



**Date:** Monday, December 07, 2020  
**Time:** 6:30 PM  
**Location:** Virtual Hearing, Register at <https://www.larimer.org/planning/luc2020>

## JOINT LAND USE HEARING AGENDA FOR THE PLANNING COMMISSION AND BOARD OF COUNTY COMMISSIONERS

### Call to Order

### Pledge of Allegiance

### Public Hearing Discussion Items:

**1. Adoption of the Larimer County Land Use Code, Phase 1, 20-CODE0248**

Staff Contacts: Matt Lafferty, Principal Planner

Request:

To repeal the current Larimer County Land Use Code and the Official Larimer County Zoning Map and replace them with the new Larimer County Land Use Code and Official Larimer County Zoning Map.

Location: Larimer County

Applicant: Larimer County, Community Development

Owner: NA

Development Services Team Recommendation:

The Community Development Department recommends that the Planning Commission recommend to the Board of County Commissioners approval of the request to repeal the current Land Use Code and the Official Larimer County Zoning Map in their entirety and replace them with the proposed Phase I - Land Use Code and Official Larimer County Zoning Map, File# 20-CODE0248 Land Use Code Adoption, as presented in Attachment A and proposed substantive changes included in Attachment B. The draft in Attachment A includes commentary and footnotes that will not carry forward in the adoption. Additionally, Article 16 (administrative manual), will not be part of the materials to be adopted, as those provisions will become an Administrative Manual to be updated and kept current within Community Development and not requiring Board of County Commissioner approval.

The recommendation includes the following conditions:

1. The new code will be effective on \_\_\_\_\_.
2. The Board of County Commissioners authorize the Community Development Director to administratively approve non-substantive modifications to Phase 1 of the Land Use Code that arise during the preparation Phase 2. Non-substantive changes include changes such as but not limited to:
  - a. Format changes,
  - b. Text amendments correcting omissions or errors,
  - c. Text amendments that improve clarity, and
  - d. Updated cross references.

## Adjourn

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Per the Americans with Disabilities Act (ADA), Larimer County will provide a reasonable accommodation to qualified individuals with a disability who need assistance. Services can be arranged with at least seven (7) business days' notice. Please email us at [beilbykm@larimer.org](mailto:beilbykm@larimer.org) or by calling 970-498-7719 or Relay Colorado 711 "Walk-in" requests for auxiliary aids and services will be honored to the extent possible but may be unavailable if advance notice is not provided.

2. <u>TITLE:</u>	Adoption of the Larimer County Land Use Code (Phase 1)
<u>REQUEST:</u>	To repeal the current Larimer County Land Use Code and the Official Larimer County Zoning Map and replace them with the new Larimer County Land Use Code and Official Larimer County Zoning Map.
<u>APPLICANT:</u>	Community Development Department
<u>STAFF CONTACTS:</u>	Matt Lafferty, AICP, Principal Planner
<u>FILE #:</u>	File #20-CODE0248
<u>JOINT PC AND BCC HEARING:</u>	December 7, 2020
<u>NOTICE GIVEN:</u>	Newspaper publication 14 days prior to the hearing in two newspapers of general circulation and multiple other ways of informing and engaging the community as noted in this report

**BACKGROUND:**

This section describes how the new Land Use Code builds on decades of land use planning in Larimer County. The proposed Code is necessary to implement the goals of the new Comprehensive Plan. It will replace the existing Land Use Code, which was originally adopted in 2000. While the existing Code has been amended many times to address specific issues, this project represents the first comprehensive evaluation and update of the regulations in the past 20 years.

**November 9, 1997 – The Larimer County Master Plan is adopted.**

This land use policy document guided the formation of land use regulations, practices, and decisions from 1997 to 2019. The predominant theme of the Master Plan was to encourage the viability of agriculture, the protection of natural resources, and a settlement pattern reflective of Larimer County’s natural, rural, and agricultural landscape. To accomplish this primary objective the Master Plan suggested that the County formulate and adopt a Land Use Code that included development strategies aimed at growth management, adequate public facilities, environmental compatibility, and transparency of procedures and standards.

**November 22, 1999 – The Larimer County Land Use Code (LUC) is adopted.**

This regulatory land use document, which is in effect today, was created to implement the goals, policies, and strategies of the Master Plan. The LUC formalized adequate public facility standards to ensure that approval of new development proposals would occur only when the location, scale, and intensity of the

development was supported by adequate and necessary services (water, sewer, drainage, fire protection, and roads). Furthermore, the LUC implemented development strategies and standards that fostered a clustered subdivision pattern (Conservation Development and Rural Land Use Plan) that would support protection of natural resources, continued agriculture uses of property, and safeguarding of the rural character as defined in the Master Plan.

**July 17, 2019 - The Master Plan (1997) is repealed and replaced with the Larimer County Comprehensive Plan (new Master Plan).**

The [Larimer County Comprehensive Plan](#), a policy document, re-affirmed many of the land use concepts of the previous Master Plan and carried them forward as continued objectives for the County. Additionally, new objectives were formulated as part of the Comprehensive Plan, these include expanded opportunities for rural economic development, emphasis on resiliency (hazards, economy, and housing), strengthening compatibility of land uses, and the application of development standards appropriate to the context of the land use activity. However, the most significant evolution within the Comprehensive Plan was a refined [Land Use Framework Map](#) that categorized predominant land use types into defined framework categories.

The new framework characterization of the County provides nine categories (previously only two existed - rural and urban) which provides a sharper image as to how development strategies can be tailored based upon factors such as availability of services, dominant land uses, hazards, and relationship of varying use types.

The 1997 Master Plan and the 1999 Land Use Code have left a positive mark on the Larimer County landscape which is why many of the principles and practices established by these land use documents are still relevant and apply today. Still, the LUC requires an update to remain relevant with the new objectives of the recently adopted Comprehensive Plan as well as changed conditions in the region, such as growing communities and population.

**July 2019 to present - LUC 2020 Project**

Following adoption of the Comprehensive Plan in July 2019 the Community Development Department initiated the Request for Proposal (RFP) process to attain a consultant to assist with the preparation and adoption of a new LUC. The selection committee for the RFP selected the consulting group Clarion Associates in September 2019 and the project commenced. The RFP for the project identified the need for a final product that achieved the following primary objectives:

- alignment with the Comprehensive Plan,
- organizational improvements for a more user-friendly format,
- inclusion of contemporary use types,
- contextual development standards,
- streamlined and simplified development procedures, and
- alignment with applicable state and federal requirements.

To understand the full range of issues associated with the current regulations, the LUC 2020 project commenced with stakeholder meetings, review of relevant documents and regulations, and meetings with various staff, boards, and commissions, all of which resulted in the [LUC 2020 Assessment and Annotated Outline \(Assessment\)](#). The Assessment was presented to the PC and BCC at a joint work session on December 4, 2019.

Based upon the recommendations of the Assessment the project schedule for the LUC 2020 was broken into 2 phases. **Phase 1**, currently being considered for adoption, focuses on:

- re-organization of the Code,
- zoning district and use alignment with Comprehensive Plan framework characterizations,
- refinement of development standards to be context oriented, and
- streamlining of processes and procedures.

The work plan for Phase 1 involved the sequential preparation of components of the Code as follows:

- Installment 1 – Administration and Procedures (January 2020 – March 2020)
- Installment 2 – Zoning Districts and Uses (March 2020 – May 2020)
- Installment 3 – Development Standards (June 2020 – August 2020)
- Consolidated Draft (September 2020 – November 2020)
- Adoption Draft (November - December 2020)

The process for each of the components listed above has been as follows:

- consultant prepares and submits draft,
- staff reviews the draft,
- consultant revises draft and makes it available for public review,
- public has opportunities to review and provide comments,
- work session with Planning Commission and Board of County Commissioners, and
- consultant makes final revisions to draft.

### **Community Information and Engagement for the LUC 2020**

At the outset of the project, a public engagement plan was created that details how public outreach was to be conducted throughout the project. The engagement plan includes a list of public open houses, surveys, and the preparation of summary materials like an FAQ Sheet and Fact Sheets. This plan was fully implemented during the beginning stages of the project including open houses for the release of the Assessment and Installment 1. However, the onset of the COVID-19 pandemic interrupted the ability to conduct in-person events. Instead of in-person events, the engagement plan shifted to internet-based engagement including using the web page to share information and get public input and using virtual platforms for meetings and events. In October and November, the project team conducted four virtual open house events surrounding the release of the Consolidated Draft of the LUC.

In addition to the public engagement activities noted above, the project team was able to assemble and meet with small focus groups. These groups focused on issues such as agriculture, urban agriculture, use tables, and use thresholds. Additionally, the team also utilized email, the [web page](#), social media sites (Facebook & Twitter), and newsletters to

disseminate information for public engagement opportunities, review materials, and other relevant information for this code update.

Throughout the project, the team met and/or received feedback from the following Boards and Commissions:

- Agricultural Advisory Board,
- Environmental Sciences Advisory Board,
- Red Feather Lake Area Advisory Committee,
- LaPorte Area Planning Advisory Committee,
- Planning Commission, and
- Board of County Commissioners.

Given the last 18 months of preparation, review and input from various community members and stakeholders, and refinement of the proposed LUC, the project team is now requesting that the current Larimer County Land Use Code be repealed and replaced with the updated Land Use Code.

### **Next Steps**

As previously noted, the LUC re-write project has been divided into two phases. With completion of Phase 1 in December, Phase 2 of the project will get under way in 2021. Phase 2 will focus on specific issues not fully addressed in Phase 1 such as urban agriculture, including livestock and poultry operations. In addition, Phase 2 will focus on the following:

- housing (alternatives, types),
- sign regulations,
- 1041 regulations,
- oil and gas updates to be consistent with changes at the state level,
- application and mapping of zoning districts, and
- further refinement of development standards such as landscaping and parking.

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### **OVERVIEW OF PROPOSED LAND USE CODE:**

A brief overview of the major or key concepts of each Article in the LUC 2020 update is provided in the following section of this report. The features, concepts, and issues discussed are not all inclusive, but have been identified as key items to highlight.

**Article 1.0 – General Provisions** provides the legal foundation for the Code, establishes general administration of the Code, and includes procedures for enforcement actions and non-conforming determinations.

This Article consists primarily of text carried over from the current code and re-organized in the new format. Throughout this Article, there are minor additions that are intended to provide clarity and do not result in major deviations from current practices.

**Article 2.0 – Zoning Districts** lays the groundwork for alignment between zoning districts and the framework categories of the Comprehensive Plan. It establishes new zoning districts, consolidates several zoning districts, renames current zoning districts, and refines lot and building standards (e.g., minimum setbacks and maximum heights).

The proposed consolidation and renaming of zone districts are intended carry forward the allowed uses in the current zone districts. The addition of new zone districts will have no immediate effect or change to current zoning in the County.

The table below displays a summary of the proposed changes to the zone district lineup. Grey bars show the division of the zoning districts into the four character areas.

<b>Current Zoning Districts Compared to Proposed Zoning Districts</b>	
<b>Current Zoning District</b>	<b>Proposed Zoning District</b>
<b>Conservation and Agriculture</b>	
--	NR - Natural Resources (NEW)
--	A - Agriculture (NEW)
FO – Forestry	FO – Forestry
FO-1 – Forestry	
--	ACE - Agricultural Commercial Enterprise (NEW)
<b>Rural</b>	
RE - RuralEstate	RR-1 - Rural Residential
RE-1 - Rural Estate	
E - Estate	
E-1 -Estate	RR-2 - Rural Residential
FA – Farming	
FA-1 – Farming	
O – Open	O – Open
<b>Mixed Center</b>	
--	IR - Interface Residential (NEW)
--	RC - Rural Commercial (NEW)
--	CF - Community Facilities (NEW)
<b>Urban</b>	
R - Residential	UR-1 - Urban Residential
R-1 - Residential	UR-2 - Urban Residential
R-2 - Residential	UR-3 - Urban Residential
M - Multiple Family	MR - Multifamily Residential
M-1 - Multiple-Family	MHP - Manufactured Home Park
--	MU-N - Mixed-Use Neighborhood (NEW)
--	MU-C - Mixed-Use Commercial (NEW)
C – Commercial	CC - Commercial Corridor
B – Business	CN - Commercial Neighborhood
RFLB - Red Feather Lakes Business	CD - Commercial Destination
T – Tourist	
A – Accommodations	
I – Industrial	IL - Industrial Light
I-1 - Heavy Industrial	IH - Industrial Heavy

A significant component of the new LUC is the introduction of character areas, which have been created to establish a link between the Comprehensive Plan framework map and the LUC zoning districts. To accomplish this, each zoning district is assigned to a character area (shown in the grey bars of the table above). Character areas were created based off the framework categories in the Comprehensive Plan. The example below illustrates this concept.

The proposed LUC character area “Conservation and Natural Resources” aligns with the framework categories “Natural Resources,” Mountain and Foothills,” and “Agriculture and Ranching.” In the Comprehensive Plan these framework categories were identified not only by their primary activities, but also by factors such as availability of development resources (water, sewer, and the like). Given the context, land use types, and availability of development resources the zoning districts “Agriculture,” “Natural Resources,” “Forestry,” and “Agricultural Commercial Enterprise” have been assigned to the Conservation and Natural Resources character area.

Besides aligning the new LUC with the Comprehensive Plan, character areas also help to delineate appropriate intensity of development (land divisions) based upon the location, typical land uses, and development resources. Additionally, the character areas provide a new way of defining how development standards are applied. For instance, certain landscaping standards typically required of all new developments regardless of location would only be required in urban areas where water resources are readily available and will not be required in rural locations where water may be a limited resource.

Other relevant factors in Article 2.0 include the consolidation existing zoning districts (i.e., FA, FA-1 into RR-1), refining the purpose statements for each of the zoning districts, and consolidating bulk requirements into tables (e.g., setbacks, heights, and lot areas).

**Article 3.0 - Use Regulations** assigns uses to zoning districts, provides for use-specific standards, and identifies review processes if required. Major takeaways from this Article include:

- organizational modifications categorizing zoning/uses by:
  - location (urban and rural), or
  - nature of use (temporary and accessory),
- inclusion of contemporary use types,
- coordination of uses and procedural requirements, and
- coordination of uses with use-specific standards.

The LUC update does not alter use allowances in the consolidation and renaming of existing zoning districts. With the creation of new zoning districts and uses it may appear that some uses have been removed from some districts; however, such modifications are the result of consolidation of uses into one use description that may have a new use name (e.g., Farming changed to Agricultural Operations). The zoning district that includes the greatest amount of change is the O (Open) zoning district, which is intentional to facilitate the application of new context-oriented districts (AG, NR, ACE, RC, IR) or the expansion of other existing/consolidated zoning districts (RR-1 and RR-2).

**Article 4.0 - Development Standards** contains requirements and standards for development features such as water, sewer, drainage, fire protection, roads, landscaping, and the like. Such

standards are only applicable to new development or re-development proposals for land divisions, site plans, administrative special reviews, and special reviews.

The development standards of the current LUC have been appropriate and effectively applied for the last 20 years, thus most all the standards have been carried forward into the proposed LUC.

The most significant change in this Article is the shift away from a one-size-fits-all zoning to a tailored approach depending on the area of the County. This is achieved by creating standards that are applied based upon location, context, and character area. Paved parking, for example, would be a requirement in the Urban character area, but not in the Conservation and Agriculture character area. Similar changes have been applied to access, connectivity, and circulation.

Phase 2 of the LUC update will include further review and possible changes to the development standards regarding parking, landscaping, and lighting.

**Article 5.0 - Subdivision Standards** specifies design standards, use requirements, dedication and fee-in-lieu requirements, and utility easement and location requirements for land divisions.

The requirements for standard and clustered land developments have been well established in the County. As previously noted in this report, the current requirements to cluster new development if land is subdivided through the Conservation Development or Rural Land Use Process (“RLUP”) is working well and being carried forward.

The Conservation Development process will remain relatively unchanged; while, some modifications are proposed to the RLUP. The primary difference with the RLUP is to change the focus from relying on staff to generate individual design standards and then negotiate those standards with the applicant to a more “typical” process utilizing private sector professionals to prepare and represent the application. The other significant change is to have RLUP applications utilize the typical development standards of Article 4.0, rather than a negotiated set of standards that creates ambiguity of standards and a lack of consistency. These modifications will rely upon applying already established review procedures and standards.

**Article 6.0 - Review Procedures** describes development review procedures, including the steps for seeking flexibility and relief to the standards of the code. Additionally, this Article describes the organization, powers, and duties of those responsible for administering the Code.

Suggested improvements identified during the preparation of the Code Assessment include streamlining of processes and incorporating a user-oriented format. To address such issues, this Article includes new and improved administrative procedures, as well as graphics depicting each review process.

A key improvement to the LUC update is the expanded use of administrative review processes for smaller and simpler types of applications. Such processes ensure that applicable development applications include public review and comment, adequate review for compliance with the standards of the LUC and achieve timely approval if they meet the standards. Two such improvements found in this Article include a new Administrative Subdivision process, and the consolidation of the Public Site Plan (PSP) and Minor Special review (MS) processes into a single process being referred to Administrative Special review (AS). The current processes being

consolidated currently allow applicants to apply for administrative approval, which generally means that approvals are achieved faster. To accomplish this faster approval, certain application types are passed from BCC approval to Community Development Director approval. In such instances the Director has the following options:

1. approve the application upon demonstration of compliance with all applicable standards and requirements,
2. deny the application when lack of compliance with required standards cannot be met, or
3. forward the decision of an application to the Board of County Commissioners based upon:
  - o failure to demonstrate compliance with standards, or
  - o identification of significant neighborhood compatibility issues.

In addition, applicants and the public can, pursuant to Article 6.7.2 of the LUC, appeal the decision of the Director, in which case a hearing with the BCC is held to determine the outcome of the application.

Users of the LUC have indicated that processes are too loosely described in the code, making some processes confusing and unclear. Confusion can cause unnecessary delays with applications which frustrate applicants and affects property owners, staff, and decision makers. To address the issues of a text-heavy document that often leads to misinterpretation and overlooked details, the LUC update includes the addition of tables, graphics, and diagrams to enhance and clarify important messages. One such diagrammatic improvement is the flow chart diagram in this Article. This diagram sets forth a sequential illustration of the steps required for each process type, which diagram is backed by supporting text that provides clarity to the process.

The project team believes that the above changes will contribute to a more expedited process for certain application types and will improve useability of the LUC.

**Articles 7.0 thru 14.0** have, as part of Phase 1, moved from the current LUC to the new LUC without change. However, during Phase 2 of the project, review and changes are likely to the following Articles:

- Article 8.0 – Signs,
- Article 10.0 – Areas and Activities of State Interest (1041),
- Article 11.0 – Oil and Gas Facilities, and
- Article 13.0 – Supplemental Regulations for the Estes Valley.

**Article 15.0 – Rules of Interpretations and Definitions** defines terms found throughout the LUC. The only significant change to this Article is the inclusion of new definitions.

The features and issues discussed above are not all inclusive; however, they do represent the key issues and concepts that should be addressed.

### **Effective Date of the LUC**

The Community Development Department will propose an effective date for the new LUC at the public hearing. The date to be proposed will be will enable the Community Development Department along with Information Technology Department to update the current development review operating system (EnerGov). Furthermore, it will allow staff time to revise our application materials and ensure the LUC is available for public use on the Muni Code system. Finally, it will allow for training opportunities for the typical user, including boards, commissions, and staff.

**Adoption to the County Zoning Map**

To address the consolidation and renaming of zone district, as well as the addition of new zone districts, the Board of County Commissioners are requested to adopt such changes on the Official Larimer County Zoning Map. A new Official Larimer County Zoning Map is being prepared at this time and will be posted to the web site and forwarded to the PC and BCC on or before December 3, 2019

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**REVIEW CRITERIA:**

To approve a change in the land use code text, The County Commissioners must consider the following review criteria and find that each criterion has been met or has been determined to be inapplicable:

**A. The proposed change is consistent with the Master Plan (Comprehensive Plan) and the intent and purpose of this Code; and/or**

The whole purpose of this request to repeal the current Land Use Code and replace it with a new Land Use Code is to create alignment with the Comprehensive Plan adopted in 2019. Updating the Land Use Code will ensure that the land use goals, strategies and objectives captured and documented in the 2019 Comprehensive Plan are realized over the next 20 years.

**B. The proposed change is necessary to correct an omission or error in the Code.**

Criteria B is not applicable to this request as this request does not proposed to correct an omission or error in the code.

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**STAFF FINDINGS:**

The proposed repeal and replacement of the Land Use Code is consistent with the Larimer County Comprehensive Plan, as it provides alignment with the goals and objective of the Comprehensive Plan as outlined in this report.

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**RECOMMENDATION:**

The Community Development Department recommends that the Planning Commission recommend to the Board of County Commissioners approval of the request to repeal the current

Land Use Code and the Official Larimer County Zoning Map in their entirety and replace them with the proposed Phase I - Land Use Code and Official Larimer County Zoning Map, File# 20-CODE0248 Land Use Code Adoption, as presented in Attachment A and proposed substantive changes included in Attachment B. The draft in Attachment A includes commentary and footnotes that will not carry forward in the adoption. Additionally, Article 16 (administrative manual), will not be part of the materials to be adopted, as those provisions will become an Administrative Manual to be updated and kept current within Community Development and not requiring Board of County Commissioner approval.

The recommendation includes the following conditions:

1. The new code will be effective on \_\_\_\_\_.
2. The Board of County Commissioners authorize the Community Development Director to administratively approve non-substantive modifications to Phase 1 of the Land Use Code that arise during the preparation Phase 2. Non-substantive changes include changes such as but not limited to:
  - a. Format changes,
  - b. Text amendments correcting omissions or errors,
  - c. Text amendments that improve clarity, and
  - d. Updated cross references.

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**SUGGESTED MOTION (PLANNING COMMISSION):**

I move that the Planning Commission recommend to the Board of County Commissioners approval of the request to repeal the current Land Use Code and the Official Larimer County Zoning Map in their entirety and replace them with the proposed Phase I - Land Use Code and Official Larimer County Zoning Map, File# 20-CODE0248 Land Use Code Adoption (Attachment A and B), with the conditions recommended by Community Development staff.

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**SUGGESTED MOTION (BOARD OF COUNTY COMMISSIONERS):**

I move that the Board of County Commissioners approve the request to repeal the current Land Use Code and the Official Larimer County Zoning Map in their entirety and replace them with the proposed Phase I - Land Use Code, File# 20-CODE0248 Land Use Code Adoption, with the conditions recommended by Planning Commission and Community Development staff.

**ATTACHMENTS**

A – Public Review Draft LUC

B – Addendum (Recent changes)

C – ESAB and public comments received during LUC preparation



# LARIMER COUNTY

## LAND USE CODE 2020

### CONSOLIDATED DRAFT

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# Article 1.0 General Provisions

## **Commentary**

This article includes general provisions that apply to the entire Land Use Code and set the overall legal foundation, such as the general purpose and applicability of the Code. This article also addresses enforcement of the Code, including violations and penalties, and nonconformities.

## **1.1. Title**

This document is the "Larimer County Land Use Code" and is referred to throughout the text as this "Code."

## **1.2. Authority<sup>1</sup>**

Authority to adopt this Code is given by the Colorado Constitution and the following sections of the Colorado Revised Statutes, as amended:

- 1.2.1.** Title 22, Articles 32 and 54 (School District Boards – Powers and Duties; Reservation and Dedication of School Sites);
- 1.2.2.** Title 24, Article 65.1 (Areas and Activities of State Interest);
- 1.2.3.** Title 24, Article 68 (Vested Property Rights);
- 1.2.4.** Title 28, Article 6 (Division of Aviation);
- 1.2.5.** Title 29, Article 20 (Local Government Regulation of Land Use);
- 1.2.6.** Title 30, Article 11 (County Powers and Functions);
- 1.2.7.** Title 30, Article 15 (Regulation Under Police Power);
- 1.2.8.** Title 30, Article 28 (County Planning and Building Code);
- 1.2.9.** Title 32, Article 1 (Special District Provisions);
- 1.2.10.** Title 34, Article 1 (Geological Survey);
- 1.2.11.** Title 34, Article 60 (Oil and Gas Conservation);
- 1.2.12.** Title 38, Article 30.5 (Conservation Easements);
- 1.2.13.** Title 41, Article 4 (Airports); and
- 1.2.14.** Title 43, Article 2 (State, County, and Municipal Highways).

## **1.3. Purpose<sup>2</sup>**

The purpose of this Code is to preserve, protect, and improve the health, safety, and general welfare of Larimer County residents and to:

- 1.3.1.** Implement the Larimer County Comprehensive Plan ("Comprehensive Plan") and any future amendments to the plan; the Comprehensive Plan is an informational and guidance document

<sup>1</sup> From current Sec. 2.2. *Consolidated draft*: Reference titles were updated.

<sup>2</sup> From current Sec. 2.3. Revised to reference comprehensive plan instead of master plan.

only (not regulatory), and includes all associated master plans and area plans and other plans adopted by the Planning Commission;

**1.3.2.** Provide standards<sup>3</sup> for the physical development of the county to:

- A.** Preserve the character and quality of rural and urban areas;
- B.** Foster convenience and compatibility among land uses; and<sup>4</sup>
- C.** Prevent excessive population densities and overcrowding of land or buildings and ensure the provision of adequate open space for fire safety, sunlight, and air;

**1.3.3.** Maintain and enhance property values by stabilizing expectations, fostering predictability in land development, and establishing a process that efficiently and equitably applies this Code to individual sites while respecting property owner rights and the interests of Larimer County residents. This requires balancing economic development with community values and individual property rights;

**1.3.4.** Promote the economic stability of existing land uses that are consistent with the Comprehensive Plan and protect them from intrusions by incompatible land uses;<sup>5</sup>

**1.3.5.** Ensure that service demands of new development will not exceed the capacity of existing roads, streets, utilities, and other public services and that new development, to the extent allowed by state statute, will pay its fair share of the cost of infrastructure additions and improvements needed to serve such new development;

**1.3.6.** Protect critical environmental resources, including wetlands, riparian areas, important wildlife habitats, and special places of Larimer County;

**1.3.7.** Promote the preservation of agricultural land and the continuation of agriculture; and

**1.3.8.** Prevent or decrease the danger to life and property from flooding, geologic hazards, and wildfire.

## **1.4. Applicability<sup>6</sup>**

**1.4.1.** This Code applies to the development and use of land in unincorporated Larimer County.

**1.4.2.** This Code applies to land owned by the county and other local, state, and federal agencies to the extent allowed by law.

**1.4.3.** This Code and the official zoning map govern the application of the zoning districts and related standards.

## **1.5. Minimum Standards Required<sup>7</sup>**

The provisions of this Code are the minimum standards necessary to accomplish the purposes of this Code and implement the Comprehensive Plan.

<sup>3</sup> Inserted "standards."

<sup>4</sup> Removed "harmonious" and "relationship among land uses." Also removed reference to comprehensive plan which is already addressed in the purpose statement.

<sup>5</sup> Removed "harmful land uses" because that is covered by incompatible.

<sup>6</sup> From current Sec. 2.4. This section may be updated pending future revisions to existing agreements with the Town of Estes Park.

<sup>7</sup> From current Sec. 2.5.

## 1.6. Relationship to Other Regulations<sup>8</sup>

Unless otherwise stated in this Code, whenever provisions in this Code conflict with provisions in other county regulations or with other provisions within this Code, the provision that is more restrictive or particular shall govern over the provision that is less restrictive or general.

## 1.7. Relationship to Private Covenants and Agreements<sup>9</sup>

This Code is not intended to interfere with, revoke, or repeal any easement, covenant, or other agreement between private parties. No covenant or deed restriction shall excuse any failure to comply with this Code. In no case shall the county be obligated to monitor or enforce any easement, covenant, or agreement between private parties unless the county is a party to such agreement and agrees to pursue enforcement.

## 1.8. Severability<sup>10</sup>

A determination by a court of competent jurisdiction that a provision of this Code is unconstitutional or invalid does not make the remainder of the Code unconstitutional or invalid. A determination by a court that the application of this Code to a particular structure or parcel of land is unconstitutional or invalid does not apply to any other structure or parcel of land.

## 1.9. Enforcement<sup>11</sup>

### **Commentary**

This section includes the enforcement provisions from current Chapter 21.0 with revisions as noted.

### **1.9.1. Purpose<sup>12</sup>**

This section establishes procedures through which the County seeks to ensure compliance with the provisions of this Code and obtain corrections for violations of this Code. This section also establishes the remedies and penalties applicable to violations of this Code.

### **1.9.2. Authority<sup>13</sup>**

The provisions of this Code shall be enforced by the County Attorney and the Director at the discretion of the County Commissioners through their authority to abate any violations, and enjoin, restrain, and prosecute any person violating this Code pursuant to Colorado law. The County Commissioners shall determine in their sole discretion whether to pursue a violation of this Code based on the seriousness of the violation, the number of pending violations, and the resources available.

### **1.9.3. Violations**

#### **A. Approvals and Compliance with This Code**

It is a violation of this Code to use real property or improvements on such property; to develop real property; to erect, construct, reconstruct, remodel, restore, or improve a

<sup>8</sup> New. Consider inserting reference here to new separate floodplain article, which would trump any conflicting regulations.

<sup>9</sup> New.

<sup>10</sup> From current Sec. 3.7.

<sup>11</sup> From current Chapter 21.

<sup>12</sup> New.

<sup>13</sup> New.

building or structure; to move buildings onto a site; to excavate or fill land; or to alter or change the use of any real property or improvements on such property in any way not in accordance with this Code or without first obtaining all land use approvals and permits required by this Code.

**B. Building Permits**

1. It is a violation of this Code to use real property or the improvements on such property to erect, construct, reconstruct, remodel, or improve any building or structure; to move buildings onto a site; or to alter or change the use of any real property or the improvements on such property without first obtaining all approvals required under this Code and a building permit as required by the Building code adopted by the County Commissioners.
2. The Community Development Department will not approve the issuance of a building permit unless the plans for the proposed use, development, erection, construction, reconstruction, remodel, restoration, improvement, alteration, or change conform to the requirements of this Code.
3. A building permit is not required for residential accessory buildings or agricultural support buildings (not occupied by the public) of 200 square feet or less measured at the interior of the building.<sup>14</sup>

**C. Terms and Conditions**

It is a violation of this Code to use real property or the improvements on such property to develop real property to erect, construct, reconstruct, remodel, restore, or improve a building or structure; to excavate or fill land;<sup>15</sup> or to alter or change the use of any real property or improvements that are inconsistent with the terms and conditions of any land use approval granted under this Code.

**D. Land Division**

Except for parcels 35 acres and larger or parcels established prior to May 5, 1972, it is a violation of this Code to transfer or sell, agree to transfer or sell, or offer to transfer or sell any divided land before a plat for the land is approved by the County Commissioners and recorded with the County Clerk and Recorder.

**E. Construction of Roads and Other Improvements**

1. It is a violation of this Code to commence construction of roads or other improvements until a construction permit is issued by the County Engineer after final approval by the County Commissioners and all post-approval requirements are met.
2. It is a violation of this Code to construct a road or access serving two or more lots or a use serving the public without first obtaining a private road construction permit.

**F. Continuing Violations**

Each day a violation occurs or remains uncorrected constitutes a separate violation.

**G. Review Criteria**

In the event a matter is brought before the Planning Commission, County Commissioners, Floodplain Review Board, or Board of Adjustment, all or in part to "cure" a violation or

<sup>14</sup> Consolidated draft: Changed from 120 sq ft to 200 sq. ft. Added exemption for agricultural support buildings. Changed measurement from exterior to interior.

<sup>15</sup> Excavating land may be addressed by a new county grading permit process which is conceptually under consideration.

alleged violation of this Code, the review criteria applied shall be those as stated in the Code for the applicable type of approval without regard to past investment in an illegal use.

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**1.9.4. Remedies and Penalties<sup>16</sup>**

**A. Legal Authority**

1. Any person, firm, corporation, or entity violating any provision of this Code is subject to the penalties provided for in the Colorado Revised Statutes, as amended, and any other legal action provided by law.
2. All provisions of this Code may be enforced by any legal or equitable means recognized by the Colorado Revised Statutes and Colorado Court Rules, as amended. In addition to any other remedies that may be recognized in law or equity, for any unlawful use or development Larimer County may:
  - a. Deny and withhold all permits, certificates, or other forms of authorization to use or develop any land, structure, or improvements. This provision applies whether the current owner is responsible for the violation.
  - b. Revoke any development permit or other authorization if it is determined there is a departure from the approved plans, specifications, or conditions of approval or the development permit was obtained by false representation or issued in error. Written notice of revocation must be served upon the owner, the owner's agent, or the owner's contractor to whom the permit was issued or the notice may be posted in a prominent location at the place of the violation.
  - c. Initiate injunction or abatement proceedings or other appropriate legal action in district court or other court having jurisdiction against any person, firm, corporation, or entity who fails to comply with any provision of this Code or any requirement or condition imposed under this Code.
  - d. Seek a court order in the nature of mandamus, abatement, injunction, or other action to abate or remove a violation or otherwise restore the premises to the condition that existed before the violation, and to cause the costs of such action to be recorded as a lien collected in the same manner and with the same priority as real property taxes.
  - e. Withhold all public road improvements and public maintenance from all rights-of-way that have not been accepted for those purposes by the County Commissioners.

**B. Penalties and Remedies are Cumulative**

All penalties or remedies provided for violations of this Code are cumulative.

**C. Damages and Grievances**

Any person who believes they have been damaged or aggrieved by a violation of this Code may institute an action to:

1. Prevent, legally enjoin, abate, or remove any building or structure that is or is proposed to be erected, constructed, reconstructed, altered, maintained, or used in violation of this Code; or
2. Prevent, legally enjoin, or abate the use of any land in violation of this Code.

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<sup>16</sup> New headings added for clarity. This section continues to be discussed with County Attorneys. While actual penalties will be outside the code, the code should authorize the maximum range of financial penalties possible, including escalating fines for repeat offenders, as available to Colorado counties under state law.

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**1.9.5. Inspections<sup>17</sup>****A. Authority and Process for Inspections**

1. The Director, Chief Building Official, County Engineer, County Health Department, or other authorized representative ("the enforcing official") is authorized to enter or inspect any building, structure, premises, or real property to ensure compliance with this Code.<sup>18</sup>
2. These inspections will be carried out during normal business hours except in emergency situations described in §1.9.5.B below.
3. Entry onto private property for inspection will be made only after contact with the owner or occupant of the premises, whose permission for the inspection must be obtained. If the owner or occupant of the premises cannot be located or permission to enter cannot be obtained, the enforcing official may seek an administrative search warrant or court order allowing entry by submitting a sworn affidavit to the county or district court detailing facts to support a reasonable belief that a violation is likely to exist and that further investigation of the premises is warranted.
4. Any subsequent entry and inspection must be conducted in accordance with the administrative search warrant or order issued by the court. Signing an application for any development approval constitutes permission to enter and inspect a property. Inspections may be conducted from public property or right-of-way, or from adjacent private property with the permission of the owner of the private property.

**B. Inspections During Emergency Situations**

Notwithstanding the provisions of §1.9.5.A above, permission to enter or a court order is not required in emergency situations in which the enforcing official has reason to believe public health or safety is in imminent danger and could be jeopardized by any delay in obtaining permission to enter or a court order

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**1.9.6. Nonliability of the County**

This Code shall not be construed to hold Larimer County or any of its employees or officials, acting within the scope of their employment in any manner, responsible or liable for any damages to persons or property resulting from any inspection, enforcement, or review as authorized by this Code. The county and its employees are also not liable for damages resulting from any failure to inspect or enforce or resulting from the issuance or denial of any building permit or the institution or failure to institute any court action as authorized or required. In enacting this Code, County Commissioners intend to preserve all rights of the county, its agencies and departments, its elected and appointed officials, and employees to immunity from liability as described in the Colorado Governmental Immunity Act, C.R.S. § 24-10-101 et. seq.

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**1.9.7. Pending Actions**

Nothing in this Code prohibits the continuation of pending enforcement actions undertaken by the county under regulations in effect prior to the effective date of this Code.

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<sup>17</sup> New headings added for clarity.

<sup>18</sup> Added "County Health Department."

## 1.10. Nonconformities

### Commentary

This section carries forward the current nonconformities from Section 4.8. Most of these provisions are carried forward intact since staff reported that this section was generally working well; however, the content has been substantially reorganized.

We also introduce a new section addressing nonconforming site features, which are not addressed in the current Code. Initial discussions with the County Commissioners expressed support for exploring this concept for targeted areas of the county only, particularly more urbanizing areas.

### 1.10.1. Purpose<sup>19</sup>

This section governs nonconformities which are uses, buildings, structures (except signs), lots, and site features (such as parking and landscaping), that were legally established prior to the adoption of this Code but that do not comply with one or more requirements of this Code. The provisions of this section are intended to recognize the interests of property owners in continuing and putting to nonconformities to productive use, while also encouraging and establishing processes to bring as many aspects of nonconformities into conformance with this Code as is reasonably practicable.

### 1.10.2. Regulations Applicable to All Nonconformities<sup>20</sup>

#### A. Authority to Continue<sup>21</sup>

Nonconformities may continue to be used and occupied, subject to maintenance of premises and conditions of operations regulations in this Code unless the nonconformity is discontinued as provided in this section.

#### B. Determination of Nonconforming Status<sup>22</sup>

The Director has the authority to determine whether a use, building, structure, lot, or site feature is nonconforming. A property owner shall make a written request for the designation of a nonconformity status. The burden of proof for establishing the existence of a nonconformity shall be the responsibility of the applicant or property owner. The Director's decision may be appealed pursuant to §6.7.2, *Appeals*.

#### C. Continuing Nonconforming Status<sup>23</sup>

1. A nonconforming use is a use that was permitted in the zoning district in which the property is located and which was legally commenced prior to the adoption of this Code. If the use had not been properly approved under a prior version of the Larimer County Land Use Code, it is not a legal nonconforming use.
2. If the use was approved through special review or other use- or site-specific permit process under a prior Land Use Code, that approval carries forward to this Code.
3. If the use was nonconforming under the previous Land Use Code and is conforming in this Code, it will lose its nonconforming status and be considered conforming, if the use

<sup>19</sup> Included "site features" since a new section was established to address nonconforming site features.

<sup>20</sup> New section introduced to reorganize the standards that apply to all nonconformities (as suggested in the Assessment). Subsequent sections include only the standards that apply to the specific types of nonconformities.

<sup>21</sup> New.

<sup>22</sup> Relocated to this new section.

<sup>23</sup> Relocated from current 4.8.20.

was nonconforming under the previous Land Use Code and requires special approval pursuant to this Code, it will remain nonconforming unless the property owner seeks to change the use, in which case the applicant will be required to either submit an application for approval of the nonconforming use or replace the nonconforming use with a conforming use.

4. A building or structure that is nonconforming because it has not obtained approval by the flood review board or because it does not meet current setbacks or height restrictions may become a conforming building by obtaining flood review board approval and/or obtaining the necessary setback or height variance approval as applicable to address the nonconforming element(s) of the building.<sup>24</sup>

**D. Destruction of a Nonconforming Use, Building, or Structure<sup>25</sup>**

Destruction of a nonconformity occurs when a building, structure, or use has been destroyed by a calamity, other than flood, beyond the control of the property owner, and damages incurred exceed 50 percent of the replacement cost of the building or structure. A nonconformity that is destroyed may be replaced as follows:

1. A nonconforming building or structure with regards to setbacks and/or height may be replaced in the same location and at the same size as the original building or structure provided that a complete building permit application for the replacement is submitted within 12 months of the calamity.
2. A nonconforming building or structure with regards to setbacks and/or height may be relocated to a different nonconforming location that minimizes the relative degree of nonconformity, upon written approval of the Director.
3. A nonconforming use may be replaced at its original location and intensity provided that the property owner has demonstrated in writing to the Director that efforts for the replacement have or will commence within 12 months of the calamity.
4. All nonconformities damaged or destroyed by flood shall not be reestablished unless allowed by provisions and the requirements for reestablishment found in §2.7.1, *Floodplain Overlay (FP-O)*.

**E. Maintenance and Minor Repair<sup>26</sup>**

Maintenance and minor repairs of nonconformities are permitted and encouraged, provided the repairs and maintenance do not increase the degree of nonconformity. Maintenance and minor repairs include the following:

1. Repairs necessary to maintain and correct any damage or deterioration to the structural soundness of, or the exterior or interior appearance of, a building or structure without expanding the height or footprint of the building or structure;
2. Upkeep and management of land to protect against and mitigate health and environmental hazards;
3. Repairs that are required to remedy unsafe conditions and that do not require a building permit; and
4. Repairs necessary to comply with current building code requirements.

<sup>24</sup> Revisit this section following creation of the new separate floodplain article, which will establish independent rules for flood-related nonconformities.

<sup>25</sup> Consolidated draft: Reorganized to distinguish between types of nonconformities. Consolidates Sections 4.8.8 and 4.8.9.

<sup>26</sup> New. This is increasingly common for cities and counties looking to offer a more lenient approach to maintaining nonconformities. This language replaces some of the repair and maintenance language provided for uses and structures in Sections 4.8.5 and 4.8.7.

**F. Change of Ownership or Tenancy<sup>27</sup>**

Changes in ownership, tenancy, or management of property with an existing nonconformity may occur, but such nonconformities shall continue to be subject to the standards of this §1.10.

**1.10.3. Nonconforming Uses<sup>28</sup>****A. Discontinuance or Reduction in Intensity of a Nonconforming Use**

1. A nonconforming use that has been discontinued for more than 12 consecutive months shall not be reestablished, unless one of the following occurs:
  - a. The property owner provides competent evidence for a Director determination that the nonconforming use has not been discontinued.
  - b. The Director grants a 12-month extension to the discontinuance based upon a written request by the property owner demonstrating reasonable cause for such discontinuance (e.g., the sale of a property, or disaster).
  - c. A conforming version of the use is approved through the procedures and requirements of this Code.
2. A nonconforming use that has been reduced in intensity for more than 12 consecutive months shall only be used or operated at the reduced intensity, unless one of the following occurs:
  - a. The property owner provides competent evidence for a Director determination that the intensity of the nonconforming is different than being presented by others.
  - b. The Director grants a 12-month extension to the reduction of intensity based upon a written request by the property owner demonstrating reasonable cause for such reduction in intensity (i.e. the sale of a property, or disaster).
  - c. A conforming version of the use is approved through the procedures and requirements of this Code.

**B. Expansion or Change in Character of a Use**

A nonconforming use, including buildings or structures that contain a nonconforming use, cannot be extended, expanded, enlarged, or changed in character without the approval through the process found in §1.10.7, *Procedure for the Expansion or Change in Character of a Nonconformity*.

**1.10.4. Nonconforming Buildings or Structures<sup>29</sup>****A. Removal and Reconstruction of Nonconforming Decks and Stairs**

A nonconforming deck, at any finished floor elevation and including associated stairs that does not meet setback requirements may be removed and reconstructed “as-is” as long as the size of the deck is not increased and the nonconforming setback is not decreased except as needed to comply with life safety requirements. The replacement deck and stairs must meet all applicable building code requirements. Stairs may extend into required setbacks pursuant to §2.9.4.H, *Allowed Setback Encroachments*.

<sup>27</sup> New.

<sup>28</sup> Did not carry forward Section 4.8.2 since nonconforming use is in the definitions section.

<sup>29</sup> As with uses, did not carry forward introduction, since nonconforming structure is a defined term.

**B. Expansion of a Nonconforming Building**

1. A nonconforming building may be expanded if all of the following conditions are met:
  - a. The addition is not more than 50 percent of the square footage of the original building;
  - b. The addition is not more than 2,000 square feet; and
  - c. The addition complies with the required setbacks and no portion of the original building and addition is within the future right-of-way identified on the Larimer County Functional Road Classification Map or a Colorado Department of Transportation Roadway.<sup>30</sup>
2. The addition of accessory buildings or structures to a property containing a nonconforming residence or agricultural use and/or building does not constitute the expansion of the nonconforming building or use.

**1.10.5. Nonconforming Lots<sup>31</sup>**

- A. Nonconforming lots shall meet all requirements of this Code except minimum lot size and minimum lot width-to-depth ratio.
- B. A nonconforming lot that was made nonconforming by virtue of enactment of this Code may be used for construction of a building allowed in the applicable zoning district provided all other zoning district and dimensional standards are met.<sup>32</sup>

**1.10.6. Nonconforming Site Features**

**Commentary**

This is a new section addressing nonconforming site features, which are not addressed in the current Code. Initial discussions with the County Commissioners expressed support for exploring this concept for targeted areas of the county only, particularly more GMAs and more urbanizing areas.

The intent here generally is to bring site features into compliance for larger expansions of nonconforming sites. Thresholds are intended to be based on the impacts of any expansions.

*Consolidated draft: Following discussion with the Planning Commission and County Commissioners, this section has been rewritten to provide substantial flexibility in how the requirements of this section is met, to encourage compliance. The requirements also are limited to the Urban character area.*

**A. Purpose**

The purpose of this section is to bring nonconforming site features within the Urban character area into compliance with the requirements of this Code on an incremental basis, as future redevelopment occurs.

**B. Applicability**

This section applies only to projects within the Urban character area.

<sup>30</sup> Revised from “must be located outside the required setbacks.”

<sup>31</sup> Did not carry forward description of nonconforming lots since they are a defined term.

<sup>32</sup> New. This type of provision is increasingly common and is intended to allow development of otherwise nonconforming lots.

**C. Definition of Nonconforming Site Feature**

A nonconforming site feature is any drainage, parking, access, buffer, landscaping, screening element, fences and walls, or exterior lighting feature on a site that was lawfully established but that does not comply with the requirements of this Code.

**D. Thresholds for Compliance**

Within the Urban character area, any applicant for a building or land use permit for a multifamily, commercial, mixed-use, or industrial development on a site that contains nonconforming site features as defined in this section shall upgrade such features in compliance with §4.2.1, *Identification of and Compliance with Development Standards*, except that the total required cost of compliance shall be limited as described in §1.10.6.E, below.

**E. Level of Compliance Required**

1. An applicant proposing a project that meets any of the compliance thresholds of §4.2.1 shall be required to spend 10 percent of the total project costs on bringing the nonconforming site features towards compliance with the design and development standards of this Code.
    - a. For the purposes of this section, "total project costs" shall be determined by the Director and shall be exclusive of all costs of improvements that move the development in the direction of conformity to the requirements of this Code.
    - b. The costs of remodeling, renovation, or repair that are interior to a structure not subject to site plan review shall also be excluded where the value of those improvements are less than 50 percent of the replacement value of the structure.
  2. The portion of the total project costs that are related to increases in conformity shall be credited toward the percentages required
  3. The Director, in consultation with the applicant, shall determine which characteristics shall be addressed. The Director and the applicant shall consider how to maximize the public benefit and minimize the economic impact to the property owner.
    - a. Any required improvements shall have a reasonable nexus to the potential impacts of the proposed development, and shall be roughly proportional, both in nature and extent, to the impacts of the proposed development.
    - b. The Director shall not require compliance with a standard that would create non-compliance with a different standard (i.e., the Director shall not require the addition of landscaping that would cause the development to fall under the minimum required number of parking spaces).
  4. If the applicant can bring the development into full compliance with this Code for less than ten percent of the total project costs, then no additional monies need be spent. The County shall not require more than ten percent, but the applicant may choose to spend more.
  5. If the applicant chooses to spend more than 15 percent, the amount in excess of 15 percent may be credited, as outlined in the user's guide, towards future improvements under this section.
- F. The applicant may appeal the Director's decision pursuant to §6.7.2, *Appeals*.

**1.10.7. Procedure for the Expansion or Change in Character of a Nonconformity<sup>33</sup>****A. Purpose**

This procedure allows for review of proposals to extend, expand, enlarge, or change the character of a nonconforming use, building, or structure.

**B. Applicability**

This procedure is available for any owner of a nonconformity who wishes to extend, expand, enlarge, or change the character of such nonconformity.

**C. Procedure****1. Pre-Application Conference**

A pre-application conference shall be held in accordance with §6.3.2, *Pre-Application Conference*.

**2. Application Submittal and Processing**

- a. The application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §6.3.5, *Application Submittal and Processing*.
- b. Upon receipt of a complete application, the Director shall refer the applicable application materials to all appropriate departments and agencies and mail written notice of the application to property owners in the vicinity of the proposal.
- c. Referral departments and agencies shall have 21 days to review and provide written comments to the Director. Referral departments and agencies may request additional review time in writing.

**3. Neighbor Notification and Comment**

- a. Written notice of the proposal shall be mailed to neighbors pursuant to the requirements of §6.3.7, *Scheduling and Notice of Hearings*.
- b. The comment period for neighbors to respond with any questions or concerns shall be 14 days from the mailing of the notice.
- c. Comments shall be provided in writing (email is acceptable) to the Community Development Department.
- d. The Community Development Department shall provide the applicant with a copy of any comments received.
- e. If neighbors raise comments or concerns, the applicant is encouraged to engage the neighbor(s) to determine if a mutual solution to the comment or concerns can be agreed upon. The applicant and neighbor(s) have 14 days to agree to a solution unless an extension request by either party is approved by the Director. Documentation of the solution shall be provided to the Community Development Department prior to the Director's decision. The administrative determination shall proceed including the agreed-upon mitigation measures.

<sup>33</sup> Consolidated draft: Procedure rewritten to more closely refer to the common review procedures. While this is a procedure, it was determined that it makes more sense to locate with the nonconformity regulations rather than in the procedures article.

**4. Administrative Determination**

Within five working days following the 21-day referral and review period, the Director shall provide a written determination stating that the request to extend, expand, enlarge, or change the character of a nonconforming use, building, or structure:

- a. Is approved, with or without conditions, and complies with this Code and any other approvals imposed by the County Commissioners, the Board of Adjustment or Floodplain Review Board;
- b. Requires modifications based upon the referral review or neighbor comments or concerns;
- c. Requires a public hearing based on unresolved neighbor comments or concerns; or
- d. Is denied based upon an inability to comply with this Code, including the review criteria and any other approvals imposed by the County Commissioners, the Board of Adjustment or Floodplain Review Board.

**5. Effect of Decision**

Upon the determination of the Director that the application:

- a. Requires modifications, the applicant shall be required to make a revised submittal, for a subsequent review, that addresses the referral or other comments. Prior to the revised submittal the applicant may request a meeting to discuss the referral or other comments.
- b. If approved, the applicant shall provide final versions of the site plan and supporting documents as required by the Director for approval signature by the Director.

**6. Appeals**

The decision of the Director may be appealed in writing to the County Commissioners pursuant to §6.7.2, *Appeals*.

**7. Public Hearing**

If neighbor comments or concerns cannot be resolved as part of the administrative determination step, the application will be scheduled for a hearing by the County Commissioners to resolve outstanding issues. To approve the request to extend, expand, enlarge, or change the character of a nonconforming use, building, or structure the County Commissioners shall consider the review criteria found in §1.10.7.D.

**8. Conditions of Approval**

The Director or County Commissioners may impose conditions on a request to extend, expand, enlarge, or change the character of a nonconforming use, building or structure to accomplish the purposes and intent of this Code and the Comprehensive Plan; prevent or mitigate adverse effects on the public, neighborhoods, utilities, and county facilities; and ensure compatibility of land uses. These conditions may include a requirement that some or all elements of the nonconforming use or that some or all areas of a nonconforming building, structure, or site be brought into compliance with the standards in Article 4.0, *Development Standards*, of this Code.

**9. Additional Approval Requirements**

Approval of a request for an extension, expansion, enlargement, or change of character of a nonconforming use, building or structure does not relieve the applicant from

complying with the building codes as adopted by the county or the building permit submittal requirements.

**10. Number of Approvals**

Only one request to extend, expand, enlarge, or change the character of a nonconforming use, building, or structure shall be granted per nonconformity. Additional expansions or changes in character must be accomplished by following the appropriate procedure to make the use, building, or structure conforming in accordance with §1.10.2.C.

**11. Post-Approval Actions and Limitations**

**a. Minor Deviations**

Technical, engineering, or other considerations may necessitate minor deviations from the approved plans. The Director may approve minor deviations, in writing, provided they comply with this Code and the intent of the original approval.

**b. Amendments**

Changes to the approval that the Director determines not to be minor deviations require approval through the applicable process as described in this Code. If the amendments are not minor deviations, a new application will be required and it will receive full review under the approval processes appropriate to the use as described in this Code.

**c. Vesting and Expiration**

An approved request for an extension, expansion, enlargement, or change of character of a nonconforming use, building, or structure does not create a vested right. Approved plans are effective for two years. If the use has not commenced and/or a building permit and/or development construction permit are not issued within two years of the approval, the approved plan shall be considered for expiration at a public hearing.<sup>34</sup>

**D. Review Criteria**

**1. General Criteria**

To approve a request to extend, expand, enlarge, or change the character of a nonconforming use, building, or structure, the Director or County Commissioners shall consider the following criteria and find that each has been met or determined to be inapplicable:

- a.** The extended, expanded, enlarged, or changed use, building, or structure will not be more than 2000 square feet<sup>35</sup> or 50 percent larger or more intense than the initial use, building, or structure as measured by indoor area and/or outdoor use area or as measured by other means deemed applicable by the Director or County Commissioners;
- b.** The request to extend, expand, enlarge, or change the character of a nonconforming use, building, or structure complies with all applicable requirements of this Code and any applicable supplementary regulations to the maximum extent practicable;

<sup>34</sup> Consolidated draft: Changed from "automatically expire."

<sup>35</sup> Consolidated draft: Added 2000 sq ft limitation.

- c. The request to extend, expand, enlarge, or change the character of a nonconforming use, building, or structure complies with all conditions of approval imposed by the County Commissioners, the Board of Adjustment or Floodplain Review Board under another approval process authorized by this Code;
- d. The proposed use will be compatible with existing and allowed uses in the surrounding area;<sup>36</sup>
- e. The proposed use will not result in a substantial adverse impact on other property in the vicinity of the subject property.

**2. Determination of Change in Character of Nonconformity<sup>37</sup>**

In determining whether there would be a change in character of a use, building, or structure, the following factors may be considered:

- a. Whether there will be a change in the location, nature, volume, intensity, frequency, quality, or degree of the use, building, or structure. (For example, would there be a significant increase in the number of employees or traffic volume; a change in the days or hours of operation; or would the physical dimensions of the building or structure be increased?);
- b. Whether there would be a change in the activity, products or services. (For example, a dog grooming facility that has been converted to a retail store for pet supplies could be considered a change in the character of the use.);
- c. Whether the new use, building, or structure would reflect the nature and purpose of the prior use or structure. (For example, an air strip used for seasonal crop-dusting operations that is subsequently used only for recreational parasailing could be considered a change in the character of the use.);
- d. Whether the new use would be different in kind on its effect on the neighborhood. (For example, has there been a change in environmental influences on the neighborhood, such as light, noise, or air quality?).

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**1.10.8. Nonconforming Signs**

Nonconforming signs shall meet the standards in §8.14, *Nonconforming Signs*.

**1.11. Transition from Previous Ordinances<sup>38</sup>**

**1.11.1. Projects Approved Prior to the Adoption or Subsequent Amendment of the Code**

- A. Any application approved under previous county land use regulations remains valid until the expiration date. County Commissioners, the Floodplain Review Board, or Board of Adjustment, as applicable, may grant one extension not to exceed six months following a complete application made to the Director. Any subsequent application for extension must show that the application complies with this Code. Any significant modification to an approved project must comply with this Code.

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<sup>36</sup> Did not carry forward “and be in harmony with the neighborhood,” which is redundant and too subjective.

<sup>37</sup> *Consolidated draft: Relocated these factors here into criteria, and out of the procedures. Changed tense to future, to reflect that these would be considerations as to future character changes, not documentation of past changes.*

<sup>38</sup> From current Sec. 3.6, Previously Approved Projects and Projects in Process. These provisions could also be located in the cover adoption ordinance, rather than the code itself.

- B.** The Director determines whether a proposed modification is significant. The Director's decision can be appealed to the County Commissioners or Board of Adjustment, as applicable, within 30 days of the decision in accordance with §6.7.2.

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**1.11.2. Projects Under Review Prior to Code Adoption or Amendment**

Any complete application submitted to the Community Development Department for review prior to the adoption of this Code will be reviewed under regulations in effect on the date of the application.

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**1.11.3. Compliance with Permit Conditions**

All projects approved prior to adoption of this Code must comply with all conditions applied to that project by the approval authority.

# Article 2.0 Zoning Districts

## Commentary

This article establishes the updated lineup of zoning districts for Larimer County.

**Character Areas.** Zoning districts are organized into four “character areas,” which are based on the land use framework established in the Comprehensive Plan: Conservation and Agricultural; Rural; Mixed Center; and Urban. These character areas help tailor the Code to different parts of the county; for example, different parking standards may be appropriate in urban versus rural areas. Also, they should provide direction in the future when officials consider potential rezonings and development applications.

**New List of Zoning Districts.** This draft generally implements the proposed new list of zoning districts suggested in the Assessment.

- Some current districts are not carried forward (e.g., Fossil Creek Reservoir Area TDU), while other districts are consolidated based on similar purposes and standards (e.g., FA and FA-1, FO and FO-1). Some new districts are proposed to further the goals in the Comprehensive Plan (e.g., MU-N, Mixed-Use Neighborhood).

- The O district is proposed to have a smaller list of allowed uses and more of a residential focus, consistent with the Assessment recommendations. This is discussed further in the draft of Article 3.0, Use Regulations.

- The new agricultural districts are based in part on recommendations of the Agricultural Advisory Board (AAB). There are four base districts in the Conservation and Agriculture character area, plus a placeholder for a voluntary agricultural overlay district, which is still being discussed by the AAB.

**Lot and Building Standards.** Summary tables, organized by the four character-area categories, provide the most common applicable standards for development in each district in that category such as lot size, setbacks, and height requirements. Many of these standards are updated to better distinguish them from other districts and to reflect an overall scale of intensities. All changes from current standards are noted.

**Public Water/Sewer Lot Size Distinctions.** Distinctions in minimum lot size requirements for properties that use well or septic systems (rather than public water and sewer) were adjusted so that the distinction only applies to districts that hold a significant amount of properties on well or septic systems. With this in mind, RR-2 (a consolidation of the current E, E-1, FA, and FA-1 districts) and IR (a new district) have lot size distinctions for properties that use well or septic systems. The distinction was removed from all other districts.

## 2.1. Zoning Districts, Generally

### 2.1.1. Districts Established<sup>39</sup>

Zoning districts are established as shown in Table 2-1, *Zoning Districts Established*. Zoning districts are established by the county’s adoption of the Larimer County Zoning Districts Map pursuant to §2.1.3, *Larimer County Zoning Districts Map*.

<sup>39</sup> Consolidated draft: See changes to the district lineup as well as the related purpose statements below (in particular the A district). Did we accurately edit this in response to your comment?

<b>Table 2-1: Zoning Districts Established</b>	
<b>Base Zoning Districts</b>	<b>Section</b>
<b>Conservation and Agricultural</b>	
<b>NR</b> Natural Resources	2.2.2.A
<b>FO</b> Forestry	2.2.2.B
<b>A</b> Agriculture	2.2.2.C
<b>ACE</b> Agricultural Commercial Enterprise	2.2.2.D
<b>Rural</b>	
<b>RR-1</b> Rural Residential	2.3.2.A
<b>RR-2</b> Rural Residential	2.3.2.B
<b>O</b> Open	2.3.2.C
<b>Mixed Center</b>	
<b>IR</b> Interface Residential	2.4.2.A
<b>RC</b> Rural Commercial	2.4.2.B
<b>CF</b> Community Facilities	2.4.2.C
<b>Urban</b>	
<b>UR-1</b> Urban Residential	2.5.2.A
<b>UR-2</b> Urban Residential	2.5.2.B
<b>UR-3</b> Urban Residential	2.5.2.C
<b>MR</b> Multifamily Residential	2.5.2.D
<b>MHP</b> Manufactured Housing Park	2.5.2.E
<b>MU-N</b> Mixed Use Neighborhood	2.5.2.F
<b>MU-C</b> Mixed Use Commercial	2.5.2.G
<b>CC</b> Commercial Corridor	2.5.2.H
<b>CN</b> Commercial Neighborhood	2.5.2.I
<b>CD</b> Commercial Destination	2.5.2.J
<b>IL</b> Industrial Light	2.5.2.K
<b>IH</b> Industrial Heavy	2.5.2.L
<b>AP</b> Airport	2.5.2.M
<b>Planned Development</b>	
<b>PD</b> Planned Development	2.6.1.A
<b>RPD</b> Rural Planned Development	2.6.1.B
<b>Overlay Zoning Districts</b>	
<b>FP-O</b> Floodplain Overlay	2.7.1
<b>GMA</b> Growth Management Area	2.7.2
<b>CPA</b> Cooperative Planning Area	2.7.3
<b>AG-O</b> Agricultural Overlay	2.7.4

**2.1.2. Organization of this Article**

**A. Base Zoning Districts**

**1. Character Areas Intent**

The base zoning districts in §§2.2 through 2.5 are grouped into four character areas: Conservation and Agriculture, Rural, Mixed Center, and Urban. Each character area includes multiple zoning districts with generally similar allowed land uses and

development standards. The character areas are an organizational tool and are based on land use classifications in the Comprehensive Plan.

**2. Base Zoning Districts and Dimensional Standards**

A purpose statement for each of the base zoning districts in §§2.2 through 2.5 describes the intended character of the zoning districts. A summary table for each character sets forth the lot and building standards applying to development in the districts, and any district-specific development standards. General rules for measurement of dimensional standards, as well as exceptions to the general rules, are in §2.9, *Measurements and Exceptions*.

**3. District Illustrations**

For each base zoning district, an illustration depicts the general layout of the zoning districts within that character area. Illustrations do not depict specific locations or buildings and do not necessarily reflect all the standards that may apply to a particular development. If a standard shown in an illustration is inconsistent with the respective table of lot and building standards or other text in this Code, the standards in the table and text of this Code shall govern.

**B. Planned Development Districts**

1. §2.6 identifies the two types of planned development districts available in the county: Planned Development and Rural Planned Development.
2. Planned development districts are separate base zoning districts negotiated with the Larimer County Community Development Department, reviewed by the Planning Commission, and reviewed and approved by the Board of County Commissioners pursuant to the procedures in §6.6.1.E, *Rezoning to Planned Development (PD)*.
3. An approved Planned Development zoning district is labeled "PD" or "RPD" on the Larimer County Zoning Districts Map.

**C. Overlay Districts**

§2.7, *Overlay Districts*, identifies the overlay zoning districts and sets forth each district’s purpose and the standards that modify those of underlying districts. Overlay zoning districts are superimposed over one or more underlying base or planned development zoning districts. If the standards for an overlay district expressly conflict with those for an underlying base zoning district, planned development district, or another applicable overlay district, the more restrictive standards as determined by the Director shall apply.

**2.1.3. Larimer County Zoning Districts Map<sup>40</sup>**

**A. Incorporation of the Map**

1. The location and boundaries of the zoning districts established by this Code are shown on the Larimer County Zoning Districts Map.
2. The Larimer County Zoning Districts Map has been adopted by the County Commissioners and is incorporated as part of this Code.

<sup>40</sup> Carried forward current 3.4. Minor language changes for clarity. Headings added.

3. The Official Zoning District Map shall be maintained by the Larimer County Community Development Department. Official zoning districts shall be determined by the Director in the event of a conflict with the Larimer County Zoning Districts Map.<sup>41</sup>

**B. Zoning District Boundaries**

1. The County Commissioners intend that all unincorporated areas within Larimer County be included within a zoning district.
2. A zoning district boundary shown as approximately following a property line, municipal boundary, or county boundary is construed to follow that property line.
3. Where a zoning district boundary line divides a lot, the location of the zoning district boundary is determined by using the scale appearing on the Larimer County Zoning Districts Map unless the boundary is indicated by dimensions printed on the Larimer County Zoning Districts Map. When there is a conflict between scaled and printed dimensions, the printed dimensions control.
4. Where a zoning district boundary is shown as approximately following a road, alley, railroad, stream, river, irrigation ditch, or other identifiable map feature, the zoning district boundary is construed to be the centerline of the map feature.

**C. Boundary Clarification**

1. If there is uncertainty about the location of a zoning district boundary or other feature shown on the Larimer County Zoning Districts Map, a determination shall be made by the Director.
2. Any appeal of the Director’s determination of the zoning district boundary shall be heard by the County Commissioners.

**D. Amendments to the Map**

Changes in the boundaries of any zoning district require an amendment to the Larimer County Zoning Districts Map per §6.6.1, *Amending the Official Zoning Map (Rezoning)*.

## 2.2. Conservation and Agriculture Districts

### 2.2.1. General Character Area Description

The Conservation and Agriculture character area supports the preservation, management, and productive use of natural areas, open lands, and agriculture.

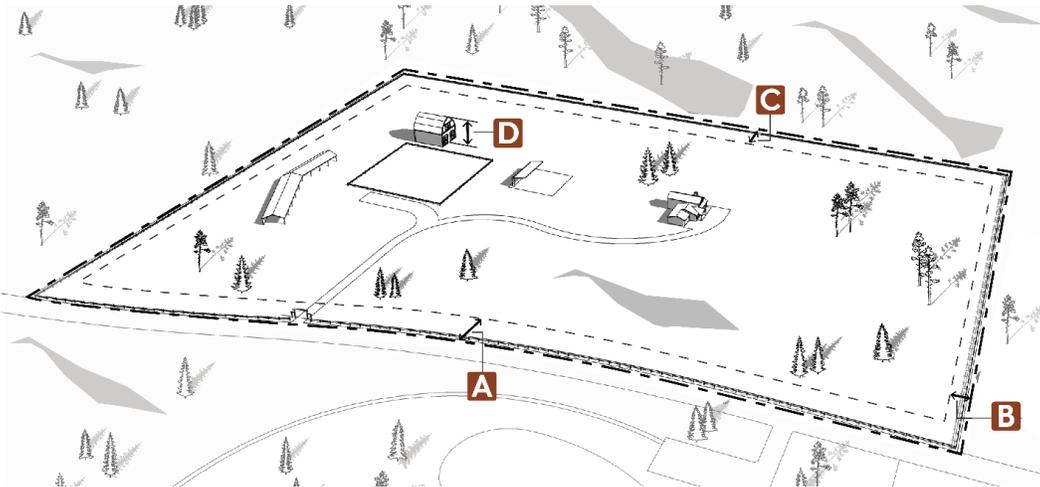
- The area is characterized by open lands with minimal development and limited infrastructure and support services such as public water/sewer or fire protection. Agriculture-supporting uses and limited residential uses are allowed.
- This area furthers the Comprehensive Plan goals for the Rural, Agricultural and Ranching, Mountains and Foothills, and Natural Resources framework categories.
- The character area is comprised of the Natural Resources (NR), Agriculture (A), Forestry (FO), and Agricultural Commercial Enterprise (ACE) base zoning districts.

<sup>41</sup> New provision detailing the current practice.

**2.2.2. Intent Statements for Base Zoning Districts**

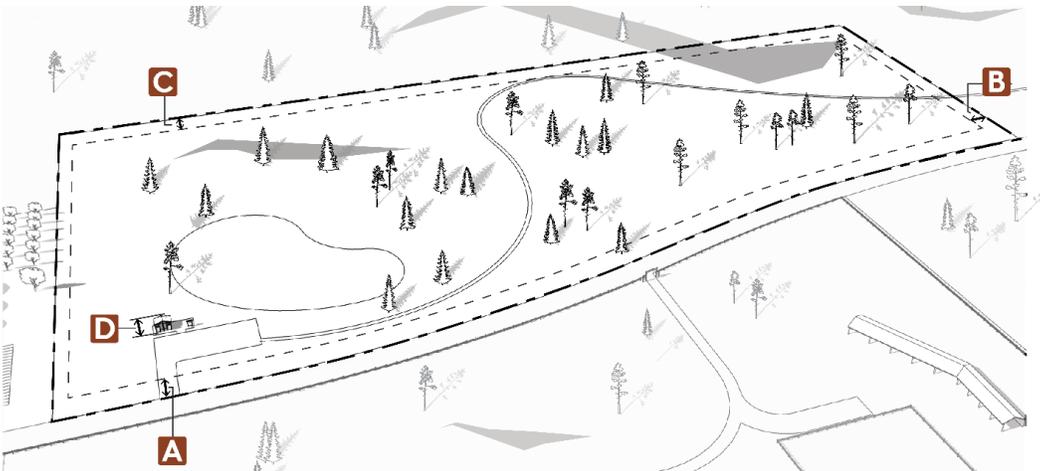
**A. Natural Resources (NR)<sup>42</sup>**

The NR district is intended to maintain the character of natural areas, public lands, and open lands. Rural residential development may be allowed through the Rural Land Use Process (§5.5).



**B. Forestry (FO)<sup>43</sup>**

The FO district is intended for the purpose of efficiently using land to conserve forest resources and protect the natural environment. Rural residential development may be allowed through the Rural Land Use Process (§5.5).

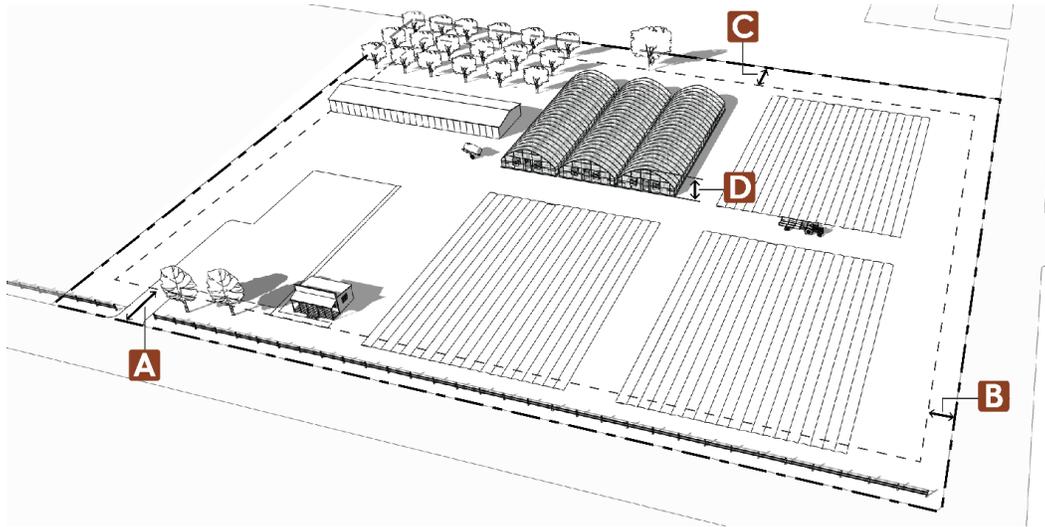


<sup>42</sup> Consolidated draft: New district to support the Comprehensive Plan goal of creating a district to maintain natural resources and conserve open lands. It allows for very limited low-density residential development.

<sup>43</sup> This district is a general consolidation of the FO and FO-1 districts.

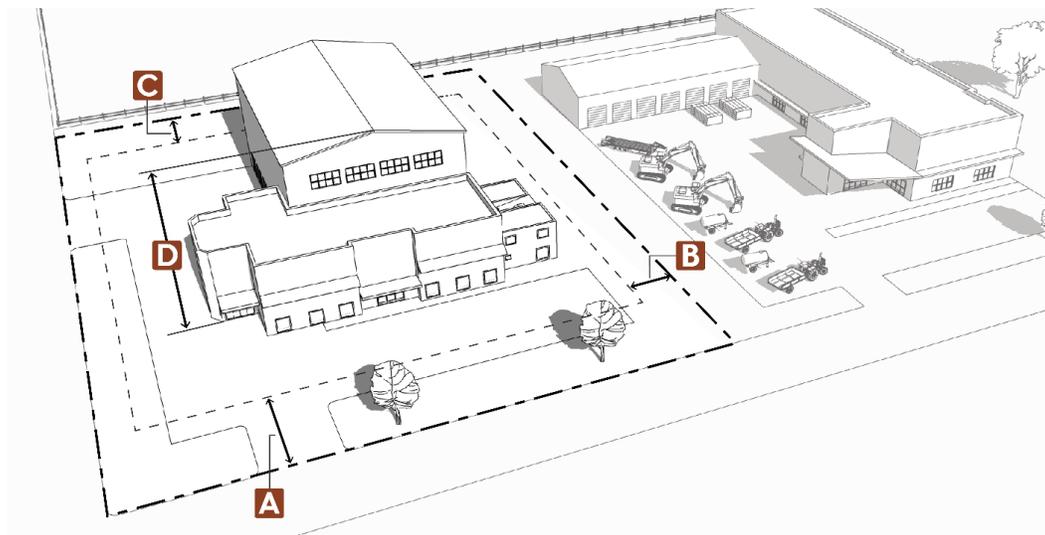
**C. Agriculture (A)<sup>44</sup>**

The A district is intended to encourage agricultural cultivation and production activities. While farming practices such as agriculture and ranching should be the principal activity of these areas, single family dwellings are permitted as co-existing principal uses. Rural residential development may be allowed through the Rural Land Use Process (§5.5).



