

ORDINANCE NO. 063, 2018  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING VARIOUS AMENDMENTS TO THE  
CITY OF FORT COLLINS LAND USE CODE

WHEREAS, on December 2, 1997, by its adoption of Ordinance No. 190, 1997, the City Council enacted the Fort Collins Land Use Code (the "Land Use Code"); and

WHEREAS, at the time of the adoption of the Land Use Code, it was the understanding of staff and the City Council that the Land Use Code would most likely be subject to future amendments, not only for the purpose of clarification and correction of errors, but also for the purpose of ensuring that the Land Use Code remains a dynamic document capable of responding to issues identified by staff, other land use professionals and citizens of the City; and

WHEREAS, since its adoption, City staff and the Planning and Zoning Board have continued to review the Land Use Code and identify and explore various issues related to the Land Use Code and have now made new recommendations to the Council regarding certain issues that are ripe for updating and improvement; and

WHEREAS, the City Council has determined that the recommended Land Use Code amendments are in the best interests of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 1.4.3(E) of the Land Use Code is hereby amended to read as follows:

...

(E) ***Official Record.*** The Director shall maintain an official record of all interpretations in the Department. Such official record shall be available for public inspection during normal business hours.

...

Section 3. That Section 2.1.1 of the Land Use Code is hereby amended to read as follows:

**2.1.1 - Decision Maker and Administrative Bodies**

The City Council, Planning and Zoning Board, Zoning Board of Appeals and Director are frequently referenced in this Land Use Code. Reference should be made to Chapter 2 of the City Code for descriptions of these and other decision makers and administrative bodies, and their powers, duties, membership qualifications and related matters.

...

Section 4. That Section 2.2.1 of the Land Use Code is hereby amended to read as follows:

#### **2.2.1 - Step 1: Conceptual Review/Preliminary Design Review**

##### **(A) *Conceptual Review:***

(1) *Purpose.* Conceptual review is an opportunity for an applicant to discuss requirements, standards and procedures that apply to his or her development proposal. Major problems can be identified and solved during conceptual review before a formal application is made.

Representatives of the Department, Poudre Fire Authority, Police Services, Water & Wastewater Utilities, Electric Utility, Stormwater Utility, and other departments as appropriate, and special districts where applicable.

...

##### **(B) *Preliminary Design Review:***

(1) *Purpose.* Preliminary design review is an opportunity for an applicant to discuss requirements, standards, procedures, potential modifications of standards or variances that may be necessary for a project and to generally consider in greater detail the development proposal design which has been evaluated as a part of the conceptual review process. While the conceptual review process is a general consideration of the development proposal, preliminary design review is a consideration of the development proposal in greater detail. Problems of both a major and minor nature can be identified and solved during the preliminary design review before a formal application is made.

Representatives of the Department, Poudre Fire Authority, Police Services, Water and Wastewater Utilities, Electric Utility, Stormwater Utility, and other departments as appropriate, and special districts where applicable. Additionally, other public or quasi-public agencies which may be impacted by the development project are invited and encouraged to attend the preliminary design review. These agencies may include the gas utility, water and/or wastewater utility districts, ditch companies, railroads, cable television service providers and other similar agencies.

...

Section 5. That Section 2.13.3 of the Land Use Code is hereby amended to read as follows:

### 2.13.3 - Application

An Application for vested rights determination or takings determination shall be submitted to the Director in the form established by the director. an application fee in the amount of two thousand five hundred dollars (\$2,500.00) per application (i.e., \$2,500.00 for vested rights, \$2,500.00 for takings, whichever is applied for) shall accompany and be part of the application. the application shall, at a minimum, include:

...

Section 6. That Section 3.1.1 of the Land Use Code is hereby amended to read as follows:

#### 3.1.1 Applicability

All development applications and building permit applications shall comply with the applicable standards contained in divisions 3.1 through 3.9, except that single-family detached dwellings and extra occupancy rental houses on platted lots that are subject only to building permit review under article 4, as well as any accessory buildings, structures and accessory uses associated with such single-family dwellings and extra occupancy rental houses, need to comply only with: (a) the standards contained in article 4 for the zone district in which such uses are located; (b) the standards contained in division 3.8; and (c) with respect to extra occupancy rental houses, the standards contained in section 3.2.2(k)(1)(j).

Existing Development. In addition to the foregoing, this Land Use Code shall continue to apply to ongoing use of land in a completed development to the extent that the provisions of this land use code can be reasonably and logically interpreted as having such ongoing application.

Section 7. That Section 3.2.1(E)(3) of the Land Use Code is hereby amended to read as follows:

#### 3.2.1 Landscaping and Tree Protection

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

(a) Landscape designs shall be designed according to the xeriscape landscaping principles described as follows:

1. Plan and design. Plan for how people will use and interact with the landscape. Group landscape materials accordingly based upon hydrozone.

