care for healthy animals.

W

Warehouse and Wholesale

An enclosed building used primarily for the storage and dispatching of goods and materials. Typical uses include wholesaling, wholesale distributors, distribution and fulfillment centers, storage warehouses, and moving and storage companies.

Warehouse and Wholesale, Large

A warehouse or wholesale facility that is greater than 10,000 square feet of gross floor area.

Wetland

An area that is inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, under normal circumstances, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wireless Communication Facility

One or more of the facilities defined as such in Article 26-11.

X

Y

Yard

An open area other than a court, not in any alley or street, unoccupied and unobstructed from the ground upward, except as otherwise provided in the LUC.

Z

Zone

For the purpose of landscaping regulations, an area served by a single control valve, sometimes referred to as a "station." Zones are comprised of plant materials and soil types with similar water requirements.

ARTICLE 26-9. FLOODPLAIN STANDARDS

26-9-1 Statement of Purpose

It is the purpose of this section to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(a) Protect human life and health;

(b) Minimize expenditure of public money for costly flood control projects;

(c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) Minimize prolonged business interruptions;

(e) Minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;

(f) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

(g) Ensure that potential buyers are notified that property is located in a flood hazard area.

26-9-2 Methods of Reducing Flood Losses

In order to accomplish its purposes, this article uses the following methods:

(a) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

(b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging and other development which may increase flood damage;

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

26-9-3 Definitions

The following definitions shall apply to this article. Unless specifically defined below or in Article 26-8, words or phrases used in this section shall be interpreted to give them the meaning they have in common usage and to give this section its most reasonable application.

100-year Flood

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

100-year Floodplain

The area of land susceptible to being inundated as a result of the occurrence of a 100-year flood.

500-year Flood

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

500-year Floodplain

The area of land susceptible to being inundated as a result of the occurrence of a 500-year flood.

Alluvial Fan Flooding

A fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

Area of Shallow Flooding

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

Base Flood

The flood which has a one percent chance of being equaled or exceeded in any given year (also known as 100-year flood). This term is used in the Nation Flood Insurance Program (NFIP) to indicate the minimum level of flooding to be used by a community in its floodplain management regulations.

Base Flood Elevation (BFE)

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

Channelization

The artificial creation, enlargement or realignment of a stream channel.

Code of Federal Regulations (CFR)

The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government. It is divided into 50 titles that represent broad areas subject to federal regulation.

Community

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

Conditional Letter of Map Revision (CLOMR)

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

Critical Facilities

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

DFIRM Database

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

Digital Flood Insurance Rate Map (DFIRM)

A FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Elevated Building

A nonbasement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

Existing Manufactured Home Park or Subdivision

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

Expansion to an Existing Manufactured Home Park or Subdivision

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

Federal Register

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

Flood Insurance Rate Map (FIRM)

An official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the city.

Flood insurance study (FIS)

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

Floodplain or Floodprone Area

Any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain Administrator

The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain Development Permit

A permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within floodprone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management section.

Floodplain Management

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

Floodplain Management Regulations

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

Flood Control Structure

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

Floodproofing

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

Floodway (regulatory floodway)

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

Freeboard

The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the

height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Functionally Dependent Use

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

Highest Adjacent Grade

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure

Any structure that is:

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

Letter of Map Revision (LOMR)

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

Letter of Map Revision Based on Fill (LOMR-F)

FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing Regulatory Floodway.

Levee

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

Levee System

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

Lowest Floor

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

Manufactured Home

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

Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Material Safety Data Sheet (MSDS)

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

Mean Sea Level

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

National Flood Insurance Program (NFIP)

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

New Construction

The construction of a new structure (including the placement of a mobile home) or facility or the replacement of a structure or facility which has been totally destroyed.

New Manufactured Home Park or Subdivision

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

No-rise Certification

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

Physical Map Revision (PMR)

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

Recreational Vehicle

A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood Hazard Area

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

Start of Construction

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

Structure

A walled or roofed building, including gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

Substantial Damage

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

Substantial Improvement

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

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

Threshold planning quantity (TPQ)

A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the state that such facilities are subject to emergency planning requirements.

Violation

The failure of a structure or other development to be fully compliant with this LUC. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation

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

26-9-4 Lands to Which This Section Applies

This section shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of the City of Lafayette, Colorado.

26-9-5 Basis for Establishing the Special Flood Hazard Area

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Boulder County, Colorado, and Unincorporated Areas," dated October 24, 2024, (FIS) with accompanying Flood Insurance Rate Maps and/or Flood Boundary and Floodway Maps (FIRM and/or FBFM) and any revisions thereto are

hereby adopted by reference and declared to be a part of this section. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this section and may be supplemented by studies designated and approved by the City Council of the City of Lafayette. The Floodplain Administrator shall keep a copy of the FIS, DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

26-9-6 Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this Section.

26-9-7 Compliance

No structure or land shall hereafter be located, altered, or have its use changed within the Special Flood Hazard Area without full compliance with the terms of this Section and other applicable regulations. Nothing herein shall prevent the City Council of the City of Lafayette from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

26-9-8 Abrogation and Greater Restrictions

This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

26-9-9 Interpretation

In the interpretation and application of this section, all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body; and

(c) Deemed neither to limit nor repeal any other powers granted under state statutes.

26-9-10 Warning and Disclaimer of Liability

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This section does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

26-9-11 Designation of the Floodplain Administrator

The Public Works Director, or their designee, is hereby appointed as Floodplain Administrator to administer, implement and enforce the provisions of this section and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

26-9-12 Duties and Responsibilities of the Floodplain Administrator

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(a) Maintain and hold open for public inspection all records pertaining to the provisions of this section, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by Section 26-9-13.

(b) Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this section.

(c) Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

(d) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(e) Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this section, including proper elevation of the structure.

(f) Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(g) When Base Flood Elevation data has not been provided in accordance with Section 26-9-5 the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and floodway data available from a federal, state, or other source, in order to administer the provisions of Sections 26-9-15 through 26-9-22.

(h) For waterways with Base Flood Elevations for which a Regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.

(i) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, or AH on the community's FIRM which increases the water surface elevation of the base flood by more than one-half (½) foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.

(j) Notify, in riverine situations, adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

(k) Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

26-9-13 Permit Procedures

(a) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by them and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to Special Flood Hazard Area. Additionally, the following information is required:

(1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(3) A certificate from a registered Colorado professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 26-9-17(b);

(4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and

(5) Maintain a record of all such information in accordance with Section 26-9-12.

(b) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this section and the following relevant factors:

(1) The danger to life and property due to flooding or erosion damage;

(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(3) The danger that materials may be swept onto other lands to the injury of others;

(4) The compatibility of the proposed use with existing and anticipated development;

(5) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(8) The necessity to the facility of a waterfront location, where applicable;

(9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and

(10) The relationship of the proposed use to the Comprehensive Plan for that area.

26-9-14 Variance Procedures

(a) The Lafayette Planning Commission shall hear and render judgment on requests for Variances from the requirements of this section.

(b) The Planning Commission shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this section.

(c) Any person or persons aggrieved by the decision of the Planning Commission may appeal such decision in the courts of competent jurisdiction.

(d) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report Variances to the Federal Emergency Management Agency upon request.

(e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

(f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 26-9-13 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the Variance increases.

(g) Upon consideration of the factors noted above and the intent of this section, the Planning Commission may attach such conditions to the granting of Variances as it deems necessary to further the purpose and objectives of this section as stated in Section 26-9-1.

(h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the Variance is the minimum necessary to preserve the historic character and design of the structure.

(j) Prerequisites for granting Variances:

(1) Variances shall only be issued upon a determination that the Variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Variances shall only be issued upon:

(A) Showing a good and sufficient cause;

(B) A determination that failure to grant the Variance would result in exceptional hardship to the applicant; and

(C) A determination that the granting of a Variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Any applicant to whom a Variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(k) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(1) The criteria outlined in Section 26-9-14 are met; and

(2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

26-9-15 General Standards

In all Special Flood Hazard Areas the following provisions are required for all new construction and substantial improvements:

(a) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(b) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(c) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(d) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(e) All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;

(f) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and

(h) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

26-9-16 Specific Standards

In all Special Flood Hazard Areas where Base Flood Elevation data has been provided as set forth in (i) Section 26-9-5, (ii) Section 26-9-12(g), or (iii) Section 26-9-21, the following provisions are required:

(a) Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) and all service facilities (electrical, heating, ventilation, plumbing, air conditioning, and other service facilities), including ductwork, elevated to one foot above the Base Flood Elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

(b) Nonresidential Construction

With the exception of Critical Facilities, outlined in Section 26-9-22, new construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) and all service facilities (electrical, heating, ventilation, plumbing, air conditioning, and other service facilities), including ductwork, elevated

to one foot above the Base Flood Elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the Base Flood Elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered Colorado professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the Floodplain Administrator, as proposed in Section 26-9-13.

(c) Enclosures

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered Colorado professional engineer or architect or meet or exceed the following minimum criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(d) Manufactured homes

All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (1) outside of a manufactured home park or subdivision, (2) in a new manufactured home park or subdivision, (3) in an expansion to an existing manufactured home park or subdivision, or (4) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home and all service facilities (electrical, heating, ventilation, plumbing, air conditioning, and other service facilities), including ductwork, are elevated to one foot above the Base Flood Elevation and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

(1) The lowest floor of the manufactured home and all service facilities (electrical, heating, ventilation, plumbing, air conditioning, and other service facilities), including ductwork, are one foot above the Base Flood Elevation; or

(2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(e) Recreational vehicles

(1) All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM shall either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use; or

(C) Meet the permit requirements of Section 26-9-13, and the elevation and anchoring requirements for "manufactured homes" in paragraph (d) of this section.

(2) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(f) Prior Approved Activities

Any activity for which a Floodplain Development Permit was issued by the City of Lafayette or a CLOMR was issued by FEMA prior to December 18, 2012, may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this section if it meets such standards.

26-9-17 Standards for Areas of Shallow Flooding (AO/AH Zones)

Located within the Special Flood Hazard Area established in Section 26-9-5, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(a) Residential Construction

All new construction and substantial improvements of residential structures must have the lowest floor (including basement) and all service facilities (electrical, heating, ventilation, plumbing, air conditioning, and other service facilities), including ductwork, elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

(b) Nonresidential Construction

With the exception of Critical Facilities, outlined in Section 26-9-22, all new construction and substantial improvements of nonresidential structures, must have the lowest floor (including basement) and all service facilities (electrical, heating, ventilation, plumbing, air conditioning, and other service facilities), including ductwork, elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered Colorado professional engineer or architect shall submit a certification to the

Floodplain Administrator that the standards of this section, as proposed in Section 26-9-13, are satisfied.

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

26-9-18 Floodways

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted floodway standards that are more stringent than the FEMA minimum standard. Located within Special Flood Hazard Area established in Section 26-9-5, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(a) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted Regulatory Floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado professional engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the community during the occurrence of the base flood discharge.

(b) If paragraph (a) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 26-9-15 through 26-9-22.

(c) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted Regulatory Floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

26-9-19 Alteration of a Watercourse

For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

(a) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

(b) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

(c) Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state and local floodplain rules, regulations and ordinances.

(d) Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or certified professional hydrologist.

(e) All activities within the regulatory floodplain shall meet all applicable federal, state and City of Lafayette floodplain requirements and regulations.

(f) Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered

Colorado professional engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and floodway revision in accordance with Section 26-9-18.

(g) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

26-9-20 Properties Removed From the Floodplain by Fill

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) unless such new structure or addition complies with the applicable standards in Section 26-9-16 and (a) and (b) below.

(a) Residential construction shall have the lowest floor and all service facilities (electrical, heating, ventilation, plumbing, air conditioning, and other service facilities), including ductwork, elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill.

(b) Nonresidential construction shall have the lowest floor and all service facilities (electrical, heating, ventilation, plumbing, air conditioning, and other service facilities), including ductwork, elevated one foot above the Base Flood Elevation that existed prior to the placement of fill, or together with the attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the Base Flood Elevation that existed prior to the placement of fill with wall substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

26-9-21 Standards for Subdivision Proposals

(a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a floodprone area, the proposal shall minimize flood damage.

(b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Section 26-9-6; Section 26-9-13; and the provisions of Sections 26-9-15 through 26-9-22.

(c) Base Flood Elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, which are greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to Section 26-9-5 or Section 26-9-12.

(d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

26-9-22 Standards for Critical Facilities

A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if

flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

(a) Classification of Critical Facilities

It is the responsibility of the City Council of the City of Lafayette to identify and confirm that specific structures in their community meet the following criteria. Critical Facilities are classified under the following categories: (1) essential services; (2) hazardous materials; (3) at-risk populations; and (4) vital to restoring normal services.

(1) Essential Services

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

(I) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);

(II) Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctor's offices, and non-urgent care medical structures that do not provide these functions);

(III) Designated emergency shelters;

(IV) Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);

(V) Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and

(VI) Air transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

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

(C) Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the City Council of the City of Lafayette that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of Sections 26-9-15 through 26-9-22, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the City Council of the City of Lafayette on an as-needed basis upon request.

(2) Hazardous Materials

(A) Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:

(I) Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);

(II) Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;

(III) Refineries;

(IV) Hazardous waste storage and disposal sites; and

(V) Above ground gasoline or propane storage or sales centers.

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

(C) Specific exemptions to this category include:

(I) Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.

(II) Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.

(III) Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

(IV) These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in Sections 26-9-15 through 26-9-22.

(3) At-Risk Population

At-risk population facilities include medical care, congregate care, and schools. These facilities consist of:

(A) Elder care (nursing homes);

(B) Congregate care serving 12 or more individuals (day care and assisted living);

(C) Public and private schools (pre-schools, K-12 schools), before school and after-school care serving 12 or more children;

(4) Vial to Restoring Norman Services

(A) Facilities vital to restoring normal services including government operations. These facilities consist of:

(I) Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);

(II) Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

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

(b) Protection for Critical Facilities

All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of this section, protection shall include one of the following:

(1) Location outside the Special Flood Hazard Area; or

(2) Elevation of the lowest floor (including basement) or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the Base Flood Elevation.

(c) Ingress and egress for new Critical Facilities

New Critical Facilities shall, when practicable as determined by the City Council of the City of Lafayette, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

ARTICLE 26-10. OIL AND GAS DEVELOPMENT, FACILITIES, AND OPERATIONS

26-10-1 Applicability

This section applies to the following:

(a) Operators who seek a special use review permit to construct and operate an oil and gas facility or oil and gas operation after November 11, 2021;

(b) Operators of oil and gas facilities or oil and gas operations that were legally established prior to the effective date of this section ("pre-existing" or "existing"); and

(c) Operators who seek a permit to conduct seismic testing activities.

26-10-2 Purpose

(a) The city's objective is to:

(1) Protect public health, safety, and welfare, and the environment and wildlife resources; and

(2) Regulate the surface impacts of oil and gas operations in a reasonable manner to address matters including the following:

(A) Local land use impacts;

(B) The location and siting of oil and gas facilities;

(C) Impacts to public facilities and services;

(D) Water quality and source;

(E) Noise;

(F) Vibration;

(G) Odor;

(H) Light;

(I) Dust;

(J) Air emissions and air quality;

(K) Land disturbance;

(L) Reclamation procedures;

(M) Cultural resources;

(N) Emergency preparedness and coordination with first responders;

(O) Security;

(P) Traffic and transportation impacts;

(Q) Financial securities;

(R) Indemnification;

(S) Insurance;

(T) Other effects of oil and gas development; and

(U) Providing for the planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights.

(b) The city will deny applications where the proposed oil and gas operations cannot be conducted in a manner that protects and minimizes adverse impacts to public health, safety, and welfare, and the environment and wildlife. The city will approve oil and gas operations only in locations and in a manner that does not adversely impact the health, safety and welfare of the city's residents in their workplaces, their homes, their schools, and public parks in order to protect the public's health, safety, and welfare, and to safeguard the environment and wildlife resources.

(c) This section is an exercise of the city's land use authority and regulatory authority over oil and gas development. Both the State of Colorado and the city regulate oil and gas operations independently and both may have applicable rules. Nothing set forth in this section 26-22.1 shall be construed to limit other applicable ordinances of the city as set forth in the Code of Ordinances or otherwise, or applicable resolutions or regulations of the city, or statutes of the State of Colorado, or to limit the city's authority to abate nuisances by any lawful means.

(d) The city's review process for new oil and gas facilities and oil and gas operations includes:

(1) The submission of all necessary information related to proposed oil and gas development and its potential impacts;

(2) Thorough analysis and review of such information;

(3) Multiple opportunities for public input prior to any decision being made, especially from those who are near the proposed development; and

(4) Action on the proposal, including a thorough evaluation of and determination about all necessary or warranted mitigation measures, or denial if necessary.

(e) These regulations are intended to provide close scrutiny of all proposed oil and gas development, including seismic testing, in order to protect public health, safety, and welfare, and the environment and wildlife. These regulations also allow staff, the planning commission, and the city council to consider site-specific circumstances related to oil and gas development and to customize avoidance, minimization, and mitigation measures to best address each of the site-specific circumstances, which may include modification, re-location, or denial of proposed oil and gas facilities or oil and gas operations if review of the criteria warrants it. These regulations will help to ensure close inspection, monitoring, and enforcement of all requirements and mitigation measures imposed by this section. Finally, the regulations allow the city to address potential impacts of pre-existing oil and gas facilities and oil and gas operations.

26-10-3 Authority

This section is authorized by C.R.S. §§ 25-8-101 et seq., 29-20-101 et seq., 30-28-101 et seq., 34-60-101 et seq., 25-7-101 et seq., 30-15-401, Colorado law regarding home-rule authority, Colorado common law related to public nuisances, and other authority as applicable.

26-10-4 Effective Date

This section will become effective on the date specified in the adopting ordinance of the city council Ordinance No. 21, Series 2021.

26-10-5 Operator Registration and Renewal

(a) Registration Required

All operators within the city must have a current and valid city registration in place.

(b) Submission

All operators must submit the following operator registration information and pay the required registration or renewal fee. All submissions under this section are subject to section 26-22.1-16(5) (falsification) and section 26-22.1-18(a) (confidentiality).

(1) Company name, address, email, and mobile phone contact information for two (2) individuals associated with the company and who will serve as 24-hour emergency contacts and who can ensure a timely and comprehensive response to any emergency.

(2) A map that shows all of the operator's mineral rights, including lease rights, whether owned by the operator named in subsection (b)(1) above or a subsidiary or affiliate under the same management as the operator, inside or within two thousand (2,000) feet of the boundaries of the City of Lafayette.

(3) A certified list of all instances within the ten (10) years prior to the registration in which the Colorado Oil and Gas Conservation Commission ("COGCC"), Colorado Department of Public Health and Environment ("CDPHE"), other state agency, any federal agency, any city, or any county issued a notice of alleged violation or found that the operator violated applicable state, federal, or local requirements during the course of drilling, operation, or decommissioning of a well. The list must identify the date of the violation or alleged violation, the entity or agency issuing the notice or making the determination, the nature of the non-compliance, and, if applicable, the final resolution of the issue. If no such instances of non-compliance exist, the operator must certify to that effect.

(4) A list of all incidents (including but not limited to accidents, spills, releases, and injuries) within the past ten (10) years that occurred at facilities owned or operated by operator or a subsidiary or affiliate under the same management as the operator, including incidents involving contractors. Operator shall also list any root cause analyses conducted and corrective actions taken in response to the incidents, including internal changes to corporate practices or procedures.

(5) Information related to the operator's financial fitness to undertake the proposed oil and gas operations, including materials (audited, where appropriate) such as the following:

(A) Balance sheets for the previous five (5) fiscal years;

(B) Operating cash flow statements for the previous five (5) fiscal years;

(C) List of long- and short-term debt obligations;

(D) List of undercapitalized liabilities;

(E) Statements necessary to calculate net profit margin, debt ratio, and instant or current solvency ratio;

(F) Certified copies of all current financial assurances filed with the COGCC; and

(G) Tax returns for the prior five (5) years;

(H) For operators with a special use review or seismic testing permit approved after the effective date of these regulations, demonstration of compliance with the insurance requirements contained in section 26-22.1-19 (insurance requirements).

(6) Emergency preparedness plan per section 26-22.1-11(d)(9).

(7) Copy of emergency response plan for any natural gas or hazardous liquid pipelines regulated by PHMSA or the PUC operated in the city.

(8) Description of a process for the operator's acceptance, processing, and resolution of any and all complaints submitted to state agencies or the operator directly by members of the public stemming from any adverse impact from oil and gas facilities and oil and gas operations.

(9) Other information the director deems reasonably necessary to identify the operator's oil and gas operations and oil and gas facilities and to complete the registration or renewal submission.

(c) Timing

New operators to the city must register at least sixty (60) days prior to scheduling a pre-application conference for special use review. Operators with oil and gas facilities or oil and gas operations existing in the city prior to the effective date specified in section 26-22.1-4 must register within ninety (90) days after the effective date; or, if not already operating facilities or conducting operations in the city, at least sixty (60) days prior to assuming responsibility for operating existing oil and gas facilities or oil and gas operations within the city.

(d) Renewal

All operators must update and renew registrations annually based upon the initial registration date.

26-10-6 Pre-existing Facilities and Operations

(a) Application to Pre-Existing Facilities

Oil and gas facilities and oil and gas operations that were legally established prior to the effective date specified in section 26-22.1-4 but do not conform to this section 26-22.1-6 will be allowed to continue, subject to registration under section 26-22.1-5 (operator registration and renewal). Any proposed amendment, modification, maintenance, or repair to a pre-existing oil and gas facility or oil and gas operation is subject to review by the director under section 26-22.1-15(d) (review of amendments and modifications) and subsection (e) (notice of maintenance and repair). Any modification of a pre-existing oil and gas facility or oil and gas operation that the director determines to be substantial requires a separate special use review approval under sections 26-22.1-10 through 26-22.1-12.