**D. Agricultural Commercial Enterprise (ACE)<sup>45</sup>**

The ACE district is intended to accommodate commercial and industrial uses that support agricultural operations such as processing, packaging, and distribution.



<sup>44</sup> Consolidated draft: In previous drafts, two varieties of agricultural districts were presented. Per Staff recommendation, they were consolidated to this district.

<sup>45</sup> New district for commercial and industrial uses that are needed to support agricultural practices such as a supply store.

**2.2.3. Lot and Building Standards<sup>46</sup>**

Table 2-2: Conservation and Agriculture Districts - Lot and Building Standards					
Zoning Districts	NR	FO <sup>47</sup>	A	ACE	
<b>Lot Area (Minimum)</b>					
Well/septic	20 acres	5 acres	20 acres		100,000 sq. ft.
Public water/sewer [1]					25,000 sq. ft.
<b>Setbacks (Minimum) [2]</b>					
<b>A</b> Front (ft)	25	25	25		25
<b>B</b> Side (ft)	15	15	15		10
<b>C</b> Rear (ft)	15	15	15		10
<b>Height (Maximum) [3]</b>					
<b>D</b> Building height (ft)	40	40	40 [4]		40

**NOTES<sup>48</sup>**

[1] Lots in a conservation development or rural land plan are not required to meet minimum lot size requirements (except for the purpose of calculating density).

[2] Additional setback standards may apply; see §2.9.4.

[3] Height exceptions may apply; see §2.9.5.

[4] Agricultural structures may exceed this requirement by up to 20 feet.<sup>49</sup>

**2.3. Rural Districts**

**2.3.1. General Character Area Description<sup>50</sup>**

The Rural character area supports rural residential and agricultural uses of land.

- The area is characterized by rural residential development with accessory agricultural and minimal infrastructure and support services.
- Conservation development is required for developments of 30 acres or more.
- This area furthers the Comprehensive Plan goals for the Rural, Agricultural and Ranching, and Mountains and Foothills framework categories.
- The character area is comprised of two Rural Residential (RR-1 and RR-2) zoning districts and the Open (O) district.

<sup>46</sup> Consolidated draft: Per Staff recommendation, many of the dimensional standards were reverted back to their current requirement.

<sup>47</sup> All setbacks (front, side, rear) were previously 25 feet.

<sup>48</sup> Consolidated draft: For all character area dimensional tables, the first two notes shown here were added per Staff recommendation.

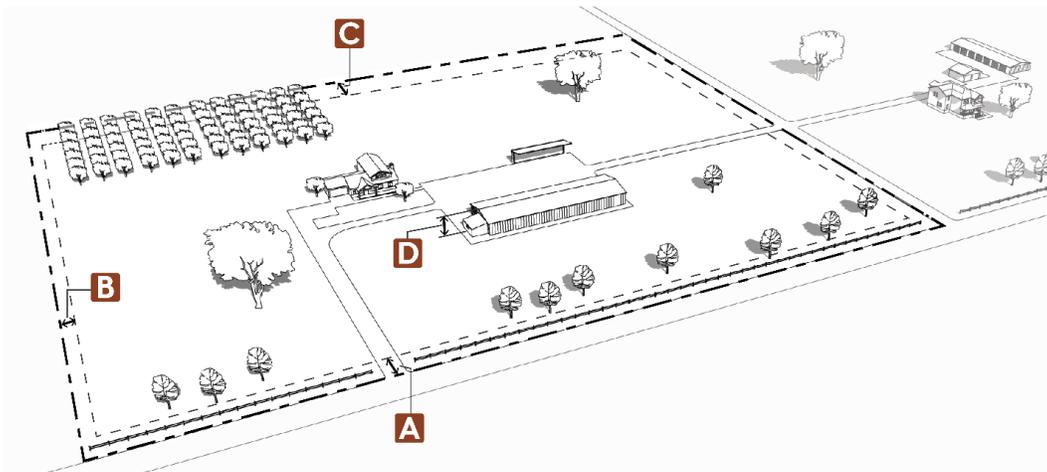
<sup>49</sup> Consolidated draft: Additional height allowance for agricultural structures was added per Staff recommendation.

<sup>50</sup> Consolidated draft: See revised character area description.

**2.3.2. Intent Statements for Base Zoning Districts**

**A. Rural Residential (RR-1)<sup>51</sup>**

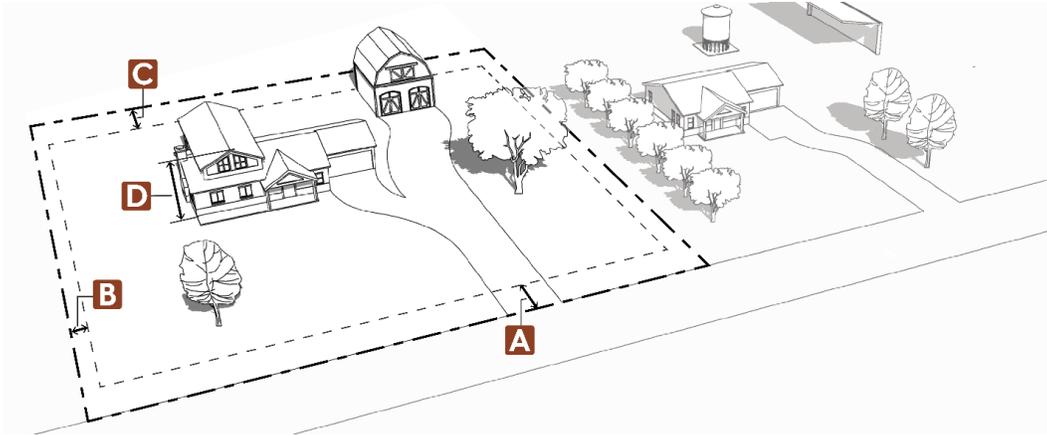
The RR-1 district is intended to accommodate rural residential, agricultural, and civic uses. RR-1 parcels may serve as transitions between the Conservation and Rural character area and more intensive areas within the Rural character area, such as RR-2. Properties within the RR-1 district generally have public water and on-lot septic, but public water is not always available. A property zoned RR-1 may be further subdivided through the RLUP, conservation development, or subdivision processes based on the size of the original parcel and the availability of public water and sewer serving the property.



**B. Rural Residential (RR-2)<sup>52</sup>**

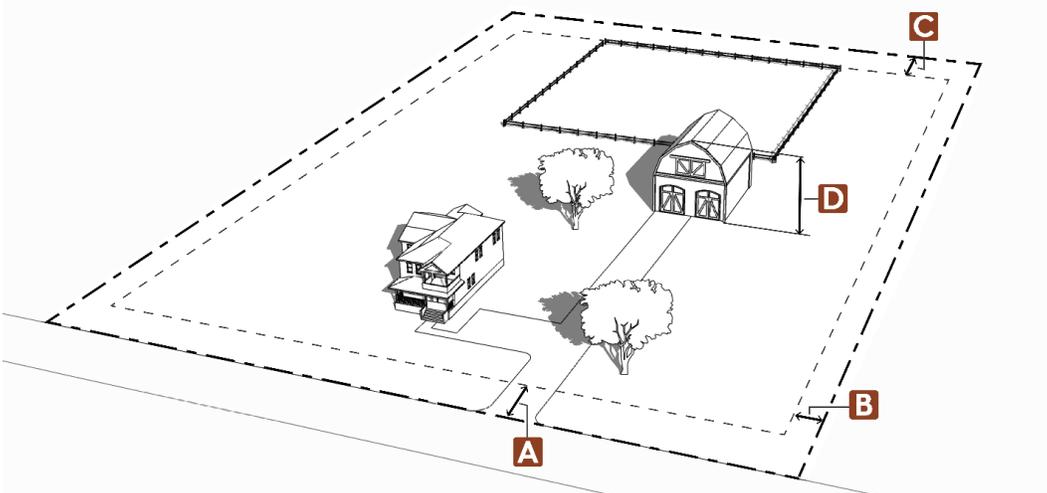
The RR-2 district is intended to accommodate rural residential uses, along with compatible agricultural and civic uses. It serves as a transition between rural and urban areas. Development options include conservation development or subdivision depending on the size of property being developed. Minimum lot sizes are based on the availability of public water and sewer serving the property.

<sup>51</sup> Consolidated draft: See revised purpose statement. New name and proposed general consolidation of current RE and RE-1 districts.  
<sup>52</sup> New name and general consolidation of current E, E-1, FA, and FA-1 districts.



**C. Open (O)<sup>53</sup>**

The O district is intended to accommodate a wide range of development patterns. It is primarily intended for rural residential uses and agricultural uses.



<sup>53</sup> This district carries forward the current O district, but tailors the district to have a clear residential focus per the discussion and recommendation in the Assessment.

**2.3.3. Lot and Building Standards**

<b>Table 2-3: Rural Districts Lot and Building Standards</b>			
<b>Zoning Districts</b>	<b>RR-1<sup>54</sup></b>	<b>RR-2<sup>55</sup></b>	<b>O<sup>56</sup></b>
<b>Lot Area (Minimum)</b>			
<b>Well/septic</b>	10 acres	100,000 sq. ft.	10 acres
<b>Public water/sewer</b>		21,780 sq. ft.	
<b>Setbacks (Minimum) [1]</b>			
<b>A Front (ft)</b>	25	25	25
<b>B Side (ft)</b>	25	5	25
<b>C Rear (ft)</b>	25	10	25
<b>Height (Maximum) [2]</b>			
<b>D Building height (ft)</b>	40	40	40

**NOTES**

[1] Additional setback standards may apply; see §2.9.4.

[2] Height exceptions may apply; see §2.9.5.

**2.4. Mixed Center Districts**

**2.4.1. General Character Area Description<sup>57</sup>**

The Mixed Center character area supports mixed-use development and uses in non-urban areas.

- The area is characterized by a combination of commercial, residential, institutional, and recreational uses.
- Conservation development is required for developments of 30 acres or more.
- This area furthers the Comprehensive Plan goals for the Urban and Rural Interface, Rural Center, and Retail Services framework categories.
- The character area is comprised of the Interface Residential (IR), Rural Commercial (RC), and Community Facilities (CF) base zoning districts.

<sup>54</sup> The most lenient standards from RE and RE-1 are carried forward. The distinction for lots in the RE district created before November 29, 1973 was not carried forward. Building height maximum was previously 30 feet.

<sup>55</sup> The most lenient standards from E, E-1, FA, and FA-1 are carried forward. Setbacks are more lenient than current standards. Distinctions in lot size for well/septic in the FA and E-1 districts are carried forward, although that is not a standard for E and FA-1.

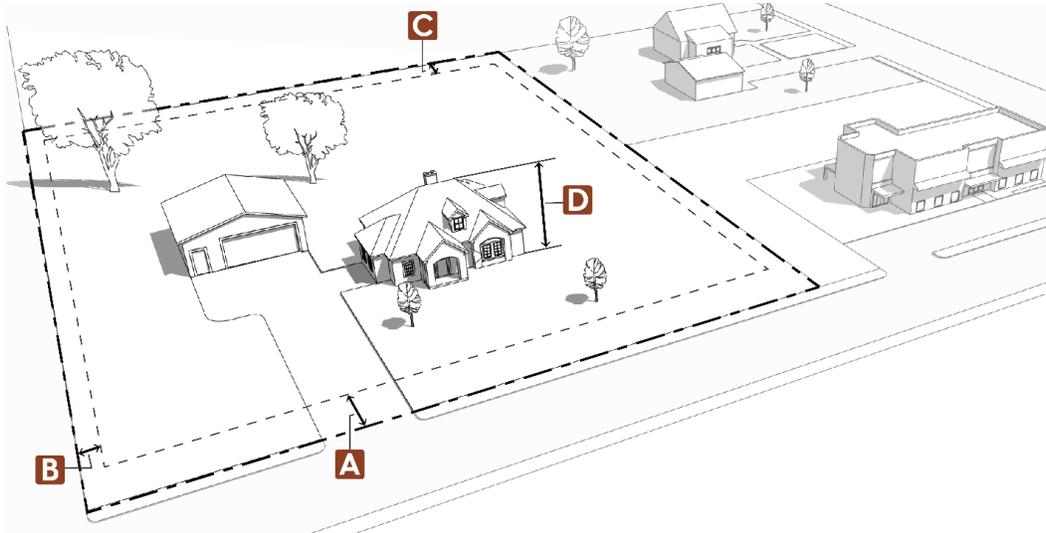
<sup>56</sup> Separate setback standards for lots created before November 29, 1973, are not carried forward.

<sup>57</sup> Consolidated draft: See revised character area description.

**2.4.2. Intent Statements for Specific Districts**

**A. Interface Residential (IR)<sup>58</sup>**

The IR district is intended to accommodate residential uses while allowing agricultural and supporting institutional uses. This district is intended for parcels near adopted Growth Management Areas that serve as transitions between urban and rural areas. Minimum lot sizes are based on the availability of public water and sewer to serve the site.

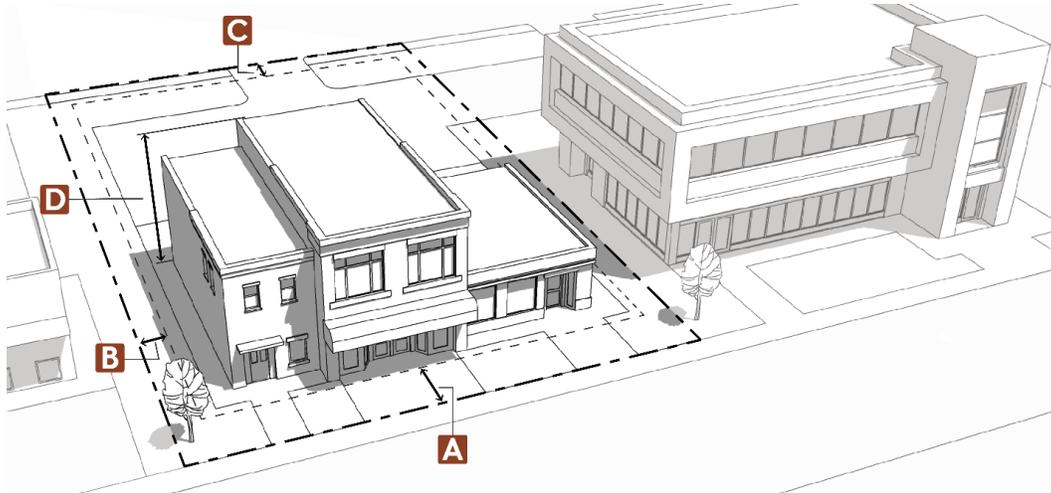


**B. Rural Commercial (RC)<sup>59</sup>**

The RC district is intended for areas identified in the Comprehensive Plan as “rural centers” or “retail service nodes.” The district accommodates a mix residential, civic, commercial, retail, educational, and accommodation uses where appropriate water and sewer infrastructure is available.

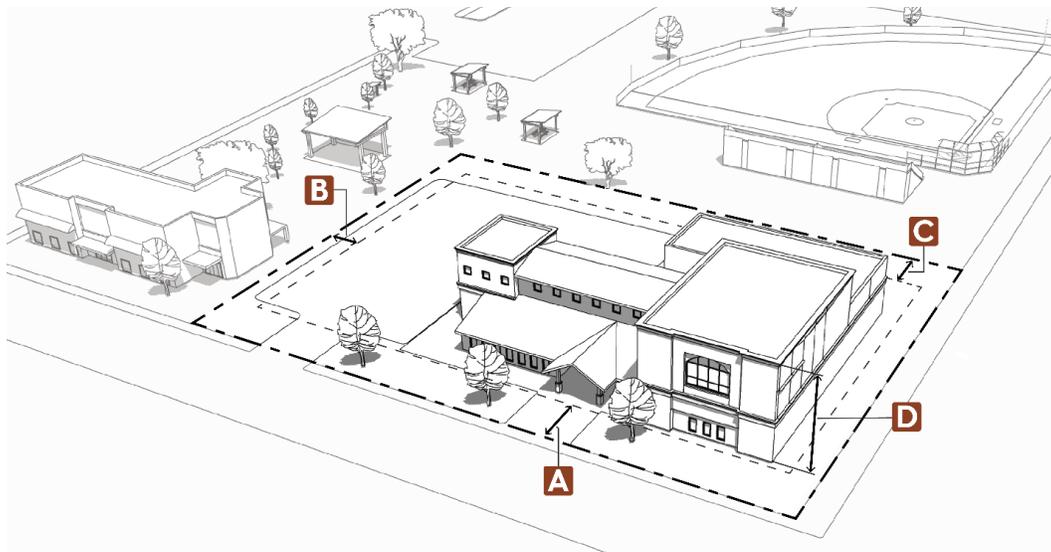
<sup>58</sup> New district that supports the Comprehensive Plan goal of creating transitions between urban and rural areas.

<sup>59</sup> New mixed-use district for areas such as Livermore that are designated as “rural centers” or “retail service nodes” in the Comprehensive Plan. This district is similar to the new ACE district but allows a broader range of uses. It supports the commercial needs of rural areas, beyond agriculture, like a convenience store.



**C. Community Facilities (CF)<sup>60</sup>**

The CF district is intended to accommodate public, educational, institutional, cultural, recreational, and similar uses to serve the needs of residents of the county by providing focal points in neighborhoods and/or the community for gathering, social interactions, and select neighborhood and community services and amenities. It is intended to accommodate public and quasi-public facilities.



<sup>60</sup> New district that is tailored specifically toward civic and public uses like libraries, churches, schools, utility facilities, community parks, and public and quasi-public buildings.

**2.4.3. Lot and Building Standards**

Table 2-4: Mixed Center Districts - Lot and Building Standards				
	Zoning Districts	IR	RC	CF
<b>Lot Area (Minimum)</b>				
	Well/septic	100,000 sq. ft.	100,000 sq. ft.	100,000 sq. ft.
	Public water/sewer	21,780 sq. ft. <sup>61</sup>	5,000 sq. ft.	10,000 sq. ft.
<b>Setbacks (Minimum) [1]</b>				
<b>A</b>	Front (ft)	20	15	20
<b>B</b>	Side (ft)	10	10	10
<b>C</b>	Rear (ft)	10	10	10
<b>Height (Maximum) [2]</b>				
<b>D</b>	Building height (ft)	40	45	40

**NOTES**

[1] Additional setback standards may apply; see §2.9.4.

[2] Height exceptions may apply; see §2.9.5.

**2.5. Urban Districts**

**2.5.1. General Character Area Description**

The Urban character area supports appropriate-sized structures and uses adjacent to and within growth management areas (GMAs), the LaPorte Plan Area, the Red Feather Lakes Plan Area, and similar plan areas.

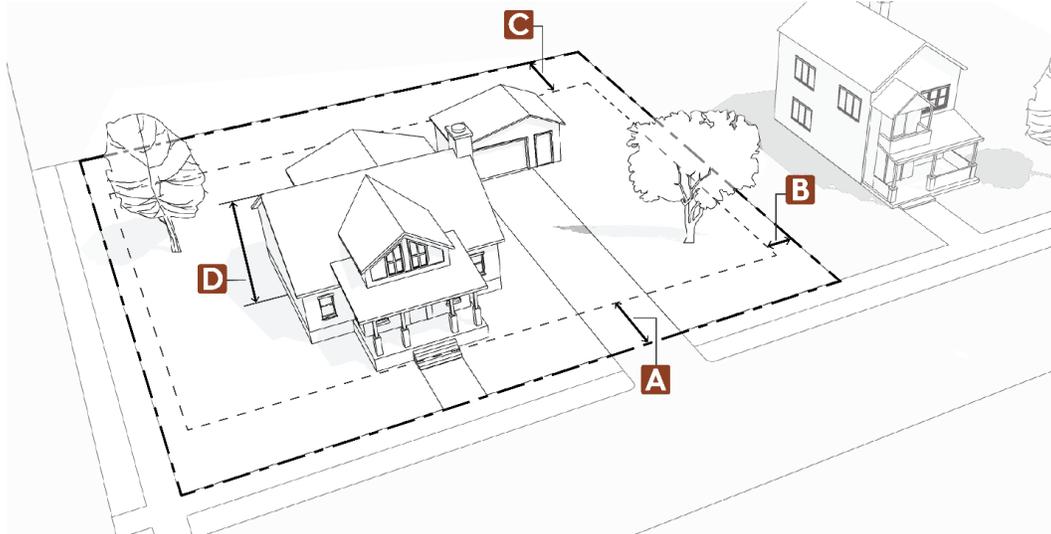
- The area is characterized by a mix of residential, commercial, and industrial development.
- This area furthers the Comprehensive Plan goals for the Urban Expansion, Urban and Rural Interface, and Industrial framework categories, and, where appropriate, Rural Centers.
- The character area is comprised of the Urban Residential (UR-1, UR-2, and UR-3), Multifamily Residential (MR), Manufactured Housing Park (MHP), Mixed-Use Neighborhood (MU-N), Mixed-Use Commercial (MU-C), Commercial Corridor (CC), Commercial Neighborhood (CN), Commercial Destination (CD), Industrial Light (IL), Industrial Heavy (IH), and Airport (AP) districts.

<sup>61</sup> Consolidated draft: See revised minimum lot area requirement for parcels on public water/sewer.

**2.5.2. Intent Statements for Specific Districts**

**A. Urban Residential (UR-1)<sup>62</sup>**

The UR-1 district is intended to accommodate a mix of low-density residential, supporting institutional, and accessory agricultural uses. This district is primarily intended for parcels within adopted Growth Management Areas.



**B. Urban Residential (UR-2)<sup>63</sup>**

The UR-2 district is intended to accommodate medium-density residential, supporting institutional, and accessory agricultural uses. This district is primarily intended for parcels within adopted Growth Management Areas.

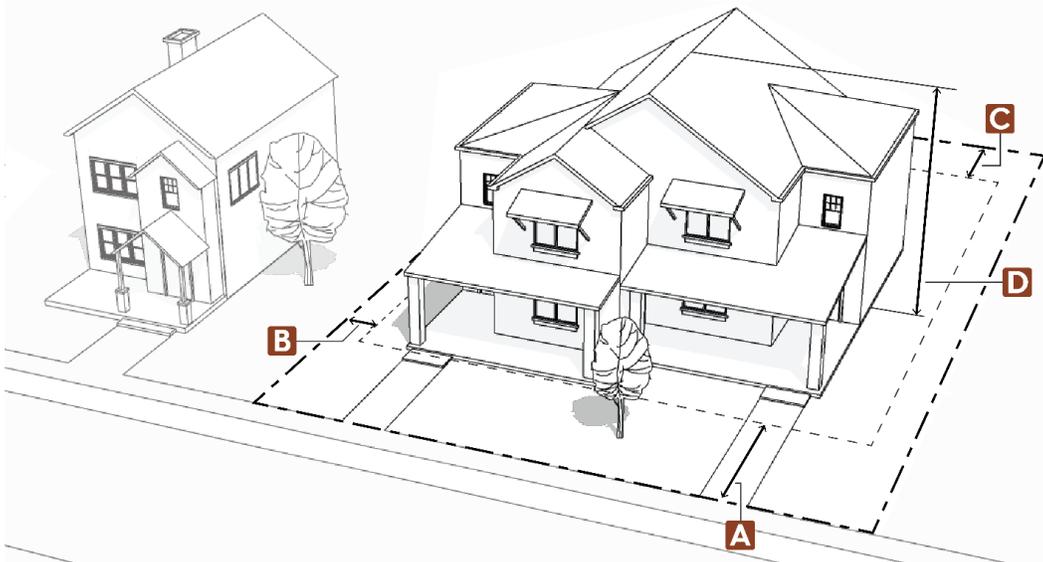


<sup>62</sup> New name and tailored approach for current R district.

<sup>63</sup> New name and tailored approach for current R-1 district.

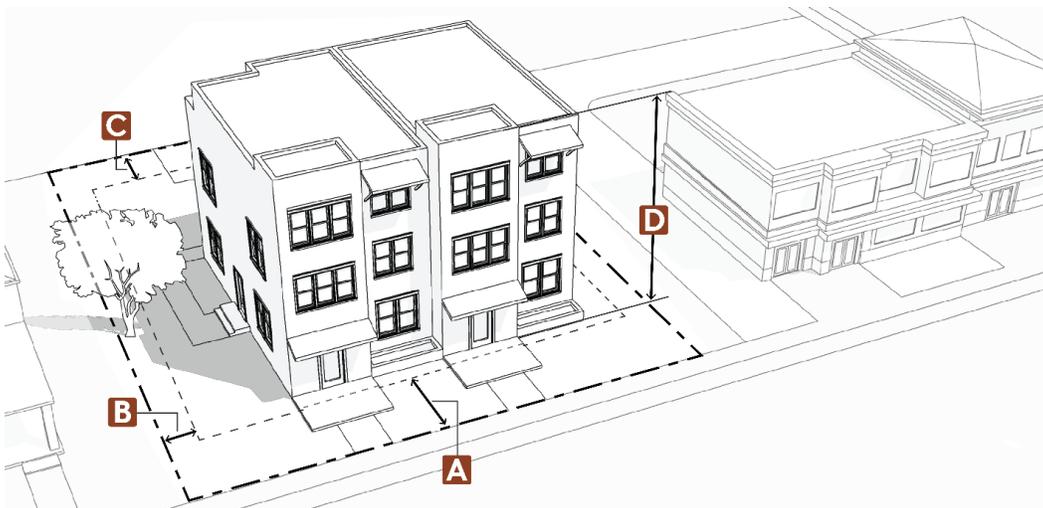
**C. Urban Residential (UR-3)<sup>64</sup>**

The UR-3 district is intended to accommodate diverse types of higher-density residential uses with supporting institutional and accessory agricultural uses. This district is primarily intended for parcels within adopted Growth Management Areas.



**D. Multifamily Residential (MR)<sup>65</sup>**

The MR district is intended to accommodate diverse types of multifamily residential uses with supporting institutional uses. This district is primarily intended for parcels within adopted Growth Management Areas.

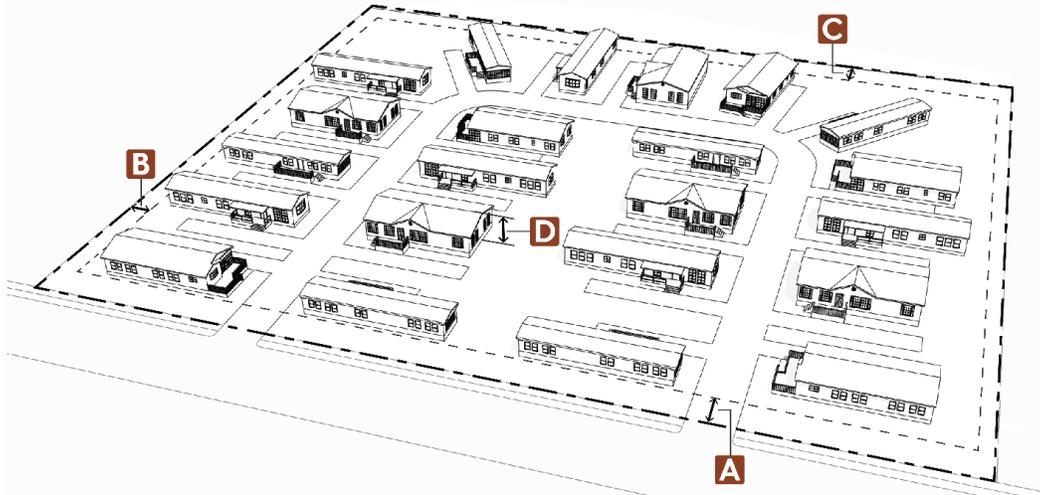


<sup>64</sup> New name and tailored approach for current R-2 district.

<sup>65</sup> New name and tailored approach for current M district.

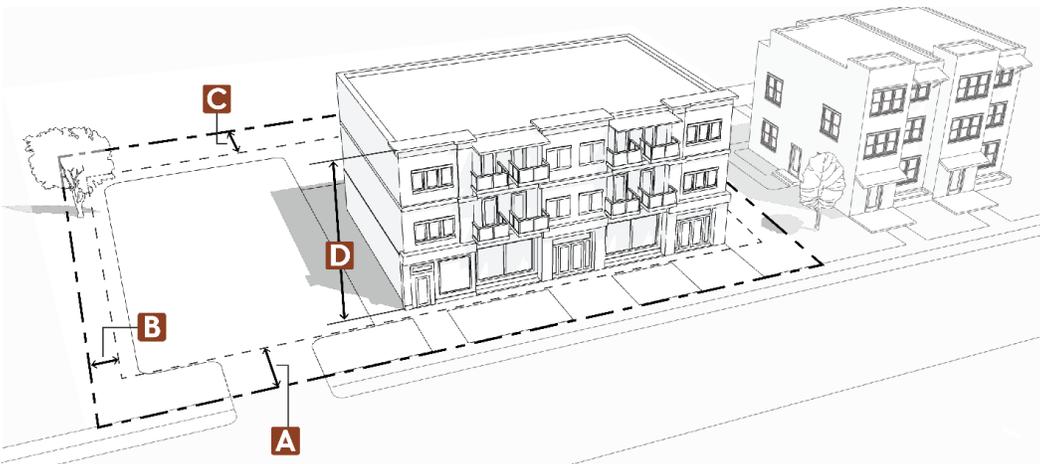
**E. Manufactured Housing Park (MHP)<sup>66</sup>**

The MHP district is intended to accommodate manufactured housing developments with shared amenities in order to encourage alternative housing opportunities. This district is primarily intended for parcels within adopted Growth Management Areas.



**F. Mixed-Use Neighborhood (MU-N)<sup>67</sup>**

The MU-N district is intended to accommodate compact centers made up of neighborhood-oriented commercial and institutional uses within or surrounded by residential areas, compatible in scale and character with surrounding residential uses. This district is intended for areas within a Growth Management Area or sub-area plan or within rural centers as identified in the Comprehensive Plan.

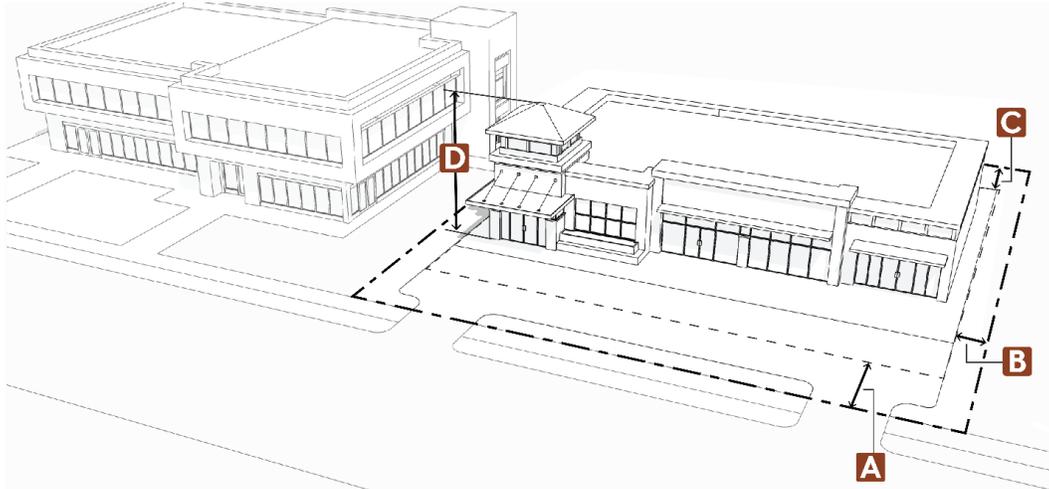


<sup>66</sup> New name and tailored approach for current M-1.

<sup>67</sup> Consolidated draft: See revised purpose statement. New district that allows low-density mixed-use centers to serve surrounding neighborhoods.

**G. Mixed-Use Commercial (MU-C)<sup>68</sup>**

The MU-C district is intended to accommodate a wide range of commercial uses and activities with limited residential uses. This district is intended for areas along major corridors and activity centers. This district is intended for areas within a Growth Management Area or sub-area plan or within rural centers as identified in the Comprehensive Plan.

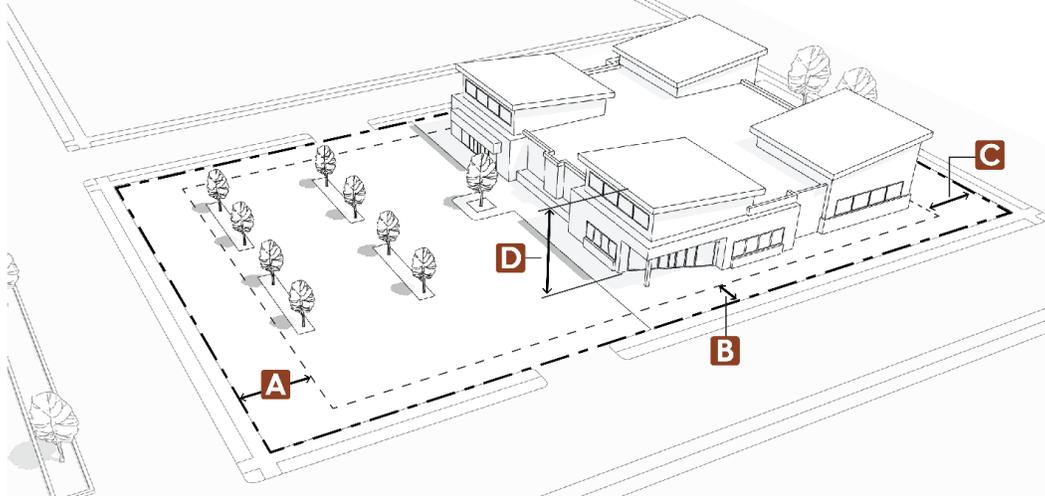


**H. Commercial Corridor (CC)<sup>69</sup>**

The CC district is intended to accommodate general retail and other commercial and service uses, and incidental or accessory uses, where access requires good vehicular circulation. Land uses are characterized by frequent visits of customers and clients. The CC district is intended to provide commercial development with adequate access to arterial streets and with efficient internal circulation and parking that is compatible with surrounding residential areas. This district is intended for areas within a Growth Management Area or sub-area plan or within rural centers as identified in the Comprehensive Plan.

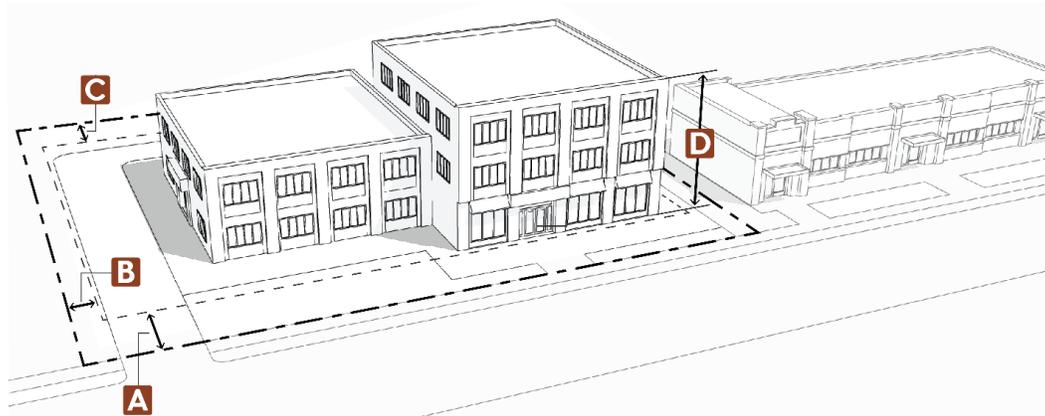
<sup>68</sup> Consolidated draft: See revised purpose statement. New district that allows moderate-density mixed-use centers.

<sup>69</sup> Consolidated draft: See revised purpose statement. New name and tailored approach for current C district.



**I. Commercial Neighborhood (CN)<sup>70</sup>**

The CN district is intended to accommodate office-related uses that provide employment opportunities for the community and the surrounding region. This district is intended for areas within a Growth Management Area or sub-area plan or within rural centers as identified in the Comprehensive Plan.

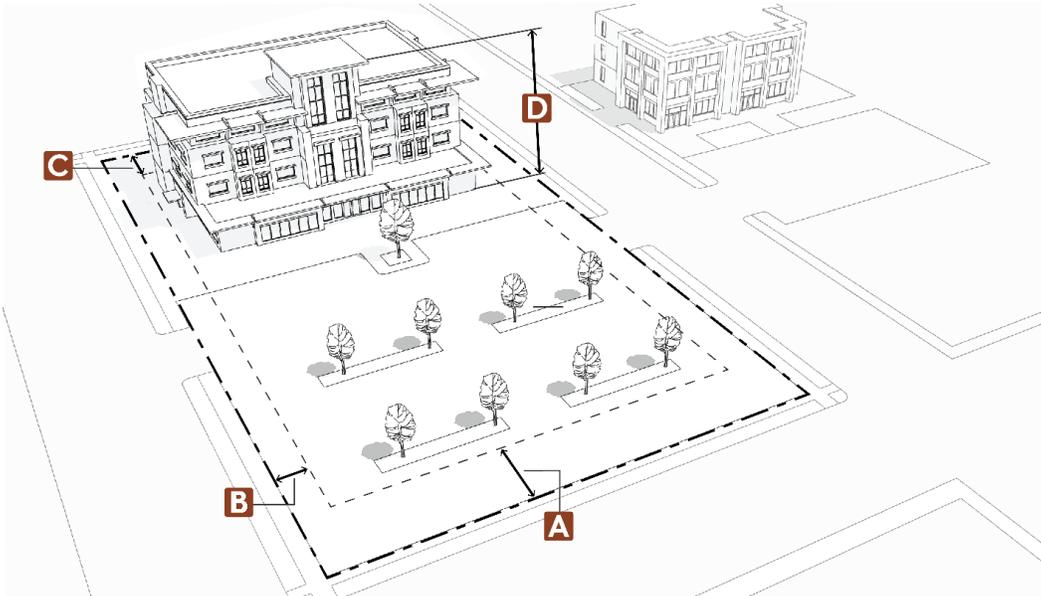


**J. Commercial Destination (CD)<sup>71</sup>**

The CD district is intended to accommodate a variety of lodging and related uses. This district is primarily intended for parcels within adopted Growth Management Areas.

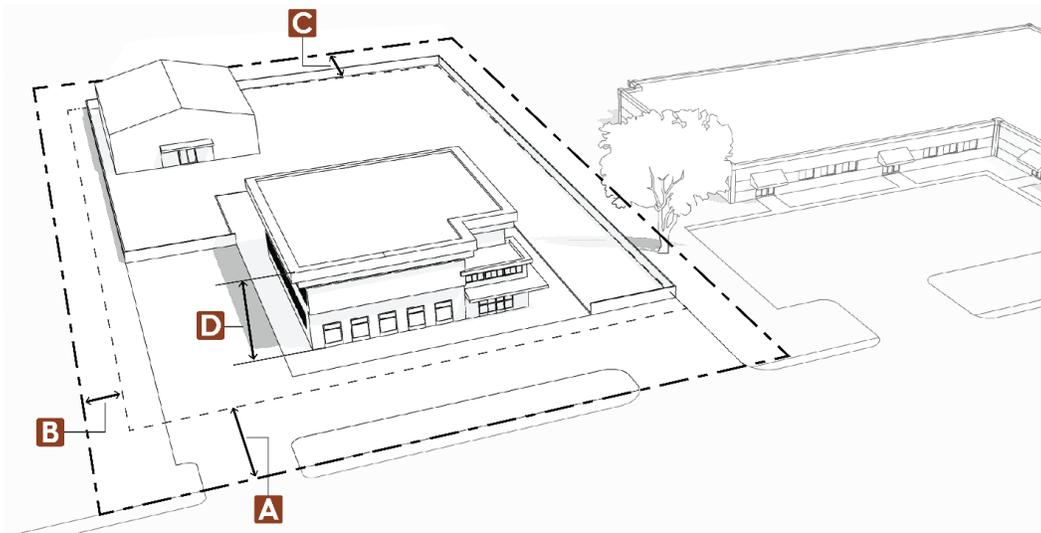
<sup>70</sup> Consolidated draft: See revised purpose statement. New name and tailored approach for current B district.

<sup>71</sup> New name and proposed general consolidation of current RFLB, T, and A districts.



**K. Industrial Light (IL)<sup>72</sup>**

The IL district is intended to accommodate public and private light manufacturing, processing, service, storage, wholesale, and distribution operations, as well as heavier-intensity commercial uses. This district is intended for parcels within adopted Growth Management Areas.

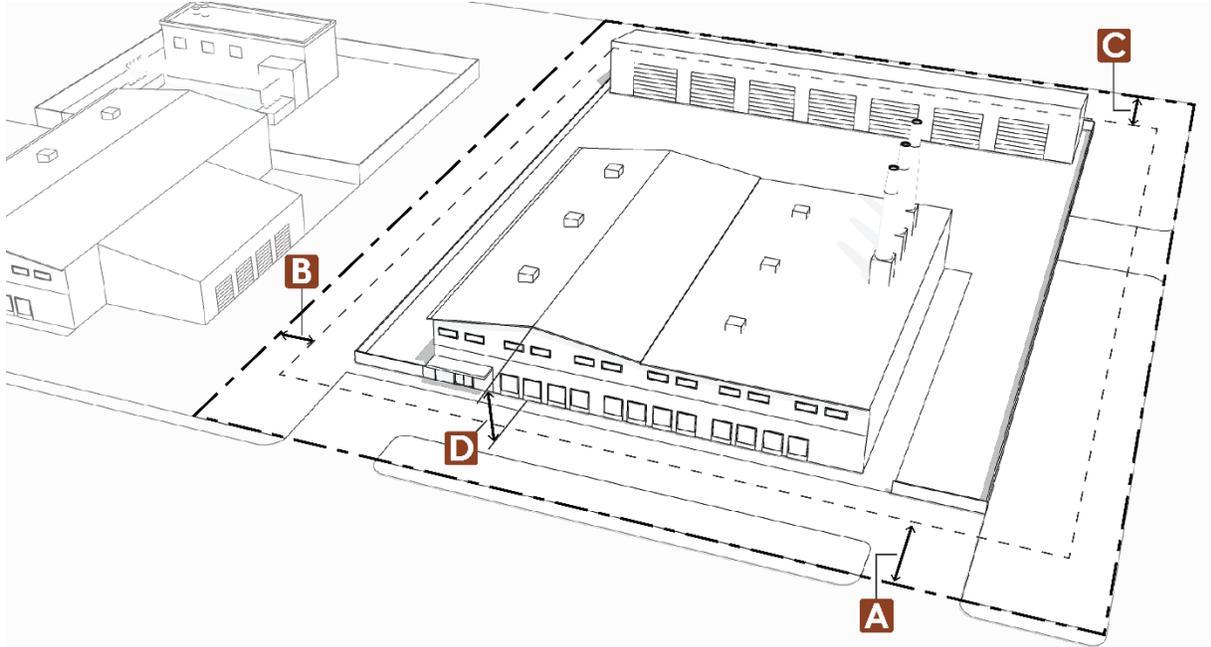


**L. Industrial Heavy (IH)<sup>73</sup>**

The IH district is intended to accommodate public and private heavy manufacturing, storage, major freight terminals, waste and salvage, resource extraction, and other related uses. This district is intended for parcels within adopted Growth Management Areas.

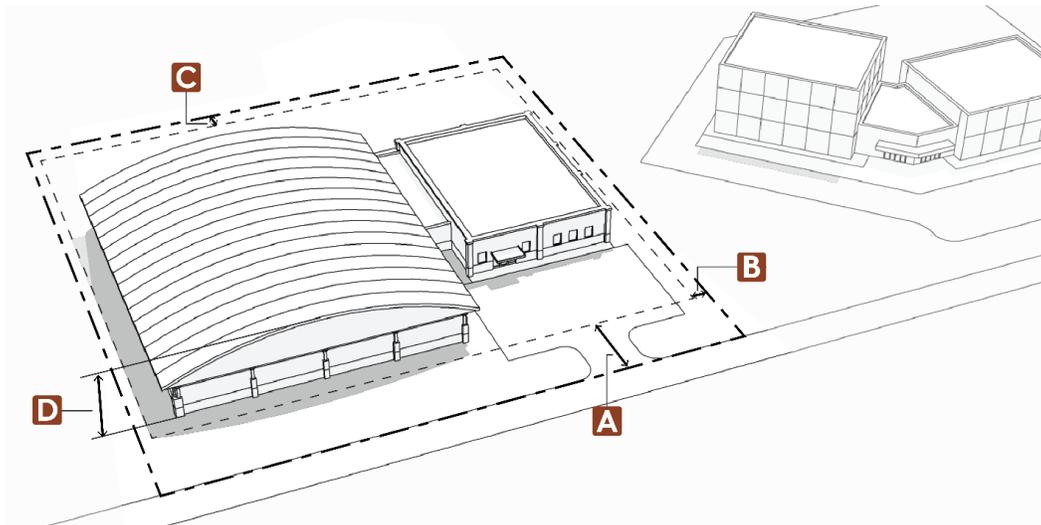
<sup>72</sup> New name and tailored approach for the current I district.

<sup>73</sup> New name and tailored approach for the current I-1 district.



**M. Airport (AP)<sup>74</sup>**

The AP district is intended to provide standards to ensure compliance with Federal Aviation Administration (FAA) regulations for areas impacted by airport operations.



<sup>74</sup> Consolidated draft: Changed from an overlay to a base district. New intent statement. New headings added for clarity.

**2.5.3. Lot and Building Standards<sup>75</sup>**

**Table 2-5: Urban Districts Lot and Building Standards**

Zoning Districts	UR-1	UR-2	UR-3	MR	MHP	MU-N	MU-C	CC	CN	CD	IL	IH	AP <sup>76</sup>
<b>Lot Area (Minimum)</b>													
Lot area (sq. ft.)	15,000	10,000	7,500	5,000	5,000	7,500	12,000	15,000	15,000	15,000	15,000	20,000	15,000 [3]
<b>Setbacks (Minimum) [1]</b>													
<b>A</b> Front (ft)	20	20	20	15 <sup>77</sup>	15 <sup>78</sup>	15	15	25	25	25	25	25	25
<b>B</b> Side (ft)	7	7	6	7	7	7	7	10	10	10	10	10	5
<b>C</b> Rear (ft)	15 <sup>79</sup>	15 <sup>80</sup>	10 <sup>81</sup>	7	7	10	7	20	10	10	10	10	5
<b>Height (Maximum) [2]</b>													
<b>D</b> Building height (ft)	40	40	40	40	40	40	45	40	40	50	40	40	40 [4]

**NOTES**

[1] Additional setback standards may apply; see §2.9.4.

[2] Height exceptions may apply; see §2.9.5.

[3] 100,000 square feet for any lot for a use that requires special review other than a single-family dwelling.

[4] For uses that are not allowed by right, the maximum building height is determined through the special review process based on the building’s impact on airport operations.

**2.5.4. Additional Standards for the AP District<sup>82</sup>**

The following standards apply within the AP district:

1. No use will be allowed that would:
  - a. Adversely affect visibility in the vicinity of the airport or the operational efficiency of any navigational or communications facilities used by aircraft at the airport;
  - b. Make it difficult for pilots to distinguish between airport lights and other lighting; or
  - c. Result in glare in the eyes of pilots using the airport.
2. No uses are allowed where the principal business purpose is the manufacture, warehousing, storage, or shipping of commercial explosives or radioactive materials.
3. Any dust, fumes, odors, smoke, vapor, noise, and vibration not directly resulting from the takeoff and landing of aircraft shall be effectively confined within the boundaries of the AP district.
4. Unless approved through the special review process, no uses are allowed that require above-ground storage of chemicals, gases, liquids, or other materials that are

<sup>75</sup> Consolidated draft: See additional text responding to staff comment.

<sup>76</sup> Consolidated draft: Different standards for lots on well/septic were not carried forward.

<sup>77</sup> Previously 45 feet.

<sup>78</sup> Previously 45 feet.

<sup>79</sup> Previously 25 feet.

<sup>80</sup> Previously 25 feet.

<sup>81</sup> Consolidated draft: Previously 20 feet.

<sup>82</sup> Carry over of 4.1.21.C

flammable, explosive, or poisonous or that pose a safety hazard to the public in quantities of 1,000 gallons or more. Such materials in quantities exceeding 1,000 gallons can be stored aboveground only in accordance with safety criteria and standards relating to quantity-distance criteria, type of storage facilities and the shielding of storage facilities that are customary in the industry with respect to stored material.

5. Table 2-6 displays land uses that are considered to be incompatible with airport operations in the areas listed. An ‘X’ denotes that the use is not compatible in the relevant area.<sup>83</sup>

Table 2-6: Incompatible Uses with Airport Operations in Certain Areas				
Use	Flight Plan Area	Noise Area 2	Noise Area 3	Critical Area
Assembly Uses	X	X	X	X
Commercial Uses			X	
Communications and Utilities			X	
Cultural Institution	X	X	X	X
Hospitals	X	X	X	X
Hotels or Motels			X	X
Indoor Recreation Facilities		X	X	X
Manufacturing and Processing Uses			X	
Office, Business, and Professional Services			X	
Outdoor Recreation Facilities		X	X	X
Parks and Open Lands			X	
Residential Dwellings		X	X	X
Schools	X	X	X	X
Transportation Uses			X	

## 2.6. Planned Development Districts

### 2.6.1. Intent

The PD districts allow greater flexibility than is available by the strict application of the Code in exchange for more creative and imaginative designs with a higher level of amenities and public benefits than is otherwise possible under the base zoning districts. There are two planned development districts:

<sup>83</sup> This table displays the information that was previously displayed in a list.

**A. Planned Development (PD)<sup>84</sup>**

The PD district is intended to allow for urban or village development in:

1. Growth Management Areas, so that development in such areas is consistent with the land use objectives for the respective GMA district for the municipality, including applicable supplementary regulations. In the absence of such supplementary regulations, the recommendations of the municipality shall be considered; and
2. Areas subject to sub-area plans such as LaPorte and Red Feather Lakes, to ensure consistency with such plans.

**B. Rural Planned Development (RPD)<sup>85</sup>**

The RPD district is intended to facilitate planned development outside of areas subject to a sub-area plan such as LaPorte and Red Feather Lakes and established GMAs that allows greater flexibility than that allowed by the strict application of the Code in exchange for more creative and imaginative designs with a higher level of amenities and public benefits than is otherwise possible under the base zoning districts.

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**2.6.2. Applicability**

- A. The PD district is a base zoning district that may be applied only in a GMA, the LaPorte Plan Area, the Red Feather Lake Plan Area, or any new sub-plan area created after the adoption of this code.
- B. The RPD district is a base zoning district and may be applied only in areas outside of a GMA, the LaPorte Plan Area, the Red Feather Lake Plan Area, or any new sub-plan area created after the adoption of this code.

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**2.6.3. Establishment**

The PD and RPD districts shall be established or their boundaries modified only through an amendment to the Larimer County Zoning Districts Map following procedure set forth in §6.6.1, *Amending the Official Zoning Map (Rezoning)*. The PD or RPD procedure shall not be used when a variance, minor modification, or rezoning to a base zoning district could achieve a similar result.

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**2.6.4. General Standards Applicable to PDs<sup>86</sup>**

Development in a PD or RPD district is subject to standards included in or referenced in an approved PD or RPD development plan as approved by the County Commissioners. PD and RPD development plans shall be consistent with any applicable supplementary regulations.

## **2.7. Overlay Districts**

The overlay districts in this section are intended to be used in addition to the base zoning districts established in §§2.2 through 2.5. If any regulation in this section conflicts with any other regulation in this Code, the provisions of this section shall apply regardless of whether they are more or less restrictive than the base zoning district.<sup>87</sup>

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<sup>84</sup> Carries forward the current PD district.

<sup>85</sup> New PD district that is specifically tailored for projects in rural areas (i.e., areas where the PD district does not apply). This district would replace the current special exception process, which is not being carried forward.

<sup>86</sup> This section replaced several repetitive provisions that stated that the County Commissioners have the right to decide various standards in PDs on a case-by-case basis.

<sup>87</sup> New introductory paragraph.

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**2.7.1. Floodplain Overlay (FP-O)<sup>88</sup>****A. Intent**

The FP-O district is intended to provide additional standards for areas that are at risk of flooding. The district generally applies to all designated 100-year special flood hazard areas.

**B. Applicability**

Properties zoned in the FP-O district retain the uses of and are subject to the regulations of the underlying base zoning district. In the case where FP-O and base zoning regulations conflict, FP-O regulations shall apply.

**C. Standards**

Standards for properties zoned in the FP-O district are subject to the regulations in Article 12.0, *Floodplain*.

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**2.7.2. Growth Management Area (GMA)<sup>89</sup>****A. Intent**

The purposes of the GMA district are to:

1. Designate areas in the county adjacent to a municipality's corporate limits where urban level development and annexation are appropriate, and where development may have an impact on present and future municipal growth patterns;
2. Support a municipality's comprehensive plan within the GMA district;
3. Protect the health, safety, and welfare of county residents by providing land use regulations and standards that cause development to occur consistent with a municipality's comprehensive plan for its GMA district to the extent deemed feasible by the county in consultation with the municipality;
4. Minimize urban services provided by the county by encouraging municipalities to annex land designated for urban uses and densities;
5. Facilitate the annexation of lands that have developed in the GMA district while under county jurisdiction;
6. Facilitate the annexation of lands that are eligible for annexation prior to the development of these lands;
7. Implement the guiding principles, policies, and strategies of the county Comprehensive Plan regarding urban and rural land uses;
8. Establish county standards and criteria that are compatible with standards and criteria adopted by municipalities; and
9. Implement intergovernmental agreements with municipalities regarding growth management.

**B. Applicability**

1. The GMA district applies within the following areas of Larimer County:
  - a. The Fort Collins GMA district;
  - b. The Loveland GMA district;

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<sup>88</sup> The new floodplain regulations that are currently being developed by the County will be folded in as a standalone article - this section primarily serves as a cross-reference to those regulations. Definitions related to floodplain regulations will also be added at the time that article is incorporated.

<sup>89</sup> Carries forward the current GMA district in 4.2.1. New headings are added and the content is re-organized for clarity.

- c. The Windsor GMA district; and
  - d. Any other GMA district created pursuant to an intergovernmental agreement with a municipality located within Larimer County.
2. The term "GMA district" shall mean whichever of the above districts is applicable given the location of the subject site.
  3. The boundaries of each GMA district are shown on the Larimer County Zoning Districts Map adopted for Larimer County.
  4. The GMA district is an overlay zoning district and shall be applied together with an underlying zoning district.
  5. The provisions of this subsection apply to all areas zoned in a GMA district. Supplementary regulations to a GMA district, herein referred to as "supplementary regulations," may be adopted that apply only to a particular GMA area.
  6. In the event of a conflict between the supplementary regulations, this subsection, or any other provisions of this Code, the supplementary regulations shall prevail over this subsection and the other provisions of this Code; this subsection shall prevail over the other provisions of this Code.

**C. Review Criteria for Establishment or Enlargement of GMA Boundaries**

1. The GMA district shall be established or its boundaries modified only through an amendment to the Larimer County Zoning Districts Map following procedure set forth in §6.6.1, *Amending the Official Zoning Map (Rezoning)*.
2. The County Commissioners may establish or enlarge a GMA district if the following review criteria are met:
  - a. There is an intergovernmental agreement with the adjacent municipality pertaining to a growth management area and the GMA district is intended to implement the agreement;
  - b. The area within the GMA district boundary is expected, by the parties, to be annexed within the time frame anticipated by the municipality's comprehensive plan;
  - c. The municipality's comprehensive plan provides the county and property owners with clear guidance regarding the types and intensities of land uses intended for each parcel within the GMA district boundary;
  - d. The area within the GMA district can and will be served with urban level services, including, but not limited to, public sewer, public water, urban streets, and urban fire protection; and
  - e. The review criteria for boundary or zone designation set forth in §6.6.1, *Amending the Official Zoning Map (Rezoning)* have been met.
3. The County Commissioners may exclude an area from an established GMA district boundary following consultation with the municipality if the County Commissioners find that one or more of the review criteria listed in this subsection above can no longer be met or that the municipality is not complying with the intergovernmental agreement.

**D. Rezoning, Minor Land Division, and Planned Land Division Standards**

1. Parcels within a GMA district may only be rezoned to the PD district. The PD rezoning application shall specify the proposed land use types, densities, and intensities. Rezoning to RPD is not permitted in any GMA district.<sup>90</sup>
2. Except as provided in §2.7.2.D.3 or as otherwise permitted by the supplementary regulations, the county shall not accept any application for a rezoning to a PD or special review:
  - a. For any property zoned in a GMA that has any contiguity to the municipal limits and thus can be made eligible for voluntary annexation, whether through a series of annexations or otherwise. Instead the owner of such property shall be required to seek annexation to the municipality; or
  - b. For any property in a GMA district, which was part of a parcel eligible for annexation as of December 18, 2000, but which is no longer eligible because of subsequent land divisions resulting in a break in contiguity, except land divisions created by court order from probate, dissolution of marriage, or eminent domain proceedings; or
  - c. Where the municipality denies the petition for annexation because:
    - i. The property owner has included conditions or requirements in the petition which the county deems to be unreasonable or unduly burdensome; or
    - ii. The property owner refuses to agree to conditions or requirements imposed by the municipality as a condition of annexation which the county deems to be reasonable.
3. The county may accept applications for rezoning or special review where:
  - a. The subject parcel(s) has no contiguity to the municipal limits; or
  - b. The municipality denies the petition for annexation for reasons other than those stated in §2.7.2.D.2.c.i and §2.7.2.D.2.c.ii; or
  - c. The applicable supplementary regulations authorize the county to accept the application for rezoning, special review, or planned land division; or
  - d. In lieu of a denial of annexation by the municipality, the County Commissioners accept the written determination by the designated representative of the municipality that the subject property owner(s) need not apply for annexation.
4. In order to approve a rezoning to PD, the County Commissioners shall find the proposed rezoning meets the review criteria in §6.6.1.E, *Rezoning to Planned Development (PD)*, and that the proposed land use type, density, and intensity are consistent with the applicable supplementary regulations, if any.
5. All divisions of land to create new lots in GMA districts shall be submitted and processed as planned land divisions or minor land divisions.<sup>91</sup> No division of land to create new lots in GMA districts through the planned land division process shall be approved unless the County Commissioners have approved a rezoning of the land to PD.
6. Prior to final approval of a rezoning, special review, administrative special review, site plan review, planned land division, or minor land division, the property owner shall provide a binding agreement for annexation. The agreement shall:

<sup>90</sup> Modified the language in the last sentence to align with the new RPD process, rather than the special exception process.

<sup>91</sup> Discuss how this existing language should be updated. The planned land division is not proposed to be carried forward in the draft administration article.

- a. Be in a form approved by the county;
  - b. Include a power of attorney authorizing the city or town clerk to execute and file annexation petitions and maps;
  - c. State that the property owner agrees to submit to the applicable municipality a petition for voluntary annexation at such time as the property becomes eligible for annexation according to state annexation laws;
  - d. Be signed by the owner of the property;
  - e. Run with the land; and
  - f. Be recorded in the office of the clerk and recorder of Larimer County with a copy forwarded to the applicable municipality.
7. The county shall submit, to the applicable municipality for review and comment, all proposals for rezoning, special review, minor land division, and planned land division within the applicable GMA district.
8. The county shall afford the municipality 21 days from the date of transmittal of the referral to provide written comments.

**E. Use Standards**

- 1. Any parcel within a GMA may be used for any use that is designated a use allowed by right in the underlying zoning district. This does not apply to uses that involve land divisions, special review, or any other decisions requiring discretionary review by the County Commissioners.
- 2. Uses allowed only by special review in the underlying zoning district may be approved only if such uses are consistent with the applicable supplementary regulations to a GMA district. If no applicable supplementary regulations have been adopted, the review criteria for special review shall apply. Supplementary regulations do not apply to Wireless Communication Facilities.

**F. Modifications of Development Standards Required by Supplementary Regulations**

- 1. Development standards in supplementary regulations to the GMA district may be modified if agreed upon in writing by the developer, County Commissioners, and the municipality.
- 2. For proposed modifications not agreed to by the applicable municipality, the County Commissioners may grant such modifications only in exceptional circumstances and only if they find that granting the modification will not be detrimental to the public good and that:
  - a. By reason of exceptional physical conditions or other extraordinary and exceptional situations unique to such property, including, but not limited to, physical conditions, such as exceptional narrowness, shallowness, or topography, the strict application of the standard sought to be modified would result in unusual and exceptional practical difficulties, or exceptional and undue hardship upon the owner of the affected property, provided such difficulties or hardship are not caused by the act or omission of the applicant; or
  - b. The alternative plan, as submitted, will advance or protect the public interests and purposes of the standard for which modification is requested, equally well or better than a plan that complies with the standards for which modification is requested. In ascertaining the “public interests and purposes of the standards” the County Commissioners shall give great weight to:

- i. The recommendation of the municipality;
  - ii. The specific language of the standard, taken in the context of the regulation in which the standard is contained and in the context of the applicable provisions of the municipality's comprehensive plan; and
  - iii. The willingness and agreement of the municipality to annex the subject area.
3. A modification shall be processed and reviewed concurrently with the development application to which it applies. A modification may be processed separately from such development application only if the County Planning Director in his/her sole discretion determines there is adequate information to allow the modification to be evaluated separately from the development application.
4. Applicants seeking a modification shall file a written request with the County Planning Director.
5. The County Planning Director shall refer the application to the planning director of the municipality. The municipality shall provide a recommendation to the county within 21 days of receipt of the request.
6. The Larimer County Planning Commission or other recommending board, per the applicable intergovernmental agreement, and the County Commissioners shall hear the request in the public hearings set for the development application.
7. If the County Planning Director has authorized the modification request to be processed separately from the development application, the applicable recommending board shall hear the request at the next available public hearing as determined by the planning director after receipt of the recommendation of the municipality, and the County Commissioners shall hear the request at a public hearing no later than 21 days after receipt of the recommendation from the applicable recommending board.
8. At the hearing, the County Commissioners shall consider relevant information presented by the applicant, the municipality and interested members of the public. Based on the information, the County Commissioners may grant the modification or grant the modification with conditions in accordance with the criteria contained in this section or deny the modification.
9. If a modification is approved it shall be controlling for the successively, timely filed, development applications for that particular development proposal only to the extent that it modified the standard pertaining to such plan.
10. All modifications which apply to a development plan which has not been filed at the time of the granting of the modification shall be valid for a period of time not to exceed one year following the determination of the County Commissioners of the request for the proposed modification.

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### 2.7.3. Cooperative Planning Area (CPA)<sup>92</sup>

#### A. Intent

The CPA overlay is established to protect the health, safety, and welfare of all county residents by providing land use regulations and standards that are consistent with and implement a jointly adopted plan for any cooperative planning area established by intergovernmental agreement between the county and a municipality.

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<sup>92</sup> Carries forward the current CPA district. New headings added for clarity.

**B. Applicability**

1. The decision to have cooperative planning areas will be as set forth in intergovernmental agreements between a municipality and Larimer County which will be implemented by the application of the CPA district to the cooperative planning area described in that intergovernmental agreement.
2. The provisions of the CPA district apply to all rezonings, special reviews, subdivisions, conservation developments, and any additional land development applications as may be specified in the supplementary regulations to the CPA district. There may be numerous CPA areas, each with its own unique set of supplemental regulations.
3. It is intended that each application of the generic CPA requirements will be accompanied by supplemental regulations to the CPA district which are contained in the technical supplement to this Code.
4. Each set of supplemental regulations will apply to specific geographic cooperative planning areas. These supplemental regulations are intended to implement the jointly adopted plan for the CPA and specifically set forth requirements pertaining to the type, location, and intensity of land use allowed, and additional development standards, if any, as may be needed to implement the jointly adopted plan for the cooperative planning area.

**C. Standards**

1. Within the CPA district, rezonings, special reviews, subdivisions, and conservation developments, and any additional land development applications as may be specified in the supplementary regulations to the CPA district, shall be developed in accordance with this section and the county's and municipality's jointly adopted plan for the CPA.
2. If the underlying county zoning for a given parcel is in existence prior to the application of the CPA district, the county shall honor the underlying county zoning with respect to use and density in its development approval decisions.
3. The provisions of the CPA district and supplemental regulations may be applied to development applications not listed above as conditions of approval if the county finds the effect on public health, safety, and welfare so warrants.
4. The CPA district is an overlay zone. Within the CPA district this code and the underlying zoning district apply unless modified by the supplementary regulations to the CPA district, in which case the more stringent applies.
5. Prior to establishing any improvement district within the CPA overlay zone, the county shall solicit a recommendation from the applicable municipality.

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**2.7.4. Agricultural Overlay (AG-O)**

**Commentary**

This is a placeholder for a potential agricultural district that is currently under consideration by the Agricultural Advisory Board (AAB). The intent is to develop a voluntary overlay focused on incentives and programmatic opportunities, with potentially some land use regulatory elements.

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**2.8. Estes Valley Zoning Districts**

**2.8.1. Purpose**

To implement the Estes Valley Comprehensive Plan and to provide for consistent and coordinated development review and land use compliance in unincorporated area the Estes Valley Planning

Area. The zoning of the Estes Valley Planning Area shall remain the same as in prior Estes Valley Development Code. The application materials and procedures will be modified by this Code.

**2.8.2. Effective Date**

Beginning on April 1, 2020, all applications for development within the Estes Valley Planning Area shall be accepted and processed pursuant to §6.4.2, *Special Review*, §6.4.3, *Administrative Special Review*, §6.7.3, *Zoning Variances*; Article 5.0, *Subdivision Standards*; §6.4.1, *Site Plan Review*; §6.3, *Common Review Procedures*; and §6.4.4, *Location and Extent*.

**2.8.3. District Boundaries**

- A. To carry out the purposes of this section, the following zoning district classifications shall continue to apply within the Estes Valley Planning Area of Larimer County:
  - 1. EV RE-1 Estes Valley Rural Estate
  - 2. EV RE Estes Valley Rural Estate
  - 3. EV E-1 Estes Valley Estate
  - 4. EV E Estes Valley Estate
  - 5. EV R Estes Valley Residential
  - 6. EV RM Estes Valley Multi-Family Residential
  - 7. EV A Estes Valley Accommodations/Highway Corridor
  - 8. EV A-1 Estes Valley Accommodations/Low Intensity
  - 9. EV CO Estes Valley Outlying Commercial
  - 10. EV O Estes Valley Office
  - 11. EV I-1 Estes Valley Restricted Industrial
- B. The boundaries of each zoning district are shown on the official zoning map adopted for Larimer County.

**2.8.4. Applicability**

- A. These regulations apply within the Planning Area boundary initially established by the Estes Valley Comprehensive Plan.
- B. The provisions apply to all land development applications.
- C. The full supplemental regulations for the Estes Valley Planning Area are contained in Article 13.0, *Supplemental Regulations for the Estes Valley*. The supplemental regulations are intended to set forth requirements pertaining to the type, location and intensity of land use allowed, and additional development standards, if any, as may be needed to continue to implement the Estes Valley Comprehensive Plan.

**2.8.5. Requirements**

Within the Estes Valley Planning Area, all development must be in accordance with Article 13.0, *Supplemental Regulations for the Estes Valley*.

**2.9. Measurements and Exceptions**

**Commentary**

This section contains a mix of existing and new material that explains the general rules of measurement and exceptions to those rules. It is placed here to be close to the tables of dimensional standards earlier in this article – density, setbacks, etc.

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**2.9.1. Purpose<sup>93</sup>**

This section provides uniform methods of measurement for interpretation and enforcement of the lot and building standards in this Code.

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**2.9.2. Density<sup>94</sup>**

- A. Density shall be calculated by the number of dwelling units per acre within a proposed development site, excluding public and private streets and rights-of-way, natural bodies of water, and public access easements that restrict the surface use of the property.
  - B. The density calculation shall be adjusted for conservation development as provided in §5.4 and rural land plans as provided in §5.5.
- 

**2.9.3. Minimum Lot Dimensions<sup>95</sup>**

- A. New lots created, developed, used, or occupied shall meet the minimum lot dimensions for the applicable zoning district unless otherwise established in this Code.<sup>96</sup>
  - B. No land needed to comply with minimum lot dimensions or other standards in this Code shall be sold or leased away from such lot.<sup>97</sup>
  - C. Minimum lot area, for lots created by the land division process, may not include any portion of an adjacent road.
  - D. Lot width is measured parallel to the front lot line at the front setback.
  - E. Lot depth is measured at an angle of 90 degrees to the front lot line at the center of the front lot line.
- 

**2.9.4. Setbacks<sup>98</sup>****A. Setback Measurement<sup>99</sup>**

- 1. Setbacks shall be measured from the lot line, nearest edge of the road easement, nearest edge of right-of-way, or nearest edge of traveled way, whichever is greater.
- 2. The applicable street and road setback applies to both sides of a street or road adjacent to a lot or that goes through a lot. When an applicable side or rear setback exceeds the street or road setback, the greater setback applies.
- 3. Setbacks do not apply to streets or roads that are used for internal circulation in multi-family, commercial, or industrial developments.
- 4. No part of any structure may extend into or above any easement.<sup>100</sup>

**B. Setbacks for Attached Buildings<sup>101</sup>**

For buildings where multiple dwellings or businesses share a common wall, only the outside walls of the end units shall comply with applicable setback requirements.

---

<sup>93</sup> New.

<sup>94</sup> New.

<sup>95</sup> Carry over from 4.9.4, but there are no instances of minimum lot width or depth in this draft, therefore they may be unnecessary.

<sup>96</sup> New.

<sup>97</sup> New.

<sup>98</sup> The current section 4.9.2.D, which stated a minimum setback requirement for all structures and an exception for building envelopes, was not carried forward. The setbacks are established clearly by each zoning district and building envelopes can be applied during platting and/or for cluster development application types.

<sup>99</sup> Carried forward from 4.9.1.D.

<sup>100</sup> Carried forward from the last sentence from 4.9.2.D.

<sup>101</sup> New standard to address zero lot line building types such as single-family attached dwellings (duplex, rowhomes) and nonresidential attached buildings such as a commercial strip center.

**C. Double-Frontage Lots<sup>102</sup>**

In the case of double-frontage lots, front setbacks shall apply to all frontages. See Figure ---.

[insert graphic]

**D. Setbacks for Detached Accessory Buildings 200 Square Feet in Area or Less<sup>103</sup>**

1. Detached accessory buildings may be placed within the rear or side setbacks of a lot subject to the following requirements:
  - a. All elements of the accessory building (including eaves and decorative features) shall maintain a distance of five feet from all lot lines;
  - b. All other required setbacks, including those listed in §E and §F below, are met;
  - c. The building is not on a permanent foundation;
  - d. The height shall not exceed one story;
  - e. The building is not used for any type of commercial or residential purpose;
  - f. No part of any building may extend into or above any easement; and
2. Where a building envelope is applicable, an accessory building may only be located outside of the building envelope when defined by the approval of a specific development approval condition.

**E. Setbacks from All Roads, Streets, and Highways<sup>104</sup>**

Setbacks from specific road types are listed below. For all other road types not listed below, setback requirements are set forth in §§2.2 through 2.5 for each zoning district. In all cases, all structures shall be located outside of any existing right-of-way.<sup>105</sup>

**1. Highways**

Setbacks from state and federal highways are 100 feet from the right-of-way centerline or 50 feet from the right-of-way line, whichever is greater, except those highways noted below where the minimum setback is 130 feet from centerline of the right-of-way or 80 feet from the right-of-way line, whichever is greater:

- a. U.S. Highway 287 from Fort Collins city limits south to the Boulder County line.
- b. Colorado Highway 68 (Harmony Road) from Interstate 25 west to Highway 287.
- c. Colorado Highway 14 (Mulberry Street) from Fort Collins city limits east to the Weld County line.
- d. Colorado Highway 392 from Interstate Highway 25 east to the Weld County line.
- e. U.S. Highway 34 from Morning Drive east to the Weld County line.
- f. Fort Collins Expressway and those portions of U.S. Highway 287 and Colorado Highway 14 north of Fort Collins city limits that are four lanes.
- g. Colorado Highway 402 from Loveland city limits east to the Weld County line.

**2. County Roads**

- a. Setbacks from Larimer County roads, as identified and classified on the Larimer County Functional Road Classification Map, are measured from the original right-of-

<sup>102</sup> New.

<sup>103</sup> Carried forward from 4.9.2.E. *Consolidated draft: Changed from 120 square feet based on Staff feedback.*

<sup>104</sup> Carried forward from 4.9.1. Discussion needed – with all these road-specific setback provisions, the front setback standards earlier in this article for each district seem to have limited applicability.

<sup>105</sup> This provision was added per engineering’s feedback.

way centerline as shown in *Table 2-7: Road Classification*, before any additional right-of-way was dedicated, as determined by the County Engineer.