Landscape arrangement. Provide a cohesive arrangement of turf, plants, mulch, boulders and other landscape elements that support the criteria in Section 3.2.1(H). Landscape elements shall be

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

3. Appropriate use of turf. Limit high water-use turf to high-traffic areas where turf is functional and utilized.
4. Appropriate plant selection. Selected plants shall be well-adapted to the Fort Collins climate and site conditions. Plants shall be grouped according to water and light requirements.
5. Efficient irrigation. Design, operate and maintain an efficient irrigation system. Select equipment appropriate to the hydrozone. Water deeply and infrequently to develop greater drought tolerance.
6. Soil preparation. Incorporate soil amendments appropriate to the soil and the plant material. Soil preparation must be in accordance with City of Fort Collins Municipal Code 3.8.21.
7. Mulch. Maintain a minimum depth of three inches of mulch in planting beds to conserve soil moisture and control weeds, with careful placement and adjustment of depth near plant stems as needed to allow unimpeded plant establishment and vigorous growth.
8. Maintenance. Provide regular maintenance including but not limited to weeding, pruning, mowing to an appropriate height, deadheading, replacement of dead plant material, and replenishment of mulch surfaces.
9. Xeriscape principles do not include or allow artificial turf or plants; paving of areas not used for walkways, patios or parking; excessive bare ground or mulch; weed infestations; or any landscaping that does not comply with the standards of this section.

(b) Landscape plans shall include:

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

High Hydrozone	18 gallons/square feet/season
Moderate Hydrozone	10 gallons/square feet/season

Low Hydrozone	3 gallons/square feet/season
Very Low Hydrozone	0 gallons/square feet/season

...

Section 8. That Section 3.2.1(I)(2) of the Land Use Code is hereby amended to read as follows:

- (2) *Plant Materials.* Plant material shall be selected from the *City of Fort Collins Plant List* created by Fort Collins Utilities Customer Connections Department and adopted by the Director. The *Plant List* contains plants determined by local resources to be appropriate for local conditions. The Director may approve plants not included on the list upon a determination that such plants are well suited for the local climate.

...

Section 9. That Section 3.2.1(J)(2) of the Land Use Code is hereby amended to read as follows:

- (J) ***Irrigation.***

...

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

...

Section 10. That Section 3.2.1(J)(3)(b)3. of the Land Use Code is hereby amended to read as follows:

3. Irrigation controllers shall be "smart" controllers, using climate-based or soil moisture-based technology, selected from the WaterSense labeled irrigation controllers list issued by the United States Environmental Protection Agency from time-to-time and available at the City of Fort Collins Utilities Water Conservation

Department. Controllers shall be installed and programmed according to manufacturer's specifications.

...

Section 11. That Section 3.2.1(J)(3)(b)4. of the Land Use Code is hereby amended to read as follows:

An evapotranspiration (ET) sensor or weather monitor shall be installed on each irrigation controller and installed according to manufacturer's specifications in a location to receive accurate weather conditions.

...

Section 12. That Section 3.2.1(J)(3)(b)5.f. of the Land Use Code is hereby amended to read as follows:

- f. Sprayheads on a zone shall have matched precipitation nozzles. Variable Arc Nozzles (VAN) are not acceptable for ninety (90), one hundred eighty (180) and three hundred sixty (360) degree applications. High-Efficiency Variable Arc Nozzles (HE-VAN) are acceptable only in odd shaped areas where ninety (90), one hundred eighty (180) and three hundred sixty (360) are not applicable.

Section 13. That Section 3.2.1(J)(3)(e) of the Land Use Code is hereby amended to read as follows:

- (e) Sprinkler Performance Audit.

...

3. Audit results below the minimum acceptable distribution uniformity as set for the subsection (e)2. above require adjustments and/or repairs to the irrigation system. These corrections will be noted on the irrigation as-builts and the test area re-audited until acceptable efficiency/results.
4. The audit shall measure the operating pressure for one (1) sprinkler on each zone to determine whether the zone meets the above pressure requirements.
5. A copy of the sprinkler performance audit shall be submitted to and approved by the City before issuance of a certificate of occupancy.

Section 14. That Section 3.2.2(C)(4)(b) of the Land Use Code is hereby amended to read as follows:

...

- (4) *Bicycle Facilities.* Commercial, industrial, civic, employment and multi-family residential uses shall provide bicycle facilities to meet the following standards:

...

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

...

Section 15. That Section 3.2.2(C)(5) of the Land Use Code is hereby amended to read as follows:

- (5) *Walkways.*

- (a) *Directness and Continuity.* Walkways within the site shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and shall not be located and aligned solely based on the outline of a parking lot configuration that does not provide such direct pedestrian access. Walkways shall be unobstructed by vertical curbs, stairs, raised landscape islands, utility appurtenances or other elements that restrict access and shall link street sidewalks with building entries through parking lots. Such walkways shall be raised or enhanced with a paved surface not less than six (6) feet in width. Drive aisles leading to main entrances shall have walkways on both sides of the drive aisle.