(b) Assumption of Existing Oil and Gas Facilities or Operations

Any operator assuming the ownership or operational responsibility for pre-existing oil and gas facilities or oil and gas operation is subject to the requirements of this section 26-22.1-6.

(c) Inspections

Operators must comply with the inspection requirements in section 26-22.1-7 (operator-conducted inspections).

(d) Noise

Pre-existing oil and gas facilities and oil and gas operations must comply with the noise standards in 26-22.1-12(s) (Special use review standards—Noise).

(e) Odor

Pre-existing oil and gas facilities and oil and gas operations must not emit odor detectable after dilution with two (2) or more volumes of odor free air.

(f) Stormwater Quality Control

Adequate stormwater quality control measures must be used to comply with applicable permits and city regulations.

(g) Weed Control

Operators must comply with the city's noxious weed rule in section 70-14 (removal required; exceptions).

(h) Fines

Violations of this section are subject to the enforcement mechanisms in sections 26-22.1-16 (city inspections; enforcement) and 26-22.1-17 (fines and penalties).

26-10-7 Operator-conducted Inspections

(a) Applicability

This section applies to operators of pre-existing oil and gas facilities and oil and gas operations and to operators who have obtained a special use permit after the effective date specified in section 26-22.1-4.

(b) Operator Inspections

All operators must inspect all oil and gas facilities, including shut-in and temporarily abandoned facilities, and oil and gas operations as follows:

(1) Soil sampling for contamination within the boundaries of oil and gas facility pads and along pipeline routes annually;

(2) Equipment-assisted inspection for emissions or releases, including use of best available technology (such as infrared cameras), at least every thirty (30) days; and

(3) Visual inspections for liquid leaks within the boundaries of oil and gas facility pads and along pipeline routes at least every thirty (30) days.

(c) Inspection Reporting

Operators will report the date, methodology, subject, and results of all inspections to the city no later than the last day of each month.

(d) Spills, Leaks and Releases

Spills, leaks, and releases of any substance other than fresh water, including spills of produced water, oil, condensate, natural gas liquids, all spills outside of secondary containment, gas leaks, and exploration and production waste, must be reported to the city's local government designee immediately upon discovery and no later than six (6) hours thereafter. When leaks, spills, or releases are discovered, by city or operator inspection or otherwise, the enforcement mechanisms and penalty provisions in sections 26-22.1-16 (city inspections; enforcement) and 26-22.1-17 (fines and penalties) will apply.

(e) Reporting

For spills or other releases meeting the Colorado reporting requirements pursuant to C.R.S. § 25-8-601(2) operators will adhere to all Colorado reporting requirements. If the city determines the spill or leak is reportable to any agency, the city may make such report.

(f) Clean-up

Any leak, release, or spill will be cleaned up according to applicable city, county, state and federal laws, including Colorado Water Quality Control Commission regulations, the Oil and Pollution Act, and the Clean Water Act. Operators will notify the city immediately upon completion of clean-up activities, at which time the city will inspect the site and either approve the clean-up or impose additional requirements, which may include penalties under sections 26-22.1-16 (city inspections; enforcement) and 26-22.1-17 (fines and penalties).

(g) Root Cause Analysis

A root cause analysis of any spill, leak, or release of any substance other than fresh water that resulted in serious bodily injury or fatality, serious environmental harm, was a Grade 1 gas leak as defined by the COGCC, or is otherwise requested by the director must be submitted to the city within thirty (30) days of the leak, spill, or release.

26-10-8 Well, Well Site, and Pipeline Abandonment, Decommissioning, and Reclamation

(a) Applicability

This section applies to operators of pre-existing oil and gas facilities and oil and gas operations and to operators who have obtained a special use approval after the effective date specified in section 26-22.1-4.

(b) Application Required

Operators must submit an application, including an abandonment, decommissioning, and reclamation plan, and pay the required application fee, at least ninety (90) days before commencing any abandonment, decommissioning, or reclamation activities. The plan must provide information on reclamation and revegetation and include temporary irrigation.

(c) Commencement of Operations

An operator may not commence activities to plug, re-plug, abandon, or otherwise decommission an oil and gas well, pipeline, or fresh water line until the director has reviewed and provided written approval for the abandonment, decommissioning, and reclamation operations.

(d) Plugging, Abandoning, or Decommissioning Wells and Well Sites

(1) COGCC rules

Operators will comply with all COGCC rules regarding plugging (including re-plugging), abandoning, and decommissioning oil and gas wells and well sites.

(2) Coordinates

The operator must provide the city with the surveyed coordinates of the plugged, abandoned, or decommissioned well within thirty (30) days of plugging, abandoning or decommissioning.

(3) Marking

Unless otherwise requested by the surface owner, the operator must leave onsite a permanent physical visible marker of the well location.

(e) Pipeline and Fresh Water Line Abandonment

Pipelines and fresh water lines proposed to be abandoned or decommissioned must be removed unless otherwise authorized in writing by the director after consultation with the landowner. In reviewing a request to abandon in place, the director will consider the following: surface owner preference, location of line in environmentally sensitive area, potential for air emissions associated with removal transportation vehicles, and any other relevant factors provided by the operator. If the director approves of abandonment in place of the line, all applicable COGCC rules will be strictly complied with.

(f) Conditions of Approval of Well and Pipeline Abandonment

(1) With any approval of abandonment operations, the director may provide the operator with city requirements for surface activities for plugging and abandoning wells and pipelines. These requirements may include but are not limited to:

(A) Timing constraints;

(B) With respect to pipelines abandoned in place, a tracer in any nonmetal line;

(C) Specific reclamation and revegetation requirements; and

(D) Measures to protect existing transportation infrastructure, including but not limited to: execution by operator of a road damage remediation and reimbursement agreement including, but not limited to, provision of adequate financial assurances or bonding, in a form acceptable to the city administrator; weight restrictions; oversize vehicle or equipment permits; prevention of mud and sediment tracking; and prohibition on the use of tire chains.

(2) Financial assurances, including:

(A) Financial assurances such as performance bonds, irrevocable letters of credit, irrevocable trusts, or other financial guarantees including, but not limited to, insurance or environmental surety bonds, in a form satisfactory to the city, to remain in effect through the time final reclamation and revegetation are completed to the city's satisfaction;

(B) Additional assurances may be required if circumstances during the lifetime of the oil and gas operations through the time final reclamation is completed, require;

(C) Copies of all financial assurance and insurance renewals promptly supplied to the department;

(D) Upon transfer to a new owner/operator, financial assurances will only be returned or cancelled once replaced by equivalent financial assurances secured by the new owner/operator.

(g) Revegetation and Reclamation

(1) When any oil and gas facility, including pipelines, are decommissioned, all areas disturbed will be reclaimed and revegetated to the satisfaction of the city, in consultation with the landowner. Revegetation and reclamation will include, but is not limited to, the use of native plant species when appropriate, integrated management of weed control and prevention, and full establishment of appropriate vegetation for a minimum of three (3) consecutive growing seasons. No species on List A, B, or C in the State of Colorado's Noxious Weed Management Plan may be used to meet revegetation requirements.

(2) Revegetation and reclamation procedures will begin as soon as possible after decommissioning of any oil and gas facility and in no case later than sixty (60) days thereafter.

(3) All initial revegetation and reclamation procedures will be completed as soon as possible after completion of decommissioning of any oil and gas facility and in no case later than one hundred twenty (120) days thereafter. Full establishment of revegetation and completion occurs only after a minimum of three (3) growing seasons demonstrating establishment of desirable plant species.

26-10-9 Geophysical Exploration for Oil and Gas ("Seismic Testing")

To protect the public health, safety, and welfare, and the environment and wildlife, the city will permit only those geophysical exploration activities ("seismic testing") that comply with the following requirements:

(a) Permit Required

Prior to conducting any seismic testing, a seismic testing permit issued by the director is required under this section. If the operator submits information that is inadequate, the director may deny a permit.

(b) Application Requirements

To apply for a permit, the operator must pay the required application fee and provide:

(1) Vibration Monitoring and Control Plan Map

A map of the exploration area that identifies all of the following within eight hundred (800) feet of all source points in the testing area:

(A) Water supplies for domestic, public, or agricultural use;

(B) Domestic, commercial, and industrial structures;

(C) Areas affected by previous mining activities or public works;

(D) Geologic hazards;

(E) Mapped floodplain and floodway;

(F) Identification of wildlife resources; and

(G) Water, sewer, oil, gas, and chemical facilities, pipelines, and gathering lines in the testing area.

(2) Travel Routes Map

A map showing the proposed travel routes of all vibration-generating seismic testing equipment;

(3) Traffic Control Plan

A traffic control plan for any seismic testing operations that will occur on or impede traffic on a public right-of-way;

(4) Insurance Coverage

Operators must comply with the provisions in section 26-22.1-19 (insurance requirements), as applicable.

(5) Surety

Financial assurances in a form and amount satisfactory to the director sufficient to guarantee operator's obligation to restore all property damaged by seismic testing to its pre-testing condition;

(6) Property Owner Permission

Copies of written permission from every landowner of property where the operator is going to use or place equipment for seismic testing;

(7) Vibration Monitoring and Control Plan

A vibration monitoring and control plan prepared by a vibration monitoring specialist (VMS). The VMS must be an independent, registered professional engineer or geologist. This vibration monitoring and control plan must include:

(A) The name of the firm providing the vibration monitoring services;

(B) Specifications of the monitoring equipment to be used;

(C) Specifications of the energy source to be utilized for the source points;

(D) If vibroseis trucks will be utilized, the plan should discuss:

(I) The number of vibroseis trucks;

(II) The distance between the vibroseis trucks;

(III) The drive level to be used;

(IV) The sweep duration; and

(V) The sweep frequency range.

(E) Measurement locations and field procedures for setting up vibration monitors;

(F) Procedures for data collection and analysis which include examples of vibration monitoring field sheets and vibration event analysis;

(G) Results of on-site vibration attenuation study (walk-away test) with prediction of maximum expected particle velocity at each monitoring location;

(H) Means and methods of providing warning when the response values are reached;

(I) Generalized plans of action to be implemented in the event any response value is reached. This plan must include positive measures by the operator to control vibrations (e.g., reducing drive level, increasing stand-off distances, dropping source points); and

(J) Procedures for addressing complaints and claims of damage.

(c) Seismic Testing Requirements

The following requirements will apply to all permits to conduct seismic testing:

(1) Implementation of a vibration monitoring and control plan approved by the director; the director may require modifications to the plan submitted by the operator.

(2) Methods involving explosive material ("shotholes") are prohibited.

(3) All seismic testing will be strictly limited to the areas, methodologies, and routes indicated in the maps and plans approved by the permit.

(4) All seismic testing will be strictly limited to the hours of operation noted in the approved permit. In no case will the director permit geophysical activities between 6:00 p.m. and 8:00 a.m.;

(5) The operator's VMS will be on site throughout all geophysical activities to ensure city permit conditions are met and will report whether the testing complies with the approved permit.

(6) If any utility line(s) or other above or below ground features must be removed or altered during seismic testing, the operator will provide a letter from the utility owner authorizing the removal or alteration and notify the city at least three (3) days prior to any such removal or modification and comply with any additional permitting requirements imposed by the city.

(7) Operator must obtain any permits for use of city roads required by the city public works department or required by the Code, including, but not limited to overweight or oversize permits for all extra-legal vehicles or loads.

(8) No seismic testing activities will be permitted in a mapped floodway. Activities in a mapped floodplain may require a city floodplain development permit.

(9) No seismic testing activities will be permitted in areas used for historic or current mining activities.

(10) Any violation of the terms of a seismic testing permit are subject to the penalties and enforcement mechanisms of sections 26-22.1-16 (city inspections; enforcement) and 26-22.1-17 (fines and penalties), in addition to all remedies available at law.

(11) Ground vibration monitoring will be required for any source points located within four hundred (400) feet of any structures identified in the map of the seismic testing area. The VMS must conduct the analysis and interpretation of the collected vibration monitoring data for comparison to appropriate vibration limits and must prepare weekly reports for submittal to the city.

(12) Ground vibration amplitudes will be limited to the following response values:

(A) The response values for ground vibration include a threshold value of 0.2 inches per second and a limiting value of 0.3 inches per second. Higher values may be acceptable based on the feature of concern, but the operator must submit an engineering report for review and approval by the city.

(I) If a threshold value is reached, the operator must:

(i) Immediately notify the city;

(ii) Meet with the city to discuss the need for response action(s);

(iii) If directed by the city during the above meeting that a response action is needed, submit within twenty-four (24) hours a detailed specific plan of action based as appropriate on the generalized plan of action submitted previously as part of the vibration-monitoring plan. Seismic testing cannot resume until the detailed specific plan of action is approved by the city; and

(iv) If directed by the city, implement response action(s) within twenty-four (24) hours of submitting a detailed plan of action.

(II) If a limiting value is reached, the operator must:

(i) Immediately notify the city and suspend vibration producing activities in the affected area, except for those actions necessary to avoid exceeding the limiting value;

(ii) Meet with the city to discuss the need for response action(s); and

(iii) If directed by the city during the above meeting that a response action is needed, submit within twenty-four (24) hours a detailed specific plan of action based as appropriate on the generalized plan of action submitted previously as part of the vibration-monitoring plan. Seismic testing cannot resume until the detailed specific plan of action is approved by the city.

(iv) If directed by the city, implement response action(s) within twenty-four (24) hours of submitting a detailed specific plan of action, so that the limiting value is not exceeded.

(13) Ten (10) days prior to vibration monitoring pursuant to the vibration monitoring and control plan, the operator will submit a certificate of calibration for any vibration monitoring equipment that will be used on site. The certificate must certify that the instruments are calibrated and maintained in accordance with the equipment manufacturer's calibration requirements and that calibrations are traceable to the U.S. National Institute of Standards and Technology. All instrumentation must have been calibrated by the manufacturer or a certified calibration laboratory within one (1) year of their use on site.

(14) During the seismic testing, the operator must provide weekly reports summarizing any vibration monitoring data collected. The reports must be prepared and signed by the VMS. The city reserves the right to request a different reporting schedule where appropriate.

(15) In addition to the above, the director may impose additional conditions on the conduct of seismic testing that are necessary and reasonable to protect the public health, safety, and welfare, the environment, or wildlife resources.

(d) Notice and Property Inspection

(1) After a permit is issued by the director, the operator will provide written notice of the seismic testing by first class mail to the owner of each property located within eight hundred (800) feet of any source point as depicted in the approved vibration monitoring and control plan map at least thirty (30) days before the testing is to occur. The operator will provide the city an affidavit of notice demonstrating compliance with this requirement.

(2) The notice will include:

(A) A description of the project including the duration, physical effects, precautions operator is taking, and precautions the property owner should take;

(B) Complaint procedures for property owners and residents;

(C) An offer of property and water well baseline condition inspections at operator's expense, which, upon property owner's request, will be completed at least three (3) days prior to seismic testing. Results of such testing will be provided to the property owner and maintained by operator for at least three (3) years. All baseline condition testing must be completed by a qualified technician who will report: the date of inspection, name of property owner, address of property owner, property owner contact information, description of the property, age of structure(s), material of structure(s) and foundation(s). High resolution photographs and video must be taken documenting the present state of all structures on the property, including roads, bridges, and

sidewalks. The technician should note any chemical and physical weathering or any other structural defects. All water well samples must be collected by a qualified technician and include the date and time of sample, property owner name, address, contact information, and water type and conditions, well type, depth, age, casing type and length, drilling contractor, whether it is conditioned or filtered, sample point type, and any other useful information; and

(D) The notice will further include an offer of property and water well condition inspections at operator's expense after the testing is complete, the results of which will be provided to the property owner and maintained by operator for at least three (3) years.

(e) Appeals

Within thirty (30) days of the director's decision to deny a permit or place particular conditions on the permit, the operator may appeal the director's decision to the city council. The appeal hearing shall be held at a public meeting of the city council within sixty (60) days after the city's receipt of the appeal, and written notice will be provided to the applicant at least ten (10) days prior to the hearing date. The applicant and the director shall be entitled to present argument at the appeal hearing. Using the standards and criteria in this section, and based upon the operator's application, the director's decision, and the arguments presented at the hearing, the city council may affirm or reverse the director's decision, or affirm the director's decision and impose additional or different conditions in accordance with subsection (c)(15) of this section.

26-10-10 Special Use Review—Review Procedure for New Oil and Gas Facilities and Operations

(a) Applicability; Special Use Review Required

Except as provided in section 26-22.1-6 (pre-existing facilities and operations), all oil and gas facilities and oil and gas operations on public and private land within the City of Lafayette must comply with this section 26-22.1-10. Prior to the commencement of any new oil and gas operations in the city, an applicant must submit an application, which must receive approval according to this section 26-22.1-10. The applicant must obtain local, state, and federal permits or approvals required for the operation and provide copies to the director prior to any construction activities. Applicants may be required to obtain city permits including but not limited to floodplain development permits, grading permits, building or construction permits, oversize/overweight permits, and stormwater control permits.

(b) Community Engagement

The city requires applicants to engage with the community, including local residents, neighbors, and other stakeholders. The purpose of this engagement is to provide sufficient opportunity for public and stakeholder comment on plans, operations, and performance, to listen to concerns of the community, and to address all reasonable concerns related to the proposed oil and gas facility and oil and gas operation.

(c) Surface Use Agreements; Rights-Of-Way; Easements

Operators commonly enter into surface use agreements, right-of-way agreements, easements, and other types of access agreements with landowners. To avoid inconsistency, the city recommends that agreements with landowners related to the proposed oil and gas facility or oil

and gas operation not be finalized until the applicant has completed special use review under this section, at which time the impacts related to the proposed siting will be analyzed.

(d) Pre-application Process

(1) Timing

A pre-application conference must be held prior to the applicant submitting an application for special use review.

(2) Registration Required

Prior to scheduling a pre-application meeting, the applicant must register as an operator within the city in accordance with section 26.22.1-5 (operator registration and renewal).

(3) Alternative Site Analysis

At the pre-application conference, the operator shall identify at least two (2) proposed locations for the oil and gas facility. The city shall review all proposed locations in order to determine which location complies with these rules. If the city determines none of the proposed locations comply with the setback requirements contained in section 26.22.1-12(27) (special use review standards—setbacks, location, and surrounding land uses) or the purpose of these rules, the operator shall submit new proposed locations. Following the pre-application conference, the city will prepare a report identifying the location it determines best comports with the requirements and purpose of section 26-22.1. For each location, the operator shall identify:

(A) The location;

(B) Distance of the proposed oil and gas facility to existing dwellings and related residential uses, undeveloped residential lots, open space, schools and child care centers, hospitals, water bodies, wetlands, floodplains, floodways, existing active, inactive and decommissioned wells, roadways, jails, athletic fields, auditoriums, amphitheaters, event centers, recreational facilities, nursing homes and life care institutions, public parks, public trails and trailheads owned and maintained by the city, and the property line of workplaces located in the city's T1, B1, C1, and M1 zoning districts;

(C) Zoning;

(D) Natural and manmade features;

(E) Water sources;

(F) Justification for a preferred alternative site;

(G) Materials to be submitted to the COGCC to satisfy the COGCC alternative location analysis requirement, if requested by the COGCC.

(4) Six-month Duration for Filing Application

Completion of the pre-application conference process qualifies the applicant to submit an application for a special use review provided the application is filed within six (6) months after the completion of the pre-application process. If more than six (6) months has passed since completion of the pre-application process, a new pre-application submittal is required.

(5) Site visit

At the discretion of the director, a site visit of the parcels involved in the application may be required as part of the pre-application process with the applicant. To the extent necessary, the applicant will be responsible for securing permission or coordinating with the landowner(s) to conduct the site visit.

(e) Application Submission

The application must meet all requirements of section 26-22.1-11 (special use review—application requirements).

(f) Completeness Determination

Upon acceptance of the application, the director will determine if the application satisfactorily meets the requirements of this section. If city staff needs consultants or staff outside the city to assist the director with the completeness determination, the city may hire such assistance at the applicant's expense. Upon review of the application materials by the director and any necessary outside consultants, the director will determine whether a special use review application is complete.

(1) Application Deemed Incomplete; Appeal

If the director finds that the application is incomplete, the director will notify the applicant of the deficiencies. No further action will be taken on an incomplete application. Should the applicant fail to correct deficiencies within one hundred eighty (180) days of the notice, the application will expire, and the applicant may submit a new application and fee as specified in subsection (e) above. The 180-day timeframe may be extended by the director according to the standards in this section 26-22.1-10. Should the applicant dispute the director's completeness determination, the applicant may appeal the director's determination to the city council within thirty (30) days of the director's decision. The appeal hearing shall be held at a public meeting of the city council within sixty (60) days after the city's receipt of the appeal, and written notice will be provided to the applicant at least ten (10) days prior to the hearing date. The applicant and the director shall be entitled to present argument at the appeal hearing. Using the standards and criteria in this section and section 26-22.1-11, and based upon the application submitted, the director's decision, and the arguments presented at the hearing, the city council may affirm or reverse the director's decision, or affirm the director's decision and notify the applicant of additional or different deficiencies. The 180-day timeframe for the applicant to correct deficiencies shall not be tolled or suspended by an appeal, provided, however, that if the city council identifies additional or different deficiencies than those in the director's decision, the applicant will have one hundred eighty (180) days from the date of the city council's decision to correct all deficiencies. During any city council proceeding or subsequent appeal, the application will not be processed.

(2) Application Deemed Complete

If the director finds that the application is complete, the director will process the application.

(g) Notice of Application

(1) Upon receipt of an application and before conducting its completeness review, the director will post receipt of the application on the city's website. The city's notice template will be used to define the contents of the post.