Table 2-7: Road Classification	
Type of Road	Setback
Arterial	110 feet
Major collector	100 feet
Minor collector	70 feet
Local, numbered county roads	60 feet

- b. Setbacks for additions to existing buildings that are nonconforming with respect to county road setbacks may be eligible for a minor modification pursuant to §6.7.1, *Minor Modifications*.

**3. Annexed Roads**

Properties in unincorporated Larimer County along a road that has been annexed and is under the jurisdiction of a municipality have the option of utilizing the county required setbacks based on the most recent county road classification (prior to annexation) or requesting an administrative variance to allow a setback consistent with the required setback from the adjacent jurisdiction.

**F. Setbacks from Streams, Creeks, and Rivers<sup>106</sup>**

The minimum required setback from any stream, creek or river identified on a U.S.G.S. quadrangle map is 100 feet from the centerline of the water course unless a greater setback is required by §4.4.2, *Wetlands*, §4.4.4, *Wildlife*, or Article 12.0, *Floodplain*, or unless evidence is provided documenting that the centerline has been relocated by a previously approved development; or where the centerline is a ditch managed by a ditch company. This section is not applicable to irrigation laterals.

**G. Steep Slopes<sup>107</sup>**

The Director may require greater setbacks for properties in the mixed-use and nonresidential districts to avoid development of steep slopes adjacent to public rights-of-way.

**H. Allowed Setback Encroachments<sup>108</sup>**

1. In all cases a minimum setback of five feet shall be required from all property lines for any structural component or architectural feature.
2. Setback exceptions do not apply to easements.
3. Certain architectural features and improvements may encroach into required setbacks as follows:

<sup>106</sup> Consolidated draft: See additional text responding to staff comment.

<sup>107</sup> This section has been added to account for unique site constraints.

<sup>108</sup> The list of exceptions was converted into a table.

Table 2-8: Allowed Setback Encroachments	
Type of Feature	Extent of Encroachment Allowed
Cornice, canopy, eave, awning, bay window, window well, cantilevered wall, chimney, or mechanical and electrical equipment <sup>109</sup>	May extend two feet into a required setback or a setback approved by variance or administrative variance, but in no case may be closer than five feet from a property line.
Ground-mounted small solar energy facility <sup>110</sup>	In any residential district, a ground-mounted small solar energy facility may extend up to five feet into the side or rear yard.
Mobility access ramp or lift <sup>111</sup>	As necessary upon written request to Director.
Open unenclosed and uncovered porch or deck with a finished floor elevation 30 inches or less above the finished grade	Shall maintain a distance of five feet from all lot lines.
Porch or deck with a finished floor elevation greater than 30 inches above the finished grade	Shall meet the applicable building setbacks.
Porch or deck are located at grade	No setback restriction.

**I. Setback and Survey Certification**

1. All non-residential development requires a survey certification to verify compliance with the approved site plan, plat, or plot plan.<sup>112</sup>
2. At the time of the footing and foundation inspection by the building division, the property owner is required to clearly identify the boundary corners of the lot and/or building envelope.
3. On lots without building envelopes, the owner will be required to obtain a licensed surveyor's certification of the building location whenever the proposed setback is less than five feet beyond the required setback.
4. On lots with building envelopes, the owner will be required to obtain a licensed surveyor's certification whenever the proposed building location is less than five feet from the boundary of the building envelope.
5. The certification, when required, shall be provided by a surveyor licensed to practice in the State of Colorado. The certification may be in the form of a letter, which shall be signed and sealed by the licensed surveyor. The letter shall include the number of the building permit issued for the site in question.

**2.9.5. Building/Structure Height<sup>113</sup>**

<sup>109</sup> Exception for electrical equipment added.

<sup>110</sup> This provision was added in order to accommodate the use of solar on residential properties. *Consolidated draft: The reference to plot plans was added per Staff feedback.*

<sup>111</sup> This provision was added to accommodate ADA development.

<sup>112</sup> *Consolidated draft: This provision was added to ensure compliance with survey certifications.*

<sup>113</sup> Carried forward from 4.9.5. Headings were added for clarity.

**A. Measurement<sup>114</sup>**

Generally, the height of a building or structure shall be measured from the average elevation of the finished grade to the highest point on a structure.

**B. Exceptions**

1. The maximum height standards specified in this Article 2.0 shall not apply to:
  - a. Church spires, belfries, cupolas, chimneys, and other similar design or architectural features or other appurtenances that are usually installed above roof level.
  - b. Federally licensed amateur radio transmission and receiving antennas that meet the following criteria:
    - i. The height of the tower and antenna does not exceed the distance to the nearest property line;
    - ii. All guy wires, tiedowns and other support components of the antenna are installed according to the manufacturer's specifications and are located on the same lot with the antenna; and
    - iii. Foundation plans for the antenna are submitted with an original seal and signature of a Colorado Licensed Engineer who has documented experience reviewing such installations.
  - c. Radio and television transmitters, accessory wind generators approved by public site plan review, and/or small wind energy facilities.
  - d. Building-mounted accessory solar energy system or small solar energy facility provided it does not exceed the maximum height allowed by the respective zoning district by more than five feet.
  - e. Wireless Commercial Facilities (WCF), which are regulated by Article 9.0, *Wireless Communication Facilities*.
2. The maximum height of flagpoles is 40 feet in all zoning districts, provided that the height of the flagpole does not exceed the distance to the nearest property line.

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<sup>114</sup> Source: 0.1.1. Language was modified for consistency.

# Article 3.0 Use Regulations

## Commentary

This article contains the standards related to land uses in Larimer County and is intended to be reviewed with Article 2, *Zoning Districts*, and with the use definitions in Article 9. The key element of this article is a set of two new tables of allowed uses. Following the tables of allowed uses are several use-specific standards applicable to specific land uses. The final sections of this article address accessory and temporary uses and structures.

## 3.1. Purpose and Organization of this Article

### 3.1.1. Purpose

This article identifies the land uses allowed in Larimer County’s zoning districts and establishes standards that apply to certain uses with unique characteristics or impacts.

### 3.1.2. Organization

- A. §3.2, *Tables of Allowed Uses*, lists uses allowed by district and provides cross-references to applicable use -specific standards.
- B. §3.3, *Use-Specific Standards*, establishes use-specific standards applicable to specific land uses.
- C. §3.4, *Accessory Uses and Structures*, establishes standards applicable to accessory uses and structures.
- D. §3.5, *Temporary Uses and Structures*, establishes standards applicable to temporary uses and structures.

## 3.2. Tables of Allowed Uses

### 3.2.1. Explanation of Use Permission Abbreviations

#### A. Uses Permitted By-Right

“R” in a cell indicates that the use is permitted by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of the Code.

#### B. Site Plan Review Required

“SP” in a cell indicates that the use is only permitted in the respective zoning district with approval of a Site Plan Review pursuant to §6.4.1, *Site Plan Review*, subject to all other applicable standards within the Code.

#### C. Administrative Special Review Required

“AS” in a cell indicates that the use is only permitted in the respective zoning district with approval of an Administrative Special Review pursuant to §6.4.3, *Administrative Special Review*, subject to all other applicable standards within the Code.

#### D. Special Review Required

“S” in a cell indicates that the use is only permitted in the respective zoning district with approval of a special review pursuant to §6.4.2, *Special Review*, subject to all other applicable standards within the Code.

**E. Use Prohibited**

A blank cell indicates that the use is prohibited in the respective zoning district.

**F. Accessory Uses**

“AC” in a cell indicates that the use is only permitted in the respective zoning district as an accessory use.

**G. Temporary Uses**

“T” in a cell indicates that the use is only permitted in the respective zoning district as a temporary use.

**H. Use-Specific Standards**

Use-specific standards are identified and cross-referenced in the last column of the table. Regardless of whether a use is allowed by right or with approval of an Administrative Special Review or Special Review, additional standards may be applicable to that use.

---

**3.2.2. Table Organization**

**A. Primary, Accessory, and Temporary Use Tables**

§3.2, *Tables of Allowed Uses*, contains a total of six tables with primary, accessory, and temporary uses separated into different tables and organized by the character areas described in §2.0, *Zoning Districts*. The Rural Tables include the Conservation and Agricultural, Rural, and Mixed Center character areas and the Urban Tables include the Urban character area.

**B. Use Categories and Use Types**

In §3.2.6 and §3.2.7, land uses and activities are classified into general use categories and specific use types 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 classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within each use category. Certain uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended as an indexing tool and are not regulatory.

**C. Use Identification**

If a use has been interpreted into a use category, it may not also be interpreted into a second use category, even though it may broadly fit within the non-identified use category definition. For example, if the production of homemade ice cream with on-site retail is categorized as an artisan food and beverage use, it will not also be categorized as a general retail use.

---

**3.2.3. Application to Zoning Districts**

**A. Approval Limited to Identified Use**

Approval of a use listed in §3.2.6 or §3.2.7 and compliance with the applicable use-specific standards for that use, authorizes that use only. Buildings and structures shall not be erected, altered, or enlarged except for the uses listed in §3.2.6 and §3.2.7. All other uses not

specifically listed are prohibited and shall be unlawful unless the Director has determined an appropriate use type for the unlisted use pursuant to the procedure in §3.2.4, below.

**B. Multiple Primary Uses Permitted<sup>115</sup>**

Multiple primary uses on one lot shall be allowed in the Conservation and Agriculture and Mixed Center character areas if each individual use is allowed in the underlying zone district and all uses can be accommodated within the zone district’s dimensional standards and comply with all use-specific conditions or standards required of any of the primary uses. In the event of a conflict between such limitations, the stricter provision shall apply.

**3.2.4. Classification of New and Unlisted Uses**

The following procedure shall apply if an application is submitted for a use type that is not listed in §3.2.6 or §3.2.7. Submission and approval of such an application shall be required prior to approval of any other permit or development approval associated with the use.

**A. Director Determination of Appropriate Use Type**

The Director shall determine the appropriate use type for the proposed use. In making such determination, the Director shall consider the potential impacts of the proposed use including the nature of the use and whether it includes dwellings, sales, processing, or storage; and typical operations, employment characteristics, nuisances, requirements for public utilities, and transportation requirements.

**B. Use and Use-Specific Standards Requiring a Text Amendment**

When and if the Director determines that the proposed unlisted use cannot be applied to an existing appropriate use type, or that additional use-specific standards are necessary, the Director shall require a text amendment to the Code pursuant to §6.6.3, *Amending the Code Text*.

**C. Appeal of Director’s Determination**

An appeal of the Director’s determination shall be made pursuant to the procedures in §6.7.2, *Appeals*.

**3.2.5. Use Conversion<sup>116</sup>**

**A.** When one use is changed to another, the requirements of this Code shall apply to the new use. Use changes can occur in a number of ways, including from current primary to new primary, by adding a second (or later) primary use, by expanding the size of an accessory use so that it becomes a primary use, or by changing from a current accessory use to a new accessory use.

**B.** The use of any part of any nonresidential building, structure, or property shall not be changed to any other use, whether principal or accessory and whether alterations in the building, structure, or property are involved or not, until a Site Plan Review that meets the standards of §6.4.1 has been approved by the Director.

<sup>115</sup> New. This is intended to accommodate properties in the rural areas that may have accessory uses that grow into principal uses, and/or larger properties where owners may have multiple activities occurring at once (e.g., a single-family home, a dairy, and a ranching operation).

<sup>116</sup> New. This language is intended to acknowledge that some accessory uses may become principal uses, and also that uses can change.

### 3.2.6. Table of Allowed Primary Uses – Rural

**Commentary:**

The proposed Tables of Allowed Uses in this section are based on the current permitted uses in the Larimer County Land Use Code, with several proposed consolidations and additions.

**Tables reflect new procedures.** The Tables of Allowed Uses reflects the new and renamed procedures listed in Article 6. The tables below describe the prior and new procedures with respective abbreviations in the table:

EXISTING PROCEDURES		NEW PROCEDURES	
R	ALLOWED BY RIGHT	R	ALLOWED BY RIGHT
SP	SITE PLAN	SP	SITE PLAN
PSP	PUBLIC SITE PLAN	AS	ADMINISTRATIVE SPECIAL REVIEW
S	SPECIAL REVIEW	S	SPECIAL REVIEW
	PROHIBITED		PROHIBITED

**Table organization.** The tables are organized based on use intensity, beginning with less intense agricultural uses, then moving into residential, community and institutional uses, then commercial, and ending with more intense industrial and utility uses. The two tables have the same list of uses in the first column to maintain consistency and make it clear which uses are specifically prohibited in certain character areas.

**Updates from current zoning table.** Several use types are consolidated for simplicity, and some use types are being introduced to the tables for the first time. We also developed use categories to help group similar use types in a logical way, making future land use determinations more streamlined. **Generally, when determining use permissions in the new zoning districts, we followed the existing permissions in the related existing districts** unless otherwise noted (e.g. if the use is “S,” it will be “S” instead of “R” or other). Similarly, if an existing use was allowed in all existing zoning districts, the same allowances were added to all new zoning districts.

The tables have also been updated with a wider range of additional agricultural uses, the O (Open) district has been scaled back to focus primarily on allowing residential uses and other compatible uses, and required review and application types have been adjusted throughout the tables to better reflect current practice.

**Use-specific standards and definitions.** The last column indicates whether additional standards apply to that use. The tables include cross-references to additional standards in §3.3, Use-Specific Standards. Each use category and use type has a definition in Article 9.0. The standards should be reviewed simultaneously with the Tables of Allowed Uses and definitions. Significant changes to standards or definitions are indicated in the footnotes of the respective sections.

**Table 3-2: Table of Allowed Primary Uses – Rural**

**R = Allowed By Right    SP = Site Plan    AS = Administrative Special Review    S = Special Review**  
**Blank Cell = Prohibited use**

CHARACTER AREA	CONSERVATION & AGRICULTURE				RURAL			MIXED CENTER			Use-Specific Standards	
	District	NR	FO	A	ACE	RR-1	RR-2	O	IR	RC		CF
<b>AGRICULTURAL USES</b>												
Agricultural Operation	R	R	R	R	R	R	R	R	R	R	R	
<b>Agricultural Cultivation</b>												
Community Garden		AS	AS	SP	AS	AS	AS	AS	AS	SP	AS	3.3.2.A
Forestry	R	R	R									3.3.2.B
Nursery												
Retail		SP	SP	R	SP	SP	SP					3.3.2.C
Wholesale	R	R	R	R	R	R	R	R	R	R	R	
Tree Farm												
Retail	SP	SP			SP	SP	SP	SP	SP			
Wholesale	R	R			R	R	R	R	R			
<b>Agricultural Support and Services</b>												
Agricultural Equipment Repair & Sales				SP						SP		3.3.2.D
Agricultural Labor Housing		AS	AS		AS	AS	AS					
Custom Meat or Poultry Processing Facility		SP	SP	SP	AS							
Livestock Auction				SP						SP		
Packing Facility		SP	SP	SP	AS	AS	AS	AS	AS	SP		
<b>Animal Agriculture</b>												
Commercial Feedlot or Dairy		S	S	S	S	S	S					
Equestrian Operation												
Large		S	S		S	S						3.3.2.E
Small		AS	AS		AS	AS						3.3.2.E
Poultry & Egg Production												
Small		R	R	AS	AS	AS	AS	AS	AS			
Large		S	S	S			S	S				
<b>RESIDENTIAL USES</b>												
<b>Household Living</b>												
Dwelling, Cabin	R	R	R		R	R						3.3.3.A
Dwelling, Co-Housing												3.3.3.B
Dwelling, Duplex												
Dwelling, Live/Work				R						R		3.3.3.C
Dwelling, Multifamily												3.3.3.D
Dwelling, Single-Family Attached										R		

**Table 3-2: Table of Allowed Primary Uses – Rural**

**R = Allowed By Right    SP = Site Plan    AS = Administrative Special Review    S = Special Review**  
**Blank Cell = Prohibited use**

CHARACTER AREA	CONSERVATION & AGRICULTURE				RURAL			MIXED CENTER			Use-Specific Standards	
	District	NR	FO	A	ACE	RR-1	RR-2	O	IR	RC		CF
Dwelling, Single-Family Detached	R	R	R			R	R	R	R	R		
Dwelling, Triplex or Fourplex										R		
Manufactured Home	R	R	R			R	R	R	R	R		3.3.3.E
Manufactured Housing Park												
Medium-Density										S		3.3.3.F
High Density												3.3.3.F
Modular Home	R	R	R			R	R	R	R	R		
<b>Group Living</b>												
Assisted Living Facility									S	SP		3.3.3.G
Community Residential Home	R	R	R			R	R	R	R	R		3.3.3.H
Congregate Residence									S	SP		
Group Home	R	R	R			R	R	R	R	R		3.3.3.H
Group Home for Aged	R	R	R			R	R	R	R	R		3.3.3.H
Group Home for Persons W/ Behavioral or Mental Health Disorders	R	R	R			R	R	R	R	R		3.3.3.H
<b>PUBLIC, CIVIC &amp; INSTITUTIONAL USES</b>												
<b>Community &amp; Cultural Facilities</b>												
Assembly												
Indoor only		AS	AS	SP		AS	AS	AS	AS	SP	SP	
With outdoor area		S	S	S		S	S	S	S	S	S	
Cemetery		AS	AS			AS	AS	AS	AS	AS	AS	
With Funeral Home or Crematorium										S	S	
Crematorium										S		
Cultural Institution										SP	SP	
Day Care Center				SP						AS	SP	
Funeral Home										S	S	
With Crematorium										S	S	
Prison or Detention Center											S	3.3.4.A
<b>Educational Facilities</b>												
School, Nonpublic		S	S	SP		S	S	S		SP	SP	
School, Public												See §6.4.4, Location and Extent

**Table 3-2: Table of Allowed Primary Uses – Rural**

**R = Allowed By Right    SP = Site Plan    AS = Administrative Special Review    S = Special Review**  
**Blank Cell = Prohibited use**

CHARACTER AREA	CONSERVATION & AGRICULTURE				RURAL			MIXED CENTER			Use-Specific Standards	
	District	NR	FO	A	ACE	RR-1	RR-2	O	IR	RC		CF
<b>Healthcare Facilities</b>												
Health Services					AS					AS	AS	
Hospital					AS					AS	AS	3.3.4.B
Medical or Dental Clinic					AS					AS	AS	
Rehabilitation Facility					AS					AS	AS	
<b>Parks and Open Lands</b>												
Natural Resources & Wildlife Area	R	R	R	R	R	R	R	R			R	3.3.4.C
Park or Playground	R	R	R	R	R	R	R	R	R	R	R	3.3.4.C
Regional Open Space & Trails	R	R	R	R	R	R	R	R		R		3.3.4.C
Reservoir Park	R	R	R	R	R	R					R	3.3.4.C
Urban Open Space & Trail								R	R		R	3.3.4.C
<b>COMMERCIAL USES</b>												
<b>Agriculture &amp; Animal Uses</b>												
Garden Supply Center		AS	AS	SP	AS	AS	AS	AS	AS	SP		
Kennel, Commercial												
Indoor Only		AS	AS	SP	AS	AS			AS	SP		
Outdoor Animal Use Area		S	S	AS	S	S			S	AS		
Pet Animal Service Facility		AS	AS	SP	AS	AS			AS	SP		
Veterinary Clinic or Hospital, Livestock												
Indoor Only ≤ 5,000 SF or Outdoor Animal Use Area ≤ 1,000 SF		AS	AS	SP	AS	AS			AS	SP		
Indoor Only > 5,000 SF or Outdoor Animal Use Area > 1,000 SF		S	S	AS	S	S			S	AS		
Veterinary Clinic or Hospital, Pet Animal												
Indoor Only ≤ 2,500 SF or Outdoor Animal Use Area ≤ 200 SF		AS	AS	SP	AS	AS			AS	SP		
Indoor Only > 2,500 SF and Outdoor Animal Use Area < 200 SF		S	S	SP	S	S			S	SP		
Outdoor Animal Use Area > 200 SF		S	S	S	S	S			S	S		
<b>Food &amp; Beverage Services</b>												
Bar or Tavern										SP		

**Table 3-2: Table of Allowed Primary Uses – Rural**

**R = Allowed By Right    SP = Site Plan    AS = Administrative Special Review    S = Special Review**  
**Blank Cell = Prohibited use**

CHARACTER AREA	CONSERVATION & AGRICULTURE				RURAL			MIXED CENTER			Use-Specific Standards	
	District	NR	FO	A	ACE	RR-1	RR-2	O	IR	RC		CF
Microbrewery, Cidery, Winery, Meadery, or Distillery										SP		See Accessory Use Table for Outdoor Seating and Drive-Through Facilities
Restaurant										SP		
<b>Lodging Facilities</b>												
Bed & Breakfast												
≤ Ten Guests			AS	AS		AS	AS	AS	AS	AS		3.3.5.A
> Ten Guests			AS	AS		AS	AS	AS	AS	AS		3.3.5.A
Boarding or Rooming House												
Hotel or Motel										SP		
Resort Lodge or Resort Cottages										SP		
Short-term Rental												
≤ Ten Occupants			AS	AS		AS	AS	AR	AS			3.3.5.B
> Ten Occupants			AS	AS		AS	AS	AS	AS			3.3.5.B
<b>Marijuana</b>												
Medical Marijuana-infused Products Manufacturer												Chapter 14, Article VI
Medical Marijuana Center												
Medical Marijuana Optional Premises Cultivation Operation												
Private Marijuana Clubs												
Retail Marijuana Cultivation Facility												
Retail Marijuana Product Manufacturing Facility												
Retail Marijuana Store												
Retail Marijuana Testing Facility												
<b>Office, Business &amp; Professional Services</b>												
Financial Institution										SP		
Professional Office										SP		
<b>Personal Services</b>												
Instructional Facility										SP		

**Table 3-2: Table of Allowed Primary Uses – Rural**

**R = Allowed By Right    SP = Site Plan    AS = Administrative Special Review    S = Special Review**  
**Blank Cell = Prohibited use**

CHARACTER AREA	CONSERVATION & AGRICULTURE				RURAL			MIXED CENTER			Use-Specific Standards	
	District	NR	FO	A	ACE	RR-1	RR-2	O	IR	RC		CF
Personal Service					SP					SP		
<b>Recreation &amp; Entertainment</b>												
Campground	S	S	S		SP	S	S		S	S	SP	3.3.5.C
Membership Club or Clubhouse		S	S		SP	S	S	S	S	SP		
Rafting Business			AS	AS						SP		
Recreation Facility, Indoor					AS					SP		
Recreation Facility, Outdoor	AS	AS	AS	AS	AS	AS			S	AS		
Recreational Vehicle Park		S	S		SP	S	S		S	SP		3.3.5.E
Riding Stable		AS	AS		SP	AS	AS	AS		SP		
Seasonal Camp		S	S			S	S		S			
Shooting Range												
Indoor Only	AS	AS	AS			AS	AS		AS	SP		
With Outdoor Activity	S	S	S			S	S					
<b>Retail Sales</b>												
Building Material & Supply Store					SP					SP		
Fireworks Sales, Permanent												
Flea Market					SP					SP		
With Outdoor Activity					AS					AS		
General Retail												
≤ 10,000 SF					SP					SP		
10,000 to 25,000 SF					AS					AS		
> 25,000 SF					S					S		
Outdoor Display and Sales					AS					AS		3.3.5.G
<b>Transportation</b>												
Airport											S	3.3.5.H
Fleet Services										SP		
Helipad											S	3.3.5.I
Parking Lot or Garage										SP		
Transit Terminal or Station								S				3.3.5.J
Transportation Depot					AS							0
<b>Vehicles and Equipment</b>												
Truck Stop										SP		

**Table 3-2: Table of Allowed Primary Uses – Rural**

**R = Allowed By Right    SP = Site Plan    AS = Administrative Special Review    S = Special Review**  
**Blank Cell = Prohibited use**

CHARACTER AREA	CONSERVATION & AGRICULTURE				RURAL			MIXED CENTER			Use-Specific Standards	
	District	NR	FO	A	ACE	RR-1	RR-2	O	IR	RC		CF
Vehicle Fuel Sales					SP					SP		
Vehicle Repair, Major					S					S		
Vehicle Repair, Minor					AS					SP		
Vehicle Sales & Leasing					SP					SP		3.3.5.L
Vehicle Wash					SP					SP		
<b>Adult Uses</b>												
All												3.3.5.M
<b>Industrial Uses</b>												
<b>Manufacturing &amp; Processing</b>												
Hazardous Materials Storage and/or Processing												
Junkyard												
Landfill				S		S			S			3.3.6.A
Manufacturing, Light												3.3.6.A
Manufacturing, Heavy												
Mining	S	S	S	S	S	S	S	S	S	S	S	3.3.6.C
Oil & Gas Drilling and Production	S	S	S	S	S	S	S	S	S	S	S	3.3.6.D
Recycling Facility												
Sawmill			S	S	AS							
Trade Use					SP					SP		
Treatment Plant											S	3.3.6.E
Utility Substation											S	3.3.6.F
Water Storage Facility											S	3.3.6.G
<b>Storage &amp; Warehousing</b>												
Storage, Enclosed					SP					SP		3.3.6.H
Storage, Outdoor					AS					AS		3.3.6.I
Warehousing & Wholesale Facility					SP					SP		3.3.6.J
<b>PUBLIC &amp; SEMI-PUBLIC UTILITY USES</b>												
Power Plant											S	
Radio & Television Transmitters			S			S	S	S			S	
Small Solar Energy Facility, Building-Mounted	R	R	R	R	R	R	R	R	R	R	R	3.3.7.A
Small Solar Energy Facility, Ground-Mounted	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	3.3.7.B

**Table 3-2: Table of Allowed Primary Uses – Rural**

**R = Allowed By Right    SP = Site Plan    AS = Administrative Special Review    S = Special Review**  
**Blank Cell = Prohibited use**

CHARACTER AREA	CONSERVATION & AGRICULTURE				RURAL			MIXED CENTER			Use-Specific Standards	
	District	NR	FO	A	ACE	RR-1	RR-2	O	IR	RC		CF
Small Wind Energy Facility	S	S	S			S	S		S		S	3.3.7.C
Wireless Communication Facilities												
Alternative Tower Structure (concealed)												Article 9.0
≤ 40 feet high	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Article 9.0
≤ 60 feet high	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	Article 9.0
Attached Facility on Existing Structure	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Article 9.0
Small Cell Facility	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Article 9.0
Tower (non-concealed)												Article 9.0
≤ 40 feet high												Article 9.0
≤ 60 feet high			AS				AS	AS				Article 9.0
61-80 feet high			AS				AS					Article 9.0
81-100 feet high												Article 9.0
101- 120 feet high								AS				Article 9.0
> 120 feet high								S				Article 9.0

3.2.7. Table of Allowed Primary Uses – Urban

Table 3-2: Table of Allowed Primary Uses – Urban														
R = Allowed by Right    SP = Site Plan    AS = Administrative Special Review    S = Special Review Blank Cell = Prohibited use														
CHARACTER AREA	URBAN													
District	UR-1	UR-2	UR-3	MR	MH	MU-N	MU-C	CC	CN	CD	IL	IH	AP	Use-Specific Standards
<b>AGRICULTURAL USES</b>														
Agricultural Operation	R	R	R	R	R	R	R	R	R	R	R	R	R	
<b>Agricultural Cultivation</b>														
Community Garden	AS	AS	AS	AS	AS	AS	AS	SP	SP	SP	SP	SP	SP	3.3.2.A
Forestry														3.3.2.B
Nursery														
Retail	AS	AS	AS	AS	AS	AS	AS	SP			SP		R	3.3.2.C
Wholesale	SP	SP						SP			SP		R	
Tree Farm														
Retail							R	R			R		R	
Wholesale	R	R	R	R	R			R			SP	SP	R	
<b>Agricultural Support and Services</b>														
Agricultural Equipment Repair & Sales								SP		SP	SP	SP		3.3.2.D
Agricultural Labor Housing	AS	AS	AS	AS	AS									
Custom Meat or Poultry Processing Facility								SP			SP	SP		
Livestock Auction								SP			SP	SP	S	
Packing Facility								SP			SP			
<b>Animal Agriculture</b>														
Commercial Feedlot or Dairy													S	
Equestrian Operation														
Large													S	3.3.2.E
Small													AS	3.3.2.E
Poultry & Egg Production														
Small								R			R	R	S	
Large								R			R	R	S	
<b>RESIDENTIAL USES</b>														
<b>Household Living</b>														
Dwelling, Cabin														3.3.3.A
Dwelling, Co-Housing				R	R									3.3.3.B
Dwelling, Duplex			R	R	R									

**Table 3-2: Table of Allowed Primary Uses – Urban**

**R = Allowed by Right    SP = Site Plan    AS = Administrative Special Review    S = Special Review**  
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CHARACTER AREA		URBAN												Use-Specific Standards
District	UR-1	UR-2	UR-3	MR	MH	MU-N	MU-C	CC	CN	CD	IL	IH	AP	
Dwelling, Live/Work						R	R							3.3.3.C
Dwelling, Multifamily				SP	SP									3.3.3.D
Dwelling, Single-Family Attached		R	R	R	R	R								
Dwelling, Single-Family Detached	R	R	R	R	R	R							R	
Dwelling, Triplex or Fourplex				R	R	R								
Manufactured Home	R	R	R	R	R	R							R	3.3.3.E
Manufactured Housing Park														
Medium Density					S									3.3.3.F
High Density					S									3.3.3.F
Modular Home	R	R	R		R	R							R	
<b>Group Living</b>														
Assisted Living Facility	S	S	S	S	S	S		SP						3.3.3.G
Community Residential Homes	R	R	R	R	R	R								3.3.3.H
Congregate Residence	S	S	S	S	S	S			SP					
Group Home	R	R	R	R	R	R							R	3.3.3.H
Group Home Aged	R	R	R	R	R	R							R	3.3.3.H
Group Home for Persons W/ Behavioral or Mental Health Disorders	R	R	R	R	R	R							R	3.3.3.H
<b>PUBLIC, CIVIC &amp; INSTITUTIONAL USES</b>														
<b>Community &amp; Cultural Facilities</b>														
Assembly														
Indoor only						SP	SP	SP	SP	SP	SP		AS	
With outdoor area						AS	AS	AS	AS	AS	AS		AS	
Cemetery	AS	AS	AS	AS	AS			AS			AS	AS	AS	
With Funeral Home or Crematorium								S			S	S	S	
Crematorium								S			S	S		
Cultural Institution						SP	SP	SP	SP	SP	SP			
Day Care Center						AS	AS	SP	SP	SP				
Funeral Home								SP			SP	SP		
With Crematorium								S			S	S		

**Table 3-2: Table of Allowed Primary Uses – Urban**

**R = Allowed by Right    SP = Site Plan    AS = Administrative Special Review    S = Special Review**  
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CHARACTER AREA	URBAN														
District	UR-1	UR-2	UR-3	MR	MH	MU-N	MU-C	CC	CN	CD	IL	IH	AP	Use-Specific Standards	
Prison or Detention Center								S			S	S		3.3.4	
<b>Educational Facilities</b>															
School, Nonpublic						SP	SP	SP	SP	SP	SP		S		
School, Public	See §6.4.4, <i>Location and Extent</i>														
<b>Healthcare Facilities</b>															
Health Services								SP	SP		SP		S		
Hospital							SP	SP	SP		SP		S	3.3.4.B	
Medical or Dental Clinic							SP	SP	SP		SP		S		
Rehabilitation Facility							SP	SP	SP		SP		S		
<b>Parks and Open Lands</b>															
Natural Resources & Wildlife Area														3.3.4.C	
Park or Playground	R	R	R	R	R	R	R	R	R	R	R	R	R	3.3.4.C	
Regional Open Space & Trails														3.3.4.C	
Reservoir Park														3.3.4.C	
Urban Open Space & Trail	R	R	R	R	R	R	R	R	R	R	R	R	R	3.3.4.C	
<b>COMMERCIAL USES</b>															
<b>Agriculture &amp; Animal Uses</b>															
Garden Supply Center							SP	SP	SP	SP	SP		S		
Kennel, Commercial															
Indoor Only							SP	SP	SP	SP	SP		SP		
Outdoor Animal Use Area							AS	AS	AS	AS	AS		AS		
Pet Animal Service Facility							SP	SP	SP	SP	SP		SP		
Veterinary Clinic or Hospital, Livestock															
Indoor Only ≤ 5,000 SF or Outdoor Animal Use Area ≤ 1,000 SF							SP	SP	SP	SP	SP		SP		
Indoor Only > 5,000 SF or Outdoor Animal Use Area > 1,000 SF							AS	AS	AS		AS		AS		
Veterinary Clinic or Hospital, Pet Animal															
Indoor Only ≤ 2,500 SF or Outdoor Animal Use Area ≤ 200 SF							SP	SP	SP	SP	SP		SP		

**Table 3-2: Table of Allowed Primary Uses – Urban**

**R = Allowed by Right    SP = Site Plan    AS = Administrative Special Review    S = Special Review**  
**Blank Cell = Prohibited use**

CHARACTER AREA		URBAN												Use-Specific Standards
District	UR-1	UR-2	UR-3	MR	MH	MU-N	MU-C	CC	CN	CD	IL	IH	AP	
Indoor Only > 2,500 SF and Outdoor Animal Use Area < 200 SF							SP	SP	SP	SP	SP		SP	
Outdoor Animal Use Area > 200 SF							S	S	S	S	S		S	
<b>Food &amp; Beverage Services</b>														
Bar or Tavern						SP	SP	SP	SP	SP	SP		S	See Accessory Use Table for Outdoor Seating and Drive-Through Facilities
Microbrewery, Cidery, Winery, Meadery or Distillery						SP	SP	SP	SP	SP	SP		S	
Restaurant						SP	SP	SP	SP	SP	SP		S	
<b>Lodging Facilities</b>														
Bed & Breakfast														
≤ Ten Guests	AS	AS	AS			AS	AS			SP			AS	3.3.5.A
> Ten Guests						AS	AS			SP			AS	3.3.5.A
Boarding or Rooming House				S	S	S	S			S				
Hotel or Motel							SP	SP	SP	SP	SP		S	
Resort Lodge or Resort Cottages							SP	SP	SP	SP	SP			
Short-term Rental														
≤ Ten Occupants	AS	AS	AS			AS	AS			AS			AS	3.3.5.B
> Ten Occupants						AS	AS			AS			AS	3.3.5.B
<b>Marijuana</b>														
Medical Marijuana-infused Products Manufacturer														Chapter 14, Article VI
Medical Marijuana Center														
Medical Marijuana Optional Premises Cultivation Operation														
Private Marijuana Clubs														
Retail Marijuana Cultivation Facility									R		R			
Retail Marijuana Product Manufacturing Facility									R		R			
Retail Marijuana Store								R			R			
Retail Marijuana Testing Facility								R			R			

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CHARACTER AREA		URBAN													Use-Specific Standards
District	UR-1	UR-2	UR-3	MR	MH	MU-N	MU-C	CC	CN	CD	IL	IH	AP		
<b>Office, Business &amp; Professional Services</b>															
Financial Institution							SP	SP	SP	SP	SP			S	
Professional Office							SP	SP	SP	SP	SP			S	
<b>Personal Services</b>															
Instructional Facility							SP	SP	SP	SP	SP			S	
Personal Service						SP	SP	SP	SP	SP	SP			S	
<b>Recreation &amp; Entertainment</b>															
Campground															3.3.5.C
Membership Club or Clubhouse							SP	SP	SP	SP	SP			S	
Rafting Business							SP	SP	SP	SP	SP				
Recreation Facility, Indoor							SP	SP	SP	SP	SP			S	
Recreation Facility, Outdoor							AS	AS	AS	AS	AS			S	3.3.5.D
Recreational Vehicle Park							S	S	S	S	S				3.3.5.E
Riding Stable							SP	SP		SP					3.3.5.F
Seasonal Camp															
Shooting Range															
Indoor Only								SP			SP				
With Outdoor Activity							SP	SP	SP	SP	SP				
<b>Retail Sales</b>															
Building Material & Supply Store							SP	SP	SP	SP	SP			S	
Fireworks Sales, Permanent											S	S			
Flea Market								SP			SP				
With Outdoor Activity							SP	P	SP	SP	SP				
General Retail															
≤ 10,000 SF							SP	SP	SP	SP	SP			S	
10,000 to 25,000 SF							AS	SP	SP	SP	SP			S	
> 25,000 SF							S	S	S	S	S			S	
Outdoor Display and Sales														S	3.3.5.G
<b>Transportation</b>															
Airport														S	3.3.5.H
Fleet Services							SP	SP	SP	SP	SP			S	3.3.5.I
Helipad														S	

**Table 3-2: Table of Allowed Primary Uses – Urban**

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CHARACTER AREA		URBAN													Use-Specific Standards
District	UR-1	UR-2	UR-3	MR	MH	MU-N	MU-C	CC	CN	CD	IL	IH	AP		
Parking Lot or Garage							SP	SP	SP	SP	SP		S		
Transit Terminal or Station							SP	SP			SP		S	3.3.5.J	
Transportation Depot								SP			SP		S	3.3.5.K	
<b>Vehicles &amp; Equipment</b>															
Truck Stop							SP	SP	SP	SP	SP		S		
Vehicle Fuel Sales						SP	SP	SP	SP	SP	SP		S		
Vehicle Repair, Major							S	SP	S	SP	SP		S		
Vehicle Repair, Minor							SP	SP	SP	SP	SP		S		
Vehicle Sales & Leasing								SP	AS	AS	SP		S	3.3.5.L	
Vehicle Wash							SP	SP	SP	SP	SP		S		
<b>Adult Uses</b>															
All											S	S		3.3.5.M	
<b>Industrial Uses</b>															
<b>Manufacturing &amp; Processing</b>															
Hazardous Materials Storage and/or Processing											S	S	S		
Junkyard											S	S			
Landfill											S			3.3.6.A	
Manufacturing, Light										S	SP	SP	S	3.3.6.B	
Manufacturing, Heavy											S	S	S		
Mining								S	S		S	S	S	3.3.6.C	
Oil & Gas Drilling and Production	S	S	S	S	S	S	S	S	S	S	S	S	S	3.3.6.D	
Recycling Facility											S	S			
Sawmill											S	S			
Trade Use								SP		SP	SP	SP	S		
Treatment Plant										S				3.3.6.E	
Utility Substation										S				3.3.6.F	
Water Storage Facility										S				3.3.6.G	
<b>Storage &amp; Warehousing</b>															
Storage, Enclosed								SP		S	SP	SP	S	3.3.6.H	
Storage, Outdoor								SP			SP	SP		3.3.6.I	
Warehousing & Wholesale Facility								SP		S	SP	SP		3.3.6.J	

**Table 3-2: Table of Allowed Primary Uses – Urban**

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CHARACTER AREA	URBAN													
District	UR-1	UR-2	UR-3	MR	MH	MU-N	MU-C	CC	CN	CD	IL	IH	AP	Use-Specific Standards
<b>PUBLIC &amp; SEMI-PUBLIC UTILITY USES</b>														
Power Plant												S		
Radio & Television Transmitters								S	S	S	S	S		
Small Solar Energy Facility, Building Mounted	R	R	R	R	R	R	R	R	R	R	R	R	R	3.3.7.A
Small Solar Energy Facility, Ground Mounted	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	3.3.7.B
Small Wind Energy Facility											AS	AS		3.3.7.C
Wireless Communication Facilities														
Alternative Tower Structure (concealed)														Article 9.0
≤ 40 feet high	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Article 9.0
≤ 60 feet high	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	Article 9.0
Attached Facility on Existing Structure	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Article 9.0
Small Cell Facility	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Article 9.0
Tower (non-concealed)														Article 9.0
≤ 40 feet high													AS	Article 9.0
≤ 60 feet high								AS	AS	AS	AS	AS		Article 9.0
61-80 feet high										AS				Article 9.0
81-100 feet high									AS	AS				Article 9.0
101- 120 feet high								AS			AS	AS		Article 9.0
> 120 feet high														Article 9.0

3.2.8. Tables of Allowed Accessory Uses

Table 3-1: Table of Allowed Accessory Uses – Rural											
R = Allowed by Right    SP = Site Plan    AS = Administrative Special Review    S = Special Review											
AC = Accessory    Blank Cell = Prohibited use											
CHARACTER AREA	CONSERVATION & AGRICULTURE				RURAL			MIXED CENTER			
District	NR	FO	A	ACE	RR-1	RR-2	O	IR	RC	CF	Use-Specific Standards
<b>AGRICULTURAL USES</b>											
Agricultural Operation, Accessory		R	R	R	R	R	R	R	R	R	
Agritourism Enterprise											
Large		S	S	S	S	S		S			3.4.4.A
Small		AS	AS	AS	AS	AS		AS			3.4.4.A
Apiary		AC	AC	AC	AC	AC	AC	AC			3.4.4.B
Backyard Chickens					AC	AC	AC	AC			3.4.4.C
Farm Stand		AC	AC		AC	AC	AC	AC			3.4.4.D
Horse Keeping		AC	AC		AC	AC	AC	AC			3.4.4.E
Pet Animals		AC	AC		AC	AC	AC	AC			3.4.4.F
Personal Horses and Livestock		AC	AC		AC	AC	AC	AC			3.4.4.G
Value-Added Ag Processing											
Small		R	R		R	R	R	R			3.4.4.H
Medium		SP	SP		AS	AS	SP	SP			3.4.4.H
Large		AS	AS		S	S	AS	AS			3.4.4.H
<b>RESIDENTIAL USES</b>											
Accessory Dwelling Units											
Accessory Living Area		AS	AS		AS	AS	AS	AS			3.4.5.A
Caretaker Dwelling Unit									AS		3.4.5.B
Extended Family Dwelling		AS	AS		AS	AS	AS	AS	AS		3.4.5.C
Farmstead Accessory Dwelling		SP	SP		SP	SP	SP	SP			3.4.5.D
<b>PUBLIC, CIVIC &amp; INSTITUTIONAL USES</b>											
Child/Elderly Care, Home		AC	AC		AC	AC	AC	AC	AC		3.4.6.A
Landing Strip or Helipad, Commercial		AC	AC		AC	AC	AC		AC	AC	
Landing Strip or Helipad, Private		AC	AC		AC	AC					
<b>COMMERCIAL USES</b>											
Outdoor Display and Sales				AS					AS		3.4.7.A
Outdoor Seating Area or Drive-Through Within 300 Feet of a Residential Zoning District									AS		

**Article 3.0: Use Regulations**

3.2 Tables of Allowed Uses | 3.2.8 Tables of Allowed Accessory Uses

District	NR	FO	A	ACE	RR-1	RR-2	O	IR	RC	CF	Use-Specific Standards
Occupations											
Home Occupations											
Limited		R	R		R	R	R	R			3.4.7.B
Large		AS	AS		AS	AS	AS	AS			3.4.7.B
Rural Occupations											
Limited		R	R		R	R	R	R			3.4.7.C
Large		AS	AS		AS	AS	AS	AS			3.4.7.C
<b>INDUSTRIAL USES</b>											
Storage Buildings and Garages		AC	AC	AC	AC	AC	AC	AC	AC	AC	3.4.8.A
Outside Storage of Vehicles		AC	AC	AC	AC	AC	AC	AC	AC	AC	3.4.8.B
Accessory Outdoor Commercial Storage				AS					AS		3.4.8.C
<b>PUBLIC &amp; SEMI-PUBLIC UTILITY USES</b>											
Wind Generator		AC	AC	AC	AC	AC	AC	AC	AC	AC	3.4.9.A
Solar Energy System		AC	AC	AC	AC	AC	AC	AC	AC	AC	3.4.9.B

**Table 3-2: Table of Accessory Uses – Urban**

R = Allowed by Right    SP = Site Plan    AS = Administrative Special Review    S = Special Review  
 AC = Accessory    Blank Cell = Prohibited use

CHARACTER AREA	URBAN													Use-Specific Standards
District	UR-1	UR-2	UR-3	MR	MH	MU-N	MU-C	CC	CN	CD	IL	IH	AP	Use-Specific Standards
<b>AGRICULTURAL USES</b>														
Agricultural Operation, Accessory														
Agritourism Enterprise														3.4.4.A
Large	S	S	S	S	S	S	S	S	S	S	S	S	S	3.4.4.A
Small	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	3.4.4.A
Apiary		AC	AC	AC	AC	AC	AC						AC	3.4.4.B
Backyard Chickens		AC	AC	AC	AC	AC	AC							3.4.4.C
Farm Stand														3.4.4.D
Horse Keeping														3.4.4.E
Pet Animals		AC	AC	AC	AC	AC								3.4.4.F
Personal Horses and Livestock		AC	AC	AC	AC	AC								3.4.4.G
Value-Added Ag Processing														
Small														3.4.4.H
Medium														3.4.4.H
Large														3.4.4.H
<b>RESIDENTIAL USES</b>														

**Table 3-2: Table of Accessory Uses – Urban**

R = Allowed by Right    SP = Site Plan    AS = Administrative Special Review    S = Special Review  
 AC = Accessory    Blank Cell = Prohibited use

CHARACTER AREA	URBAN													Use-Specific Standards
District	UR-1	UR-2	UR-3	MR	MH	MU-N	MU-C	CC	CN	CD	IL	IH	AP	
Accessory Dwelling Units														
Accessory Living Area	AS	AS	AS	AS	AS									3.4.5.A
Caretaker Dwelling Unit								SP		AS				3.4.5.B
Extended Family Dwelling	AS	AS	AS	AS	AS	AS	AS							3.4.5.C
Farmstead Accessory Dwelling	SP	SP	SP	SP	SP	SP								3.4.5.D
<b>PUBLIC, CIVIC &amp; INSTITUTIONAL USES</b>														
Child/Elderly Care, Home	AC	AC	AC	AC	AC	AC								3.4.6.A
Landing Strip or Helipad, Commercial														
Landing Strip or Helipad, Private														
<b>COMMERCIAL USES</b>														
Outdoor Display and Sales						AC	AC	AC	AC	AC	AC	AC		3.4.7.A
Outdoor Seating Area or Drive-Through Within 300 Feet of a Residential Zoning District						AS	AS	AS	AS	AS	AS	AS		
Occupations														
Home Occupations														
Limited	R	R	R	R	R	R								3.4.7.B
Large	AS	AS	AS	AS	AS	AS								3.4.7.B
Rural Occupations														
Limited														3.4.7.C
Large														3.4.7.C
<b>Industrial Uses</b>														
Storage Buildings and Garages	AC	AC	AC	AC	AC	AC		AC	AC	AC	AC	AC		3.4.8.A
Outside Storage of Vehicles	AC	AC	AC	AC	AC	AC		AC	AC	AC	AC	AC		3.4.8.B
Accessory Outdoor Commercial Storage						AC	AC	AC	aC	AC	AC	AC		3.4.8.C
<b>PUBLIC &amp; SEMI-PUBLIC UTILITY USES</b>														
Wind Generator	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC		3.4.9.A
Solar Energy System	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC		3.4.9.B

**3.2.9. Tables of Allowed Temporary Uses**

**Table 3-2: Table of Allowed Temporary Uses – Rural**  
**T = Temporary      Blank Cell = Prohibited**

CHARACTER AREA		CONSERVATION & AGRICULTURE				RURAL			MIXED CENTER			Use-Specific Standards
District	NR	FO	A	ACE	RR-1	RR-2	O	IR	RC	CF		
<b>TEMPORARY USES</b>												
Agritourism Enterprise, Temporary			T		T	T						3.5.3.A
Christmas Tree Stand												3.5.3.B
Fireworks Stand												3.5.3.C
Manufactured Home		T	T		T	T	T	T	T			3.5.3.D
Office, Temporary		T	T		T	T	T	T	T			3.5.3.E
Storage for Construction Projects, Temporary		T	T	T	T	T	T	T	T	T		3.5.3.F
Storage Building or Garage on Vacant Lot, Temporary		T	T	T	T	T	T	T	T	T		3.5.3.G

**Table 3-2: Table of Allowed Temporary Uses – Urban**  
**T = Temporary      Blank Cell = Prohibited use**

CHARACTER AREA		URBAN												Use-Specific Standards	
District	UR-1	UR-2	UR-3	MR	MH	MU-N	MU-C	CC	CN	CD	IL	IH	AP		
<b>TEMPORARY USES</b>															
Agritourism Enterprise, Temporary															3.5.3.A
Christmas Tree Stand								T	T		T	T			3.5.3.B
Fireworks Stand								T	T		T	T			3.5.3.C
Manufactured Home	T	T	T	T	T	T	T								3.5.3.D
Office, Temporary	T	T	T	T	T	T	T								3.5.3.E
Storage for Construction Projects	T	T	T	T	T	T	T	T	T	T	T	T			3.5.3.F
Storage Building or Garage on Vacant Lot, Temporary	T	T	T	T	T	T	T	T	T	T	T	T			3.5.3.G

## 3.3. Use-Specific Standards

### Commentary

This section includes standards that are applicable to specific land uses. Many of the standards were consolidated from Section 4.3, Use Descriptions and Conditions, and Article 9.0, Definitions (e.g., adult uses and short-term rentals). Other standards are new to address issues raised by staff, identified in the LUC Assessment, or based on Clarion’s knowledge of planning trends with best practices. This section follows the same organization as the Table of Allowed Uses in the previous section (beginning with the agricultural and ending with the utility uses). Any instance of “must” in the current use-specific standards has been replaced with “shall.” New standards are noted.

Reviewers should consider:

- Are these standards appropriate for Larimer County (e.g. too strict or too lenient)?
- Are there any uses missing that should have use-specific standards?

### 3.3.1. General Standards

- A. The use-specific standards listed in this section shall apply to those uses listed on the same line of the use tables in §3.2.6 and §3.2.7, regardless of their respective level of permission.
- B. Use-specific standards in this section apply to all zoning districts unless otherwise stated.
- C. Should any use-specific standards conflict with the standards in Article 4.0, *Development Standards*, these use-specific standards shall apply unless otherwise stated.

### 3.3.2. Agricultural Uses

#### A. Community Garden<sup>117</sup>

1. All structures shall comply with the applicable setbacks for the zoning district in accordance with §2.0, *Zoning Districts*, and shall not be located in or over any easement.
2. All community gardens shall be maintained in an orderly manner with no trash, junk or debris as defined by the County Rubbish Ordinance.
3. All tools and supplies shall be stored indoors or removed from the property daily.
4. Adequate parking shall be provided on site and shall meet the standards in §4.6, *Off-Street Parking and Loading*.
5. Activities at a community garden shall not take place before sunrise or after sunset.
6. In the NR, A, FO, RR-1 and RR-2 zoning districts, any accessory retail operations must meet the standards for a farm stand in §3.4.4.B.

#### B. Forestry<sup>118</sup>

Clearcutting of more than 10 percent of a total parcel or 40 acres on a parcel, whichever is less, in any 12-month period requires approval through the special review process unless such clearcutting is specifically in conformance with a forest management plan approved by the Colorado State Forest Service or other state-certified forestry consultant for the parcel being clearcut.

<sup>117</sup> For discussion purposes, new standards based on some provisions of Chapter 3, Section 3801 (Community Gardens) of the Summit County Development Code.

<sup>118</sup> Carried forward current standard for “tree farms” in Section 4.3.1.C.

**C. Nursery, Retail<sup>119</sup>**

1. Any retail operations must meet the standards for a farm stand in §3.4.4.D.
2. Traffic generation from the nursery shall not exceed 20 or more vehicle trips per day, including customers, employees, and deliveries.

**D. Agricultural Equipment Display, Repair and Sales<sup>120</sup>**

1. Equipment and storage of materials for repair shall be screened from the public right-of-way and neighboring properties and maintained in an orderly manner with no trash, junk, or debris as defined by the County Rubbish Ordinance.
2. Any outdoor display, repair, and sales areas shall be located to the side or rear of buildings and outside any parking, traffic circulation, right-of-way or landscaping area that services the site.
3. Any outdoor display, repair, and sales areas shall maintain adequate emergency access lanes around and through the area.
4. Any outdoor display, repair, and sales areas shall be located outside the sight triangle at any intersection or driveway as determined by the urban area street standards or the rural area road standards.

**E. Equestrian Operation, Large and Small**

**1. Types of Equestrian Operations Allowed<sup>121</sup>**

Equestrian operations are allowed as detailed in the table below:

Table 3-3: Equestrian Operation Formula			
Criteria	Number	Factor	Points
Maximum number of horses boarded or kept for training (at any time)		x 1.0	
Maximum number of weekly equestrian trainee visits in excess of 15		x 0.5	
Less than 5 acres			10
At least 5 acres but less than 10 acres			8
At least 10 acres but less than 35 acres			5
35 acres or more			0
For each additional 35 acres			-2
		<b>Operation Type</b>	<b>Total Points</b>
		Small	≤ 35
		Large	≥ 35.5

**2. Best Management Practices**

All large and small equestrian operations shall utilize appropriate best management practices to address potential environmental and compatibility impacts of their operation. Applicants shall prepare a resource stewardship plan that outlines the best management practices to be implemented for the following issues or topics, as

<sup>119</sup> New standards.

<sup>120</sup> New standards. Standards based on existing “Outdoor Display and Sales” standards in Section 4.3.3.N.

<sup>121</sup> Current Section 4.3.1.G.2.c-d and 4.3.1.G.3 retained.

applicable: management of water quality, storm water, soil erosion, manure, dust, pasture vegetation, pests, wildlife, and weeds.

**3. Outdoor Storage of Horse Trailers**

Outdoor storage of horse trailers is allowed as part of an approved large or small equestrian operation.

- a. Only those trailers that are for use by owners of the property, people associated with the operation, and/or boarded horses may be stored. General trailer storage is not allowed.
- b. No more than one trailer per horse residing on the property is allowed.
- c. All horse trailers shall be currently licensed and operable

**4. Additional Standards for Small Equestrian Operations**

The following additional standards shall apply to small equestrian operations:

- a. Noise, fumes, dust, odors, vibration or light generated as a result of the equestrian operation will, at the property line, be below the volume, frequency, or intensity such that they do not unreasonably interfere with the enjoyment of life, quiet, comfort or outdoor recreation of an individual of ordinary sensitivity and habits.
- b. The routine hours of operation open to the public are limited to the hours between 6:00 a.m. and 10:00 p.m.
- c. Lights and amplified noise devices associated with outdoor arenas shall be turned off by 9:00 p.m. if the arena is located within 250 feet of a neighboring residence.

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**3.3.3. Residential Uses**

**A. Dwelling, Cabin**

- 1. A cabin that includes a primary heat source is considered a single-family dwelling.
- 2. Cabins are permitted in the applicable zoning districts (See §3.2, Tables of Allowed Uses) only in the west half of Range 70, in Ranges 71-78 and in Townships 11 and 12, Ranges 68-78.

**B. Dwelling, Co-Housing<sup>122</sup>**

**1. Design and Layout**

- a. The minimum project size for co-housing development is one acre.
- b. The maximum size of each co-housing unit is 800 square feet of gross floor area.
- c. A minimum of 10 percent of the project area shall be held in shared open space.
- d. Underlying zoning district lot and setback requirements shall apply to the project site boundaries as a whole, but not to individual co-housing dwelling pads.
- e. Each co-housing dwelling unit shall be separated by a minimum of five feet.

**2. Operation and Ownership**

- a. Each co-housing dwelling unit shall be on a permanent foundation and shall connect to public water and sanitary sewer.
- b. One accessory storage structure less than 100 square feet may be permitted for any unit part of a co-housing project approval.

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<sup>122</sup> New standards for new use type, as recommended in the LUC Assessment.

- c. One accessory storage structure less than 600 square feet may be permitted as a shared maintenance storage facility for the co-housing project. The structure shall be enclosed on all sides and separated from other structures by a minimum of three feet.
- d. Access drives within a co-housing dwelling development shall be constructed to county standards.
- e. Co-housing projects shall be organized as condominium developments meeting all requirements of the county’s condominium platting and map process in §6.5.9, *Condominium Maps*, and Colorado state law.

**C. Dwelling, Live/Work<sup>123</sup>**

- a. The residential component of a live/work dwelling shall be located on upper stories or to the rear of nonresidential portions of the structure.
- b. The nonresidential use shall be owned and operated by a resident of the live/work dwelling.

**D. Dwelling, Multifamily**

All multifamily dwellings located within the Urban Districts and GMAs shall meet the site and building design requirements in §4.9, *Site and Building Standards in Urban Areas*.

**E. Manufactured Home<sup>124</sup>**

- 1. Any manufactured home that is transportable over state highways in two or more pieces and is assembled at the building site<sup>125</sup> may be placed on any legal lot that is zoned for single-family use.
- 2. Any manufactured home that is transportable over state highways as a single, complete dwelling unit and is located outside a manufactured home park shall meet the following requirements:
  - a. The manufactured home and any additions to it shall be permanently anchored to a permanent foundation, except those units that are approved as an extended family dwelling pursuant to §3.4.5.C, *Extended Family Dwelling*, may be installed using any method approved by the State of Colorado Manufactured Home Installation Program.
  - b. The manufactured home and any additions to it shall have standard exterior siding;
  - c. The manufactured home and any additions to it shall have a pitched roof structure with standard house shingles or other standard roofing materials;
  - d. The manufactured home shall be incorporated into a larger structure that includes one or more of the following: additional bedrooms; recreation room; patio; carport or garage;
  - e. The manufactured home shall be purged to the property on which it is located; and
  - f. The requirements noted above shall be completed within 18 months of the date that the building permit is issued. The chief building official may grant an 18-month extension upon finding that significant progress has been made in the completion of

<sup>123</sup> New standards for new use type, as recommended in the LUC Assessment. These are provided for discussion purposes.

<sup>124</sup> Carried forward standards from current Section 18.2.1. Manufactured homes are a good candidate to discuss potential thresholds for their use throughout the County as part of the broader conversation about housing options and affordability.

<sup>125</sup> Clarify continued need for “two or more pieces and is assembled at the building site” language with respect to manufactured and modular definitions and regulations.

the requirements or there have been other circumstances, beyond the control of the property owner, that have delayed completion.

3. Manufactured homes may be used to provide dwellings for farm, ranch or dairy help as part of a farmstead or as an extended family dwelling (see §3.4.5.C, *Extended Family Dwelling*).
4. The use of manufactured homes as dwelling places outside manufactured home parks is allowed as follows:<sup>126</sup>
  - a. In lawful manufactured home subdivisions existing on March 18, 1970, provided such a subdivision is not deemed to be in existence unless it was approved by the county in accordance with subdivision regulations in effect at that time. The sale of two or more lots and the location thereon of manufactured homes prior to March 18, 1970 within a subdivision approved by Larimer County creates a presumption of intent to create a manufactured home subdivision as defined by this Code.
  - b. A lawful manufactured home subdivision existing on March 18, 1970, which is only partially developed, may be completed and developed in accordance with plans for such completion and development existing prior to that date, if the completion and development does not create or permit to continue any hazard to the welfare and health of Larimer County inhabitants or subdivision residents.
  - c. Manufactured homes may be used to provide temporary housing pursuant to Section 3.5.
5. Manufactured homes are designed, constructed and intended to be single-family dwellings and shall bear either the HUD or Colorado Housing Authority seal.
6. Manufactured homes cannot be used for any purpose other than single-family dwellings without the approval of the Community Development Department.

**F. Manufactured Housing Parks<sup>127</sup>**

**1. Permits, Applicability, and Nonconforming Uses**

- a. No person shall construct, alter, extend, maintain or operate any manufactured home park in the unincorporated territory of Larimer County unless that person holds a valid manufactured home park permit issued by the administrative authority in that person's name.
- b. Application for a manufactured home park permit shall be made to the Community Development Department prior to any construction, alteration, extension, maintenance or use of a manufactured home park.
- c. Manufactured home park permits are transferable to subsequent owners of the site and remain valid as long as the manufactured home park for which the permit was issued is still in existence and in compliance with this Code.
- d. The extension or expansion of any nonconforming manufactured home park or any other manufactured home park requires a new application and new manufactured home park permit.
- e. Any person whose application for a manufactured home park permit is denied may appeal the denial to the County Commissioners under the procedure provided in §6.7.2, *Appeals*.

<sup>126</sup> Clarify that this section is still relevant.

<sup>127</sup> Carried forward current Section 18.2.2 – 18.2.6.

- f. Except as noted in paragraphs E.1 and E.2 above, no manufactured home that is transportable over state highways as a single, complete dwelling unit can be occupied for dwelling purposes after the effective date of this Code unless it is located in a manufactured home park that qualifies as a nonconforming use under this Code or for which a valid manufactured home park permit was issued under this Code.
- g. It is unlawful for any property owner, tenant, lessee or administrator of any real estate in Larimer County to rent, lease or sell any manufactured home to be used as a dwelling or living quarters (parked on land under their supervision) to be in violation of this Code.
- h. Any expansion or extension of a nonconforming manufactured home park, either on the same or adjoining property, shall comply with this Code.
- i. No unlawful use of property, structures or manufactured homes existing on the effective date of this Code will be deemed a nonconforming use, structure or manufactured home.
- j. Only manufactured homes can be occupied for dwelling or sleeping purposes within a manufactureSite and Building Standards in Urban Areasd home park.

**2. Density, Setback Requirements, Accessory Uses and Signs**

- a. For purposes of regulating density, minimum manufactured home space area and minimum street frontage, manufactured home parks are divided into two classes known as medium-density manufactured home parks and high-density manufactured home parks.
  - i. Medium-density manufactured home parks shall meet the following requirements:
    - 1) Maximum density—5 or fewer manufactured homes per acre;
    - 2) Minimum manufactured home space area—6,000 square feet;
    - 3) Minimum street frontage—25 feet.
  - ii. High-density manufactured home parks shall meet the following requirements:
    - 1) Maximum density—6-10 manufactured homes per acre;
    - 2) Minimum manufactured home space area—3,500 square feet;
    - 3) Minimum street frontage—25 feet.

*Note:* In computing minimum areas for manufactured home spaces, such minimum areas may include half of the area within the boundaries of one abutting street or roadway, whether dedicated to public use or reserved for private use.
- b. There are no minimum area requirements for manufactured home parks; however, every manufactured home park created or established after the effective date of this Code shall have a minimum of five manufactured home spaces.
- c. Minimum setbacks. The minimum setback along property lines of a manufactured home park are listed below. Structures, including manufactured homes, shall not be erected, constructed or located closer to such property lines than the minimum setback distance, unless otherwise specifically provided.

- i. Setbacks from public street or highway rights-of-way shall comply with §2.9.4.E.1 of this code.
  - ii. Private road rights-of-way and access easements setback shall be 25 feet from the centerline of such right-of-way or easement or ten feet from the easement boundary, whichever distance is greater.
  - iii. For all other property lines the setback shall be 20 feet from the property line; however, screening fences and shrubs or trees may be erected or located closer to such property lines than the minimum setback distance.
  - iv. A minimum setback of ten feet shall be maintained between homes in a manufactured home park.
  - v. A minimum setback of six feet shall be maintained from homes to any part of unenclosed additions on, or detached structures accessory to adjacent homes, such as a decks, carports, sheds or open porches.
- d. In the event that only a portion of a land parcel, under single ownership and zoned for use as a manufactured home park, is being developed for a manufactured home park, the setback requirements of paragraph c, above, shall be observed along all of the perimeters of the portion being developed as though such perimeters were property lines.
- e. Accessory buildings and uses are permitted within a manufactured home park under these conditions:
- i. Such buildings and uses shall not, in any case, dominate in area, extent or purpose the principal use of the land as a manufactured home park;
  - ii. Such buildings and uses shall be only for the purpose of providing services, conveniences or comforts for the manufactured home park residents and their guests; and
  - iii. Any advertising of these uses shall be visible primarily from within the manufactured home park and not displayed to the general public.
- f. Only one sign identifying a manufactured home park and displayed to the general public is allowed within manufactured home park boundaries. An identification sign shall not exceed 40 square feet and shall comply with Article 7.0, .

**3. Site Conditions, Streets, Parking and Utilities**

- a. The condition of soil, groundwater level, drainage and topography within a manufactured home park shall not create hazards to the property, health or safety of manufactured home park occupants.
- b. The site of a manufactured home park shall not be exposed to health and safety hazards, such as objectionable smoke, noxious odors, unusual noise, sudden flooding, subsidence or erosion or the probability of insect or rodent infestation.
- c. The entire ground surface within the manufactured home park shall be graded and equipped to provide diversion of water away from buildings, patios and manufactured home stands; prevent standing water and soil saturation, which would be detrimental to structures; and provide adequate and safe surface drainage.
- d. To prevent soil erosion and unusual and objectionable dust, exposed ground surfaces within a manufactured home park, except planting beds and areas preserved in their natural state for scenic reasons, shall be paved. They shall also be

surfaced with gravel, crushed rock, or similar material or planted in a vegetative growth capable of preventing erosion and dust.

- e. Storage facilities for vehicles, boats and recreational vehicles (other than private passenger vehicles) shall be designed in a way that obscures a view of the facilities from property adjoining the manufactured home park or from public roads.
- f. A manufactured home park shall be serviced by a private street system constructed and maintained in compliance with this Code and provide safe and convenient access from abutting public streets or roads to all manufactured home spaces.
- g. The alignment and grade of all streets shall be properly adapted to the topography of the manufactured home park and provide safety of traffic movement, satisfactory surface and groundwater drainage and the proper functioning of sanitary and storm sewer systems.
- h. All streets shall be hard-surfaced, curbed and guttered and constructed at least to the standards in the Larimer County Road Standards included in the technical supplement to the Code.
- i. The paved surface of streets, excluding curb and gutter, shall be of adequate width to accommodate anticipated traffic within the manufactured home park and meet these requirements:
  - i. Access streets and collector streets with parallel parking on both sides shall be at least 36 feet wide.
  - ii. All other service streets and cul-de-sac streets with parallel parking on both sides shall be at least 34 feet wide.
  - iii. Streets designated as one-way streets with parallel parking on both sides shall be at least 30 feet wide.
  - iv. Where parking is prohibited on one or both sides of a street, the applicable minimum width is reduced seven feet for each side where parking is prohibited.
  - v. Where pedestrian walkways are provided on one or both sides of a street, the applicable minimum width is reduced two feet.
- j. Culs-de-sac shall be a minimum of 80 feet in diameter and serve access to no more than 20 manufactured home spaces.
- k. Cul-de-sac streets shall not exceed 500 feet.
- l. Minimum and maximum grades on all streets within a manufactured home park are:
  - i. Access streets—12 percent maximum in a maximum distance of 150 feet.
  - ii. Service streets—8 percent maximum
  - iii. All streets—0.5 percent minimum.
- m. Street intersections shall generally be at right angles. For a distance of 75 feet from the point of intersection and along the centerlines of intersecting streets, a right angle shall be maintained as nearly as possible taking into account topography and the manufactured home park design.
- n. Where the centerlines of intersecting streets are offset to form a jog, the minimum distance between the points of intersection of the centerlines of the offset intersecting streets shall be 100 feet.
- o. All service access roads and pedestrian walkways serving more than two manufactured home spaces shall be lighted for safe movement of vehicles and

pedestrians at night with a minimum illumination of 0.3 footcandles. Exterior lighting equipment containing 25-watt lamps and spaced at minimum intervals of 100 feet along streets and pedestrian walkways satisfy the requirements of this section.

- p. A ratio of three automobile parking spaces (of at least 200 square feet each) for every two manufactured home spaces shall be maintained within the manufactured home park.
- q. Utility lines and equipment shall be located and constructed in conformity with good engineering and construction practices and comply with all federal, state and local laws, ordinances or codes. They shall also comply with reasonable requirements of utility companies providing services to the manufactured home park.
- r. A minimum separation of three feet measured horizontally and six inches measured vertically shall be maintained between all underground utility lines unless utility providers have agreed to the joint use of a single trench for locating utility lines. However, underground gas lines shall always be located in a separate trench and the minimum separation maintained from all other utility lines.
- s. No manufactured home or other structure can be located nearer than three feet measured horizontally from any gas main line.
- t. All utility easements shall be at least ten feet wide and provide convenient ingress and egress for construction, maintenance vehicles and equipment.
- u. Utilities shall be installed underground in all manufactured home parks constructed after the effective date of this Code.

**4. Screening and Manufactured Home Standards**

In addition to landscaping requirements in §4.7, the following standards apply to all applications for manufactured housing parks:

- a. Manufactured home parks shall be screened from adjacent property and public streets or highways by trees, shrubs, fences or walls designed to provide noise and sight buffers. Screening shall be at least 4½ feet in height, and trees and shrubs used shall be capable of attaining the minimum height within five years. Trees or shrubs that die after a manufactured home park permit is issued shall be replaced within one year.
- b. Paragraph a, above, does not apply to that portion of the property line of a manufactured home park adjacent to a recreational vehicle park or campground.
- c. Off-street automobile parking spaces shall have access to a paved street, driveway or parking area over an access way of sufficient width to accommodate an automobile. It shall be surfaced with concrete, asphalt, gravel, crushed rock or other similar material.
- d. If a manufactured home stand is designed to be more than six inches below the finished grade of the manufactured home space, the entire surface of the manufactured home stand shall be covered with crushed rock, gravel or other similar material to provide surface water drainage.

**5. Outdoor Recreation Areas**

- a. Every manufactured home park containing more than 50 home spaces shall provide outdoor recreation areas with a minimum total area of 2,000 square feet; or, 100

square feet for each home space in excess of 50 home spaces, whichever area is greater.

- b. If more than one outdoor recreation area is provided in a manufactured home park containing more than 50 home spaces, the minimum area for each outdoor recreation area shall be 2,000 square feet, despite the fact that the minimum total area provided for in subsection A above may be exceeded.
- c. Outdoor recreation areas include but are not limited to adult recreation and child play areas and swimming pools. They do not include areas for guest parking, utilities or drying yards.
- d. Outdoor recreation areas shall be located where they are free from traffic hazards and excessive topography. They shall also be centrally located where the topography and traffic of the manufactured home park permits.

**G. Assisted Living Facility**

Assisted living facilities shall comply with all state regulatory and licensing requirements.

**H. Group Homes and Community Residential Homes**

All state-regulated group homes, including Group Homes for the Aged, Community Residential Homes, and Group Homes for Persons with Behavioral or Mental Health Disorders, shall comply with the following standards <sup>128</sup>

- 1. The group home shall be licensed by the State of Colorado prior to occupancy.
- 2. Occupancy for each individual group home is limited to eight persons, not including staff.
- 3. The group home applicant shall demonstrate by competent evidence that there are no other group homes within 750 feet of the proposed facility.

**3.3.4. Public, Civic, and Institutional Uses**

**A. Prison or Detention Center**

See §6.4.4, *Location and Extent*, for public projects. Non-public projects shall be evaluated through the appropriate review process (site plan, administrative special review, or special review) indicated in the tables of allowed uses.

**B. Hospital**

See §6.4.4, *Location and Extent*, for public projects. Non-public projects shall be evaluated through the appropriate review process (site plan, administrative special review, or special review) indicated in the tables of allowed uses.

**C. Parks and Open Lands Uses (All uses)**

See §6.4.4, *Location and Extent*, for public projects. Non-public projects shall be evaluated through the appropriate review process (site plan, administrative special review, or special review) indicated in the tables of allowed uses.

<sup>128</sup> Carried forward current Section 4.3.2.G.

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### 3.3.5. Commercial Uses

#### A. Bed and Breakfast

For purposes of determining the potential total number of guests, the number of guest bedrooms is multiplied by two.

#### B. Short-Term Rental

##### 1. Total Occupancy

For purposes of determining the potential total number of occupants, the number of bedrooms is multiplied by two.

##### 2. Standards for Short-Term Rentals with Ten or Fewer Occupants

In addition to the §6.4.3.D, *Review Criteria for Administrative Special Review*, applications for short-term rentals with ten or fewer occupants shall comply with the following standards:

- a. Only one short-term rental shall be allowed on a property.
- b. The short-term rental shall only be conducted in a legally constructed dwelling and shall require a change of occupancy permit prior to occupancy for the short-term rental use.
- c. The short-term rental shall have a property manager consisting of the owner or a responsible party representing the owner to manage the use at any time it is occupied. The property manager shall be located within one hour or less travel distance from the short-term rental, and their contact information shall be posted outside at the front door and in the operations manual located in the short-term rental. Changes to the contact information from the property manager shall be provided to the Larimer County Community Development Department within five business days of the change in contact information.
- d. The location of the property boundaries for the short-term rental shall be easily identifiable and posted to prevent trespass
- e. The short-term rental shall not be located within an established floodplain, and if located a within a floodplain shall require compliance with the applicable requirements of §2.7.1, *Floodplain Overlay (FP-O)*.
- f. The short-term rental shall include maps installed onto or adjacent to the doorway of each habitable room, illustrating how to exit the building. The map should include the address, GPS coordinates and the phone number of the short-term rental.
- g. The short-term rental shall be equipped with an operations manual/users guide that is in a visible location (such as a kitchen counter or entry table).
- h. The short-term rental shall have a plan for garbage storage and removal. The plan shall clearly illustrate the location of garbage storage areas, the method and frequency of regular garbage pick-up/disposal, and screening of the outdoor storage area.
- i. Accessory Living Areas, Extended Family Dwellings, and Farmstead Accessory Dwellings shall not be utilized as a short-term rental.
- j. Solid fuel (such as wood or coal) fire pits shall not be allowed in identified wildfire hazard areas.