...

Section 16. That Section 3.2.4(D)(6) of the Land Use Code is hereby amended to read as follows:

- (6) Unique areas or neighborhoods within the City may have additional design guidelines for lighting as part of a neighborhood or area plan. The Department can provide information regarding neighborhood or area plans. Natural areas and natural features shall be protected from light and spillage from off-site sources.

...

Section 17. That Section 3.3.2(E)(1)(e) of the Land Use Code is hereby amended to read as follows:

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

...

(e) Drainage. The construction of stormwater drainage facilities required by the approved Development Plan Documents must be consistent with the Stormwater Criteria Manual as it may be modified from time to time. Such stormwater drainage facility must be verified by an authorized City inspector at the appropriate phases of construction activities as specified in the Development Certification Checklist issued by and available from the Department, including but not limited to the following:

(1) Porous Pavers:

- (a) Installation must be verified via inspection by an authorized City inspector at the point of installation of the outlet, underdrain, geomembrane layer, if included in whole or in part in the design detail set forth in the Development Plan Documents, and sub-base course.
- (b) Installation of this facility must be verified via inspection by an authorized City inspector at the point of installation of the pavers and joint fill material.

(2) Bioretention Cells, Rain Gardens, and/or Sand Filters:

- (a) Installation of this facility was verified via inspection by an authorized City inspector at the point of installation of the outlet, underdrain and geomembrane layer, if included in whole or in part in the design detail set forth in the Development Plan Documents, and base course.
  - (b) Installation of this facility was verified via inspection by an authorized City inspector at the point of installation of the pea gravel course and sand or growing media layer course.
- (3) Extended Detention Basins: Installation of this facility was verified via inspection by an authorized City inspector at the point of installation of the water quality control box(es).
- (4) Underground Treatment: Installation of this facility was verified via inspection by an authorized City inspector at the point at which the feature is installed but not buried.



In the event of non-compliance, the City shall have the option to withhold building permits and/or certificates of occupancy or use any other legal remedy that may be provided in the City Code, the Land Use Code and/or the Development Agreement, as determined appropriate to ensure that the Developer properly installs all privately owned stormwater improvements associated with the development as specified in the Development Plan Documents.

In addition, a “Drainage Certification” prepared by a Professional Engineer licensed in the State of Colorado must be provided. The “Certification” must confirm to the City that all stormwater drainage facilities required to serve the property have been constructed in conformance with the approved Development Plan Documents so as to protect downstream property and the quality of Stormwater runoff from the property to comply with the City’s Municipal Separate Storm Sewer System permit. Such certification must be in the form required by the City’s Stormwater Criteria Manual and Construction Standards.

...

Section 18. That Section 3.5.2(E)(5) of the Land Use Code is hereby amended to read as follows:

- (5) *Maximum Size of Detached Accessory Buildings.* Any detached accessory building that is incidental to a single-family or two-family dwelling shall contain a maximum of eight hundred (800) square feet of floor area on lots that are less than twenty thousand (20,000) square feet in size, a maximum of one thousand two hundred (1,200) square feet of floor area on lots that are between twenty thousand (20,000) square feet and one (1) acre in size, and a maximum floor area of six (6) percent of the total lot area on lots that are larger than one (1) acre in size, except that the size of such building may be increased by the minimum amount necessary to accommodate a handicap accessible parking bay when such a bay is required by the City's Building Code.

...

Section 19. That Section 3.8.13(C)(9) of the Land Use Code is hereby amended to read as follows:

- (9) *Lighting.* The light source for security lighting shall comply with the requirements of Section 3.2.4. Light fixtures, whether freestanding or tower-mounted, shall not exceed twenty-two (22) feet in height.

...

Section 20. That Section 3.8.17(C) of the Land Use Code is hereby amended to read as follows:

(C) ***Exemptions From Building Height Regulations.*** The following structures and features shall be exempt from the height requirements of this Land Use Code:

...

- (9) structures associated with occupied roofs where the parapet wall does not exceed four (4) feet above the roof deck. If such roofs include enclosed space, such space such as shade structures, storage closets, and other installations, shall cover no more than twenty-five (25) percent of the horizontal surface area of the roof and shall be set back at a thirty-five (35) degree angle measured at the intersection of the floor plane of the story below the roof.