(2) The applicant must deliver written notice by certified mail to the entities listed below no more than ten (10) days after the application is deemed complete by the director. Notice of the application must be made as follows:

(A) To the surface owners of the parcels of land on which the oil and gas operation is proposed to be located;

(B) To the owners and identifiable lessees of the parcels of land within two thousand six hundred forty (2,640) feet of the parcel on which the oil and gas operation is proposed to be located;

(C) To the physical address of all parcels within two thousand six hundred forty (2,640) feet of the parcel on which the oil and gas operation is proposed to be located if the Boulder County Assessor's records indicate a mailing address for the parcel owner that is different than the physical address; and

(D) To owners of wells registered with the Colorado Division of Water Resources, owners of municipal/public water bodies, and owners/managers of irrigation ditches and reservoirs within two thousand six hundred forty (2,640) feet of the parcel on which the oil and gas operation is proposed to be located and within one thousand three hundred twenty (1,320) feet of either side of the full length of the planned wellbore and bottom location. The applicant is responsible for determining the addresses of such water source owners and providing a list of such owners to the director.

(3) The notice must contain the following:

(A) A message in conspicuous type on the front page of the notice that states as follows: "ATTENTION: AN OIL AND GAS OPERATION CONSISTING OF UP TO [NUMBER OF WELLS] AND [DESCRIPTION OF OTHER FACILITIES] IS BEING PROPOSED IN YOUR AREA. PLEASE READ THIS NOTICE CAREFULLY." Slight variations in this notice language may be approved by the director at the applicant's request;

(B) A description of the proposed oil and gas facility, including the legal description; parcel number; a street address for the site, if available from the city's addressing system; the company name of the operator; the name of an applicant contact; the current business address, telephone number, and email address for the applicant contact; a vicinity map; and a brief description and overview of the proposed oil and gas operation (e.g., a detailed description of the timeframe for facility construction and estimated duration of drilling and any proposed hydraulic fracturing);

(C) Information concerning the facilities and equipment proposed at the site when operational, and proposed access roads and gathering lines;

(D) The project number of the application and the date of the city's completeness determination for the application;

(E) An attachment provided by the director explaining the applicable review process and explaining that the public may review the full application file at department offices and that public comments on the application may be submitted to the department;

(F) A statement concerning the city's right to enter property that is the subject of the application as follows: "during the city's special use review process, city staff may from time to time need to enter onto the property that is the subject of a special use review application."; and

(G) The current mailing address, website address, email, and telephone number for both the department and the COGCC, as well as a statement that additional information on the application will be available from the department.

(4) Prior to sending the notice, the applicant must submit a copy of the proposed notice and a list of the addresses for all notices required under this section for review by the director. If the director determines that the notice or address list does not comply with the requirements of this section, the director may require the applicant to modify the notice or address list.

(5) Upon a determination that an application is deemed complete, all application materials not deemed confidential will be made available to the public in electronic form on the department's website.

(h) Posting Public Notice Signage Onsite

Within five (5) days after the director has deemed an application complete, the applicant must post a public notice sign or signs on the subject parcels as determined by the director, including parcels where pipelines or gathering lines will be constructed, that meet the following requirements:

(1) The sign must be posted in a location visible to the public (i.e., visible from a public road) and approved by the director.

(2) Within five (5) days of the posting of the sign, the applicant must submit a photograph of the sign or signs as posted for review by the director. If the director determines that the sign does not comply with the requirements of this section, the director may require the applicant to post a sign or signs complying with this section.

(3) The sign or signs must be posted on the sites until the special use review process is complete. The applicant must repair or replace signs that are damaged or defaced within five (5) days of learning of damage or defacement.

(i) Neighborhood Meeting

The applicant must conduct a neighborhood meeting with adjacent and surrounding landowner(s) and other interested parties at a convenient date, time, and public location. The meeting must occur at least twenty (20) days after the notice is sent and the signs are posted pursuant to (g) and (h) of this section 26-22.1-10. The neighborhood meeting must be noticed pursuant to (g)(2) of this section 26-22.1-10 at least fourteen (14) days prior to the meeting. In addition to those parties entitled to notice under (g)(2) of this section 26-22.1-10, the meeting will be made open to all the public. The meeting must be held at an accessible and adequate location. If requested by members of the public or if the director determines remote attendance is necessary for public health reasons, accommodation must be made for remote attendance. At the neighborhood meeting, the applicant must provide an overview of its proposed oil and gas operation, distribute a handout provided by the director with an explanation of the section 26-22.1 special use review process, and allow those in attendance to provide input as to the proposed operation, including, but not limited to, facility locations, issues that arise from application of section 26-22.1 to the proposed operation, and suggested mitigation to adequately ensure compliance with section 26-22.1. The applicant must provide a video recording of the meeting and a report of all of attendee comments and any proposals from the applicant for addressing neighborhood concerns to the director within twenty (20) days after the meeting.

(j) Referral Requirements and Agency Review

Following the determination that an application is complete, the director may refer the application materials to the city's public works department; parks, recreation, and open space department; fire department; police department; city administrator's office; any other city agencies, boards, commissions, or committees in the director's discretion; the COGCC and CDPHE; and any appropriate municipality, special district, and school district for review and comment. As deemed necessary in the director's sole discretion, the director may also refer the application to other government agencies or entities for review and comment. Referral comments on the proposal must be returned to the director within seventy-five (75) days of date of referral, unless the director determines additional time is necessary.

(1) If the proposed oil and gas facility or oil and gas operation is adjacent to a city park or recreation area, or within or adjacent to open space property or property over which the city owns a conservation easement, the director may refer the application to the Lafayette Open Space Advisory Board ("LOSAB") for consideration at a public meeting and LOSAB may make recommendations related to the city's management of city parks, recreation areas, or open space that may be impacted by the proposed oil and gas facility or oil and gas operations.

(2) The applicant is responsible for preparing the referral packets in the manner prescribed by the director. Any errors made by the applicant in the preparation of referral packets may result in a delay in processing of the application.

(k) Supplemental Information

After review, if corrections or additional information is needed, the director will provide written comments to the applicant. The applicant will need to revise the application and resubmit for further review prior to scheduling for public hearings.

(l) Site Visit

The department will conduct a site visit to evaluate the application and the site-specific circumstances on and near the parcel and surrounding parcels on which the facility and operations are located. The department may coordinate a site visit with other city departments and governmental agencies. To the extent necessary, the applicant will be responsible for securing permission or coordinating with the landowner(s) to conduct the site visit.

(m) Staff Recommendation

After its review of the application, department staff will make a recommendation for approval with conditions or denial of the application, based on its alternative site analysis report, its analysis of the special use review standards, the referral comments and the applicant's responses to the referral comments, and all public comment including comments submitted at the applicant's neighborhood meeting. When the staff recommendation is complete, the application will be scheduled for a public hearing in front of the planning commission. The staff recommendation will be made available to the public once it is complete.

(n) Notice of Planning Commission Hearing

Not less than ten (10) days prior to the planning commission's public hearing on the application, the city will publish a legal notice of the public hearing in a newspaper of general circulation in

the city and mail written notice to the people and entities entitled to notice under section 26-22.1-8(g)(2) of the time and place of the planning commission's public hearing.

(o) Planning Commission Hearing and Recommendation

The planning commission will hold a public hearing on the application and will make a recommendation of approval with conditions necessary to ensure compliance with this section 26-22.1, or denial, which will be forwarded to the City Council of Lafayette.

(p) Notice of City Council Hearing

Not less than ten (10) days prior to the city council's public hearing on the application, the city will publish a legal notice of the public hearing in a newspaper of general circulation within the city, and provide written notice to the surface owner and surrounding property owners identified in (g)(2) of this section of the time and place of the city's public hearing.

(q) City Council Hearing and Decision

The city council will hold a public hearing on the application. Any action taken by the city council will be based on the entire record of proceedings on the matter, as that record is maintained by the director and/or the city clerk, including but not limited to: recordings or transcripts of planning commission and city council public hearings; all written comments of referral agencies; the review and recommendations of the department, LOSAB if applicable, and planning commission; and all written comments, testimony, or evidence made or submitted by or on behalf of the applicant, landowners, or interest holders or their agents, and interested members of the public at the public hearing before the city council. The applicant will have the burden of proof to show the applicable standards for approval have been met. Based on the evidence received at the public hearing, the city council will make its determination to approve the application with conditions necessary to ensure compliance with this section 26-22.1 or deny the application. The city council may designate its determination as final or preliminary and subject to review by a technical review board under C.R.S. §§ 29-20-104(3) and 34-60-104.5(3). The city council's action will contain appropriate findings or reasons in support of its decision. The city council will render its decision on the application in writing following the conclusion of the public hearing, and the decision will be deemed final upon the city council's formal adoption of the written decision.

26-10-11 Special Use Review—Application Requirements

The applicant must pay the required application fee and submit the information and documents specified in this section with the special use review application for oil and gas facilities and oil and gas operations, unless an application requirement is waived or modified by the director after the applicant's request. If the contents or relevant information in any required submittal materially changes, the applicant must promptly update those materials with the department. The director may waive or modify the submission requirements in this section if, because of the nature of the application, the requested information is unlikely to be useful to the city council in applying the special use review standards. Each of the following will form the basis for full and independent review by the city and all reviewing bodies. All materials submitted under this section are subject to section 26-22.1-16(5) (falsification).

(a) General Information

(1) Application Form.

(2) Operator Registration

Operator registration materials submitted under section 26-22.1-5 (operator registration and renewal) are incorporated into the application materials. The director, referral agencies, planning commission, and city council may consider such materials in reviewing any section 26-22.1-10 (special use review— review procedure for new oil and gas facilities and operations) application.

(3) Proof of Pre-Application Conference

Date the applicant completed the pre-application conference with the department.

(4) Verification of Legal Rights

(A) Mineral Rights and Surface Access Rights

Proof of ownership of, or lease rights to, the mineral rights and accompanying surface lands where oil and gas facilities or oil and gas operations are proposed, including copies of all easements, licenses, or right-of-way agreements necessary to lay any pipelines or gathering lines associated with the application. Identification of all persons with a real property interest in the lands where the proposed oil and gas facilities or oil and gas operations will be located. A title report supporting the asserted mineral interests and surface access. A map of the mineral interests applicant will produce with the proposed oil and gas operation.

(B) Surface Use Agreements

The city strongly recommends that surface agreements not be finalized until after the applicant has special use review approval. Nonetheless, if the applicant has entered into any surface use agreements for any proposed oil and gas facilities or oil and gas operations subject to the application, applicant will provide a copy.

(C) Roads

Information demonstrating that the applicant has or will have the right to use or construct temporary and permanent private access roads that are necessary for the proposed oil and gas facilities or oil and gas operations. A copy of any signed or proposed agreements with landowner(s) regarding road construction, maintenance, and improvements necessitated by the proposed oil and gas facilities or oil and gas operations, and any recorded or historical easements providing access to or across the parcel(s) must be provided.

(D) Pipelines and Gathering Lines

Information demonstrating that the applicant has or will have the right to use or construct temporary and permanent pipelines, gathering lines, or fresh water pipelines that are necessary for the proposed oil and gas operations or oil and gas facilities. A copy of any signed or proposed agreements with landowner(s) regarding pipeline, gathering line or fresh water pipeline construction, maintenance, and improvements necessitated by the proposed oil and gas operation or oil and gas facility must be provided.

(5) Insurance Coverage

Operators must comply with the provisions in section 26-22.1-19 (insurance requirements) as applicable.

(6) Financial Fitness and Assurances

Applicant will be required to provide adequate financial assurances to guarantee performance of all conditions of approval attached to any special use review approval for the lifetime of the oil and gas facilities or oil and gas operations until final reclamation obligations are completed to the city's satisfaction. With the application, applicant will submit a description of the type(s) of financial assurances it expects to provide to meet those requirements. The type and amount of financial assurances provided will be determined by the city with any special use review approval.

(7) Certification

The application must contain a certification from the applicant that the information in the application, as well as in any accompanying documentation, is true and accurate.

(8) Authorized Signer and Point of Contact

The application must be signed by a person authorized to sign on behalf of the applicant and identify who will be the primary contact during processing of the application. The point of contact information in the application must be amended to specify the new point of contact if the applicant's point of contact changes during the application process.

(b) Site and Area Information

Applicant must include maps that meet the following criteria:

(1) Maps Requirements

All maps must be at a scale which best conveys the conceptual aspects of the plan, include written scale, graphic scale, and north arrow (designated as true north), and allow for effective public presentation. All maps and plans must include the date of preparation and revision box.

(2) Topography

A map of the existing and proposed topography at five-foot intervals to portray the direction and slope of the parcel(s) where the oil and gas facilities or oil and gas operations are proposed to be located.

(3) Existing Uses and Structures

A map of the location of all existing dwellings and related residential uses, undeveloped residential lots, hospitals, jails, auditoriums, amphitheaters, event centers, recreational facilities, nursing homes and life care institutions, and the property line of workplaces located in the T1, B1, C1, and M1 zoning districts within one mile from the parcel(s) on which the proposed oil and gas facility or oil and gas operation will be located. Dwellings must be specifically identified. This map must depict any minimum setbacks required by this section 26-22.1.

(4) Existing Roads

A map depicting all existing roads (designating public and private roads) near and surrounding the proposed oil and gas facilities or oil and gas operations.

(5) Existing or Pending Oil and Gas Facilities or Oil and Gas Operations

(A) A map showing the location of all producing, shut-in, temporarily abandoned, dry and abandoned or plugged and abandoned wells, and any other oil and gas facilities and oil and gas operations for which permits are pending with applicable agencies, on or within one (1) mile of the parcel(s) where the proposed oil and gas facilities or oil and gas operations will be located and within one (1) mile of either side of the full length of each proposed wellbore.

(B) A map of existing pipelines, gathering lines, or freshwater pipelines on or within one (1) mile of the parcel(s) where the proposed oil and gas facilities or oil and gas operations will be located, including information on the age, location, depth, diameter, thickness, typical and maximum operating pressures, the nature of the material carried in the pipes and the estimated worst-case liquid spill volumes.

(6) Water Wells

A map of any domestic or commercial water wells or irrigation wells within one (1) mile of the parcel or parcels on which the proposed oil and gas facilities or oil and gas operations will be located and within one (1) mile of either side of the full length of each proposed wellbore.

(7) Surrounding Land Use Patterns

Identification of all existing activities and uses on surrounding lands (e.g., agricultural activities, residential, recreational, commercial, or businesses) within one (1) mile, or as otherwise determined by the director, of the parcel(s) where the oil and gas facilities or oil and gas operations are proposed to be located.

(8) Schools and Child Care Centers

A map of schools and licensed child care centers within one (1) mile of the parcel(s) on which the proposed oil and gas facilities or oil and gas operations will be located. This map must include the distances between the proposed oil and gas facility and the schools and licensed child care centers. This map must depict any setbacks required by section 26-22.1-12(27) (special use review standards—setbacks, location, and surrounding land uses).

(9) Agricultural Lands

A map of the agricultural lands on and within one (1) mile of the parcel(s) on which the oil and gas facilities or oil and gas operations are proposed to be located; identification of the specific agricultural uses on the parcel(s) and their status; and the existence of irrigation and other agricultural infrastructure.

(10) Water bodies; Riparian Areas; Wetlands; Ditches

A map depicting all surface water bodies including, but not limited to, lakes, streams, wetlands or aquatic habitat, riparian areas, and riparian species found on or within one (1) mile of the parcel(s) on which the proposed oil and gas facilities or oil and gas operations will be located, and within one (1) mile of either side of the full length of each proposed wellbore. The map must also depict irrigation ditches and reservoirs as identified and mapped on the county's ditch and reservoir directory and the St. Vrain and left hand water conservation district ditch and reservoir directory.

(11) Natural Resources

A map of all significant natural ecosystems or environmental features, significant natural communities, rare plant areas, high biodiversity areas, natural landmarks, and natural areas within one (1) mile of the parcel(s) on which the oil and gas facilities or oil and gas operations are proposed to be located, using the best available information.

(12) Existing Vegetation

An inventory of the vegetation (including its quality) at the site of the proposed oil and gas facilities or oil and gas operations.

(13) Wildlife

A map of high priority wildlife habitat areas and the presence of: species listed in the Boulder County Wildlife Species of Concern listing; Tier 1 and Tier 2 species as identified by the Colorado Parks and Wildlife; and of federally-designated threatened or endangered species, as mapped by governmental agencies or discovered upon inspection, on and within one (1) mile of the parcel(s) on which the oil and gas facilities or oil and gas operations are proposed to be located.

(14) Natural and Geologic Hazards

A map of all natural and geologic hazard and constraint areas using the best available information on or within one (1) mile of the parcel(s) on which the proposed oil and gas facilities or oil and gas operations will be located and within one (1) mile of either side of the full length of each proposed wellbore. Natural hazards may include, without limitation, expansive soils or claystone, subsiding soils, soil creep areas, or questionable soils where the safe-sustaining power of the soils is in doubt; landslides, mudslides, mudfalls, debris fans, unstable slopes, and rockfalls.

(15) Floodplain and Floodway

A map of all floodplains and floodways, including both the FEMA and City of Lafayette Floodplains as delineated by the most recent digital flood insurance rate map (DFIRM), as defined in section 26-23-3, on or within one (1) mile of the parcel(s) on which the proposed oil and gas facilities or oil and gas operations will be located.

(16) Recreational Activity; Trails; Bikeways

A map and identification of active and passive recreational activity areas, such as public parks and recreation areas, public trails and trailheads, publicly accessible open space, bike paths, and commonly used bike travel ways within one (1) mile of the parcel(s) where the oil and gas facilities or oil and gas operations are proposed to be located.

(17) Open Space

A map of public open space or lands with conservation easements on or within one (1) mile of the parcel(s) on which the proposed oil and gas facilities or oil and gas operations will be located.

(18) Site Selection Rationale

Maps and a narrative explaining the reasons the applicant chose the proposed site(s) for the oil and gas facilities or oil and gas operations with respect to other possible locations.

(19) Ozone Exceedance

A report of the number of ozone exceedances as measured at any and all CDPHE monitoring stations in Boulder County and the amount by which the 2015 National Ambient Air Quality Standards of seventy (70) parts per billion or any newer standard under the Clean Air Act were exceeded. The report should include all data for the preceding three-year period.

(c) Proposed Development Information

(1) Site and Facility Plan

A facility layout diagram, including: construction and operations layout drawings; location construction and operations cross-section plots including location and finish grades; operations facility layout drawings; the location of equipment such as wellheads, pumping units, tanks, treaters, staging and storage areas; the location of access roads and ingress and egress to and from public roads; structures such as sound walls; location, height, and materials for all fences; temporary workspaces and permanent areas of disturbance for all phases of development; fencing; and an equipment list.

(2) Wellbore Risk Analysis

A copy of the anti-collision evaluation for all proposed wells conducted for or under the same terms as required in COGCC Rules.

(3) Area of Disturbance

A map and dimensions of the proposed oil and gas facilities or oil and gas operations, indicating both temporary and permanent disturbance areas, in square feet and acres.

(4) Roads and Road Improvements

A map of proposed new roads and improvements to existing roads that will be necessary for the proposed oil and gas facilities or oil and gas operations, as well as identification of the road surface planned for each road or road improvement.

(5) Pipeline, Gathering Line Plan and Fresh Water Pipeline

(A) The specific location and route of each pipeline, gathering line, fresh water pipeline and any other transport pipeline necessary for the oil and gas facilities and oil and gas operations, through the lifetime of the oil and gas facilities and oil and gas operations, and their distances from: existing or proposed residential, commercial, or industrial buildings; places of public assembly; surface water bodies; natural resources identified under (2)k. of this section (special use review—application requirements—natural resources); geologic hazards, agricultural lands; and public or private roads;

(B) The size, operating pressure, material, and locations of each pipeline or gathering line and what materials they will carry;

(C) Whether pipelines, gathering lines, or fresh water pipelines will be co-located with proposed or existing lines; and

(D) Identification of all pipeline, gathering line, or fresh water pipeline segments that will be constructed by boring and the location of the boring operation.

(6) Grading and Drainage Plan

A plan and information showing location and typical cross-section of all existing and proposed earthwork on the parcel(s) on which the oil and gas facilities or oil and gas

operations are proposed to be located, including earthwork calculations, historic drainage patterns and flow rates, mitigation measures to compensate for anticipated drainage impacts, and geotechnical soil reports. The best available information should be used to identify and evaluate drainage impacts, including without limitation the latest edition of the Mile High Flood District's Criteria Manual for storm drainage, the City of Lafayette's stormwater quality regulations, and City of Lafayette engineering standards. In addition, the applicant must provide a Phase III drainage report in accordance with Mile High Flood District and City of Lafayette requirements and, if land disturbance will be greater than one (1) acre, permanent water quality best management practices (BMPs) in accordance with the city's MS4 permit requirements. All grading and drainage plans and submittals must be certified by a Colorado registered professional engineer.

(7) Landscaping and Screening Plan

A plan denoting the intended landscaping and visual screening on the parcel(s) on which the oil and gas facilities or oil and gas operations are proposed to be located; an irrigation plan may be required where visual buffering is proposed to be accomplished with vegetation.

(8) Weed Control Plan

A weed control plan identifying what noxious weeds listed on list A, B, or C in the State of Colorado's Noxious Weed Management Plan are known to be on the parcel(s) on which the oil and gas facilities or oil and gas operations are proposed to be located, their location, and the proposed method of weed control. This plan must include an integrated management strategy to prevent and manage the growth of noxious weeds during oil and gas operations and reclamation.

(9) Dust Suppression Plan

A plan detailing how the applicant will prevent excessive dust escaping from the oil and gas facility site(s) and all associated roads; a plan for preventing fugitive dust, sand, or silica materials escaping from any oil and gas operation.