- k. Cooking areas within the short-term rental shall be equipped with a stove top fire stop or approved alternative.
- l. Unless already equipped with an approved automatic fire sprinkler system, approved fire extinguishers shall be installed in a readily accessible and visible locations for immediate use in the following locations within the STR:
  - i. In each room with a cooking appliance, fireplace, heating appliance or water heater.
  - ii. Inside and adjacent to the door leading to a deck, porch or patio with such appliances.
  - iii. At least one on each story.

**3. Standards for Short-Term Rentals with More than Ten Occupants**

In addition to the §6.4.3.D, *Review Criteria for Administrative Special Review*, applications for short-term rentals with more than ten occupants shall comply with the following standards:

- a. All the standards required for a short-term rental identified in 3.3.5.B.2 above, excluding 3.3.5.B.2.l.
- b. The short-term rental shall be equipped with a fire sprinkler system.

**C. Campground<sup>129</sup>**

**1. Applicability and Permit Requirements**

- a. No person shall construct, alter, extend, maintain, or operate any campground in unincorporated Larimer County unless a valid campground permit issued by the Director in the name of that person for that campground is held.
- b. Application for a campground permit shall be made to the Community Development Department prior to the commencement of any construction, alteration, extension, maintenance or use of the campground.
- c. The application shall be accompanied by a plot plan drawn to a scale of one-inch equals 50 feet or one inch equals 100 feet upon a reproducible medium and contain:
  - i. The legal description of the site; dimensions of the site perimeter; north point; and total land area within the site perimeters;
  - ii. The date of preparation and name and address of the applicant;
  - iii. The location and width of all roads and wheel barriers within the site perimeters along with the location and type of proposed accessory uses; the location of the campground entrance; the location of existing and proposed utility, water and sewer lines; and the location of comfort stations and outside water outlets;
  - iv. The location and dimensions of proposed parking areas and location of and total number of proposed campsites;
  - v. The ownership of the campground site and the ownership of the immediately-adjointing property;
  - vi. A description of the adjoining land use and topography and an illustration of watercourses or bodies of water on adjoining property within a distance of at least 300 feet from the campground's boundaries;

<sup>129</sup> Carried forward standards from current Section 18.4. Some initial reorganization and cleanup has been done for clarity. Further discussion regarding potential edits to these standards is necessary.

- vii. The existing zoning district of the campground and the existing zoning districts adjacent to the site for a distance of 600 feet from the site perimeter;
  - viii. A vicinity sketch map drawn to a scale of at least one inch equals 600-feet that shows street and highway locations in the campground's vicinity.
- d. The plot plan shall comply with this Code and all other applicable laws and regulations. After review of the application and plot plan for compliance, a building permit will be issued for construction of the campground. After construction is completed and a final inspection and approval by the Director, a campground permit will be issued.
  - e. Campground permits are transferable and remain valid as long as the campground for which the permit was issued is constructed within the time designated on the permit and remains in existence and complies with this Code.
  - f. Any expansion or extension of a nonconforming campground shall comply with this Code.
  - g. Any public project shall meet the standards and follow the procedures set forth in See §6.4.4, *Location and Extent*.

**2. Nonconformities**

No unlawful use of property, structures or recreational vehicles existing on the effective date of this Code will be considered a nonconforming use, structure or campground.

**3. Size and Density**

- a. A campground shall have an area of at least eight acres and at least 15 campsites.
- b. The maximum density in a campground is eight sites per acre. The area in roadways within the campground is included in determining the density.
- c. No recreational vehicle or tent can be parked or attached to the ground or any other parked vehicle within any public right-of-way or within 100 feet of the boundary of any public right-of way for overnight accommodation.

**4. Campsites**

- a. All recreational vehicles or tents parked or attached to the ground in a campground for use as an overnight accommodation shall be parked or attached to the ground upon a campsite as defined by this Code. However, an area not exceeding ten percent of the gross area of the campground, including roadways, may be designated and used for an overflow area.
- b. Each campsite shall be equipped with a numbered and color-coded sign indicator of at least four square inches and attached to a post or tree on or near the campsite, indicating the type of recreational vehicle that may be parked on the campsite.
- c. Each campsite shall include a parking space of at least 200 square feet for one vehicle other than a recreational vehicle. That parking space shall be constructed so no portion of the vehicle extends onto any roadway within the campground.
- d. Group sites are allowed within a campground; however, they shall be at least 15,000 square feet, excluding roadways; and provide a minimum of 400 square feet of parking area for vehicles other than recreational vehicles for every two sites in the group site.

**5. Roads and Setback Requirements**

- a. Road systems within a campground are required. Road systems shall form a loop system only and be constructed in the same manner and to the same standards as an access road. If the road system is for one-way traffic only, directional signs shall be installed.
- b. Access roads to campgrounds shall be 16 feet wide for one-way traffic and 24 feet wide for two-way traffic. They shall be surfaced with granular material of no greater than 1½-inch grade.
- c. Entrances into campgrounds or onto campground access roads off state or federal highways shall be rounded by at least a 40-foot radius arc to provide convenient and safe ingress and egress to the highways without traffic obstruction. Intersections shall also be maintained free from visibility obstruction for a distance of 125 feet along the access road or entrance from its intersection with the highway.
- d. Campsites within a campground and recreational vehicles parked within a campground shall comply with these minimum setback requirements:

Description	Setback
From the perimeter of the campground	75 feet
From existing single-family residences or tourist accommodations, unless the same are accessory uses within the campground	250 feet
From the boundary of a public right-of-way	200 feet

**6. Comfort Stations**

- a. Every campground shall contain at least one comfort station.
- b. Comfort stations in campgrounds shall have the minimum facilities noted in the following table:

Sites	Toilets		Urinals	Lavatories		Showers	
	Male	Female	Male	Male	Female	Male	Female
15	1	2	1	1	1	1	1
16–30	1	2	1	1	1	1	1
31–45	2	3	1	3	3	1	1
46–60	2	4	2	3	3	2	2
61–80	3	5	2	4	4	2	2
81–100	3	5	2	4	4	3	3

- c. For every 30 additional sites in excess of 100 sites, one additional male toilet, female toilet, male lavatory and female lavatory shall be provided. For every 40 additional sites in excess of 100 sites, one additional male shower and female shower shall be provided. For every 100 additional sites in excess of 100 sites, one additional urinal and one female toilet shall be provided.

- d. A comfort station shall be maintained primarily for the use of campground occupants. The general public shall not be invited by advertisement or otherwise to use the comfort station.

**7. Water and Sanitary Stations**

- a. Except where no recreational vehicles other than tent trailers are accommodated within a campground, each campground shall have at least one water station. Campgrounds with more than 100 campsites shall have one water station for every 100 campsites.
- b. Every water station shall be equipped with two or more hydrants; water fountain; sump; vacuum breaker to prevent siphoning; shut-off valve to control water flow rate; and a flexible hose to reach the inlet of recreational vehicle water storage tanks. The water station shall be constructed to allow good drainage and prevent freezing.
- c. Except where no recreational vehicles other than tent trailers are accommodated within a campground, each campground shall have at least one sanitary station. Campgrounds with more than 100 campsites shall have one sanitary station for every 100 campsites.
- d. The drainage basin of the sanitary station shall be constructed of an impervious material. The sanitary station shall be connected to the campground water supply and provide facilities for washing recreational vehicle waste-holding tanks and for cleaning the general area of the sanitary station.

**D. Recreation Facility, Outdoor<sup>130</sup>**

- 1. Noise, dust, vibration or light generated as a result of the outdoor recreation facility will, at the property line, be below the volume, frequency, or intensity such that they do not unreasonably interfere with the enjoyment of life, quiet, comfort or outdoor recreation of an individual of ordinary sensitivity and habits.
- 2. If located within 300 feet of a residential zoning district, any use, activity, or building associated with the outdoor recreation facilities shall be located at least 50 feet from the property line.

**E. Recreational Vehicle Park<sup>131</sup>**

**1. Applicability and Permits**

- a. Construction, alteration, extension, maintenance or operation of a recreational vehicle park requires a valid recreational vehicle park permit issued by the Director and a County Health Department sanitation permit.
- b. Except as otherwise expressly stated in this Code, application for a recreational vehicle park permit shall be made to the Director prior to any construction, alteration, extension, maintenance or use of the recreational vehicle park.
- c. The application shall include a plot plan drawn to a scale of one inch equals 50 feet or one inch equals 100 feet upon a reproducible medium and contain the following information:

<sup>130</sup> Consolidated Draft- New standards. Distances provided for consideration. Update as necessary.

<sup>131</sup> Standards carried forward from current Section 18.3. Some initial cleanup has been done here for reorganization and clarity. What about tiny homes? Should tiny homes on wheels continue to be considered RVs or allowed as a permanent dwelling type? Where do tiny homes fit with RVs and manufactured home in the broader housing discussion?

- i. Legal description of the site; dimensions of the site perimeter; north point; and total land area within the site perimeters;
  - ii. Date of preparation and name and address of the applicant;
  - iii. Location and width of all roads within the site perimeters, together with the location and type of proposed accessory uses; the location of the entrance to the recreational vehicle park; the location of existing and proposed utility, water and sewer lines; and the location of comfort stations and outside water outlets;
  - iv. Location and dimensions of proposed parking areas and location of the total number of proposed recreational vehicle sites;
  - v. Ownership of the recreational vehicle park and the immediately-adjointing property;
  - vi. Description of the adjoining land use and topography and illustration of watercourses or bodies of water on adjoining property within a distance of at least 300 feet from the boundaries of the recreational vehicle park;
  - vii. Existing zoning district of the recreational vehicle park and existing zoning districts adjacent to the site for a distance of 600 feet from the site perimeter;
  - viii. Vicinity sketch map drawn to a scale of at least one inch equals 600 feet and illustrating street and highway locations in the recreational vehicle park vicinity; [and]
  - ix. Landscaping plan that complies with §4.7, *Landscaping*.
- d. The plot plan and the landscaping plan shall comply with this Code and all other applicable laws and regulations. After review of the application and plot plan for compliance, a building permit will be issued for construction of the recreational vehicle park. After construction of the recreational vehicle park and final inspection and approval by the Director, a recreational vehicle park permit will be issued.
  - e. Recreational vehicle park permits are transferable to subsequent owners of the site and remain valid as long as the recreational vehicle park for which such permit is issued is constructed within the time designated on the permit and remains in existence and complies with this Code.
  - f. Any public project shall meet the standards and follow the procedures set forth in See §6.4.4, *Location and Extent*.
- 2. Size and Density**
- a. A recreational vehicle park shall have an area of at least five acres and sites for at least 15 recreational vehicles.
  - b. All types of recreational vehicles and tents may be accommodated in a recreational vehicle park.
  - c. Any expansion or extension of a nonconforming recreational vehicle park shall comply with this Code.
- 3. Comfort Stations**
- a. A recreational vehicle park shall contain at least one comfort station.
  - b. Comfort stations in recreational vehicle parks shall have the facilities noted in the following table.

Sites	Toilets		Urinals	Lavatories		Showers	
	Male	Female	Male	Male	Female	Male	Female
15	1	2	1	1	1	1	1
16–30	1	2	1	1	1	1	1
31–45	2	3	1	3	3	1	1
46–60	2	4	2	3	3	2	2
61–80	3	5	2	4	4	2	2
81–100	3	5	2	4	4	3	3

- c. For every 30 additional sites in excess of 100 sites, one additional male toilet, female toilet, male lavatory and female lavatory shall be provided. For every 40 additional sites in excess of 100 sites, one additional male shower and female shower shall be provided. For every 100 additional sites in excess of 100 sites, one additional urinal and one female toilet shall be provided.

**4. Water Stations**

- a. Each recreational vehicle park shall have at least one water station. Recreational vehicle parks having more than 100 sites shall have one water station for every 100 sites.
- b. Every water station shall be equipped with two or more hydrants; water fountain; sump; vacuum breaker to prevent siphoning; shut-off valve to control rate of water flow; and flexible hose to reach the inlet of recreational vehicle water storage tanks. The water station shall be constructed to allow good drainage and prevent freezing.

**5. Sanitary Stations**

- a. Each recreational vehicle park shall have at least one sanitary station. Recreational vehicle parks having more than 100 sites shall have one sanitary station for every 100 sites.
- b. The drainage basin of the sanitary station shall be constructed of an impervious material. The sanitary station shall be connected to the 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. (See Appendix C for an example of sanitary station construction.)

**6. Density, Roads, Setback Requirements, Signs and Outdoor Recreation Areas**

- a. The maximum density in a recreational vehicle park is 20 sites per acre.
- b. Access to a recreational vehicle park shall not be through any developed residential area or land platted for residential subdivision, unless the plat has been recorded with the County Clerk and Recorder for more than three years and no residential buildings have been constructed on any platted lots.
- c. Road systems within a recreational vehicle park are required. Road systems shall form a loop system only and be constructed in the same manner and to the same standards as an access road. If a road system is for one-way traffic only, directional signs shall be installed.

- d. Access roads to recreational vehicle parks shall be 16 feet wide for one-way traffic and 24 feet wide for two-way traffic. The roads shall be surfaced with granular material of no greater than 1½-inch grade.
- e. Entrances into recreational vehicle parks or onto recreational vehicle park access roads off state or federal highways shall be rounded by at least a 40-foot radius arc to provide convenient and safe ingress and egress to those highways without traffic obstruction. Intersections shall also be maintained free from visibility obstruction for a distance of 125 feet along the access road or entrance from its intersection with the highway.

**7. Sites**

- a. All recreational vehicles parked in a recreational vehicle park for use as an overnight accommodation shall be parked on a site as defined by this Code.
- b. Each site within a recreational vehicle park shall be a minimum of 1,350 square feet, excluding roadways.
- c. Each site shall be equipped with an electrical hookup for a recreational vehicle.
- d. A comfort station shall be maintained primarily for the use of recreational vehicle park occupants. The general public shall not be invited by advertisement or otherwise to use the comfort station.
- e. Every site within a recreational vehicle park shall be within a radius of at least 450 feet from a comfort station; however, in no event can a comfort station be located nearer than 75 feet from any site.
- f. Sites in a recreational vehicle park have the following recreational vehicle minimum setback requirements:

<b>Table 3-7: Recreational Vehicle Site Setback Requirements</b>	
<b>Description</b>	<b>Setback</b>
From the perimeter of the recreational vehicle park	75 feet
From existing single-family residences or tourist accommodations, unless the same are accessory uses within the campground	250 feet
From the boundary of a public right-of-way	200 feet

- g. Recreational vehicles cannot be parked or attached to the ground or any other parked vehicle within any public right-of-way or within 100 feet of the boundary of any public right-of-way for overnight accommodations.
- h. Roads and pedestrian walkways within the recreational vehicle park, buildings, comfort stations and other areas or facilities with nighttime use shall be lighted for safe use.
- i. A minimum of eight percent of the gross area within the perimeters of a recreational vehicle park shall be maintained as an outdoor recreation area. Outdoor recreation areas include adult recreation and child play areas and comfort stations but do not include parking areas.

**8. Recreational Vehicles in Recreation Vehicle Parks**

- a. Recreational vehicle sites with hookups to a state or County approved water supply and a state or County approved sewage disposal system are eligible for occupancy with no time limit.
- b. Recreational vehicles shall remain readily mobile. No structures may be attached to a recreational vehicle or placed in a manner that would prevent or hinder the immediate removal of the recreational vehicle.
- c. Recreational vehicles shall be placed at least six feet from other recreational vehicles and buildings, such as storage sheds.
- d. All recreational vehicles, recreational vehicle sites and recreational vehicle parks shall be in compliance with all applicable building, fire, electrical, mechanical and related codes.
- e. The owner of each recreational vehicle is responsible for having current registration tags on the recreational vehicle.
- f. A limited amount of storage of recreational vehicles, boats, snow mobiles and other similar items is permitted in a recreational vehicle park provided the storage does not exceed one item stored for every ten recreational vehicle sites in the park.

**9. Recreational Vehicles Outside County-Approved Recreational Vehicle Parks and Campgrounds**

**a. Generally**

The following standards apply to all recreational vehicles located pursuant to this section of the Code whether a permit is required or not:

- i. Recreational vehicles shall remain readily mobile. Nothing may be attached to a recreational vehicle or placed in a manner that would prevent or hinder the immediate removal of the recreational vehicle;
- ii. Recreational vehicles shall be placed at least six feet from all buildings and other recreational vehicles;
- iii. An address shall be assigned to the lot or parcel and the address shall be displayed pursuant to County requirements;
- iv. The site of and hook-ups to the recreational vehicle shall be in compliance with all applicable building, fire, electrical, mechanical and related codes; and
- v. The recreational vehicle shall have a current registration and vehicle license.

**b. Temporary Dwelling during Construction**

A recreational vehicle may be located as a temporary dwelling during the construction of a single-family dwelling on the same lot or parcel subject to the following conditions:

- i. A valid building permit for the permanent residence on the site shall be in effect during the entire time that the recreational vehicle is located on the site;
- ii. The recreational vehicle is connected to the sewage disposal system that will serve the single-family dwelling, unless other arrangements have been approved by the County Health Department; and
- iii. In the wildfire hazard area the recreational vehicle will be located at least 20 feet from continuous vegetation.

**c. Vacation and Recreational Use of Recreational Vehicles on Vacant Lots**

One recreational vehicle may be located on a vacant lot for recreational or vacation purposes by the owner or lessee of the property subject to the following conditions:

- i. Recreational vehicles located for occupancy outside a recreational vehicle park or campground for a period not to exceed 180 days in any 12-month period do not require a permit.
- ii. These vehicles shall be transported to a sanitary dump station as needed to empty both gray water and toilet waste tanks or connected to a sewage disposal system approved by the Department of Health and Environment.

**d. Recreational Vehicles on Properties with Dwellings**

- i. Recreational vehicles that are owned by the occupant of the dwelling may be used by family members on a temporary basis.
- ii. Recreational vehicles that are not owned by the occupant of the dwelling are allowed to stay on the property for 30 days when visiting the occupants of the dwelling.
- iii. Recreational vehicles on any property outside of an approved recreational vehicle park or campground cannot be rented.

**e. Seasonal Worker Housing**

Housing for seasonal workers is allowed in recreational vehicles in the RR-1 and RR-2, Rural Residential; and FO, Forestry zoning districts under the following conditions<sup>132</sup>:

- i. Seasonal worker housing for up to five recreational vehicles requires approval through the administrative special review process using the standards contained in §3.3.5.E, *Recreational Vehicle Park*.<sup>133</sup>
- ii. Seasonal worker housing for more than five recreational vehicles requires approval through the special review process using the standards in §3.3.5.E, *Recreational Vehicle Park*.

**f. Storage of Unoccupied Recreational Vehicles**

The storage of unoccupied recreational vehicles as an accessory use to a single-family dwelling is addressed in §3.4, *Accessory Uses and Structures*. The storage of recreational vehicles as a business requires property that is zoned CC, Commercial Corridor; IL, Industrial Light; or IH, Industrial Heavy.<sup>134</sup>

**F. Riding Stable<sup>135</sup>**

In the MU-C, CC, and CD zoning districts, all buildings, corrals, and storage areas for odor and dust-producing substances shall be located at least 250 feet from the centerline of all rights-of-way and at least 200 feet from all property lines.

<sup>132</sup> Did not carry forward allowance in the O zoning district.

<sup>133</sup> Updated to replace the Minor Special Review reference to Administrative Special Review.

<sup>134</sup> Removed references to Site Plan Review and Minor Special Review. If staff determines, use-specific standards are necessary for “Storage, Outdoor” these will be referenced here.

<sup>135</sup> Standards carried forward from current Section 4.3.5.C.1.

**G. Outdoor Display and Sales<sup>136</sup>**

1. Outdoor display and sales areas shall be maintained in an orderly manner with no trash, junk or debris as defined by the County Rubbish Ordinance.
2. Outdoor display and sales areas shall effectively screen the side and rear of the display areas from adjacent properties that are zoned to allow residential uses. See §4.7, *Landscaping*.
3. Outdoor display and sales areas shall maintain adequate emergency access lanes around and through the outdoor display and sales areas.
4. Outdoor display and sales areas shall be outside any parking, traffic circulation, right-of-way or landscaping area that serves the site.
5. Outdoor display and sales areas shall be located outside the sight triangle at any intersection or driveway as determined by the urban area street standards or the rural area road standards.

**H. Airport**

See §6.4.4, *Location and Extent*, for public projects. Non-public projects shall be evaluated through the appropriate review process (site plan, administrative special review, or special review) indicated in the tables of allowed uses.

**I. Helipad**

See §6.4.4, *Location and Extent*, for public projects. Non-public projects shall be evaluated through the appropriate review process (site plan, administrative special review, or special review) indicated in the tables of allowed uses.

**J. Transit Terminal or Station**

See §6.4.4, *Location and Extent*, for public projects. Non-public projects shall be evaluated through the appropriate review process (site plan, administrative special review, or special review) indicated in the tables of allowed uses.

**K. Transportation Depot**

In the ACE zoning district, Administrative Special Review is required for the loading and unloading of potential hazardous materials.

**L. Vehicle Sales and Leasing**

All outdoor display and sales areas on the premises must meet the standards for Outdoor Display and Sales in §3.3.5.G.

**M. Adult Uses<sup>137</sup>**

1. No adult use is allowed within 1,000 feet of any residentially zoned property or property used for a dwelling. This distance is measured from the closest property line of residentially zoned property or property used for a dwelling to the property line of the adult use. Residentially zoned property refers to property zoned RR-1 and RR-2, Rural Residential; IR, Interface Residential; UR-1, Urban Residential; UR-2, Urban Residential; UR-3, Urban Residential; MR, Multifamily Residential and MHP, Manufactured Home

<sup>136</sup> Standards carried forward from current Section 4.3.3.N. for “outdoor display and sales.”

<sup>137</sup> Standards carried forward from current Section 4.3.3.K.

Park, and any PD-Planned Development zoning district with an approved plan having a residential component.<sup>138</sup>

2. No adult use is allowed within 1,000 feet of any school, assembly use,<sup>139</sup> public park, other adult use, or liquor licensed establishment (“protected properties”) subject to the State of Colorado Liquor Code. This distance is measured from the closest property line of the protected property to the closest property line of the adult use.
3. 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 semi-public area.
4. Adult use structures, signs, and buildings cannot be painted in garish (excessively vivid) colors, nor can any promotional materials or displays be exhibited to serve the same purposes as a sign.<sup>140</sup>

### **3.3.6. Industrial Uses**

#### **A. Landfill**

See §6.4.4, *Location and Extent*, for public projects. Non-public projects shall be evaluated through the appropriate review process (site plan, administrative special review, or special review) indicated in the tables of allowed uses.

#### **B. Manufacturing, Light<sup>141</sup>**

All activities shall occur entirely within in an enclosed structure.

#### **C. Mining<sup>142</sup>**

On-site processing of mined materials is considered accessory to the mining activity but shall be included in the special review application and reviewed simultaneously with the mining special review application.

#### **D. Oil and Gas Drilling and Production<sup>143</sup>**

An access permit shall be obtained from the Community Development Department prior to the commencement of any oil and gas drilling and production operation per the standards set forth in §17, *Oil and Gas Facilities*.

#### **E. Treatment Plant**

See §6.4.4, *Location and Extent*, for public projects. Non-public projects shall be evaluated through the appropriate review process (site plan, administrative special review, or special review) indicated in the tables of allowed uses.

#### **F. Utility Substation**

See §6.4.4, *Location and Extent*, for public projects. Non-public projects shall be evaluated through the appropriate review process (site plan, administrative special review, or special review) indicated in the tables of allowed uses.

<sup>138</sup> Revised to reflect new zoning districts. Consider relocating this list to general definitions, as it may be used elsewhere.

<sup>139</sup> The current code here sets the distance from a school, church, or public park. This language is changed here since “church” has been folded into the larger “assembly” use type.

<sup>140</sup> Drafting note: address “promo materials” phrase in sign code review.

<sup>141</sup> New standard.

<sup>142</sup> Standards carried forward from current Section 4.3.7.E.

<sup>143</sup> New reference to newly adopted Oil and Gas Regulations.

**G. Water Storage Facility**

See §6.4.4, *Location and Extent*, for public projects. Non-public projects shall be evaluated through the appropriate review process (site plan, administrative special review, or special review) indicated in the tables of allowed uses.

**H. Storage, Enclosed<sup>144</sup>**

Enclosed storage facilities shall use building orientation and landscaping (See §4.7, *Landscaping*) to restrict the view of the interior of storage units and loading areas and docks from adjacent properties that are zoned to allow residential uses.

**I. Storage, Outdoor<sup>145</sup>**

1. Outdoor storage as a principal use shall be effectively screened from adjacent properties located outside the area that is zoned CC-Commercial Corridor or IL and IH – Industrial Light and Heavy. See §4.7, *Landscaping*.
2. All outdoor storage areas shall maintain adequate emergency access lanes around and through the outdoor storage areas,
3. Outdoor storage uses shall be maintained in an orderly manner with no junk, trash or debris as defined by the County Rubbish Ordinance.
4. Outdoor storage areas shall be outside the sight triangle at any driveway or intersection as determined by the Urban Area Street Standards or the Rural Area Road Standards.
5. Outdoor storage areas shall be located outside any parking, traffic circulation, right of way or landscaping area that serves the site.

**J. Warehousing and Wholesale Facility<sup>146</sup>**

Warehousing and wholesale facilities shall use building orientation and landscaping (See §4.7, *Landscaping*) to minimize the view of loading areas and docks from adjacent properties that are zoned to allow residential uses.

**3.3.7. Public and Semi-Public Utility Uses**

**A. Small Solar Energy Facility, Building-Mounted<sup>147</sup>**

1. The solar energy system components shall be mounted as flush to roof or structure as practicable.
2. The building-mounted solar energy system may exceed the maximum height allowed by the zoning district by five feet.

**B. Small Solar Energy Facility, Ground-Mounted<sup>148</sup>**

1. The minimum setbacks for a ground-mounted system are the same as the minimum building setbacks in the underlying zoning district.
2. The total area of the ground mounted solar energy system cannot exceed 50 percent of the lot's net area.
3. Power lines shall be underground except where the electrical collector wiring is brought together for connection to the transmission or distribution network, adjacent to that

<sup>144</sup> Standards carried forward from current Section 4.3.7.A.

<sup>145</sup> Standards carried forward from current 4.3.7.H.

<sup>146</sup> New standards based on “Enclosed Storage” standards.

<sup>147</sup> Standards carried forward from current Section 4.3.7.O.1.

<sup>148</sup> Standards carried forward from current Section 4.3.7.O.2.

network. Proposed transmission facilities shall be identified and included as part of the small solar energy facility project.

4. A small solar energy facility shall be designed to minimize site disturbances. Reestablishment of all disturbed areas, including the construction access, shall maintain the historic drainage patterns and permeable ground cover and shall be done to minimize environmental impacts. Temporary and permanent erosion control measures shall be used as necessary to minimize erosion of the site.
5. A small solar energy facility application shall include an agreement that addresses decommissioning and abandonment of the facility. The agreement shall at a minimum provide for reuse or dismantlement of the facility at the owner's expense. Disturbed areas shall be reestablished to historic drainage patterns and ground cover.

**C. Small Wind Energy Facility**

1. A small wind energy facility shall be sited and designed to minimize adverse visual impacts on neighboring properties.
2. A small wind energy facility shall be setback from property lines, public rights-of-way and access easements at least two times the hub height of the generator.
3. A small wind energy facility shall be located on a lot or parcel of at least one acre.
4. The wind generator turbines and towers shall be painted or coated a non-reflective white, grey or other neutral color.
5. A small wind energy facility shall not be artificially illuminated unless required by the FAA.
6. A small wind energy facility shall not be used to display advertising.
7. Electrical controls shall be wireless or underground and power lines shall be underground except where the electrical collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network. Proposed transmission facilities shall be identified and included as part of the small wind energy facility project.
8. Noise emanating from the small wind energy facility shall be in compliance with Larimer County Code Chapter 30, Article V. Noise.
9. The operator of the small wind energy facility shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by the facility.
10. Towers for wind generators shall be constructed of a tubular design and include anti-climb features.
11. A small wind energy facility shall be designed to minimize access and associated site disturbance. Construction access shall be regraded and revegetated to minimize environmental impacts.
12. A small wind energy facility application shall include an agreement that addresses decommissioning and abandonment of the facility. The agreement shall at a minimum provide for reuse or dismantlement of the facility at the owner's expense.

**3.4. Accessory Uses and Structures**

**Commentary**

The Assessment notes (pg. 32) that this code update should address problems with accessory uses “dominating” principal uses. We are recommending three key changes to allow the County and property owners balance uses on a property. As discussed earlier, we have established four character area types across the County that create

a framework for use size and scale; larger/higher impact accessory uses may be permitted in the Conservation and Agriculture character area while smaller/lower impact accessory uses might be required in the Urban character area.

Second, we have clarified that multiple primary uses are permitted on a lot, removing some of the LUC-created reasons to hold accessory uses to a specific size.

And third, we have proposed the criteria in this section that allow staff to review accessory uses that have expanded over time and work with the property owner to bring the uses into compliance with the current zoning district or rezone the property.

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### 3.4.1. Purpose

This section establishes minimum standards for accessory uses and structures that are incidental and subordinate to principal uses. These standards are intended to minimize adverse impacts on surrounding properties and the community.

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### 3.4.2. Accessory Uses and Structures Allowed

#### A. Intent

Accessory uses and structures are intended to allow property owners the full use of their property while maintaining the integrity and character of the neighborhood. To accomplish these goals, accessory uses and buildings shall be erected and used only for purposes that are clearly secondary and incidental to the principal use of the property and shall be located on the same lot with the principal use.

#### B. Accessory Use Criteria

An accessory use or structure is normally incidental to a primary use. Accessory uses and structures shall comply with all the following criteria:

1. The accessory use shall be clearly incidental to and consistent with the primary use in the following measurements:
  - a. Lot/floor area devoted to the use or structure,
  - b. Economic production of the accessory use,
  - c. Traffic generation to the site, and
  - d. Customer/visitor generation.
2. The accessory use shall be commonly associated with the operation of the primary use;
3. The accessory building/use shall be built and/or conducted only in conjunction with the primary use; and
4. The accessory use shall be operated and maintained under the same ownership as the primary use.
5. The Director shall evaluate relevant site-specific context in the interpretation, application, and enforcement of these standards.

#### C. Conversion to Primary Use

An accessory use that exceeds or fails to meet one or more of the criteria established in §3.4.2.B, as determined by the Director based on existing conditions on the site where the accessory use is located, shall be considered a primary use. The property owner's options for compliance are identified in §3.2.5, *Use Conversion*.

**3.4.3. General Standards for All Accessory Uses and Structures**

**A. Size**

The following standards shall apply in all zoning districts:

1. Accessory uses and structures shall not violate the dimensional, parking, landscaping, or open space standards of the applicable zoning district when taken together with the principal use or structure. A small structure exemption is provided in §2.9.4.D.
2. The floor area of any detached accessory structure shall not exceed 50 percent of the floor area of the principal structure, or 750 square feet, whichever is greater, unless size standards are specifically established for that accessory use in this section. The Director may authorize a structure to exceed these size limitations if the structure is used for animal production or crop production associated with an agricultural use.
3. The total combined floor area of all structures shall not exceed the maximum impervious lot coverage for the zoning district in which it is located.

**B. Timing**

Accessory uses or structures are not allowed until the principal use or structure is established unless otherwise stated.

**3.4.4. Additional Standards for Accessory Agricultural Uses**

**A. Agritourism Enterprise**

**1. Purpose**

- a. Agritourism enterprises are intended to help preserve or enhance the rural character of the neighborhood or vicinity.
- b. Agritourism enterprises and facilities are intended to be accessory to agricultural uses in the Conservation and Agriculture character area where the impacts of the use will not significantly change the character of the neighborhood.

**2. Where Permitted<sup>149</sup>**

In zoning districts where agricultural cultivation and animal agriculture are primary uses, an accessory agritourism enterprise that complies with the following criteria may be permitted.

- a. The agritourism enterprise is limited to the following maximum size, location, and traffic generation standards (“agritourism lot”):

<b>Table 3-8: Accessory Agritourism Criteria</b>			
<b>Classification</b>	<b>Maximum Lot Area (whichever is less) [1]</b>	<b>Traffic Generation</b>	<b>Operational Timeframe</b>
Large	10% of total acreage or 5 acres	20 or more VTD [2]	More than four months per calendar year
Small	10% of total acreage or 3.5 acres	Up to 20 VTD [2]	

Notes:

<sup>149</sup> This draft limits the zoning districts in which agritourism is permitted as an accessory use to those districts that are primarily intended for agriculture and establishes minimum acreage standards that allow agritourism uses to be scaled by zone district. In evaluating these standards, consider: (1) the proposed maximum lot areas, and (2) the districts in which agritourism is permitted as an accessory use – more specifically, whether agritourism should also be allowed outside of the ag and residential ag districts.

**Table 3-8: Accessory Agritourism Criteria**

[1] Clustered development is measured by the actual individual lot on which the agritourism use is proposed, not the minimum lot size permitted in the zone district.

[2] Vehicle trips per day, including customers, employees, and deliveries.

- b. The agritourism lot shall be located:
  - i. At least 100 feet from all property lines, and
  - ii. So as to not interfere with normal agricultural practices or to convert agricultural land to a non-agricultural use.
- c. The agritourism lot shall have access from a public road. The access provided from the public road to the agritourism lot shall be designed to handle both existing traffic and proposed agritourism traffic.
- d. All guest parking shall be located on the agritourism lot and shall be designed to ensure safe parking and maneuvering.
- e. The agritourism enterprise will be operated by the agricultural facility owner or lessee.
- f. The hours of operation are 7:00 am to 9:00 pm.
- g. Noise, fumes, dust, odors, or light generated as a result of the agritourism enterprise shall not exceed established County standards when measured at the property line.
- h. Lodging uses are not included or permitted as part of an accessory agritourism use.

**3. Review Required<sup>150</sup>**

- a. Temporary agritourism enterprise facilities may be approved per §3.5.3.A.
- b. Administrative special review is required for small agritourism enterprises.
- c. Special review is required for large agritourism enterprise facilities

**B. Apiary<sup>151</sup>**

**1. Hives**

All bee colonies shall be kept in removable frame hives, which shall be kept in sound and usable condition.

**2. Water**

Each beekeeper shall ensure that a convenient source of water is available at all times to the bees.

**3. General Maintenance**

There shall be no outdoor storage of any beekeeping or hive materials that are not being used as part of a hive.

**4. Queens**

In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation, it shall be the duty of the beekeeper to requeen the colony.

<sup>150</sup> Discuss whether agritourism operators are permitted to do "special events" (e.g., festivals, weddings) as part of this approval.

<sup>151</sup> Consolidated draft: Pulled in these standards from current code 4.3.1.1. Still need to discuss whether apiary can also be a primary use.

**5. Colony Densities**

No more than the following number of colonies may be kept on any lot, based upon the size or configuration of the lot on which the apiary is situated:

- a. On lots of 15,000 square feet or less — four colonies are allowed.
- b. On lots of more than 15,000 square feet — two additional colonies are allowed for each 7,500 square feet in excess of 15,000 square feet.
- c. For each two colonies allowed under the colony densities, subsection (a) above, there may be maintained upon the same lot eight temporary nucleus colonies. The hive structure shall not exceed one standard nine and five-eighths inch depth ten frame hive body with no honey super(s) attached as required from time to time for management of swarms and for rearing of queens. Each such temporary nucleus colony shall be disposed of or combined with an authorized colony within 30 days after the date it is acquired.

**6. Distance**

An apiary consisting of more than 75 colonies shall maintain a distance of at least 200 feet from any property line.

**C. Backyard Chickens<sup>152</sup>**

The keeping of up to six chicken hens is permitted as an accessory use in the Urban districts . The following requirements apply:

- 1. The chicken hens shall be provided with a covered, properly ventilated, and predator-resistant chicken coop.
- 2. The chicken hens shall have access to an outdoor enclosure that is adequately fenced to protect them from predators.
- 3. The coop and enclosure are limited to a maximum size of 120 square feet.
- 4. The chicken coop and outdoor enclosure shall be regularly cleaned to control dust, odor and waste and not constitute a nuisance, safety hazard, or health problem to surrounding properties.

**D. Farm Stand<sup>153</sup>**

- 1. Any property that maintains a primary agriculture use may include an accessory stand for the sale of agricultural products generally produced on the site or on another site operated by the owner of the facility.
- 2. A farm stand shall comply with the following standards:
  - a. The majority of all products sold shall be sourced from Larimer County agricultural operations.
  - b. Food items sold shall meet Larimer County Public Health requirements.
  - c. The stand shall not exceed 200 square feet in size and shall be located to comply with all dimensional standards of the applicable zoning district.
  - d. Farm stands designed for public entry require a building permit.

<sup>152</sup> Revise section to reflect range of standards for other residential districts.

<sup>153</sup> Consolidated draft: Increased from 50 to 200 feet to align with building code. Changed to allow sale of products not produced on-site.

**E. Horse Keeping**

**1. Site Standards**

**a. Maximum Number of Horses**

- i. Up to four boarded horses may be kept on lots ten acres or less.
- ii. On lots larger than ten acres, the number of boarded horses shall not exceed one horse per two and one-half acres of lot up to a maximum total of 20 boarded horses.
- iii. In no event, shall the total number of horses exceed one horse per half-acre of lot. This includes both personal and boarded horses.

**b. Site Adjacent to Residential Dwelling**

Lights and amplified noise devices associated with outdoor arenas shall be turned off by 9:00 p.m. if the arena is located within 250 feet of a neighboring residence.

**2. Use Standards**

**a. Trainee Visits**

- i. Up to 15 weekly trainee visits may be provided.
- ii. In lieu of a boarded horse as allowed in paragraph E.1.a. above, two equestrian trainee visits are allowed during a week. In no case, shall the number of weekly equestrian trainee visits exceed 55.

**b. Outdoor Storage of Horse Trailers**

Outdoor storage of horse trailers is allowed as follows:

- i. Only those trailers that are for use by owners of the property and/or boarded horses may be stored.
- ii. No more than one trailer per horse residing on the property is allowed.
- iii. All horse trailers shall be licensed and operable.

**c. Best Management Practices**

Property owners conducting accessory horse keeping activities are encouraged to prepare a resource stewardship plan and utilize appropriate best management practices to address potential environmental and compatibility impacts of the use. A resource stewardship plan may include best management practices for the management of water quality, storm water, soil erosion, manure, dust, pasture vegetation, pests, wildlife, and weeds.

**d. Accessory Horse Keeping Registration Certificate**

Any property owner who establishes accessory horse keeping may complete and sign an accessory horse keeping registration certificate. The accessory horse keeping registration certificate helps to ensure a public record that will support the property owner in the event of a complaint.

**F. Pet Animals**

Pet animals are permitted as an accessory use to residential uses. Hobby breeder facilities and foster homes for pet animals are permitted as part of this accessory use.

**G. Personal Horses and Livestock**

Personal horses or livestock for the use of the occupants of the lot and their guests, for purposes other than boarding or training are allowed in all zoning districts that allow single-family dwellings, provided the number of animals does not exceed one animal per one-half acre of lot.<sup>154</sup>

**H. Value-Added Agricultural Processing<sup>155</sup>**

**1. Purpose**

A value-added agriculture processing facility or operation is intended to:

- a. Preserve and enhance the rural character of the neighborhood or vicinity, and
- b. Serve as an accessory use to other primary uses, and
- c. Not significantly change the character of the neighborhood.

**2. Permit Requirements**

- a. Value-added agricultural processing requires the permit type identified in Table 3-9, unless waived by the Director.

VAAP Classification	Parcel Size	% of Agricultural Product from Site [1]	Max Traffic Generated (VTD)[2]	VAAP Facility Size (sq. ft) [3]	Permit Required	
					NR, A, ACE	RR-1, RR-2
<b>Small</b>	n/a	100	Fewer than 20	1,200 or less	None	None
<b>Medium</b>	Less than 35 acres	More than 50	Fewer than 20	1,200 or less	Site Plan	Admin. Special Review
	35 acres or more	More than 50	Fewer than 20	1,201 to 4,000		
<b>Large</b>	Less than 35 acres	Less than 50	20 or more	1,200 to 4,000	Admin. Special Review	Special Review
	35 acres or more	Less than 50	20 or more	More than 4,000		

Notes:

[1] Percentage of agricultural product, by volume, that are raised or grown on the site or on another site operated by the owner of the facility.<sup>156</sup>

[2] All vehicle trips per day, including customers, employees, and deliveries.

[3] SF of gross floor area for total of all facilities, including processing and sales.

**3. Site and Use Requirements**

- a. The processing and/or sales facility, any outdoor storage in connection with the facility, and on-site parking will be effectively screened from existing dwellings within 500 feet.

<sup>154</sup> Further discussion about varying the allowable number of animals by species is necessary.

<sup>155</sup> This section provides a consolidation of the various permutations of VAAP facilities into Table 3.8 and streamlined the use standards. Further discussion about expanding the “no-permit” category of VAAP for primary agriculture uses on large acreages should follow review of this draft.

<sup>156</sup> Consolidated draft: Removed “raw” from description of materials needed to be produced on site.

- b. Any processing operation will be located at least 100 feet from property lines unless a greater setback is required by another section of this Code.
- c. The agricultural processing and sales facility shall be operated by the owner or lessee of the agricultural use.
- d. The hours of operation are limited to the hours between 7:00 am and 9:00 pm.
- e. Noise, fumes, dust, odors, or light generated as a result of the value-added processing shall not exceed established County standards when measured at the property line.
- f. The processing facility is not permitted to include any activities that might allow it to be classified as a hazardous waste generator under state or federal regulations.
- g. Sales of products in addition to those grown or processed on the site are limited to 20 percent of the gross floor area of the sales space or as specifically approved with the required permit.

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### **3.4.5. Additional Standards for Accessory Dwelling Units**

#### **A. Accessory Living Area**

##### **1. Occupancy**

- a. An accessory living area is to be used solely for guests of the occupants of the single-family dwelling or those providing a service on site in exchange for their residency; and
- b. The accessory living area shall not be rented or leased separately from the single-family dwelling<sup>157</sup> and may not be used as a short-term rental.

##### **2. Review Required**

- a. An accessory living area in a detached building or in a portion of a residence that is attached with no direct access from the primary residence is subject to review and approval through the administrative special review process in §6.4.3.
- b. Building permit applications for accessory living area are subject to all applicable impact fees, including transportation capital expansion fees applicable to a multi-family land use type as defined in §15.2.2.A.5.

##### **3. Number and Size**

- a. One accessory living area is permitted per single-family dwelling unit.
- b. The total square footage of the accessory living area is limited to 40 percent of the square footage in the single-family dwelling, excluding any garage or basement area, whether finished or not, or 800 square feet,<sup>158</sup> whichever is less.

##### **4. Site Standards**

- a. The single-family character of the property shall be maintained.
- b. One additional off-road parking space shall be provided for each bedroom in the detached accessory living area;

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<sup>157</sup> Discuss continued use of occupation restrictions in accessory uses.

<sup>158</sup> Discuss increasing max size to 1200 sf.

**B. Caretaker Dwelling Units**

**1. Occupancy**

- a. A caretaker dwelling unit shall be occupied by a person or persons associated with the principal use or business.
- b. A caretaker dwelling unit may be not used for short-term rentals.

**2. Review Required**

Site plan approval is required.

**3. Number and Size**

One caretaker accessory dwelling unit per lot is allowed.

**4. Site Standards**

A minimum of one off-street parking space shall be provided for a caretaker dwelling unit containing 800 square feet of gross floor area or less, and two off-street parking spaces for a unit greater than 800 square feet, in addition to the required parking for the principal use or business.

**C. Extended Family Dwelling**

The placement of an extended family dwelling on a property is a permitted accessory use subject to the following conditions.

- 1. The property owner shall obtain a permit through the process provided below.
  - a. A permit issued for an extended family dwelling by the Director is for a term not to exceed three years. The permit may be extended for additional three-year periods, provided the conditions noted in subsection C.2 below continue to exist.
  - b. Permits issued by the County Commission are effective for such period of time as the County Commissioners determine is appropriate based on the particular hardship after considering all the information presented at the public hearing. The permit may be extended administratively for additional three-year periods, provided the conditions noted in subsection C.2, below, continue to exist.
- 2. A permit for an extended family dwelling to house immediate family members who are elderly or disabled may be administratively issued by the Director on a finding that all of the following standards have been met:
  - a. The lot or parcel on which the extended family dwelling is to be placed contains at least four acres;
  - b. At least one occupant of the extended family dwelling is age 65 or older or is disabled. A letter from a licensed physician verifying the disability shall be submitted;
  - c. The extended family dwelling will be removed within three months from the date of the expiration of the permit unless an application for a land division is submitted; and
  - d. A site plan (simplified) will be required as part of the application.
- 3. A permit for an extended family dwelling used to house immediate family members for reasons other than age or disability, or on lots or parcels containing fewer than four

acres, may be issued by administrative special review finding that the following standards and conditions have been met:<sup>159</sup>

- a. There is a legitimate family hardship that justifies the need for an extended family dwelling;
  - b. The extended family dwelling will not substantially adversely impact the surrounding area;
  - c. The extended family dwelling will be removed within three months from the date of the expiration of the permit, unless an application for land division is submitted;
  - d. All applicable capital expansion fees will be paid; and
  - e. In no event will a lot or parcel used for an extended family dwelling be less than four acres, unless public sewer service is used by the principal dwelling and the extended family dwelling; and
  - f. A site plan (simplified) will be required as part of the application.
4. Transportation capital expansion fees shall be paid at the time of issuance of a permit for an extended family dwelling. The fee will be computed as equal to 3/20 (15 percent) of the transportation capital expansion fee for a single-family dwelling. This fee covers the three-year duration of the permit. An additional fee in the above amount is required for any subsequent extension of an extended family dwelling permit.

**D. Farmstead Accessory Dwellings**

**1. Where Permitted**

When the agricultural operation has sufficient contiguous acreage as identified in Table 3-10, farmstead accessory dwellings are allowed on a farmstead in addition to the primary dwelling.

**2. Occupancy**

Farmstead accessory dwellings shall be occupied by a person or persons needed to support the agriculture operation. Farmstead accessory dwellings may not be used for short-term rentals.

**3. Review Required**

- a. A simplified site plan will be required as part of the process.
- b. Capital expansion fees shall be paid for each dwelling when the building permit is issued.
- c. Each dwelling shall comply with the standards for all development required by Article 4.0, *Development Standards*.
- d. Each plan approved for a farmstead shall include an agreement which includes the terms described in subsections c and d above. The agreement shall be signed by the property owner, notarized and recorded with the County Clerk and Recorder. The agreement shall state that it runs with the land and is binding on all successors, assigns, heirs and subsequent owners of the property.<sup>160</sup>
- e. A farmstead may include agricultural labor housing subject to special review approval by the County Commissioners.

<sup>159</sup> Consolidated draft: removed the requirement to be issued by BCC and allowed approval by Administrative Special Review.

<sup>160</sup> Consider moving this provision to the application permit.

**4. Number**

A farmstead is limited to one primary dwelling plus one dwelling for each 40 acres of contiguous ownership, to a max<sup>161</sup> of \_\_\_ farmstead accessory dwellings, as follows:

Table 3-10: Farmstead Accessory Dwellings by Acreage		
Farmstead Contiguous Acreage	Primary Dwellings, Max.	Farmstead Accessory Dwellings
Up to 40	1	n/a
40 to 80	1	1
80 to 120	1	2
120 to 160	1	3

**5. Siting**

- a. Each farmstead shall be designed to allow a logical pattern of lots that all meet minimum lot size and setback requirements of the applicable zoning district and provide for adequate access, drainage and utilities for each lot.
- b. Should the agricultural operation cease, the property owner shall pursue one of the following options:
  - i. The rural land use process;
  - ii. Subdivision;
  - iii. Conservation development to place each accessory farm dwelling on a separate lot;
  - iv. Identify a separate 35-acre or larger tract for each accessory dwelling; or
  - v. Present a proposal to be approved by the Director.

**3.4.6. Additional Standards for Public, Civic, and Institutional Accessory Uses**

**A. Child/Elderly Care, Home<sup>162</sup>**

All parking required to accommodate the child/elderly care home shall be provided on the site.

**3.4.7. Additional Standards for Commercial Accessory Uses**

**A. Outdoor Display and Sales**

**1. Where Permitted**

Accessory outdoor display and sales is permitted as follows:

- a. As identified in the applicable table of allowed uses;
- b. In conjunction with any use that is approved through the administrative special review or special review processes when the display and sales is specifically approved as part of the application;
- c. Where the display and sales is specifically approved as part of the expansion of a nonconforming retail use pursuant to §1.10.7; or
- d. The accessory outdoor display and sales is specifically approved as part of a PD, planned development zoning district.

<sup>161</sup> Consolidated draft: Discuss whether there is an upper limit on how many ADUs are permitted.

<sup>162</sup> Clarify whether these are licensed facilities.

**2. Generally Applicable Standards**

- a. The accessory outdoor display area shall be outside any parking, traffic circulation, right-of-way and/or landscaping area that serves the site.
- b. The accessory outdoor display area cannot be any larger than the square footage of the principal building on the lot.
- c. Accessory outdoor display areas shall be effectively screened from any adjacent property zoned to allow residential uses (See §4.7, *Landscaping*).
- d. Accessory outdoor display and sales items are displayed outdoors only when the principal use is open for business.

**Commentary**

The Code Assessment notes (pg. 7) that the county wants to keep both accessory home occupations and accessory rural occupations with qualifying language for each. We’ve moved both uses into the same section to see the points of comparison. In the current code, home occupations are mostly indoor uses while rural occupations can be indoor/outdoor uses.

**B. Home Occupation**

**1. Where Permitted**

- a. Home occupations are allowed in all zoning districts either by right or by administrative special review as identified in Table 3-11.
- b. Any property owner who establishes a home occupation is encouraged to complete and sign a Home Occupation Registration Certificate prior to operation.

Table 3-11: Accessory Home Occupations				
Classification	Max Indoor DU Space (SF GFA) [1]; Max SF	Max Outdoor Storage (SF)	Max Vehicle Trips/Day [2]	Permit Required
Limited	Up to 50%; not to exceed 800 [3]	1 vehicle [4]	10	None
Large	Between 800 and 1,200 [3]	800 [5]	10	Admin. Special Review

**Notes:**

- [1] Total GFA includes basement and attached garage. Home occupation may be located in the attached garage.
- [2] Associated with the home occupation. Retail sales events are not included. A vehicle trip is defined as a one-way vehicle movement from origin to destination; therefore, both the entrance and the exit of a vehicle from the site would be counted for a total of two trips.
- [3] Located inside dwelling, attached garage, and detached accessory building.
- [4] Licensed as a passenger vehicle or light duty truck.
- [5] Outdoor storage of materials, parts, vehicles, equipment, and finished product; shall be screened from surrounding properties and public roads.

**2. Generally Applicable Standards**

All home occupations shall meet the following criteria.

- a. The home occupation shall be conducted in a legally constructed dwelling and/or detached accessory building.

- b. Multiple home occupations are allowed on any lot provided that for all home occupations totaled together, the requirements for a single home occupation are not exceeded.
- c. The home occupation may only be conducted by members of the family who reside on the premises plus up to one full time equivalent person who works at the site of the home occupation and does not reside on the premises.
- d. All parking required to accommodate the home occupation shall be provided on the site of the home occupation and located outside of required building setbacks.
- e. The home occupation shall not change the residential character of the lot or the exterior appearance of the dwelling.
- f. Retail sales of merchandise not produced on-site shall only occur as part of a service provided by the home occupation. For example, a hair cutting service can sell hair care products associated with the service, but only at the time of service.
- g. On-site retail sales of products produced on-site shall only occur at an allowed on-site sales event.
- h. On-site sales events shall be limited to 30 events in a calendar year and shall only include products produced on-site.
- i. Customers frequenting the home occupation by a method other than a motor vehicle shall be considered the same as a vehicle trip and count against the max allowed number of vehicle trips per day.
- j. Noise, fumes, dust, odors, or light generated as a result of the home occupation shall not exceed the County’s established standards when measured at the property line.

**3. Prohibited Home Occupations**

The following uses are specifically prohibited as home occupations: lodging facilities, adult uses, vehicle repair including auto body or paint shops, assembly uses, general industrial uses, hazardous material storage and/or processing, flea markets, general retail, rentals of any kind, junkyards, shooting ranges, solid waste disposal or transfer centers, uses prohibited by state or federal law, value-added agriculture, uses classified as hazardous waste generators under state or federal legislation, outdoor storage of recreational vehicles, boats and other large items, and retail marijuana establishments.

**C. Rural Occupations**

**1. Purpose**

Accessory rural occupations are intended to support agricultural and rural enterprises with reasonable operational characteristics, scale, and intensity so that they function as accessory to the principle use on the property without negatively impacting the enjoyment of life, investments and rural living expectations on neighboring properties. A use that does not meet the criteria for accessory rural occupations is not considered an accessory rural occupation and must meet other applicable use requirements.

**2. Permit Requirements**

- a. Accessory rural occupations are allowed by right and by administrative special review as detailed in Table 3-12 below.
- b. Site plan applications for accessory rural occupations are subject to all applicable transportation capital expansion fees associated with the use and the number of vehicle trips generated by the use.

<b>Classification</b>	<b>Lot Size</b>	<b>Max Indoor Space (SF GFA) Total/ Max SF Per Single Family DU</b>	<b>Max Outdoor Space (SF)</b>	<b>Max Vehicle Trips [1]</b>	<b>Permit Required</b>
Limited	5 acres	5,000/2,500	2,500	10	n/a
Large	2 acres	10,000/2,500	5,000	20	Admin. Special Review

**Notes:**

[1] Associated with the rural occupation. Retail sales events are not included. A vehicle trip is defined as a one-way vehicle movement from origin to destination therefore both the entrance and the exit of a vehicle from the site would be counted for a total of two trips.

**3. Use Standards**

- a. The following uses are specifically prohibited as accessory rural occupations: lodging facilities, adult uses, auto body or paint shops, assembly uses, general industrial uses (except for excavation using agricultural equipment), hazardous material storage and/or processing, flea markets, general retail, junkyards, commercial kennels with outdoor use, shooting ranges, solid waste disposal or transfer centers, uses prohibited by state or federal law, value-added agriculture, uses classified as hazardous waste generators under state or federal legislation, outdoor storage of recreational vehicles, boats and other large items, and retail marijuana establishments.
- b. Multiple accessory rural occupations or home occupations, or a combination of the two, are allowed on any lot provided that for all totaled together, the requirements for a single accessory rural occupation are not exceeded.
- c. All applicable land use, health, and building codes shall be met, including 7.3s regulations.
- d. The accessory rural occupation shall be conducted by the owner or lessee of the principle use (single family dwelling or agricultural use) of the property.
- e. Retail sales of products clearly incidental, secondary and ancillary to the accessory rural occupation, including the on site sales of products produced on the premise, may occur throughout the year.
- f. On-site sales events shall be limited to 30 events in a calendar year.
- g. Customers frequenting the accessory rural occupation by a method other than a motor vehicle shall be considered the same as a vehicle trip and count against the max allowed number of vehicle trips per day.
- h. Any property owner who establishes an accessory rural occupation is encouraged to complete and sign an Accessory Rural Occupation Registration Certificate prior to operation.

**4. Site Standards**

All accessory rural occupations shall meet the following criteria:

- a. Noise, fumes, dust, odors, or light generated as a result of the rural occupation shall not exceed the County’s established standards when measured at the property line. Any noise generating activity that exceeds this standard shall be indoors.
- b. The accessory rural occupation shall not significantly change the character of the lot, single family dwelling, or neighborhood.
- c. All outdoor activity associated with the accessory rural occupation including any storage of vehicles, equipment, or employee parking shall:<sup>163</sup>
  - i. Be at least 100 feet from the property lines.
  - ii. Be effectively buffered to the extent practicable from existing residences on adjacent lots.
  - iii. Setbacks and buffering may be required based on the proposed use and the location of the proposed use on the lot.

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**3.4.8. Additional Standards for Industrial Accessory Uses**

**A. Storage Buildings and Garages**

The following standards are applicable to non-agricultural accessory storage buildings and garages.

- 1. Each lot may include detached storage buildings and garages for the sole use of the occupants of the principal building or principal use on that lot.<sup>164</sup>
- 2. The total ground floor area of all storage buildings and garages on a lot cannot exceed ten percent of the lot's net area.
- 3. Only those buildings that are designed, constructed, and approved by the Larimer County Building Division as storage buildings or garages may be used for this purpose.
  - a. Manufactured homes, including pre-1974 mobile homes, cannot be used as storage buildings, barns, or garages without approval from the County Planning Division and the issuance of a building permit.
  - b. Semitrailers with attached running gear (i.e., axels, wheels) cannot be used as storage buildings or garages.

**B. Outside Storage of Vehicle**

- 1. Only those vehicles that do not qualify as junk vehicles and are owned by the occupant or owner of a single-family dwelling and agricultural equipment may be stored outside on the same lot with the dwelling.
- 2. Stored vehicles shall be located on the lot such that they will not cause traffic sight obstructions or safety hazards.

**C. Outdoor Commercial Storage**

**1. Where Permitted**

Accessory outdoor commercial storage is permitted as follows:

- a. As identified in the applicable table of allowed uses;
- b. In conjunction with any use that is approved through the administrative special review or special review processes when the accessory outdoor storage is specifically approved as part of the application;

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<sup>163</sup> This provision will be revised to work with the updated landscaping, buffering, and screening standards.

<sup>164</sup> Add relevant size limits.

- c. When the expansion of a nonconforming business, commercial, or industrial use is approved pursuant to §1.10.7 and the approval specifically includes accessory outdoor storage; or
- d. When the accessory outdoor storage is specifically approved as part of a PD, planned development zoning district.

**2. Generally Applicable Standards**

Accessory outdoor commercial storage areas shall meet the following standards. Where the use or structure cannot meet all the following requirements,<sup>165</sup> administrative special review is required.

- a. Accessory outdoor commercial storage areas shall be effectively screened from any adjacent property zoned to allow residential uses (See §4.7, *Landscaping*).
- b. Accessory outdoor commercial storage areas cannot cover an area larger than the principal building on the site or 50 percent of the total area of the site, whichever is greater.
- c. Accessory outdoor commercial storage areas shall be maintained in an orderly manner with no junk, trash, or debris as defined by the County Rubbish Ordinance.
- d. Adequate emergency access lanes shall be maintained around and through the storage area.
- e. Accessory outdoor commercial storage shall be outside any parking, traffic circulation, right-of-way, and/or landscaping area that serves the site.
- f. Parking of employee and customer vehicles is not accessory outdoor commercial storage.

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**3.4.9. Additional Standards for Utility Accessory Uses**

**A. Accessory Wind Generator**

**1. Where Permitted**

Each lot may include a wind generator for the use of the property owner.

**2. Generally Applicable Standards**

A wind generator shall meet the following standards. An accessory wind generator that cannot meet all the following standards requires review and approval through the public site plan review process.

- a. One wind generator per lot is allowed.
- b. The lot shall be at least one acre.
- c. The hub height of the wind generator shall not exceed 40 feet. The height of a vertical axis turbine is measured at the top of the generator.
- d. The wind generator shall be setback from property lines, public rights-of-way and access easements at least two times the hub height of the generator.
- e. The wind generator shall be painted or coated a non-reflective white, grey or other neutral color.
- f. The wind generator shall not be artificially illuminated.
- g. The wind generator shall not be used to display advertising.

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<sup>165</sup> Discuss whether this only applies to accessory outdoor commercial storage in the current C, I, and I-1 districts or should be made more generally applicable.

- h. Electrical controls shall be wireless or underground and power lines shall be underground except for an interconnection to an existing above ground power grid.
- i. Noise emanating from the wind generator shall be in compliance with Larimer County Code Chapter 30, Article V, Noise.

**B. Accessory Solar Energy System**

Each lot may include a solar energy system designed to supply power to the principle use(s) on the lot. A solar energy system that cannot meet all the following standards requires review and approval through the public site plan review process. An accessory solar energy system shall meet the following standards:

**1. Building-Mounted System**

- a. The solar energy system components shall be mounted as flush to roof or structure as practicable.
- b. The building mounted solar energy system may exceed the maximum height allowed by the zoning district by five feet.

**2. Ground-Mounted System (allowed in addition to any building -mounted solar energy system)**

- a. The minimum setbacks for a ground mounted system are the same as the minimum building setbacks in the underlying zoning district.
- b. The height of the solar energy system cannot exceed 15 feet.
- c. The total area of the ground mounted solar energy system cannot exceed ten percent of the lot's net area. The ground mounted system may exceed five acres as long as the system is sized for the power consumption of the principle use on the lot.

**3.5. Temporary Uses and Structures**

**3.5.1. Purpose**

The purpose of this section is to allow certain uses and structures of a limited duration subject to specified conditions. This section is intended to ensure that such uses or structures do not negatively impact surrounding properties and are discontinued upon the expiration of a set time period.

**3.5.2. Temporary Uses Allowed**

- A. The tables of allowed uses in §3.2.6 and §3.2.7 list allowed temporary uses and structures alphabetically.
- B. Temporary uses and structures not listed in the table require approval under the procedure in §3.2.4, Classification of New and Unlisted Uses.
- C. All temporary uses are subject to the standards in this section, in addition to any applicable requirements in §3.3, Use-Specific Standards.

**3.5.3. Temporary Use Standards**

**A. Agritourism Enterprise, Temporary**

A temporary agritourism enterprise may be approved by the Director if the following conditions exist:

1. The parcel on which the agricultural use is located is proposed is greater than 35 acres; and
2. Safe and adequate access and parking have been approved by the County Engineer; and
3. Adequate sanitation facilities have been approved by the County Health Department; and
4. A specific time frame is established for the use. The maximum length of time for a temporary agritourism enterprise use is four months;
5. The temporary recreational use is located on the site of an existing agricultural use; and
6. The applicant submits and obtains approval of a site plan that adequately addresses all the requirements noted above.

**B. Christmas Tree Stand**

Temporary Christmas tree stands are allowed from the day after Thanksgiving to the day after Christmas.

**C. Fireworks Stand**

1. Temporary fireworks stands are allowed from June 16 to July 5.
2. A building permit is required for each temporary fireworks stand.

**D. Manufactured Home**

1. Manufactured homes, whether transportable as a single, complete dwelling unit or not, may be used to provide temporary housing for the owner of the property during the construction of a single-family dwelling on the site.
2. The duration of this temporary housing cannot exceed 18 months and requires a building permit issued by the county building division at the same time the building permit for the permanent structure is issued.
3. The manufactured home shall be removed from the site at the end of the 18-month period or upon completion of the construction, whichever occurs first.
4. The chief building official may grant an extension of 18 months for the temporary housing upon a finding that significant progress has been made in the construction of the permanent structure or there have been circumstances, beyond the control of the property owner, that have delayed construction.

**E. Temporary Office<sup>166</sup>**

Factory-built non-residential structures shall bear the "Commercial Modular Identification" seal issued by the Colorado Housing Authority to be used as offices or other commercial purposes.

**F. Storage for Construction Projects, Temporary**

The temporary storage of vehicles, materials, equipment, field offices and the excavation of fill material that are accessory to a construction project are a permitted temporary use with the following conditions:

1. The project is for the construction of a highway, road, utility or other public improvement under a federal, state, county, town, city, rural water association or special district contract;

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<sup>166</sup> Standards relocated from manufactured home section. Discuss whether this should be a separate temporary provision.

2. The storage site is used for a maximum of one year. The Director may approve an extension of six months upon a written request that details reasons for the requested extension;
3. Disposal of solid and hazardous waste such as fuels, solvents, lubricants and construction materials shall comply with applicable federal and state rules and regulations. On-site disposal of wastes is prohibited;
4. Vehicles, materials, equipment and field offices shall be stored or located at least 200 feet from existing dwellings unless the owner(s) of the dwellings waive this requirement in writing. This condition does not apply to materials intended for use on the parcel or right-of-way where they are temporarily stored;
5. Asphalt and concrete batch plants and rock-crushing facilities shall be located on or adjacent to the parcel or right-of-way being improved;
6. Borrow or fill material excavation sites shall be located within 1,320 feet of the parcel or right-of-way being improved. Excavation sites more than 1,320 feet but less than one mile from the parcel or right-of-way being improved may be approved by the County Commissioners pursuant to the appeal process in §6.7.2, *Appeals*. Excavation sites more than one mile from the improvement are subject to the special review process for a mining operation; and
7. Storage and field office sites shall be reclaimed to their original or better condition within 30 days after the temporary construction project is complete. The Director may extend the reclamation period, in writing, upon written request that details the reasons for the requested extension. Borrow and fill excavation sites shall be reclaimed pursuant to the approved state permit. The Director may require that collateral be provided to ensure reclamation of the storage and field office sites is completed.
8. Temporary crop production may be permitted on parcels of more than one acre when not located adjacent to Mixed Center or Urban character areas.
9. A temporary crop production permit is good for one season and must be renewed annually.
10. The construction of temporary or permanent structures in association with temporary crop production is prohibited.
11. The approval of temporary crop production does not affect the zoning of the property and is not considered an agricultural operation protected by the County’s Right-to-Farm resolution.

**G. Storage Building or Garage on Vacant Lots, Temporary<sup>167</sup>**

Prior to the construction of a single-family dwelling, each lot may include a storage building or garage for the purpose of storing personal property of the lot owner.

- a. All storage shall be inside the storage building or garage.
- b. No residential, business, or commercial activities are permitted in these buildings unless approved by the County Commissioners through the special exception, special review, or administrative special review processes.
- c. On lots of less than two acres (net area) these buildings may not exceed 800 square feet. On lots of two to five acres (net area) these buildings may not exceed 2,400 square feet. On lots over five acres (net area) there is no limit to the size of these

<sup>167</sup> Consolidated draft: From current 4.3.2.I.

buildings. In no event shall the ground floor area of detached storage buildings and garages exceed ten percent of the net area of any lot.

- d. Only those buildings that are designed, constructed, and approved by the Larimer County Building Department as storage buildings or garages may be used for this purpose. Manufactured homes, including pre-1974 mobile homes, cannot be used as storage buildings or garages.

# Article 4.0 Development Standards

## Commentary

This article contains standards that address development quality such as drainage, parking, and landscaping. This draft contains new material based on the policies in the Comprehensive Plan and the suggestions in the Assessment, such as standards on access, connectivity, and circulation. Where appropriate, character areas are used to distinguish standards in differing areas of the County. Definitions previously listed in individual sections are now in the consolidated definitions article. Further tailoring of the standards based on character area is anticipated in Phase 2 of the project.

## 4.1. Purpose

The article includes standards that regulate the physical layout and design of development in the county. These standards implement the Comprehensive Plan goals of:

- A. Encouraging safe, affordable, and reliable infrastructure, connectivity, and services, compatible with rural activities and needs;
- B. Encouraging the deployment of reliable, affordable, and redundant connectivity with built-in redundancy for critical infrastructure;
- C. Valuing, identifying, protecting, and responsibly managing the County’s natural and cultural resources to minimize impact and protect our air, soil, open spaces, watersheds, water supply, and other ecosystem services;
- D. Ensuring land use is suitable for and compatible with the environmental characteristics of the site;
- E. Preparing for wildfires, floods, and other natural disasters, and helping residents and businesses prepare themselves to be resilient to such events; and
- F. Ensuring that adequate public and/ or private facilities and services are provided and maintained concurrent with development.

### Larimer County Comprehensive Plan says...

*“Larimer County coordinates planning processes and land division patterns to attain efficient and responsible growth that maintains compatibility with adjacent areas, sensitive environmental areas, and promotes a sense of community.” (p.40)*

## 4.2. Applicability

### Commentary

This new section is intended to help applicants clarify when specific development standards are applicable to their project based on the location and type of development. New development is required to comply with all applicable development standards, while redevelopment is proposed to be brought into regulatory compliance through balancing the relative amount of redevelopment with the development standards applied. The goal is to move existing development into compliance over time to both encourage redevelopment and be respectful of the relative burden on the applicant.

**4.2.1. Identification of and Compliance with Development Standards**

**A. Overview**

Determining how the development standards of this article apply to a property involves two considerations: identification of relevant standards and determination of compliance.

**Larimer County Comprehensive Plan says...**

*Larimer County balances growth and preservation of community character outside of GMAs through flexible and predictable land use strategies, processes, and development standards in unincorporated areas. (p.33)*

1. Identification of relevant standards (§B below) is the process by which an applicant determines which standards will be generally applicable to a development project based on the property’s location. For example, connectivity standards may apply to development in more urban areas, but not apply to rural development.
2. Compliance (§C below) is a determination made by the County of the extent to which the relevant development standards apply to a specific project. For example, parking lot landscaping standards may apply to new construction but not to a change of use.

**B. Identification of Relevant Development Standards<sup>168</sup>**

1. Table 4-1 below identifies when development standards are generally applicable based on the character area in which the project is located.
2. Specific applicability requirements and exemptions are identified in each development standard section of this article.
3. The subsection following Table 4-1 identifies which development standards may be applicable to a particular type of project.

**Table 4-1: Development Standards Applicability by Character Area: Generally**  
 ✓ = Standards apply Blank Cell = Standards do not apply

Section	Conservation & Agriculture	Rural	Mixed Center	Urban/GMA
4.3, Adequate Public Facilities	✓	✓	✓	✓
4.4, Environmental Resource Standards	✓	✓	✓	✓
4.5, Connectivity and Circulation			✓	✓
4.6, Off-Street Parking and Loading	✓	✓	✓	✓
4.7, Landscaping	✓	✓	✓	✓
4.8, Adjacency and Buffering Standards	✓	✓	✓	✓
4.9, Site and Building Standards in Urban Areas				✓
4.10, Exterior Lighting	✓	✓	✓	✓
4.11, Air Quality	✓	✓	✓	✓

<sup>168</sup> Drafting note: Move this provision to procedures: “Applicants who do not develop an entire parcel must indicate the intended plans for the remainder of the parcel. Any remaining undeveloped parcel must be at least 35 acres if it is not included in the development.”

**C. Determining Development Standard Compliance by Development Types**

This section describes the extent to which a proposed project is required to comply with applicable development standards.

**1. Definition of Development Type**

For the purposes of this article, development types are categorized as:

**a. New**

Any construction activity or site alteration on a site that has not been previously developed.

**b. Minor Expansion**

Any development activity that includes the following:

- i. Expansion of a mixed-use building by more than 2,000 square feet of non-residential space or the lesser of more than 10 dwelling units or 10% of the number of dwelling units; or
- ii. Expansion of a non-residential building by the greater of either 2,000 square feet or more than 20% of the total square footage of the building.

**c. Change of Use**

Any change of use that involves or requires on-site or off-site improvements, including but not limited to:

- i. Parking;
- ii. Landscaping, screening, or buffering;
- iii. Drainage facilities;
- iv. Outdoor uses on the lot, including sales, display, and storage.

**d. Major Redevelopment**

Any development activity on a mixed-use or non-residential site that involves change to 75 percent or more of the square footage of a primary structure. Major redevelopment shall be measured cumulatively over a rolling five-year period in the same ownership, starting with the applicant’s most recent development application.

**2. Compliance Requirement**

Development shall comply with applicable development standards as described in this section and summarized in Table 4-2.

Table 4-2: Development Standards Compliance by Development Type				
Section	New Development	Minor Expansion	Change of Use	Major Redevelopment
	<b>Required % compliance with applicable standards</b>			
4.3, <i>Adequate Public Facilities</i>	100	Facilities impacted by project per Sec. C.3, below		100
4.4, <i>Environmental Resource Standards</i>	100	No new impacts; impact reduction per Sec. C.3, below		100

Table 4-2: Development Standards Compliance by Development Type				
Section	New Development	Minor Expansion	Change of Use	Major Redevelopment
Required % compliance with applicable standards				
4.5, Connectivity and Circulation	100	Sec. 4.5.3, Driveways – 100% Sec. 4.5.5, Pedestrian – 100%		100
4.6, Off-Street Parking and Loading	100	Site specific determination per Sec. C.3, below		100
4.7.3, Minimum Landscaping Required	100	Site specific determination per Sec. C.3, below		100
4.8, Adjacency and Buffering Standards	100	100	100	100
4.9, Site and Building Standards in Urban Areas	100	100	100	100
4.10, Exterior Lighting	100	100	100	100
4.11, Air Quality	100	100	100	100

**3. Compliance Requirements by Development Standard Category**

**a. Section 4.3, Adequate Public Facilities**

Any adequate facility type that is directly impacted by a minor expansion or change of use shall be brought into compliance with this Code. Where this requirement would result in a disproportionate expense to the applicant in relationship to the overall cost of the project, the Director may work with the applicant to determine the most critical improvements and recommend deferred compliance with less relevant facilities based on the following order of priority (most important to least):

- i. Drainage
- ii. Wastewater Disposal
- iii. Access to Public Roads
- iv. Fire Protection
- v. Domestic Water

**b. Section 4.4, Environmental Resource Standards**

Minor expansions and changes of use may not expand into or impact hazard or environmentally sensitive areas that are mapped through the consideration of environmental resource standards. Where an application for minor expansion or change provides an opportunity to reduce the impact on environmental resources, the Director may encourage design changes that will result in reducing the impact.