Section 21. That Section 3.8.30(A) and (C) of the Land Use Code is hereby amended to read as follows:

### **3.8.30 - Multi-Family and Single-Family Attached Dwelling Development Standards**

(A) ***Purpose/Applicability.*** The following standards apply to all:

- (1) multi-family developments that contain at least four (4) dwelling units; and
- (2) single-family attached developments that contain at least four (4) dwelling units where there is no reasonably sufficient area for outdoor activities and useable outdoor space on an individual per lot.

These standards are intended to promote variety in building form and product, visual interest, access to parks, pedestrian-oriented streets and compatibility with surrounding neighborhoods.

...

- (C) ***Access to a Park, Central Feature or Gathering Place.*** At least ninety (90) percent of the dwellings in all development projects containing two (2) or more acres shall be located within one thousand three hundred twenty (1,320) feet (one-quarter [ $\frac{1}{4}$ ] mile) of either a neighborhood park, a privately owned park or a central feature or gathering place that is located either within the project or within adjacent development, which distance shall be measured along street frontage without crossing an arterial street. Such parks, central features or gathering places shall contain one (1) or more of the following uses:

...

- (2) Privately owned parks, meeting the following criteria:
  - (a) For projects between two (2) and five (5) acres, the development is required to provide sufficient outdoor gathering areas or site amenities, either public or private, to sustain the activities associated with single-family attached and multi-family residential development, to adequately serve the occupants of the development as set forth below. Such outdoor gathering areas may include, without limitation, small parks, playgrounds,

pools, sports courts, picnic facilities, passive open space, recreational areas, plazas, courtyards, or naturalistic features.

For projects greater than five (5) acres and less than ten (10) acres, the private park must be a minimum of five thousand (5,000) square feet.

For projects greater than ten (10) acres, the private park must be a minimum of ten thousand (10,000) square feet.

...

Section 22. That Section 3.8.30(F)(1) of the Land Use Code is hereby amended to read as follow:

(F) ***Design Standards for Multi-Family Dwellings.***

- (1) *Along Single- and Two-Family Residential Development.* Buffer yards shall be provided along the property line of abutting existing single- and two-family dwellings. Minimum depth shall be twenty-five (25) feet. This provision shall not apply to the Neighborhood Conservation Buffer (NCB) district and the Neighborhood Conservation Medium Density (NCM) district.

...

Section 23. That Section 4.1(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subparagraph (6) which reads in its entirety as follows:

6. Wireless telecommunication equipment, unless located within one thousand three hundred twenty (1,320) feet (one-quarter [1/4] mile) of the centerline of either I-25 or Carpenter Road.

Section 24. That Section 4.1(B)(3)(d) of the Land Use Code is hereby deleted in its entirety.

Section 25. That Section 4.2(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subparagraph (6) which reads in its entirety as follows:

6. Wireless telecommunication equipment.

Section 26. That Section 4.2(B)(3)(e)(2) of the Land Use Code is hereby deleted in its entirety.

Section 27. That Section 4.3(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subparagraph (5) which reads in its entirety as follows:

5. Wireless telecommunication equipment.

Section 28. That Section 4.3(B)(3)(d) of the Land Use Code is hereby deleted in its entirety.

Section 29. That Section 4.4(B)(1)(b) of the Land Use Code is hereby amended by the addition of a new subparagraph (5) which reads in its entirety as follows:

5. Wireless telecommunication equipment.

Section 30. That Section 4.4(B)(3)(e) of the Land Use Code is hereby deleted in its entirety.

Section 31. That Section 4.5(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subparagraph (5) which reads in its entirety as follows:

5. Wireless telecommunication equipment.

Section 32. That Section 4.5(B)(2)(c)3. of the Land Use Code is hereby amended to read as follows:

3. Neighborhood centers consisting of at least two (2) of the following uses: mixed-use dwelling units; retail stores; convenience retail stores; personal and business service shops; small animal veterinary facilities; offices, financial services and clinics; community facilities; neighborhood support/ recreation facilities; schools; child care centers; limited indoor recreation establishments; open-air farmers markets; and places of worship or assembly, dog day care, music studio, micro brewery/distillery/winery.

...

Section 33. That Section 4.5(B)(3)(c)1. of the Land Use Code is hereby amended to read as follows:

(c) **Commercial/Retail Uses:**

1. Neighborhood centers consisting of one (1) or more of the following uses: standard and fast food restaurants (without drive-in or drive-through facilities); artisan and photography studios and galleries; or convenience retail stores with fuel sales that are at

least three-quarters ( $\frac{3}{4}$ ) mile from any other such use and from any gasoline station; grocery store, health and membership club, provided that such use or uses are combined with at least one (1) other use listed in subparagraph (B)(2)(c)3 above.

...

Section 34. That Section 4.5(B)(3)(f) of the Land Use Code is hereby deleted in its entirety.