(10) Lighting Plan and Photometric Study

A plan indicating the location of all outdoor lighting on the site and structures, including cut sheets (manufacturer's specifications with picture or diagram) of all proposed fixtures. The plan should include the location and type of any emergency lighting and description of situations in which it will be used. A photometric study conducted by an independent consultant to measure the lumens emitted by the oil and gas facilities or oil and gas operations and evaluate lighting impact on surrounding properties must also be included as part of the plan.

(11) Operational Plan

A plan describing in detail the proposed oil and gas operations including the method, schedule, and duration of time for drilling, completion, production, and decommissioning.

(12) Electrification Plan

A plan identifying all sources of electricity that will be brought to or used at the proposed oil and gas facility location during all phases, including drilling, completion, and operations.

(13) Revegetation and Reclamation Plan

A plan illustrating how all disturbed areas will be revegetated and reclaimed, including areas disturbed during pipeline, gathering line or fresh water pipeline abandonment. The plan will include timing, methods, materials to be used, including any proposed soil amendments, and procedures for ensuring successful revegetation, including an on-going maintenance plan that ensures successful establishment of vegetation and weed control. Revegetation and reclamation will include, but is not limited to, the use of native plant species when appropriate, integrated management of weed control and prevention, and full establishment of appropriate vegetation for a minimum of three (3) consecutive growing seasons. No species on list A, B, or C in the State of Colorado's Noxious Weed Management Plan may be used to meet revegetation requirements.

(14) Worker Training and Records

Written procedures detailing employee training requirements and training records.

(d) Assessments, Studies, and Plans by Outside Experts

The following submittal items must be prepared by an independent expert, engineer, or consultant at the expense of the applicant and submitted to the city for review.

(1) Air Quality Report

(A) Existing Emissions

An independent expert's inventory of methane, VOCs, NOx, CO 2 , and particulate emissions for all oil and gas facilities and oil and gas operations in the City of Lafayette owned or operated by the applicant for the calendar year prior to registration or renewal. Operators must submit all air pollution emission notices for hazardous air pollutants submitted to the Air Pollution Control Division to the independent expert for review.

(B) Air Quality Modeling

A qualified, independent air quality modeling study that considers all relevant environmental and atmospheric conditions, and:

(I) Assesses the existing air quality at the proposed site;

(II) Predicts the anticipated emissions (including hazardous air pollutants, methane, VOCs, NOx, CO 2 , and particulate emissions) from the proposed oil and gas facilities and oil and gas operations, including mobile sources and assuming use of and identifying all emissions control equipment and processes intended for use at the oil and gas facilities and oil and gas operations; and

(III) Models the impacts on air quality from the proposed oil and gas facilities and oil and gas operations over their lifetime, until final reclamation obligations are completed to the city's satisfaction, including the compounding effects of climate change on ozone and particulate pollution in the city and taking into account and identifying all relevant factors including natural conditions and other air quality impacts from any existing or foreseeable source.

(2) Baseline Soil Conditions

An independent expert's report detailing the soil conditions on the parcel(s) on which the proposed oil and gas facilities or oil and gas operations will be located. The report will address the NRCS classification of the soils, the organic and inorganic characteristics of the soil, and any existing contamination or sensitive soil features existing on the site.

(3) Traffic and Road Use Plan

(A) A transportation impact study, in accordance with City of Lafayette engineering standards and other applicable criteria or standards, covering all areas affected by the proposed oil and gas facilities or oil and gas operations and prepared by a Colorado registered professional engineer.

(B) A map indicating proposed trip routes for all traffic serving the oil and gas operation during all phases of well development and operations, for the lifetime of the oil and gas facilities and oil and gas operations until final reclamation obligations are completed to the city's satisfaction.

(C) For each segment of proposed traffic routes in the city, the types, sizes, weight, number of axles, volumes, and frequencies (daily, weekly, total) and timing (times of day) of all vehicles to be used during all phases of the proposed oil and gas operation.

(D) The intended measures the applicant will take to ensure safety, maintenance of road condition, and the quality of life experience of other users of the city's transportation system, adjacent residents, and affected property owners, including without limitation:

(I) Operational measures to minimize impacts to the public including, but not limited to, time of day, time of week, vehicle fuel and emissions reduction technology, noise minimization, and traffic control safety measures;

(II) Maintenance practices on the proposed route, including without limitation, grading of unpaved roads, dust suppression, vehicle cleaning necessary to minimize re-entrained dust from adjacent roads, snow and ice management, sweeping of paved roads/shoulders, pothole patching, repaving, crack sealing, and chip sealing necessary to maintain an adequate surface of paved roads along the proposed route; and

(III) Any necessary physical infrastructure improvements to ensure public safety for all modes of travel including non-motorized modes along travel routes to and from the site.

(4) Agriculture

An independent expert's report identifying the anticipated impacts of the proposed oil and gas facilities or oil and gas operations on the current agricultural uses and the existing productivity of the lands where the oil and gas facilities and oil and gas operations are proposed.

(5) Wildlife

An independent expert's report (i) identifying the presence and population numbers of: species listed in the Boulder County Wildlife Species of Concern listing; Tier 1 and Tier 2 species as identified by Colorado Parks and Wildlife; and federally-designated threatened or endangered species, (ii) identifying the anticipated impacts of the proposed oil and gas facilities and oil and gas operations on wildlife and wildlife habitat, and (iii) recommending measures for avoiding or minimizing such impacts.

(6) Natural Resources

An independent expert's report identifying the anticipated impacts of the proposed oil and gas facilities and oil and gas operations on the resources identified under (2)k. of this section (special use review—application requirements—natural resources) and recommendations for avoiding or minimizing such impacts.

(7) Water Quantity, Source, and Use

(A) Quantity

An estimate of the amount of water needed for all phases of the oil and gas operation.

(B) Source

(I) The source of water intended for use by the proposed oil and gas facility or operation.

(II) A list of all available sources of water for the proposed oil and gas operations, and if multiple sources are available, analysis of which source is least detrimental to the environment.

(III) No water used for well construction and stimulation shall be obtained from the city's municipal water supply system.

(C) Impacts of Water Use

An independent expert's assessment of the impacts of the proposed use of water described in (4)g.1. and 2. of this section. Impacts to, at a minimum, downstream users, groundwater users, agricultural lands and users, terrestrial and aquatic wildlife, plant communities, and recreation must be considered.

(D) Water Management Plan

An independent expert's recommendation of measures that will avoid or minimize the impacts identified in (4)g.3. of this section, and address the water use standards in section 26-22.1-12(2) (special use review standards—water use).

(E) Produced Water

An estimate of the amount of produced water and other wastewater that will be generated by the proposed oil and gas operations, including a description and evaluation of potential flowback and produced water volume reduction options through recycling, reuse or other beneficial uses and the rationale for the methods to be employed. Plans for recycling or reusing water used or produced by the oil and gas operations.

(8) Water Quality

(A) Testing of Existing Conditions

A qualified, independent expert's assessment of existing water quality conditions on and adjacent to the parcel(s) where the oil and gas facilities or oil and gas operations will be located based on testing as follows.

(I) Identification of and offers to owners to sample all domestic water wells and water sources located within one (1) mile of the parcel or parcels on which the oil and gas facilities or oil and gas operations are proposed to be located and within one-half (½) mile of either side of the full length of each proposed wellbore. For all water wells and water sources for which the applicant is given permission:

(i) Initial collection and testing of baseline samples from available water sources within twelve (12) months prior to the commencement of drilling a well, or within twelve (12) months prior to the re-stimulation of an existing well for which no samples were collected and tested during the previous twelve (12) months;

(ii) Analysis. All sampling shall be performed by the applicant according to the specified methods in 40 C.F.R. Part 136, including sample containers, preservation methods, and holding time limits, for the analytes listed in Table 1; and

(iii) GPS coordinates, at sub-meter resolution, for all water wells and water sources tested.

(II) An operator may rely on existing sampling data collected from water sources within the radius described above, provided the data was collected within the previous twelve (12) months, the data includes the constituents listed in Table 1, and there has been no oil and gas activity within a one-mile radius in the time between the original sampling and the present.

(III) If the operator is unable to locate and obtain permission from the owner of a water source to be tested, the operator must advise the director that the operator could not obtain access to the water source from the surface owner.

(IV) The operator will submit a monitoring report to the director with the application, including reporting on damaged or unsanitary water well conditions; existing, adjacent potential pollution sources; water odor; water color; presence of sediment; bubbles and effervescence; and the existence and amount of any Table 1 analytes found. Copies of the report will be provided to the COGCC and the water source owners within ten (10) days after the operator's receipt of the report.

(V) If sampling shows water contamination, additional measures may be required including the following:

(i) If free gas or a dissolved methane concentration level greater than one (1) milligram per liter (mg/l) is detected in a water source, determination of the gas type using gas compositional analysis and stable isotope analysis of the methane (carbon and hydrogen);

(ii) If the test results indicate thermogenic or a mixture of thermogenic and biogenic gas, an action plan to determine the source of the gas; or

(iii) Additional reporting to Boulder County Public Health.

(B) Modeling of Impacts

An independent expert's modeling of the water quality impacts on any water bodies and groundwater within one (1) mile, or as otherwise determined, of the oil and gas facilities and oil and gas operations.

(C) Stormwater Quality Control

A plan for establishing compliance with the stormwater management provisions of section 26-22.1-11(4)h.3. (special use review—application requirements—stormwater quality control), and with all water quality or stormwater quality control permits obtained from the city or any other agency. With reference to such standards, the plan must include:

(I) Containment of pollutants;

(II) A list of the control measures that will be employed to prevent illicit or inadvertent discharges of contaminated stormwater, which may include containment impoundments, energy dissipators, sediment traps, check dams, culverts, and level spreaders or similar devices;

(III) Spill notification and response plans;

(IV) A non-radioactive means of tracing fracking fluid migration from the oil and gas operations, such as identifying the isotopic fingerprint of the operator's fracking flowback fluids, for use in tracing any subsequent water contamination; and

(V) The timing and means of applicant providing the city with the information it provides to the COGCC ensuring compliance with the water quality protection standards contained in COGCC rules and associated forms.

(9) Emergency Preparedness Plan

The emergency preparedness plan must consist of at least the following information:

(A) Name, address and phone number, including 24-hour emergency numbers for at least two (2) persons located in or near the City of Lafayette who are responsible for emergency field operations. The operator is responsible for ensuring that at least one (1) of these emergency contacts can be on the site of any emergency within fifteen (15) minutes.

(B) Protocols for notification of emergency response services and the city, including contact names and numbers for each such agency, for use in reporting any incident causing or threatening to cause personal injury, property damage, or damage to environmental resources or wildlife resources. Emergency response must be notified immediately upon the imminent threat or occurrence of such incidents; the city must be notified as quickly thereafter as practicable and in no instance more than twenty-four (24) hours later.

(C) An as-built facilities map in a format suitable for input into the city's GIS system depicting the locations and type of above and below ground facilities including sizes and depths below grade of all onsite and offsite flowlines and associated equipment, isolation valves, surface operations and their functions. The as-built map must be submitted within thirty (30) days of the ready-for-service date.

(D) Transportation routes to and from oil and gas facilities or oil and gas operations for emergency response and management purposes, including at least two (2) evacuation routes and health care facilities that would be used.

(E) Detailed information addressing each potential emergency that may be associated with the operation. This will include events such as the following: well integrity issues; explosions; fires; gas, oil or water pipeline leaks or ruptures; hydrogen sulfide or other toxic or explosive gas emissions; and hazardous material vehicle accidents or spills. This will also include external hazards to the site such as earthquakes, lightning, floods, high winds, tornadoes, terrorism, vandalism, or wildfire.

(F) The threshold or triggers constituting an emergency must be identified.

(G) The plan must include a provision that any spill outside of the containment area or that has the potential to leave the facility or to threaten a water body or groundwater must be reported to the emergency dispatch and the director immediately, and in no case more than four (4) hours after such spill is discovered, in addition to all necessary reporting to state agencies.

(H) Project-specific emergency preparedness plans are required for any project that involves drilling or penetrating through known zones of hydrogen sulfide gas.

(I) The plan must include a provision that obligates the operator to reimburse the appropriate emergency response service providers for costs incurred in connection with any emergency. The appropriate emergency response service provider may specify alternative methods for reimbursement of its services. If requested by the emergency response agency, operator will include a provision in the plan that addresses regular training exercises.

(J) Detailed information on safety management showing that the operator has adequate personnel, ongoing safety training of all on-site personnel, safety supplies, and funding to implement the emergency response plan immediately at all times during construction and operations.

(K) As applicable, the plan must include provisions that obligate the operator to keep onsite and make immediately available to any emergency responders the identification and corresponding safety data sheets (SDS) of all products used, stored or transported to the site, including fracking fluids. Operators must timely provide SDS to the public in response to a written request. In cases of spills or other emergency events, the plan must include provisions establishing a notification process to emergency responders of potential products they may encounter, including the products used in the hydraulic fracturing fluids.

(L) The plan must include a provision establishing a process by which the operator periodically engages with the surrounding residents and landowners to educate them on the risks of the onsite operations, explain emergency procedures, engage in evacuation exercises, and to establish a process for surrounding neighbors to communicate with the operator.

(M) The plan must include a process by which the community can submit concerns and complaints and be assured of responses.

(N) Operator shall maintain onsite storage of aqueous film forming foam (which shall not contain PFAS), absorption boom and granulated materials for ready deployment in case of leaks or other emergencies. Operator shall notify first responders of the location of said materials.

(10) Noise Plan

(A) Monitoring Plan

An independent expert's plan for the creation of the baseline report and noise modeling, including the proposed receptor locations, proposed test periods, and proposed times of year for monitoring and the software and methodology for modeling. This plan must be approved by the city prior to the creation of a baseline report or noise modeling. This plan must demonstrate that the baseline reports and noise modeling will comply with the current version of American National Standards Institute S 1.4: Specifications for Sound Level Meters.

(B) Baseline Report

Report of dBA and dBC ambient noise levels over 24-hour test periods for at least three (3) consecutive weekdays and three (3) consecutive weekend periods at the site in different weather conditions, according to the monitoring plan. Baseline reports must include wind speed, direction, rainfall data, season conducted, and any other relevant conditions.

(C) Noise Modeling

Using an industry-recognized noise modeling software, modeling of expected dBA and dBC noise levels from the proposed oil and gas facilities and oil and gas operations during all phases of development and operation, assuming use of and identifying all noise-mitigating equipment and measures intended for use at the proposed oil and gas facilities or oil and gas operations. All noise modeling must include a list of all noise sources, reference noise data used in the model for each source, noise attenuation specifications for any proposed noise walls, and a scaled map showing predicted noise levels.

(D) Complaint Procedure

A plan for responding to noise complaints and communicating the results to the complainant and to the city in a timely manner.

(11) Odor Plan

A list of all odor reduction measures that will be used to address the predicted odors from the proposed oil and gas facilities and oil and gas operations and meet the standards in 26-22.1-12(16) (special use review standards, odor). Identification of all natural features (e.g., topography, prevailing wind patterns, vegetation) that will aggravate or mitigate odor impacts on the areas within two thousand (2,000) feet of the parcel(s) where the oil and gas facilities or oil and gas operations are proposed to be located. A plan for timely responding to odor complaints and communicating the results to the complainant and to the city. Operator must notify the local government designee (LGD) no later than twenty-four (24) hours after receiving the odor complaint and provide a complete description of all activities occurring at the oil and gas facility at the time the odor subject to the complaint was perceived and must provide a description of all measures taken in response to the complaint.

(12) Cultural and Historical Resources Survey

A cultural, historical, and archeological survey of the parcel(s) where the oil and gas facilities or oil and gas operations are proposed to be located done in consultation with and as required by History Colorado.

(13) Flood Protection and Mitigation Plan

If the proposed oil and gas facilities or oil and gas operations are within a floodplain, an independent engineer's plan that describes how flood protection measures and flood response actions, such as remote shut-in procedures and anchoring, will be implemented.

(14) Waste

(A) Projected Waste

An independent expert's assessment projecting the types and amounts of waste (including construction waste, drilling mud, fracking fluids, exploration and production waste) that will be generated by the oil and gas facilities or oil and gas operations throughout their lifetimes, until final reclamation obligations are completed to the city's satisfaction. The assessment will include a description of any sources of technically enhanced naturally occurring radioactive material used in or generated by the oil and gas operations and oil and gas facilities.

(B) Waste Management Plan

Plan for disposal of all waste generated by the oil and gas facilities or oil and gas operations, including use of truck or pipeline transport with details of anticipated truck trips (routes, number of trips, timing of trips). The plan will identify whether waste materials will be stored on site and, if so, how such storage will avoid adverse impacts to the oil and gas facility parcel(s), surrounding lands, water, natural resources, wildlife, air quality, and public health, safety, and welfare. The plan must specify whether on-site storage of drilling mud is contemplated and, if so, how the applicant will eliminate odors leaving the site.

(15) Existing Mines Risk Study

An independent engineer's study and assessment of the degree and type of risks posed by interaction of the proposed oil and gas facilities or oil and gas operations with existing or former mining operations, such as subsurface features resulting from other mineral mining activities within one (1) mile of the proposed oil and gas facilities or oil and gas operations and within one (1) mile of either side of the full length of each proposed wellbore.

26-10-12 Special Use Review Standards

The city council will determine whether the proposed oil and gas facilities or oil and gas operations, individually and in light of cumulative impacts, complies with these special use review standards. The city council will deny the application if the proposed oil and gas facilities or oil and gas operations cannot be conducted in a manner that protects public health, safety, and welfare, the environment and wildlife. The city council, considering the advice of the director, has determined the following standards to be generally applicable based on the nature and extent of oil and gas development. The applicant bears the burden of proving that the proposed oil and gas facilities and oil and gas operations will meet the standards. When two (2) or more of the standards listed below conflict, the city council, based upon advice of the director, will evaluate the applicability and importance of each of the conflicting standards under the facts of the specific application and make a reasonable attempt to balance the conflicting standards in reaching a decision. The following criteria shall be applied and met in the case of an oil and gas operations or oil and gas facilities special use application:

(a) The applicant has complied with all requirements of section 26-22.1-10 (review procedures for new oil and gas facilities and operations) and 26-22.1-11 (special use review—application requirements), together with applicable ordinances, resolutions, regulations or statutes and will either avoid adverse impacts to public health, safety, and welfare, the environment, and wildlife resources altogether or, through imposition of conditions of approval, sufficiently minimize, and mitigate adverse impacts.

(b) Approval of the application will not violate the provisions of the Code of Ordinances.

(c) The oil and gas well site or production site can be adequately served by necessary utility and public safety services.

(d) Applicant's other oil and gas operations or oil and gas facilities located within the city are in compliance with all applicable provisions of section 26-22.1, or those regulations in existence at the time the oil and gas operation was permitted or approved, and all other applicable ordinances, resolutions, regulations or statutes. Approval of the special use application shall not constitute a waiver by the city of its right to institute proceedings against the applicant as

provided by section 26-22.1-16 (city inspections, enforcement) of this chapter or to exercise any remedy the city may have.

(e) Air Quality

Oil and gas facilities and oil and gas operations will avoid or sufficiently minimize and mitigate adverse impacts to air quality.

(1) Compliance with National Ambient Air Quality Standards

Oil and gas facilities and oil and gas operations will not compromise the attainment of ozone standards for the Denver Metro/North Front Range ozone nonattainment area as established by the U.S. Environmental Protection Agency ("EPA"). Oil and gas facilities and oil and gas operations will not contribute particulate matter to the air in a manner that fails to protect public health.

(2) Methane

Oil and gas facilities and oil and gas operations will avoid or sufficiently minimize and mitigate emissions or release of methane.

(3) Health-based Guidelines for Hazardous Air Pollutants

Emissions from oil and gas facilities or oil and gas operations will comply with the most protective health-based guidelines for hazardous air pollutants set by CDPHE, Centers for Disease Control and Prevention, EPA, or the California Air Resources Board.

(f) Water Use

Use of the proposed water from the proposed supply will avoid or sufficiently minimize and mitigate adverse impacts on water users, groundwater users, water delivery systems, agricultural lands and operations, recreation water body health, terrestrial and aquatic wildlife, and viability, plant communities, wetlands, and wildlife. No water used for well construction and stimulation shall be obtained from the city's municipal water supply system.

(g) Agricultural Land

Oil and gas facilities and oil and gas operations will avoid or sufficiently minimize and mitigate loss of and adverse impacts to: agricultural land, including farm or ranch lands and soils identified through the special use review process; agricultural operations, including crop and livestock production; irrigation systems and schedules; and improvements including fencing.

(h) Cultural and Historic Resources

Oil and gas facilities and oil and gas operations will avoid or sufficiently minimize and mitigate adverse impacts to or loss of cultural or historic or archaeological resources identified in the comprehensive plan or through the special use review process, resources eligible for city landmarking, and sites included in the National Historic Register.

(i) Emergency Prevention and Response

Oil and gas facilities and oil and gas operations will avoid or sufficiently minimize and mitigate risks of and appropriately prepare for emergency situations such as explosions, fires, gas, oil or water pipeline leaks or ruptures, hydrogen sulfide or other toxic gas or fluid emissions, and hazardous material vehicle accidents or spills. In the event of an emergency, adequate practices

and procedures must be in place to protect public health, safety, and welfare, the environment, and wildlife resources, and to repair damage caused by emergencies.

(j) Financial Fitness and Assurance

Oil and gas operations will avoid or sufficiently minimize and mitigate adverse impacts to public, health, safety, and welfare, the environment, and wildlife resource resulting from financial instability of the operator. Applicants must demonstrate sufficient financial stability to operate the proposed oil and gas operations for the lifetime of the oil and gas operations until final reclamation obligations are completed to the city's satisfaction. Applicants must provide forms of financial assurance sufficient to guarantee performance of all conditions of approval and obligations through the lifetime of the proposed oil and gas operations until final reclamation obligations are completed to the city's satisfaction, which may include environmental surety bonds.