**c. Section 4.5, Connectivity and Circulation**

Minor expansions and changes of use shall comply with the following sections:

- i. § 4.5.3, Driveways, and
- ii. §4.5.5 Pedestrian and Bicycle Connectivity.

**d. Section 4.6, Off-Street Parking and Loading**

[specific compliance requirements will be established when the updated standards are drafted in Phase 2]

**e. Section 4.7.3, Minimum Landscaping Required**

[specific compliance requirements will be established when the updated standards are drafted in Phase 2.]

**f. Section 4.8.1, Buffering and Screening**

Parcels with minor expansions and changes of use shall be brought into full compliance with §4.8.1, Buffering and Screening.

**g. Section 4.9, Site and Building Standards in Urban Areas**

Minor expansions and changes of use shall comply with site and building standards that are applicable to the expansion or any proposed site change.

**h. Section 4.10, Exterior Lighting**

A minor expansion or change of use shall trigger full compliance with the exterior lighting standards.

**i. Section 4.11, Air Quality**

A minor expansion or change of use shall trigger full compliance with the air quality standards.

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**4.2.2. Compliance, How Shown**

1. All development applications shall submit the necessary information required by the Director to demonstrate compliance with the standards of this article. All nonresidential development applications shall be required to submit a site plan pursuant to §6.4.1, *Site Plan Review*.
2. Applicants may request minor modifications of development standards per §6.7.1, *Minor Modifications*.<sup>169</sup>

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**4.2.3. Consultant Review**

**A. When Required**

Consultant assistance may be commissioned for complex projects or when certain aspects of a project are beyond the county staff's expertise.

**B. Planning Director Authority**

1. The Planning Director may, when necessary, decide that additional expertise is needed to ensure compliance with the standards in this article.
2. If the Planning Director decides additional expertise is needed, the Planning Director and the applicant will select a consultant to review the project.

**C. County Commissioners Authority**

1. If the Planning Director and the applicant cannot agree on a consultant, the County Commissioners will select the consultant.

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<sup>169</sup> This section currently permits "alternative compliance" with an existing standard, as approved by the County Commission. Based on earlier project conversations, this has been changed to allow adjustment through minor modifications.

2. The Planning Director’s decision to require a consultant may be appealed to the County Commissioners.

**D. Costs to the Applicant**

All costs for the consultant will be charged to the applicant.

## 4.3. Adequate Public Facilities

**Commentary**

This section carries forward the current requirements for adequate public facilities in the County. The central idea is that developers must pay for necessary facilities and services at the time of new development. This section has been reorganized and edited for user-friendliness. Highly technical standards and application requirements are proposed to be moved to an appendix (and ultimately may be removed to a separate standards manual). Where appropriate, standards are tailored based on character area.

Drainage standards will need to be reviewed alongside the new Floodplain regulations, which have been developed by the County and will be freestanding article in the new code, to ensure consistency.

### 4.3.1. Purpose<sup>170</sup>

The purpose of this section is to implement the Comprehensive Plan goal of ensuring that adequate public and/or private utilities, facilities, and services are provided and maintained concurrent with development.

**Larimer County Comprehensive Plan says...**

*“Larimer County is in the business of safeguarding public safety, health, and welfare [and] ensuring that new development provides adequate services to residents...”*

*Larimer County supports proactive county planning and developer responsibility for adequate provision of infrastructure...*

*Larimer County requires the provision of adequate public and/or private facilities and services concurrent with new development.” (Pg, 3, 20, 42)*

### 4.3.2. Applicability

**A. Compliance Thresholds**

The standards of this section shall apply to all development that meets the compliance thresholds established in §4.2, *Applicability*.

**B. Application Requirements<sup>171</sup>**

Application requirements are in §16.1, *Application Requirements*.

### 4.3.3. Road Capacity and Access to Public Roads<sup>172</sup>

**A. Applicability and Relationship to other Standards**

1. The standards in this §4.3.3 apply to all development.
2. Additional standards relating to connectivity and circulation may also apply in the mixed center and Urban Districts and GMAs. See §4.5, *Connectivity and Circulation*.

**B. Purpose<sup>173</sup>**

The purpose of the road capacity and level of service standard is to ensure that:

<sup>170</sup> Based on current Section 8.1.A.

<sup>171</sup> Application requirements moved to appendix.

<sup>172</sup> Current Section 8.1.5.

<sup>173</sup> Current Section 8.1.5.A. Edited for clarity.

1. All development will have safe and adequate access to public roads and transportation related services;
2. Development does not create demand for public improvements and services that cannot be met with existing public resources; and
3. If safe and adequate access does not exist at the time of development, the development makes the improvements necessary to meet the standard or waits until the needed improvements are constructed by others.

**C. Safe and Adequate Access<sup>174</sup>**

1. All development shall have safe and adequate access on the county roads or state highways within the traffic impact area of the development. Safe and adequate access exists when traffic volumes do not exceed the capacity of the road; when operating conditions on the road and at intersections do not fall below a specified level of service (LOS); and when pavement sections and structures can accommodate projected traffic.
2. The capacity of an unpaved road is defined as the maximum traffic volume that can be accommodated without creating unsafe operating conditions for vehicles and without negatively impacting air quality by creating excessive amounts of dust. The capacity of a paved road is defined as the maximum traffic volume that can be accommodated at a specified level of service and depends on road characteristics, such as number of lanes, lane widths, intersection geometry, and signalization.
3. The adequacy of pavement sections and structures depends on the physical conditions of the improvements, such as type, depth, and condition of pavements and the load-bearing capacity of bridges.

**D. Capacity and Level of Service for Unpaved Roads**

1. To prevent adverse impacts on vehicles and air quality and to allow for effective road maintenance, roads shall have an all-weather gravel surface.
2. The County Engineer may waive the requirement for gravel and allow a road to be surfaced with native material in limited cases when, in the opinion of the County Engineer, traffic volumes, materials, and location allow such a surface. However, in no case will a native material surface be allowed when the average daily traffic volume (ADT) exceeds 50 vehicles per day at the time of full build-out of the development.
3. The capacity of an untreated gravel road is defined as an ADT of 200 vehicles per day at the time of full build-out of the development. The capacity of a treated gravel road (treated with chemicals to control dust) is defined as an ADT of 400 vehicles per day.
4. Paving is required when cumulative traffic volumes exceed these capacities and shall consist of asphaltic concrete or Portland cement concrete, base course material and subbase material (if required) placed on compacted subgrade.

**E. Capacity and Level of Service for Paved Roads**

1. Level of service (LOS) is a qualitative measurement of operating conditions on a paved road or at an intersection. Levels of service for roadways and intersections are generally determined by analyzing the ratio of traffic volume to capacity of roadways or by analyzing the length of delays experienced at intersections.
2. Collector and arterial roads and intersections within the traffic impact area shall function at LOS "D" in the Urban districts and GMAs and LOS "C" in areas outside of the

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<sup>174</sup> Current Section 8.1.5.C. Removed a standard that was repetitive of the applicability section.

Urban districts and GMAs at the time of full build-out of a proposed development. Local roads and intersections within the traffic impact area shall function at LOS "C" in all areas of the county at the time of full build-out of a proposed development.

**F. Adequacy of Pavement Section and Structures**

1. The roads within the traffic impact area of a proposed development shall have an adequate pavement section (depth of gravel, depth of base course and type, and depth of paving material) to accommodate the projected additional traffic loads from the development without damaging the roadway or accelerating the need for maintenance and shall not cross any bridge or structure that has been determined to be structurally deficient or functionally obsolete by the County Engineer.
2. The County Engineer maintains a list of structurally deficient or functionally obsolete bridges that is available to applicants.

**G. Additional Conditions**

1. The existence of safe and adequate access does not preclude the imposition of additional requirements as a condition of development approval when such requirements are deemed necessary to mitigate the impacts of the development on county and state roads and highways.
2. In cases where the access route between the subject site and a county road identified on the Larimer County Functional Road Classification Map is anything but a public right-of-way, the applicant shall demonstrate by competent evidence, the legal right to use any and all portions of that access route to the extent required for the pending development.

**H. Traffic Impact Area<sup>175</sup>**

The limits of the traffic impact area for a proposed development are determined by the County Engineer in consultation with the applicant as described in Appendix F of the Rural Area Road Standards.

**I. Documentation Outside of the Urban Districts and GMAs<sup>176</sup>**

Every development shall meet the requirements outlined in Appendix F of the Rural Area Road Standards.

**J. Documentation within the Urban Districts and GMAs<sup>177</sup>**

1. Every development shall meet the requirements of Chapter 4 of the Urban Area Street Standards.
2. Every development shall submit a traffic impact study as required in Chapter 4 of the Urban Area Street Standards, in the technical supplement to this code.

**K. Capital Contribution Front-Ending Agreement<sup>178</sup>**

1. The county may enter into a capital contribution front-ending agreement with any person proposing to construct a road to provide safe and adequate access to a proposed development. Where the road is on the county's major road system (collector and arterial streets established in the Larimer County Master Transportation Plan) and is eligible for capital expansion fee credits, the capital contribution front-ending

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<sup>175</sup> Current Section 8.1.5.D.

<sup>176</sup> Current Section 8.1.5.E.

<sup>177</sup> Current Section 8.1.5.F.

<sup>178</sup> Current Section 8.1.5.G.

agreement will provide proportionate and fair share reimbursement to the extent that the cost of the road exceeds the amount of credits for which the road is eligible.

2. Where the road is not eligible for road capital expansion fee credits, the capital contribution front-ending agreement will provide proportionate and fair share reimbursement.
3. Reimbursement shall be provided from the new development that, in the future, will use the road for safe and adequate access within the traffic impact area.

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#### **4.3.4. Drainage<sup>179</sup>**

##### **A. Drainage Standards<sup>180</sup>**

1. To be adequate, facilities shall be legally and physically acceptable. Adequate facilities may consist of natural drainages or manmade channels. The Larimer County Stormwater Design Standards provide guidance on drainage design and submittal requirements.
2. **Urban Districts and GMAs<sup>181</sup>**

New developments within the Urban districts and GMAs shall comply with the following.

##### **a. Surface Runoff Level of Service<sup>182</sup>**

- i. An approved master plan for basin-wide stormwater facilities shall be referenced if available.
- ii. Stormwater drainage shall be achieved through concrete curb and gutter systems throughout the development.
- iii. An acceptable legal and physical path-of-flow for runoff through and from the development to an identified outfall facility that drains into an established channel shall be available or funded at the time of vesting of development rights. The path of flow shall be consistent with the applicable master plan.

##### **b. Subsurface Drainage Level of Service<sup>183</sup>**

- i. Level-of-service standards for subsurface drainage applies to lot sizes of one acre or less with an average lot frontage of 125 feet or less and public sanitary sewer service.
- ii. Groundwater drainage shall be achieved through sub-drain systems installed separately from the sanitary sewer system.
- iii. An acceptable legal and physical point of discharge for gravity flow of groundwater from the development to the discharge point shall either be available or funded at the time of vesting of development rights.

##### **3. Conservation and Agriculture, Rural, and Mixed-Center Districts**

New developments in the Conservation and Agriculture, Rural, and Mixed-Center districts shall comply with the following requirements:

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<sup>179</sup> This section was edited for clarity and consistency and re-organized based on GMA/character area distinction. As noted in the Assessment, a grading permit process can be included in the LUC during Phase 2, pending further policy direction. Per Staff recommendation, standards related to surface stormwater facilities were removed.

<sup>180</sup> Current Section 8.1.3.A, B, edited for clarity and reorganized.

<sup>181</sup> Revised to draw a distinction based on GMA/character area rather than “Urban” areas in the County Comprehensive Plan.

<sup>182</sup> Further clarification is required to determine if an applicant is required to supply all of this information or if some information is provided by the County.

<sup>183</sup> Deleted the following standard based on staff recommendation: Adequacy of subsurface drainage is determined by the existence or nonexistence of groundwater drainage to a level related to the lowest floor level of proposed structures.

- a. If an approved master plan for stormwater facilities exists for the basin within which the development is proposed, the master plan shall be referenced.
- b. An acceptable legal and physical path of flow for runoff through and from the development to an identified outfall facility which drains into an established channel shall be available or funded at the time of vesting of development rights. The path of flow shall be consistent with the applicable master plan.

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#### 4.3.5. Wastewater Disposal<sup>184</sup>

##### A. General Requirements<sup>185</sup>

The County Health Department must approve all wastewater disposal systems. New development shall provide one of the following wastewater systems:

##### 1. Domestic Wastewater Treatment Works

- a. A domestic wastewater treatment works is the preferred method of wastewater collection and treatment in all zoning districts.
- b. The developer or applicant shall provide evidence that a sanitation district or municipal wastewater system serving the proposed development complies with the following requirements:
  - i. Unless higher standards are required by the district or municipality, the design of the domestic wastewater treatment works shall be approved by the Colorado Department of Public Health and Environment’s Water Quality Control Division;
  - ii. The wastewater treatment works complies with the applicable Colorado wastewater discharge permit system permit; and
  - iii. A report detailing compliance with the requirements listed above is submitted in accordance with §16.1, *Application Requirements*.
- c. Capacity for the collection and treatment works shall be available at the time of issuance of a building permit.

##### 2. On-Site Wastewater Treatment System<sup>186</sup>

##### a. Where Permitted

On-site wastewater treatment systems must be located outside of the Urban districts, GMAs, and any existing or proposed wastewater treatment works service area as defined in the North Front Range Water Quality Planning Association’s Water Quality Management plan, except in the case of Rural Land Plans.

##### b. System Design and Submittal

- i. All proposed lots shall be at least 87,120 square feet (two acres) unless otherwise allowed by the underlying zone district or if site conditions require a larger minimum lot requirement as determined by the Planning Director.
- ii. In addition to the wastewater treatment works provider approval, an analysis comparing the feasibility to extend and connect to domestic wastewater treatment works with the feasibility to design and construct on-site alternatives

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<sup>184</sup> Current Section 8.1.1 reorganized for clarity. It seems that wastewater and sewer were used interchangeably. We changed sewer references to wastewater.

<sup>185</sup> Current Section 8.1.1.A, B. Consolidated repetitive standards.

<sup>186</sup> Reorganized based on GMA/character area distinction and edited for clarity. Consolidated repetitive standards.

is required for development sites within an existing or proposed wastewater treatment works service area as defined in the North Front Range Water Quality Planning Association's Water Quality Management Plan.

- iii. If an on-site wastewater treatment system is allowed, an inventory and analysis of site conditions relevant to the use of on-site wastewater treatment systems is required to support their use. Relevant site conditions include but are not limited to soils; percolation rates; location of bedrock and groundwater; surface water bodies; slopes; rock outcrops; irrigation ditches; and wetlands.
- iv. Substantial evidence shall be submitted to show that the design, layout, and density of a development proposal incorporates the inventory and analysis of site conditions listed above. Proposals shall show that site conditions are compatible with the use of on-site wastewater treatment systems and that the location of these systems will take advantage of favorable site conditions while avoiding significant constraints. Evidence of compatibility may include natural suitability of soils and other site conditions; development design and density tailored to limits placed by site constraints; and the ability to meet future lot owner expectations for operation and maintenance.

### **3. Community Wastewater Treatment Systems**

#### **a. Where Permitted**

Development proposing to be served by community wastewater treatment systems shall be located outside of the Urban Districts, GMAs, and any existing or proposed wastewater treatment works service areas as defined in the North Front Range Water Quality Planning Association's Water Quality Management Plan, except in the case of Rural Land Plans.

#### **b. Management**

If approved to install a community wastewater treatment systems, the development shall establish management arrangements that meet one of the following criteria:

- i. The development is located within an existing or proposed wastewater treatment works service area, and the community wastewater treatment system will be operated by the applicable wastewater treatment works provider (district or municipality) under the terms of a Colorado Department of Public Health and Environment discharge permit issued to the district or municipality;
- ii. The development is located within an existing or proposed wastewater treatment works service area and the applicable provider (district or municipality) has informed the county in writing that it does not wish to manage the community wastewater treatment system, and the system will be operated by a management entity as below; or
- iii. The development will connect to an existing community wastewater treatment system with adequate capacity to accommodate the additional flow and will be operated by the applicable authority under the terms of a Colorado Department of Public Health and Environment discharge permit issued to the authority.

**c. System Design and Submittal**

- i. An analysis comparing the feasibility to extend and connect to domestic wastewater treatment works with the feasibility to design and construct community wastewater treatment systems is required.
- ii. If applicable, a site approval is required by local reviewing agencies and the Colorado Department of Public Health and Environment's Water Quality Control Division.
- iii. If a site approval is not applicable, a report addressing site conditions as outlined in this §4.3.5.A.2, regarding on-site wastewater treatment systems, together with design and location information for the proposed community wastewater treatment system(s) is required.
- iv. A plan for operation and maintenance of the community wastewater treatment system is required for county approval. The plan shall outline the legal, financial, and staffing needs to:
  - 1) Provide for an incorporated management entity with power to compel all lot owners to participate;
  - 2) Provide for initial construction and ongoing operation and maintenance;
  - 3) Provide for system monitoring and evaluation;
  - 4) Provide for system repairs and replacement; and
  - 5) Provide for ultimate connection to public wastewater treatment where applicable.
- v. Unless higher standards are required by the district or municipality, the design of the domestic wastewater treatment works shall be approved by the Colorado Department of Public Health and Environment's Water Quality Control Division;
- vi. Capacity will be available at the time of issuance of a certificate of occupancy.

**4. On-Site Wastewater Treatment Systems in the Urban Districts and GMAs**

Development in the Urban Districts and GMAs that includes a proposal to use on-site wastewater treatment systems shall submit an appeal as part of the application.<sup>187</sup> The appeal shall include the following items:

- a. A technical/economic analysis demonstrating that public wastewater treatment is not feasible;
- b. A letter from the applicable city utility or sanitation domestic wastewater treatment works provider indicating concurrence that it is not feasible to connect to public wastewater treatment;
- c. A letter from the applicable municipality indicating their concurrence that the development as proposed will achieve the land use pattern envisioned for this part of the growth management area.
- d. A letter from the applicable municipality that indicates their willingness to annex the property when it becomes eligible for annexation; and
- e. Information demonstrating that on-site wastewater treatment systems can be safely provided as anticipated as stated in this subsection.

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<sup>187</sup> "Appeal" may be renamed to something more descriptive of the process.

**5. Interim Uses**

Uses that do not require permanent facilities (such as gravel mining or special events) may propose alternative sanitation facilities methods for review and approval by the County Health Department.

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**4.3.6. Fire Protection<sup>188</sup>**

**A. Applicability and Relationship to Adopted Fire Codes<sup>189</sup>**

1. Fire protection standards or a fire protection plan are required for all new developments.
2. The standards of this subsection shall be considered the minimum requirements even for those areas within the boundaries of a fire district that have adopted a fire code approved by the County Commissioners.

**B. Determination of Adequacy<sup>190</sup>**

1. Fire protection shall be deemed adequate if compliance with the standards as stated in this section have been met.
2. The availability and adequacy of water supply and access for emergency medical and fire protections services will determine how fire protection is provided.
3. Access to a site is required for emergency medical and fire protection service.
4. The adequacy of fire protection is determined by:
  - a. The location of development,
  - b. Availability of a water supply for firefighting, and
  - c. Access to development.
5. The adequacy of access to development is determined by the:
  - a. Type of dwelling units or non-residential construction being served,
  - b. Surface type and length of access roadways, and
  - c. Firefighting water supply availability determines how fire protection is provided.

**C. Provision of Fire Protection and Emergency Medical Service**

1. Fire protection service is provided by one of three entities:
  - a. A municipality or a special district/authority,
  - b. Volunteer departments, or
  - c. The Larimer County Sheriff.
2. Emergency medical service is provided by a mix of ambulance service, fire districts, and/or “quick response teams.”

**D. Authority of the Fire District to Request Additional Information<sup>191</sup>**

1. The fire district or other appropriate agency may, based upon their adopted fire code, require compliance with a higher standard for development proposals as the result of the development’s location, size, or type of construction, in which case one of the following shall occur:
  - a. The applicant may agree to the higher standard, which would be implemented through a condition of approval;

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<sup>188</sup> Current Section 8.1.4. Reorganized and edited for clarity.

<sup>189</sup> Current Section 8.1.4.B.

<sup>190</sup> Current Section 8.1.4.A. Further clarification about how this section is applied is required.

<sup>191</sup> Current Section 8.1.4.C.

- b. The County Commissioners, upon the recommendation of the fire district may impose a higher standard as a condition of the approval of the development proposal; or
  - c. If not agreed to by the applicant or required as a condition of approval by the County Commissioners, the fire district may elect to enforce a higher standard through their own enforcement processes.
2. Disclosure documents required as a part of the final documents for a development application, recorded as part of the final approval, shall include language stating that the county will not enforce or be responsible for enforcing a higher standard.

**E. General Standards**

**1. Water Supply for Firefighting**

- a. All development subject to the standards of §4.3.6, *Fire Protection*, shall comply with the applicable requirements listed in Table 4-3, below.<sup>192</sup>

Table 4-3: Water Supply Standards Summary Table				
Requirement	Urban Districts		C&A, Rural, and Mixed-Center Districts	
	Residential	Nonresidential	Residential	Nonresidential
Maximum fire hydrant location and spacing distance	No more than 1,000 feet from dwelling units and no more 1,000 feet between hydrants	No more than 1,000 feet from nonresidential buildings	No more than 1,000 feet from dwelling units and no more 1,000 feet between hydrants	No more than 1,000 feet from nonresidential buildings
Minimum public water system flows and pressures for fire hydrants flow supplied by public water system	1,000 gallons per minute (GPM) with a minimum residual pressure of 20 pounds per square inch (PSI)	1,500 GPM with a minimum residual pressure of 20 PSI within 1,000 feet of buildings	500 GPM with a minimum residual pressure of 20 PSI	1,000 GPM at with a minimum residual pressure of 20 PSI within 1,000 feet of buildings
Fire sprinkler systems	Required in all cases when a public water system is either unavailable, or if the water supply flows and pressures are inadequate to supply fire hydrants or if a combination of access length and an inadequate	Required in all cases if the water supply flows and pressures are inadequate to supply fire hydrants or the structure includes any fire containment area in excess of 5,000 square feet	Required in all cases when a public water system is either unavailable, or if the water supply flows and pressures are inadequate to supply fire hydrants or if a combination of access length and an inadequate	Required in all cases if the water supply flows and pressures are inadequate to supply fire hydrants or the structure includes any fire containment area in excess of 5,000 square feet

<sup>192</sup> Current Section 8.1.4 consolidated and reorganized into a summary table for clarity.

Table 4-3: Water Supply Standards Summary Table				
Requirement	Urban Districts		C&A, Rural, and Mixed-Center Districts	
	Residential	Nonresidential	Residential	Nonresidential
	water supply dictate the need		water supply dictate the need	

- b. Fire sprinkler systems must be designed and installed according to the standards of the National Fire Protection Association (NFPA) and the requirements of the fire authority having jurisdiction.
- c. When a public water system is not available, the fire protection provider or the office of emergency services of the Larimer County Sheriff’s Department, and chief building official shall review and make a recommendation of a fire protection plan that meets the standards set forth in §4.3.6.G, *Fire Protection Plans*.

**2. Residential Development Access**

Development applications proposing access to serve 30 or more dwelling units, shall provide two access points. If the access serves less than 30 units, an approved secondary/emergency access may be required.

**F. District-Specific Standards**

**1. Standards for the Urban Districts and GMAs**

**a. Proximity to Services**

New development within the Urban districts and GMAs shall be located within a five-mile travel distance of an existing, manned fire station.

**b. Firefighting Access Roadways**

All access roadways shall meet the following requirements unless an alternative standard is approved by the County Commissioners:

- i. Meet the Urban Area Street Standards;
- ii. Have a minimum travel way width of 20 feet and have full connectivity to a public road system;
- iii. Allow for secondary (emergency) access when necessary;
- iv. Have no uninterrupted road segment which results in a dead-end road length of more than 660 feet;
- v. Provide access for firefighting, equipment and firefighters to all sides of any nonresidential structure;
- vi. Allow for all access roads to support fire apparatus with a weight of 80,000 pounds; and
- vii. Incorporate turnarounds with a minimum diameter of 100 feet for all dead-end accesses, irrespective of length.

**2. Standards for All Other Districts**

**a. Proximity to Services**

Developments in the Conservation and Agriculture, Rural, and Mixed Center districts have no requirements for proximity to a fire station, due to the variety of jurisdictions, providers and character of the area.

**b. Firefighting Access Roadways**

All access roadways shall meet the following requirements:

- i. Meet the Rural Area Road Standards;
- ii. Have a minimum travel way width of 20 feet;
- iii. Not be more than 660 feet in length from a secondary access point. If the distance is more than 660 feet then residential sprinklers shall be required; and
- iv. Design roadway construction for all access roads to support fire apparatus with a weight of 80,000 pounds and be an all-weather surface.

**G. Fire Protection Plans<sup>193</sup>**

1. A fire protection plan shall be required for developments that cannot comply with the fire protection standards in §4.3.6, *Fire Protection*.
2. Fire protection plans shall include:
  - a. Water available for firefighting by source;
  - b. Maintenance of the water supply;
  - c. Distance to supply;
  - d. Distance between structures;
  - e. Access to supply and structures;
  - f. Special plans/designs to address the existence and mitigation of wildfire hazards.
  - g. Entity responsible for providing fire protection services (fire district fire department or Larimer County Sheriff); and
  - h. The fire protection plan shall use national standards for gallons and flow duration as described in the International Fire Code (IFC) and, as appropriate, be prepared by a qualified and licensed engineer.
3. Fire protection plans are reviewed and recommended by the fire authority having jurisdiction in the fire district. If the fire district fails to provide comment or recommendations on the fire protection plan within the allotted review time, the review and recommendation may be performed by the Larimer County Sheriff, Office of Emergency Services.
4. Fire protection plans proposed for areas of the county not within a fire district boundary, are reviewed and given a recommendation by Larimer County Sheriff, Office of Emergency Services.
5. The County Commissioners shall approve proposed fire protection plans as a part of the development review approval of preliminary plat or special review.<sup>194</sup>
6. The Planning Director shall approve proposed fire protection plans as a part of the approval of applications for administrative special review and site plan review.<sup>195</sup>
7. Fire-fighting water supply connections for fire protection shall be approved by the water supply entity and that all physical connections (i.e., screw threads) must meet the requirements of the fire protection provider.

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<sup>193</sup> Current Section 8.1.4.C., I. These requirements were pulled from the Fire Protection Plan definition and the general requirements. The remainder of the definition can be found in the definitions article.

<sup>194</sup> A reference to the special exception process was removed.

<sup>195</sup> Administrative special review added.

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**4.3.7. Domestic Water<sup>196</sup>**

New development shall comply with one of the following criteria, except that wells may be allowed in a rural land plan pursuant to state statute.

**A. Public Community Water Systems (or Public Waterworks)<sup>197</sup>**

The development will be connected to a public community water system including water supply, collection, treatment, and distribution facilities designed to meet:

1. The design criteria of the normal and minimum pressure requirements for water mains contained in the "State of Colorado Design Criteria for Potable Water Systems" policy created and regulated by the Colorado Department of Public Health and Environment's Water Quality Control Division as regulated by the Colorado Primary Drinking Water Regulations; or
2. More stringent standards as may be required by the public water system supplier having authority.

**B. Wells**

The development will be served by individual wells and comply with all the following requirements:

1. The development cannot physically be served by a public community water system whose distribution system is within one mile of the development;
2. The development is outside any existing or planned water district and/or water service area;
3. An augmentation plan has been approved and the Colorado Division of Water Resources confirms that well permits will be issued; and
4. Evidence is submitted showing adequate water quality and quantity can be made available for the development. Evidence may include test well data, laboratory analyses of water quality, and geologic and hydrologic analysis. Applicants shall show that the water source will be safe, adequate, and reliable. In turn, the State Engineer shall review the water supply information and issue an opinion regarding injury to other vested water rights and the adequacy of the water supply.<sup>198</sup>
5. A well that supplies water as part of a collection, treatment, and distribution system for a development and meets the criteria of a public water system shall comply with the State of Colorado Design Criteria for Potable Water Systems policy, regulated by the Colorado Department of Public Health and Environment's Water Quality Control Division.

**C. Interim Uses**

Uses that do not require permanent facilities such as gravel mining or special events may propose alternative methods for the provision of domestic water for review and approval by the County Health Department.

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<sup>196</sup> Current Section 8.1.2.

<sup>197</sup> Removed a catchall requirement stating that the Colorado Primary Drinking Water Regulations must be complied with based off staff recommendation.

<sup>198</sup> Incorporates a requirement from the Guide to Colorado Wells, Permits, Water Rights, and Water Administration. When this evidence is required to demonstrate compliance is still be discussed with staff.

## 4.4. Environmental Resource Standards<sup>199</sup>

### 4.4.1. General

#### A. Purpose

This section is intended to protect the environmental resources that contribute to the County’s quality and character, including but not limited to the varying topography and hillsides, floodplains, wetlands, and other significant features. This section also is intended to ensure that land subject to natural hazards such as wildfire, flooding, and geologic hazards is not approved for development without appropriate consideration by the County of potential conditions and safeguards to help protect life, health, and property.

#### B. Site Design to Protect Environmental Resources<sup>200</sup>

Flexibility and creativity are encouraged in designing development around existing environmental features. Natural vegetation, rock outcroppings, and significant landforms shall be retained during development of a site to the maximum extent practicable.

#### C. Disturbance Envelope

To the maximum extent practicable, development shall identify a disturbance envelope within which all grading, clearing, excavation, and development will be located on the property, including but not limited to any septic systems, wells, dwellings, buildings, or other structures. The disturbance envelope shall be identified with regard to environmental features identified in this section, including wetlands, hazard areas, wildlife habitat and migration corridors, and commercial mineral deposits. The disturbance envelope shall be shown on the site plan, if required.

#### D. Variances or Minor Modifications<sup>201</sup>

No variances or minor modifications are allowed from the provisions of this §4.4.

### 4.4.2. Wetlands<sup>202</sup>

#### A. Purpose<sup>203</sup>

The purpose of this section is to protect wetlands, their buffer areas, and their water sources from encroachment that would adversely affect the wetlands’ ability to maintain water quality, provide wildlife habitat, provide flood protection, and maintain other critical environmental functions. When encroachment cannot be

#### Larimer County Comprehensive Plan says...

*“Promote land use and management practices that maintain, restore, and enhance natural ecologic, biological, and geologic function of watersheds, including protection of river corridor ecosystems and soil quality.” (pg. 45)*

<sup>199</sup> This new section incorporates the current standards for wetlands, hazard areas, wildlife, and commercial mineral deposits. It groups them under the common heading ‘Environmental Resource Standards’ as they relate to environmental resources that require additional consideration and standards.

<sup>200</sup> The term “disturbance envelope” is new and not intended to be a rigid delineation, but rather a general guide to focus development away from environmental features.

<sup>201</sup> Current Section 8.3.14.

<sup>202</sup> Current Section 8.2.

<sup>203</sup> Current Section 8.2.1. A reference to the special exception process was removed.

avoided, this section provides for mitigation of the impacts resulting from the encroachment.

**B. General Applicability**

Except as otherwise provided in this section, the standards of this section shall apply to all development that meets the compliance thresholds established in §4.2, *Applicability*.

**C. Exemptions**

1. This section does not apply to:
  - a. Agricultural activities, such as soil preparation, irrigation, planting, harvesting, grazing, and farm ponds;
  - b. Urban and rural drainage systems;
  - c. Maintenance and repair of existing public 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 bona fide flood emergency;
  - e. Wetland and wildlife habitat restoration, creation and/or enhancement that improves the wetland's function if the activity proposed is approved by the appropriate agency, such as the Army Corps of Engineers or Colorado Parks and Wildlife; or
  - f. Building permit applications for single-family or duplex dwellings on existing legal lots.

**D. Relationship to Other Regulations<sup>204</sup>**

When this section imposes a higher or more restrictive standard than that imposed by a federal, state, or local law, easement, covenant, deed restriction, or other similar document, this section will apply.

**E. Wetland Mapping<sup>205</sup>**

Wetland mapping is intended for general planning purposes. The following sources of mapping shall be used to indicate the approximate location and/or extent of possible wetland areas. The following wetland maps and identification documents are available for reference in the planning department:

1. Larimer County Partnership Land Use System (PLUS) Wetland Classification and Protection Program, prepared by David J. Cooper, Ph.D., David M. Merritt, M. S., and Scott Woods;
2. National Wetlands Inventory prepared by the U.S. Department of the Interior, Fish and Wildlife Service;
3. Colorado Natural Heritage Program maps; and
4. Other maps or information that may be identified by the Planning Director in cooperation with other agencies, such as the Army Corps of Engineers, Fish and Wildlife Service or the Colorado Natural Heritage Program.

<sup>204</sup> Current Section 8.2.3. Name of title changed.

<sup>205</sup> Current Section 8.2.4.

**F. Wetland Definition<sup>206</sup>**

Two definitions are used in concert to identify mapped and unmapped wetlands under this code:

1. Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas; and
2. Wetlands are land transitions between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands shall have one or more of the following attributes:
  - a. At least periodically the land supports predominately hydrophytes;
  - b. The substrate is predominately undrained hydric soil; and
  - c. The substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year. This applies only to salt flats too saline to support hydrophytes, and the margins of lakes, reservoirs, and streams where there is too much erosion to support either hydrophytes or hydric soils.

**G. Unmapped Wetlands<sup>207</sup>**

Review of a development proposal may reveal a potential wetland on the site. The County Planning Department will cooperate with the applicant to identify boundaries of the wetland. The applicant is responsible for delineating the wetland's boundaries on maps, plats, and site plans submitted as part of a development proposal.

**H. Wetland Boundary Disputes<sup>208</sup>**

1. If the available information, such as the Soil Survey by the U.S. Natural Resources Conservation Service, referral comments from the U.S. Fish and Wildlife Service and the Army Corps of Engineers and/or vegetation on the site, indicate the presence of a wetland and the applicant disputes the information, the applicant shall demonstrate that the information is incorrect.
2. Information submitted by the applicant will be reviewed by a qualified wetlands expert retained or employed by the county.
3. The County Commissioners will make the final determination of the existence and boundaries of the wetland based on the expert's recommendation.
4. A request to delineate a wetland boundary may be submitted as part of a development application, or the applicant may submit a separate application to be decided before a development application is submitted.
5. All requests to delineate wetland boundaries will be decided at a public hearing by the County Commissioners under §6.3.8.E, *Public Hearing Procedures*.

**I. Wetland Development Standards<sup>209</sup>**

1. The following minimum buffer areas are required from the boundary of a wetland:
  - a. Wetlands of one acre or less: 50 feet.

<sup>206</sup> Current Section 8.2.5.

<sup>207</sup> Current Section 8.2.6.

<sup>208</sup> Current Section 8.2.7.

<sup>209</sup> Current Section 8.2.8.

- b. Wetlands of more than one acre: 100 feet.
  - c. Class 3 and 4 wetlands of any size as delineated on Larimer County Partnership Land Use System Wetland Classification and Protection Program Maps: 100 feet.
2. If credible and competent evidence, including the site inventory, is presented to show that the recommended buffer distances are not appropriate, the County Commissioners may approve increased or decreased buffer distances that are supported by the evidence.
  3. Only plant species that are identified by the Larimer County Landscape Guide as being appropriate for riparian life zones can be introduced into any wetland or riparian area, including the required buffer area.
  4. Development proposals that include the keeping of livestock adjacent to wetlands or their buffer areas shall include provisions in a use plan for residual land and/or common area conforming to §5.6, *Residual Land and/or Common Area Use Plans*, that protect the wetland and buffer area from damage due to such livestock.
  5. Utilities may be allowed in the buffer area only if County Commissioners determine there is no practical alternative and the following requirements are met:
    - a. Any disturbance of the buffer area is reclaimed by regrading and revegetation.
    - b. Provisions for reclamation of the disturbed area are included in the development agreement for the project with adequate collateral to guarantee reclamation will be completed.
    - c. Utility corridors in buffer areas are located at the buffer's outside edge and access roads for utility maintenance shall be located outside the buffer area.
    - d. Access for utility maintenance in buffer areas should be at specific points rather than parallel to the utility corridor.
  6. Structures and improvements are prohibited in any wetland except those for educational or scientific activities. Improvements, such as trails, fishing access, and wildlife management and viewing, may be permitted in buffer areas with a use plan for residual land and/or common area conforming to §5.6, *Residual Land and/or Common Area Use Plans*.
  7. The County Commissioners may allow roads and bridges across wetlands and buffer areas if they determine that:
    - a. No practical alternative exists;
    - b. All crossings minimize impact to the wetland and provide mitigation for unavoidable impacts through restoration, enhancement or replacement;
    - c. Crossings do not change the overall wetland hydrology;
    - d. Crossings do not diminish the flood storage capacity of the wetland; and
    - e. Crossings do not negatively impact wildlife.

**J. Protection of Wetland Water Sources<sup>210</sup>**

1. Applications for developments shall evaluate the impact of the proposed development on surface and ground water flows and design the project to ensure that the historic flow of surface and ground water needed to sustain an existing wetland will not be interrupted.

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<sup>210</sup> Current Section 8.2.9.

2. Surface and ground water flows intercepted by roads, utility trenches, and other development improvements cannot be diverted away from an existing wetland unless a mitigation plan is approved with the development to mitigate the impact on the existing wetland.
3. Activities below the seasonal high groundwater table, decreases in infiltration, and diversions of surface and ground water flows with drainage ditches or fill shall be avoided.

**K. Wetland Mitigation Requirements<sup>211</sup>**

1. Restoration is required when a wetland or its buffer is altered in violation of law or without specific permission or approval of the County Commissioners.
2. The following standards apply to restoration of a wetland or buffer area to the maximum extent practicable:
  - a. The original wetland configuration shall be restored, including its width, depth, length, and gradient at the original location;
  - b. The original soil type and configuration shall be restored;
  - c. The wetland edge and buffer area shall be restored to its original configuration;
  - d. The wetland and buffer shall be replanted with species native or adaptive to Larimer County that restores the original vegetation in species composition, size, and densities to the maximum extent practicable;
  - e. The original wetland functions shall be restored, including hydrologic, and biologic functions;
  - f. The restoration shall be accomplished according to a plan prepared by a recognized wetland expert with demonstrated expertise in the field who is acceptable to Larimer County.
    - i. The property owner is responsible for the expert's fee and cost of restoration.
    - ii. Restoration shall be accomplished within 12 months after the alteration of the wetland or buffer area is discovered.
3. Replacement of a wetland is required when a wetland or buffer is altered or when a wetland is used for a regional retention or detention pond or other use approved by the County Commissioners.
4. Enhancement may be allowed when a wetland or buffer is altered under an approved development proposal, but the wetland's biologic or hydrologic functions will be improved as demonstrated in a study by a recognized wetland expert acceptable to Larimer County.
5. All approved alterations of wetlands shall be mitigated by replacement or enhancement on the site or within the same drainage basin on a one-to-one basis with equivalent or better biologic and hydrologic functions.
6. Replacement off-site may be allowed if the property owner shows in a study by a recognized wetlands expert acceptable to Larimer County that:
  - a. The off-site location is in the same drainage subbasin as the original wetland;
  - b. The replacement is on a one-to-one basis by area; and
  - c. Greater biologic and hydrologic functions can be achieved.

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<sup>211</sup> Current Section 8.2.10.

7. Replacement sites shall be located to avoid wildlife habitat fragmentation.

**L. Wetland Mitigation Plan Requirements<sup>212</sup>**

1. A wetland mitigation plan shall include at least the following information:
  - a. A description of the ownership, location, type, size, and classification of the wetland and its buffer area;
  - b. An evaluation of the altered wetland's hydrologic and biologic functions;
  - c. The estimated cost of the proposed mitigation, its probability of success and a financial guarantee for completion. The financial guarantee may be included in the development agreement described in §6.3.9.H, *Development Agreements*;
  - d. An evaluation of the suitability of the proposed mitigation site for establishing the restored or created wetland;
  - e. An evaluation of the hydrology of the site proposed for restoration or creation of a wetland and a clear statement of the project's hydrologic and ecological goals;
  - f. A maintenance program that includes:
    - i. Weed control;
    - ii. Litter and debris removal;
    - iii. Erosion control;
    - iv. Watering, repair of water-control structures;
    - v. Maintenance of vegetation and wildlife habitat; and
    - vi. Cleaning of culverts.
  - g. The maintenance program shall be included in the use plan for residual land and/or common area described in §5.6, *Residual Land and/or Common Area Use Plans*;
  - h. A description of the water source and evidence of ownership of water rights approved by the state engineer;
  - i. A description of the critical elements and potential problems that may influence the success of the mitigation effort;
  - j. A timetable for construction and monitoring;
  - k. A three-year, post-construction monitoring program. The monitoring program shall be included in the use plan for residual land and/or common area described in §5.6, *Residual Land and/or Common Area Use Plans*; and
  - l. A demonstration of fiscal, administrative, and technical competence to successfully execute the plan.
2. All maps and reports prepared under this section shall be prepared by or under the responsible direction of a person with demonstrated technical expertise in the field who is acceptable to Larimer County.

**M. Mitigation Plan Review<sup>213</sup>**

The Planning Director may refer proposed mitigation plans to a qualified wetlands expert retained by the county for review and recommendation.

<sup>212</sup> Current Section 8.2.11.

<sup>213</sup> Current Section 8.2.12.

**N. Administrative Modifications<sup>214</sup>**

The Planning Director may approve minor modifications of any standards in this section that might prevent a reasonable use of property if they find the following conditions exist:

1. The administrative modification complies with this section;
2. The administrative modification has no appreciable adverse impacts on wetlands;
3. Any potential adverse impacts are mitigated or offset to the maximum extent practicable; and
4. The decision of the Planning Director can be appealed to the County Commissioners under 6.7.2, *Appeals*.

**4.4.3. Hazard Areas<sup>215</sup>**

**A. Purpose<sup>216</sup>**

The purpose of this section is to protect County residents and their property by integrating standards that account for natural hazards like wildfires, avalanches, and mud slides. These standards are intended to reduce the risk presented by these and other natural hazards by mitigating their risks before the hazard occurs.

**Larimer County Comprehensive Plan says...**

*“Design development to mitigate safety hazards and economic costs from natural and human-caused events that may affect natural resources and watersheds.*

*Promote sustainable best management practices in hazard areas (i.e. flood, wildfire, geologic) that protect ecosystem values while minimizing catastrophic damage to life and property...*

*Discourage development in hazard areas or require that proposed development creates and maintains hazard mitigation long-term thereby minimizing safety and economic costs to the County.” (pg. 47)*

**B. Applicability**

The standards of this section shall apply to all development that meets the compliance thresholds established in §4.2, *Applicability*.

**C. Relationship to Other Regulations<sup>217</sup>**

This section applies with all other county and state land use regulations. If a provision of any other land use regulation conflicts with this section, this section will apply.

**D. Professional Qualifications<sup>218</sup>**

1. All maps and reports required by this section shall be prepared by or under the responsible direction of a duly qualified expert.
2. Wildfire hazard analysis shall be performed by a professional forester with at least two years’ experience with wildfire hazards in the Rocky Mountain Region.
3. All geologic hazard analyses required by this section shall be prepared by or under the responsible direction of a professional geologist with experience in engineering geology.

<sup>214</sup> Current Section 8.2.13.

<sup>215</sup> Current Section 8.3. This section was reorganized and edited for clarity. Technical standards from this section could be removed to the appendix pending staff’s recommendation. Additional changes may also be made to align with the new Hazard Mitigation Plan pending staff’s recommendation.

<sup>216</sup> Current Section 8.3.1.

<sup>217</sup> Current Section 8.3.3.

<sup>218</sup> Current Section 8.3.9.

4. All engineering work required by this section shall be prepared by or under the responsible direction of a registered professional engineer who is experienced and competent in the engineering specialty required to meet the objectives of this section.

**E. Description of Hazard Areas<sup>219</sup>**

Hazard areas regulated by this section include all areas that are or may become hazardous due to environmental conditions. Hazards include but are not limited to wildfire, avalanche, landslide, rock fall, mud flow and debris fan, unstable or potentially unstable slopes, seismic effects, radioactivity, ground subsidence, and expansive soil and rock.

**F. Classification of Hazards<sup>220</sup>**

For purposes of administration, hazards are divided into these classes:

1. Wildfire hazards (See Wildfire Hazard Areas Map).<sup>221</sup>
2. Geologic hazards:
  - a. Class I hazards —Include expansive soil and rock.
  - b. Class II hazards —Include but are not limited to avalanche; landslide; rockfall; mud flow and debris fans; unstable or potentially-unstable slopes; seismic effects; radioactivity; and ground subsidence.

**G. Location of Hazard Areas<sup>222</sup>**

1. Geologic hazard areas include all areas classified as 4, 5, 6, or 7 on the official geologic hazard maps reviewed by the Colorado Geological Survey.
  - a. Hazard areas also include any areas that have not been classified, but where a hazard has been identified and confirmed by the Colorado Geological Survey.
  - b. If an applicant questions the existence of a hazard area within the area proposed for development, they may submit evidence from duly qualified experts.
  - c. The County Commissioners may consider that evidence and other evidence in determining if the development is within a hazard area.
2. The wildfire hazard area includes those areas west of the boundary shown on the Larimer County Fire Hazard Area Map adopted by the County Commissioners.
  - a. Lands within the wildfire hazard area are classified as a wildfire hazard on maps prepared by the Colorado State Forest Service and previously adopted by County Commissioners.
  - b. Wildfire hazard areas also include any areas that have not been classified but where a hazard has been identified and confirmed by the Colorado State Forest Service or the Larimer County Wildfire Safety Coordinator.
  - c. If an applicant questions the existence of a wildfire hazard within the area proposed for development, they may submit evidence from duly-qualified experts.
  - d. The County Commissioners may consider that evidence and all other evidence in determining if the development is within a hazard area.

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<sup>219</sup> Current Section 8.3.4.

<sup>220</sup> Current Section 8.3.6.

<sup>221</sup> Date of adoption removed.

<sup>222</sup> Current Section 8.3.7.

3. If there is an indication that a hazard area exists within all or a part of any development that has not either been mapped or identified as detailed in this section, the county or other public agency claiming the existence of the hazard area has the burden to establish the extent and severity of the hazard by competent evidence from experts in the field. The County Commissioners will make the final determination as to whether a hazard area exists.

**H. Project Description<sup>223</sup>**

1. The applicant, in a narrative, pictorial, or graphic form, shall explain the nature, density, and intensity of the proposed development or land use change.
2. The applicant shall also explain mitigation procedures planned to carry out the objectives of this section.

**I. Review Criteria<sup>224</sup>**

Evaluation of hazard areas in proposed developments includes but is not limited to:

1. "Planning for Hazards: Land Use Solutions for Colorado" written by the Colorado Department of Local Affairs;<sup>225</sup>
2. "Colorado Landowner Forest Stewardship Plan (LFSP) Guidelines (Code 30)," prepared by the Colorado State Forest Service;
3. "Guidelines and Criteria for Identification and Land Use Controls of Geologic Hazard and Mineral Resource Areas" written by the Colorado Geological Survey;
4. Geologic, vegetative, topography, access, and other technical information presented by the applicant or other interested party, including the county or other public agency;
5. Recommendations of the reviewing state agency having expertise with respect to the hazard in question and recommendations of others with similar expertise;
6. The severity of the hazard and the future effect of the hazard on the development;
7. The intensity and character of the development and its future effect on the hazard;
8. The relationship between the development and the hazard area and the potential impact of the development within the area on lands outside the development; and
9. Whether building envelopes are located outside areas identified as Class II geologic hazard areas.

**J. Review Procedure<sup>226</sup>**

1. The review procedure under this section will coincide with the review procedure established in this code for the type of development proposed.
2. In deciding whether to approve a proposed development or use, the Planning Commission, County Commissioners, Board of Adjustment, or Planning Director, as applicable, shall consider the evidence and information required to be submitted under this section. Based on this evidence and information, the Planning Commission, County Commissioners, Board of Adjustment, or Planning Director may approve, approve with conditions, or disapprove the proposed development or use. Conditions for approval may include but are not limited to specific requirements for:
  - a. Alteration to the physical characteristics of the land;

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<sup>223</sup> Current Section 8.3.10.

<sup>224</sup> Current Section 8.3.11.

<sup>225</sup> Source updated.

<sup>226</sup> Current Section 8.3.12.

- b. Alteration to the vegetative features of the land;
- c. Construction of structures upon the land;
- d. Construction of roads upon the land;
- e. The arrangement and density distribution within the area; and
- f. Location of proposed structures, uses or other improvements on the land.

**K. Development Agreement<sup>227</sup>**

Any approved mitigation plan and conditions for approval shall be included in the development agreement described in §6.3.9, *Post-Decision Actions and Limitations*.

**L. General Requirements<sup>228</sup>**

1. Development proposed within an area that is or may become a natural hazard may be disallowed if not designed and built in a manner to adequately mitigate the hazard as described below.
2. Hazard areas within proposed developments should be identified as early in the development review process as possible.
3. At the pre-application conference, planning staff will consult the available hazard maps to help determine if a mitigation plan is required.
4. At the concept review or sketch plan review meeting, staff will discuss potential hazard areas with the applicant.
5. The application for the first public hearing on any project or the site plan review application shall include a complete mitigation plan as described in the supplemental regulations.

**M. Site Design for Wildfire Mitigation<sup>229</sup>**

In order to reduce the potential wildfire damage to new development in Conservation and Rural districts, the site plan (if required) shall be accompanied by proposed wildfire mitigation measures that address building siting, access to and storage of flammable materials, maintenance, and other related issues at the discretion of the applicant. Defensible space complying with the County building code shall be planned around all new buildings, within which area combustible materials such as fire-prone vegetation (such as dead plants and weeds) and firewood stacks and wood piles shall be removed.

**Larimer County Comprehensive Plan says...**

*“Create and maintain defensible space around structures and otherwise mitigate potential hazards to life and property when building in wildfire hazard-prone areas. Encourage and educate private landowners and local, state, and federal governments to develop and implement cooperative strategies to minimize critical wildfire hazards.” (pg. 47)*

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**4.4.4. Wildlife<sup>230</sup>**

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<sup>227</sup> Current Section 8.3.13.

<sup>228</sup> Current Section 8.3.5.

<sup>229</sup> New. This section adds provisions on wildfire mitigation generally (and defensible space specifically) to reduce the potential damage to homes from wildfire. This would leave the details of what is to be done at the discretion of the applicant to propose. The plan could then be made enforceable via the development approval and possibly the development agreement. Some peer codes go beyond this (e.g., by tailoring defensible space standards based on “zones.”

<sup>230</sup> Current Section 8.4 reorganized for clarity.

**A. Purpose<sup>231</sup>**

The purpose of this section is to maintain and enhance the diversity of wildlife species and habitat in Larimer County and to plan and design land uses to be harmonious with wildlife habitat and the species that depend on that habitat for the economic, recreational, and environmental benefit of county residents and visitors.

**Larimer County Comprehensive Plan says...**

*“Protection of important wildlife habitat, corridors, and native vegetation is imperative to mitigating impacts of growth, maintaining healthy and natural ecosystems, and providing ecological services, resiliency and tax benefits, and quality of life for residents...”*

*Mitigate negative effects of land uses that create high off-site impact, such as noise, lighting, wildlife impacts, habitat fragmentation, barriers to wildlife movement, and traffic, to the extent feasible... (pg. 14, 40)*

**B. Applicability**

**1. General Applicability**

Except as otherwise provided in this section, the standards of this section shall apply to all development that meets the applicability thresholds established in §4.2, *Applicability*.

**2. Exemptions**

This section does not apply to:

- a. Agricultural activities, such as soil preparation, irrigation, planting, harvesting, grazing, and farm ponds;
- b. Maintenance and repair of existing roads, utilities, and other public facilities within an existing right-of-way or easement;
- c. Maintenance and repair of flood control structures and activities in response to a bona fide flood emergency; or
- d. Wildlife habitat enhancement and restoration activities under a wildlife conservation plan approved under this section.

**C. Development Standards<sup>232</sup>**

- 1. Except as provided for in this subsection, all new development shall be designed so it does not adversely impact wildlife and wildlife habitats or that such adverse impacts have been avoided or mitigated to the maximum extent practicable.
- 2. The review criteria used to determine if this standard has been met are in §4.4.4.D, *Review Criteria*.
- 3. For proposed developments that will or may have an adverse impact on wildlife and wildlife habitats, an approved wildlife conservation plan is required.
- 4. For subdivisions, conservation developments, multifamily developments, or nonresidential developments of less than two acres; for site plan reviews of buildings or additions having a gross floor area of 10,000 square feet or less; and for all proposed developments not required to submit a wildlife conservation plan, the following standards apply.

<sup>231</sup> Current Section 8.4.1.

<sup>232</sup> Current Section 8.4.5.

**a. Buffers**

All development shall have a minimum setback of 100 feet from any identified important wildlife habitat area unless the division of wildlife specifies a greater distance based on the presence of specified wildlife species.

**b. Nonnative Plants and Animals**

- i. Only plant species native to Larimer County or that are on an approved county landscaping list (see the Larimer County Plant Lists) may be introduced on sites containing important wildlife habitat areas.
- ii. To the maximum extent feasible, existing herbaceous and woody cover on sites shall be maintained and removal of native vegetation shall be minimized.
- iii. Only animal species approved by the division of wildlife may be introduced on sites containing important wildlife habitat areas.

**c. Refuse Disposal**

Developments on sites containing important wildlife habitat, such as black bear, shall use county-approved, animal-proof refuse disposal containers.

**d. Fencing**

- i. Fencing on sites containing important wildlife habitat cannot exceed four feet high unless the Planning Director approves the fencing to confine permitted domestic animals or to protect permitted ornamental landscaping or gardens.
- ii. The Planning Director will determine the type of fencing (materials, opacity, etc.) appropriate for the wildlife species on the site based on advice from the division of wildlife
- iii. All fences over six feet high require a permit from the building department.<sup>233</sup>

**e. Domestic Animals**

- i. 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.
- ii. The plan shall include provisions to prevent the harassment, disturbance, and killing of wildlife and to prevent the destruction of important wildlife habitat.

**f. Exterior lighting**

- i. Use of exterior lighting shall be minimized in areas of important wildlife habitat.
- ii. Lighting shall be designed so it does not spill over onto habitat.
- iii. All exterior lighting shall be shielded by cutoffs with an angle not exceeding 90 degrees.

**D. Review Criteria<sup>234</sup>**

In determining if a new development could have an adverse impact on wildlife and wildlife habitats or that such adverse impacts have been avoided or mitigated to the greatest extent

<sup>233</sup> The County is considering changing the height threshold to seven feet in the Building Code. If they do so, this standard should be modified accordingly.

<sup>234</sup> Current Section 8.4.6.

practicable, the Planning Commission, County Commissioners, Board of Adjustment, or Planning Director, as applicable, will consider the following.

- 1.** Impacts on wildlife species, including but not limited to human-related activities (including impacts from domestic pets) that disrupt necessary life cycle functions of wildlife or cause stress on wildlife to the extent that the health and viability of a species is threatened in the county. Assessment of significant impacts will be based on the following:
  - a.** Activities in previously undisturbed areas involving any combination of humans, pets, and machines or equipment that disturb or harass an individual animal, group of animals or wildlife species;
  - b.** Site development or activities that disrupt necessary lifecycle functions, resulting in stress to the extent that physiological damage is done to an individual animal, group of animals or wildlife species including introduction of non-native vegetation; excessive use of fertilizers and other chemicals; placement of structures in close proximity to nesting and feeding areas; and excessive exterior lighting;
  - c.** Species reliance on specific, unique habitat features, such as riparian areas, that may be affected;
  - d.** Mitigation efforts that directly address the potential adverse impacts of the proposed land use on wildlife species including:
    - i.** Controls on domestic animals and household pets;
    - ii.** Restrictions on types and intensity of lighting;
    - iii.** Clustering of development to avoid intrusion into or fragmentation of habitat; and
    - iv.** Creation of buffers around critical areas.
- 2.** Impact on wildlife habitat including elimination, reduction, or fragmentation of wildlife habitat to the extent that the viability of an individual species is threatened in the county and the diversity of wildlife species occurring in the county is reduced. Assessment of significant impacts will be based on the following:
  - a.** The amount of vegetation/habitat removal or alteration within the development site;
  - b.** The amount of habitat of similar type and quality within the development site that remains contiguous;
  - c.** The existing and proposed amount of lot coverage;
  - d.** The existence of contiguous habitat of similar type and quality on adjoining land; and
  - e.** Mitigation efforts that directly address the potential adverse impacts of the proposed land use on wildlife species including:
    - i.** Clustering of development to avoid intrusion into or fragmentation of habitat;
    - ii.** Creation of buffers around critical areas;
    - iii.** Limits on the amount of disturbance on a site;
    - iv.** Restrictions on vegetation removal; and
    - v.** Enhancement or restoration of equivalent habitat on or adjacent to the site.
- 3.** Impact on wildlife movement patterns/displacement and adaptation of wildlife populations including disruption of necessary migration or movement patterns that

keep wildlife from using their entire habitat to the extent that the health and viability of a species is threatened in the county; displacement of wildlife species into areas that cannot support or sustain the species over the long term to the extent that the health and viability of a species is threatened in the county; and the inability of wildlife species living within or in close proximity to development to adapt and thrive to the extent that the health and viability of the species is threatened in the county. Assessment of significant impacts will be based on the following:

- a. Preventing wildlife from using a habitat they would normally use, such as blocking migration patterns from summer to winter range;
  - b. Causing wildlife to find new routes that expose them to significantly increased predation, interaction with motor vehicles, intense human activity or more severe topography and climatic conditions;
  - c. The size of the affected habitat and availability of similarly sized and quality habitat within the surrounding area;
  - d. The human activity and development that would result in the inability of a single or multiple species to adapt to the new conditions;
  - e. Inability of the specie [sic] or species to adapt to significant alteration of their current habitats or to find a new habitat that is sufficient to sustain the species over the long term; and
  - f. Mitigation efforts that directly address the potential adverse impacts of the proposed land use on wildlife species, including, but not limited to clustering or location of development to avoid intrusion into migration or movement areas; creation of buffers around critical areas; limits on fencing that might interfere with migration and movement patterns; and enhancement or restoration of equivalent habitat on or adjacent to the site.
4. Uniqueness of habitat and species to Larimer County, including elimination, reduction, or fragmentation of important wildlife habitat that is identified as unique to Larimer County in that it supports wildlife species that do not commonly occur outside the county. Assessment of significant adverse impacts will be based on the following:
- a. The extent that habitat similar to that affected by the proposed development exists in Larimer County;
  - b. Whether the species does not commonly occur outside Larimer County, as determined by listing by state or federal agencies as threatened or endangered or as determined by Larimer County in conjunction with the Colorado Division of Wildlife;
  - c. Whether the habitat does not commonly occur outside of Larimer County as determined by the county in conjunction with the Colorado Division of Wildlife;
  - d. The extent of the threat to the viability of the species;
  - e. The extent of the reduction of the diversity of wildlife species in the county; and
  - f. Mitigation efforts that directly address the potential adverse impacts of the proposed land use on wildlife species, including:
    - i. Clustering of development to avoid intrusion into or fragmentation of habitat;
    - ii. Creation of buffers around critical areas;
    - iii. Limits on the amount of disturbance on a site; and
    - iv. Enhancement or restoration of equivalent habitat on the site or elsewhere in the county.

5. Cumulative impacts including cumulative impacts beyond the boundaries of the proposed site such that the wildlife habitat in the county is eliminated, reduced, or fragmented to the point that the viability of individual species is threatened and the diversity of species occurring in the county is reduced. Assessment of significant adverse impacts will be based on the following:
  - a. The area, including land outside the project site, in which effects of the proposed project will occur and the impacts of the proposed project that are expected to occur in that area; and
  - b. The incremental impact on wildlife habitat and wildlife species of the proposed development added to the past and present impact of other activities and developments.

**E. Wildlife Conservation Plans<sup>235</sup>**

**1. Plan Preparation**

A wildlife conservation plan required by this section shall be prepared for the applicant, at the applicant's expense, under the direction of a qualified person acceptable to Larimer County who has demonstrated appropriate expertise.

**2. Plan Content**

Any wildlife conservation plan required by this section shall include the following minimum information:

- a. A description of the ownership, location, type, size, and other attributes of the wildlife habitat on the site;
  - b. A description of the populations of wildlife species that inhabit or use the site including a qualitative description of their spatial distribution and abundance;
  - c. An analysis of the potential adverse impacts of the proposed development on wildlife and wildlife habitat on or off-site;
  - d. A list of proposed mitigation measures and an analysis of the probability of success of such measures;
  - e. A plan for implementation, maintenance and monitoring of mitigation measures;
  - f. A plan for any relevant enhancement or restoration measures; and
  - g. A demonstration of fiscal, administrative, and technical competence of the applicant or other relevant entity to successfully execute the plan.
3. The Planning Director may waive in writing specific supplemental application requirements based on the location of the development, the previous use of the site, the size and potential impact of the development, the absence of a particular species on the site, the prohibition of a reasonable use of the site, and other relevant factors.

**F. Waivers and Modifications<sup>236</sup>**

1. The Planning Director may approve, in writing, minor modifications of any standards or review criteria contained in this section upon a finding that the minor modification:
  - a. Is consistent with this section;
  - b. Will have no appreciable adverse impacts on wildlife or wildlife habitat;

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<sup>235</sup> Current Section 8.4.7.

<sup>236</sup> Current Section 8.4.8.

- c. Any potential adverse impacts will be mitigated or offset to the maximum extent practicable; and
  - d. Application of the standard or criteria is not warranted based on the location of the development, the absence of a particular species on the site or other relevant factors.
2. The decision of the Planning Director can be appealed to the County Commissioners under 6.7.2, *Appeals*.

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**4.4.5. Commercial Mineral Deposits<sup>237</sup>**

**A. Mineral Resources**

Under the commercial mineral resources plan adopted by County Commissioners, neither the Commissioners nor the Board of Adjustment can, by official action or inaction, permit the use of any land that would preclude the extraction of a commercial mineral deposit.

**Larimer County Comprehensive Plan says...**

*“Assure responsible access to all mineral rights, including sand and gravel resources, through mitigation measures that can enable mining and mineral extraction within different Framework Categories.” (pg. 43)*

**B. Exceptions**

- 1. Nothing in this section shall be construed to prohibit any agricultural use of land.
- 2. Nothing in this section shall be construed to prohibit any use of land that was permitted by the land's zoning on July 1, 1973.
- 3. Nothing in this section shall be construed to prohibit any use that does not include the erection of permanent structures or otherwise permanently preclude the extraction of a commercial mineral deposit.

**C. Wetland Mitigation**

Mineral extraction applications in identified wetland areas shall include a wetland mitigation plan per §4.4.2.L, *Wetland Mitigation Plan Requirements*.

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<sup>237</sup> Current Section 8.13.

## 4.5. Connectivity and Circulation

### Commentary

New section that includes standards for internal circulation within a site, connections between development sites, and multiple modes of mobility to and throughout the site. Many of the standards were modeled after cities in the county like Fort Collins. This section does not apply to Rural and Conservation Agriculture districts.

#### 4.5.1. Purpose

The purpose of this section is to support the creation of a highly connected transportation system within the County in order to:

- A. Promote multimodal travel in Larimer County by providing options for automobiles, transit, bicycles, and pedestrians;
- B. Connect neighborhoods to each other;
- C. Connect neighborhoods to local destinations such as employment, schools, parks, and shopping centers;
- D. Reduce & miles of travel and travel times;
- E. Mitigate the traffic impacts of new development;
- F. Improve air quality; and
- G. Avoid the creation of large, isolated tracts without routes for through traffic or pedestrian and bicycle connections.

#### Larimer County Comprehensive Plan says...

*“Encourage safe, affordable, and reliable infrastructure, connectivity, and services, compatible with rural activities and needs...”*

*[Create] integrated connectivity that encourages multi-modal transportation, physical activity, and social cohesion...*

*Use public and private partnerships and code requirements to expand opportunities for pedestrian, bicycle and transit infrastructure to reduce car dependency...*

*Develop effective tools to complete accessible non-motorized transportation connections between adjacent land uses to assure recreational and active commuting opportunities.” (pg. 17, 36)*

#### 4.5.2. Applicability

##### A. General Applicability

Except as provided in §4.5.2.B, the standards of this section shall apply to all development that meets the applicability thresholds established in §4.2, *Applicability*.

##### B. Exemptions

Properties in the Conservation and Agriculture and Rural districts are exempt from all parts of this section. See §4.3, *Adequate Public Facilities*, for access requirements that apply to all of the character areas including the Conservation and Agriculture and Rural districts.

#### 4.5.3. Driveways

- A. Every lot shall have sufficient access providing reasonable means of ingress and egress for emergency vehicles, trucks supplying necessary services, and for those needing access to the property for its intended use.
- B. All driveway entrance and other openings onto streets shall be constructed so that:
  - 1. Vehicles may safely enter and exit the property;
  - 2. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized; and

3. Shared driveways are provided to the maximum extent feasible to minimize the number of access points to streets (except for driveways within reasonable subdivisions or along private residential streets).
- C. Unobstructed, direct, and convenient access for vehicles to and from a public street shall be provided for all off-street parking spaces. Access from any parking area to a public street shall be designed to allow vehicles to enter and exit in forward drive.
- D. All driveways from existing private or public roads that interfere with a natural or constructed drainage course shall provide a drainage culvert that meets the engineering standards.

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#### **4.5.4. Street Connectivity**

##### **A. Compliance with the Larimer County Urban Area Street Standards**

In addition to the standards listed in this section, streets shall be designed to meet the standards in the Urban Area Street Standards. If a standard in this section conflicts with a standard in the Urban Area Street Standards, the Urban Area Street Standards shall apply.

##### **B. Street Design**

1. All streets shall be aligned to join with planned or existing streets.
2. All streets shall be designed to bear a logical relationship to the topography of the land.
3. Intersections of streets shall be at right angles unless otherwise approved by the County Engineer based on topography, existing street conditions, or other factors as determined by the County Engineer.

##### **C. Cul-De-Sacs**

1. Cul-de-sacs shall be permitted only if they are not more than 660 feet in length and have a turnaround at the end with a diameter of at least 100 feet.
2. Surface drainage on a cul-de-sac shall be toward the intersecting street, if possible, and if not possible a drainage easement shall be provided from the cul-de-sac.

##### **D. Dead-End Streets**

1. Except as provided for in §C above for cul-de-sacs, no dead-end streets shall be permitted except in cases where such streets are designed to connect with future streets on abutting land, in which case a temporary easement at the end of the street with a diameter of at least 100 feet must be dedicated and constructed.
2. A turnaround easement shall not be required if no lots in the subdivision are dependent upon such street for access.

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#### **4.5.5. Pedestrian and Bicycle Circulation**

##### **A. Sidewalks**

1. Unless exempted in §2 below, sidewalks shall be installed on both sides of all arterials, collector streets, and local streets, including cul-de-sacs, and within and along the frontage of all new development or redevelopment.
2. Sidewalks are not required for:
  - a. Existing local streets in single-family residential zoning districts; and
  - b. Steep-slope areas where sidewalks on one side of the street may be approved to reduce excessive slope disturbance, adverse impacts on natural resources, and potential soil erosion and drainage problems.

**B. Multi-Use Trails**

Multi-use trails, separated from automobile traffic, are encouraged to enhance pedestrian and bicycle travel. Upon approval from the Planning Director, multi-use trails may replace the sidewalk requirements in §4.5.5.A if the multi-use trails:

1. Connect to the street system in a safe and convenient manner;
2. Are well-signed with destination and directional signing;
3. Connect origin and destination points such as residential areas, schools, shopping centers, parks, etc.; and
4. Are designed in such a manner that motor vehicle crossings can be eliminated or significantly minimized.

**C. Use and Maintenance of Sidewalks, Walkways, and Trails**

**1. Restriction on Use**

Sidewalks, walkways, and trails are intended to provide pedestrian and bicycle access. Vehicle parking, garbage containers, merchandise storage or display, utility boxes and poles, signs, trees, and other obstructions shall not encroach into the required minimum widths of any required sidewalk, trail, walkway, or other pedestrian way.

**2. Maintenance and Snow Removal**

Sidewalks, trails, and walkways required by this title shall be maintained in usable condition throughout the year.

**D. Bicycle Circulation**

Designated bicycle lanes are required in the design of all arterial and collector streets where low traffic speeds and volumes allow bicycles and motorists to share the road safely.

## 4.6. Off-Street Parking and Loading

### Commentary

The substantive rewrite of the parking section is a Phase 2 task for 2021. For this draft, this section carries forward the current parking standards, reformatted to match the new LUC. All references to specific use types have been updated to reflect the changes in language from Installment 2: Districts and Uses. All references to “within [and] outside of the GMAs” have been updated to reference the applicable character areas.

This draft introduces new road surface requirements based on character area. This is intended to address a common challenge to development and reduce the number of waivers requested in rural areas.

Key topics to address in Phase 2 include the following:

- Adding alternative compliance standards for single-family and duplex dwellings to support housing attainability;
- Revisit the current minimum off-street parking requirements and update standards for new uses as necessary;
- Update parking space and parking lot requirements to ensure compliance with ADA requirements;
- Consider additional context-specific standards (e.g., removing compact space standards in rural areas); and
- Consider electric vehicle charging/parking standards

### 4.6.1. Applicability

The standards of this section shall apply to all development that meets the applicability thresholds established in §4.2, *Applicability*.

### 4.6.2. Single-Family Detached and Duplex Dwellings

#### A. General

Off-road parking for single-family detached and duplex dwellings shall be designed to:

1. Provide an adequate number of parking spaces.
2. Minimize conflicts with traffic on adjacent roadways.

#### B. Development Standards

1. Single-family detached and duplex dwellings shall provide a total of two off-road parking spaces per dwelling unit.
2. Access to off-road parking shall comply with the Rural Area Road Standards and the Urban Area Street Standards included in the technical supplement to this code, including but not limited to the following:
  - a. Obtaining an access permit; and
  - b. Limiting the number and spacing of accesses based on the functional classification of the roadway.

#### C. Construction Standards in the Urban Districts and GMAs

When an access to off-road parking spaces is adjacent to a paved road in the Urban districts and GMAs, the access shall be paved with asphalt, concrete or similar material from the edge of the roadway to the right-of-way line for the roadway.

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### 4.6.3. Multifamily Residential and Nonresidential Development

#### A. General

Off-road parking for multifamily residential and nonresidential developments shall be designed to:

1. Provide for safe and convenient movement of vehicles, bicycles and pedestrians to and from the site and through the site;
2. Efficiently provide an adequate number of parking spaces for the site; and
3. Minimize the interference of drive-in facilities and loading zones with access and circulation within the site.

#### B. Development Standards

##### 1. Access

- a. Parking areas shall be designed with clearly defined and unobstructed points of ingress and egress rather than continuous access from an adjacent roadway. No parking space or lot will be permitted that would require a vehicle to back into the roadway to exit the space or lot.
- b. Entrances and exits to the parking lot shall be sited to minimize disruption to traffic flows on the access road. When a parking lot is adjacent to both an arterial road and a road of lower functional classification (such as a collector), access shall be from the lower classification road to avoid interfering with the primary function of the arterial road, which is to move traffic rather than provide access.
- c. When entrances and exits shall be located off higher classification roads, they shall be sited to minimize safety and operational problems and to preserve the traffic-carrying capacity of the road. Speed change lanes or auxiliary lanes shall be provided as outlined in Appendix F of the Rural Area Road Standards or if required by the county engineer. Whenever possible, access points on higher classification roads shall be separated by the distances described in Chapter 10 or the Rural Area Road Standards.
- d. Entrances and exits to the parking lot shall also be sited to minimize conflicts within the parking lot and encourage efficient circulation patterns.
- e. In cases where there are adjacent and compatible land uses, parking areas shall be designed with circulation between the uses in mind, providing internal connections between the parking areas for the adjacent uses.
- f. Within the Urban districts and GMAs, all access points shall meet the requirements of Chapter 9 of the Urban Area Street Standards.
- g. Within the Conservation and Agriculture, Rural, and Mixed Center districts, all access points shall meet the requirements of Chapter 10 of the Rural Area Road Standards.
- h. All proposed parking areas shall have an access road between the access point off the public road system to the parking area that meets, at a minimum, the design and construction standards for private local access roads found in Appendix G of the Rural Area Road Standards. Private local access road surfacing requirements are discussed in §4.6.3.C.1.