Section 35. That Section 4.5(D)(2)(a) of the Land Use Code is hereby amended to read as follows:

(a) A minimum of housing types is required on any project development plan as follows:

1. a minimum of two (2) housing types is required on any project development plan containing at least fifteen (15) acres and less than twenty (20) acres.

a minimum of three (3) housing types is required on any project development plan containing twenty (20) acres and less than thirty (30) acres, including such plans that are part of a phased overall development; and

3. a minimum of four (4) housing types is required on any such project development plan containing thirty (30) acres or more.

...

Section 36. That Section 4.5(D)(3)(c) of the Land Use Code is hereby amended to read as follows:

(c) **Land Use Requirements.** A neighborhood center shall include two (2) or more of the following uses: mixed-use dwelling units; community facilities; neighborhood support/recreation facilities; schools; child care centers; places of worship or assembly; convenience retail stores; retail stores; offices, financial services and clinics with less than five thousand (5,000) square feet of building footprint area; personal or business service shops; standard or fast food restaurants (without drive-in or drive-through facilities); small animal veterinary clinics; convenience retail stores with fuel sales that are at least three-quarters ( $\frac{3}{4}$ ) mile from any other such use and from any gasoline station; and artisan or photography studios or galleries, dog day cares, music studios, micro-breweries/distilleries/wineries, grocery stores and health and membership clubs. No drive-in facilities shall be permitted. A neighborhood center shall not exceed (5) acres in size, excluding such portion of the neighborhood

center which is composed of a school, park, place of worship or assembly and/or outdoor space as defined in subparagraph (e) of this Section.

Section 37. That Section 4.5(D) of the Land Use Code is hereby amended by the addition of a new subsection (8) which reads in its entirety as follows:

(D) ***Land Use Standards.***

...

- (8) *Long Term Care Facilities – Independent Living Facility.* Independent dwelling units shall not occupy more than fifty (50) percent of the total gross floor area of a long-term care development.

Section 38. That Section 4.6(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subparagraph (5) which reads in its entirety as follows:

5. Wireless telecommunication equipment.

Section 39. That Section 4.6(B)(3)(e) of the Land Use Code is hereby deleted in its entirety.

Section 40. That Section 4.7(B)(1)(b) of the Land Use Code is hereby amended by the addition of a new subparagraph (6) which reads in its entirety as follows:

6. Wireless telecommunication equipment.

Section 41. That Section 4.7(B)(3)(d) of the Land Use Code is hereby deleted in its entirety.

Section 42. That Section 4.7(D)(2)(b) of the Land Use Code is hereby amended to read as follows:

- (b) For the purpose of calculating *allowable floor area*, one hundred (100) percent of the floor area of the following spaces and building elements shall be included:

...

4. Carports.

...

Section 43. That Section 4.8(B)(1)(d) of the Land Use Code is hereby amended by the addition of a new subparagraph (6) which reads in its entirety as follows:

6. Wireless telecommunication equipment.

Section 44. That Section 4.8(B)(3)(e) of the Land Use Code is hereby deleted in its entirety.

Section 45. That Section 4.8(D)(2)(b) of the Land Use Code is hereby amended to read as follows:

- (b) For the purpose of calculating *allowable floor area*, one hundred (100) percent of the floor area of the following spaces and building elements shall be included:

...

4. Carports.

...

Section 46. That Section 4.9(B)(1)(d) of the Land Use Code is hereby amended by the addition of a new subparagraph (6) which reads in its entirety as follows:

6. Wireless telecommunication equipment.

Section 47. That Section 4.9(B)(3)(e) of the Land Use Code is hereby deleted in its entirety.

Section 48. That Section 4.10(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subparagraph (4) which reads in its entirety as follows:

4. Wireless telecommunication equipment.

Section 49. That Section 4.10(B)(3)(e) of the Land Use Code is hereby deleted in its entirety.

Section 50. That Section 4.13(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subparagraph (5) which reads in its entirety as follows:

5. Wireless telecommunication equipment.

Section 51. That Section 4.13(B)(2)(c) of the Land Use Code is hereby amended to read as follows:

(c) **Accessory/Miscellaneous Uses:**

1. Agricultural activities.

Wireless telecommunication facilities.

Section 52. That Section 4.14(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subparagraph (5) which reads in its entirety as follows:

5. Wireless telecommunication equipment.

Section 53. That Section 4.14(B)(3)(d) of the Land Use Code is hereby amended to read as follows:

(d) **Accessory/Miscellaneous Uses:**

1. Wireless telecommunication facilities.

Section 54. That Section 4.16(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subparagraph (3) which reads in its entirety as follows:

3. Wireless telecommunication equipment.

Section 55. That the table contained in Section 4.16(B)(2) of the Land Use Code is hereby amended to read as follows:

<i>Land Use</i>	<i>Old City Center</i>	<i>Canyon Avenue</i>	<i>Civic Center</i>
...			
<b>E. ACCESSORY - MISCELLANEOUS</b>			
...	...	...	...
...	...	...	...