(k) Floodplains and Floodways

Oil and gas facilities and oil and gas operations will avoid or sufficiently minimize and mitigate the risk of adverse impacts to public health, safety, and welfare, the environment, and wildlife resources from floods. Flood mapping may be identified in the adopted maps referenced in the Land Use Code or through the special use review process using the best available information. Above-ground oil and gas facilities or oil and gas operations are prohibited in floodways. Above-ground oil and gas facilities or oil and gas operations must be located outside a floodplain unless the applicant proves that no other sites can be reasonably used, or if reasonably necessary to avoid or sufficiently minimize and mitigate adverse impacts to public health, safety, and welfare, the environment, and wildlife resources.

(l) Drainage

Oil and gas facilities and oil and gas operations will avoid or sufficiently minimize and mitigate adverse impacts to historic drainage patterns and/or flow rates. The best available information should be used to evaluate these impacts, including the latest edition of the Mile High Flood District's Criteria Manual for storm drainage, the City of Lafayette Storm Drainage Criteria Manual and stormwater quality regulations, City of Lafayette engineering standards, hydrologic evaluations to determine peak flows, floodplain mapping studies, updated topographic data, Colorado Geologic Survey landslide, earth/debris flow data, and creek planning studies, as applicable.

(m) Dust

Oil and gas facilities and oil and gas operations will avoid or sufficiently minimize and mitigate impacts from dust. Operators must prevent dust from leaving their property. No produced water or other process fluids shall be used for dust suppression. Operators shall avoid creating dust or dust suppression activities within three hundred (300) feet of the ordinary high-water mark of any water body, unless the dust suppressant is water.

(n) Geologic and Natural Hazards

Oil and gas facilities and oil and gas operations will avoid or sufficiently minimize and mitigate risks from geologic or natural hazard areas as identified through the special use review process using the best available information. Oil and gas facilities and oil and gas operations will not be located in such areas, unless there is no way to avoid the hazard area, no other sites can be

reasonably used, or if reasonably necessary to avoid or sufficiently minimize and mitigate adverse impacts to public health, safety, and welfare, the environment, and wildlife resources.

(o) Land Disturbance

Oil and gas facilities and oil and gas operations must avoid or sufficiently minimize and mitigate adverse impacts to the surface lands under and immediately surrounding all oil and gas operations and oil and gas facilities. Considerations in applying this standard include, but are not limited to, alteration of the natural topography and existing vegetation, the scope of the proposed oil and gas facilities or oil and gas operations, the amount of cut and fill, and run-off and erosion potential, and soil stability.

(p) Lighting

Oil and gas facilities and oil and gas operations will avoid or sufficiently minimize and mitigate adverse impacts associated with lighting on public health, safety, and welfare, the environment, and wildlife resources. Lighting associated with oil and gas facilities or oil and gas operations will be designed to protect surrounding properties, roadways, livestock, and wildlife from light pollution and glare. Lighting will be directed downward and inward and use fully shielding bulbs to prevent light emissions above a horizontal plane drawn from the bottom of the fixture.

(q) Water Bodies; Riparian Areas; Wetlands

Oil and gas facilities or oil and gas operations will avoid or sufficiently minimize and mitigate adverse impacts to all surface water bodies including, but not limited to, irrigation ditches and reservoirs in the County's Ditch and Reservoir Directory and the St. Vrain and Left Hand Water Conservation District Ditch and Reservoir Directory, as well as wetlands or aquatic habitat, riparian areas, and riparian corridors mapped or identified through the special use review process using the best available information.

(r) Natural Resources

Oil and gas facilities and oil and gas operations will avoid or sufficiently minimize and mitigate adverse impacts to significant natural ecosystems or environmental features, significant natural communities, rare plant areas, high biodiversity areas, natural landmarks, and natural areas, as identified in the City of Lafayette Comprehensive Plan, other sources, or through the special use review process using the best available information.

(s) Noise

(1) Oil and gas operations will avoid or sufficiently minimize and mitigate adverse impacts to public health, safety, and welfare, the environment, and wildlife resources from noise. No oil and gas operations will create noise that unreasonably exceeds the existing ambient noise levels. Specific noise limitations will be assessed and imposed for each proposed oil and gas facility or oil and gas operation. Maximum noise levels will be lower during nighttime hours than during the day.

(2) In no instance may an oil and gas operation produce dBA noise exceeding limits set by the COGCC.

(3) In no instance may an oil and gas operation produce noise exceeding 60 dBC.

(t) Odor

Oil and gas facilities and oil and gas operations will avoid or sufficiently minimize and mitigate adverse impacts on public health, safety, and welfare, the environment, and wildlife resources from odor. No odor from the proposed oil and gas facility or oil and gas operations shall be detectable after dilution with two (2) or more volumes of odor free air as measured at the property line of the oil and gas location.

(u) Electrification

Oil and gas facilities and oil and gas operations will avoid or sufficiently minimize and mitigate adverse impacts from the use of generators and fossil fuel combustion. Operations will be electrified to the highest degree possible. Renewable energy sources will be required unless the applicant proves that they are not feasible in which case off-site renewable offsets may be substituted.

(v) Pipelines

All pipelines, gathering lines and fresh water pipelines will be routed and constructed to avoid or sufficiently minimize and mitigate adverse impacts to infrastructure and natural resources and to public health, safety, and welfare, the environment, and wildlife resources, without compromising integrity and safety; any such lines constructed in city-owned right-of-way will also follow the procedures for and requirements of a utility construction permit from the public works department. Pipelines, gathering lines and fresh water pipelines crossing streams, ditches, or other water bodies must be bored underneath the water body, consistent with latest edition of the Mile High Flood District's Criteria Manual for storm drainage, the City of Lafayette Storm Drainage Criteria Manual and stormwater quality regulations, and City of Lafayette engineering standards.

(w) Recreational Activity, Trails, Bikeways

Oil and gas facilities and oil and gas operations will avoid or sufficiently minimize and mitigate adverse impacts to the quality and quantity of both active and passive recreational activities, trails, and bikeways maintained by the city or that are mapped or identified through the special use review process using the best available information.

(x) Revegetation, Reclamation, and Weed Control

Oil and gas facilities and oil and gas operations will avoid or sufficiently minimize and mitigate adverse impacts to affected lands resulting from land disturbance, vegetation clearing and weed incursion. The operator must fully reclaim all areas of disturbance and revegetate if necessary. Vegetation must be fully established pursuant to approved revegetation and reclamation plans. No species on list A, B, or C in the State of Colorado's Noxious Weed Management Plan may be used.

(y) Safety

Oil and gas facilities must be operated, and oil and gas operations must be conducted, in a manner that avoids or sufficiently minimizes and mitigates risks of personal injury and property damage.

(z) Scenic Attributes And Neighborhood Character

Oil and gas facilities and oil and gas operations will avoid or sufficiently minimize and mitigate adverse impacts to the scenic attributes and neighborhood character of the surrounding area. Temporary structures, such as sound walls, or buildings constructed to mitigate impacts of oil and gas development may be approved at heights greater than the maximum building heights for each zoning district.

(aa)Setbacks, location, and Surrounding Land Uses

(1) Oil and gas facilities and oil and gas operations will be located to avoid or sufficiently minimize and mitigate adverse impacts to surrounding land uses and protect public health, safety, and welfare, the environment, and wildlife resources.

(2) Oil and gas facilities are prohibited in certain zoning districts as set forth in chapter 26 development and zoning, Table 26-A permitted uses.

(3) Where allowed, single well oil and gas facilities must be located two thousand (2,000) feet from: the property line of an existing dwelling and related residential uses; the property line of a school or licensed child care center; the property line of jails, athletic fields, auditoriums, amphitheaters, hospitals, undeveloped residential lots, event centers, recreational facilities, nursing homes and life care institutions, public parks; public trails and trailheads owned and maintained by the city; and the property line of workplaces located in the AG, C1, and M1 zoning districts.

(4) Multi-well facilities must be located two thousand five hundred (2,500) feet from: the property line of an existing dwelling and related residential uses; the property line of a school or licensed child care center; the property line of jails, athletic fields, auditoriums, amphitheaters, hospitals, undeveloped residential lots, event centers, recreational facilities, nursing homes and life care institutions, public parks; public trails and trailheads owned and maintained by the city; and the property line of workplaces located in the AG, C1, and M1 zoning districts.

(bb)Soil

Oil and gas facilities and oil and gas operations will avoid or sufficiently minimize and mitigate adverse impacts to baseline soil conditions.

(cc) Transportation, Roads, and Access

Oil and gas facilities and oil and gas operations must be designed and implemented to avoid or sufficiently minimize and mitigate adverse impacts to public health, safety, and welfare, the environment, wildlife resources, and the city transportation system while supporting a multimodal transportation system, avoiding traffic hazards and minimizing use of city-owned gravel roads.

(dd)Vibration

Oil and gas facilities and oil and gas operations must avoid or sufficiently minimize and mitigate adverse impacts to the public health, safety, and welfare, the environment, and wildlife resources from vibrations. Oil and gas facilities and oil and gas operations must not create vibrations significant enough or long enough in duration to cause adverse impacts to public health, safety, and welfare, the environment, wildlife resources, or quality of life of surrounding residents and occupants, or damage to existing structures.

(ee) Waste

Oil and gas operations and oil and gas facilities will avoid or sufficiently minimize and mitigate adverse impacts to public health, safety, and welfare, the environment, and wildlife resources from waste materials. All waste generated by oil and gas facilities and oil and gas operations will be stored, transported and disposed of safely. Injection wells and disposal wells are prohibited.

(ff) Water Quality

Oil and gas facilities and oil and gas operations must avoid or sufficiently minimize and mitigate adverse impacts to the availability and quality of surface water bodies and groundwater within the city.

(gg) Worker Training

Oil and gas facilities and oil and gas operations will be operated in a manner that avoids or sufficiently minimizes and mitigates adverse impacts to public health, safety, and welfare, the environment, and wildlife resources that could be caused by human error or negligence. All workers, including contractors, at oil and gas facilities and involved with oil and gas operations shall have any applicable nationally recognized certifications and training for the work they are performing. This includes, but is not limited to, hazard communications training, hazardous waste operations certifications, heavy equipment operator training, occupational safety and health training, etc.

(hh) Stormwater Quality Control

All stormwater runoff occurring at an oil and gas facility must be controlled to avoid or sufficiently minimize and mitigate adverse impacts to surrounding natural resources, including wetlands and water bodies.

(ii) Wildlife Resources

Oil and gas facilities and oil and gas operations will avoid or sufficiently minimize and mitigate adverse impacts to wildlife and critical wildlife habitat, including species listed in the Boulder County Wildlife Species of Concern listing; Tier 1 and Tier 2 species as identified by Colorado Parks and Wildlife; and federally-designated threatened or endangered species, as mapped by those agencies, or identified on the site.

26-10-13 Standard Operating Requirements

After special use review, the city council will deny the application if the proposed oil and gas facilities or oil and gas operations cannot be conducted in a manner that protects public health, safety, and welfare, the environment, and wildlife resources. If the application can be approved, it will be subject to standard operating requirements that ensure compliance with the standards listed in section 26-22.1-12 (special use review standards) and the protection of public health, safety, and welfare, and the environment, and wildlife resources. Standard operating requirements may include but are not limited to the following:

(a) Location

(1) Adjustments to the locations of any or all proposed oil and gas facilities or oil and gas operations, which may include but not be limited to consolidating, distributing, or re-locating facilities;

(2) Sharing of existing infrastructure by multiple oil and gas facilities or oil and gas operations, minimizing the installation of new facilities and avoiding additional disturbance to the environment, landowners and natural resources; or

(3) Modification of proposed travel routes for some or all phases of the oil and gas operation.

(b) Scope

Adjustments to the size and density of facilities that may include but not be limited to:

(1) Reductions or limitations on the number of total wells;

(2) Reductions or limitations on the number of wells per pad; or

(3) Changes to the dimensions of the proposed facilities.

(c) Timing and Phasing

(1) Separating the overall project into phases over a period of time;

(2) Establishing the timeline for commencement and duration of all or some phases of oil and gas operations;

(3) Establishing the times in which all or some phases of oil and gas operations are conducted with respect to weather, agricultural activities, wildlife needs and other seasonal concerns; or

(4) Limitations on times of day and night in which operations are conducted.

(d) Air Quality

To protect air quality and public health, emissions control measures may be required, including, but not limited to, one (1) or more of the following:

(1) Compliance with the current, most protective air quality regulations and health-based standards, which may include regulations and standards set by the EPA, CDPHE, COGCC, Centers for Disease Control, or other relevant authorities.

(2) Baseline and continuous monitoring during all phases from pre-production through the end of production, which may monitor air quality and meteorological conditions at the oil and gas facilities or oil and gas operations, nearby properties, and other areas of concern. Monitoring system must be capable of immediately alerting operator of increases in monitored air pollutant concentrations.

(3) A leak detection and repair program that may include:

(A) Use of best available technology leak detection, such as infra-red cameras and hydrocarbon analyzers;

(B) Regular on-site inspections at a frequency determined by the director;

(C) Immediate leak repair;

(D) Reporting of monitoring and inspection results to the director, who may make such reports available to the public;

(E) Operator maintenance of all images and data obtained from leak detection devices for ten (10) years, to be made available to the director upon request; and

(F) Immediate reporting of all leaks detected to the director;

(4) Completion of wells using reduced emissions completion practices.

(5) Closed loop pitless systems for containment and/or recycling of all drilling, completion, flowback and produced fluids.

(6) Routine flaring is prohibited. In the event of an emergency, operators may be required to shut-in the well if the emergency lasts greater than twenty-four (24) hours; routine maintenance does not constitute an emergency.

(A) Routine flaring is the flaring of natural gas during the normal course of oil and gas production for reasons other than safety and emergencies and other conditions outside of the control of the operator.

(B) For any permitted flaring, manufacture test or other data demonstrating hydrocarbon destruction or control efficiency that complies with a design destruction efficiency of ninety-eight (98) percent or better. Use of an auto igniter is required. Proof that any flare, auto ignition system, recorder, vapor recovery device or other equipment used to meet the hydrocarbon destruction or control efficiency requirement is installed, calibrated, operated, and maintained in accordance with the manufacturer's recommendations, instructions, and operating manuals. Electronic surveillance monitors to detect when pilot lights on control devices are extinguished

(7) Venting is prohibited during all phases unless approved by the director or required in situations where there is an immediate threat to public health, safety, and welfare, the environment, and wildlife.

(8) Zero-emission desiccant dehydrators or ninety-eight (98) percent control of hydrocarbon emissions from glycol dehydrators.

(9) Operator participation in Natural Gas STAR or other voluntary programs to encourage innovation in pollution control.

(10) Emission reduction measures in immediate response to posting of air quality action day advisories by CDPHE for the city area, including minimizing vehicle and engine idling, reducing truck and employee traffic, delaying vehicle refueling, suspending or delaying use of gas-powered ancillary equipment, postponing well maintenance and storage tank hydrocarbon liquid loadout, postponing construction and maintenance activities.

(11) Consolidation and centralization of product treatment and storage equipment and compression equipment.

(12) Use of a pressure-suitable separator and vapor recovery unit.

(13) Hydrocarbon control of ninety-eight (98) percent or better for crude oil, condensate, and produced water tanks.

(14) Require dry seals on centrifugal compressors.

(15) Routing of emissions from rod-packing and other components on reciprocating compressors to vapor collection systems.

(16) Control emissions by ninety-eight (98) percent during storage tank hydrocarbon liquids loadout (i.e., loading out liquids from storage tanks to trucks).

(17) Use best management practices during liquids unloading activities, including the installation of artificial lift, automated plunger lifts or other forms of artificial lift, or a control device capable of destroying hydrocarbons by ninety-eight (98) percent or better.

(18) Ninety-eight (98) percent reduction of emissions from flowline maintenance activities such as pigging, including routing emissions to a vapor collection system.

(19) Shut down protocols, approved by the city, with notification and inspection provisions to ensure safe shut-down and timely notification to local communities.

(e) Operations

(1) Requirement for use of pipelines to transport all gas and fluid materials, including oil, natural gas, fresh water, produced water, and waste products, to and from the oil and gas facilities or oil and gas operations.

(2) Delay of well completions until pipeline transport is in place for all hydrocarbon products and produced water or wastewater.

(3) Limitations on the use of on-site storage tanks.

(4) Restrictions on field maintenance of vehicles involving hazardous materials.

(5) Requirement that vehicles are only refueled on impervious surfaces and never during storm events.

(f) Water Supply

(1) Conditions necessary to avoid, minimize, and mitigate the impacts of the proposed water use, including recycling; and

(2) Any necessary water agreements must be secured prior to any oil and gas operations commencing.

(g) Waste

Compliance with the city-approved waste management plan, including routine testing of all applicable waste for technically enhanced naturally occurring radioactive material.

(h) Water Quality and Stormwater Quality Control

On-going water quality monitoring and use of protective measures such as those listed in this section:

(1) Follow-up and on-going testing of all water sources and water wells within one (1) mile of the parcel or parcels on which the oil and gas facilities or oil and gas operations are proposed to be located and within one-half (½) mile of either side of the full length of each proposed wellbore. Sampling requirements may include:

(A) Testing for the analytes listed in Table 1.

(B) Post-completions and periodic on-going monitoring samples collected from one (1) up-gradient and one (1) down-gradient source and tested pursuant to the following time frame:

(I) One (1) sample within six (6) months after completion;

(II) One (1) sample between twelve (12) and eighteen (18) months after completion; and

(III) One (1) sample between sixty (60) and seventy-two (72) months after completion.

(IV) For multi-well pads, monitoring will occur annually during active drilling and completion and on the subsequent dates listed in this section.

(V) If the operator is unable to locate and obtain permission from the surface owner of a water source to be tested, the operator must advise the director that the applicant could not obtain access to the water source from the surface owner.

(C) In any case, the director may require the applicant to drill a water monitoring well on the well pad to ensure that groundwater samples are collected from the aquifer(s) through which the well will penetrate.

(D) All sampling shall be performed by the applicant according to the specified methods in 40 C.F.R. Part 136, including sample containers, preservation methods, and holding time limits.

(E) The location of each tested water source will be noted using a GPS with sub-meter resolution.

(F) Reporting on damaged or unsanitary water well conditions, adjacent potential pollution sources, odor, water color, sediment, bubbles, and effervescence.

(G) The operator will submit a monitoring report to the director within ten (10) days after the operator's receipt of the report, but no later than three (3) months of collecting the samples, including reporting on damaged or unsanitary water well conditions; existing, adjacent potential pollution sources; water odor; water color; presence of sediment; bubbles and effervescence; and the existence and amount of any Table 1 analytes found. Copies of the report will be provided to the COGCC and the water source owners within ten (10) days after the operator's receipt of the report.

(H) If sampling shows water contamination, additional measures may be required including the following:

(I) If free gas or a dissolved methane concentration level greater than one (1) milligram per liter (mg/l) is detected in a water source, determination of the gas type using gas compositional analysis and stable isotope analysis of the methane (carbon and hydrogen);

(II) If the test results indicate thermogenic or a mixture of thermogenic and biogenic gas, an action plan to determine the source of the gas;

(III) Immediate notification to the director, the COGCC, Boulder County Public Health, and the owner of the water source if the methane concentration increases by more than five (5) mg/l between sampling periods, or is detected at or above ten (10) mg/l;

(IV) Immediate notification to the director, the COGCC, Boulder County Public Health, and the owner of the water source if BTEX and/or TPH are detected as a result of testing. Such detections may result in required subsequent sampling for additional analytes; or

(V) Further water source sampling in response to complaints from water source owners.

(I) Timely production and distribution of test results, well location, and analytical data in electronic deliverable format to the director, the COGCC, Boulder County Public Health, and the water source owners.

(2) The city may limit or prohibit toxic chemicals in hydraulic fracturing fluids.

(3) No produced water or other wastewater may be sprayed or otherwise dispersed on any lands or waters within the city.

(4) Compliance with the Mile High Flood District's Criteria Manual for storm drainage, the City of Lafayette's stormwater quality regulations, City of Lafayette engineering standards, and all water quality or stormwater quality permits from the city and other agencies.

(5) Confirmation from CDPHE that the oil and gas facilities and oil and gas operations are covered under the Colorado Discharge Permit System (CDPS) general permit for Stormwater Discharges Associated with Construction Activities (state stormwater discharge permit), when applicable.

(6) Flowback and produced water reporting including:

(A) A complete characterization of the operator's flowback and produced water streams, including chemical analyses, radioactivity analyses, total dissolved solid concentrations and rate of flowback and production fluid at each well;

(B) Amount of flowback and production fluid generated by each well that is recycled or reused for oil and gas operations; and

(C) An accounting of all flowback and produced water from the well to final disposal, including all temporary holding facilities.

(i) Containment

Secondary or tertiary containment for any spill, leak, or release from oil and gas facilities and oil and gas operations may be required.

(j) Site Management

(1) Trash

Prohibition on burning of trash in association with an oil and gas operation per C.R.S. § 25-7-128(5).

(2) Removal of Non-Permanent Equipment

Time limits for non-permanent equipment remaining on site.

(3) Access Roads

Conditions to prevent run-off, erosion and other negative impacts to access roads and abutting lands.

(4) On-site Inspector

Inspection, at operator's expense, to monitor adherence to all provisions of this section and conditions of permits and approvals.

(k) Weed Control

Oil and gas facilities must be kept free of weeds and must comply with the approved weed control plan, the city's noxious weed ordinance and the state's weed nuisance requirements. The approved weed control plan should identify what state listed noxious weeds are known to be on the property, their location, and the proposed method of weed control.

(l) Drought-Tolerant Landscaping

All landscaping for screening and, reclamation, or other purposes will include drought tolerant species that are native and suitable for the climate and soil conditions of the area.

(m) Soils

Post-completion analysis and on-going monitoring for soil contamination. Pre-reclamation analysis of soil profiles.