##### 2. Spaces Required

- a. An adequate number of parking spaces shall be provided for multiple-family, manufacturing, business, institutional, recreational or other nonresidential uses to

reasonably serve the needs of the property owners, employees and customers and to minimize negative impacts on surrounding properties. The following table provides guidelines for the number of parking spaces for various uses. The number of parking spaces provided for a particular use may be varied from these guidelines, provided the applicant submits a description of the type of business, number of employees, number of customers, distribution of customers over time and any other information necessary to support a different number to the county engineer for approval.

- b. Off-road parking spaces may be provided in areas designated to jointly serve two or more buildings or uses provided the total number of parking spaces provided is not less than that required for the total combined number of buildings or uses.
- c. No part of an off-road parking space required for any building or use for the purpose of complying with the provisions of this section can be included as part of an off-road parking space similarly required for another building or use. However, the county engineer may approve a shared parking plan in cases where there is sufficient evidence to clearly show that demands for parking for adjacent uses justify a shared parking arrangement as practical and appropriate.
- d. No part of an off-road parking space required for any building or use under this section can be converted to any use other than parking unless additional parking space is provided to replace converted parking space or meet the requirements of any use for which the parking space is converted.
- e. In lieu of locating parking spaces required by this section on the lot that generates the parking requirements, parking spaces may be provided on any lot or premises owned by the owner of the parking generator within 300 feet of the property generating the parking requirements for any business, commercial or industrial use. The owner of the off-site parking spaces will be required to sign and record a covenant that applies to the land where the off-site parking spaces are located. The covenant will restrict the use of the off-site parking spaces so they are available for as long as the parking generator exists. The covenant shall be enforceable by the county.

**Commentary**

This draft parking table is organized to match the new use table developed in Installment. Many of the uses in that table are new and so do not yet have parking standards associated with them; these appear with blanks in the table below.

Where uses have been renamed or consolidated, the current use type from Table 8.6.3(B).2.1 is included in parentheses or italicized for reference. Certain use types from the current parking table cover a range of uses; for example, “retail business and commercial uses” and “industrial or manufacturing activities.” For the purposes of this draft, the associated standards have been applied to all uses in the commercial and industrial use categories except campgrounds and recreational vehicle parks.

<b>Table 4-4: Minimum Off-Street Vehicle Parking Requirements</b>	
<b>Use</b>	<b>Number of Spaces Required</b>
<b>Agricultural Uses</b>	
Agricultural Operation	
<b>Agricultural Cultivation</b>	
Community Garden	
Forestry	

<b>Table 4-4: Minimum Off-Street Vehicle Parking Requirements</b>	
<b>Use</b>	<b>Number of Spaces Required</b>
Nursery	
	Retail
	Wholesale
Tree Farm	
	Retail
	Wholesale
<b>Agricultural Support and Services</b>	
Agricultural Equipment Repair & Sales	
Agricultural Labor Housing	
Custom Meat or Poultry Processing Facility	
Livestock Auction	
Packing Facility	
<b>Animal Agriculture</b>	
Commercial Feedlot or Dairy	
Equestrian Operation	
	Large
	Small
Poultry & Egg Production	
	Small
	Large
<b>Residential Uses</b>	
<b>Household Living</b>	
Dwelling, Cabin	
Dwelling, Co-Housing	
Dwelling, Duplex	Two spaces for each dwelling unit
Dwelling, Live/Work	
Dwelling, Multifamily	One space for each one- or two-bedroom unit Two spaces for each unit with more than two bedrooms
Dwelling, Single-Family Attached	
Dwelling, Single-Family Detached	Two spaces for each dwelling unit
Dwelling, Triplex or Fourplex	
Manufactured Home	
Manufactured Housing Park	
	Medium-Density
	High Density
Modular Home	
<b>Group Living</b>	
Assisted Living Facility ( <i>Nursing home</i> )	One space for every two beds plus five additional spaces for every 25 beds
Community Residential Home	
Congregate Residence	
Group Home	
	Group Home for Aged
	Group Home for Persons W/ Behavioral or Mental Health Disorders

<b>Table 4-4: Minimum Off-Street Vehicle Parking Requirements</b>	
<b>Use</b>	<b>Number of Spaces Required</b>
<b>Public, Civic &amp; Institutional Uses</b>	
<b>Community &amp; Cultural Facilities</b>	
Assembly	
Indoor only	<i>Theaters, auditoriums, or other places of assembly:</i> One space for every three seats in the principal place of assembly
With outdoor area	<i>Churches:</i> One space for every three seats in the principal place of assembly
Cemetery	
With Funeral Home or Crematorium	
Crematorium	
Cultural Institution	
Day Care Center ( <i>Preschool nurseries or child care centers</i> )	One parking space for each 450 square feet of floor area
Funeral Home	
With Crematorium	
Prison or Detention Center	
<b>Educational Facilities</b>	
School, Nonpublic	<i>Elementary through junior high schools:</i> Two spaces for each classroom or one space for each three seats in the auditorium or principal place of assembly, whichever is greater <i>Senior high schools:</i> Ten spaces per classroom or one space for each three seats in the auditorium or principal place of assembly, whichever is greater
School, Public	<i>Colleges or universities:</i> One space for each employee plus one space for every five students or one space for each three seats in the auditorium or principal place of assembly, whichever is greater
<b>Healthcare Facilities</b>	
Health Services	<i>Medical laboratories:</i> One space for every 450 square feet of gross floor area <i>Health care service facility:</i> One space for each examination or treatment room, plus one space for every two employees or health care providers
Hospital	Two parking spaces per bed
Medical or Dental Clinic	One space for every 200 square feet of gross floor area
Rehabilitation Facility	
<b>Parks and Open Lands</b>	
Natural Resources & Wildlife Area	

**Table 4-4: Minimum Off-Street Vehicle Parking Requirements**

Use	Number of Spaces Required
Park or Playground	
Regional Open Space & Trails	
Reservoir Park	
Urban Open Space & Trail	
<b>Commercial Uses</b>	
<b>Agriculture &amp; Animal Uses</b>	
Garden Supply Center	One space for every 200 square feet of gross floor area
Greenhouse or Nursery	One space for every 200 square feet of gross floor area
Kennel, Commercial	
Indoor Only	One space for every 200 square feet of gross floor area
Outdoor Animal Use Area	
Pet Animal Service Facility	One space for every 200 square feet of gross floor area
Veterinary Clinic or Hospital, Livestock (Small animal hospitals and clinics)	
Indoor Only ≤ 5,000 SF or Outdoor Animal Use Area ≤ 1,000 SF	One space for every 300 square feet of gross floor area
Indoor Only > 5,000 SF or Outdoor Animal Use Area >1,000 SF	
Veterinary Clinic or Hospital, Pet Animal (Small animal hospitals and clinics)	
Indoor Only ≤ 2,500 SF or Outdoor Animal Use Area ≤ 200 SF	One space for every 300 square feet of gross floor area
Indoor Only > 2,500 SF and Outdoor Animal Use Area < 200 SF	
Outdoor Animal Use Area >200 SF	
<b>Food &amp; Beverage Services</b>	
	<u>Bar or tavern:</u> One space for every 50 feet of gross floor area
	<u>Nightclubs:</u> One space for every four people of maximum building capacity, plus spaces for every three employees on the maximum shift
	<u>Food and beverage served for consumption within a building or accessory patio area:</u> One space per 100 square feet of gross floor area, and one space per 200 square feet of gross area of accessory patio
Microbrewery, Cidery, Winery, Meadery, or Distillery	
	<u>Drive-in or fast food restaurants:</u> One space per 150 square feet of gross floor area
	<u>Food and beverage served for consumption within a building or accessory patio area:</u> One space per 100 square feet of gross floor area, and one space per 200 square feet of gross area of accessory patio
Restaurant	

<b>Table 4-4: Minimum Off-Street Vehicle Parking Requirements</b>	
<b>Use</b>	<b>Number of Spaces Required</b>
	<u>Drive-in or fast food restaurants:</u> One space per 150 square feet of gross floor area
<b>Lodging Facilities</b>	
Bed & Breakfast	
	≤ Ten Guests Two spaces plus one space for each bedroom used for accommodation
	> Ten Guests
Boarding or Rooming House	One space per unit plus two spaces for every three employees on site at the maximum shift
Hotel or Motel	One space per unit plus two spaces for every three employees on site at the maximum shift
Resort Lodge or Resort Cottages	One space for every 200 square feet of gross floor area
Short-term Rental	
	≤ Ten Occupants
	> Ten Occupants
<b>Marijuana</b>	
Medical Marijuana-infused Products Manufacturer	
Medical Marijuana Center	
Medical Marijuana Optional Premises Cultivation Operation	
Private Marijuana Clubs	
Retail Marijuana Cultivation Facility	
Retail Marijuana Product Manufacturing Facility	One space for every 200 square feet of gross floor area
Retail Marijuana Store	
Retail Marijuana Testing Facility	
<b>Office, Business &amp; Professional Services</b>	
Financial Institution ( <i>Banks, savings and loan and finance companies</i> )	One space for every 250 square feet
	<u>Administrative, insurance, and research facilities:</u> One space for every 250 square feet of gross floor area
Professional Office	<u>Professional office:</u> One space for every 200 square feet of gross floor area
<b>Personal Services</b>	
Instructional Facility	One space for every 200 square feet of gross floor area
Personal Service	One space for every 200 square feet of gross floor area
<b>Recreation &amp; Entertainment</b>	
Campground	
Membership Club or Clubhouse	One space for every 300 square feet of gross floor area

**Table 4-4: Minimum Off-Street Vehicle Parking Requirements**

Use	Number of Spaces Required
Rafting Business	One space for every 200 square feet of gross floor area
Recreation Facility, Indoor	<u>Place of amusement or recreation:</u> One space for every 200 square feet of gross floor area. If the facility is primarily without structures, spaces are determined by the type of area and the maximum number of people to be accommodated
	<u>Dance clubs or dance halls:</u> One space for every 100 square feet of gross floor area
Recreation Facility, Outdoor	One space for every 200 square feet of gross floor area
Recreational Vehicle Park	
Riding Stable	One space for every 200 square feet of gross floor area
Seasonal Camp	One space for every 200 square feet of gross floor area
Shooting Range	One space for every 200 square feet of gross floor area
<b>Retail Sales</b> ( <i>Retail business and commercial uses</i> )	
Building Material & Supply Store	One space for every 200 square feet of gross floor area
Fireworks Sales, Permanent	One space for every 200 square feet of gross floor area
Flea Market	One space for every 200 square feet of gross floor area
	With Outdoor Activity
General Retail	
	≤ 10,000 SF
	10,000 to 25,000 SF
	> 25,000 SF
Outdoor Display and Sales	One space for every 200 square feet of gross floor area
<b>Transportation</b>	
Airport	
Fleet Services	
Helipad	
Parking Lot or Garage	
Transit Terminal or Station	
Transportation Depot	
<b>Vehicles and Equipment</b>	
Truck Stop	One space for every 200 square feet of gross floor area
Vehicle Fuel Sales ( <i>Convenience store</i> )	One space for every 200 square feet of gross floor area

<b>Table 4-4: Minimum Off-Street Vehicle Parking Requirements</b>	
<b>Use</b>	<b>Number of Spaces Required</b>
Vehicle Repair, Major ( <i>Motor vehicle sales and service</i> )	One space for every 450 square feet of gross floor area
Vehicle Repair, Minor ( <i>Motor vehicle sales and service</i> )	One space for every 450 square feet of gross floor area
Vehicle Sales & Leasing	One space for every 450 square feet of gross floor area
Vehicle Wash	One space for every 200 square feet of gross floor area
<b>Adult Uses</b>	
All	One space for every 200 square feet of gross floor area
<b>Industrial Uses</b>	
<b>Manufacturing &amp; Processing</b> ( <i>Industrial or manufacturing activities</i> )	
Hazardous Materials Storage and/or Processing	One space for every 350 square feet of gross floor area or one space for every two employees, whichever is greater
Junkyard	One space for every 350 square feet of gross floor area or one space for every two employees, whichever is greater
Landfill	One space for every 350 square feet of gross floor area or one space for every two employees, whichever is greater
Manufacturing, Light	One space for every 350 square feet of gross floor area or one space for every two employees, whichever is greater
Manufacturing, Heavy	One space for every 350 square feet of gross floor area or one space for every two employees, whichever is greater
Mining	One space for every 350 square feet of gross floor area or one space for every two employees, whichever is greater
Oil & Gas Drilling and Production	One space for every 350 square feet of gross floor area or one space for every two employees, whichever is greater
Recycling Facility	One space for every 350 square feet of gross floor area or one space for every two employees, whichever is greater
Sawmill	One space for every 350 square feet of gross floor area or one space for every two employees, whichever is greater
Trade Use	One space for every 350 square feet of gross floor area or one space for every two employees, whichever is greater
Treatment Plant	
Utility Substation	
Water Storage Facility	
<b>Storage &amp; Warehousing</b>	

**Table 4-4: Minimum Off-Street Vehicle Parking Requirements**

Use	Number of Spaces Required
Storage, Enclosed	One space for every 350 square feet of gross floor area or one space for every two employees, whichever is greater
Storage, Outdoor	One space for every 350 square feet of gross floor area or one space for every two employees, whichever is greater
Warehousing & Wholesale Facility	One space for every 200 square feet of building office area, plus one space per 1,000 square feet of additional gross floor area
<b>Public &amp; Semi-Public Utility Uses</b>	
Power Plant	
Radio & Television Transmitters	
Small Solar Energy Facility, Building-Mounted	
Small Solar Energy Facility, Ground-Mounted	
Small Wind Energy Facility	
Wireless Communication Facilities	
Alternative Tower Structure (concealed)	
≤ 40 feet high	
≤ 60 feet high	
Attached Facility on Existing Structure	
Small Cell Facility	
Tower (non-concealed)	
≤ 60 feet high	
61-80 feet high	
81-100 feet high	
101- 120 feet high	
> 120 feet high	
<b>Accessory Uses</b>	
Agricultural Operation, Accessory	
Agritourism Enterprise	
Large	
Small	
Apiary	
Backyard Chickens	
Farm Stand	
Horse Keeping	
Pet Animals	
Personal Horses and Livestock	
Value-Added Ag Processing	
Small	
Medium	
Large	
Accessory Living Area	
Caretaker Dwelling Unit	
Extended Family Dwelling	

Table 4-4: Minimum Off-Street Vehicle Parking Requirements	
Use	Number of Spaces Required
Farmstead Accessory Dwelling	
Child/Elderly Care, Home	
Landing Strip or Helipad, Commercial	
Landing Strip or Helipad, Private	
Outdoor Display and Sales	
Outdoor Seating Area or Drive-Through Within 300 Feet of a Residential Zoning District	
Home Occupations	
	Limited
	Large
Rural Occupations	
	Limited
	Large
Storage Buildings and Garages	
Outside Storage of Vehicles	
Accessory Outdoor Commercial Storage	
Wind Generator	
Solar Energy System	
Temporary Uses	
Agritourism Enterprise, Temporary	
Christmas Tree Stands	
Temporary Storage for Construction Projects	
Fireworks Stand	
Manufactured Home	
Temporary Offices	
All other land uses not specified	Off-street parking and loading spaces shall be provided in accordance with estimates of need determined by the engineering department.

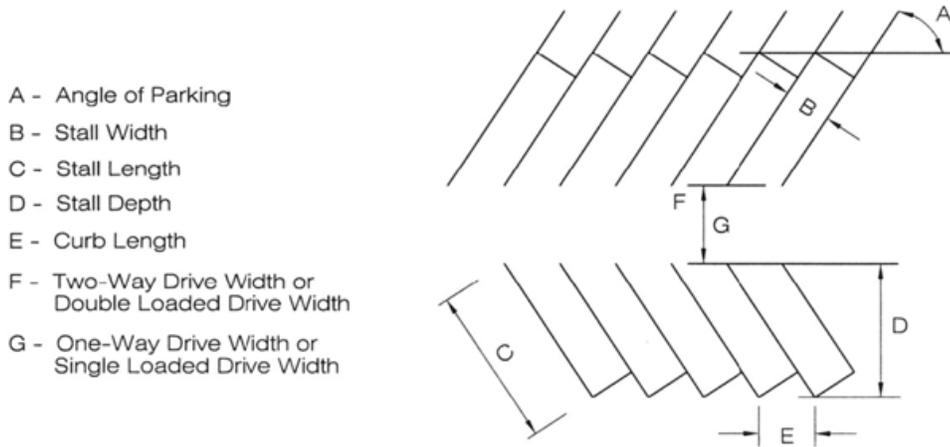
**3. Parking Lot Layout**

- a. In general, parking bays shall be perpendicular to the land use they serve. Circulation patterns around parking bays can be established using angled parking, signing or pavement marking.
- b. Standard parking spaces shall conform with the dimensions shown in Table 4-5: *Minimum Compact Vehicle Parking Space Calculations* and Table 4-6: *Minimum Normal Vehicle Parking Space Calculations*, below.
- c. Where more than 10 parking spaces are proposed or required, no more than 50 percent of the off-street parking can be located between the front facade of the principal building(s) and the abutting streets.

**4. Handicapped Parking Spaces**

- a. Each parking lot shall have at least the minimum number of handicapped spaces shown in Table 4-7: *Minimum Required Accessible Parking*, below.

- b. Parking spaces for the physically handicapped shall be 13 feet wide unless the space is parallel to a pedestrian walkway. All other dimensions for the space are the same as those for standard parking spaces.
- c. Handicapped parking spaces shall be located as close as possible to the nearest accessible building entrance, using the shortest-accessible travel route. When possible, the accessible route should not cross lanes for vehicular travel.
- d. Each handicapped parking space shall be clearly designated as being reserved for use by the physically handicapped with the appropriate signing and pavement parking.



**Table 4-5: Minimum Compact Vehicle Parking Space Calculations**

A	B [1]	C [2]	D	E	F	G
0 degrees	7.5	19	7.5	19	20	12
30 degrees	7.5	16.5	14.8	15	20	15
45 degrees	7.5	16.5	17	10.6	20	15
60 degrees	8	16	17.9	9.2	24	20
90 degrees	8	15	15	8	24	20

Table Notes:

- [1] For handicapped spaces, the width is 13 feet.
- [2] Stall length can be reduced by two feet when overhang is provided. However, one-sided loading stall width shall be increased by two feet for a 90-degree parking angle.

**Table 4-6: Minimum Normal Vehicle Parking Space Calculations**

A	B [1]	C [2]	D	E	F	G
0 degrees	8	23	8	23	20	12
30 degrees	8.5	20	17.4	17	20	15
45 degrees	8.5	20	20.2	12	20	15
60 degrees	9	19	21	10.4	24	20
90 degrees	9	19	19	9	24	20

Table Notes:

- [1] For handicapped spaces, the width is 13 feet.

**Table 4-6: Minimum Normal Vehicle Parking Space Calculations**

A	B [1]	C [2]	D	E	F	G
[2] Stall length can be reduced by two feet when overhang is provided. However, one-sided loading stall width shall be increased by two feet for a 90-degree parking angle.						

**Table 4-7: Minimum Required Accessible Parking**

Total Parking Spaces in Lot	Minimum Number of Required Accessible Spaces
Less than 25	1
26–50	2
51–75	3
76–100	4
101–150	5
151–200	6
201–300	7
301–400	8
401–500	9
501–1,000	2% of Total Spaces
More than 1,000	20 spaces plus one space for every 100 spaces or fraction thereof over 1,000

**5. Parking Lot Location**

- a. Parking lots shall be separated from road rights-of-way and from side and rear lot lines in accordance with the following:
  - i. Along an arterial road – 15 feet
  - ii. Along a nonarterial road – 10 feet
  - iii. Along a side or rear lot line – 8 feet
- b. Parking lot setbacks for rear and side lot lines may be waived for buildings or uses with shared parking facilities.

**6. Pedestrian Facilities**

- a. Parking lots shall be designed to minimize conflicts between vehicles, bicycles and pedestrians. Pedestrian routes that provide direct and convenient access through the site shall be identified and incorporated into the layout of the parking lot.
- b. To the extent practical, pedestrian improvements shall be provided within the parking lot that collect and channel pedestrians safely through the lot, minimizing the need to use driving aisles for walkways.
- c. Pedestrian routes shall be highly-visible, incorporating design elements, such as grade separation, special paving, pavement marking or other means to clearly delineate routes for both pedestrians and vehicles. Where pedestrian routes cross driving aisles, consideration shall be given to providing pedestrian refuge areas.
- d. Pedestrian drop-off areas shall be provided where needed, particularly for land uses serving children and the elderly. However, pedestrian drop-off areas shall not be sited in any public road rights-of-way.

**7. Bicycle Facilities**

- a. A minimum number of bicycle parking spaces shall be provided, equal in number to five percent of the total number of automobile parking spaces provided but not less than one space. However, this requirement for bicycle parking spaces may be reduced by the county engineer for sites that are unlikely to be accessed by bicycles.
- b. Bicycle parking spaces shall be located near building entrances but not so close as to interfere with pedestrian or automobile traffic near the entrances.
- c. Bicycle parking facilities shall be designed to allow the bicycle frame and both wheels to be securely locked to the parking structure, which shall be of permanent construction materials such as heavy-gauge tubular steel permanently attached to the pavement.

**8. Drive-Through Facilities**

- a. Drive-through facilities shall be designed to minimize interference with access and circulation on public roadways and within the parking lot. To accomplish this, drive-through facilities shall be located on separate routes off the primary circulation routes for vehicles, bicycles and pedestrians, such as the sides or rear of the parking lot.
- b. Drive-through facilities shall be clearly signed and marked to provide efficient flow through the facility.
- c. Drive-through facilities shall provide adequate stacking spaces for automobiles entering and exiting the facility.

**9. Loading Zones**

- a. Loading zones and service areas shall be designed to minimize interference with access and circulation on public roadways and within the parking lot. When possible, loading zones and service areas shall be located on separate routes off primary circulation routes for vehicles, bicycles and pedestrians, such as at the sides and rear of building.
- b. Accesses to parking lots that will also be used by delivery and service vehicles shall be designed to minimize conflicts with the movements of other vehicles, bicycles and pedestrians.

**C. Construction Standards**

**1. Parking Area and Private Local Access Road Surface Requirements in the Urban Districts and GMAs**

Multifamily and nonresidential parking areas and associated private local access roads in the Urban districts and GMAs shall be paved with asphalt or concrete, with the exception of the following situations where a gravel, all-weather surface is acceptable:

- a. Parking areas and private local access roads that take access off of unpaved roads.
- b. Seasonal or temporary private local access roads and parking areas.
- c. Loading and storage areas.
- d. Parking areas and associated private local access roads for agricultural uses listed in §3.2, *Tables of Allowed Uses*, except the following uses that are considered more

commercial in character and therefore require an asphalt or concrete surface meeting the requirements of §4.6.3.C.1, above.<sup>238</sup>

- i. Garden supply center;
- ii. Commercial kennel; and
- iii. Pet animal veterinary clinic or hospital.

**2. Parking Area Drainage Requirements**

Parking lots shall be designed to provide positive drainage and carry stormwater quickly and effectively away from the site. At points where stormwater flows are discharged from the site, water quality and erosion control measures may be required. Parking lots cannot be designed to serve as stormwater detention facilities.

**D. Landscaping**

All landscaping for off-road parking areas shall comply with landscaping requirements in §4.7.3.B, *Parking Lot Landscaping*.

## 4.7. Landscaping

**Commentary**

Generally, this section carries forward the current landscaping standards, but has been significantly reorganized to help improve the user-friendliness of this section. Feedback received from staff during the initial drafting of this section indicated substantive revisions should be a part of Phase 2 of the LUC update. For now, modest improvements are proposed including enhanced screening standards for mechanical equipment and refuse areas, a simpler approach to landscape buffers, and consolidation of the fencing standards. Buffering standards are relocated into the following section on Adjacency and Buffering.

All standards referring to applicability within and outside of GMAs have been updated to reference the relevant character areas and zoning districts. There are two technical supplementary documents mentioned in this section: the Larimer County Landscaping Guide and the Larimer County Plant Lists. These documents should be reviewed for accuracy and references to the documents removed or revised as necessary.

As part of Phase 2 of the LUC update, these standards will be reviewed for more substantive edits including the following:

- Context-specific landscaping requirements based on location, availability of water and other site conditions
- Minimum total landscaped area requirements within the Urban districts and GMAs
- Buffering requirements adapted for the new character areas, especially agriculture
- Enhanced restoration, enforcement, and tree protection standards as recommended by the Natural Resources Department
- Context-specific fencing and wall requirements to address questions such as: Should there be limitations on fence materials (i.e. chainlink) in the heavily agricultural areas? Should the industrial/commercial enterprise uses in the rural character areas be exempt from the nonresidential fencing standards?

<sup>238</sup> If necessary, the uses listed will be updated at the time of the consolidated draft.

**4.7.1. Purpose<sup>239</sup>**

The purpose of this section is to protect the aesthetic, economic, recreational, and environmental resources of Larimer County with landscape standards that:

**Larimer County Comprehensive Plan says...**

*“Create standards to ensure compatibility between land uses to address potential conflicts (i.e. buffering).” (p. 40)*

1. Enhance the quality and appearance of new development in public or private areas.
2. Mitigate negative visual impacts between existing and proposed uses.
3. Promote the efficient use of water in landscaping through application of Xeriscape™ water-wise design techniques to establish procedures for landscape design, installation, and maintenance.
4. Improve the environment by providing:
  - a. Shade to reduce the heat island effect generated by large paved areas or structures;
  - b. Air purification;
  - c. Wildlife habitat;
  - d. Wildfire-safe designs;
  - e. Erosion and stormwater control;
  - f. Controls on noxious weed and invasive/destructive plants;
  - g. For the use of native, adaptive and drought tolerant plants; and
  - h. For the preservation of existing, non-invasive, trees and shrubs.

**4.7.2. Applicability<sup>240</sup>**

**A. General Applicability**

Except as otherwise provided in this section, the standards of this section shall apply to all development that meets the compliance thresholds established in §4.2, *Applicability*.

**B. Exemptions**

Properties containing only single-family detached, cabin dwellings, or duplex dwellings are exempt from all parts of this section except for the following:

1. §4.8.1, *Buffering and Screening*; and
2. §4.8.2, *Fences and Walls*.

**C. Landscape Plan Requirements<sup>241</sup>**

**1. Landscape Plan**

All landscape plans shall meet the requirements listed in §16.1.4.A.1, *Landscaping Plan Requirements*.

**2. Alternative Compliance: Landscape Narrative<sup>242</sup>**

The Director may determine that a landscape narrative can substitute for a landscape plan. The landscape narrative shall be approved by the County prior to installation of

<sup>239</sup> Carried forward current Section 8.5.1. The following sentence was removed as the information is repeated in the definition of Xeriscape: “The term Xeriscape is a registered trademark of Denver Water, Denver, Colorado and is used with permission.”

<sup>240</sup> Carried forward current Section 8.5.2 with changes as noted and updated to reflect changes made in installments 1 and 2.

<sup>241</sup> From current Section 8.5.3.

<sup>242</sup> From current Section 8.5.3.B.

any landscape materials. The landscape narrative shall meet the requirements in §16.1.4.A.2, *Landscaping Narrative Requirements*.

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### 4.7.3. Minimum Landscaping Required

#### A. Site Area Landscaping<sup>243</sup>

1. Any part of a site not used for buildings, parking, driveways, walkways, utilities, or approved storage areas shall be retained in a natural state, reclaimed to its natural state, or landscaped pursuant to the standards in this section.
2. Plants, walls, fences, buffering and screening, etc., located on adjacent properties do not satisfy landscape requirements for proposed development. All required landscaping shall be located on the property it serves.<sup>244</sup>

#### B. Parking Lot Landscaping

##### 1. Purpose

The purpose of this section is to reduce the heat island effect produced by large expanses of pavement. Parking lot landscaping provides shade for vehicles and pedestrians and can buffer or screen views of parking lots from adjacent public areas, streets and development. It also adds an aesthetic element to nonresidential areas and enhances the overall appearance of the site.

##### 2. Where Required

All uses that require special review, administrative special review, and site plan review shall provide parking lot landscaping in compliance with this section.

##### 3. Standards

###### a. Parking Lot Perimeter

- i. At least 70 percent of the length of all sides of a parking lot shall be buffered or screened according to §4.8.1, *Buffering and Screening*. The Director may determine that the arrangement of existing structures, uses, or other factors make this amount of landscaping impractical or unnecessary.
- ii. Parking areas on side or rear lot lines shall contain at least one shade or ornamental tree for every 40 lineal feet of parking area along the lot line, within three to 10 feet of sidewalks. Trees shall be at least 25 feet from street intersections; at least 10 feet from fire hydrant access points, and at least 40 feet from streetlights. Where utility lines are present, trees shall be located outside of the utility easements.
- iii. Trees shall be arranged to allow for the maximum possible shading of parking areas.

###### b. Parking Lot Interior Design

- i. Parking lots with more than 100 spaces shall be designed to provide areas for pedestrian staging and snow storage.
- ii. Landscape areas in parking lots with a gravel or other permeable surface, may omit the raised bed requirement of Paragraph 4.7.3.B.3.c.iii.4) below with

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<sup>243</sup> New standard based on recommendation in the LUC Assessment.

<sup>244</sup> From current Section 8.5.11.A.10.

County approval. Landscape areas shall have clearly defined edges and designed in such a way to contain mulch within the landscape bed.

- iii. Landscape areas in parking lots without raised beds shall use wheel-stops to define the end of the parking area.
- iv. Plantings shall not interfere with driver vision or with vehicle and pedestrian circulation.

**c. Landscape Islands**

**i. Number of Parking Lot Landscape Islands Required**

Parking lots with more than 10 parking spaces shall provide a landscape island after every tenth contiguous parking space. The Director may allow landscape islands to be placed after every 12th space in areas that are not visible from the public right-of-way or designated for public use.

**ii. Size and Location Requirements**

- 1) Landscaped islands shall define parking lot entrances, the ends of all parking aisles and pedestrian staging areas to the maximum extent possible.
- 2) Landscape islands shall be at least nine feet by 19 feet in size. Landscape islands on the perimeter of pedestrian staging areas shall be a minimum of four feet in width per side.
- 3) Landscape islands in areas not visible from public roads, sidewalks or open space may be reduced in size to a minimum of 25 square feet.

**iii. Planting Requirements**

- 1) Landscape islands shall have a minimum of one shade tree and two shrubs. Shrubs are not required for landscape islands that are 25 square feet in size.
- 2) Organic mulch shall be used around plants per §4.7.4.A.2.
- 3) Ground covers, boulders and other decorative features may be used as optional decorative elements.
- 4) Landscape islands shall be contained within raised beds to minimize vehicle contact with planting areas. Where mulch is used in the islands, the interior level of the island shall be constructed lower than the required curb to retain mulch and water.
- 5) Landscape islands shall include an automated sprinkler system and be contained within raised beds to minimize vehicles from entering planting areas. Where mulch is used in the islands, the interior level of the island shall be constructed lower than the required curb to retain mulch and water.

**C. Building Perimeter Landscaping<sup>245</sup>**

**1. Purpose**

The purpose of this section is to visually connect structures to the landscape using trees, shrubs and groundcover. Building perimeter landscaping enhances the overall appearance of the development and integrates the site with adjacent land uses and/or the surrounding neighborhoods.

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<sup>245</sup> From current Section 8.5.10.

**2. Where Required**

All commercial, industrial and multi-family residential uses that require administrative special review, special review, and site plan review shall provide building perimeter landscaping per this section for structures included in the plan.

**3. Standards**

**a. Planting Requirements**

- i. At least 50 percent of the length of any facade visible from public streets, roads, sidewalks and open space areas shall have perimeter landscaping.
- ii. Plant beds shall be at least five feet wide, with the actual size determined by the quantity and choice of plant materials.
- iii. At least one tree and eight shrubs are required for every 500 square feet of building perimeter landscaping.
- iv. Trees shall be placed a minimum of ½ the diameter of the mature canopy from the structure. Trees placed in landscape islands for building perimeter parking may be used to satisfy this requirement.

**b. Landscape Islands**

- i. Parking along building perimeters with more than ten parking spaces shall provide landscape islands after every tenth contiguous parking space.
- ii. Landscape islands shall be at least nine feet by 19 feet in size. Landscape islands on the perimeter of pedestrian staging areas shall be a minimum of four feet in width per side.
- iii. Landscape islands not visible from public roads, sidewalks or open space may be reduced in size to a minimum of 25 square feet.
- iv. Landscape islands shall have a minimum of one ornamental tree and two shrubs. Shrubs are not required for landscape islands that are 25 square feet in size. Organic mulch shall be used around plants per the requirements in §4.7.4.A.2. Ground covers, boulders and other decorative features may be used as optional decorative elements.
- v. Landscape islands shall include an automated sprinkler system and be contained within raised beds to minimize vehicles from entering planting areas. Where mulch is used in the islands, the interior level of the island shall be constructed lower than the required curb to retain mulch and water.

**c. Sidewalks**

Sidewalks may be placed between the structure and the parking area landscaping. Cut-through areas are required to accommodate pedestrian movement.

**4. Exposed Foundations**

Exposed foundations not screened by landscaping shall be finished with a decorative veneer or use some other method to hide the exposed foundation.

**D. Street Landscaping<sup>246</sup>**

**1. Purpose**

The purpose of this section is to add an attractive element to a site that complements the overall neighborhood character. Street trees, shrubs, ornamental grasses, ground covers and flowers can enhance the pedestrian experience, provide an element of safety by separating pedestrians and vehicular traffic, reduce the heat island effect of pavement on surrounding structures and help to establish a neighborhood identity.

**2. Where Required**

The following types of uses shall provide street landscaping for all areas that adjoin public streets, roads or sidewalks:

- a. All nonresidential development, except those uses subject to the standards in §4.7.5, *Outdoor Display and Sales Lots*.
- b. All single- and multifamily residential development in the Urban districts and GMAs.
- c. All facilities that require site plan review, except §4.7.5, *Outdoor Display and Sales Lots*.

**3. Standards**

**a. Plant Beds**

Landscape areas along public streets or roads shall be at least five feet wide and run the length of the street or road between access points.

**b. Shade Trees**

**i. Conservation and Agriculture, Rural, and Mixed Center Districts**

Shade tree plantings are required where the site includes a sidewalk, trail, or parking area adjacent to the public street or road. Shade trees may be planted in a lineal fashion or in groups depending on the context of the site and the existing pattern of development. The required number of trees is one tree for every 40 feet of street frontage adjacent to the sidewalk, trail or parking area.

**ii. Urban Districts and GMAs**

One shade tree is required for every 40 feet of street frontage. Trees shall be planted at an average spacing of 20 to 40 feet on center and within three to ten feet of sidewalks. Trees shall be at least 25 feet from street intersections; at least ten feet from fire hydrant access points and at least 40 feet from streetlights. Where utility lines are present, trees shall be located outside of the utility easements.

**c. Sidewalks and Tree Grates**

- i. Cutouts for tree plantings in sidewalks shall include tree grates to provide for pedestrian safety and adequate water penetration.
- ii. Grates can vary in shape and size but shall cover at least 25 square feet and may be constructed of decorative iron, structural plastic or other sustainable materials.

<sup>246</sup> From current Section 8.5.7, reorganized for clarity.

- iii. Tree grates shall be set flush with the sidewalk and maintained at even levels and replaced when damaged or when necessary to accommodate trunk growth.
- iv. Trees shall be set so that the root flare remains exposed below the grate to provide proper air circulation for the health of the tree.

**d. Understory Landscaping**

Street landscaping for commercial, and industrial uses shall include groups of understory plantings, groundcovers, rock features, sculptures, etc., or a combination of these elements.<sup>247</sup> Understory landscape plants shall:

- i. Reach a minimum height of three feet at maturity, measured from the ground plain adjacent to the landscaped area.
- ii. Cover a minimum of 40 percent of the street frontage and may be divided into groups or run in a linear fashion.

**e. Right-of-Way Landscaping**

**i. Conservation and Agriculture, Rural, and Mixed Center Districts**

Only native or adaptive ornamental grasses and/or wildflowers shall be planted in the right-of-way. Trees, shrubs and irrigation systems and other elements shall be located outside of the right-of-way, unless approved by the County Engineer.

**ii. Urban Districts and GMAs**

Trees, shrubs, and other plant materials identified in the Larimer County Plant list are permitted in the right-of-way.<sup>248</sup>

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**4.7.4. General Landscaping Standards**

**A. Plant Materials**

**1. Generally**

All plant materials shall meet the American Association of Nurserymen specifications for Number 1 grade and comply with the quality standards of the Colorado Nursery Act, 1973 C.R.S. Title 35, Article 26, as amended.<sup>249</sup>

**2. Mulch<sup>250</sup>**

- a. Organic mulch is required below plants and shall extend a minimum of one foot from the drip line (outer edge of the plant) at time of install.
- b. Inorganic mulch, including rock, stone and synthetic material, may be used between plant groups.
- c. Mulch depth shall not exceed four inches.
- d. Shrub and flower beds may be lined with a weed barrier mesh (or similar material designed for weed control) to prevent noxious weeds.
- e. Edging shall be placed with sufficient rise to keep mulch out of turf, walks, drives and drainage features. Metal edging shall be of the "rolled edge" type. Concrete, wood, or similar material without sharp edges may also be used.

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<sup>247</sup> Removed the reference to business uses for consistency with new use table in Module 1.

<sup>248</sup> Added reference to Larimer County Plant List.

<sup>249</sup> From current Section 8.5.11.A.9.

<sup>250</sup> From current Section 8.5.11.A.8.

**3. Turf Areas<sup>251</sup>**

Turf areas shall be a drought-tolerant and/or adaptive sod or seed mix that is appropriate to the natural conditions found at the site. Descriptive information regarding the composition of a sod or seed mix shall be listed in the plant schedule and shown on the landscape plan.

**B. Location and Arrangement<sup>252</sup>**

1. Landscape areas shall be arranged to maximize their inter-connectivity with other landscaping on the site, to landscaping on adjacent sites and to natural areas. Plants shall not be spread thinly around the site in small isolated pockets of landscaping.
2. Plants that exceed six inches in mature height shall not be planted within three feet of fire hydrants.

**C. Minimum Plant Specifications<sup>253</sup>**

**1. Open Space, Common Areas, and Nonresidential Development Landscaping**

Plants used in open space or common areas, or in landscaped areas provided for all nonresidential development, shall meet the following size standards:

Table 4-8: Minimum Plant Size for Open Space, Common Areas and Nonresidential Development		
Landscaping Type	Minimum Size	Percent of Total Provided
Large or shade trees	2-inch caliper	90%
	3-inch caliper	10%
Small/ornamental trees	1½-inch caliper	90%
	2½-inch caliper	10%
Evergreen trees	6 feet	90%
	8 feet	10%
Shrubs	5-gallon container	100%
Vines, ground covers	1-gallon container or trays	100%

**2. Residential Street Landscaping**

Plants required along residential streets or roads shall meet the following size standards:

Table 4-9: Minimum Residential Street Planting Size	
Landscaping Type	Minimum Size
Large or shade trees	2-inch caliper
Small/ornamental trees	1 ½ -inch caliper
Evergreen trees	6 feet (height)
Shrubs	5-gallon
Vines, ground covers	1-gallon or trays

<sup>251</sup> From current Section 8.5.11.A.20.

<sup>252</sup> From current Section 8.5.11.A.13, 1., and 3 respectively.

<sup>253</sup> From current Section 8.5.11.A.14.

**D. Plant Variety<sup>254</sup>**

**1. Species Mix Standards**

Landscape plans shall follow the below species mix requirements to reduce disease susceptibility and the potential demise of a large portion of trees. The maximum percentage of any single species is based on the number of trees proposed. Related varieties or cultivars may substitute as long as they are not susceptible to the same diseases.

Table 4-10: Maximum Percentage of Any Species	
Number of Trees Proposed	Maximum %
1-19	20
20-59	15
60 or more	10

**2. Plant Variety**

- a. Landscaping plans shall use native, adaptive and drought tolerant plant varieties appropriate for USDA designated hardiness zones 5 or below as identified in the Larimer County Plant List.
- b. Plant varieties shall be selected based on the natural conditions at the site and grouped together based on water, sun and other similar needs for viability. Invasive, destructive and exotic plants shall not be used.

**E. Lighting<sup>255</sup>**

Any exterior lighting used in the landscape plans shall comply with §4.10, *Exterior Lighting*.

**F. Sight Triangles<sup>256</sup>**

The County Engineer will determine sight triangle locations and shall be shown on landscape plans provided for county review and approval. No plant materials, structures or signs higher than 30 inches above the top of the curb can be located within the designated sight triangles.

**G. Utility Easement Landscaping<sup>257</sup>**

- 1. Landscaping in utility easements shall be designed to comply with the utility company requirements. Other required landscaping necessary to meet the requirements of this code shall be located outside of utility easements.
- 2. Trees shall not be planted within four feet of any underground natural gas line or electric utility line.

**H. Water Features<sup>258</sup>**

Water features such as fountains, waterfalls and ponds shall comply with the following standards:

- 1. The water used shall be recycled through the feature;

<sup>254</sup> From current Section 8.5.11.A.15 and 16.

<sup>255</sup> From current Section 8.5.11.A.4.

<sup>256</sup> From current Section 8.5.11.A.19.

<sup>257</sup> From current Section 8.5.11.A.21.

<sup>258</sup> From current Section 8.5.11.A.23.

2. The feature shall be designed to prevent leakage;
3. Permanent provisions for maintenance of the feature shall be explained in a narrative that accompanies the landscape plan;
4. Evidence of the right to use the water for this purpose is required when the water will be obtained from an irrigation ditch or a well.

**I. Wildfire Prevention<sup>259</sup>**

Wildfire prevention requirements apply to all new development located in designated wildfire hazard areas. Prevention requirements are based on the "Wildfire Hazard Mitigation Requirements for New Construction" found in the International Building Code (as adopted or amended) on file with the Larimer County Building Department. Sites in designated wildfire hazard areas shall include defensible spaces in the design and use plant varieties appropriate for wildfire mitigation, as described in the Larimer County Landscaping Guide.

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**4.7.5. Outdoor Display and Sales Lots<sup>260</sup>**

Display and sales lot landscaping is intended to enhance the overall appearance of the site and integrate the development with adjacent land uses and the surrounding neighborhood.

**A. Where Required**

All display and sales lot uses including agricultural equipment sales, outdoor display and sales, and vehicle sales and leasing, that require administrative special review or site plan review shall provide parking lot landscaping per this section.

**B. Standards**

**1. Parking Areas**

Parking areas for customers and employees shall include landscape islands per §4.7.3.B.3.c, except for building perimeter parking areas that are subject to §4.7.3.C.3.b.

**2. Display Pads**

- a. Vehicles and/or merchandise exhibited at the perimeter of the sales lot shall be located on a paved display pad.
- b. Display pads may be located between required street landscape areas and shall not be larger than 400 square feet in size.
- c. Manufactured homes cannot be displayed on pads.

**3. Landscape Islands**

Display and sales lots where agricultural equipment, vehicles or manufactured homes are parked for sales purposes are not required to provide landscape islands unless otherwise determined by the County Commissioners.

**4. Maintenance, Service and Trash Areas**

Areas used for maintenance, the parking of vehicles before or after service, or waste storage and removal shall meet the standards set forth in §4.8.1, *Buffering and Screening*.

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<sup>259</sup> From current Section 8.5.11.A.25.

<sup>260</sup> Based on current Section 8.5.9.

**5. Planting Beds**

Landscape areas between outdoor display and sales lots and streets shall be at least five feet wide and run the length of the street with provisions made for access points.

**6. Security Fencing**

Chain link or similar security style fencing may be used to secure the sales lot only on sides adjacent to property not zoned or used for residential purposes, and in areas not adjacent to public roads, sidewalks or public/private open space areas.

**7. Street Landscaping**

Landscaping adjacent to public streets or roads shall include one shade tree for every 60 feet of street frontage. Trees shall be planted at an average spacing of 40 to 60 feet on center, within three to ten feet of existing and proposed sidewalks/roads. Trees shall be at least 25 feet from intersections; 10 feet from fire hydrant access points and 40 feet from streetlights. Where utility lines are present, trees shall be located outside of the utility easements.

**8. Understory Landscaping**

Outdoor display and sales lot landscape plans shall include understory plantings for at least 50 percent of the area adjacent to public street or road. 80 percent of these plants shall be of varieties that reach a mature height of at least three feet.

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**4.7.6. Installation and Maintenance<sup>261</sup>**

**A. Landscape Installation**

**1. Generally**

- a. Plants shall be professionally installed in compliance with planting details and notes contained in the Larimer County Landscaping Guide or otherwise shown on the approved landscape plan.<sup>262</sup>
- b. Plants shall be installed where shown on the approved landscape plan. Plants shall be installed to allow for maximum growth in height and shape without the need for excessive pruning to maintain the health of the plant.

**2. Nonresidential Landscaping**

Nonresidential landscaping shall be installed before the issuance of any certificate of occupancy. A temporary certificate of occupancy may be issued.

**3. Residential Landscaping**

Residential landscaping shall be installed no later than three months following the issuance of the certificate of occupancy for each lot in front of which the landscaping is required. If seasonal conditions prohibit plant installation, it shall be done no later than June 15 of the following year.

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<sup>261</sup> Carried forward all installation and maintenance requirements from current Section 8.5.11, organized for clarity.

<sup>262</sup> Updated the reference to the "Standard Requirements for Landscape Plans."

**4. Open Space and Entry Feature Landscaping**

Installation of open space and entry feature landscaping shall occur at the start of the warranty period, or, if seasonal conditions prohibit planting, installation shall occur no later than May 31 of the following year.

**5. Major Design Changes**

Major changes require staff review and approval of a revised landscape plan prior to installation. Major changes include the following:

- a. The removal, relocation or reduction in size of planted beds;
- b. The replacement of approved plant selections that do not provide the same effect as the original in species and form; or
- c. The removal, relocation and replacement of hardscape elements.

**6. Minor Design Changes**

Minor changes do not require submittal of a new plan, but a written description of all minor changes shall be provided for staff approval prior to installation. Minor changes include the following:

- a. Small adjustments to the dimensions of planted beds with less than a ten percent reduction in size;
- b. Replacing plant species with selections from the same genus that provides a similar form and effect as the initial selection;
- c. Adjustments to the placement of hardscape elements including sidewalk or trail layouts;
- d. The placement of other elements such as gazebos, play sets, etc.

**7. Collateral**

Developer shall provide funding in the amount of 125 percent of the purchase and installation cost of landscaping, to include all elements needed for its installation and care, as shown on the approved landscape plan and described in an opinion of costs. For residential development, the homeowner's association shall retain control of the remaining funds following the two-year warrantee.

**B. Landscape Irrigation**

Automated irrigation systems are required for all areas where public water is available and shall meet the following standards:

- 1. A certified irrigation designer (CID) shall design the system.
- 2. Irrigation methods shall use a combination of pop-up, drip, spray or bubbler delivery as appropriate.
- 3. Turf areas shall have low-volume and low angle emitters.
- 4. Timing mechanisms shall be set to prevent activation between the hours of 9:00 a.m. and 7:00 p.m. and include a rain detection/shut-off device.
- 5. System flow rates for individual zones shall be set to provide the appropriate amount of irrigation for the specific plant varieties used in each zone.

**C. Maintenance**

**1. Generally**

- a. All elements that are unique to and part of the approved landscape plan shall be properly and continuously maintained, for as long as the use is in effect that required the landscaping.
- b. All plant materials shall be kept in a healthy condition.

**2. Plant Removal and Replacement**

- a. Dead plants shall be replaced as necessary.
- b. Diseased or insect/parasite-infested plants that cannot be effectively treated shall be replaced during the current growing season or at the start of the next growing season. The Director may grant an extension and/or require adequate financial assurance from the applicant to ensure replacement.
- c. Dead or dying landscape plants shall be replaced within one calendar year. Replacement is not required for trees that are diseased, damaged or considered invasive/nuisance species.

**3. Fences and Walls**

All fences shall be constructed in a professional manner and properly maintained.<sup>263</sup>

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**4.7.7. Tree Preservation and Protection<sup>264</sup>**

**A. Generally**

- 1. No cut or fill over four inches is allowed below the perimeter drip line of any protected tree, without evaluation by a qualified arborist or forester, and subsequent approval by the County in writing prior to digging.
- 2. No damaging attachments, wires, signs, or permits may be fastened to any protected tree at any time.

**B. Tree Protection During Construction**

- 1. Contractors shall not stockpile any construction materials or debris below the perimeter drip line of trees. This area shall be clearly designated on-site with temporary fencing or other similar material at least four feet in height. Large areas containing protected trees may be "ribboned off", rather than surrounding each tree with protective fencing.
- 2. Contractors shall not clean equipment below the perimeter drip line of any trees, or store any harmful cleaning materials in these areas.
- 3. Trees shall be wrapped with construction blankets and flagged if root zone is within the limits of disturbance.
- 4. Any additional required tree protections including signage and fencing will be specified by the Larimer County Department of Natural Resources staff.

**C. Utility Line, Irrigation Line, and Underground Fixture Installation**

The installation of utilities, irrigation lines or underground fixtures requiring excavation deeper than six inches shall be accomplished by boring under the root system of protected

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<sup>263</sup> From current Section 8.16.C.3.

<sup>264</sup> New section dedicated to Tree Preservation and Protection Standards. Carries forward Section 8.5.11.A.17. As a part of Phase 2, additional tree removal and preservation standards from the County's Natural Resources Department will be considered.

trees at a minimum depth of 24 inches. The auger distance is scaled from the tree's diameter, measured at six inches above ground level and based on the following schedule:

Table 4-11: Required Auger Distance	
Tree Diameter (inches)	Auger Distance (feet)
0-2	1
3-4	2
5-9	5
10-14	10
15-19	12
Over 19	15

**4.7.8. Irrigation Facilities<sup>265</sup>**

Irrigation facilities shall meet the standards set forth in §16.2.3, *Irrigation Facilities*.

**4.8. Adjacency and Buffering Standards**

**Commentary**

This section consolidates both existing and new material relating to areas that function as transitions between different types of land uses. The initial two sections are from the existing code and focus on buffering, screening, fencing, and walls. They will be substantively reviewed for updates in Phase 2. The final major section here is new and proposes new buffering in rural areas when new development is proposed adjacent to existing agricultural activities. It appeared in the prior draft as “agricultural site design” standards but is renamed and reworked in this draft.

**4.8.1. Buffering and Screening<sup>266</sup>**

**A. Purpose**

The purpose of this section is to enhance the visual relationships between uses and structures and mitigate undesirable impacts from proposed development on existing or allowed uses.

**B. Credits Toward Required Landscaping**

Any landscaping provided to meet buffering and screening standards shall be credited towards the overall landscaping requirements set forth in this §4.7, *Landscaping*.

**C. Landscape Buffers<sup>267</sup>**

**1. Where Required**

Landscape buffers are required in the following situations:

<sup>265</sup> Carries forward current Section 8.8. Consider relocating these standards outside of the LUC to the supplemental regulations or engineering standards.

<sup>266</sup> Consolidates current Sections 8.5.5. and 8.5.6 to better clarify the difference between landscaped buffers and screening. Removed separate “landscape screen” requirements and integrated standards into the landscape buffer standards. Additional screening standards added for refuse areas and mechanical and utility equipment.

<sup>267</sup> Current Section 8.5.5.A.1-5 and 8.5.6.A.

- a. When the proposed arrangement of uses, the design of buildings or other characteristics of development do not adequately mitigate visual compatibility issues, or negative impacts, that are reasonably anticipated to arise.
- b. When a proposed development occurs in the close proximity of existing land uses (or vacant land) of a less intense zoning classification.
- c. When a proposed multifamily or single-family residential development is in a close proximity to an existing nonresidential use, or an area with nonresidential zoning.
- d. When proposed mineral extraction operations will be visible from public roads, or other uses of a less intense zoning classification. All landscaping shall be installed during the initial extraction phase, unless the County Commissioners approves an alternate proposal. Stockpiles may be used as a buffer and shall be seeded with drought tolerant grasses to prevent erosion and provide for dust control.
- e. When an existing use is changed, expanded or enlarged in a way that increases visual impacts on other properties or rights-of-way.
- f. When a new residential development will have double frontage lots with one side against an arterial road.

**2. Standards<sup>268</sup>**

Landscape buffers shall meet the following standards:

- a. Landscape buffers shall include densely planted vegetation but may also include a combination of plants, fencing, walls, landforms, rock features, sculptures or other elements.
- b. Landscape buffers shall provide a year-round, semi-opaque separation between uses for the length of the buffer area.
- c. An opaque separation is required where a semi-opaque separation will not be sufficient to enhance the visual relationships between uses and structures or to mitigate undesirable impacts from proposed development on existing or allowed uses.<sup>269</sup> Any fences or walls used to achieve an opaque separation shall meet the requirements in §4.8.2.C .
- d. The height and depth of the plants and other elements shall be of sufficient mass to provide effective buffering for the use within the context of the site-specific conditions.

**D. Screening**

In addition to the standards in this section, fences and walls used for screening shall meet the requirements in §4.8.2, *Fences and Walls*.

**1. Refuse Areas<sup>270</sup>**

All refuse and refuse containers shall be screened from all public rights-of-way.

**a. Enclosures Required**

Refuse containers shall be located within an enclosure.

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<sup>268</sup> Current Section 8.5.5.B.1-3.

<sup>269</sup> Current Section 8.5.6.

<sup>270</sup> New.

**b. Location**

Refuse container enclosures shall be located at the rear of the property to the extent practicable and shall be sited to allow for easy vehicular access such that access does not require backing movements onto public rights-of-way, with the exception of alleys.

**c. Design and Materials**

Refuse container enclosures shall be of sufficient height to screen containers but shall not exceed eight feet in height unless screening a refuse container taller than eight feet. Such enclosures shall be visually compatible with materials used on the primary building. In no case shall enclosures consist of chain link or corrugated metal.

**d. Landscaping**

Landscaping shall be used to soften the appearance of the enclosure where such enclosure is located within a side yard or can be viewed from public rights-of-way.

**2. Mechanical and Utility Equipment<sup>271</sup>**

All mechanical and utility equipment including but not limited to air-conditioning, heating, water, propane, and fuel tanks, televisions antennas, satellite dishes, security apparatus, transformers, ground-mounted solar equipment and electric and gas meters shall be integrated into the building design, screened from public view or enclosed in a suitable accessory structure, pursuant to the following standards:

**a. Location**

- i. Ground-mounted mechanical and utility equipment shall be located outside of sight triangles in order to avoid obscuring vision at intersections.
- ii. Ground-mounted mechanical and utility equipment shall be located out of view of public rights-of-way, customer entrances, and other public areas.

**b. Design**

- i. Ground-mounted mechanical equipment located within view of customer entrances or public rights-of-way shall be integrated into the overall site design, the architectural design of the building, and screened from public view using one or a combination of the following:
  - 1) Decorative wall, fence or enclosure that is constructed of materials that are compatible with the overall architectural design of the development and of a height that is not less than the height of the equipment to be screened; or
  - 2) Landscaping that is of sufficient height at maturity and of opacity to effectively soften and screen the equipment, and that is integrated into the overall landscape plan.
- ii. Roof-mounted mechanical and utility equipment shall be an integral part of the building's overall architectural design and shall be screened from view to the extent practicable from public rights-of-way, residential land uses, public parking areas, and/or adjacent properties using parapet walls or other means of

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<sup>271</sup> New.

screening. When reviewing the type and amount of screening, the Director shall consider the following:

- 1) The proximity of the development to surrounding residential land uses and the visual impact that roof-mounted equipment may have upon those surrounding residential land uses.
  - 2) The number and size of roof-mounted equipment. The greater the number and/or size, the more screening may be warranted.
- iii. Roof-mounted equipment shall maintain a color and finish that are compatible with the primary building façade.

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#### 4.8.2. Fences and Walls<sup>272</sup>

##### A. Purpose

This section is intended to provide uniform, minimum technical standards for fences and walls including those used as elements in a landscape plan for buffering and screening purposes.

##### B. Standards for All Fences and Walls

###### 1. Height

- a. The height of all fences other than agricultural fences will be measured from finished grade at the base of the fence except that depth-of-drainage channels under a fence shall not be included in the height measurement.<sup>273</sup>
- b. The height of all fences other than agricultural fences built on berms or retaining walls shall include the height of the berm or wall.<sup>274</sup>

###### 2. Fences for Nonresidential Uses<sup>275</sup>

Fences for individual nonresidential uses, excluding agricultural uses, shall meet the following criteria:

- a. Fences up to six feet high may be placed anywhere on the lot but are subject to sight triangle standards included in the Larimer County Road Standards.
- b. Security fencing may include three strands of wire on top of the fence that will not be included in the height measurement. The wire strands shall not extend beyond the property line.
- c. Fences within a fire district shall provide adequate access for fire authority staff to service the property.

###### 3. Development Perimeter Fencing<sup>276</sup>

Fences installed on the perimeter or any development, excluding agricultural fencing, shall meet the following criteria:

- a. If fencing is proposed around the perimeter of a development, any fencing adjacent to a county road or state or federal highway shall be compatible with existing land uses, topography and landscaping in the immediate vicinity.

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<sup>272</sup> Current Sections 8.5.13 and 8.16.

<sup>273</sup> Current Section 8.16.C.1.

<sup>274</sup> Current Section 8.16.C.2.

<sup>275</sup> From current Section 8.16.A.

<sup>276</sup> From current Section 8.16.B.

- b. Fences longer than 40 feet shall include one evergreen tree or three shrubs for each 40-foot section or portion thereof planted on the outer or public side of the fence.
- c. Fences longer than 100 feet shall provide variation by using changes in height, different material combinations, offset angles, articulation and/or plant materials.

**4. Wildlife Protection<sup>277</sup>**

Wildlife should be considered before the construction of any fence. All fences shall meet the wildlife fencing standards in §4.4.4.C.4.d. If a development is subject to a wildlife conservation plan, there may be additional fence regulations based on the plan.

**C. Additional Standards for Fences and Walls Included in Landscaping Plan**

**1. Height<sup>278</sup>**

- a. Fences used for screening shall be at least six feet high and not taller than eight feet from the finished grade. Fences above six feet require a building permit.
- b. All walls used for screening require a building permit and shall be no more than ten feet in height from the finished grade. Wall heights above ten feet require written approval by the Director.
- c. Fences or walls may be combined with landscape berms to achieve the desired height, if berms are sized appropriately to provide adequate support for the fence or wall. If the use or element to be screened remains visible at six feet off-site, additional screening may be required.
- d. Items may be stored in the setback areas but shall not be visible above the height of the fence or wall. At least 60 percent of the plants provided for buffering or screening along fences or walls shall be on the side facing the public right-of-way, open space, residential area or other uses being buffered or screened.

**2. Materials and Design**

**a. Articulation<sup>279</sup>**

- i. Fencing or walls used as a screen shall not have breaks in the run of fences or walls, unless breaks are needed to prevent wind damage. Where breaks are necessary, the placement of trees or shrubs shall conceal the view through the gaps.
- ii. Where fences are designed with vertical picket boards on the alternate sides of the horizontal rail, the design shall use plant materials or board widths sufficient to screen the view into the site between the pickets.
- iii. If the fence or wall exceeds 40 feet in length, the design shall include at least one tree and six shrubs for each 40-foot section. Four of the required shrubs shall be of a variety that reaches a mature height of three feet, and two of the required shrubs shall be of a variety that reaches a mature height of six feet.
- iv. Alternating 40-foot sections of fence and wall can be constructed within three feet of the property line, so long as they do not interfere with site triangle requirements or create safety concerns.

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<sup>277</sup> Current Section 8.16.D.

<sup>278</sup> From current Section 8.5.13.A.1

<sup>279</sup> From current Section 8.5.13.A.2-4.

**b. Design<sup>280</sup>**

Required fences and walls shall have a unifying theme and provide variation by using clearly visible changes in height or depth, different material combinations, offset angles or structural articulation and/or plant materials.

**c. Prohibited Finish Materials<sup>281</sup>**

Chain link fencing, with or without slats, shall not be used for screening or buffering, except as allowed by §4.7.5.B.6, *Security Fencing*.

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**4.8.3. Residential/Agricultural Buffer**

**Commentary**

This section introduces a proposed new buffer that would be required in rural areas when new development is proposed adjacent to existing agricultural activities. It appeared in the prior draft as part of the “agricultural site design” standards but is renamed and reworked in this draft.

**A. Purposes**

Residential/agricultural buffers are intended to provide space, or other physical separation, between new residential development and existing agricultural operations. Buffers are designed to create separation between new residential development and agricultural operations while protecting existing agricultural operations from nuisance complaints. Buffers also protect public health and safety by reducing noise, dust, odor, spraying, and other impacts that are normally associated with farming and ranching. Buffers can reduce residential and agricultural land use conflict by meeting the following purposes:

**1. Pesticide/Herbicide Use**

- a. Provides for a margin of safety for the public and sensitive non-target areas.
- b. Reduces the need for spray buffers or other governmental restrictions, which negatively impact agriculture.
- c. Helps maintain the feasibility of pesticide/herbicide use as a tool for agriculture.
- d. Reduces local neighbor conflict and complaints.

**2. Noise and Nighttime Lighting**

- a. Reduces the potential for nuisance from a variety of agricultural sources, such as bird frightening devices, pumps, heavy equipment, wind machines, etc.
- b. Reduces local neighbor conflict and complaints to governmental agencies.
- c. Reduces the disturbance from noise and light associated with night harvesting.

**3. Dust**

Creates distance or screening for dust to settle out before affecting homes or people.

**4. Trespass/Vandalism/Theft/Litter/Liability**

- a. Helps reduce the potential negative impact that people and pets can have on agricultural property.
- b. Helps reduce the impact that stray livestock can have on neighbor’s property.

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<sup>280</sup> Front current Section 8.5.13.A.5.

<sup>281</sup> From current Section 8.5.A.13.6.

**5. Agricultural Burning**

- a. Helps maintain agricultural burning as a rangeland management tool. Otherwise, burning may be prohibited or further regulated if dwellings are built too close to agricultural property.
- b. Protects the public health and safety.

**6. Beekeeping**

- a. Helps preserve the use of bees for honey production and pollination. Otherwise, beekeepers may be forced to move hive sets away from developed areas.
- b. Protects the public’s health and safety from bees searching for food and water.

**7. Erosion and Development Impacts**

- a. Reduces the sources of soil erosion in agricultural areas from development activities on adjacent lands.
- b. Reduces impacts on agriculture from flooding and siltation.

**B. Applicability**

- 1. The residential/agricultural buffer requirement shall apply to all new residential structures and lots located within or adjacent to an agricultural or conservation zoning district or use that are not part of the agricultural operation. A residential/agricultural buffer is not required for residential development that is part of an agricultural operation.
- 2. Where required, the buffer shall be placed and maintained on the residential lot (“buffer lot”).

**C. Residential/Agricultural Buffer Design**

Three types of buffer design may be acceptable to provide separation between residential and agricultural activities in Larimer County. The separation shall consist of one or more of the following: (1) a setback buffer through use of an increased setback requirement; (2) an existing vegetative, topographical, or other physical buffer that provides adequate separation of uses; and/or (3) a constructed buffer created by sufficient vegetative plantings, earthen berms or fences that provides adequate separation of uses. These buffers shall be designed or maintained as follows:

**1. Setback Buffer**

The minimum setback for a residence shall be 200 feet from all property lines adjoining an existing agricultural use. The buffer may be reduced to no less than 50 feet from the property line through special review approval by considering the following:

- a. The nature of the agricultural use and the potential for conflict between the agricultural use and the residential use due to noise, dust, odor, chemical drift, fire/smoke, etc.; and
- b. Whether or not: (1) there is an adequate existing buffer, as described below; (2) a sufficient constructed buffer is proposed, as described below; or (3) a combination of the two will be provided, that will achieve the buffer benefits described above.

**2. Adequate Existing Buffer**

An adequate existing buffer means the presence of physical features, such as topography, water bodies, trees, hedgerows or similar vegetation, sufficient to reduce

noise, spray drift and dust, diffuse light, and act as a physical separation to minimize conflict between non-agricultural and agricultural uses. These features shall be depicted on the submitted site plan.

**3. Constructed Buffer**

- a. Constructed buffers shall consist of a mix of trees, shrubs, berms, walls, and/or fences sufficient to reduce noise, spray drift and dust, diffuse light, and act as a physical separation to reduce conflict between non-agricultural and agricultural uses.
- b. All constructed buffers shall incorporate a vegetative screening component and may incorporate a solid, architectural, landscaped wall or fence.
- c. Constructed buffers shall be described on a landscape plan prepared by a professional landscape architect or landscape designer. The landscape plan shall either be incorporated into or accompany the site plan and shall include a profile view and plan view.

**D. Uses Permitted within the Agricultural Buffer**

The following uses and/or features are permitted within the agricultural buffer:

- 1. Landscaping,
- 2. Lawns and gardens,
- 3. Driveways,
- 4. Trails,
- 5. Drainage channels,
- 6. Stormwater retention ponds,
- 7. Natural areas such as creeks or drainage swales,
- 8. Utilities, or
- 9. Accessory structures not used for human or animal habitation.

**4.9. Site and Building Standards in Urban Areas**

**Commentary**

The current Larimer County Code has minimal building design standards, except for Section 8.18, Large Retail Development, that regulates the aesthetic character of proposed retail development. Understanding that building design standards may not be suitable countywide, this proposed new section would only apply to the Urban character area that includes zoning districts intended to be within or near GMAs. All standards are new unless otherwise noted. Once a more final version of this section is ready, we will prepare illustrations to supplement the text.

County officials generally have not wanted to regulate architecture/design in the past; generally, design details have been left up to developers and the market. However, there may be a role for looking at building design in some of the more urban-focused zoning districts introduced in the new code, especially the mixed-use districts. This draft takes a light touch in introducing this new type of standards. In addition, a goal is to develop County standards that generally fit with those of the municipalities to implement the Comprehensive Plan and to avoid staff having to know detailed provisions of multiple codes.

**4.9.1. Purpose**

This section is intended to promote high-quality building design and is intended to:

- A. Protect and enhance the visual interest, character, and quality of nonresidential and mixed-use areas; and
- B. Ensure compatibility between residential neighborhoods and adjacent commercial and mixed-use areas.

**Larimer County Comprehensive Plan says...**

*“Larimer County promotes urban-level development and annexation within Growth Management Areas.” (p.32)*

*“Implement urban development and Intergovernmental Agreements [with] similar urban design standards...so that lands may eventually be annexed as they become eligible.” (p.32)*

**4.9.2. Applicability**

**A. General Applicability**

The standards of this section shall apply to all development in the Urban districts and GMAs that meets the compliance thresholds established in §4.2, *Applicability*.

**B. Exemptions**

This section shall not apply to any development in the Conservation and Agriculture, Rural, or Mixed Center districts.

**C. Review Process**

- 1. Review for compliance with these standards shall occur at the time of site plan review, administrative special review, or special review. Where site plan, administrative, or special review is not required, review for compliance with these standards shall occur prior to the issuance of a building permit.
- 2. Interpretations as to applicability or design requirements contained within this section shall be the responsibility of the Director. Appeals of the Director’s interpretations shall be heard according to the process set forth in §6.7.2, *Appeals*.

**4.9.3. Design Standards**

**A. Building Orientation<sup>282</sup>**

Buildings shall be sited parallel to public rights-of-way with parking and any service functions located in side or rear yards and incorporated into the overall design theme of the building and the landscape to the maximum extent practicable.

**B. Building Massing<sup>283</sup>**

- 1. Building scale and massing shall respect the scale and massing of existing buildings along the block face.
- 2. Horizontal masses shall not exceed a height to width ratio of 1:3 without substantial variation in massing that includes a change in height and projecting or recessed elements.
- 3. Changes in mass shall be related to entrances, the integral structure and/or the organization of interior spaces and activities and not merely for cosmetic effect.

<sup>282</sup> New.

<sup>283</sup> B. and C. from Fort Collins Section 3.5.3(D).

**C. Building Articulation<sup>284</sup>**

1. Building facades shall include a repeating pattern that shall include at least two of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically:
  - a. Color change;
  - b. Texture change;
  - c. Material change;
  - d. Projections, recesses, and reveals; or
  - e. Other similar techniques.
2. Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three 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.<sup>285</sup>
3. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along at least 60 percent of their horizontal length.<sup>286</sup>

**D. Primary Entrance<sup>287</sup>**

1. Primary public entrances shall be clearly defined and articulated with architectural elements such as porches, columns, overhangs, awnings, or other comparable features.
2. For buildings with multiple tenant entries, each entrance shall be defined and articulated with architectural elements.
3. At least one main entrance of any nonresidential or mixed-use building shall face and open directly onto a connecting walkway with a pedestrian frontage.

**E. Roof Form<sup>288</sup>**

Buildings shall be designed to avoid continuous rooflines to reduce the scale of larger buildings. Roofs shall have no less than two of the following features:

1. Parapets concealing flat roofs and rooftop equipment, such as HVAC units, from public view. The average height of such parapets shall not exceed 15 percent of the height of the supporting wall, and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment.
2. Overhanging eaves, extending no less than three feet past the supporting walls.
3. 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 every one foot of horizontal run.

<sup>284</sup> Primarily based on Windsor Section 17-13-250. Fort Collins, Loveland, Wellington, and Berthoud maintain wall similar wall articulation standards.

<sup>285</sup> From current Section 8.18.2.A (Large Retail Development).

<sup>286</sup> From current Section 8.18.2.A. (Large Retail Development).

<sup>287</sup> Based on Loveland Section 18.04.05.04(F) and Fort Collins Section 3.5.3.(C)(1).

<sup>288</sup> These standards match the standards included in current Section 8.18.2.D, the Town of Windsor’s Large Retail Establishment standards and Fort Collins’ Mixed-Use, Institutional, and Commercial Building standards. Loveland also requires variation in roof form for most nonresidential and mixed-use buildings.

- 4. Three or more roof slope planes.

**F. Architectural Design<sup>289</sup>**

- 1. All sides of a building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear facades shall be prohibited.
- 2. Building design shall contribute to the unique characters of an area and/or development through building massing and scale, building materials, architectural elements, and colors. In the case of a multiple building development, each individual building shall include predominant characteristics shared by all buildings in the development.
- 3. Where there is no established or consistent neighborhood or area character, or where it is not desirable to reinforce the existing character, the proposed development shall be designed to establish a high-quality standard for future development.

## 4.10. Exterior Lighting

**Commentary**  
 This section is based on the standards from Section 8.15 of the current LUC. As recommended in the LUC Assessment, this section has been updated to expand and improve the current language to align with modern lighting ordinances as well as the regulations in the incorporated municipalities. Generally, the standards remain relatively simple, but have been reorganized for clarity.

This section begins with the purpose and applicability of the exterior lighting standards, establishing that all properties shall comply with this section regardless of if a lighting plan is required, followed by standards that apply to exterior lighting broadly, and ending with lighting standards that apply to specific land uses/areas of the County. The character area concept established in Installment 2: Districts and Uses is continued in this section with additional regulations applied to the zoning districts in the Urban character area.

Illustrations will be prepared to help explain important concepts in this section, including general glare/light trespass and what shielding/cutoff.

### 4.10.1. Purpose<sup>290</sup>

The purpose of this section is to encourage the wise use of exterior lighting and to provide enough light for a safe and comfortable nighttime environment. These standards implement the Comprehensive Plan goal to mitigate the negative effects of land uses that create high off-site impacts and minimize light pollution.

**Larimer County Comprehensive Plan says...**  
*“Identify and implement dark sky strategies in appropriate areas to minimize light pollution.”*  
 (p.37)

### 4.10.2. Applicability

**A. General<sup>291</sup>**

All exterior lighting in all zoning districts shall comply with the standards in this section unless exempted by paragraph (B), below or by any other provision of this LUC.

<sup>289</sup> Based on Fort Collins Section 3.5.3(E) and Loveland Section 18.04.05.04(H).

<sup>290</sup> Carried forward current Section 8.15.1.

<sup>291</sup> New standard to reinforce the regulations are applicable to all properties, not just new development. Paragraph C clarifies when a lighting plan is required.

**B. Exemptions**

The following types of exterior lighting are exempt from the requirements of this section, provided they shall not create glare to motorists or result in light trespass onto adjacent properties:

1. Emergency lighting;
2. Seasonal lighting;
3. Farm equipment lighting;<sup>292</sup> and
4. Special events that have been issued a special event permit.