Section 56. That Section 4.17(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subparagraph (7) which reads in its entirety as follows:

7. Wireless telecommunication equipment.

Section 57. That Section 4.17(B)(1)(g) of the Land Use Code is hereby amended to read as follows:

(g) **Industrial Uses:**

1. Medical marijuana optional premises cultivation operations.



Medical marijuana-infused product manufacturers.

3. Medical marijuana research and development facility.
4. Facility for medical marijuana research and development cultivation.
5. Medical marijuana testing facility.
6. Retail marijuana cultivation facility.
7. Retail marijuana product manufacturing facility.
8. Retail marijuana testing facility.

Section 58. That Section 4.17(B)(2)(e) of the Land Use Code is hereby amended to read as follows:

**(e) Accessory/Miscellaneous Uses:**

1. Satellite dish antennas greater than thirty-nine (3) inches in diameter.

Section 59. That Section 4.18(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subparagraph (7) which reads in its entirety as follows:

7. Wireless telecommunication equipment.

Section 60. That Section 4.18(B)(2)(e) of the Land Use Code is hereby deleted in its entirety as follows:

**(e) Accessory/Miscellaneous Uses:**

1. Satellite dish antennas greater than thirty-nine (3) inches in diameter.

Wireless telecommunication facilities.

Section 61. That Section 4.19(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subparagraph (7) which reads in its entirety as follows:

7. Wireless telecommunication equipment.

Section 62. That Section 4.19(B)(1)(g) of the Land Use Code is hereby amended to read as follows:

(g) **Industrial Uses:**

1. Medical marijuana optional premises cultivation operations.  
Medical marijuana-infused product manufacturers.
3. Medical marijuana research and development facility.
4. Facility for medical marijuana research and development cultivation.
5. Medical marijuana testing facility.
6. Retail marijuana cultivation facility.
7. Retail marijuana product manufacturing facility.
8. Retail marijuana testing facility.

Section 63. That Section 4.19(B)(2)(e) of the Land Use Code is hereby amended to read as follows:

(e) **Accessory/Miscellaneous Uses:**

1. Satellite dish antennas greater than thirty-nine (3) inches in diameter.  
Wireless telecommunication facilities.

Section 64. That Section 4.20(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subparagraph (7) which reads in its entirety as follows:

7. Wireless telecommunication equipment.

Section 65. That Section 4.20(B)(2)(e) of the Land Use Code is hereby amended to read as follows:

(e) **Accessory/Miscellaneous Uses:**

1. Wireless telecommunication facilities.  
Satellite dish antennas greater than thirty-nine (3) inches in diameter.

Section 66. That Section 4.21(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subparagraph (3) which reads in its entirety as follows:

3. Wireless telecommunication equipment.

Section 67. That the table contained in Section 4.21(B)(2) of the Land Use Code is hereby amended to read as follows:

<i>Land Use</i>	<i>I-25/SH 392 (CAC)</i>	<i>General Commercial District (C-G)</i>
...		
<b>E. ACCESSORY – MISC.</b>		
...	...	...
...	...	...

Section 68. That Section 4.22(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subparagraph (7) which reads in its entirety as follows:

7. Wireless telecommunication equipment.

Section 69. That Section 4.22(B)(1)(g) of the Land Use Code is hereby amended to read as follows:

(g) **Industrial Uses:**

1. Medical marijuana optional premises cultivation operations.

Medical marijuana-infused product manufacturers.

3. Medical marijuana research and development facility.
4. Facility for medical marijuana research and development cultivation.
5. Medical marijuana testing facility.
6. Retail marijuana cultivation facility.
7. Retail marijuana product manufacturing facility.

8. Retail marijuana testing facility.

Section 70. That Section 4.22(B)(2)(e) of the Land Use Code is hereby amended to read as follows:

(e) **Accessory/Miscellaneous Uses:**

1. Satellite dish antennas greater than thirty-nine (3) inches in diameter.

Wireless telecommunication facilities.

Section 71. That Section 4.23(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subparagraph (7) which reads in its entirety as follows:

7. Wireless telecommunication equipment.

Section 72. That Section 4.23(B)(2)(e) of the Land Use Code is hereby amended to read as follows:

(e) **Accessory/Miscellaneous Uses:**

1. Satellite dish antennas greater than thirty-nine (3) inches in diameter.

Wireless telecommunication facilities.

Section 73. That Section 4.24(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subparagraph (3) which reads in its entirety as follows:

3. Wireless telecommunication equipment.

Section 74. That the table contained Section 4.24(B)(2) of the Land Use Code is hereby amended to read as follows:

<i>Land Use</i>	<i>Riverside Area</i>	<i>All Other Areas</i>
...		
D. INDUSTRIAL		
...		