(n) Compliance with Emergency Response Plan

Following special use review, adherence to a city-approved emergency response plan is an on-going condition of approval.

(o) Site Security

Oil and gas facilities must be kept secure from trespassers and risk of vandalism.

(p) Remote Monitoring And Control

Use of supervisory control and data acquisition or other remote monitoring of wells, including remote telemetry units, onsite control valves, onsite data acquisition devices, radio network/modems, and the ability to trigger an automatic shut-down of a facility.

(q) Seismicity

Operator shall conduct continuous seismic monitoring during fracking operations.

(1) Seismic events greater than two (2.0) on Richter scale shall be reported to LGD and to COGCC.

(2) If a seismic event occurs, the city may require cessation of operations immediately and operator can only resume work once the city is satisfied with the actions taken to reduce the likelihood of further seismicity.

(3) Operations shall be immediately suspended for any seismic event measuring four (4.0) or above on the Richter scale. Operator may only resume work once the city is satisfied with the actions taken to reduce the likelihood of further seismicity.

(r) Noise

(1) Compliance with section 26-22.1-12(19) (special use review standards—noise) is required at all oil and gas operations and oil and gas facilities. Based on results of ambient noise testing and other site-specific conditions, noise limits and necessary conditions will be assessed on a case-by-case basis.

(2) Continuous noise monitoring of any oil and gas facilities and oil and gas operations meeting the most recent version of the American National Standard Institute's Specification for Sound Level Meters.

(3) Use of sound walls and other physical barriers to prevent noise leaving the site.

(4) Electrification from on-site renewable energy sources or through the purchase of an adequate share in a community facility within or contiguous to the City of Lafayette, at the discretion of the director.

(5) Use of quiet drilling and completion equipment, such as the quiet fleet design provided by liberty oilfield services.

(6) For well pads that are not electrically operated, use of quiet design mufflers (also referred to as hospital grade or dual dissipative) or equivalent.

(7) Use of electric drill rigs.

(8) Tier 4 or better diesel engines, diesel and natural gas co-fired Tier 2 or Tier 3 engines, natural gas fired spark ignition engines, or electric line power for hydraulic fracturing pumps.

(9) The use of liquefied natural gas dual fuel hydraulic fracturing pumps.

(10) Use of acoustically insulated housing or covers to enclose motors or engines.

(11) No pipe unloading or workover operations will occur between 7:00 p.m. and the following 7:00 a.m.

(s) Odor

(1) Compliance with section 26-22.1-12(20) (special use review standards—odor); on-going monitoring for compliance.

(2) Director may require operator to collect and analyze a speciated air sample to measure for VOCs or HAPs in response to an odor-related complaint. Speciated air sample collection shall be done utilizing a third-party vendor approved by the city.

(3) Odor reduction requirements may include:

(A) Using minimum low odor synthetic based Group IV or better drilling fluid. This could include non-diesel-based drilling muds including drilling muds that are low odor and do not contain benzene, toluene, ethylbenzene or xylene (BTEX);

(B) Adding odorants that are not a masking agent;

(C) Additional or enhanced measures during peak odor-producing phases or times such as increasing additive concentration;

(D) Wipe down drill pipe each time drilling operation "trips" out;

(E) Adding chillers to the mud systems;

(F) Using filtration systems or additives to minimize odors from drilling and fracturing fluids except that the applicant shall not mask odors;

(G) Enclosing shale shakers to contain fumes from exposed mud where safe and feasible;

(H) Prohibition on exposed drilling mud;

(I) Limitation or prohibition on use of diesel generators; or

(J) Ensure drill cuttings are covered during transport.

(t) Lighting

Limitations on the location and specifications on type of lighting based on the location, nature and size of the facility including:

(1) Use of timers or motion sensing lighting;

(2) Use of full cut-off lighting;

(3) Use of reduced light intensity colors and low-glare or no-glare lighting;

(4) Other than drilling rig lights, installation of facility lighting beneath the noise barrier, if the facility has a noise barrier.

(u) Visual Impacts

Conditions to reduce adverse visual impacts such as specifications on facility color, screening measures such as berming, visual barriers, and landscaping.

(v) Dust

Particulate control measures, including proof of compliance with state-required dust control measures and imposition of an opacity requirement as tested using EPA Method 9. Limitations on or requirements for activities to control dust; storage requirements for sand, silica and similar materials to prevent fugitive particulates including on or more of the following:

(1) Ceasing all earthwork activities when wind speeds equal or exceed thirty (30) MPH at any time measured by onsite anemometer;

(2) The use of reduced speed restrictions.

(w) Traffic

Conditions necessary to ensure public safety for all modes of travel, including but not limited to adjustment of travel routes during some or all phases of development.

(x) City Transportation Infrastructure

(1) Maintenance practices to protect transportation infrastructure.

(2) Required improvements to existing transportation system infrastructure to support the proposed oil and gas facilities or oil and gas operations, as designed and performed by the city at applicant's cost.

(3) If applicant disputes the city's statement of necessary transportation infrastructure improvements or the costs, thereof, applicant may engage a licensed civil engineer to perform an independent study and provide the results thereof to the city for its consideration, at applicant's cost.

(4) Standards and specifications for construction and maintenance of access roads required for the proposed oil and gas facilities or oil and gas operations.

(5) Measures to protect existing transportation infrastructure, including but not limited to: execution by operator of a road damage remediation and reimbursement agreement including, but not limited to, provision of adequate financial assurances or bonding, in a form acceptable to the city administrator; weight restrictions; oversize vehicle or equipment permits; prevention of mud and sediment tracking; and prohibition on the use of tire chains.

(y) Pipelines or Gathering Lines Conditions

(1) Requirements for pipelines or gathering lines to be in place or imminently available prior to completion of any new well.

(2) Specific setbacks from features of concern.

(3) Conditions on depth of cover and clearance distances from subsurface features or improvements for pipelines.

(4) Conditions for protection of trenches during construction.

(5) Construction conditions related to protection of streams, rivers, irrigation ditches and wetlands.

(6) As-built reporting, including the location (with GPS coordinates), materials and operating pressures of all flowlines, pipelines, gathering lines, and fresh water pipelines and depicting the locations of other subsurface features or improvements crossed by such lines.

(7) Leak detection system for pipelines.

(8) Inspection protocol, in addition to city inspections, for pipelines.

(9) A risk-based engineering study by an independent engineer retained by the applicant and subject to approval by the city prior to placement and construction of proposed pipelines.

(10) Without compromising pipeline integrity and safety, applicant may be required to share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize impact.

(z) Flood Protection

Compliance with a city-approved flood mitigation plan; any additional conditions necessary to avoid, minimize, and mitigate risks of adverse impacts from oil and gas facilities or oil and gas operations.

(aa) Financial Assurances

(1) Financial assurances such as performance bonds, irrevocable letters of credit, irrevocable trusts, or other financial guarantees in a form satisfactory to the city. These may include environmental surety bonds.

(2) Additional assurances may be required if circumstances during the lifetime of the oil and gas operations through the time final reclamation is completed to the city's satisfaction, require.

(3) Copies of all financial assurance and insurance renewals promptly supplied to the department.

(4) Upon transfer, financial assurances will only be returned or cancelled once they are replaced by equivalent financial assurances secured by the new owner/operator.

(bb) Re-assessment of Conditions

All conditions of approval may specify that the city may re-assess their effectiveness in meeting the standards of this section after commencement of oil and gas operations.

26-10-14 Judicial Review

A final decision by the city council on any matters in this section 26-22.1 is subject to judicial review in a court of competent jurisdiction under C.R.C.P. 106(a)(4).

26-10-15 Procedures Following Approval of a Special Use Review Application; Amendment, Modification, Maintenance, and Repair of Approved Special Uses and Pre-Existing Facilities and Operations

(a) Right to Enter

Each approved special use review will contain the following statement: "Applicant consents to allow the City the right of inspection of this approved oil and gas facility and oil and gas operation provided the City contacts the operator with 4 hours prior notice of such inspection."

(b) Effect of the Approved Special Use Review

After approval of a special use review application by the city council and subject to compliance with any applicable conditions of approval, the department will issue a permit for the proposed oil and gas operation or oil and gas facility.

(1) Following receipt of the permit, the applicant must obtain any necessary building, grading, access, stormwater control, floodplain, or other city permits and, following the receipt of these additional permits and all necessary permits and permissions from other agencies or

persons, is authorized to otherwise proceed with the proposed oil and gas operation or oil and gas facility.

(2) The approval of the special use review application under this section 26-22.1 does not result in the vesting of development rights, nor does it authorize the violation of any city or state regulations or preclude the city from refusing to issue any other permit or authorization if the plans and specifications do not comply with applicable city regulations.

(c) Duration of the approved Special Use Review

(1) Application Approval Effective for Two Years

An approved special use review application will remain effective for a period of two (2) calendar years following the date of the city council's approval, unless otherwise extended by the director.

(2) Expiration of Approval to Operate After 10 Years

Unless renewed in a subsequent special use review approval, all special use review approvals for oil and gas operations and oil and gas facilities under this section 26-22.1 will expire ten (10) years after their effective date and oil and gas operations must cease and final reclamation commence.

(d) Amendments and Modifications

Prior to changing or modifying a special use approved under this section 26-22.1, and prior to changing or modifying any existing oil and gas facility or oil and gas operation, an operator must submit a written request for an amendment to the director. The written request must include information sufficient for the director to determine whether the proposed change or modification is a minor variation or a substantial modification as set forth below, and any information the director deems reasonably necessary or relevant to making such determination.

(1) Minor Variations

Modifications meeting the standard of a minor variation in section 26-16-10(a) may be authorized by the director in accordance with section 26-16-10(a).

(2) Substantial Modifications

Modifications to a special use approved under this section 26-22.1 or to an existing oil and gas facility or oil and gas operation that the director determines are not minor variations meeting the standard in section 26-16-10(a) shall be deemed substantial modifications and shall be permitted by following the same application requirements and review procedures that are required for approval of the original special use review application pursuant to section 26-22.1-10 (special use review—review procedure for new oil and gas facilities and operations). In addition, the following will be considered substantial modifications:

(A) The addition of a new well or wells on an existing pad, unless such well(s) were approved as part of a special use approved under this section 26-22.1;

(B) Changes that significantly alter the nature, character, or extent of the land use impacts of an approved special use or existing oil and gas operation or oil and gas facility, or changes that will result in an increase in harmful emissions or adverse impacts on public health, safety, and welfare, the environment, or wildlife, including as a result of

cumulative impacts from the proposed modification in combination with existing land uses; and

(C) Refracking of an existing well.

(3) Mitigation of Impacts

At the director's discretion, the director may authorize a modification that otherwise could be considered substantial if the modification results in a net decrease in hydrocarbon emissions or other net mitigation of existing or potential environmental impacts.

(4) Appeal

Should the applicant dispute the director's determination that a proposed modification to an existing oil and gas operation or oil and gas facility is a substantial modification, the applicant may appeal the director's determination to the city council within thirty (30) days of the director's decision. The appeal hearing shall be held at a public meeting of the city council within sixty (60) days after the city's receipt of the appeal, and written notice will be provided to the applicant at least ten (10) days prior to the hearing date. The applicant and the director shall be entitled to present argument at the appeal hearing. Using the standards and criteria in this section, section 26-16-10(a), and section 26-22.1 generally, and based upon the operator's application, the director's decision, and the arguments presented at the hearing, the city council may affirm or reverse the director's decision or, alternatively, the city council may remand the application to the director with instructions. The city will not process the application during any appeal.

(e) Maintenance and Repair

If an operator anticipates undertaking routine maintenance or making a repair to any existing or new oil and gas facilities, the operator must provide written notice to the director as soon in advance of the maintenance or repair as practicable. For emergency repairs necessary to curtail or prevent threat of property damage or personal injury, if possible, the operator must provide notice to the director within twenty-four (24) hours before commencement of the repair and otherwise as soon thereafter as possible. The notice must include a detailed description of the maintenance or repair. In response to the notice, the director may approve the repair or maintenance, conditionally approve the repair or maintenance, or require that the operator submit a written request for an amendment under subsection (d) of this section. The director may maintain a list of routine maintenance activities that an operator may undertake without city review or approval.

(f) Survival

(1) All conditions of approval for oil and gas operations and oil and gas facilities under this section 26-22.1 will survive until the director provides notice of satisfactory completion of final reclamation of the oil and gas facilities and oil and gas operations, including plugged and abandoned wells and related pipelines.

(2) All conditions of approval for oil and gas operations and oil and gas facilities will survive a change of ownership and apply to the operator's successors, including the requirements of operator registration and financial assurances.

(g) Representations of Record

Any approved special use review application is subject to all commitments of record, including verbal representations made by the applicant at any public hearing and written commitments in the application file and, without limitation, must encompass compliance with all approved mitigation plans.

26-10-16 City Inspections; Enforcement

To monitor compliance with permit conditions or if the city determines at any time that there is a violation of the provisions of this section 26-22.1, including but not limited to sections 26-22.1-5 (operator registration and renewal), 26-22.1-6 (pre-existing facilities and operations), 26-22.1-7 (operator-conducted inspections), 26-22.1-8 (well, well site and pipeline abandonment, decommissioning, and reclamation), 26-22.1-9 (geophysical exploration for oil and gas), 26-22.1-12 (special use review standards) and 26-22.1-13 (standard operating requirements), 26-22.1-18 (general provisions), and 26-22.1-19 (insurance requirements), the director may commence one (1) or more of the following enforcement measures and remedies:

(a) Right to Enter

Any oil and gas facility may be inspected by the city, or the city's designee, at any time to ensure compliance with the requirements of city permits or the provisions of this section 26-22.1. Unless urgent circumstances exist, the city will use best efforts to ensure that four (4) hours prior notice is given to the operator's contact person at the telephone number on file. City inspections will be coordinated with the operator to ensure operator presence onsite to the extent possible and to ensure the site visit is conducted in accordance with all applicable operator safety requirements. Inspections in response to odor complaints will occur as soon as feasible upon receipt of the complaint.

(b) Records

Operators will make available to the city at its request all records or reports required by the CDPHE, the COGCC, the Colorado Public Utilities Commission, the Occupational Safety and Health Administration, and the Pipeline and Hazardous Materials Safety Administration.

(c) Violations

Violations of any condition of approval, any provisions of this section 26-22.1, including but not limited to sections 26-22.1-6 (pre-existing facilities and operations), 26-22.1-7 (operator-conducted inspections), 26-22.1-8 (well and well site and pipeline abandonment, decommissioning and reclamation), 26-22.1-9 (geophysical exploration for oil and gas), 26-22.1-12 (special use review standards), and 26-22.1-13 (standard operating requirements), will be subject to section 26-22.1-17 (fines and penalties).

(d) Suit to Enjoin COGCC Rule Violation

If the director discovers a violation or threatened violation of C.R.S. Title 34, Article 60 or any rule, regulation, or order made under that article, the director will notify the COGCC in writing. If the COGCC fails to bring suit to enjoin any actual or threatened violation, then the city attorney may file an action on behalf of the city council seeking injunctive relief.

(e) Falsification

If the director, in the course of administering any portion of this section 26-22.1, learns that the applicant, including any employee, officer, agent or representative of the applicant has made a false representation of or omitted material facts, the application may be rejected or summarily denied or, if the application has been approved, the approval may be revoked and the director may report such information to the district attorney for criminal prosecution.

(f) Other Penalties

In addition to or in lieu of civil fines, the city may exercise remedies for operator violations including the following:

(1) Increased operator or city inspection frequency at operator's expense;

(2) Mandatory equipment upgrades;

(3) A requirement to conduct an audit of the systems or equipment involved in the violation(s);

(4) A requirement for increased reporting to the city;

(5) A requirement that independent third parties must conduct the inspections required in section 26-22.1-7(b).

(6) Written order suspending the approval. As a result of either (i) emergency conditions, or (ii) three (3) or more fines imposed for serious violations within six (6) months, the director may issue a written order to the applicant (or the applicant's owner, operator, or agent) suspending the special use review approval. Upon receipt, the applicant must cease all activities and operations immediately until the violation is remedied or appeal the order suspending approval to the city council within fourteen (14) days.

(g) Other Enforcement Remedies

In addition to the foregoing enforcement measures, the city has the right to any and all other enforcement measures and remedies provided by law, including but not limited to seeking relief through the courts to enforce an approved special use review, or to stop or abate any oil and gas operations occurring or about to occur without the requisite special use, required permits, or other city approvals. Nothing in this section shall limit the remedies available to the city for a violation of any provision of section 26-22.1.

26-10-17 Fines and Penalties

(a) Fines for Violations

An operator who violates any condition of approval imposed for the oil and gas facility or oil and gas operation or any provision of sections 26-22.1-5 (operator registration and renewal); 26-22.1-6 (pre-existing facilities), 26-22.1-7 (operator-conducted inspections), 26-22.1-8 (well and well site, pipeline abandonment, decommissioning, and reclamation), 26-22.1-9 (geophysical exploration for oil and gas), 26-22.1-12 (special use review standards), and 26-22.1-13 (standard operating requirements) will be subject to a civil penalty assessed by the director.

(b) Process

(1) Identification of Violation

If the director has reasonable cause to believe that a violation has occurred, the director will issue a notice of violation to the operator. Each violation of an individual condition or Code provision will be considered a separate infraction. Each day that a violation remains will be considered a separate infraction. The contents of the notice of violation shall include:

(A) Provisions of section 26-22.1 or conditions imposed on a permit that are violated;

(B) Short and plain statement of the facts alleged to constitute each violation;

(C) A statement that the operator will be subject to fines as specified in this section; and

(D) A demand that the violation be remedied.

(2) Response

The operator will have the time specified by the director in the notice to respond to the notice of violation, unless an extension is requested in writing and granted by the director. The response must address each violation, including the cause of the violation and any corrective actions taken, and identify any other relevant facts.

(3) Assessment of Fine

(A) Based on the operator's response, if any is provided, and any other competent evidence, the director will determine if a violation has occurred and, if so, the appropriate penalty to assess. Any fine imposed after consideration of the response will be measured with respect to the first date of discovery of the violation or the date the violation first occurred and continues until the violation has been remedied to the satisfaction of the director.

(B) If the operator disputes the director's determination that a violation occurred or the amount of any fine assessed, an appeal as specified in this section 26-22.1-17(d) must be made within fourteen (14) days of the determination. Any requirement to remedy the violation will not be stayed during the appeal period.

(c) Penalty Calculation

The director has discretion to assess a civil penalty between three hundred dollars ($300.00) and two thousand six hundred fifty dollars ($2,650.00) per violation per day, depending on the nature and severity of the violation, statutory authority, and application of the additional factors listed in subsection (c) below.

(1) To evaluate the severity of the violation, the director will consider the following:

(A) Degree of threatened or actual impact to public health, safety, welfare, the environment or wildlife;

(B) Existence, size, and proximity of potentially impacted livestock, wildlife, fish, soil, crops, water, and all other environmental resources;

(C) Degree of threatened or actual damage to agricultural lands, public lands, private property, freshwater sources, public drinking water, natural resources, environmental features, or wildlife;

(D) The size of the leak, release, or spill;

(E) The violation resulted in a significant waste of oil and gas resources;

(F) Toxicity of leak or spill;

(G) Violation led to death or serious injury; and

(H) Duration of the violation.

(2) In addition to considering the severity of the violation, the director will consider the following:

(A) Whether the same or similar violations have occurred at the location;

(B) Whether other violations have occurred at the location in the previous twelve (12) months;

(C) The operator's history of violations of any applicable rules, of similar or different types, at the location or others;

(D) The timeliness and adequacy of the operator's corrective actions;

(E) The degree the violation was outside of the violator's reasonable control and responsibility;

(F) Whether the violator acted with gross negligence, or knowing and willful misconduct;

(G) Whether the violator self-reported; and

(H) Whether violator was cooperative with all agencies involved in working to mitigate the impacts of the violation.

(d) Appeal Hearing Before the City Council

If the applicant files a written appeal with the city council of the director's determination within ten (10) days of receipt of the determination that a violation occurred or the imposition of any fine or penalty or a written order suspending special use approval, the city council will schedule a hearing on the appeal, of which the applicant will receive at least ten (10) days prior notice. The city council, based on the evidence in the record, may reverse or affirm the director's determination whether a violation occurred. In addition, based on the evidence in the record, the city council may reverse, affirm, or adjust any remedy or penalty imposed by the director. The city council, in its discretion, may also give the applicant additional time to correct the violation(s), or may specify other means of correcting the violation(s) at the applicant's expense. The city council's determination is subject to judicial review as specified in section 26-22.1-14 (judicial review).

26-10-18 General Provisions

(a) Confidentiality

If an operator or person designates any portion of a document or submission to the city as "confidential" and if the city determines that the document meets the confidentiality provisions of the Colorado Open Records Act (C.R.S. §§ 24-72-201 et seq.), it may be exempt from disclosure to the public, provided that any page containing such information is clearly labeled with the words "Confidential Information."

(b) Consultant Review

The director may submit all or parts of the application for review and recommendation by consultants retained by the city with the necessary expertise to review technical or other aspects of the application. Among other consultant reviews, third-party consultant review may be required to evaluate the risks and impacts of the proposed seismic testing activity, oil and gas facility or oil and gas operations. The applicant will be notified if the director decides to

retain consultants, and the applicant will escrow funds sufficient to cover the anticipated cost of the consultants' review. The applicant will be responsible for the actual costs associated with this consultant review and will be refunded any excess escrowed funds.

(c) COGCC Approval

COGCC approval of any application does not constitute local approval, and compliance with all terms and conditions of this section is required prior to the commencement of any new oil and gas facility and oil and gas operations in the city. Wherever the Oil and Gas Conservation Act, C.R.S. §§ 34-60-101 et seq., requires local government approval prior to COGCC approval, special use review approval under this section 26-22.1 is required before applications are submitted to the COGCC.