**C. Lighting Plan Required<sup>293</sup>**

1. Unless expressly exempt by §4.10.2.B, a lighting plan is required for all development that meets the compliance thresholds established in §4.2, *Applicability*.
2. The lighting plan shall meet the requirements listed in §16.1.5.A.1, *Lighting Plan Requirements*.

**D. Alternative Compliance<sup>294</sup>**

Upon request of an applicant, the Director may approve an alternative lighting plan that may be substituted in whole or in part for a plan meeting the standards of this section. The Director’s decision can be appealed to the County Commissioners. Alternative lighting plans shall meet the requirements listed in §16.1.5.A.2, *Alternative Lighting Plan Requirements*.

**1. Review Criteria**

To approve an alternative plan, the Director shall find the plan:

- a. Accomplishes the purposes of this section as well as or better than a lighting plan that complies with this section;
- b. Protects natural areas from light intrusion;
- c. Enhances neighborhood continuity and connectivity;
- d. Fosters non-vehicular access; and
- e. Demonstrates innovative design and use of fixtures or other elements.

**4.10.3. General Lighting Standards**

**A. Prohibited Lighting Types**

1. Unshielded lights, lamps, or floodlights that produce glare and light trespass in excess of that allowed in Table 4-12: *Lighting Level Requirements*;
2. Flashing or revolving exterior lighting, except for standard agricultural equipment;
3. Site lighting that may be confused with warning, emergency or traffic signals; and
4. Mercury vapor and low pressure sodium sources.

**B. Shielding and Light Trespass**

1. Light sources shall be concealed or shielded with luminaires with cut-offs with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent properties.

[insert graphic (90 degree shielding) here]

<sup>292</sup> New standard to add flexibility for agricultural activities. Refer to new definition in §10.1.

<sup>293</sup> Specific submittal requirements ideally would be in administrative manual.

<sup>294</sup> Current Section 8.15.5 reorganized for clarity and consistency.

2. Light levels measured 20 feet beyond the property line of the development site (adjacent to residential uses or public rights-of-way) shall not exceed one-tenth foot-candle as a direct result of the on-site lighting.

[insert lighting trespass graphic]

3. Light fixtures used to illuminate flags, statues or any other objects mounted on a pole, pedestal or platform shall use a narrow cone beam or light that will not extend beyond the illuminated object.
4. For upward-directed architectural, landscape and decorative lighting, direct light emissions shall not be visible above the building line roof.
5. The use of exterior lighting shall be minimized in areas of important wildlife habitat. Lighting shall be designed so it does not spill over onto such habitat.<sup>295</sup>

**C. Lighting Output Levels<sup>296</sup>**

All project lighting used to illuminate buildings, parking lots, walkways, plazas or the landscape, with the exception of lighting for public streets shall comply with the following minimum and maximum outputs:

Table 4-12: Lighting Level Requirements		
Area	Minimum (footcandles)	Maximum (footcandles)
Building entries (nonresidential) <sup>297</sup>	1.0	10.0
Bicycle paths and pedestrian walkways		
Commercial and industrial areas	0.9	10.0
Residential areas	0.5	10.0
All other areas	0.6	10.0
Loading and unloading platforms	5.0	20.0
Parking areas	0.1	10.0
Playgrounds	5.0	10.0
Under-canopy areas	5.0	20.0

**D. Lighting Controls**

1. All site lighting, except low output (2,000 lumens or less) lighting, shall be equipped with an on-off switch.<sup>298</sup>
2. All exterior lighting not necessary for security purposes shall be reduced, activated by motion sensor devices or turned off during non-operating hours. Any illumination between 10:00 p.m. and sunrise shall be reduced to levels sufficient for security purposes only.<sup>299</sup>

<sup>295</sup> Carried forward current Section 8.15.4.E.

<sup>296</sup> Minimum and maximum footcandles carried forward unless otherwise noted. All “intermediate areas” removed from the table for clarity and “pedestrian stairways” removed as a separate area.

<sup>297</sup> Revised from “building surrounds” for clarity.

<sup>298</sup> Carried forward current Section 8.15.6.D and made applicable to all properties.

<sup>299</sup> New standard. Estes Valley, Fort Collins, and Loveland include similar standards on the hours of operation of exterior lighting.

**E. Light Fixtures<sup>300</sup>**

The style of light standards and fixtures should be consistent with the style and character of architecture proposed on the site.

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**4.10.4. Surface Parking Area Lighting<sup>301</sup>**

- A. All lighting for surface parking lots and upper uncovered decks of parking structures shall use full cut-off fixtures.
- B. Parking lot poles shall not exceed 20 feet in height.<sup>302</sup>

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**4.10.5. Under-Canopy Lighting<sup>303</sup>**

- A. Canopies shall be illuminated so that the total lighting output meets the requirements set forth in Table 4-12: Lighting Level Requirements
- B. All luminaires shall be mounted flush with or recessed from the lower surface of the canopy.

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**4.10.6. Additional Lighting Standards in the Urban Districts and GMAs<sup>304</sup>**

In addition to the standards in §4.10.3, *General Lighting Standards*, all development in the Urban districts and GMAs is subject to the standards below.

- A. Exposed L.E.D. (light emitting diode) lighting shall be limited to a maximum of 1,000 candela per square meter (nits).
- B. All lighting shall have a nominal correlated color temperature (CCT) of no greater than 3,000 degrees Kelvin.
- C. All street lighting shall be designed and constructed in accordance with the Urban Area Street Standards.

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**4.10.7. Installation and Maintenance<sup>305</sup>**

- A. Exterior lighting fixtures shall comply with the building code and other applicable codes as adopted by the County.
- B. Exterior lighting shall be maintained in good structural condition at all times.

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**4.11. Air Quality<sup>306</sup>**

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**4.11.1. Purpose**

The purpose of this section is to ensure that air quality impacts are addressed at the design phase of a development, which can significantly reduce air emissions over the life of a project.

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**4.11.2. Applicability**

The standards of this section shall apply to all development that meets the compliance thresholds established in §4.2, *Applicability*.

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<sup>300</sup> Carried forward current Section 8.15.6.B and made generally applicable to all properties.

<sup>301</sup> New.

<sup>302</sup> Most restrictive streetlight height allowed in the Urban Area Street Standards. The incorporated municipalities height limitations range from 15-37 feet depending on the zoning district/general character of the area.

<sup>303</sup> New.

<sup>304</sup> New standards. A. and B. are based on Fort Collins Section 3.2.4(D)(10) and (11).

<sup>305</sup> New.

<sup>306</sup> Current section 8.11. Minor organizational and formatting updates.

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**4.11.3. General**

- A. The County Planning and Health Department will review air quality mitigation plans and recommend they be accepted or rejected prior to the public hearing process.
- B. Developments shall comply with all county, state and federal air quality standards and shall reduce potential emissions where feasible.

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**4.11.4. Air Quality Management Plan**

- A. Applicants for developments involving more than 200 dwelling units, or more than 2,000 projected vehicle trips per day, shall submit an air quality mitigation plan addressing how air quality impacts will be minimized.
- B. The air quality management plan shall identify potential sources of air emissions, identify possible strategies for minimizing emissions and propose a plan for implementing those strategies. The strategies shall include those methods that are available, feasible and economically reasonable. Examples of mitigation strategies include providing transit stops; bike and walking paths; restricting wood or coal-burning fireplaces; paving roads; and collocating neighborhood-level retail services within developments.

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**4.11.5. Fugitive Dust During Construction**

- A. Land development activities release fugitive dust, a pollutant regulated by the Air Pollution Control Division of the Colorado Department of Public Health and Environment. Colorado’s air quality regulations require the control of dust emissions during all construction activities including land preparation such as excavating and grading for all residential, commercial and industrial development.
- B. State-level permits are required depending on the amount of land disturbed and the duration of the disturbance. For developments that will disturb over 25 acres of land and/or a duration of six months, Air Pollutant Emissions Notices and/or air permits shall be obtained from the Air Pollution Control Division of the Colorado Department of Public Health and Environment. Developments that are 25 acres or less and/or six months in duration may not be required to obtain state-level permits but control measures shall be implemented to minimize the release of fugitive dust from the site.
- C. Regardless of the size and duration, all land disturbances shall operate under a fugitive dust control plan.
- D. The County Health Department shall review and approve all fugitive dust control plans.

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**4.11.6. Compliance with Air Pollution Control Division Regulations During Operation**

- A. In Colorado, land uses with the potential to emit air pollutants above defined thresholds shall report those emissions and apply for a permit. The permit program is administered by the Air Pollution Control Division of the Colorado Department of Public Health and Environment.
- B. Developments that have emission sources regulated under the Colorado Air Quality Control Commission regulations shall submit the following documentation regarding control of air emissions:
  - 1. An Air Pollution Emissions Notice, prepared in accordance with state guidelines. This notice shall be submitted to the county and state and shall identify potential air emissions and appropriate control strategies.

## **Article 4.0: Development Standards**

4.11 Air Quality | 4.11.6 Compliance with Air Pollution Control Division Regulations During Operation

2. If applicable, a Colorado Air Emissions Permit. This permit shall be submitted prior to operating the facility

# Article 5.0 Subdivision Standards

## Commentary

The major elements of the subdivision standards being looked at for revision at this time are the conservation development and rural land use processes. These components are discussed in commentary later in this article. Beyond that, the Assessment Report did not call for significant changes in the county's subdivision standards, and they are carried forward here reformatted to match the new code but with few major changes.

The subdivision procedures were rewritten as part of the first installment of the code rewrite.

## 5.1. Site Layout for Land Divisions

### 5.1.1. Applicable Standards

- A. The standards in §§5.1 through 5.3 apply to all applications for land division.
- B. The standards in Article 4, *Development Standards*, are also applicable to the extent that preliminary plat includes the level of design detail required to apply the standard. Where more site or lot specific detail is required, compliance with a development standard can be shown in a later review process.

### 5.1.2. Land Division Requirements

- A. Development shall be designed to avoid, eliminate, or mitigate potential effects of natural hazards and other hazardous site conditions. New building sites and building envelopes cannot be placed on land:
  - 1. With a slope of 30 percent or greater,
  - 2. With geologic hazards rated 5, 6 or 7 on geologic hazard maps adopted by the county commissioners, or
  - 3. In a designated floodplain, unless the Federal Emergency Management Agency approved a letter of map amendment or a conditional letter of map revision (see the technical supplement for amendments and revisions to National Flood Insurance Program maps);
- B. Requirements for all phased land divisions:
  - 1. The phasing schedule shall be noted in the development agreement;
  - 2. A block cannot be divided by a phase;
  - 3. County commissioners shall approve all phasing as part of a general development plan; and
  - 4. The phasing schedule shall allow for proper drainage, secondary access, water, and sewer systems and open space at all times during construction of a phased project.

### 5.1.3. Land Division Considerations

The following standards should be incorporated into land divisions to the maximum extent practicable:

- 1. The development should be designed to preserve the natural terrain, existing topsoil, and vegetation, including significant trees.
  - a. "Significant trees" for this purpose shall mean deciduous trees with a caliper of greater than four inches and coniferous trees 15 feet or greater in height.

- b. Significant trees not feasible for preservation should be replaced on-site with similar trees of the largest caliper possible (not less than three-inch caliper for shade trees, 2½-inch caliper for ornamental trees and eight feet all for coniferous trees), except that invasive or nuisance tree species or trees removed to comply with wildfire hazard mitigation requirements need not be replaced.
- 2. Lot layouts should provide desirable settings for structures by using natural contours, maintaining desirable views and providing protection from adverse wind, noise and vehicular traffic.
  - a. Lots should use natural and manmade features, such as fences, streams, ditches, rights-of-way and easements, as their boundaries.
  - b. Lots should not be divided by an irrigation ditch or a stream unless an approved bridge or other crossing is built to provide vehicular and/or pedestrian access to both sides.
- 3. Where practicable, all residential structures should be located at least one-quarter mile (1,320 feet) from Interstate 25.
- 4. Design should provide for solar access and orientation.
- 5. Recreation facilities should be centrally located to all lots in the development.
- 6. All lots should have reasonable physical and/or visual access to open space.

## 5.2. Lot and Block Standards

### 5.2.1. Lots

#### A. Lot Layout

- 1. All land divisions shall create lots that can be developed consistent with this code and other adopted county standards and regulations.
- 2. Lots shall be laid out to provide positive drainage away from all building sites, and the overlot grading shall be designed and maintained consistent with the general storm drainage pattern for the area.
- 3. Lot area, width, depth, shape, location, and orientation shall conform to this code.
- 4. Corner lots shall have adequate width and depth to meet applicable setbacks from and orientation to all roads.
- 5. Side lot lines shall be substantially at right angles or radial to road right-of-way lines.
- 6. Irregular or wedge-shaped lots shall have sufficient width at the front setback line to permit construction of a building that meets side setback requirements.
- 7. Lots shall not exceed a depth-to-width ratio of 3-to-1. Lots shall not exceed a width-to-depth ratio of 1.5-to-1.
- 8. Lots shall not be divided by a municipal or county boundary line, road, alley, or another lot.

#### B. Prohibited Lot Types and Design

- 1. Double frontage lots should be avoided except where they are essential to provide separation of residential development from arterial streets or to overcome specific topographic problems. When double frontage lots are unavoidable, additional lot depth should be included to account for road setbacks.
- 2. Flag lots should be avoided. They may be used where extraordinary topography or other physical constraints prevent another design; and where the natural terrain is altered

significantly in order to facilitate drainage or for other reasons, maximum building heights should be defined in the development plan, so that the height of structures is consistent with what would be allowed if measured from the original grade of the site.

3. Reserve strips to prevent access to roads are prohibited.

**C. Outlots**

All parcels that are to be used only for drainage easements, rights-of-way or other uses that do not need any buildings shall be labeled "Outlot" followed by consecutive letter designations beginning with "A."

**D. Residual lots**

All parcels in conservation developments and rural land plans that are considered to be residual land shall be labeled "Residual Lot" followed by consecutive letter designations beginning with "A". Residual lots shall be further identified by one of the following applicable designations that shall be placed in parentheses after the residual lot label:

1. "Buildable/residence(s)" for those residual lots that may be occupied by one or more single-family dwellings;
2. "Buildable/support buildings only" for those residual lots that may be occupied by buildings that are accessory to the use of the residual lot;
3. "Nonbuildable" for those residual lots that are not intended to be occupied by any buildings.
4. Building envelopes indicating where buildings will be placed shall be shown on residual lots that will have a building or buildings. Building envelopes shall be situated to meet the required setbacks of the zone district in which the property is located.

**E. Common Area Lots**

1. All parcels in subdivisions, conservation developments, rural land plans, and minor land divisions that are common open space for the development shall be labeled "Common Area Lot" followed by a consecutive letter designation beginning with "A". Common area lots shall be further identified by one of the following applicable designations that shall be placed in parentheses after the common area lot label:
  - a. "Buildable/support buildings only" for those common area lots that may be occupied by buildings or structures (such as pools, playground equipment, or gazebos) that are intended for use by the lot owners in the development;
  - b. "Nonbuildable" for those common area lots that are not intended to be occupied by any buildings or structures.
2. Any building or structure proposed to be located on a common area lot that was not approved as part of the original approval, and any proposed changes to the location of an approved building or structure shall be reviewed through <\$6.4.1, Site Plan Review>.

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**5.2.2. Blocks**

The following block standards apply to all land divisions:

- A. Block lengths shall be designed to provide safe and convenient access to the lots; and
- B. In the Urban districts and GMAs, block lengths in excess of 1,000 feet may require pedestrian access approximately midway through the block.

## 5.3. Street and Access Standards

### 5.3.1. Public Right-of-Way Required

- A. All roads within the boundaries of land divisions, in both urban and rural areas, shall be a public right-of-way.
- B. In order for the county commissioners to approve a modification to allow a private road within a land division, the county commissioners shall find that both of the following criteria are met:
  - 1. There would be no foreseeable public purpose or benefit in having a public right-of-way; and
  - 2. The county commissioners find that road connectivity to adjacent parcels is not needed or practical and have granted an appeal to §5.3.4, *Connectivity*.
- C. If a modification to this subsection is granted, the following standards shall apply to the private road:
  - 1. There is an easement, agreement, covenant or other appropriate document to be recorded in the county records that grants the right of access for emergency and service vehicles and that defines the persons/entities entitled to use the road easements, including the installation and maintenance of street name signs within the easement, the purpose for and manner in which the roads may be used, any limitations on the use of the roads, the persons/entities authorized to enforce the terms of the easement and penalties for violation of the terms of the easement.
  - 2. The design and construction of the private road will meet applicable county road or street standards;
  - 3. The property owner shall form an improvement district for the long-term maintenance of the road; and
  - 4. County requirements for road naming, road name signs and addressing have been or will be met prior to the issuance of any building permit.

### 5.3.2. Gated Public Roads

- A. Gated public roads are prohibited.
- B. Gated private roads are prohibited unless the county commissioners approve a modification allowing private gated roads. In order for the county commissioners to approve gated private roads, the county commissioners shall find that all the following criteria are met:
  - 1. The subject road is a private road and all owners of property having a legally established right to access via the private road have approved gating the road;
  - 2. The modification request has been referred to the applicable fire protection entity and the sheriff's department, emergency services for their review and comment, and such comments have been duly considered; and
  - 3. The design provides for adequate vehicle stacking distance and turn around between the public road and the gate.

**5.3.3. Dead-End Design<sup>307</sup>**

- A. The maximum length of a dead-end access shall be no greater than 660 feet in an Urban district or GMA.
- B. Dead-end road systems outside of an Urban district or GMA are not limited in length but shall provide a secondary/emergency access if the principal access is:
  - 1. Crossed by drainage channels that have culverts that cannot pass the 50-year design frequency storm with no more than one foot of flow across the road; or if the principal access is located in an area subject to a wildfire fire hazard where trees cannot be readily restricted from that area adjacent to the road by a distance of at least the mature height of said trees; or any other identifiable or geologic hazards that have the potential to block the access.
  - 2. In all cases dead end roads shall be provided with inter-visible turn outs of at least ten feet in width and 30 feet in length, no less than 500 feet apart.
- C. Land divisions that cannot meet this standard shall provide a second point of access. The second access shall be either a dedicated, public right-of-way or an easement specifically granted for emergency access purposes.

**5.3.4. Connectivity**

- A. All land divisions shall be designed to comply with 4.5, *Connectivity and Circulation*.
- B. Where future connectivity is required to adjacent undeveloped parcels, a road shall be constructed to the property line meeting applicable County Road or Street Standards. When such a road is constructed, a sign stating "Future Road Connection" shall be erected and maintained in a conspicuous location along such road.

**5.3.5. Road Surfacing Requirements**

The following road surfacing requirements apply to the interior roads of all development:

- A. The selection of road surfacing material should be based on factors including but not limited to safety; convenience; dust control; and maintenance considerations. Acceptable road surface types vary with traffic volumes and character area location: Urban districts and GMAs require different road surfacing than rural districts.
- B. The minimum road surfacing requirements for various traffic volumes and locations are:

<b>Table 5-1: Minimum Road Surfacing Requirements</b>		
<b>Pavement Type</b>	<b>Traffic Volume (ADT)</b>	<b>Material</b>
Rural-Mountains	Less than 50	Native Material [1]
Rural-Mountains	51–200	Gravel
Rural-Mountains	Greater than 200	Chip seal [2] or pavement
Rural-Plains	Less than 200	Gravel
Rural-Plains	Greater than 200	Chip seal [2] or pavement
Urban <sup>308</sup>	All roads	Pavement
Notes:	[1] Native material surfaces will normally not be acceptable but may be allowed in exceptional cases when, in the opinion of the county engineer, the location, material characteristics, drainage conditions, road geometry and traffic volumes are suitable for this type of surface.	

<sup>307</sup> Coordinate with fire standards and access standards (in APF).

<sup>308</sup> Coordinate with engineering about requiring paved roads within a prescribed distanced from the boundaries of an urban district or GMA.

**Table 5-1: Minimum Road Surfacing Requirements**

Pavement Type	Traffic Volume (ADT)	Material
	[2] Chip seals will normally not be acceptable but may be allowed in exceptional cases when, in the opinion of the county engineer, the location, drainage conditions, road geometry and traffic volumes are suitable for this type of surface	

- C. Pavements must consist of either asphaltic concrete pavement or Portland cement concrete pavement, placed on a compacted subgrade, with base course and subbase course where required, placed on compacted subgrade.
- D. Structural design criteria for road surfaces are contained in Chapter 5, Structural Design criteria, of the technical supplement to this code, Larimer County Road Standards.

## 5.4. Conservation Development

### Commentary

Current Section 5.3, revised per conversations with the AAB and other stakeholders.

### 5.4.1. Overview of Conservation Development

- A. Conservation development is intended to ensure that residential development on large parcels is creatively designed to maintain the open character of rural areas, to encourage the ongoing use of land for agricultural purposes, and to protect and maintain natural environmentally sensitive areas while permitting development to the allowed zoning density. This is accomplished by clustering development on lots smaller than would otherwise be permitted (“development cluster”) and keeping the remainder of the site in residual land (“residual land”).
- B. Development cluster(s) are designed for residential development. Development cluster layout is regulated by §5.4.4, *Development Cluster Design*.
- C. Residual land is held in open space with limited uses, which may include conservation, agricultural production, and general open space. Most residual parcels are placed in a conservation easement for perpetuity. Residual land is regulated in §5.4.5, *Residual Land Design*.

### 5.4.2. Applicability<sup>309</sup>

Conservation development is required for residential development on contiguous parcels of 30 acres or more located outside of the Urban districts and GMAs unless:

- A. The property is divided into lots of 35 acres or greater;
- B. The property is developed pursuant to §5.5, *Rural Land Use Process*; or
- C. The parcels have public water and sewer service, are zoned R-Residential, R-1 Residential, R-2 Residential, M-Multiple-family or M-1 Multiple-family and are located outside growth management areas, in which case they may be developed through the subdivision process described in §6.5.

<sup>309</sup> This new section is intended to clarify the applicability of each of the new and updated conservation development types.

**5.4.3. General Provisions**

The following general provisions apply to all conservation developments:

**A. Design**

1. All property included within a conservation development shall be contiguous.
2. All conservation developments shall consist of two segments: (1) the development cluster or clusters, on which the residential units are located, and (2) the designated private residual land to be held in conservation.
3. The following minimum percentages of land are required in cluster and residual segments:

<b>Table 5-2: Conservation Development Site Design</b>		
<b>Conservation Development Type</b>	<b>Required Residual Land in Conservation (%) [1]</b>	<b>Permitted Developable Land in Cluster(s) (%)</b>
Rural (no public water/sewer)	80	20
Rural (provides public sewer)	80	20 [2]
Rural (no sewer, w/on-site septic)	50	50
Open Space (public water/sewer)	80	20
Min. lot size <2.29 acres	50	50
Limited-Term	60	40
Notes:	[1] See §5.4.3.a. [2] May increase the number of dwelling units by 20% per §5.4.3.b.	

- a. When a conservation development is designed to increase the average size of lots by reducing the number of dwelling units by ten percent, the percentage of residual land provided may also be reduced at the discretion of the county commissioners, but in no event can the residual land be less than 50 percent of the total developable land area of the site.
  - b. This increase is an incentive to the developer and benefits the community by maximizing the protection of open space and water quality as required by the Comprehensive Plan fairness principles. The density bonus is to be awarded at the discretion of the county commissioners upon finding that there is a significant public benefit due to the design of the conservation development, the feature(s) being preserved in the residual land and the project complies with Article 4.0, *Development Standards*.
4. All residual land shall be maintained and remain undeveloped in perpetuity in accordance with appropriate use plan for residual land and/or common area as provided in §6.5.11 of this Code, except in cooperative planning areas (CPAs) where a conservation development may be an interim development while waiting for full development at urban densities in a GMA district.

**B. Density**

1. The total number of dwelling units permitted in a conservation development is determined by dividing the total developable land area of the site by the minimum lot size required for the applicable zoning district.
  - a. The total number of dwelling units cannot exceed the overall density permitted in the zoning district where the development is located.

- b. When the total number of dwelling units calculated results in a fractional number, any fraction shall be rounded down.
- 2. Where permitted in the zoning district, agricultural labor housing in a conservation development shall be counted as part of the allowed number of dwelling units. Four beds in an agricultural labor housing structure equal one dwelling unit when such housing is proposed in a conservation development.
- 3. No more than 50 percent of the total dwelling units in a development shall be attached single-family dwellings.
- 4. If the full density permitted within a conservation development is not used, the remaining permitted density may be achieved through a replat of the development area.
- 5. Residual land may be divided into 35-acre or larger parcels. The number of such parcels created in a conservation development counts against the total number of dwelling units allowed by the current zoning, and the area contained within the building envelope on each of these parcels counts against the total developed area and not as residual land.
  - a. Design of these lots will include the siting of building envelopes, access roads and driveways, utility and drainage easements, and other facilities in relation to the purpose of the conservation development regulations.
  - b. All 35-acre and larger lots in conservation developments shall be included in the use plan for residual land and/or common area for the project and identified in the development agreement.

**C. Land Use**

- 1. Land uses in a proposed conservation development shall be limited to those allowed in the applicable zoning district.
- 2. Where permitted in the zoning district, attached single-family dwellings shall be limited to no more than four units in a single structure.
- 3. Agricultural labor housing in a conservation development shall be counted as part of the allowed number of dwelling units. Four beds in an agricultural labor housing structure equal one dwelling unit when such housing is proposed in a conservation development.
- 4. Existing rural features on the site, such as farmstead structures and fencing, should be preserved if the structures have historic value.

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**5.4.4. Development Cluster Design**

**A. Development Cluster Design and Improvements**

- 1. Multiple development clusters shall be physically separated from one another so the appearance and visual impacts of these developed areas on the intervening residual land is minimized.
- 2. Residential and related land uses, roads, and parking areas shall be located in the development cluster; except, in those conservation developments where the ratio of developed area to residual land is 20 percent to 80 percent, up to 60 feet of road right-of-way may be included in the residual land area.

**B. Development Cluster Location**

The following criteria should be considered when identifying the location of a residential cluster(s):

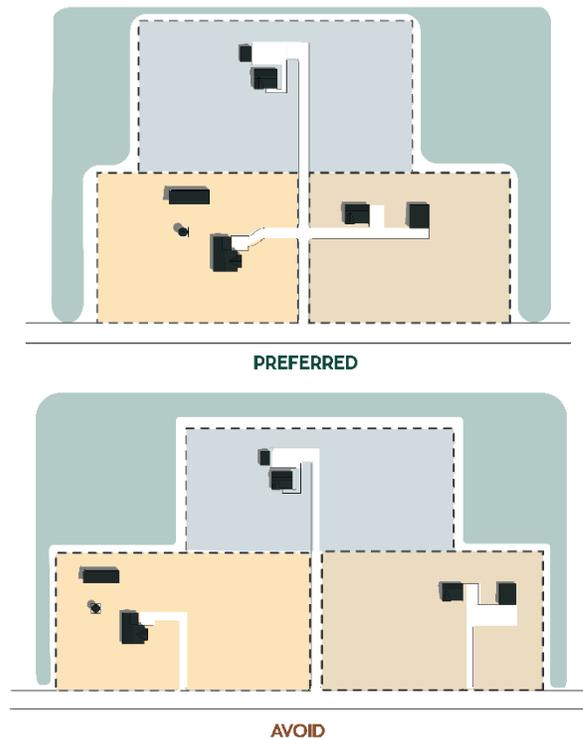
1. Avoidance of prime agricultural land or agricultural land that has historically been used for agricultural production;
2. Avoidance of hazards and environmentally sensitive lands;
3. Avoidance of alterations to natural drainage patterns;
4. Preference for locations closer to roads and existing or future infrastructure; and
5. Preference for “isolated” tracts that are not easily accessible for farming or ranching operations.

**C. Site Design**

**1. Continuing Productive Agricultural and Ranching Areas**

- a. Structures shall be sited to optimize the shape and configuration of farmable parcels and fields. Fragmented farmland and wildlife habitat shall be avoided to the maximum extent practicable.
- b. Structures shall be located at the edges of farmland to allow the creation of cohesive farm fields.
- c. New structures or development shall be located at the edge of existing developed areas in compact configurations. Where possible, development should be located at the edge of farmland and a natural feature such as a ridegeline, tree stand, bluff, or stream.
- d. Driveways shall be located along fencerows or other natural features that are not incorporated into farm fields. The distance and number of driveways shall be minimized to the maximum extent practicable.
- e. Fence rows shall be used where practicable to define productive parcels and developed areas.

Figure 2-1: Minimized number of driveways



**2. Compact Development**

- a. Multiple-lot residential development shall be clustered in the form of a typical farmstead and served by a cul-de-sac road.
- b. Developed land adjacent to farmland shall be minimized to prevent the loss of farmland.
- c. Development shall be designed and sited to minimize the perimeter of developed areas adjacent to farmland.
- d. Large, isolated lots shall be avoided to the maximum extent practicable.

**3. Development Sited Away from Roadway**

Homes and outbuildings shall be set back from the road and shall not be designed to line the roadway with structures and driveways.

**D. Lot Size and Design**

1. Even within the development cluster, the highest priority for site layout shall be the preservation of environmentally sensitive areas and agricultural uses. The location of home sites and the corresponding layout of lots and streets shall have a lower priority and shall be designed to create a compact development pattern.
2. No minimum lot size is required in the development cluster, except for those developments and lots that use on-lot septic systems or wells where the minimum lot size is two acres (87,120 square feet).
3. Site layout shall be oriented to:
  - a. Achieving the best possible relationship between development and features of the land;
  - b. Minimizing alteration of the natural site features and topography;
  - c. Relationship to surrounding properties;
  - d. Improving the view from and the view of buildings; and
  - e. Reducing the area devoted to roads and utilities.
4. Flexibility in lot size is encouraged to:
  - a. Promote a design that is sensitive to the natural environment;
  - b. Adapt to the natural topography of the site;
  - c. Accommodate the mix of residential land uses and housing types proposed within the development; and
  - d. Design for compatibility with agricultural uses and other existing and allowed uses.
5. To the extent practical, home sites should be located to enhance visual access to residual land both from the proposed development and from adjacent lands.

**E. Building Envelopes**

1. In lieu of setbacks, building envelopes may be designated for each lot to identify the area where all buildings shall be constructed and to provide adequate separation between buildings and uses or activities, but in no case shall the building envelope be less restrictive than the setbacks of the base zoning district.
2. Building envelopes shall be designed to avoid hazard areas, the tops of ridgelines or slopes, view corridors, open fields, sensitive environmental areas, and agricultural infrastructure.
3. To the maximum extent feasible, all building envelopes shall be located at least one-quarter mile (1,320 feet) from the edge of the Interstate 25 right-of-way.
4. In mountainous areas, building envelopes shall be designated at the minimum size necessary to construct a dwelling on the lot so the area disturbed is minimized.
5. In Conservation & Agriculture and Rural districts, the placement of buildings within building envelopes along the street frontage should be varied to minimize uniformity.
6. If building envelopes are used, agricultural buildings may be located outside the building envelope on the residual lot if specified as part of an approved development. Applicable base zoning district setbacks shall still be applicable.

7. A building envelope may be used to limit the location of various types of structures. When so used, the types of structures limited to the building envelope shall be clearly stated as part of an approved development with the implication that all other types of structures may be located outside the building envelope.

**F. Development Standards<sup>310</sup>**

**1. Development Standards Applicable**

Development within a cluster shall comply with the development standards in Article 4.0, *Development Standards*, as applicable.

**2. Buffering**

Perimeter buffering of a development cluster is required to minimize visual and noise impacts where adjacent land uses are of a different type (e.g., residential adjacent to commercial or industrial) or are of a substantially different residential density; or where the cluster is adjacent to a county road, state or federal highway or a railroad.

- a. Where the proposed cluster abuts an agricultural use or zoning district, a residential/agricultural buffer shall be provided per §4.8.3.C, *Residential/Agricultural Buffer Design*.
- b. Where the proposed cluster abuts an existing or approved residential, mixed-use, or commercial development, the buffer shall be at least equal to the required rear yard depth of the adjacent lots. Where the proposed cluster abuts a county road, state or federal highway or a railroad, the buffer is measured from the edge of the existing right-of-way and shall be of a width and design to reduce visual and noise impacts from the road, highway or railroad.
- c. Buffering may be accomplished through the use of increased separation between land uses and/or by using native or drought resistant vegetation, fencing, walls or a combination of these measures.
- d. The traditional concept of using windbreak plantings around a farmstead may be desirable for the design of buffering between a cluster and agricultural uses.
- e. Perimeter buffering of a cluster in mountainous areas should be designed to take into consideration the buffering effect provided by existing trees and topography.

**3. Fencing**

- a. Privacy fencing may be used in conservation developments when the backs of lots are adjacent to a county road or state highway, or on individual lots to provide privacy or enclosure for the lot or a portion of the lot.
- b. Fencing should be designed to conform to the topography and be of a color that blends with the natural environment.

**4. Entry Features and Signage**

- a. The color, materials, size, height and lighting of entry features, signs and related structures shall be compatible with the proposed development and the maintenance of views of the natural landscape, public parks and open space. Standards for signs are found in Article 8.0, *Signs*, of this Code.

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<sup>310</sup> This section has been revised to reference the generally applicable development standards with a few remaining cluster-specific requirements.

- b. Lighting of entry features and signage shall be kept to a minimum and shall be consistent with §4.10, *Exterior Lighting*.
- c. Where a gated entryway into a conservation development is proposed, a plan shall be provided with the submittal to address potential safety concerns of accessibility to the development by emergency services vehicles and general service or delivery vehicles, and whether the access road is planned to extend beyond the development boundaries.

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### 5.4.5. Residual Land Design

#### A. Generally Applicable Standards

1. Residual land in conservation developments shall be designed to achieve the maximum contiguous amount of open space possible while avoiding the creation of small, isolated, and unusable areas.
2. Roads, pedestrian walkways, and trails may connect through the residual land under the standards in §4.5, *Connectivity and Circulation*.
3. Where practical, residual land should be located contiguous to and be connected with other residual land on the site or residual land adjacent to the conservation development boundaries. Connectivity is based on visual connections for residents of the development and, where applicable, physical connections for wildlife habitat.
4. Residual land may include such uses as pedestrian and bicycle areas, buffer areas and common area devoted exclusively to the use of the residents of the conservation development and their guests.
5. Residual land areas containing environmentally sensitive areas or features can not contain any structure or improvements, except walkways or trails, provided such areas are determined to be appropriate for walkways or trails and they can be constructed with minimal disturbance to environmentally sensitive areas.
6. Residual land areas shall not include road rights-of-way or parking areas, except in projects with a ratio of 20 percent developed area to 80 percent residual land, the road right-of-way, up to 70 feet in width, may be included in the calculation of the required residual land.

#### B. Generally Applicable Use Standards

1. Uses in residual land are limited to such uses, accessory structures, and improvements necessary for agricultural uses or for the educational, cultural, recreational or social enjoyment of the residents of the conservation development and their guests, and any utility services, including community sewer systems, providing the coverage of all structures and improvements in the residual land does not exceed five percent of the residual land.
  - a. Structures and improvements that count toward the five percent include barns, silos, animal shelters, swimming pools, tennis courts and other similar improvements. Examples of such uses include, but are not limited to, golf courses, pools, spas, jacuzzis, children's play areas, court and field games, walking trails, bicycle paths, picnic areas, community buildings or centers and stables or arenas.
  - b. All accessory structures and improvements shall be described in the development agreement and included in the use plan for residual land and/or common area for the conservation development.

- c. Accessory structures shall be appropriate to the use of the residual land as stated in the use plan for residual land and/or common area.
- d. Those portions of residual land devoted to agricultural use may include accessory structures directly related to and necessary for the agricultural use. A farmstead may be allowed in the residual land and, if included, counts toward the total allowed residential density in the development.
- e. The residual land in a conservation development is private property and not available to the public.

**C. Cooperative Planning Areas**

Land in a cooperative planning area designated in an intergovernmental agreement may be developed as a conservation development with the residual land designated for future development upon its inclusion in a GMA district. These details shall be addressed in the development agreement as provided in §6.3.9.H.

**5.4.6. Review Criteria and Process**

**A. Land Division Procedures Apply**

Conservation development applications shall be processed pursuant to §6.5, *Land Division Procedures*.

**B. Review Criteria**

To approve a conservation development, county commissioners shall consider the following review criteria and find that each criterion has been met or determined to be inapplicable:

1. The proposed conservation development is compatible with existing and allowed land uses in the surrounding area;
2. The applicant for the proposed conservation development has demonstrated that the proposed conservation development will comply with all applicable requirements of this Code;
3. The proposed conservation development will result in no substantial negative impact on environmentally sensitive areas or features, agricultural uses or other lands;
4. Approval of the proposed conservation development will not result in a substantial adverse impact on other property in the vicinity of the proposed conservation development; and
5. The recommendations of referral agencies have been considered.

**C. Special Area Plan for Large and Contiguous Clusters**

1. When a single conservation development contains over 250 dwelling units, or where the potential exists for multiple conservation developments within one-quarter mile of any boundary of a proposed conservation development to reach a combined total of more than 250 dwelling units, the county commissioners shall review the cumulative effect of such developments. The county commissioners will then determine if a special area plan is required for the conservation development to be approved. The county commissioners will make this determination at the sketch plan or concept review stage of the development review process.
2. Special area plans will be prepared by the county as directed by the county commissioners. If such a plan is not in the current county work program or budget,

funding may be provided by the applicant or other entity so that the special area plan may be prepared by a private consultant with oversight by the county.

3. All special area plans require a recommendation by the planning director and approval by the planning commission. The recommendation and decision shall include the general content and process requirements for a special area plan, as well as the options available for the development of the special area plan on a timely basis. If the proposed conservation development is consistent with an existing adopted special area plan, no additional special area plan is required.
  4. The following criteria shall be used in making a determination of whether a special area plan is required:
    - a. All or a part of the cluster is located within the cooperative planning area of a municipality; or
    - b. There is a need for urban level services to support the cluster(s) and existing, planned or approved uses.
- D. All residual land, except that in a limited-term conservation development, shall be maintained and remain undeveloped in perpetuity using a legal instrument such as a development agreement or conservation easement to set forth such conditions and restrictions.

## 5.5. Rural Land Use Process<sup>311</sup>

### Commentary

Current Section 5.8. Following preliminary discussions with staff and the AAB about the Conservation Development and Rural Land Use Process standards, this draft includes changes to the Conservation Development standards along with new proposed rural site design standards. Before making changes to the RLUP, it would be helpful to clarify the roles of these updated standards and then determine what impact revised RLUP standards could have.

### 5.5.1. Overview

The Rural Land Use Process (RLUP) provides for the conservation of natural areas and preservation of agricultural lands, while allowing limited rural land divisions on parcels greater than 70 acres where only well water is available.

### 5.5.2. Purposes

The purposes of the RLUP are:

#### A. Identify and Standardize Rural Subdivision Options and Incentives

1. To recognize the current 35-acre exemption law and implement the domestic water and cluster development provisions of C.R.S. § 30-28-401 et. seq. and amendments to C.R.S. § 37-92-602.
2. To develop new methods that, with incentives, encourage the retention of agricultural and forest land as productive, nonrenewable resources through innovative land division designs.
3. To encourage land use designs and flexibility that optimize preservation of environmental resources and/or lessen the public cost of infrastructure;

<sup>311</sup> Consolidated draft: Additional streamlining edits suggested by staff.

4. To encourage flexibility and innovation of compact development patterns that are compatible with and supportive of agricultural operations or preservation of natural resources.
5. To curtail requirements to support creative achievements in designs.
6. To enable rural land use projects between and among noncontiguous parcels (including the transfer of development rights) or between and among cooperating landowners for large parcel planning.

**B. Protect Both Agricultural Land and Critical Areas**

1. To preserve and protect critical county areas by designating and recognizing distinctions in the land such as agricultural land, open lands, regional preserves, parks and trails, as well as critical areas such as distinct landscapes, forest land, ecosystems, watersheds, ridgelines, wildlife, wetlands, hazardous areas, view corridors, historic and archeological sites and urban areas, and to encourage development that respects these critical areas.
2. To encourage continued agricultural land uses and protection of the county's rural character, open space, and the character of existing communities while identifying development options that recognize current zoning.
3. To promote the goal of contiguous agricultural lands.
4. To provide flexibility in land use regulations responding to the needs of the agricultural community (i.e., additional family dwelling units, migrant farm housing, caretaker/foreman quarters, guest housing, etc.).
5. To apply development standards appropriate to the character area or property context and encourage new development innovations and technologies.

**C. Implement Larimer County Plans, Policies, and Community Priorities**

1. To implement the Larimer County Comprehensive Plan
2. To promote the goals of the Larimer County Parks Master Plan and other adopted plans.
3. To encourage alternatives to 35-acre parcels that will allow maximum retention of characteristics considered special to Larimer County and most valued by its citizens.
4. To encourage and promote good use of the land while responding to lifestyle choices.
5. To evaluate the impact on neighborhoods in the approval of alternatives to 35-acre developments.
6. To educate people who purchase property adjacent to ranches and farms about agricultural or forestry practices, and support "right to farm" laws.
7. To recognize and respect both individual rights and community interests and values when development is proposed.
8. To educate decision-makers, applicants and citizens about the proposed alternatives and outcomes.

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**5.5.3. Applicability**

- A. The rural land use process can be used for any parcel in a district within the Conservation and Agriculture character area, or a parcel within the RR-1 district located at the interface of the Conservation and Agriculture and Rural character areas, that meets the following size requirements:

1. For RLUP projects involving a single parcel, or two or more noncontiguous parcels where no transfer of development rights among parcels will occur, each parcel shall be at least 70 acres in size.<sup>312</sup>
  2. For RLUP projects involving two or more noncontiguous parcels where a transfer of development rights among parcels will occur:
    - a. At least one of the parcels shall be 70 acres in size, and all other parcels shall be at least 35 acres in size; and
    - b. The receiving parcel(s) shall be at least 70 acres in size.
- B.** The rural land use process can be used only for single-family residential purposes.

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**5.5.4. Process**

RLUP applications are processed pursuant to §6.5.10, *Rural Land Plan*.

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**5.5.5. Design Standards**

The following standards are applicable to the development and review of Rural Land Use Process subdivisions.

**A. Density**

1. The maximum number of buildable lots allowed will equal the total acreage divided by 17.5 (rounded down to the nearest whole number. In no event can the total number of buildable lots and bonus lots exceed one residential unit for each 17.5-acre increment.
  - a. Any remaining, undeveloped parcel that is not included in a rural land plan shall contain at least 35 acres.
  - b. The applicant shall enter into a development agreement detailing restrictions on further development and subdivision of the subject property so that the maximum number of dwelling units permitted on the property does not exceed the number approved through the rural land use process.
2. Any principal farm or ranch dwelling on the residual land which is approved by the county commissioners pursuant to section 5.8.6.C.3 shall be included in density calculations. Any accessory farm or ranch dwellings on the residual land in excess of one approved by the county commissioners pursuant to section 5.8.6.C.3 shall be included in density calculations.

**B. Site-Specific Layout**

1. The layout of RLUP subdivisions shall be based upon the unique qualities and characteristics of the underlying parcel.<sup>313</sup> The parcel will also be considered in context with surrounding areas.
2. Lots should be sited in areas deemed compatible with the special characteristics of the specific parcel under consideration as well as surrounding areas. Lot sizes and spacing will depend on the specific site and technical and environmental factors.
3. Results of specific siting may be:

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<sup>312</sup> Well water – add requirement?

<sup>313</sup> This needs to be better defined. We can keep the list below or require the applicant to layout the subdivision in compliance with the AFP and other development standards.

- a. Dispersed siting: The locating of residential sites on lots smaller than 35 acres which may or may not share common boundaries in order to enhance the special characteristics of the specific parcel.
- b. Clustered siting: Groups of residential sites on lots smaller than 35 acres which may have shared boundaries and result from the evaluation of special characteristics of the specific parcel.

**C. Residual Land**

- 1. All development proposals shall reserve at least two-thirds of the total area of the parcel for the preservation of contiguous undeveloped land, unless the board of county commissioners<sup>314</sup> finds that a noncontiguous arrangement of residual land would be more appropriate in achieving the purposes of the rural land use process. For plans involving noncontiguous parcels, the two-thirds residual land requirement may be met in either of the following two ways:
  - a. An area equal to two-thirds of the total area of all parcels may be designated as residual land on one of the parcels; or
  - b. An area equal to two-thirds of the area of each individual parcel may be designated as residual land on each of the individual parcels.
- 2. Residual land shall remain undeveloped for either a 40-year timeframe or in perpetuity. The residual land will be precluded from additional development by an appropriate legal instrument.
- 3. In the event that the residual land will remain undeveloped through the use of a conservation easement, Larimer County or an acceptable alternate shall be designated as the grantee of the easement. The grantee will then be responsible for monitoring the easement.

**D. Development Standards**

RLUP development shall comply with applicable standards in Article 4.0, *Development Standards*, and Article 5.0, *Subdivision Standards*.

**5.6. Residual Land and/or Common Area Use Plans**

**5.6.1. Purpose**

- A. The purpose of residual land and common area use plans is to identify the specific uses and structures to be allowed for residual land and/or common area parcels created through the land division processes and provide for the perpetual maintenance of these parcels.
- B. The use plan must be coordinated and consistent with the applicable Article 4 development standards, such as: wetlands mitigation plans, wildlife conservation plans, hazard area mitigation plans and other plans approved as part of the land division process or the minor special review or special review processes.

**5.6.2. Applicability**

- A. Any development process that creates residual land and/or common area parcels must include a use plan for residual land and/or common area as part of the development agreement for that project.

<sup>314</sup> This is late in the process to ask the applicant to redesign, should we move up to concept plan?

- B. A greater level of detail may be required for rural land plans that include bonus units on agricultural land.

**5.6.3. Use Plan Elements**

Residual land and/or common area use plans must include the information identified on the application form, which shall include at least the following elements:

- A. Identification of residual land or common area parcels with a specific assignment of ownership, permitted uses and structures and perpetual maintenance responsibility for each parcel; and
- B. Reference to any other plans approved as part of the project that pertain to all or part of the residual land and/or common area, such as, but not limited to wetlands mitigation plans, wildlife conservation plans, hazard area mitigation plans, water quality management plans, storm water management plans and air quality management plans. The use plan must identify how the execution of these plans will affect the proposed use(s) and maintenance of the residual land or common area.

**5.6.4. Review Criteria**

To approve a residual land and/or common area use plan, the County Commissioners must find that the following conditions exist:

- A. The use plan adequately describes the proposed uses and maintenance of the residual land and/or common area parcels and such proposed uses and maintenance are consistent with the intent of the residual land and/or common area;
- B. The use plan specifically identifies the entity responsible for ownership and maintenance of the residual land and/or common area parcels; and
- C. The use plan clearly indicates how compliance with Article 4.0, *Development Standards*, will affect the proposed uses of the residual land and/or common area parcels as well as how the use plan is coordinated with and consistent with the requirements of Article 4.0, *Development Standards*.

**5.6.5. Final Approval**

Final approval of any project by the County Commissioners must include approval of the project's use plan for residual land and/or common area. The use plan must be included in the project development agreement per §6.3.9.H and referenced in the disclosure notice.

**5.6.6. Amendments**

The Director may authorize minor adjustments to the use plan for residual land and common area upon a finding that the original intent and purpose of the approved use plan is preserved. If the Director determines the adjustments are not minor or will change the intent and purpose of the original use plan, the County Commissioners must approve the amendments at a public hearing with notice to property owners within the development.

## 5.7. Dedication of Land and Fee-in-Lieu Standards<sup>315</sup>

### 5.7.1. Generally Applicable Standards

The following standards are applicable to all dedication and fee in-lieu calculations and application.

#### A. Independent Fee Calculation Study<sup>316</sup>

##### 1. General

The amount of land to be dedicated or fee to be paid in-lieu of dedication may be computed by the use of an independent fee calculation study if the applicant/fee payer chooses.

##### 2. Responsibility for Preparation

The applicant/fee payer is responsible for preparation of the independent fee calculation study. The person who prepares the independent fee calculation study shall be a qualified professional in the preparation of the specific category of impact analysis undertaken in the independent fee calculation (e.g., park land or transportation), and shall be approved by the Fee Administrator on the basis of professional training and experience.

##### 3. Procedure

- a. An independent fee calculation study will be undertaken after the submission of an application for an independent fee calculation study.
- b. Within ten working days of receipt of an application for independent fee calculation study, the Fee Administrator will determine if the application is complete. If the Fee Administrator determines the application is not complete, a written statement specifying the deficiencies will be sent by mail to the person submitting the application. The application will be deemed complete if no deficiencies are specified. The Fee Administrator will take no further action on the application until it is deemed complete.
- c. When the Fee Administrator determines the application is complete, the application will be reviewed and the Fee Administrator will render a written decision in 20 working days on whether the in-lieu fee should be modified and, if so, what the amount should be.

##### 4. Standards

If, on the basis of generally recognized principles of impact analysis, it is demonstrated that the proposed residential land uses are designed or located so that the occupants of the development will demand less of the public use or service for which the dedication or fee is imposed than shown in the relevant schedule, the Fee Administrator will appropriately adjust the dedication requirement or in-lieu fee. If the independent fee calculation study fails to satisfy the requirements of this section, the dedication or in-lieu fee applied will be that established in the relevant subsection.

<sup>315</sup> Carried forward from current Chapter 9. We have reorganized some information to help reduce the amount of redundancy in this section, but not made any content changes.

<sup>316</sup> An independent fee calculation is permitted for community park land, regional park land, non-regional road capital expansions, and regional road capital expansions. Should it also be available for affordable housing, school sites, and drainage/stormwater?

**5. Appeal**

- a. A fee payer affected by the administrative decision of the Fee Administrator on an independent fee calculation study may appeal the decision to the county commissioners by filing with the Fee Administrator, within 10 working days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The Fee Administrator will place the appeal on the county commissioners' agenda for the next regularly scheduled meeting.
- b. The board of county commissioners, after a hearing, have the power to affirm or reverse the decision of the Fee Administrator. In making their decision, the county commissioners shall make written findings of fact and conclusions of law, and apply the standards in the relevant subsection. If the county commissioners reverse the decision of the Fee Administrator, they will direct the administrator to recalculate the fee in accordance with their findings. In no case shall the county commissioners have the authority to negotiate the amount of the fee.

**B. Credits<sup>317</sup>**

**1. Credit Applicability and Calculation**

**a. Standards**

Any applicant/fee payer required to dedicate land or pay in-lieu fees under this regulation may apply for a credit against any in-lieu fees otherwise due, up to but not exceeding the full obligation for the in-lieu fees proposed to be paid under this regulation, for any contribution, payment, or dedication of land accepted and received by Larimer County for the development for any community park land.

**b. Credit Amounts**

Credit shall be in an amount equal to fair market value of the land dedicated at the time of its dedication, or the value of the contribution or payment at the time it was made to Larimer County.

**c. Credits Not Transferable**

Credits for contributions, payments, or dedication of land for any community park land shall run with the land and shall be transferable within the same development. They shall not be transferable to other development for credit against the payment of community park land in-lieu fees, or for credit against fees required to be paid for other public facilities. The credit shall not exceed the amount of the in-lieu fees otherwise due and payable for the proposed land division.

**2. Procedures**

**a. General/Application Requirements**

- i. The determination of any credit shall be undertaken upon the submittal of an application for credit agreement, which shall be submitted to the Fee Administrator. The application for credit agreement shall include the following information:

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<sup>317</sup> A credit calculation is permitted for community park land, regional park land, non-regional road capital expansions, and regional road capital expansions. Should it also be available for affordable housing, school sites, and drainage/stormwater?

- 1) If the proposed application for credit agreement involves credit for the dedication of land:
  - (a) A drawing and legal description of the land;
  - (b) The appraised fair market value of the land at the date of the dedication prepared by a professional real estate appraiser who is a member of the Member Appraisal Institute (MAI) or who is a member of Senior Residential Appraisers (SRA) and, if applicable, a certified copy of the development permit in which the land was agreed to be dedicated.
- 2) If the proposed application for credit agreement involves a credit for any other contribution or payment:
  - (a) A certified copy of the development permit in which the contribution or payment was agreed;
  - (b) If payment has been made, proof of payment; or
  - (c) If payment has not been made, the proposed method of payment.

**b. Sufficiency Review of Application**

Within ten working days of receipt of the proposed application for credit agreement, the Fee Administrator will determine if the application is complete. If it is determined that the proposed agreement is not complete, the Fee Administrator will send a written statement to the applicant outlining the deficiencies. The Fee Administrator will take no further action on the proposed application for credit agreement until all deficiencies have been corrected or otherwise settled.

**c. Review by Fee Administrator**

Once the Fee Administrator determines the proposed application for credit agreement is complete, it will be reviewed within 20 working days. The application for credit agreement shall be approved if it complies with the standards in §5.7.1.B.1, *Credit Applicability and Calculation*.

**d. Credit Agreement**

If the application for credit agreement is approved by the Fee Administrator, a credit agreement will be prepared and signed by the applicant and the county. It will specifically outline the contribution, payment or land dedication; the time by which it shall be completed, dedicated or paid (and any extensions thereof); and the dollar credit the applicant will receive for the contribution, payment or construction.

**3. Appeal of application for credit agreement.**

Any person affected by the decision of the Fee Administrator regarding credits may appeal the decision to the County Commissioners by filing with the Fee Administrator, within 10 working days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The Fee Administrator will place the appeal on the county commissioner's agenda for the next regularly scheduled meeting. The County Commissioners, after a hearing, will affirm or reverse the decision of the Fee Administrator based on the standards in §5.7.1.B.1. If the County Commissioners reverse the decision, they will direct the Fee Administrator to readjust the credit in accordance with their findings.

**C. Refund of Fees Not Spent<sup>318</sup>**

**1. General/Standards**

Any in-lieu fees collected will be returned to the fee payer or the fee payer's successor in interest (if the development subject to the in-lieu fee is sold by the fee payer) if:

- a. The fees have not been spent within seven years from the date the building permit for the development was issued, along with interest earned; or
- b. If an intergovernmental agreement has not been signed between Larimer County and an individual participating local government consistent with this regulation, within one calendar year of the effective date of this regulation. In-lieu fees will be spent on the basis of the first fee collected being the first fee spent.

**2. Refund Procedure**

The refund will be administered by the Fee Administrator if the fees have not been transferred by the county, or by the capital expansion Fee Administrator of the appropriate participating local government to which the in-lieu fees have been transferred. Refunds will be made through the following process:

- a. A refund application shall be submitted within one year after the end of the year the fee payer or a successor-in-interest is eligible for the refund. The refund application shall include the following information:
  - i. A copy of the dated receipt issued for payment of the fee;
  - ii. A copy of the building permit; and
  - iii. Evidence that the applicant is the successor in interest to the in-lieu fee payer, if relevant.
- b. Within ten working days of receipt of the refund application, the Fee Administrator or the appropriate capital expansion Fee Administrator will determine if it is complete. If it is determined the application is not complete, a written statement specifying the deficiencies will be forwarded by mail to the person submitting the application. Unless the deficiencies are corrected, the reviewer will take no further action on the refund application.
- c. When it is determined the refund application is complete, the application will be reviewed within 20 working days and will be approved if it is determined the fee payer has paid an in-lieu fee that has not been spent within the period of time permitted under this section. The refund will include the in-lieu fee paid plus interest earned on the in-lieu fee.

**3. Appeal**

- a. Any in-lieu fee payer or a successor in interest can appeal the decision of a refund application to the governing body of the local government administering the refund by filing a petition with that local government's capital expansion Fee Administrator within 30 days of the decision.
- b. In reviewing and making a decision on the appeal, the governing body will use the standards in §5.7.1.C.1.

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<sup>318</sup> A refund request is permitted for community park land, regional park land, non-regional road capital expansions, and regional road capital expansions. Should it also be available for affordable housing, school sites, and drainage/stormwater?

- c. In no case will the governing body have the authority to negotiate the amount of the refund.

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**5.7.2. Affordable Housing<sup>319</sup>**

The county commissioners may, depending on funds budgeted for this purpose, authorize such funds to pay some or all of the fees in this section as they would pertain to dwelling units that meet the definition of "affordable housing" as defined in the county's adopted affordable housing policy or as detailed in intergovernmental agreements with municipalities and school districts.

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**5.7.3. School Sites<sup>320</sup>**

**A. Purpose**

The purpose of this section is to ensure adequate land areas and/or funds for the acquisition and development of school sites are made available through the development process to meet the needs of future county residents. Because the need for school sites is directly proportional to population, and because Larimer County has adopted a policy that development should pay its own way, it is reasonable that those who accommodate population increases through the development of land should provide for the additional need for school sites that the development creates.

**B. Applicability**

This section applies to all plats and plans approved by the County Commissioners under any application to develop property as a subdivision or conservation development for residential use.

**C. Requirements for Land Dedication**

At the time of filing a preliminary plat for approval, the applicant shall indicate, as part of the preliminary plat, any land he/she desires to dedicate for a school site. The planning commission shall consider the proposed dedication by the applicant, school site considerations submitted by the school district(s) involved, and other relevant information. It shall then recommend to county commissioners whether to require a dedication of land within the development; a payment of a fee-in-lieu of dedication based on the fair market value of the land; or a combination of both. County commissioners shall make a determination of requirements for land dedication at the time of preliminary plat approval.

**1. School Site Requirements**

Minimum school site dedications are those currently adopted by the school district involved.

**2. Reservations in Excess of Amounts to be Dedicated**

If the Planning Commission and County Commissioners determine that school sites shall be provided in excess of the amount to be dedicated as allowed by this section, that excess shall be reserved by the applicant for purchase at the fair market value by the appropriate public authority at a later date. Fair market value is determined at the time of filing the final plat based on raw land value in accordance with the following:

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<sup>319</sup> Current Section 9.0.1.

<sup>320</sup> Current Section 9.1

- a. Fair market value is determined by county commissioners based on the assessed value, modified to equal market value in accordance with the current practice of the county assessor; or
- b. If the applicant objects to such valuation, he/she may, at his/her expense, obtain an appraisal of the property by a qualified real estate appraiser approved by the county and that appraisal may be accepted by county commissioners if found reasonable; or
- c. The county and applicant may agree to the fair market value based on the purchase price of the property if the purchase occurred within 18 months prior to filing the final plat.

**3. Evaluation Criteria**

The following criteria shall be considered by the county planning commission in making its recommendation and by county commissioners in making a determination of dedication requirements:

- a. School sites as designated by the school district involved;
- b. Determination of population densities that will result from the proposed development and their relationship to public sites and open space needs.

**4. School Site Fees**

Where a school site fee is required to be paid in lieu of dedicating land, the fee will be collected for each dwelling unit at the time the building permit is issued for the original dwelling.

**D. Limitation on Use of Land and Fees**

The land and fees received under this section shall be used only for providing school sites.

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**5.7.4. Drainage/Stormwater Facility Fees<sup>321</sup>**

**A. Purpose**

To provide for the imposition and collection of fees that represent an equitable contribution to the total costs of drainage facilities in drainage basins under plans for development of drainage basins adopted as part of the Comprehensive Plan under C.R.S. § 30-28-106.

**B. Applicability**

This section applies to all plats and plans approved by the county commissioners under any application as a subdivision, conservation development, or rural land plan.

**C. Adoption of Drainage Basin Master Plans Required**

- 1. To impose or collect drainage/stormwater facility fees, the property that is the subject of the subdivision or conservation development shall be located in a drainage basin for which a drainage basin master plan has been approved and adopted as part of the Comprehensive Plan under C.R.S. § 30-28-106.
- 2. Each drainage basin master plan, following its adoption, shall be kept on file with the county engineer. A map of each drainage basin shall be kept on file with the county clerk and recorder and with the county engineer.

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<sup>321</sup> Current Section 9.2

3. When a drainage basin lies wholly or partly within the growth management area of one or more municipalities, the drainage basin master plan shall be consistent with the plan adopted by the municipality within whose GMA district the basin lies.
4. Drainage basin master plans shall identify major drainage system facilities that are or will be needed to provide proper disposition of stormwater throughout the basin and downstream to an acceptable point of discharge.
5. Drainage basin master plans shall contain an estimate of the cost of all such major drainage system facilities within the basin. Drainage/stormwater facility fees shall be a dollar amount per acre of developable land calculated by dividing the total cost of major drainage facilities by the number of acres within the basin. Fees for individual building sites will be based on the developed area within the project.

**D. Imposition of Drainage/Stormwater Facility Fees**

Applicants who want to develop properties located in drainage basins with an approved drainage basin master plan are required to construct drainage/stormwater facilities according to the master plan or pay drainage/stormwater facility fees in lieu of construction to represent an equitable contribution to the total costs of the drainage facilities in the drainage basin. As an alternative, they may provide a combination of construction and fees if approved by the County Engineer.

**E. Drainage Report Required**

1. Prior to final approval of a subdivision or conservation development and prior to commencement of construction on any lot or parcel of land, the owners of the lot or parcel of land shall (at the owners' expense) prepare and submit to the county engineer a detailed drainage report and construction plans for the installation of all stormwater facilities required for the lot or parcel, including any off-site facilities required to convey stormwater to existing drains, streams, channels, detention ponds or other points. All of these facilities shall conform to the drainage plan for the respective drainage basin as adopted under §5.7.4.C of this Code and comply with the Larimer County Stormwater Design Standards included in the technical supplement to this code.
2. The report shall contain an estimate of the cost of all major drainage system facilities required for construction of the land division improvements in conformity with the applicable drainage basin master plan.
3. To be considered for reimbursement, the report shall contain:
  - a. An itemization of all elements of the drainage system considered eligible for reimbursement under §5.7.4.F;
  - b. A project bid form with estimated quantities, unit prices, engineering design costs and project management costs; and
  - c. An accurate quantity and cost delineation between the proposed basin improvements and stormwater improvements that would otherwise be necessary to meet standard development requirements.

**F. Procedure and Requirements for Reimbursement**

1. If the proposed detailed drainage report submitted to the county engineer under §5.7.4.E requires construction of major drainage system facilities as identified in the drainage plan that serve more than that development, a portion of the actual costs incurred may be eligible for reimbursement from the basin fund.

2. To the extent the cost of those facilities exceeds the sum of the drainage fees assessed against the property (less the cost of facilities otherwise required to be constructed to meet standard development requirements), the developer is eligible for reimbursement from any surplus basin fee that may be collected.
3. A five percent administrative charge from fees collected from other properties in the basin will be collected prior to reimbursement.
4. The amount of the reimbursement shall take into account the original cost for design and construction of the stormwater facility, plus any reasonable amount agreed to by the developer and the county engineer to reflect the effects of inflation.
5. If the facility is identified in a drainage basin master plan but only a portion of the cost is eligible for reimbursement, the remainder of the cost is the developer's obligation.
6. Reimbursement shall be evidenced by a repayment agreement between the developer and county commissioners within 90 days after completion and acceptance by the county of the improvements.

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**5.7.5. Community Park Land Dedication/In-Lieu Fee Standards<sup>322</sup>**

**A. Findings**

**1. Coordinated Provision of Services**

The County Commissioners intend to provide land for neighborhood and community parks (hereafter called community park land) to serve new residential development within the unincorporated area of the GMA districts of Fort Collins, Loveland, Berthoud and Estes Park.

**2. Urban Character of GMAs**

It is anticipated that the unincorporated area within the GMAs will eventually be annexed and become part of the municipality to which it is contiguous.

**3. New Growth in County**

The Comprehensive Plan projects there will be a significant amount of new growth and development in the GMAs over the next 20 years.

**4. New Growth Requires New Community Park Land**

The future growth and new development in the GMAs will require a substantial expansion in community park land if the levels of service for community parks adopted for each GMA are to be maintained.

**5. Proportionate Share Policy**

The County Commissioners have determined that future growth and new development should contribute its proportionate share of the costs of providing community park land in the GMAs.

**6. Dedication Preferred**

The County Commissioners have also determined that the imposition of a dedication/in-lieu fee requirement is one of the preferred methods of regulating new growth and development in the GMAs in order to ensure new growth and development bears a

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<sup>322</sup> Current Section 9.3. Definitions have been moved to Article 11, Definitions. Sections 9.3.9 Independent Fee Calculation; 9.3.10, Credits; and 9.3.12, Refund of Fees Not Spent have been moved to Section 7.4.1, Generally Applicable Standards.

proportionate share of the costs of the community park land necessary to accommodate that new development, and provide for the public health, safety and welfare.

**7. Consistent with Comprehensive Plan**

A community park land dedication/in-lieu fee requirement that contributes a proportionate share of the impact would assist in the implementation and be consistent with the Comprehensive Plan.

**B. Applicability**

The community park land dedication/in-lieu fee standards (“community park land regulations”) shall apply to all applications for subdivision or conservation development in the unincorporated county within the Fort Collins and Loveland GMA districts, within the Berthoud GMA as shown in the intergovernmental agreement dated August 22, 2000, or as amended and within the Estes Valley Planning Area.

**C. Intent and Purpose**

1. This regulation is intended to implement and be consistent with the Comprehensive Plan.
2. This objective is accomplished by requiring all new residential land divisions to contribute a proportionate share of the community park land necessary to accommodate any impacts or needs for community park land through land dedication or in-lieu fees.
3. This regulation is based on the technical data and conclusions contained in the Larimer County Transportation Capital Expansion Fee and Park In-Lieu Fee Study, which is incorporated herein by reference.

**D. Intergovernmental Agreements**

In order to administer this regulation, Larimer County will enter into intergovernmental agreements with the participating local governments.

1. The intergovernmental agreements will provide for coordination in the implementation of this regulation.
2. The intergovernmental agreements shall provide the county commissioners the authority to coordinate the joint efforts of the participating local governments and to coordinate the administration of the community park land/in lieu fee dedication standards.
3. The community parks Fee Administrator (hereinafter called the Fee Administrator) shall be responsible for the administration of the community park land dedication/in-lieu fee program, with assistance from the capital expansion Fee Administrators from each of the participating local governments.
4. The duration of the intergovernmental agreement shall be for 10 years. It may be renewed pursuant to state law.

**E. Level of Service Standards**

The County Commissioners have determined that the county will provide the same community park land levels of service (LOS) within the GMAs as the adjacent municipality provides within its corporate boundaries. Based on the analysis in the Transportation Capital Expansion Fee and Park In-Lieu Fee Study, the existing community park land LOS for the municipalities, expressed in acres per single-family equivalent (SFE), are as follows:

1. In the Fort Collins GMA district, the LOS is 0.0223 acres per SFE;
2. In the Loveland GMA district, the LOS is 0.0236 acres per SFE;
3. In the Berthoud Growth Management Area, the LOS is 0.0267 acres per SFE; and
4. In the Estes Park GMA, the LOS is 0.0121 acres per SFE.

**F. Imposition of Dedication or In-Lieu Fee**

**1. Option by Subdivider**

At the time of filing a preliminary plat for a residential land division, the applicant may: (1) identify as part of the preliminary plat subdivision lands proposed to be dedicated for community parks; (2) propose to pay the in-lieu fees for community parks; or (3) propose a combination of land dedication and in-lieu fee payment. Any such proposal shall provide sufficient lands or in-lieu fees to accommodate the growth and development proposed in the land division based on the LOS established in this regulation.

- a. If the applicant proposes to pay the in-lieu fee for community park land and it is accepted by the county, the in-lieu fee shall be paid prior to the issuance of a building permit. The obligation to pay the in-lieu fee will run with the land. The amount of the in-lieu fee will be determined based on the in-lieu fee schedule in effect at the time of the building permit application.
- b. If the applicant proposes to dedicate community park land, the proposal will be considered by the planning commission and considered and decided by the county commissioners. If the lands offered for dedication are accepted, the applicant shall convey the title to the property to the county in fee simple. If the lands offered for dedication are not accepted, then the applicant shall pay the in-lieu fees for community park land consistent with the procedures in §5.7.5.F.1.a.

**2. Review of Dedication Offer**

- a. The Planning Commission will consider the offer of dedication concurrent with its consideration of the preliminary plat and make a recommendation to the county commissioners on whether or not the offer of dedication should be accepted by the county. In hearing the matter, the Planning Commission will consider the Comprehensive Plan, comments from the Larimer County Recreation Board, public testimony and all other relevant information. The Planning Commission may recommend that the lands offered for dedication be accepted if they are of sufficient acreage to be used for community park land purposes, are located so they provide reasonable community park land opportunities to the public, further the county's and participating local governments' general plan for neighborhood and community parks, and are approved by the participating local government.
- b. The County Commissioners will consider the offer of dedication concurrent with consideration of the preliminary plat. In reviewing the offer, the Commissioners will consider the recommendation of the Planning Commission, comments from the Larimer County Recreation Board, the Comprehensive Plan, public testimony, and all other relevant information. The Commissioners will accept an offer of park dedication only if it is of sufficient acreage to be used for community park land purposes; is located so it provides reasonable community park land opportunities to the public; furthers the county's and participating local governments' general plan

for neighborhood and community parks; and is approved by the participating local government.

**3. Payment of In-Lieu Fees**

**a. Payment at Building Permit**

The in-lieu fees shall be paid prior to issuance of a building permit for development for any portion of the land division. The amount of the in-lieu fee will be based on the in-lieu fee schedule in effect at the time of building permit application. If any credits are due under §5.7.1.B, *Credits*, they will be determined at that time. The in-lieu fee will be computed separately for the amount of development covered by the permit, if the building permit is for less than the entire land development. If the in-lieu fee is exacted for development that increases impact because of a change in use (on land that is divided and subject to this provision), the in-lieu fee will be determined by computing the difference in the in-lieu fee schedule between the new development and the existing development. The obligation to pay the in-lieu fee will run with the land.

**4. Prior Agreement**

Any applicant who, prior to the effective date of this regulation, agreed as a condition of development approval to pay community park land in-lieu fees, will be responsible for the payment of the fees under the terms of such agreement.

**5. Exemptions**

The following development is exempt from the terms of the community park land regulations:

- a. Nonresidential development. Any development that does not involve the creation of additional dwelling units.
- b. Alterations/expansions/no change in use. Alterations or expansion of an existing residential building where no additional dwelling units are created and the use is not changed.
- c. Accessory buildings/structures. The construction of accessory buildings or structures added onto the principal residential building or land use that will not create additional dwellings units.
- d. Replacement of destroyed building. The replacement of a destroyed or partially-destroyed residential building of the same size and use, provided that no additional residential units are created.

**G. Establishment of Schedules**

**1. Dedication Requirement**

The minimum amount of land to be dedicated per dwelling unit for community park land will be determined from the following schedule:

<b>Table 5-3: Acres/Unit by GMA District/Growth Management Area</b>				
<b>Housing Type</b>	<b>Fort Collins</b>	<b>Loveland</b>	<b>Berthoud</b>	<b>EVRD[1]</b>
Single-Family Detached	0.0223	0.0236	0.0267	0.0121
Single-Family Attached	0.0174	0.0184	0.0208	0.0094
Duplex	0.0167	0.0177	0.02	0.0091

**Table 5-3: Acres/Unit by GMA District/Growth Management Area**

Housing Type	Fort Collins	Loveland	Berthoud	EVRD[1]
Multifamily	0.0145	0.0153	0.0174	0.0079
Mobile Home	0.0172	0.0182	0.0206	0.0093

**Notes:**  
[1] Estes Valley Recreation District

**2. In-Lieu Fee Schedule**

The fee in-lieu of dedication per dwelling unit will be determined from the following schedule: This is based on the formula and analysis in the Larimer County Transportation Capital Expansion Fee and Park In-Lieu Fee Study, which is incorporated herein by reference.

**Table 5-4: Fees-in-Lieu/Unit by GMA District/Growth Management Area**

Housing Type	Fee per Unit (dollars)			
	Fort Collins	Loveland	Berthoud	EVRD[1]
Single-Family Detached	669.00	590.00	668.00	303.00
Single-Family Attached	522.00	460.00	520.00	235.00
Duplex	501.00	443.00	500.00	228.00
Multifamily	435.00	383.00	435.00	198.00
Mobile Home	516.00	455.00	515.00	232.00

**Notes:**  
[1] Estes Valley Recreation District

**3. Residential Dwelling Type Not in Schedule**

If the residential dwelling unit type for which land is to be dedicated or an in-lieu fee is to be paid is not specified on the fee schedule, the Fee Administrator will use the most comparable type of land use on the applicable schedule.

**H. Benefit Districts**

**1. Establishment of Benefit Districts**

For the purpose of ensuring subdividers/fee payers receive sufficient benefit for fees paid, the areas within the corporate limits and GMA district or GMA of each participating local government are hereby designated as a community park benefit district. Subdistricts of these community park benefit districts will be established in the intergovernmental agreements to ensure applicants/fee payers receive sufficient benefit for in-lieu fees paid.

**2. Expenditure**

In-lieu fee funds will be spent within the community park benefit district and subdistricts in which the development is located. In-lieu fees will be spent only for community parks. Eligible expenditure items include the raw land for community and neighborhood parks and the engineering and construction of capital improvements necessary to make the land usable for community and neighborhood parks, including clearing and grading, drainage improvements, fences, parking, road access and utilities to the perimeter of the property and other similar infrastructure improvements.