Medical marijuana optional premises cultivation operations	Not permitted	BDR
Medical marijuana-infused product manufacturers	Not permitted	BDR
Medical marijuana research and development facility	Not Permitted	BDR
Facility for medical marijuana research and development cultivation	Not Permitted	BDR
Medical marijuana testing facility	Not permitted	BDR
Retail marijuana cultivation facility.	Not permitted	BDR
Retail marijuana product manufacturing facility	Not permitted	BDR
Retail marijuana testing facility	Not permitted	BDR
...	...	..
E. ACCESSORY – MISC.		
...	...	...

Section 75. That Section 4.26(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subparagraph (7) which reads in its entirety as follows:

7. Wireless telecommunication equipment.

Section 76. That Section 4.26(B)(2)(e) of the Land Use Code is hereby amended to read as follows:

(e) **Accessory/Miscellaneous Uses:**

1. Satellite dish antennas greater than thirty-nine (3) inches in diameter.

Wireless telecommunication facilities.

Section 77. That Section 4.27(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subparagraph (7) which reads in its entirety as follows:

7. Wireless telecommunication equipment.

Section 78. That Section 4.27(B)(2)(e) of the Land Use Code is hereby amended to read as follows:

(e) **Accessory/Miscellaneous Uses:**

1. Satellite dish antennas greater than thirty-nine (3) inches in diameter.

Wireless telecommunication facilities.

Section 79. That Section 4.28(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subparagraph (7) which reads in its entirety as follows:

7. Wireless telecommunication equipment.

Section 80. That Section 4.28(B)(1)(f) of the Land Use Code is hereby amended to read as follows:

(f) **Industrial Uses:**

1. Medical marijuana optional premises cultivation operations.  
Medical marijuana-infused product manufacturers.
3. Medical marijuana research and development facility.
4. Facility for medical marijuana research and development cultivation.
5. Medical marijuana testing facility.
6. Retail marijuana cultivation facility.
7. Retail marijuana product manufacturing facility.
8. Retail marijuana testing facility.
9. Small-scale and medium-scale solar energy systems.

Section 81. That Section 4.28(B)(2)(e) of the Land Use Code is hereby amended to read as follows:

(e) **Accessory/Miscellaneous Uses:**

1. Mixed-use dwelling units constructed at ground level, provided they are ancillary to and associated with a principal nonresidential use on the lot.

Satellite dish antennas greater than thirty-nine (3) inches in diameter.

3. Wireless telecommunication facilities.

Section 82. That the definition “Bicycle parking, enclosed” contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

*Bicycle parking, enclosed* shall mean bicycle storage in lockers, a room or other space within a parking structure or other building, including a shed or carport. All types of enclosed bicycle storage must be easily accessible to entrances and walkways, secure, lighted and protected from the weather. Each storage space shall provide a minimum of six (6) square feet in area. The storage space shall not impede fire exits or be located so that parked bicycles interfere with public access.

Section 83. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “*Carport*” which reads in its entirety as follows:

*Carport* shall mean an accessory building attached or detached from a principal building and customarily used with, and clearly incidental and subordinate to the principal building or use, consisting of a roof but no more than one (1) wall and typically intended to provide weather protection for vehicles, boats, trailers, and the like.

Section 84. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “*Department*” which reads in its entirety as follows:

*Department* shall mean the Community Development and Neighborhood Services Department, or the successor department existing from time-to-time in the City’s organizational structure as set for in this Code.

Section 85. That the definition “*Director*” contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

*Director* shall mean the Director of the Department.

Section 86. That the definition “*Hydrozone*” contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

*Hydrozone* shall mean an area within the landscape defined by a grouping of plants requiring a similar amount of water to sustain health. For the purposes of this Code, hydrozones are divided into the following four (4) categories:

- (1) Very low hydrozones include plantings that need supplemental water when first planted, but little or none once established.
- (2) Low hydrozones include plantings that generally do not require more than three (3) gallons per square foot of supplemental water per year. These plantings require additional water during plant establishment or drought.
- (3) Moderate hydrozones include plantings that generally require ten (10) gallons per square foot of supplemental water per year.
- (4) High hydrozones include plantings that generally require eighteen (18) gallons per square foot of supplemental water per year

Section 87. That the definition “*Indoor kennel*” contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

*Indoor kennel* shall mean an establishment in which twenty-four (24)- hour care and boarding is provided for household dogs or cats within a soundproof building (or buildings) that contains exercise facilities, separate ventilation systems for dogs and cats if they are boarded in the same building, and wherein other services such as grooming and training are offered. Dogs in an indoor kennel are only allowed in an outdoor exercise area during the hours of 8am-5pm.