(d) Variance

An operator may seek a variance from the setbacks specified in section 26-22.1.12(27) (special use review standards—setbacks). In considering whether to grant a variance, city council will consider whether the proposed oil and gas location and conditions of approval will provide substantially equivalent protections for public health, safety, welfare, the environment and wildlife resources as the setback specified in section 26-22.1.12(27) (special use review standards—setbacks).

(e) Certification and Reporting

The operator will submit to the director copies of all reports related to oil and gas operations and oil and gas facilities made to any agency at the local, state or federal level within thirty (30) days of their submission to the original recipient.

(f) Notice of Financial or Legal Status Change

Operators will provide notice to the city within ten (10) days of any significant change in status related to the operator's financial condition or legal status, including but not limited to insolvency, filing for bankruptcy protections, change of entity type, merger with or acquisition by another entity, and receipt of cease and desist or stop work orders issued by any applicable agency or entity.

(g) Fees

Each application, registration, renewal, permit, request, and inspection required to be submitted to the city under this section 26-22.1 shall be submitted with the fee established in an amount authorized in chapter 4 of this Code.

26-10-19 Insurance Requirements

The following certificates of insurance for insurance coverage are required for seismic testing operations and oil and gas facilities and oil and gas operations. Operators may provide proof of self-insurance or insurance provided by third parties to meet the requirements of this section.

(a) Commercial General Liability

This coverage must be provided on an Occurrence Form, ISO CG001 or equivalent, with minimum limits of one million dollars ($1,000,000.00) each occurrence, two million dollars ($2,000,000.00) general aggregate and two million dollars ($2,000,000.00) products completed operations aggregate. Operators of oil and gas facilities and oil and gas operations

must also endorse the policy to include additional insured owners, lessees or contractors endorsements CG 2038 (or equivalent), designated construction project(s) general aggregate endorsement CG2503 (or equivalent) and additional insured completed operations for owners, lessees or contractors CG 2037 (or equivalent). The city requires the products/completed operations coverage to be provided three (3) years after completion of construction. An endorsement must be included with the certificate.

(b) Automobile Liability

Bodily injury and property damage for any owned, hired, and non-owned vehicles used in the performance of the seismic testing contract or in the proposed oil and gas operations. Minimum limits one million dollars ($1,000,000.00) each accident.

(c) Workers' Compensation and Employer's Liability

Workers' compensation must be maintained with the statutory limits. Employer's liability insurance is required for minimum limits of one hundred thousand dollars ($100,000.00) each accident/five hundred thousand dollars ($500,000.00) disease-policy limit/one hundred thousand dollars ($100,000.00) disease-each employee.

(d) Umbrella/Excess Insurance

Umbrella/excess liability insurance in excess of general liability, employer's liability, and automobile liability with limits not less than twenty-five million dollars ($25,000,000.00), per occurrence. Operators of oil and gas facilities and oil and gas operations must also maintain umbrella/excess insurance with limits no less than one hundred million dollars ($100,000,000.00) per occurrence for so long as the construction phase, drilling phase or completions phase is ongoing at any of the well sites.

(e) Professional Liability (Errors And Omissions)

Professional Liability coverage with minimum limits of ten million dollars ($10,000,000.00) per loss and ten million dollars ($10,000,000.00) aggregate. Professional liability provisions indemnifying for loss and expense resulting from errors, omission, mistakes or malpractice is acceptable and may be written on a claims-made basis. Operators of oil and gas facilities and oil and gas operations must warrant that any retroactive date under the policy shall precede the effective date of the special use review approval; and that continuous coverage will be maintained until final reclamation obligations ae completed to the city's satisfaction.

(f) Pollution Liability

Coverage pay for those sums the operator becomes legally obligated to pay as damages because of bodily injury, property damage or environmental damage arising out of a pollution incident caused by the operator. Coverage shall include emergency response expenses, pollution liability during transportation (if applicable) and at non-owned waste disposal sites (if applicable). The minimum limits required for seismic testing operations are fifteen million dollars ($15,000,000.00) per occurrence/loss and fifteen million dollars ($15,000,000.00) policy aggregate. The minimum limits required for oil and gas facilities and oil and gas operations are twenty-five million dollars ($25,000,000.00) per occurrence/loss and twenty-five million dollars ($25,000,000.00) policy aggregate. Should this insurance be on a claims-made basis the retroactive date must precede the date field activities were initiated.

(g) Control of Well Coverage for Oil and Gas Facilities and Oil and Gas Operations

Coverage for costs and expenses related to bringing a well back under control, pollution cleanup costs incurred due to pollution that results from a well out of control event, legal liability for pollution-related bodily injury or property damage arising from a well out of control event, re-drill and other extra expense incurred to restore the well to its pre-loss condition that the operator becomes legally obligated to pay. The minimum limits required are twenty-five million dollars ($25,000,000.00) per occurrence/loss and twenty-five million dollars ($25,000,000.00) policy aggregate. If the coverage is written on a claims-made basis, the operator will warrant that any retroactive date applicable to coverage under the policy precedes the effective date of any special use review approval; and that continuous coverage will be maintained until final reclamation obligations are completed to the city's satisfaction. The city shall be named as an additional insured for ongoing operations and completed operations.

(h) Waiver of Subrogation

Operator will waive and cause its insurers to waive for the benefit of the city any right of recovery or subrogation which the insurer may have or acquire against the city or any of its affiliates, or its or their employees, officers, or directors for payments made or to be made under such policies.

(i) Additional Insured

The city must be named as an additional insured for the general liability, umbrella/excess coverage, and pollution liability policies listed above. Additional insured shall be endorsed to the policy and evidenced on the certificates of insurance. Additional insured wording shall be as follows: "City of Lafayette, State of Colorado, a municipal corporation, and its officers and employees, are named as an Additional Insured."

(j) Contractors

The operator shall require adequate insurance of its contractors and subcontractors. Operators will be responsible for any and all damage or loss suffered by the city as a result of the work being performed by the operator or any contractor or subcontractor.

26-10-20 Definitions

Terms used in this section 26-22.1 are defined below; the singular includes the plural and vice versa. All terms used in this section 26-22.1 that are defined in the Oil and Gas Conservation Act or in the oil and gas conservation commission regulations and are not otherwise defined in this section, have the meaning as provided in the Oil and Gas Conservation Act or in the oil and gas conservation commission regulations as of the effective date of this section.

Abandonment

The permanent decommissioning of an oil and gas facility, including any single well or portion of pipeline.

Act

The Oil and Gas Conservation Act at C.R.S. § 34-60-101 et seq. as amended.

Adequate Water Supply

A water supply that will be sufficient for the proposed oil and gas operations or oil and gas facilities, including consideration of reasonable conservation measures and water demand management measures.

Agent

One (1) authorized to make binding representations on behalf of the applicant.

Applicant

Person, corporation or other legal entity possessing the legal right to develop a mineral resource who has applied for a special use review permit for an oil and gas operation or oil and gas facility.

Application

The application filed by the applicant for special use review under current consideration.

Best Management Practices

Practices that are designed to prevent or reduce impacts caused by oil and gas facilities or oil and gas operations to air, water, soil, or biological resources, and to minimize adverse impacts to public health, safety and welfare, including the environment and wildlife resources.

BTEX and/or TPH

Benzene, Toluene, Ethylbenzene, Xylene and Total Petroleum Hydrocarbons.

Combustion Device

Any ignition device installed horizontally or vertically, used in exploration and production operations to combust otherwise vented emissions from completions.

Comprehensive Plan

The City of Lafayette Comprehensive Plan.

Department

City of Lafayette Planning and Building Department.

Director

The director of the City of Lafayette Planning and Building Department or other authorized representative of the city.

Dwelling

See section 26-8-1.

Equipment

Machinery or structures located on an oil and gas location, including, but not limited to, wellheads, separators, dehydration units, compressors, heaters, meters, storage tanks, compressors, pumping units, internal combustion engines, and electric motors.

Financial Assurance

A surety bond, cash collateral, certificate of deposit, letter of credit, sinking fund, escrow account, lien on property, security interest, guarantee, or other instrument or method in favor of and acceptable to the city. With regard to third party liability concerns related to public health, safety and welfare, the term encompasses general liability insurance, sudden and accidental pollution liability insurance and gradual pollution liability insurance.

Flowline

Those segments of pipe transferring oil, gas, or condensate between a wellhead and processing equipment to the load point or point of delivery to a U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration or Colorado Public Utilities Commission regulated gathering line, or a segment of pipe transferring produced water between a wellhead and the point of disposal, discharge, or loading. In this section, flowline includes lines within a well pad and those that are outside a well pad, and includes flowlines connecting to gas compressors or gas plants.

Gathering Line

A gathering pipeline or system as defined by the Colorado Utilities Commission, Regulation No. 4, 4 C.C.R. 723-4901, Part 4, (4 C.C.R. 723-4901) or a pipeline regulated by the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration pursuant to 49 C.F.R. §§ 195.2 or 192.8. 49 C.F.R. §§ 195.2 or 192.8 and 4 C.C.R. 723-4901 in existence as of the date of this regulation and does not include later amendments.

Groundwater

Subsurface waters in a zone of saturation.

Incident

Any event classified as a blowout, collision, explosion, fatality, fire, injury requiring medical treatment, Grade 1 gas leak, or spill greater than five (5) barrels.

Nox

Nitrogen oxides; ozone precursor pollutants.

Oil and Gas Facility

The equipment and improvements used for the exploration, production, transportation, treatment, and/or storage of oil and gas and waste products, including: an individual well pad built with one (1) or more wells and operated to produce liquid petroleum and/or natural gas, including associated equipment required for such production; flowlines and ancillary equipment including but not limited to drip stations, vent stations, pigging facilities, chemical injection stations and valve boxes; and temporary storage and construction staging yards in place for less than six (6) months.

Oil and Gas Operation

Exploring for oil and gas, including conducting seismic operations and the drilling of test bores; siting, drilling, deepening, recompleting, reworking, or abandoning a well; producing operations related to any well, including installing flowlines; the generating, transporting, storing, treating, or disposing exploration and production wastes; the construction, operation, maintenance and repair of any oil and gas facility; and any constructing, site preparing, or reclaiming activities associated with such operations. With respect to any submittal or review requirements under this section, "oil and gas operations" will refer to the particular oil and gas operations for which the applicant is seeking city approval.

Operator

Any person who exercises the right to control the conduct of oil and gas operations.

Pipelines

Any flowline or crude oil transfer line as defined by the COGCC.

Pit

Any natural or man-made depression in the ground used for oil or gas exploration or production purposes excluding steel, fiberglass, concrete or other similar vessels which do not release their contents to surrounding soils.

Produced Water

Water produced from a well or wellbore, including treatment fluids.

Recreation (Including Active or Passive)

Active recreation means outdoor activities that require equipment or physical exertion or both. Passive recreation means outdoor activities such as nature observation or photography that require a minimum of facilities or development.

Reduced Emissions Completion

A well completion following fracturing or refracturing where gas flowback that is otherwise vented is captured, cleaned, and routed to the gas flow line or collection system, re-injected into the well or another well, used as an onsite fuel source, or used for other useful purpose that a purchased fuel or raw material would serve, with no direct release to the atmosphere.

School

See section 26-8-1.

Seismic Testing

Operations that involve the transmittal of seismic waves into and through the ground to model the geophysical properties of the Earth's crust.

TPY

Tons per year.

VOC

Volatile organic compounds.

Wastewater

Water used in oil and gas operations that is contaminated with chemicals, particulate, or other matter that makes it non-potable.

Water or Water Body

Any surface waters which are contained in or flow in or through the City of Lafayette, excluding ephemeral streams, roadway ditches, water in sewage systems, water in treatment works of disposal systems, water in potable water distribution systems, stock ponds or irrigation ditches not discharging to live streams, and all water withdrawn for use until use and treatment have been completed.

Water Source

Water source will mean water bodies that supply domestic, agricultural or municipal uses, water wells that are registered with Colorado Division of Water Resources, including household, domestic, livestock, irrigation, municipal/public and commercial wells, permitted or adjudicated springs, and monitoring wells other than monitoring wells that are drilled for the purpose of monitoring water quality changes that are not associated with oil and gas activities.

Well or Wellhead

An oil or gas well, a hole drilled for the purpose of producing oil or gas, a well into which fluids are injected, a stratigraphic well, a gas storage well, or a well used for the purpose of monitoring or observing a reservoir.

Well Pad

Areas that are directly disturbed during the drilling and subsequent operation of, or affected by production facilities directly associated with, any oil well, or gas well.

ARTICLE 26-11. WIRELESS COMMUNICATION FACILITIES

26-11-1 Intent and Purpose

In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, council finds that these regulations are necessary to:

(a) Provide for the managed development and installation, maintenance, modification, and removal of wireless communications infrastructure in the city with the goal of having the fewest number of wireless communication facilities ("WCF") required to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services including all of those who install, maintain, operate, and remove WCFs;

(b) Promote and protect the public health, safety, and welfare by reducing the visibility of WCFs to the fullest extent possible through techniques including, but not limited to, camouflage design techniques and undergrounding of WCFs and the equipment associated therewith;

(c) Encourage the deployment of smaller, less intrusive WCFs to supplement existing larger WCFs;

(d) Encourage the use of wall mounted panel antennas;

(e) Encourage roof mounted antennas only when wall mounted antennas will not provide adequate service or are not otherwise feasible;

(f) Encourage the location of towers in non-residential areas, in a manner that minimizes the total number of towers needed throughout the community;

(g) Encourage strongly the colocation of WCFs on new and existing sites;

(h) Encourage owners and users of antennas and towers to locate them, to the extent possible, in areas where the adverse impact on the community is minimized;

(i) Enhance the ability of wireless communications service providers to provide such services to the community quickly, effectively, and efficiently;

(j) Effectively manage WCFs in the right-of-way;

(k) Manage amateur radio facilities and over-the-air receiving devices in the city.

26-11-2 Applicability

(a) The requirements set forth in this section 26-22.5 shall apply to all WCF applications for base stations, alternative tower structures, small cell facilities, alternative tower structures located within right-of-way, and towers as defined in this section 26-22.5 and further addressed herein.

(b) The requirements set forth in this section 26-22.5 shall not apply to:

(1) Amateur radio antennas, OTARD and other residential television reception/antenna towers except as required in the operational standards set forth in this section.

(2) Pre-existing WCFs. Any WCF for which a permit has been properly issued prior to September 30, 2017, shall not be required to meet the requirements of this section 26-22.5, other than the operational standards set forth in this section 26-22.5. Changes and additions to pre-existing WCFs (including trading out of antennas for an equal number of antennas) shall meet applicable operational standards set forth in this section 26-22.5.

(3) Miscellaneous antennas. Antennas used for reception of television, multi-channel video programming and radio such as over the air reception devices ("OTARD") antennas, television broadcast band antennas, and broadcast radio antennas, provided that any requirements related to special uses contained in chapter 26 of this Code and the requirement that the height be no more than the distance from the base to the property line are met. The director has the authority to approve modifications to the height restriction related to OTARD antennas and OTARD antenna structures, if in the director's reasonable discretion, modifications are necessary to comply with federal law.

26-11-3 Definitions

Accessory Equipment

Any equipment serving or being used in conjunction with a WCF, including, but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

Alternative Tower Structure

Manmade trees, clock towers, bell steeples, light poles, traffic signals, buildings, and similar alternative design mounting structures that are compatible with the natural setting and/or surrounding structures, and camouflage or conceals the presence of antennas or towers so as to make them architecturally compatible with the surrounding area. This term also includes any antenna or antenna array attached to an alternative tower structure or a stand-alone pole (including a replacement pole) in the right-of-way that accommodates small cell facilities to the extent the pole meets the camouflage and concealment standards of this chapter.

Antenna

Any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations, or other similar devices and configurations. Exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals.

Antenna, Dish

Dish (parabolic or cylindrical) antennas used for microwave and satellite transmission and reception for commercial purposes. This definition shall not apply to wireless cable satellite dish antennas or dish antennas less than one meter measured diagonally.

Base Station

A structure or equipment at a fixed location that enables Federal Communications Commission ("FCC") licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include or encompass a tower as defined herein or any equipment associated with a tower.

1. Base station includes, without limitation:
    a. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the city pursuant to this section 26-22.5 has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review

process, even if the structure was not built for the sole or primary purpose of providing such support; and

b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks) that, at the time the relevant application is filed with the city pursuant to title 18 of the Code has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

2. The definition of base station does not include any structure that, at the time the application is filed with the city under this section 26-22.5, does not support or house equipment described herein in sub-paragraphs a and b of this definition.

Camouflage, Concealment, or Camouflage Design Techniques

A WCF which is camouflaged or utilizes camouflage design techniques when any measures are used in the design and siting of WCF's with the intent to minimize or eliminate the visual impact of such facilities to surrounding uses. A WCF site utilizes camouflage design techniques when it (i) is integrated as an architectural feature of an existing structure such as a cupola, or (ii) is integrated in an outdoor fixture such as a flagpole, or (iii) uses a design which mimics and is consistent with the nearby natural, or architectural features (such as an artificial tree) or is incorporated into or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not readily apparent.

Collocation

The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Director

The City's Planning Director or their authorized designee.

Eligible Facilities Request

any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station involving: (i) colocation of new transmission equipment, (ii) removal of transmission equipment, or (iii) replacement of transmission equipment.

Eligible Support Structure

Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the city under this section 26-22.5.

Existing

A constructed tower or base station that was reviewed, approved, and lawfully constructed in accordance with all requirements of applicable law as of the time of an eligible facilities request, provided that a tower that exists as a legal, non-conforming use and was lawfully constructed is existing for purposes of this definition.

Monopole

A single, freestanding pole-type structure supporting one or more antennas.

OTARD

An over-the-air receiving device.

OTARD Antenna

1. An antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter or less in diameter;
2. An antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services, and that is one meter or less in diameter or diagonal measurement; or
3. An antenna that is designed to receive television broadcast signals.

OTARD Antenna Structure

Any pole, tower, or other structure designed and intended to support an OTARD antenna.

Pole-mounted Small Cell Facility

A small cell facility with antenna that are mounted and supported on an alternative tower structure, which includes a replacement pole.

Related Accessory Equipment

The transmission equipment customarily used with, and incidental to WCF antennas, including by way of example, coaxial or fiber-optic cable, regular and backup power supply and remote radio units.

Replacement Pole

A newly constructed and permitted traffic signal, utility pole, street light, flagpole, electric distribution, or street light pole or other similar structure of proportions and of equal height or such other height that would not constitute a substantial change to a pre-existing pole or structure in order to support a WCF or small cell facility or to accommodate collocation and remove the pre-existing pole or structure.

Right-of-way

For purpose of this Article, any public street or road that is dedicated to public use for vehicular traffic except for those rights-of-way owned by the Colorado Department of Transportation within city limits.

Site

The area comprising the base of the structure and other related accessory equipment deployed on the ground.

Site (For Towers Other Than Towers in the Right-Of-Way and Eligible Support Structures)

The current boundaries of the leased or owned property surrounding the tower or eligible support structure and any access or utility easements currently related to the site. A site, for other towers in the right-of-way, is further restricted to that area comprising the base of the structure and to other related accessory equipment already deployed on the ground.

Small Cell Facility

A WCF where each antenna is located inside an enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed

elements could fit within an imaginary enclosure of no more than three cubic feet; and primary equipment enclosures are no larger than 17 cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch. Small cell facilities may be attached to alternate tower structures, monopoles, and pole support structures.

Substantial Change

A modification that substantially changes the physical dimensions of an eligible support structure, which meets any of the following criteria:

1. For towers, other than towers in the public rights-of-way, it may, for one time, increase the height of the tower by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater;
2. For towers, other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for eligible support structures it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or for towers in the public right-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure;
4. For any eligible support structure, it entails any excavation or deployment outside the current site;
5. For any eligible support structure, it would defeat the concealment elements of the eligible support structure. For the purposes of this subsection (5), a change which undermines the concealment elements of an eligible support structure will be considered to defeat the concealment elements; or
6. For any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in paragraphs (1), (2), and (3) of this subsection. For purposes of determining whether a substantial change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height are measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.

Tower

Any structure that is built for the sole or primary purpose of supporting one or more Federal Communications Commission ("FCC") licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. The term includes self-supporting lattice towers, guy towers or monopole towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like.

Transmission Equipment

Equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Wireless Communications Facility or WCF

A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an antenna or antennas, including without limitation, directions, omni-directional and parabolic antennas, base stations, support equipment, alternative tower structures, and towers. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this section 26-22.5.

26-11-4 Operational Standards

(a) Federal Requirements

All WCFs shall meet the current standards and regulations of the Federal Aviation Authority ("FAA"), the FCC and any other agency of the federal government with the authority to regulate WCFs. If such standards and regulations are amended, then the owners of the WCF governed by this section 26-22.5 shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense.

(b) Permission to Use Within Rights-Of-Way or Upon Public Property

For WCFs in the right-of-way, the applicant shall execute a master license agreement with the city, granting applicant a non-exclusive license to use the right-of-way. Applicants shall also, as applicable, execute supplemental site licenses with the city for each facility subject to the

master license agreement. An annual attachment fee shall be required for each supplemental site license involving the attachment of WCF's to any city owned structure in the right-of-way. Master licenses and supplemental site licenses are subject to administrative processing fees, and such fees along with the attachment fee shall be in an amount authorized in chapter 4 of this Code. Attachment of WCFs on an existing traffic signal, street light pole, or similar structure shall require written evidence of a license, or other legal right or approval, to use such structure by its owner. Prior to, or concurrently with, seeking land use approval for a WCF on public property, the applicant shall execute a lease agreement with the city.