Section 88. That the definition “*Long-term care facility*” contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follow:

*Long-term care facility* shall mean any of the following:

1. *Convalescent or rehabilitation center* shall mean a health institution that is planned, organized, operated and maintained to offer facilities and services to inpatients requiring restorative care and treatment and that is either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital.
2. *Nursing or memory care facility* shall mean a health institution planned, organized, operated and maintained to provide facilities and health services with related social care to inpatients who require regular medical care and twenty-four-hour per day nursing services for illness, injury or disability. Each patient shall be under the care of a physician licensed to practice medicine in the State of Colorado. The nursing services shall be organized and maintained to provide twenty-four (24) -hour per day nursing services under the direction of a registered professional nurse employed full time.



3. *Intermediate health care or assisted living facility* shall mean a health-related institution planned, organized, operated and maintained to provide facilities and services which are supportive, restorative or preventive in nature, with related social care, to individuals who because of a physical or mental condition, or both, require care in an institutional environment but who do not have an illness, injury or disability for which regular medical care and twenty-four (24) -hour per day nursing services are required.
4. *Independent living or continuing care facility* shall mean a single-family, two-family and/or multi-family dwelling which is located within a development that contains one (1) or more of the facilities described in (1) through (3) above, wherein the residents of such dwellings have access to the common amenities and services available to residents of the facilities described in (1) through (3) above.

Section 89. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “*Marijuana products*” which reads in its entirety as follows:

*Marijuana products* shall mean concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tincture as defined in Section 16 (2)(k) of Article XVIII of the Colorado State Constitution.

Section 90. That the definition “*Medical marijuana center*” contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

*Medical marijuana center* shall mean a person licensed pursuant to Title 12, Article 43.3, C.R.S., to operate a business as described in Section 12-43.3-402, C.R.S., that sells medical marijuana to registered patients or primary caregivers as defined in Section 14 of Article XVIII of the State Constitution, but is not a primary caregiver.

Section 91. That the definition “*Medical marijuana-infused products manufacturer*” contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

*Medical marijuana-infused products manufacturer* shall mean a person licensed pursuant to Title 12, Article 43.3, C.R.S., to operate a business as described in Section 12-43.3-404, C.R.S.

Section 92. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “*Medical marijuana research and development cultivation*” which reads in its entirety as follows:

*Medical marijuana research and development cultivation* shall mean a facility used by a person or entity licensed pursuant to Title 12, Article 43.3, C.R.S., to operate a business as described in Section 12-43.3-409, C.R.S.

Section 93. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “*Medical marijuana research and development facility*” which reads in its entirety as follows:

*Medical marijuana research and development facility* shall mean a facility used by a person or entity licensed pursuant to Title 12, Article 43.3, C.R.S., to operate a business as described in Section 12-43.3-409, C.R.S.

Section 94. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “*Medical marijuana testing facility*” which reads in its entirety as follows:

*Medical marijuana testing facility* shall mean a facility used by a person or entity licensed pursuant to Title 12, Article 43.3, C.R.S., to operate a business as described in Section 12-43.3-405, C.R.S.

Section 95. That the definition “*Retail marijuana store*” contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

*Retail marijuana store* shall mean an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

Section 96. That the definition “*Retail marijuana testing facility*” contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

*Retail marijuana testing facility* shall mean an entity licensed to analyze and certify the safety and potency of marijuana as defined in Section 16(2)(1) of Article XVIII of the Colorado State Constitution.

Section 97. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “*Structures associated with an occupied roof*” which reads in its entirety as follows:

*Structures associated with an occupied roof* shall mean improvements to the primary or lowest portion of a roof deck of a structure that may include, but not be limited to, accessory rooftop improvements such as pools, decks, raised planters, outdoor furniture, shade structures, snack bars, televisions, clubhouse or other clubhouse-like elements. *Structures associated with an occupied roof* is not a story as that term is used in this Land Use Code.

Section 98. That the definition “*Warehouse*” contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

*Warehouse* shall mean a building used primarily for the storage of goods or materials excluding marijuana products.

Section 99. That the definition “*Wholesale distribution*” contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

*Wholesale distribution* shall mean a use primarily engaged in the sale and distribution of manufactured products, supplies or equipment, including accessory offices or showrooms, and including incidental retail sales, but excluding marijuana products, bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions, and where the products, supplies or equipment that are distributed from the facility are not used or consumed on the premises. Activities customarily include receiving goods in bulk or large lots and assembling, sorting or breaking down such goods into smaller lots for redistribution or sale to others for resale.

Introduced, considered favorably on first reading, and ordered published this 15th day of May, A.D. 2018, and to be presented for final passage on the 5th day of June, A.D. 2018.

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Mayor Pro Tem

ATTEST:

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City Clerk

Passed and adopted on final reading on the 5th day of June, A.D. 2018.

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Mayor Pro Tem

ATTEST:

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City Clerk