(c) Signal Interference

All WCFs shall be designed and sited, consistent with applicable federal regulations, so as not to cause interference with the normal operation of radio, television, telephone and other communication services utilized by adjacent residential and nonresidential properties; nor shall any such facilities interfere with any public safety communications. The applicant shall provide a written statement from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems and shall allow the city to monitor interference levels with public safety communications during this process. Additionally, the owner or operator shall notify the city at least 10 calendar days prior to the introduction of new service or changes in existing service, and shall allow the city to monitor interference levels with public safety communications during the testing process.

(d) Legal Access

In all applications for WCFs an applicant must warrant and represent that it has the written agreement of the owner of the property which is the subject of the application for legal access to and from the WCF and the applicant must also warrant and represent that it will have legal access to the utilities to operate and maintain the WCF.

(e) Operation and Maintenance

To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes. If upon inspection, the city concludes that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have 30 days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner, the city's building official may extend such compliance period not to exceed 90 days from the date of said notice. If the owner fails to bring such WCF into compliance within said time period, the city may remove such WCF at the owner's expense.

(f) Abandonment and Removal

If a WCF has not been in use for a period of three months, the owner of the WCF shall notify the city of the non-use and shall indicate whether re-use is expected within the ensuing three months. Any WCF that is not operated for a continuous period of six months shall be considered abandoned. The city, in its sole discretion, may require an abandoned WCF to be removed. The owner of such WCF shall remove the same within 30 days of receipt of written notice from the city. If the WCF is not removed within said 30 days, the city may remove it at the owner's expense and any approved permits for the WCF shall be deemed to have expired. Additionally, the city, in its sole discretion, shall not approve any new WCF application until the applicant, if

also an owner or operator of an abandoned WCF, has removed such WCF or payment for such removal has been made to the city.

26-11-5 Design Standards

The requirements set forth in this section shall apply to the location and design of all WCFs governed by this section; provided, however, that the City may waive these requirements it if determines that the goals of this section are better served thereby. To that end, WCFs shall be designed and located to minimize the impact on the surrounding neighborhood and to maintain the character and appearance of the city, consistent with other provisions of the Code.

(a) Camouflage/Concealment

All WCFs and any transmission equipment shall, to the extent possible, use camouflage design techniques including, but not limited to the use of materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the WCF to the surrounding natural setting and built environment. Design, materials and colors of WCFs shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation on the same parcel and adjacent parcels.

(1) Camouflage design may be of heightened importance where findings of particular sensitivity are made (e.g. proximity to historic or aesthetically significant structures, views, and/or community features). In such instances where WCFs are located in areas of high visibility, they shall (where possible) be designed (e.g., placed underground, depressed, or located behind earth berms) to minimize their profile.

(2) The camouflage design may include the use of alternative tower structures should the director determine that such design meets the intent of the Code and the community is better served thereby.

(3) All WCFs, such as antennas, vaults, equipment rooms, equipment enclosures, and tower structures shall be constructed out of non-reflective materials (visible exterior surfaces only).

(b) Hazardous Materials

No hazardous materials shall be permitted in association with WCFs, except those necessary for the operations of the WCF and only in accordance with all applicable laws governing such materials.

(c) Colocation

WCFs shall be designed and constructed to permit the facility to accommodate WCFs from at least two wireless service providers on the same WCF unless the city approves an alternative design to the extent such design is reasonably feasible based upon construction, engineering and design standards. No WCF owner or operator shall unreasonably exclude a telecommunications competitor from using the same facility or location. Upon request by the city, the owner or operator shall provide evidence demonstrating why colocation is not possible at a particular facility or site.

(d) Siting

(1) No portion of any WCF may extend beyond the property line of the lot upon which it is located.

(2) WCFs may be required to be designed and constructed to permit the facility to accommodate WCFs from at least two wireless service providers on the same WCF unless the city approves an alternative design. No WCF owner or operator shall unfairly exclude a competitor from using the same facility or location.

(3) WCFs shall be sited in a location that does not reduce the parking for the other principal uses on the parcel below Code standards.

(e) Lighting

WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the city may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.

(f) Landscaping and Fencing Requirements

(1) WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the parcel, below Code standards.

(2) WCFs shall be landscaped with a buffer of plant materials that effectively screen the view of the WCF from adjacent residential property. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the site.

(3) In locations where the visual impact of the WCF would be minimal, the landscaping requirement may be reduced or waived altogether by the director.

(4) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as WCFs sited on large, wooded lots, natural growth around the site perimeter may be a sufficient buffer.

(5) No "significant trees" may be removed, unless authorized by the director. To obtain such authorization the applicant shall show that the significant tree removal is necessary, the applicant's plan minimizes the number of significant trees to be removed and any trees removed are replaced at a ratio of two to one. For the purposes of this subsection a significant tree is defined as a tree that is a minimum of six inches in caliper measured 12 inches above soil line for a deciduous tree or a minimum of 10 feet in height for a needled evergreen tree.

(g) Noise

Noise generated on the site must not exceed the standards in the Code, except that a WCF owner or operator shall be permitted to exceed Code noise standards for a reasonable period of time during repairs, not to exceed two hours without prior authorization from the city.

(h) Adjacent to Single Family Residential Uses

WCFs shall be sited in a manner that considers the proximity of the facility to residential structures and residential district boundaries. When placed by residential property, the WCF shall be placed adjacent to the common side yard property line between adjoining residential properties, such that the WCF minimizes visual impacts equitably among adjacent properties. In the case of a corner lot, the WCF may be placed adjacent to the common side yard property line between adjoining residential properties, or on the corner formed by two intersecting streets. If

these requirements are not reasonably feasible from a construction, engineering or design perspective, the applicant may submit a written statement to the director requesting the WCF be exempt from these requirements.

(i) Additional Design Requirements

Additional design requirements shall be applicable to the various types of WCFs as specified below.

(1) Base Stations

If an antenna is installed on a structure other than a tower, or alternative tower structure, such as a base station (including, but not limited to the antennas and accessory equipment) it shall be of a neutral, non-reflective color that is identical to, or closely compatible with, the color of the supporting structure, or uses other camouflage/concealment design techniques so as to make the antenna and related facilities as visually unobtrusive as possible, including for example, without limitation, painting the antennas and accessory equipment to match the structure. Additionally, any ground-mounted equipment shall be located, based upon the reasonable discretion of the city, in a manner necessary to address both public safety and aesthetic concerns and may, where appropriate, require a flush-to-grade underground equipment vault.

(2) Alternative Tower Structures and Small Cell Facilities General Standards

(A) Alternative tower structures and small cell facilities shall:

(I) Be designed and constructed to look like a building, facility, or structure typically found in the area;

(II) Be camouflaged/concealed consistent with other existing natural or manmade features in the immediate proximity of the location where the alternative tower structure will be located;

(III) Be sited in a manner that is least obtrusive to residential structures and residential district boundaries;

(IV) Take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses;

(V) Be compatible with the surrounding topography, tree coverage, and foliage; and

(VI) Be designed utilizing design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

(B) Height or size of the proposed alternative tower structure or small cell facility should be minimized as much as possible and shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of 60 feet.

(C) Visual impacts of the proposed ingress and egress shall be minimized.

(3) Additional Standards for Alternative Tower Structures and Small Cell Facilities in the Right-of-Way

(A) Alternative tower structures and small cell facilities located in the right-of-way shall:

(I) Be no higher than 35 feet;

(II) Be no more than 10 feet higher (as measured from the ground to the top of the pole) than any existing utility or traffic signal within 500 feet of the pole or structure;

(III) Be camouflaged/concealed consistent with other existing natural or manmade features in the right-of-way near the location where the alternative tower structure will be located;

(IV) To the extent feasible, be consistent with the size and shape of pole-mounted equipment installed by communications companies on utility poles near the alternative tower structure;

(V) When located near a residential property, be placed in front of the common side yard property line between adjoining residential properties. In the case of a corner lot, the facility must be placed in front of the common side yard property line adjoining residential properties, or on the corner formed by two intersecting streets;

(VI) Be designed such that antenna installations on traffic signals are placed in a manner so that the size, appearance, and function of the signal will not be considerably altered; and

(VII) Not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way. Must comply with the federal Americans with Disabilities Act and all applicable local, state, and federal law and regulations. No alternative tower structure nor small cell facility may be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the right-of-way that disrupts or interferes with this use by the city, the general public, or other person authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.

(B) Any new pole for an alternative tower structure or small cell facility shall be separated from any other existing WCF facility by a distance of a least 600 feet, unless the new pole replaces an existing traffic signal, street light pole, or similar structure determined by the director.

(C) Pole-mounted components shall be located on an existing utility pole serving another utility; or be located on a new utility pole where other utility distribution lines are aerial, if there are no reasonable alternatives.

(D) Facility antennas, mast arms, equipment, and other facilities shall be sized to minimize visual clutter.

(E) Any ground mounted equipment shall be installed in an underground or partially underground equipment vault (projecting not more than 36 inches above grade), or co-located within a traffic cabinet of a design approved by the director.

(4) Towers

(A) Towers shall either maintain a galvanized steel finish, or, subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness as determined by the city;

(B) Tower structures should use existing land forms, vegetation, and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment;

(C) Monopole support structures shall taper from the base to the tip;

(D) All towers, excluding alternative tower structures in right-of-way, shall be enclosed by security fencing or wall at least six feet in height and shall also be equipped with an appropriate anti-climbing device. No security fencing or any portion thereof shall consist of barbed wire or chain link material; and

(E) Towers shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of 60 feet;

(F) Towers should be sited in a manner that is least obtrusive to residential structures and residential district boundaries where feasible;

(G) Towers should take into consideration the uses on adjacent and nearby properties and the compatibility of the tower to these uses;

(H) Towers should be designed utilizing design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(I) Visual impacts of the proposed ingress and egress shall be minimized;

(J) No new towers shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the city that no existing WCFs can accommodate the needs that the applicant proposes to address with its tower application. Evidence submitted to demonstrate that no existing WCF can accommodate these needs may consist of the following:

(I) No existing WCFs are of sufficient height and are located within the geographic area required to meet the applicant's engineering requirements;

(II) Existing WCFs do not have sufficient structural strength to support applicant's proposed WCF; and

(III) The applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for colocation.

(K) A tower, located outside of the right-of-way, shall meet the greater of the following minimum setbacks from all property lines:

(I) The setback for a principal building within the applicable zoning;

(II) 25 percent of the facility height, including WCFs and transmission equipment; or

(III) The tower height, including antennas, if the tower is in or adjacent to a residential district or residential zoned property.

(IV) Towers over 40 feet in height shall not be located within one-quarter mile from any existing tower that is over 40 feet in height, unless the applicant has shown to the satisfaction of the city that there are no reasonably suitable alternative sites in the required geographic area which can meet the applicant's needs.

(5) Related Accessory Equipment

Accessory equipment for all WCFs shall meet the following requirements:

(A) All buildings, shelter, cabinets, and other accessory components shall be grouped as closely as technically possible.

(B) The total footprint coverage area of the WCFs accessory equipment shall not exceed 350 square feet.

(C) No related accessory equipment or accessory structure shall exceed 12 feet in height.

(D) Accessory equipment, including but not limited too remote radio units, shall be located out of sight whenever possible by locating behind parapet walls or within equipment

enclosures. Where such alternate locations are not available, the accessory equipment shall be camouflaged or concealed.

26-11-6 Review Procedures and Requirements

No new WCF shall be constructed and no colocation 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 be reviewed pursuant to the following procedures:

(a) Submittal Requirements

In addition to an application form, signal interference letter, removal affidavits, and payment of all application and review fees in an amount authorized in chapter 4 of this Code, each applicant shall submit a scaled site plan, photo simulation, scaled elevation view and other supporting drawings, calculations, and other documentation showing the location and dimension of all improvements, including information concerning topography, radio frequency coverage, tower height, setbacks, drives, parking, fencing, landscaping, adjacent uses, drainage, and other information 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 after approval of the application by the director.

(b) Inventory of Existing Sites

(1) Each applicant for a WCF shall provide to the director a narrative and map description of the applicant's existing or then currently proposed WCFs within the city, and outside of the city within one mile of its boundaries. In addition, the applicant shall inform the city generally of the areas of the city in which it believes WCFs may need to be located within the next three years. The inventory list should identify the site name, site address, and a general description of the facility (for example, rooftop antennas and ground mounted equipment). This provision is not intended to be a requirement that the applicant submit its business plan, proprietary information, or make commitments regarding locations of WCFs within the city. Rather, it is an attempt to provide a mechanism for the city and all applicants for WCFs to share general information, assist in the city's comprehensive planning process, and promote colocation by identifying areas in which WCFs might be appropriately constructed for multiple users.

(2) The city may share such information with other applicants applying for administrative approvals or conditional permits under this section or other organizations seeking to locate WCFs within the jurisdiction of the city, provided however, that the city is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(c) Abandonment and Removal

Prior to approval, affidavits shall be required from the owner of the property and from the applicant acknowledging that each is responsible for the removal of a WCF that is abandoned or is unused for a period of six months.

(d) Applications for Base Stations, Alternative Structures and Towers

In all zoning districts, applications for base stations, alternative tower structures, and towers may be permitted only as a conditional use in accordance with the requirements of this section. All applications for towers shall demonstrate that other alternative design options such as base

stations or alternative tower structures are not viable options as determined by the city. Notwithstanding anything in this section to the contrary, no towers located in the right-of-way shall exceed 35 feet in height.

(e) Applications for Base Stations, Alternative Tower Structures and Small Cell Facilities Within Right-Of-Way

(1) In all zoning districts each application for a base station, alternative tower structure or small cell facility within the right-of-way shall be reviewed and considered for approval by the director for conformance with this section and the applicant's execution of a license agreement as approved by the director. Applicants may appeal the director's decision by submitting a written notice of appeal to the city manager within ten calendar days from the date of the director's decision. The notice of appeal must specifically set forth the grounds for appeal and include all documentation the applicant deems relevant. The city manager shall within ten business days of receipt of the notice of appeal and review of all documentation submitted by the applicant and the director's decision issue a final decision which may affirm, overturn or modify the director's decision.

(2) Except for WCFs in the right-of-way that meet all requirements of this section, the director may refer the application to planning and zoning commission for conditional use review if the director finds the proposed WCF to have a significant visual impact (e.g., proximity to historic or designated view corridors, or on significant community features), or otherwise is substantially incompatible with the structure on which the WCF will be installed, or it does not meet the clear intent of this section.

(f) Review Procedures for Eligible Facilities Requests

(1) Application

(A) In all zoning districts, eligible facilities requests shall be considered a use by right subject to administrative review. The city shall prepare, and make publicly available, an application form which shall be limited to the information necessary for the city to consider whether an application is an eligible facilities request. Such information may include, without limitation, whether the request:

(I) Would result in a substantial change;

(II) Violate a generally applicable law, regulations, or other rule codifying objective standards reasonably related to public health and safety.

(B) The application may not require the applicant to demonstrate a need or business case for the proposed modification or colocation.

(2) Type of Review

Upon receipt of an application for an eligible facilities request pursuant to this section, the director shall review such application to determine whether the application so qualifies.

(3) Timeframe for Review

Subject to the tolling provisions of subparagraph d. below, within 60 days of the date on which an applicant submits an application seeking approval under this section, the city shall approve the application unless it determines that the application is not covered by this subsection.

(4) Tolling of the Timeframe for Review

The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement of the city and the applicant, or in cases where the director determines that the application is incomplete:

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

(B) 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 days that 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 paragraph (d)(1). 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.

(5) Failure to Act

In the event the city fails to act on a request seeking approval for an eligible facilities request under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant becomes effective when the applicant notifies the city in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

(6) Interaction with Telecommunications Act Section 332(c)(7)

If the city determines that the applicant's request is not an eligible facilities request as set forth in this section the presumptively reasonable timeframe under Section 332(c)(7), as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the city's decision that the application is not a covered request. To the extent such information is necessary, the city may request additional information from the applicant to evaluate the application under Section 332(c)(7) reviews.

(g) Decision

Any decision to approve, approve with conditions, or deny an application for a WCF, shall be in writing and supported by substantial evidence in a written record. The applicant shall receive a copy of the decision.

(h) Compliance with Applicable Law

Notwithstanding the approval of an application for colocation as described herein, all work done pursuant to WCF applications must be completed in accordance with all applicable building and safety requirements as set forth in the Code and any other applicable federal, state, and/or local laws and regulations. In addition, all WCF applications shall comply with the following:

(1) Comply with any permit or license issued by a local, state, or federal agency with jurisdiction of the WCF;

(2) Comply with easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;

(3) Be maintained in good working condition and to the standards established at the time of application approval; and

(4) Remain free from trash, debris, litter, noxious weeds, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than ten calendar days from the time of notification by the city or after discovery by the owner or operator of the site.

(i) Compliance Report

Upon request by the city, the applicant shall provide a compliance report within 45 days after installation of a WCF, demonstrating that as installed and in operation, the WCF complies with all conditions of approval, all applicable Code requirements and standard regulations.

26-11-7 Special Use Standards for Approval

In addition to the design standards set forth in this section 26-22.5, WCFs, subject to acquisition of a special use approval shall be reviewed in accordance with the procedure set forth herein in subsection 26-22.5-6, subject to the following criteria:

(a) Base Stations

(1) Such facilities shall be architecturally compatible with respect to attachments, and colored to match the building or structure to which they are attached;

(2) The maximum protrusion of such facilities from the building or structure face to which they are attached shall be six (6) feet;

(3) Wall-mounted WCFs shall not extend above the roofline unless mounted to a penthouse; and

(4) Roof-mounted WCFs shall be approved only where an applicant demonstrates a wall mounted WCF is inadequate to provide service and evaluated for approval based upon the following criteria:

(A) Roof-mounted whip antennas shall extend no more than twelve (12) feet above the parapet of any flat roof or ridge of a sloped roof or penthouse to which they are attached;

(B) Roof-mounted panel antennas shall extend no more than seven (7) feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted; and

(C) Other roof-mounted transmission equipment shall extend no more than seven (7) feet above any parapet of a flat roof upon which they may be placed, and shall not be permitted on a sloped roof.

(b) Alternative Tower Structures

(1) Such structures shall be architecturally compatible with the surrounding area;

(2) Height or size of the proposed alternative tower structure should be minimized as much as practically possible;

(3) WCFs shall be sited in a manner that evaluates the proximity of the facility to residential structures and residential district boundaries;

(4) WCFs shall take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses;

(5) Compatibility with the surrounding topography;

(6) Compatibility with the surrounding tree coverage and foliage;

(7) Compatibility of the design of the site, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and

(8) Impact on the surrounding area of the proposed ingress and egress, if any.

(c) All Other Towers

The city shall within the framework of the review criteria set forth in this section 26-22.5 consider the following factors in determining whether to issue a special use permit, although the city may waive or reduce the burden on the applicant of one (1) or more of these criteria if the city concludes that the goals of this section 26-22.5 are better served thereby.

(1) Height or size of the proposed tower;

(2) Proximity of the tower to residential structures and residential district boundaries;

(3) Nature of uses on adjacent and nearby properties;

(4) Compatibility with the surrounding topography:

(5) Compatibility with the surrounding tree coverage and foliage;

(6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(7) Proposed ingress and egress; and

(8) No new towers shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the city that no existing WCFs can accommodate the needs that the applicant proposes to address with its tower application. Evidence submitted to demonstrate that no existing WCF can accommodate these needs may consist of the following:

(A) No existing WCFs with a suitable height are located within the geographic area required to meet the applicant's engineering requirements;

(B) Existing WCFs do not have sufficient structural strength to support applicant's proposed WCF; and

(C) The applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for colocation.

(d) Setbacks and Separation

The following minimum setbacks and separation requirements shall apply to all WCFs for which a special use approval is required; provided, however, that the city may reduce standard setbacks and separation requirements if the applicant demonstrates that the goals of this section can be better met by reduced setback and separation requirements that protect the public health and safety, view corridors, or minimize adverse impact. A tower shall meet the greater of the following minimum setbacks from all property lines:

(1) The setback for a principal building within the applicable zoning district;

(2) Twenty-five percent of the facility height, including WCFs and related accessory equipment;

(3) The tower height, including antennas, if the tower is in or adjacent to a residential district; and

(4) Towers over 90 feet in height shall not be located within one-quarter mile from any existing tower that is over 90 feet in height, unless the applicant has shown to the satisfaction of the city that there are no reasonably suitable alternative sites in the required geographic area which can meet the applicant's needs.

ZONING MAP

City of Lafayette

September 2026

This Map Is Current Through Ordinance No. 15, Series 2026

N

0 0.5 1 Miles

- City Limit

Proposed Zoning

- NR: Neighborhood Rural
- N2: Neighborhood 2
- N3: Neighborhood 3
- OTN: Old Town Neighborhood
- OTX:Old Town Mixed-Use 1
- OTX2: Old Town Mixed-Use 2
- OTX3: Old Town Mixed-Use 3
- AMX-1: Adaptable Mixed-Use Center
- AMX-2: Adaptable Mixed-Use Corridor
- M1: Employment Mixed-Use
- M2: Light Industrial
- M3: General Industrial
- MHC: Manufactured Home Community
- NC: Neighborhood Mixed-Use Center
- DR: Developing Resource
- CMU: Civic Mixed Use
- AG: Agricultural District
- P: Parks
- OS: Open Space

TOWN OF ERIE

CITY OF LOUISVILLE

CITY AND COUNTY OF BROOMFIELD

Goose Haven Reservoirs

Teller Lake No 5

Dry Creek

Teller Lakes

Burke Lake

Heron Lake

Thomas Reservoir

Prince Lake Number 2

Erie Lake

Marfell Lake No. 1

Marfell Lake No. 2

Greenlee Reservior

Waneka Reservoir

Hecla Lake

Louisville Reservoir

Coal Creek

Rock Creek

This map is not intended to be used as a basis for making decisions. This map represents the zoning within the City of Lafayette, Colorado, as of the date shown on the map.