**3. Establishment of Trust Funds**

There are hereby established community park trust funds (one for each benefit district) into which in-lieu fees collected from development within the benefit district will be deposited. Any proceeds in the community park trust fund not immediately necessary for expenditure will be invested in interest-bearing assets. All interest on the proceeds and any income derived from investments will be retained in the trust fund. Records of the trust fund accounts will be available for public inspection in the Office of the Fee Administrator during normal business hours.

**4. Intergovernmental Agreements**

The transfer of in-lieu fees to the participating local governments and provisions to ensure that in-lieu fees are spent according to the requirements of this Code will be addressed in the intergovernmental agreements. Larimer County will not transfer any funds to any participating local government until an intergovernmental agreement has been signed by the County Commissioners and the governing body of that participating local government. The agreement shall ensure that in-lieu fees are spent in such a way that fee payers receive sufficient benefit from in-lieu fees paid.

**I. Review Every Two Years**

At least once every two years, the Fee Administrator will recommend to the County Commissioners whether any changes should be made to the land dedication or in-lieu fee schedules to reflect changes in the factors that affect the schedules. The Fee Administrator will be assisted by the capital expansion Fee Administrators of the participating local governments. The purpose of this review is to analyze the effects of inflation on actual costs; to assess potential changes in needs; to assess any changes in the characteristics of land uses; and to ensure that the dedications and in-lieu fees exacted will not exceed a pro rata share.

**5.7.6. Regional Park Land Dedication/In-Lieu Fee Standards<sup>323</sup>**

**A. Findings**

**1. New Growth in County**

The Comprehensive Plan projects there will be a significant amount of new growth and development in the county over the next 20 years.

**2. New Growth Requires New Regional Park Land**

The future growth and new development in Larimer County will require a substantial expansion in regional park land if the region-wide level of service for regional park land is to be maintained.

**3. Proportionate Share Policy**

The County Commissioners have determined that future growth and new development should contribute its proportionate share of the costs of providing regional park land.

<sup>323</sup> Current Section 9.4. Definitions have been moved to Article 11, Definitions. Sections 9.4.9 Independent Fee Calculation; 9.4.10, Credits; and 9.4.12, Refund of Fees Not Spent have been moved to Section 7.4.1, Generally Applicable Standards.

**4. Dedication Preferred**

The County Commissioners have also determined that the imposition of a regional park land dedication/in-lieu fee requirement is one of the preferred methods of regulating new growth and development in the unincorporated county and region in order to ensure new growth and development bears a proportionate share of the costs of the regional park land necessary to accommodate that new development, and provide for the public health, safety and welfare.

**5. Consistent with Comprehensive Plan**

A regional park land dedication/in-lieu fee that requires new growth and development contribute a proportionate share of their impact would assist in the implementation and be consistent with the Comprehensive Plan.

**6. Coordinated Provision of Services**

In order to implement a region-wide regional park land exaction standard dedication/in-lieu fee or capital expansion fee, the County Commissioners adopt these regulations and will pursue the establishment of intergovernmental agreements with the other local governments in the county.

**B. Intent and Purpose**

**1. Intent**

The regional park land dedication/in-lieu fee regulations (regional park land regulations) are intended to implement and be consistent with the Comprehensive Plan.

**2. Purpose**

This objective is accomplished by requiring all new residential land divisions to contribute a proportionate share of the regional park land necessary to accommodate any impacts or needs for regional park land through land dedication or in-lieu fees.

**3. Technical Support**

The regional park land regulations are based on technical data and conclusions in the Larimer County Capital Expansion Fee and Park-In-Lieu Fee Study, which is incorporated herein by reference.

**C. Applicability**

The regional park land regulations apply to all applications for subdivision or conservation development in the unincorporated county and, under intergovernmental agreements, all other lands within the boundaries of participating local governments.

**D. Intergovernmental Agreement**

In order to implement a region-wide regional park land exaction standard, Larimer County has and intends to enter into intergovernmental agreements with the other local governments in Larimer County as needed to maintain the existing regional park land level of service.

1. The intergovernmental agreements shall provide for adoption and implementation of a regional park land exaction requirement by the other local governments in the region

and procedures for regional cooperation in the effort to plan for, acquire and develop regional park lands.

2. The intergovernmental agreements shall provide the County Commissioners the authority to coordinate the joint efforts of the participating local governments in this effort and to coordinate the administration of the regional park land exaction standards.
3. The intergovernmental agreements shall provide that the County Commissioners appoint a Fee Administrator who will be responsible for administration of the regional park land exaction program, with assistance from the capital expansion Fee Administrators from each of the participating local governments.

**E. Level of Service Standards**

The County Commissioners have determined that the amount of land required to be dedicated under this regulation shall not exceed the existing level of service (LOS) of regional park land provided by Larimer County and participating local governments to the residential development within the jurisdictions of Larimer County and participating local governments. The analysis in the Transportation Capital Expansion Fee and Park In-Lieu Fee Study indicates that the existing county-wide regional park land LOS is 0.167 acres per single-family equivalent (SFE).

**F. Imposition of Dedication or In-Lieu Fee**

**1. Option by Applicant**

At the time of filing a preliminary plat for a residential land division, the applicant may:

- a. Identify as part of the preliminary plat subdivision lands proposed to be dedicated for regional park land;
- b. Propose to pay the in-lieu fees for regional park land; or
- c. Propose a combination of land dedication and in-lieu fee payment. Any such proposal shall provide sufficient lands or in-lieu fees to accommodate the growth and development proposed in the land division based on the LOS established in this regulation.
- d. If the applicant proposes to pay the in-lieu fee for regional park land and it is accepted by the county, the in-lieu fee shall be paid prior to the issuance of a building permit. The obligation to pay the in-lieu fee will run with the land. The amount of the in-lieu fee will be determined based on the fee schedule in effect at the time of building permit application.
- e. If the applicant proposes to dedicate regional park land, the proposal may be considered by the Planning Commission and considered and decided by the County Commissioners. If the lands offered for dedication are accepted, the applicant shall convey the title to the property to Larimer County in fee simple. If the lands offered for dedication are not accepted, then the applicant shall pay the in-lieu fees for regional park land consistent with the provisions in §5.7.5.G, *Establishment of Schedules*.

**2. Review of Dedication Offer**

- a. The Planning Commission will consider the offer of dedication concurrent with its consideration of the preliminary plat for the land division and make a recommendation to the County Commissioners on whether or not the offer of dedication should be accepted by Larimer County. In hearing the matter, the

Planning Commission will consider the Comprehensive Plan, comments from the Larimer County Opens Land Advisory Board, public testimony and all other relevant information. The Planning Commission may recommend that the lands offered for dedication be accepted if they are of sufficient acreage to be used for regional park land purposes; are located so they provide reasonable regional park land opportunities to the public; or further Larimer County's and participating local governments' general plan for regional parks.

- b.** The County Commissioners will consider the offer of dedication concurrent with consideration of the preliminary plat for the land division. In reviewing the offer, the commissioners will consider the recommendation of the Planning Commission, comments from the Larimer County Opens Land Advisory Board, the Comprehensive Plan, public testimony and all other relevant information. The commissioners will accept an offer of park land dedication only if the lands are of sufficient acreage to be used for regional park land purposes; are located so they provide reasonable regional park land opportunities to the public; and further Larimer County's and participating local governments' general plan for regional parks.

**3. Payment of In-Lieu Fees**

**a. Payment at Building Permit**

The in-lieu fees shall be paid prior to issuance of a building permit for development for any portion of the land division. The amount of the in-lieu fee will be based on the in-lieu fee schedule in effect at the time of building permit application. If any credits are due under §5.7.1.B, they will be determined at that time. The in-lieu fee will be computed separately for the amount of development covered by the permit, if the building permit is for less than the entire land division. If the in-lieu fee is exacted for development that increases impact because of a change in use (on land that is subdivided and subject to this provision), the in-lieu fee will be determined by computing the difference in the in-lieu fee schedule between the new development and the existing development. The obligation to pay the in-lieu fee will run with the land.

**b. Prior Agreement**

Any applicant who has agreed, as a condition of development approval, to pay regional park land in-lieu fees will be responsible for the payment of the fees under the terms of such agreement.

**G. Exemptions**

The following development is exempt from the terms of these regional park land regulations:

**1. Nonresidential Development**

Any development that does not involve the creation of additional dwelling units.

**2. Alterations/Expansions/No Change in Use**

Alterations or expansion of an existing residential building where no additional dwelling units are created and the use is not changed.

**3. Accessory Buildings/Structures**

The construction of accessory buildings or structures added onto the principal residential building or land use that will not create additional dwellings units.

**4. Replacement of Destroyed Building**

The replacement of a destroyed or partially-destroyed residential building of the same size and use, provided that no additional residential units are created.

**H. Establishment of Schedules**

**1. Dedication Requirement**

The minimum amount of land to be dedicated per dwelling unit for regional park land will be determined from the schedule in Table 5-5: *Regional Park Land Dedication and In-Lieu Fee Schedules*.

**2. In-lieu Fee Schedule**

The fee in-lieu of dedication per dwelling unit will be determined from the schedule in Table 5-5: *Regional Park Land Dedication and In-Lieu Fee Schedules*, which is based on the dedication requirement and the average cost per acre identified in the Larimer County Transportation Capital Expansion Fee and Park In-Lieu Fee Study.

**3. Residential Dwelling Type Not In Schedule**

If the residential dwelling unit type for which land is to be dedicated or an in-lieu fee is to be paid is not specified on the fee schedule in Table 5-5: *Regional Park Land Dedication and In-Lieu Fee Schedules*, the Fee Administrator will use the most comparable type of land use on the applicable schedule.

<b>Table 5-5: Regional Park Land Dedication and In-Lieu Fee Schedules</b>		
<b>Housing Type</b>	<b>Land Dedication (acres/du)</b>	<b>In-Lieu Fee (dollars/du)</b>
Single-Family Detached	0.158	701.00
Single-Family Attached	0.123	547.00
Duplex	0.119	526.00
Multifamily	0.103	456.00
Manufactured Home	0.122	540.00

**I. Benefit Districts**

**1. Establishment of Benefit Districts**

For the purpose of ensuring applicants/fee payers receive sufficient benefit for fees paid, all of the area within Larimer County is hereby designated as the regional park benefit district.

**2. Expenditure**

In-lieu fee funds will be spent within the regional park benefit district in which the development is located. In-lieu fees will only be spent for regional park land. Eligible expenditure items include the raw land for regional parks and the engineering and construction of capital improvements necessary to make the land usable for such purposes, including clearing and grading, drainage improvements, fences, parking, road

access and utilities to the perimeter of the property, and other similar infrastructure improvements.

**3. Establishment of Trust Funds**

There is hereby established a regional park trust fund, into which in-lieu fees collected from development within the benefit district will be deposited by the county. Any proceeds in the regional park trust fund not immediately necessary for expenditure will be invested in interest-bearing assets. All interest on the proceeds and any income derived from investments will be retained in the trust fund. Records of the trust fund account will be available for public inspection in the office of the Fee Administrator during normal business hours.

**4. Intergovernmental Agreements**

Each participating local government shall also establish a trust fund into which in-lieu fees collected will be deposited. The procedures for control and expenditure of these funds will be established in the intergovernmental agreements.

**J. Review Every Two Years**

At least once every two years, the Fee Administrator will recommend to the County Commissioners and to the governing bodies of the participating local governments whether any changes should be made to the land dedication or in-lieu fee schedules or capital expansion fee schedules to reflect changes in the factors that affect the schedules. The Fee Administrator will be assisted by the capital expansion Fee Administrators of the participating local governments. The purpose of this review is to analyze the effects of inflation on actual costs, to assess potential changes in needs, to assess any changes in the characteristics of land uses and to ensure that the exactions will not exceed a pro rata share.

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**5.7.7. Non-Regional Road Capital Expansion Fee<sup>324</sup>**

**A. Findings**

**1. Successor Regulation**

This non-regional road capital expansion fee (“non-regional road fee regulations”) is a successor to that Larimer County Road Capital Expansion Fee Regulation adopted by Larimer County in 2006.

**2. New Growth in County**

The Larimer County Transportation Master Plan 2017 (TMP) projects there will be a significant amount of new growth and development in Larimer County in the next 23 years.

**3. Need for Capacity Expansion**

The 2017 Transportation Capital Expansion Fee Study (TCEF) has determined that this new growth and development will require a substantial expansion in road capital facilities if adequate levels of service (LOS) are to be maintained on county roads.

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<sup>324</sup> Current Section 9.4. Definitions have been moved to Article 11, Definitions. Sections 9.5.7 Independent Fee Calculation (general provisions); 9.5.8, Credits; and 9.5.10, Refund of Fees Not Spent have been moved to Section 7.4.1, Generally Applicable Standards.

**4. Improvements Needed**

The TMP has identified the cost of growth-related transportation improvements required to maintain adequate levels of service on county roads. In addition, the TCEF has divided Larimer County's road system into "regional" and "non-regional" roads based on the use of the roads.

**5. Proportionate Share Policy**

In order to address this need, the County Commissioners have established a policy that future growth and new development will contribute its proportionate share of the costs of providing capital facilities for non-regional roads.

**6. Non-Regional Transportation Capital Expansion Fee Preferred**

The County Commissioners have also determined that the imposition of a non-regional road capital expansion fee is one of the preferred methods of regulating new growth and development in Larimer County in order to ensure new growth and development bears a proportionate share of the costs of capital facilities for non-regional roads necessary to accommodate that new growth and development while at the same time maintaining the adopted LOS on the non-regional road system and promoting and protecting the public health, safety and welfare.

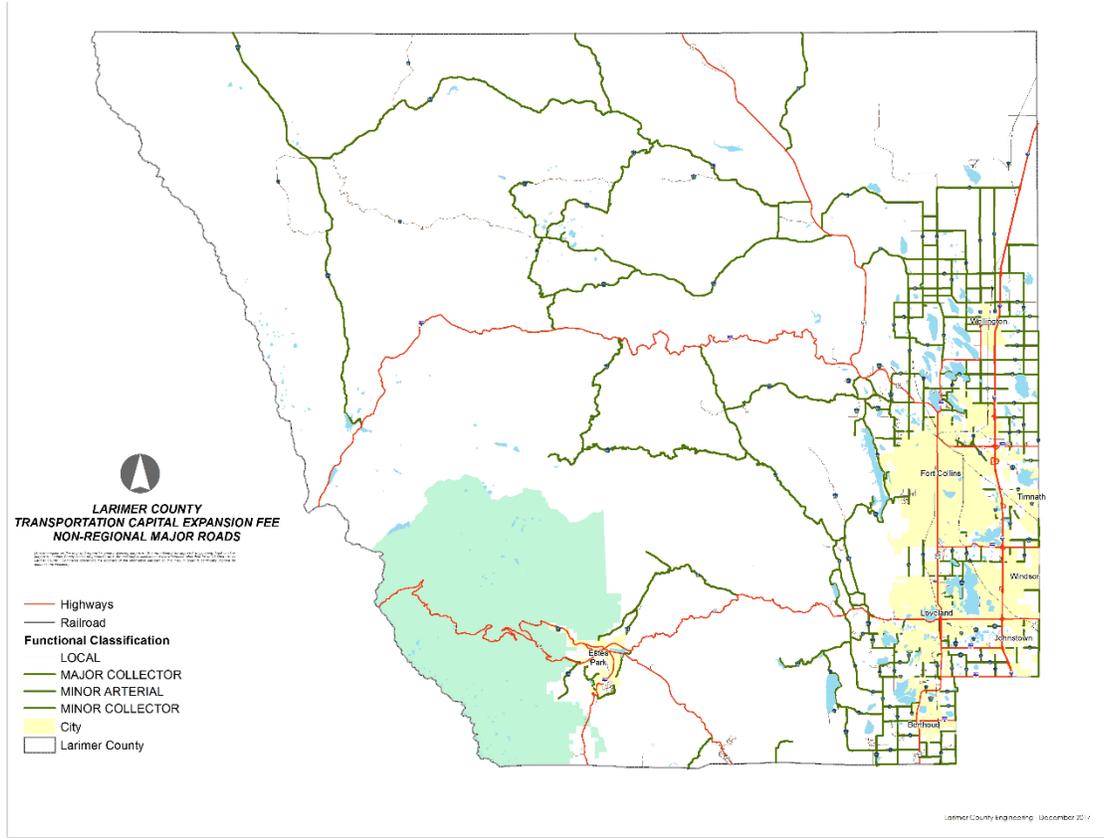
**7. Consistent with Comprehensive Plan**

A non-regional road capital expansion fee that contributes this proportionate share assists in the implementation of and is consistent with the Comprehensive Plan .

**8. Compliance with Applicable Law**

The County Commissioners have determined that the TMP, the TCEF, and this regulation comply with the requirements of C.R.S. § 29-20-104.5 and other applicable law.

*Figure xx, Non-Regional Major Roads*



**B. Applicability**

The non-regional road fee regulations applies to all lands in unincorporated Larimer County.

**C. Intent and Purpose**

**1. Intent**

These regulations are intended to implement and be consistent with the Comprehensive Plan and the TMP.

**2. Purpose**

The non-regional road fee regulations establish a system for the imposition of non-regional road capital expansion fees to assure that new development contributes its proportionate share of the cost of providing, and benefits from the provision of, non-regional road capital improvements.

**3. Fair Allocation of Costs**

These regulations are intended to be consistent with the principle of allocating a fair share of the costs of new public facilities to new growth and development. This fee approaches the problem of determining the fair share non-regional road capital expansion fee in a conservative and reasonable manner. This fee will only partially capture the governmental expenditures associated with improving the roads on the non-regional road system.

**4. Technical Support**

These regulations are based primarily upon the TMP, the TCEF, the Comprehensive Plan, and other technical data collected in connection with those documents, all of which are incorporated herein by reference.

**5. Compliance with Law**

These regulations are intended to comply with the provisions of C.R.S. § 29-20-104.5 including without limitation the requirements: (i) that the non-regional road capital expansion fee not be calculated or used to fund existing deficiencies in the non-regional road system, and (ii) that no property owner be required to provide a dedication or improvement for the same improvements funded by the non-regional road capital expansion fee.

**D. Level of Service Standard**

The County Commissioners have determined that Larimer County's non-regional road system will operate at LOS D or better in urban areas and LOS C or better in rural areas.

**E. Imposition of County Fee**

**1. Time of Fee Obligation and Payment**

- a. Any person or governmental body (unless exempted by intergovernmental agreement) who causes the commencement of traffic-generating development will be obligated to pay a non-regional road capital expansion fee consistent with the terms of this regulation.
- b. Except as described in subsection c. below, the fee will be determined and paid to the Fee Administrator at the time of issuance of a building permit, provided, however that the Fee Administrator may delay the duty to pay the fee until the issuance of a certificate of occupancy if the Fee Administrator determines that such delay will not result in a delay in construction of any non-regional road improvement in the benefit area where the property is located.
- c. For traffic-generating development that occurs as a result of a county approval, the fee will be determined and paid to the Fee Administrator at the time agreed upon by the County Commissioners and the applicant as a condition of Larimer County approval, but no earlier than the issuance of a development construction permit for the development containing Larimer County approved activity, if any.
- d. If any credits are due under §5.7.1.B, they will be determined at that time.
- e. If the building permit or approval is for less than the entire development or activity, the fee will be computed separately for the amount of development covered by the permit, or approval.
- f. If the fee is exacted for traffic-generating development that increases traffic impact because of a change in use, the fee will be determined by computing the difference between the fee applicable to the new traffic-generating development and fee applicable to the existing traffic-generating development.
- g. The obligation to pay the transportation capital expansion fee will run with the land.
- h. Any person who has agreed to pay a transportation capital expansion fee pursuant to a previous regulation, or as a condition of development approval, will be responsible for the payment of the fee under the terms of any such previous regulation or agreement, rather than the terms of this non-regional road fee.

**2. Exemptions**

The following types of development and activity are exempt from the terms of the non-regional road fee regulations. An exemption shall be claimed by the fee payer at the time of application for a building permit or development construction permit.

- a. Alteration of an existing building where no additional vehicular trips will be produced over and above that produced by the existing use.
- b. The construction of residential accessory buildings or structures that will not produce additional vehicular trips.
- c. The replacement of a destroyed or partially-destroyed building or structure of the same size and use, provided that no additional trips will be produced above those produced by the original use of the land.
- d. Any affordable housing development specifically exempted by the Board of County Commissioners pursuant to C.R.S. § 29-20-104.5(5).
- e. Home occupation with ten or fewer average daily trip ends, accessory rural occupation with ten or fewer average daily trip ends, and bed and breakfast with six or fewer guests.

**3. Establishment of Fee Schedule**

- a. Any person who causes the commencement of traffic-generating development, except those persons exempted under §5.7.7.E.2 or preparing an independent fee calculation study under §5.7.1.A, shall pay a non-regional road expansion fee in accordance with the road fee schedule.
- b. The fees in the road fee schedule shall be updated annually by the Fee Administrator to reflect changes in road construction costs during the previous year. The updated fees shall become effective on the first day of July. To calculate an updated fee, each fee in the road fee schedule shall be multiplied by a ratio, the numerator of which is the annual eight-quarter moving average in the Colorado Construction Cost Index Report prepared by the Colorado Department of Transportation and the denominator of which is the same index for a period one year earlier than the numerator. If the ratio is less than, or equal to 1.05, the fees in the road fee schedule shall be updated by the Fee Administrator without further action by the County Commissioners. If the ratio is greater than 1.05, the Fee Administrator shall report the ratio to the County Commissioners, and the County Commissioners shall determine the ratio that shall be used to update the fees. All obligations to pay the non-regional road capital expansion fee shall apply to the most recent update of the fees in the road fee schedule.
- c. If a fee is to be paid for mixed uses, then the fee will be determined according to the above schedule by apportioning the space committed to uses specified on the schedule.
- d. If the type of traffic-generating development for which a building permit or other approval is requested is not specified on the fee schedule, the Fee Administrator will determine the fee on the basis of the fee applicable to the most nearly comparable development category on the non-regional road fee schedule. The Fee Administrator will be guided in the selection of a comparable land use by:
  - i. Using trip generation rates contained in the most current edition of the report titled "Trip Generation," prepared by the Institute of Transportation Engineers

(ITE), articles or reports appearing in the ITE Journal, or studies or reports prepared by the U.S. Department of Transportation or Colorado Department of Transportation, and applying the formula in §5.7.7.F; or

- ii. Computing the fee by use of an independent fee calculation study as provided in §5.7.1.A.

**F. Independent Fee Calculation Study**

**1. General**

- a. The non-regional road capital expansion fee may be computed by the use of an independent fee calculation study per §5.7.1.A based on the standards and calculations provided in this section.
- b. An independent fee calculation may be undertaken at the election of the fee payer, or upon the request of the Fee Administrator for any proposed land development activity that the Fee Administrator determines:
  - i. Is not listed on the fee schedule and is not comparable to any land use on the fee schedule, or
  - ii. Is likely to generate impacts costing substantially more to mitigate than the amount of the fee that would be generated by the use of the fee schedule, due to its nature, timing, or location.
- c. The preparation of the independent fee calculation study will be the responsibility of, and at the expense of, the electing party.
- d. Any person electing to perform an independent fee calculation study shall pay an application fee for administrative costs associated with the review and decision on such independent fee calculation study.

**2. Formula**

- a. The independent fee calculation study for the non-regional road capital expansion fee will be calculated using the following formula:

Total weekday vehicle trip ends x Trip rate adjustment factor for inbound trips, including pass-by x Average miles per trip x Trip length adjustment factor x Capital (Growth) cost per VMT<sup>325</sup>

<b>Table 5-6: Road TCEF Input Factors</b>	
Non-Regional Average Miles per Trip	3.72
2018 Non-Regional Capital (Growth) Cost per VMT [1]	\$191.42
Regional Average Miles per Trip	0.23
Regional Capital (Growth) Cost per VMT [1]	\$257.16

**Notes:**  
[1] Cost per VMT varies annually (§5.7.7.E.3.b) Contact TCEF Administrator for current rate.

<b>Table 5-7: Nonresidential Development Trip Rate Adjustments</b>		
<b>Nonresidential Development Type</b>	<b>Trip Rate Adjustment (%)</b>	<b>Trip Length Adjustment (%)</b>
Industrial	50	86

<sup>325</sup> Please confirm that this calculation is correct.

**Table 5-7: Nonresidential Development Trip Rate Adjustments**

Commercial	33	57
Office & Other Services	50	86

- b. The independent fee calculations will be based on data, information or assumptions in this Code or independent sources. Independent sources may be used, provided that:
  - i. The independent source is an accepted standard source of transportation engineering or planning data or information;
  - ii. The independent source is a local study on trip characteristics carried out by a qualified traffic planner or engineer under an accepted methodology of transportation planning or engineering; and
  - iii. The trip rate adjustment factor used in the independent fee calculation study shall be based on actual surveys conducted in Larimer County.

**G. Use of Fees Collected**

**1. Establishment of Benefit Districts**

- a. For the purpose of ensuring fee payers receive sufficient benefit for fees paid, one road benefit district is established that is the geographic entirety of Larimer County. The benefit districts have been revised from the 2006 Fee Study from four to one district.
- b. Transportation capital expansion fee funds will be spent within the single road benefit district.

**2. Establishment of Trust Fund**

There is hereby established the Larimer County Non-Regional Road Capital Expansion Fee Trust Fund for the purpose of ensuring that fees collected under this Code are designated for the accommodation of impacts reasonably attributable to the proposed traffic-generating development.

**3. Requirements for Trust Fund**

- a. All non-regional road capital expansion fees collected by the Fee Administrator under this Code shall be immediately deposited in the non-regional road capital expansion fee trust fund.
- b. All unspent funds in Larimer County's existing county transportation capital expansion fee trust fund shall remain in those accounts until expended. Such funds shall be expended for purposes that comply with both the requirements of this Code and Larimer County transportation capital expansion fee regulation of under which those funds were collected.
- c. No monies from the trust fund shall be spent for periodic or routine maintenance, rehabilitation, or replacement of any facility of any type, or to address deficiencies in the non-regional road system existing on the effective date of this regulation.
- d. Any proceeds in the trust fund not immediately necessary for expenditure will be invested in an interest-bearing account. All income derived from these investments shall be retained in the trust fund until spent for the same purposes permitted for the remainder of the trust fund deposits.

- e. Proceeds collected and all interest accrued on such funds will be used solely for non-regional road capital facilities on the non-regional road system.
- f. Records of the trust fund accounts will be available for public inspection in the Fee Administrator's office during normal business hours.

**H. Refund of Fees Not Spent**

**1. General**

Pursuant to the process established in §5.7.1.C, any non-regional road capital expansion fees collected, together with interest earned on such fees, will be returned to the fee payer or the fee payer's successor in interest (if the development subject to the fee is sold by the fee payer), if the fees have not been spent within ten years from the date the first building permit for the traffic-generating development was issued (or, if the Fee Administrator agreed to delay collection of the fee until the issuance of a certificate of occupancy, then within ten years from the date of the certificate of occupancy). Fees will be spent on the basis of the first fee collected being the first fee spent.

**2. Prior Rights Continue**

Any person entitled to a refund pursuant to the terms of the non-regional transportation capital expansion fee regulation of 2006 shall retain any such rights notwithstanding the replacement of that earlier regulation with this regulation, and the adoption of this regulation shall not affect the dates upon which any such refund may become due or the procedures that the claimant shall follow in order to obtain a refund.

**I. Mistake or Misrepresentation**

- 1. If the non-regional road impact fee is calculated and paid based on a mistake or misrepresentation, it shall be recalculated.
- 2. Any amounts overpaid by a fee payer shall be refunded by Larimer County within 30 days after the Fee Administrator's acceptance of the recalculated amount, with interest since the date of such overpayment at the same rate applicable to trust fund deposits since the initial payment was made.
- 3. Any amounts underpaid by the fee payer shall be paid to Larimer County within 30 days after the Fee Administrator's notification of the calculated amount, with interest since the date of such underpayment at the same rate applicable to trust fund deposits since the initial payment was made.
- 4. In the case of an underpayment to Larimer County, Larimer County shall not issue any additional permits or approvals for the project for which the fees were previously paid until such underpayment is corrected, and if amounts owed to Larimer County are not paid within 60 days after the Fee Administrator's notification of the recalculated amount, Larimer County may also repeal any permits issued in reliance on the previous payment of such fees and refund fees received, with interest since the date of the payment, to the then current owner of the land.

**J. Review Every Five Years**

At least once every five years, the Fee Administrator will recommend to the County Commissioners whether any changes should be made to the non-regional road component of the TCEF or this regulation. The Fee Administrator will be assisted by their counterparts in participating local governments. The purpose of this review is to analyze the effects of inflation on actual costs; to assess potential changes in needs; to assess any changes in the

characteristics of land uses; and to ensure that the non-regional road capital expansion fees will not exceed a fair share of the costs of addressing the impacts of growth and development on non-regional roads as required by applicable law. Any recommended modifications of this regulation as a result of the review shall only be effective following approval by the County Commissioners.

**K. Automatic Annual Adjustments**

The provisions of §5.7.7.I shall not affect the provisions of §5.7.7.E.3.b, which provide for annual adjustments to the fee schedule to reflect changes in construction costs without further action by the County Commissioners.

**L. Severability<sup>326</sup>**

If one or more provisions of this regulation are invalidated by any court of law, those provisions shall be severed from the remainder of this regulation, the validity of the remainder of this regulation shall not be affected, and the invalidated provisions shall be deemed to have been replaced with provisions as close as possible to the intent of the original provisions while correcting for the cause of the invalidation.

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**5.7.8. Regional Road Capital Expansion Fee<sup>327</sup>**

**A. Findings**

**1. Successor Regulation**

This regional road capital expansion fee (“regional road fee regulations”) is a successor to that Larimer County Road Capital Expansion Fee Regulation adopted by Larimer County in 2006.

**2. New Growth in County**

The Larimer County Transportation Master Plan 2017 (TMP) projects there will be a significant amount of new growth and development in Larimer County in the next 23 years.

**3. Need for Capacity Expansion**

The 2017 Transportation Capital Expansion Fee Study (TCEF) has determined that this new growth and development will require a substantial expansion in road capital facilities if adequate levels of service (LOS) are to be maintained on county roads.

**4. Improvements Needed**

The TMP has identified the cost of growth-related transportation improvements required to maintain adequate levels of service on county roads. In addition, the TCEF has divided Larimer County's road system into "regional" and "non-regional" roads based on the use of the roads.

**5. Proportionate Share Policy**

In order to address this need, the County Commissioners have established a policy that future growth and new development will contribute its proportionate share of the costs of providing capital facilities for regional roads.

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<sup>326</sup> The full Land Use Code has a general severability provision in Section 1.8. We normally remove internal severability clauses. Is there any reason to keep a separate clause here?

<sup>327</sup> Current Section 9.6

**6. Regional Transportation Capital Expansion Fee Preferred**

The County Commissioners have determined that the imposition of a regional road capital expansion fee is one of the preferred methods of regulating new growth and development in Larimer County in order to ensure that new growth and development bears a proportionate share of the costs of capital improvements for regional roads necessary to accommodate new growth and development while at the same time maintaining the adopted LOS on the regional road system and promoting and protecting the public health, safety and welfare.

**7. Consistent with Comprehensive Plan**

A regional road capital expansion fee that contributes to this proportionate share assists in the implementation of and is consistent with the Comprehensive Plan.

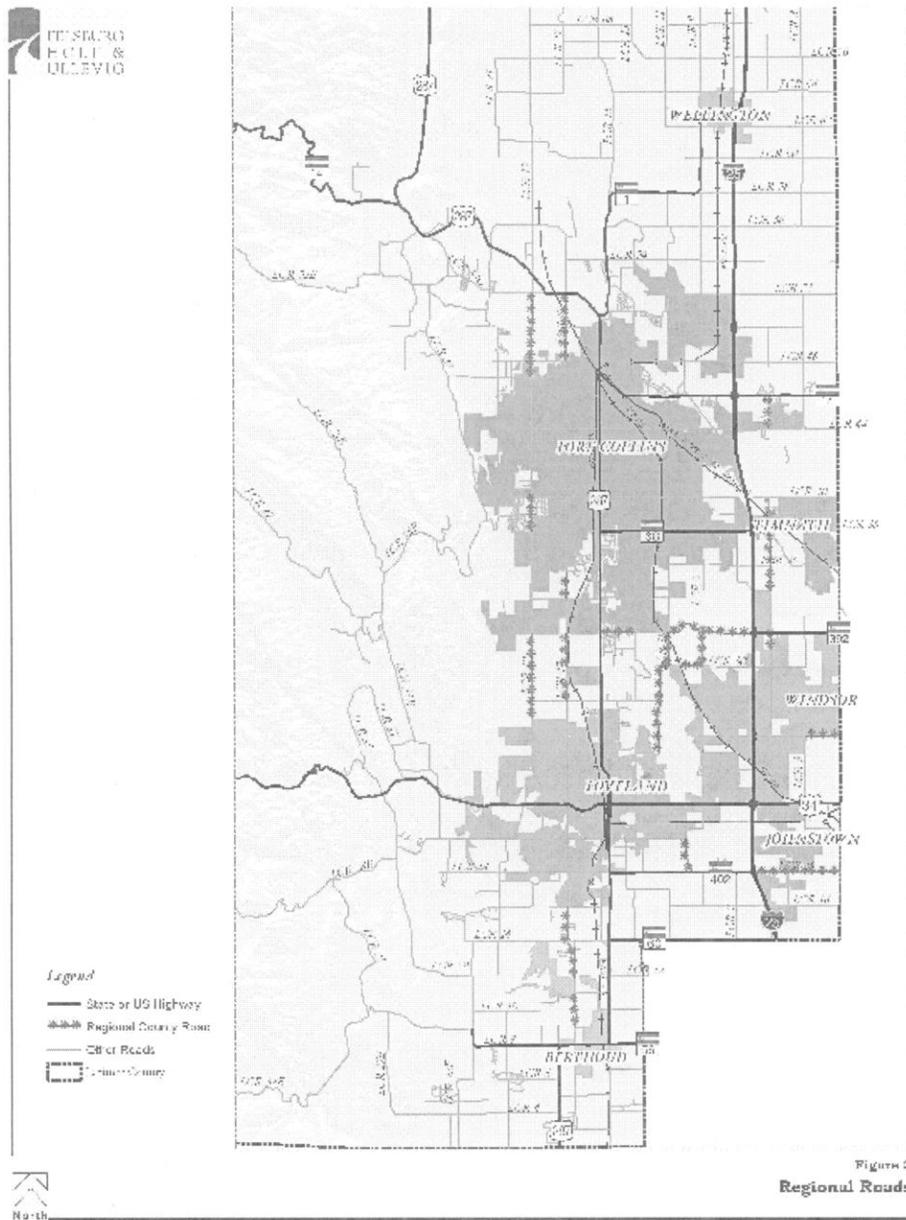
**8. Coordinated Provision of Services**

In order to implement a region-wide regional road capital expansion fee system, the County Commissioners have and will pursue the establishment of intergovernmental agreements with the other local governments in the region that results in those municipalities' participation and cooperation by adoption of a regional road capital expansion fee to accommodate new development within their jurisdictions, or by the adoption of other methods to contribute their proportionate share of funds.

**9. Compliance with Applicable Law**

The County Commissioners have determined that the TMP, the TCEF, and this regulation comply with the requirements of C.R.S. § 29-20-104.5 and other applicable law.

*Figure xx: Regional Road System*



**B. Applicability**

This regional road capital expansion fee applies to all lands within unincorporated Larimer County and, under intergovernmental agreements, all other lands within the boundaries of the participating local governments.

**C. Intent and Purpose**

**1. Intent**

These regional road fee regulations are intended to implement and be consistent with the Comprehensive Plan and the TMP.

**2. Purpose**

This section establishes of a system for the imposition of regional road capital expansion fees to assure that new development contributes its proportionate share of the cost of providing, and benefits from the provision of, regional road capital improvements.

**3. Fair Allocation of Costs**

These regulations are intended to be consistent with the principle of allocating a fair share of the costs of new public facilities to new growth and development. It approaches the problem of determining the fair share regional road capital expansion fee in a conservative and reasonable manner. This fee will only partially capture the governmental expenditures associated with improving the roads on the regional road system.

**4. Technical Support**

The regional road fee is based primarily upon the TMP, the TCEF, the master plan, and other technical data collected in connection with those documents, all of which are incorporated herein by reference.

**5. Compliance with Law**

Regional road fee is intended to comply with the provisions of C.R.S. § 29-20-104.5 including without limitation the requirements (i) that the regional road capital expansion fee not be calculated or used to fund existing deficiencies in the regional road system, (ii) that no property owner be required to provide a dedication or improvement for the same improvements funded by the regional road capital expansion fee.

**D. Intergovernmental Agreement**

1. In order to implement a region-wide regional road capital expansion fee program, Larimer County has and intends to enter into intergovernmental agreements with the other local governments in the region that result in those municipalities' participation and cooperation by adoption of a regional road capital expansion fee to accommodate new development within their jurisdictions to maintain the adopted LOS on the regional road system.
2. The intergovernmental agreements shall provide for adoption and implementation of a regional road capital expansion fee regulation similar to this regulation by the other local governments in Larimer County, or for the collection of funds equivalent to those fees from other sources consistent with applicable law, and procedures for regional cooperation in the effort to plan for, fund, and construct regional road capital improvements.
3. The intergovernmental agreements shall provide the County Commissioners the authority to coordinate the joint efforts of the participating local governments in this effort and to coordinate the administration of the regional road capital expansion fee program.
4. The intergovernmental agreements shall provide that the County Commissioners appoint a Regional Road Capital Expansion Fee Administrator (the "Fee Administrator") who will be responsible for the administration of the regional road capital expansion fee program, with assistance from each of the participating local governments.

**E. Level of Service Standard (LOS).**

The County Commissioners have determined that the regional road system will operate at LOS-D or better.

**F. Imposition of Regional Fee**

**1. Time of Fee Obligation and Payment**

- a. Any person or governmental body (unless exempted by intergovernmental agreement) who causes the commencement of traffic-generating development will be obligated to pay a regional road capital expansion fee consistent with the terms of this section.
- b. Except as described in §5.7.8.F.1.c below, the fee will be determined and paid to the Fee Administrator at the time of issuance of a building permit, provided, however that the Fee Administrator may delay the duty to pay the fee until the issuance of a certificate of occupancy if the Fee Administrator determines that such delay will not result in a delay in construction of any regional road improvement in the benefit area where the property is located.
- c. For traffic-generating development that occurs as a result of a county approval, the fee will be determined and paid to the Fee Administrator at the time agreed upon by the County Commissioners and the applicant as a condition of Larimer County approval, but no earlier than the issuance of a development construction permit for the development containing Larimer County approved activity, if any.
- d. If any credits are due under §5.7.1.B, they will also be determined at that time.
- e. If the building permit or approval is for less than the entire development or activity, the fee will be computed separately for the amount of development covered by the permit, or approval.
- f. If the fee is exacted for traffic-generating development that increases traffic impact because of a change in use, the fee will be determined by computing the difference between the fee applicable to the new traffic-generating development and fee applicable to the existing traffic-generating development.
- g. The obligation to pay the transportation capital expansion fee will run with the land.
- h. Any person who, prior to the effective date of this regulation, agreed to pay a transportation capital expansion fee pursuant to a previous regulation, or as a condition of development approval, will be responsible for the payment of the fee under the terms of any such previous regulation or agreement, rather than the terms of this regulation.

**2. Exemptions**

The following types of development and activity are exempt from the terms of the regional road fee regulations. An exemption shall be claimed by the fee payer at the time of application for a building permit or development construction permit.

- a. Alteration of an existing building where no additional vehicular trips will be produced over and above that produced by the existing use.
- b. The construction of residential accessory buildings or structures that will not produce additional vehicular trips.

- c. The replacement of a destroyed or partially-destroyed building or structure of the same size and use, provided that no additional trips will be produced above those produced by the original use of the land.
- d. Any affordable housing development specifically exempted by the Board of County Commissioners pursuant to C.R.S. § 29-20-104.5(5).
- e. Home occupation with ten or fewer average daily trip ends, accessory rural occupation with ten or fewer average daily trip ends, and bed and breakfast with six or fewer guests.

**3. Establishment of Fee Schedule**

- a. Any person who causes the commencement of traffic-generating development, except those persons exempted under §5.7.8.F.2 or preparing an independent fee calculation study under §5.7.8.G, shall pay a regional road capital expansion fee in accordance with the road fee schedule.
- b. The fees in the road fee schedule shall be updated annually by the Fee Administrator to reflect changes in road construction costs during the previous year. The updated fees shall become effective on the first day of July. To calculate an updated fee, each fee in the road fee schedule shall be multiplied by a ratio, the numerator of which is the annual eight-quarter moving average in the Colorado Construction Cost Index Report prepared by the Colorado Department of Transportation and the denominator of which is the same index for a period one year earlier than the numerator. If the ratio is less than, or equal to 1.05, the fees in the road fee schedule shall be updated by the Fee Administrator without further action by the County Commissioners. If the ratio is greater than 1.05, the Fee Administrator shall report the ratio to the County Commissioners, and the County Commissioners shall determine the ratio that shall be used to update the fees. All obligations to pay the regional road capital expansion fee shall apply to the most recent update of the fees in the road fee schedule.
- c. If a fee is to be paid for mixed uses, the fee will be determined according to the above schedule by apportioning the space committed to uses specified on the schedule.
- d. If the type of traffic-generating development for which a building permit or other approval is requested is not specified on the fee schedule, the Fee Administrator will determine the fee on the basis of the fee applicable to the most nearly comparable development category on the regional road fee schedule. The Fee Administrator will be guided in the selection of a comparable land use by:
  - i. Using trip generation rates contained in the most current edition of the report titled "Trip Generation," prepared by the Institute of Transportation Engineers (ITE), articles or reports appearing in the ITE Journal, or studies or reports prepared by the U.S. Department of Transportation or Colorado Department of Transportation, and applying the formula in §5.7.8.G.2; or
  - ii. Computing the fee by use of an independent fee calculation study as provided in §5.7.8.G.

**G. Independent Fee Calculation Study**

**1. General**

- a. The regional road capital expansion fee may be computed by the use of an independent fee calculation study per §5.7.1.A based on the standards and calculations provided in this section.
- b. The independent fee calculation study shall be created either at the election of the fee payer or upon the request of the Fee Administrator for any proposed land development activity that the Fee Administrator determines:
  - i. Is not listed on the fee schedule and is not comparable to any land use on the fee schedule, or
  - ii. Is likely to generate impacts costing substantially more to mitigate than the amount of the fee that would be generated by the use of the fee schedule, due to its nature, timing, or location.
- c. The preparation of the independent fee calculation study will be the responsibility of, and at the expense of, the electing party.
- d. Any person electing to perform an independent fee calculation study shall pay an application fee for administrative costs associated with the review and decision on such independent fee calculation study.

**2. Formula**

- a. The independent fee calculation study for the regional road capital expansion fee will be calculated using the following formula:

Total weekday vehicle trip ends x Trip rate adjustment factor for inbound trips, including pass-by x Average miles per trip x Trip length adjustment factor x Capital (Growth) cost per VMT

**Table 5-8: Road TCEF Input Factors**

Non-Regional Average Miles per Trip	3.72
2018 Non-Regional Capital (Growth) Cost per VMT [1]	\$191.42
Regional Average Miles per Trip	0.23
Regional Capital (Growth) Cost per VMT [1]	\$257.16

**Notes:**

[1] Cost per VMT varies annually (LCLUC 9.5.6.C.2) Contact TCEF Administrator for current rate.

**Table 5-9: Nonresidential Development Trip Rate Adjustments**

Nonresidential Development Type	Trip Rate Adjustment (%)	Trip Length Adjustment (%)
Industrial	50%	86%
Commercial	33%	57%
Office & Other Services	50%	86%

- b. The independent fee calculations will be based on data, information or assumptions in this regulation or independent sources. Independent sources may be used, provided that:

- i. The independent source is an accepted standard source of transportation engineering or planning data or information; and
- ii. The independent source is a local study on trip characteristics carried out by a qualified traffic planner or engineer under an accepted methodology of transportation planning or engineering; and
- iii. The trip rate adjustment factor used in the independent fee calculation study shall be based on actual surveys conducted in Larimer County.

**H. Use of Fees Collected**

**1. Single Benefit District**

- a. Because the TMP and TCEF show widespread use of the regional road system by all portions of Larimer County, all of the unincorporated area within Larimer County is hereby designated as the regional road capital expansion fee benefit district. This single benefit district is the same as the single benefit district established by the regional transportation capital expansion fee regulation of 2006 that this regulation replaces.
- b. Regional road capital expansion fee funds shall be spent within the single regional road benefit district.

**2. Establishment of Trust Fund**

There is hereby established the Larimer County Regional Road Capital Expansion Fee Trust Fund for the purpose of ensuring that fees collected under this regulation are designated for the accommodation of impacts reasonably attributable to the proposed traffic-generating development.

**3. Requirements for Trust Fund**

- a. All regional road capital expansion fees collected by the Fee Administrator under this regulation shall be immediately deposited in the regional road capital expansion fee trust fund.
- b. No monies from the trust fund shall be spent for periodic or routine maintenance, rehabilitation, or replacement of any facility of any type, or to address deficiencies in the regional road system existing on the effective date of this regulation.
- c. Any proceeds in the trust fund not immediately necessary for expenditure will be invested in an interest-bearing account. All income derived from these investments shall be retained in the trust fund until spent for the same purposes permitted for the remainder of the trust fund deposits.
- d. Proceeds collected and all interest accrued on such funds will be used solely for regional road capital facilities on the regional road.
- e. Records of the trust fund accounts will be available for public inspection in the Fee Administrator's office during normal business hours.

**4. Intergovernmental Agreement**

Each participating local government will also establish a trust fund into which regional road capital expansion fees collected by that government will be deposited. The procedures for control and expenditure of these funds will be established in the intergovernmental agreements.

**I. Refund of Fees Not Spent**

**1. General**

Any regional road capital expansion fees collected, together with interest earned on such fees, will be returned to the fee payer or the fee payer's successor in interest (if the development subject to the fee is sold by the fee payer), if the fees have not been spent within ten years from the date the first building permit for the traffic-generating development was issued (or, if the Fee Administrator agreed to delay collection of the fee until the issuance of a certificate of occupancy, then within ten years from the date of the certificate of occupancy). Fees will be spent on the basis of the first fee collected being the first fee spent.

**2. Prior Rights Continue**

Any person entitled to a refund pursuant to the terms of the regional transportation capital expansion fee regulation of 2006 shall retain any such rights notwithstanding the replacement of that earlier regulation with this regulation, and the adoption of this regulation shall not affect the dates upon which any such refund may become due or the procedures that the claimant must follow in order to obtain a refund.

**J. Mistake or Misrepresentation**

1. If the regional road impact fee is calculated and paid based on a mistake or misrepresentation, it shall be recalculated.
2. Any amounts overpaid by a fee payer shall be refunded by Larimer County within 30 days after the Fee Administrator's acceptance of the recalculated amount, with interest since the date of such overpayment at the same rate applicable to trust fund deposits since the initial payment was made.
3. Any amounts underpaid by the fee payer shall be paid to Larimer County within 30 days after the Fee Administrator's notification of the calculated amount, with interest since the date of such underpayment at the same rate applicable to trust fund deposits since the initial payment was made.
4. In the case of an underpayment to Larimer County, Larimer County shall not issue any additional permits or approvals for the project for which the fees were previously paid until such underpayment is corrected, and if amounts owed to Larimer County are not paid within 60 days after the Fee Administrator's notification of the recalculated amount, Larimer County may also repeal any permits issued in reliance on the previous payment of such fees and refund fees received, with interest since the date of the payment, to the then current owner of the land.

**K. Review Every Five Years**

At least once every five years, the Fee Administrator will recommend to the County Commissioners whether any changes should be made to the regional road component of the TCEF or this regulation. The Fee Administrator will be assisted by their counterparts in participating local governments. The purpose of this review is to analyze the effects of inflation on actual costs; to assess potential changes in needs; to assess any changes in the characteristics of land uses; and to ensure that the regional road capital expansion fees will not exceed a fair share of the costs of addressing the impacts of growth and development on regional roads as required by applicable law. Any recommended modifications of this

regulation as a result of the review shall only be effective following approval by the County Commissioners.

**L. Automatic Annual Adjustments**

The provisions of §5.7.8.J above shall not affect the provisions of §5.7.8.F.3.b, which provide for annual adjustments to the fee schedule to reflect changes in construction costs without further action by the County Commissioners.

**M. Severability**

If one or more provisions of this regulation are invalidated by any court of law, those provisions shall be severed from the remainder of this regulation, the validity of the remainder of this regulation shall not be affected, and the invalidated provisions shall be deemed to have been replaced with provisions as close as possible to the intent of the original provisions while correcting for the cause of the invalidation.

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**5.7.9. Right of Way Dedications<sup>328</sup>**

**A. Purpose**

The purpose of right-of-way dedications is to provide adequate roadways for safe and convenient access to all development.

**B. Applicability**

Right-of-way dedications apply to all applications for conservation development, subdivision, minor land division, rural land plan, special review, and site plan review submitted under this Code.

**C. Dedications Required**

Sufficient right-of-way for all county roads shall be dedicated by the property owner(s) for each development proposal to meet the minimum right-of-way standards cited in the Rural Area Road Standards or the Urban Area Street Standards, as appropriate. Sufficient right-of-way for all state and federal highways shall be dedicated by the property owner(s) for each development proposal consistent with the recommendations of the Colorado Department of Transportation.

**D. Dedication Process**

Right-of-way dedications for all conservation developments, subdivisions, rural land plans, and minor land divisions shall appear on the final plat prior to recording. Right-of-way dedications for special reviews, site plan reviews and special exceptions shall be accomplished by a properly executed deed of dedication at the time of final approval. The wording for dedication statements is included in the technical supplement to the code.

**E. Dedication for a Land Division**

All road rights-of-way in conservation developments, subdivisions, minor land divisions, and rural land use plans shall be dedicated for public use. Internal land division roads may be private if specifically approved by the County Commissioners and noted in the project development agreement per §6.3.9.H.

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<sup>328</sup> Current Section 9.7

## 5.8. Public Improvements<sup>329</sup>

[reserved; placeholder]

## 5.9. Easement and Utility Standards

The following easement and utility standards apply to all land divisions, except rural land plans:

### 5.9.1. Design

- A. Utility easements shall be a minimum of eight feet on each side of abutting rear lot lines. Rear lot lines not adjacent to subdivided property shall have ten-foot utility easements. Side lot line easements, where needed, shall be five feet wide. Front lot line easements, where needed, shall be 15 feet wide. These are minimum standards. Additional or wider easements may be needed to accommodate certain utilities;
- B. Utility easements shall be designed to allow efficient installation and maintenance of utilities and multiple installations wherever possible;
- C. Utility lines shall be placed underground unless the applicant demonstrates to the county commissioners' specific engineering considerations that necessitate aboveground utility installations;
- D. Transformers, switching boxes, pedestals and other such necessary facilities may be placed aboveground. All such facilities shall be placed within easements or rights-of-way provided for these facilities; and
- E. Utilities shall be extended to each lot or building site.

### 5.9.2. Approval

Utility easements shall be approved by utility companies serving the project.

<sup>329</sup> This section is a placeholder for any of the adequate public facilities requirements that should be moved out of the general development standards and into the subdivision standards.

# Article 6.0 Review Procedures

## Commentary

This article describes the procedures for reviewing and approving development applications in Larimer County. The article begins with a **summary table** that provides a snapshot of the review procedures, the review and decision-making authorities, and public notice requirements.

The next section includes **common review procedures** that apply to most development application types. Common review procedures (already in place in Larimer County, but expanded as recommended in the Assessment Report) help the County avoid repetition throughout the Code and eliminate conflicting information among development applications. The remaining sections describe the **application-specific development procedures**, linking back to applicable common review procedures and noting any modifications or additions. Each specific procedure includes a chart depicting the steps for review and approval. The final section of this article describes the decision-making authorities in Larimer County as they relate to this Code.

The term “Director” is used throughout this article and is defined as the Community Development Director (or designee).

## 6.1. Purpose and Organization

This article describes the review and approval procedures for application for land use and development in Larimer County, and is divided into the following sections:

- 6.1.1.** §6.3, *Common Review Procedures* describes the standard procedures that apply to most development application types.
- 6.1.2.** §6.4 through §6.7 contain specific information on each application type within four categories (site development, land division, code amendments, flexibility and relief), including approval criteria and any additions or modifications to the common review procedures.
- 6.1.3.** §6.8, *Review and Decision-Making Bodies*, describes the duties of the County officials in charged with reviewing and deciding development applications and administering this Code.

## 6.2. Summary Table of Review Procedures

Table 6-1: *Development Review Procedures Summary* lists the development applications authorized in this Code. For each type of application, the table indicates whether a pre-application conference is required and the role of county review and decision-making authorities.

Article 6.0: Review Procedures

6.2 Summary Table of Review Procedures | 5.9.2 Approval

**Table 6-1: Development Review Procedures Summary**

Application Type	Section Reference	Sketch Plan Required?	Decision-Making Bodies			
			Director	Planning Commission	BCC	BOA
<b>Site Development Procedures</b>						
Site plan review	6.4.1	No	D [1]		<A>	
Administrative special review	6.4.3	No	D [1]		<A>	
Special review	6.4.2	Yes	R	<R>	<D>	
Location and extent	6.4.4	No	R	<D>		
1041 review	Article 10.0	Yes	R	<R>	<D>	
<b>Land Division Procedures</b>						
Administrative subdivision	6.5.3	Yes	D [1]		<A>	
Subdivision concept plan	6.5.4	Yes	R	<R>	<D>	
Preliminary plat	6.5.5	Yes	R	<R>	<D>	
Final plat	6.5.6	No	D		<A>	
Plat modification – Director	6.5.7	No	D [1]		<A>	
Plat modification – BCC	6.5.8	No	R		D	
Condominium map	6.5.9	No	R		D	
Rural land use process	6.5.10	Yes	R	<R>	<D>	
<b>Code Amendments</b>						
Amending Official Zoning Map (rezoning)	6.6.1	Yes	R	<R>	<D>	
Amending Code text	6.6.2	No	R	<R>	<D>	
<b>Flexibility and Relief</b>						
Minor modification	6.7.1	No	<i>Subject to concurrent application associated with minor modification</i>			<A>
Appeal	6.7.2	No	<i>Pursuant to §6.7.2</i>			
Zoning variance	6.7.3	No	R			<D>
Expansion or change in character of nonconformity	1.10.7	No	D		<D> - If referred	
<b>Notes:</b>						
[1] Director may refer application to Board of County Commissioners for decision. See 6.3.5.D.						

## 6.3. Common Review Procedures

### Commentary

This section expands and improves current §12.0: Common Procedures for Development Review, to help code users better understand the County’s basic procedural steps and requirements. This section is organized to avoid unnecessary duplication, ensure consistent application of generally applicable procedural steps and requirements, and eliminate the need to amend multiple sections of the development regulations if a standard procedure is revised. We have updated several of these standards to clarify many key details are currently left unanswered. Footnotes indicate where revised or new material is proposed.

### 6.3.1. Purpose

This section describes the standard procedures and rules applicable to all development applications unless otherwise stated in this Code. Common review procedures include eight steps, as shown below in Figure 6-1, not all of which are applicable to every development application. Application-specific procedures in §§6.4 through 6.7 identify additional procedures and rules beyond those in this section.

Figure 6-1: Common Review Procedures



### 6.3.2. Pre-Application Conference

#### Commentary

The pre-application conference exists in the current code (12.2.3) and often takes place for all projects. The intent moving forward is to continue requiring such conferences for **all applications**, since it can be a very effective tool for streamlining later processing of the application.

The intent of such meetings is to focus on applicable code requirements and not get into the merits of a particular project. This will need to be emphasized in the future staff training as the new code goes into effect.

This section does not carry forward language from the current code that discusses informal project inquiries that may take place even prior to a pre-application conference, when a prospective project is still in the very rough concept stage. Such informal meetings take place now and will continue in the future, but they can be described in an administrative manual and do not need to be codified in the Land Use Code.

#### A. Purpose

The pre-application conference is intended to provide an opportunity for the applicant to meet with county staff to review submittal requirements, review procedures, and applicable Code standards associated with the proposed development concept.

#### B. When Required

A pre-application conference is required for all development applications as set forth in Table 6-1: *Development Review Procedures Summary*.

#### C. Procedure<sup>330</sup>

1. The applicant shall submit a request for a pre-application conference meeting on a form provided by the Community Development Department.
2. A staff planner shall schedule the pre-application meeting and notify appropriate staff and the applicant of the time and location of the meeting.
3. Depending on the size and scale of the development proposal, the applicant may be asked to bring additional materials to the pre-application conference.
4. If specific questions are raised during the conference, staff will refer the applicant to the appropriate agency to discuss issues that may affect the proposed development.
5. Staff will assist the applicant to identify key issues and concerns regarding the proposed development project so the applicant may address them as part of their formal application submittal.
6. At the pre-application conference, the staff planner will provide an outline of the procedural steps involved with the evaluation of the proposal.
7. The staff planner will inform the applicant that, by signing the application form, the applicant agrees to the applicable development review process.
8. The applicant will be advised if the property is in a designated growth management area (GMA) or cooperative planning area (CPA). These designations may require special procedural requirements, such as filing of annexation application forms, reports or studies as may be outlined in intergovernmental agreements and associated growth management area regulations of Larimer County.

#### D. Effect

Any comments or commitments made by staff during the pre-application conference are preliminary in nature and may change significantly as the project is more clearly defined in later stages of the development review process. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition to a development approval.

<sup>330</sup> Consolidated draft: Edits by staff to conform text to established practice, and to require pre-apps for all application types.

### 6.3.3. Sketch Plan Review<sup>331</sup>

#### Commentary

In the current code (12.2.3), it is unclear how and/or if sketch plan review is a separate process from the pre-application conference step. Several important details are missing that would inform how this process is carried out and what impact it has on future submittals/approvals. Following conversations with staff, this draft clarifies that **sketch plans are required as a submission for some types** (but not all types) of applications. Thus, the sketch plan procedure is woven into the common procedures section since it is a standard tool that applies generally as a prerequisite to multiple types of applications.

#### A. Purpose

The intent of sketch plan review is to:

1. Initiate the exchange of information between the applicant and county staff and referral agencies to raise awareness of potential issues and allow the applicant to decide whether to proceed with the application;
2. Obtain sufficient information to accurately assess the technical aspects of the application and to communicate major issues that would impact a formal submittal. A checklist of submittal requirements is included in the Administrative Manual.

#### B. When Required

1. Sketch plan review is required for various development applications as established in Table 6-1: *Development Review Procedures Summary*.
2. The Director may waive the sketch plan review requirement for projects that do not need the additional input that results from sketch plan review.

#### C. Procedure

1. A pre-application conference is required prior to submittal of a sketch plan.
2. A sketch plan meeting will be scheduled based upon the submittal date the sketch plan application is made.
3. Upon receipt of a complete sketch plan application, the Community Development Department will initiate the neighbor referral process (§6.3.3.E, *Neighbor Referral*) and also send notice to the appropriate referral agencies (utilities, fire department, county health, County Engineer, school district, etc.), and schedule the sketch plan review meeting.
4. The staff person assigned to the case will compile the responses from neighbors and referral agencies and will review the sketch plan application for compliance with all provisions of this Code.
5. A written staff report that includes all comments received during the review period will be presented at the sketch plan meeting.

#### D. Effect

No formal decision is made during the sketch plan review process. Following the meeting, the Director shall provide details of the meeting to the applicant, including potential impacts and any issues that need to be resolved prior to submitting a formal application.

<sup>331</sup> Consolidated draft: Sketch plan moved out of the application processing step and made its own distinct step in the common review procedures. Also, moved up to follow pre-application meeting and updated applicability in the summary table of development review procedures. All flowcharts updated to show sketch plan as a distinct step.

**E. Neighbor Referral**

**1. Purpose**

The neighbor referral procedure is intended to:

- a. Provide information about a development application and an opportunity for property owners and residents within 500 feet of the property line for the proposal to comment on a land use application that requires county approval; and
- b. Gather neighbor comments, concerns, and/or suggestions about the development application early in the review process and enable the applicant ample opportunity to address the comments.

**2. Applicability**

- a. The neighbor referral procedure is required for all projects that are required to submit a sketch plan, unless waived by the Director for partial applications.<sup>332</sup>
- b. The Director may require a neighborhood referral for a project not listed above upon determining the referral would be beneficial. The Director's decision to require a referral cannot be appealed.
- c. Determine if a neighborhood meeting will be required for the project.

**3. Procedure**

- a. Upon receipt of an application for which a neighbor referral is required, property owners and residents within 500 feet of the property line for the proposal shall be mailed notice of the application and where to view application materials.
- b. The referral shall provide 14 days for property owners and residents within 500 feet of the property line for the proposal to respond with any comments, questions, or concerns about the application. Comments shall be submitted to the Community Development Department and will be included in the staff report prepared for any public hearing on the proposal. The Community Development Department shall provide the applicant with a copy of any comments received.
- c. The Director will determine if a neighborhood meeting (see §6.3.4, *Neighborhood Meeting*) is required based on land use impact or comments received.
- d. Prior to the neighborhood meeting (if required) or public hearing application, the applicant shall respond to comments received during the neighbor referral. The applicant shall provide a written report detailing comments and the applicant's response to those comments. The written report will be available for review and will also be included in the staff report prepared for any public hearing on the proposal.

**4. Effect**

Staff shall collect and forward the applicant's written report to boards and commissions describing comments received and any modification(s) made in response to the comments. Comments will be considered by decision makers in determining if applicable review standards have been met.

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<sup>332</sup> Consolidated draft: Applicability changed from "all administrative special review, special review, rezoning, and land division applications" to all applications required to submit a sketch plan.

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**6.3.4. Neighborhood Meeting<sup>333</sup>****A. Purpose<sup>334</sup>**

The neighborhood meeting provides an opportunity for the applicant to share the goals of the proposed project and to receive constructive input from the community on how the forthcoming application could be improved. The neighborhood meeting process also provides an opportunity for the residents and property owners of Larimer County to help shape the direction of the development, therefore enhancing the welfare of the community.

**B. Applicability<sup>335</sup>**

A neighborhood meeting shall be required prior to the submittal of applicable projects as identified in Table 6-1: *Development Review Procedures Summary*, unless the Director determines that such a meeting is unnecessary based on the comments received in response to a neighbor referral.

**C. Procedure**

1. Neighborhood meetings shall be conducted by the applicant or the applicant's designee.
2. The staff planner assigned to the project and the applicant shall coordinate meeting time, place and notice to neighbors.
3. Property owners and residents within 500 feet of the property line for the proposal shall be notified of a neighborhood meeting by mailed notice at least 14 days in advance of the meeting date.
4. The staff planner shall attend the neighborhood meeting as a resource for process questions. Staff will not provide information about project specifics or facilitate the meeting.
5. The applicant is responsible for all expenses of the neighborhood meeting including but not limited to facility costs and the cost of the meeting notice. The applicant shall provide a meeting notetaker.
6. The applicant shall prepare a written report of meeting comments and submit the report with the development application. The applicant may elect to make changes to the proposal based on neighborhood comments to improve the project outcome.

**D. Effect**

Staff shall forward the applicant's written report to boards and commissions describing comments received and any modification(s) made in response to the comments. Comments will be considered by decision makers in determining if applicable review standards have been met.

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**6.3.5. Application Submittal and Processing****A. Authority to Submit Application<sup>336</sup>**

Unless expressly stated otherwise in this Code, a development application shall be submitted by:

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<sup>333</sup> *Consolidated draft: Relocated this step to appear prior to application submittal.* From current Sec. 12.2.4. Neighborhood referrals are split from neighborhood meetings as separate steps in this draft, to better reflect actual practice.

<sup>334</sup> New.

<sup>335</sup> New text intended to reflect and clarify current practice.

<sup>336</sup> New.

1. The owner, contract purchaser, or any other person having a recognized property interest in the land on which development is proposed;
2. 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; or
3. 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.

**B. Application Content<sup>337</sup>**

1. The application shall be submitted to the Community Development department on a form established by the Director.
2. The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance with application requirements.<sup>338</sup>
3. Submittal requirements are specified in the technical supplement to the Code.<sup>339</sup>
4. Any application that results in a change to property boundaries shall include proof that all ad valorem taxes, applicable to the lots for years prior to that year in which approval is granted, have been paid.<sup>340</sup>
5. Application processing will not begin until the Director determines that the application materials submitted are complete and sufficient.

**C. Waivers of Submittal Requirements<sup>341</sup>**

The Director may waive certain submittal requirements and tailor the requirements to the information necessary to review a particular application. The Director may waive such requirements upon finding that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver.

**D. Application Fees<sup>342</sup>**

Application fees in effect at the time of application submittal shall be submitted with the application.

**E. Submittal and Review Schedule<sup>343</sup>**

1. Applications shall be submitted on or before submittal dates found in the development review calendar provided by the Community Development Department.
2. Applications received after the submittal date will not be processed until the next submittal date, unless otherwise authorized by the Director.
3. Applications submitted prior to the submittal date will not be processed until the submittal date.

<sup>337</sup> From current 12.1.A. Updated language for consistency and clarity.

<sup>338</sup> New.

<sup>339</sup> Consolidated draft: All "Administrative Manual" references changed to "technical supplement" in this draft. From current code. Communities are increasingly providing technical and administrative submittal requirements in separate manuals, or even simply providing that information on the website. In this draft we commonly refer to an Administrative Manual, but that does not necessarily require a printed manual if the information can be adequately addressed online. See further commentary in Article 6.0 related to this concept.

<sup>340</sup> From current 12.1.D. This is an application requirement, not a decision criterion.

<sup>341</sup> New.

<sup>342</sup> Replaces 12.1.C

<sup>343</sup> Consolidated draft: New text suggested by staff to clarify current practice. New.

4. Applications not subject to a submittal date will be processed within five business days.

**F. Determination of Application Completeness<sup>344</sup>**

1. The Director shall determine whether the application is complete or incomplete. A complete application shall be processed according to the procedures in this Article. An incomplete application shall not be processed or reviewed. Any deficiencies noted by the Director shall be addressed by the applicant prior to resubmitting the application.
2. An application shall be considered complete if it is submitted in the required form, includes all information specified by the Director on the submittal form provided at the pre-application conference and in accordance with the Administrative Manual, and is accompanied by the applicable processing fee.<sup>345</sup>

**G. Incomplete Applications<sup>346</sup>**

1. On determining that a development application is incomplete, the Director shall return the application and associated fees to the applicant. The Director shall notify the applicant of the application deficiencies. The applicant may correct the deficiencies and resubmit the application including associated fees.
2. The applicant may appeal the Director’s determination to the County Commissioners pursuant to §6.7.2: *Appeals*.<sup>347</sup>
3. No review of a development application shall occur until it is determined to be complete.

**H. Concurrent Applications<sup>348</sup>**

1. Where possible without creating an undue administrative burden on the County’s decision-making bodies and staff, this Code intends to accommodate the simultaneous processing of applications for different permits and approvals that may be required for the same development project in order to expedite the overall review process. Applicants may request, and the Director may permit, the simultaneous submission and review of all necessary development applications for the project. The Director may waive any overlapping application submission requirements in the concurrent review.
2. Building permits shall not be submitted concurrently with associated development applications unless written approval for concurrent submittal is provided by the Director.<sup>349</sup>
3. Review and decision-making bodies considering applications submitted simultaneously shall render separate recommendations and decisions on each application based on the specific standards applicable to each approval.

**I. Neighbor and Agency Referral<sup>350</sup>**

**1. Applicability**

- a. The neighbor referral procedure is required following submission of a complete application for all applications for which sketch plan was required.

<sup>344</sup> From current 12.1.B unless otherwise noted. Updated language for clarity and consistency.

<sup>345</sup> New.

<sup>346</sup> New.

<sup>347</sup> From 5-210.D.4.

<sup>348</sup> New, for discussion. This replaces the current 12.4.3 and is essentially a reversal of current county policy, which is that concurrent reviews are not allowed.

<sup>349</sup> There are few cases when this may be permitted, such as wireless facilities.

<sup>350</sup> Consolidated draft: This now clarifies that neighbor referral process happens twice – once at sketch plan and once with the complete application. This is consistent with current practice.

- b. The Director may require a neighbor referral for any project for which sketch plan was not required upon determining the referral would be beneficial. The Director's decision to require a referral cannot be appealed.

**2. Procedure**

Within seven days of the Director's determination that an application is complete, the Community Development Department will send the application materials to appropriate reviewing agencies and initiate the neighbor and agency referral process according to the procedure in §6.3.3.E, *Neighbor Referral*.

**3. Effect**

Comments received and any modification(s) made in response to neighbor and agency comments will be considered by decision makers in determining if applicable review standards have been met.

**J. Abandoned Applications<sup>351</sup>**

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 six months of staff providing the applicant with the comments, such application shall be deemed abandoned and all fees forfeited. The applicant may request three additional months to address staff-noted deficiencies. Abandoned applications shall require a new pre-application conference and may be subject to additional fees.

**K. Minor Application Revisions<sup>352</sup>**

An applicant may revise an application that was accepted and deemed complete after receiving notice of code compliance deficiencies following staff review pursuant to §6.3.6, or on requesting and receiving permission from an advisory or decision-making body after that body has reviewed, but not yet taken action on, the application. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by staff or the advisory or decision-making body, as long as they constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the application, as determined by the Director. All other revisions to accepted and complete applications shall be processed as a new application per this subsection.

**L. Application Withdrawal<sup>353</sup>**

- 1. After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal to the Director.
- 2. If an application is withdrawn after required notice of any scheduled public hearing, the application shall be subject to limitations on the subsequent submittal of similar applications (see §6.3.9: *Post-Decision Actions and Limitations*).
- 3. An applicant is not entitled to a refund of application fees for withdrawn applications.

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<sup>351</sup> New. Some communities include this type of standard to address situations where applicants fail to follow-up after initial staff review. In some cases, communities keep these files open. This allows staff the ability to close the file. The proposed three-month timeline is for discussion purposes only and can be tailored to whatever staff feels is an appropriate time frame.

<sup>352</sup> New.

<sup>353</sup> New.

**M. Examination of Case Files<sup>354</sup>**

Upon reasonable request and during regular business hours of the Community Development Department, any person may examine an application and materials submitted to support or oppose an application. Copies of the materials will be made available at a reasonable cost established by the Director and as time allows the copies to be made.

**6.3.6. Staff Review<sup>355</sup>****A. Referral to Staff and Review Agencies**

The Director shall distribute the complete application to appropriate staff and review agencies, in accordance with the Administrative Manual. The length of the referral period shall be as set forth in the Administrative Manual.

**B. Staff Review and Application Revisions**

Staff shall review the application and shall consult with applicable county departments and other participating reviewing agencies. Staff shall submit recommendations and comments to the applicant in a form established by the Director. The application shall not move forward for further review until the Director determines that the applicant has adequately responded to the county's recommendations and comments, or the applicant requests that the application move forward without responding to the county's recommendations and comments.

**C. Applications Subject to Staff Recommendation****1. Staff Report**

If an application is subject to staff review and recommendation to the Planning Commission and/or County Commissioners per Table 6-1: *Development Review Procedures Summary*, staff shall prepare a written staff report that summarizes the proposal, findings, and recommendations.

**2. Distribution and Availability of Application and Staff Report**

The Director shall submit a copy of the staff report to the applicant and the advisory and/or decision-making body and shall make the staff report and related materials available for public review prior to the hearing at which the application is scheduled to be heard.

**D. Applications Subject to Staff Decision****1. Decision**

If an application is subject to staff review and a final decision by the Director per Table 6-1: *Development Review Procedures Summary*, the Director shall make a decision based on the review standards applicable to the application type. The decision shall be in writing and shall clearly state reasons for a denial or for conditions of approval.

**2. Appeals**

Appeals of administrative decisions may be made pursuant to §6.7.2: *Appeals*.

<sup>354</sup> From current 12.4.1.

<sup>355</sup> New.

**3. Referrals to Board of County Commissioners<sup>356</sup>**

- a. If Table 6-1: *Development Review Procedures Summary*, authorizes the Director to make a decision, and the Director determines that the application is unusually complex or raises potentially unique or serious impacts on the county or the surrounding areas, the Director may refer the application to the Board of County Commissioners for decision pursuant to the same criteria under which the Director would have been required to apply to that application.
- b. In cases where the Director refers the application to the Board of County Commissioners, all applicable noticing requirements per §6.3.7: *Scheduling and Notice of Hearings*, shall apply.

**6.3.7. Scheduling and Notice of Hearings**

**A. Scheduling<sup>357</sup>**

- 1. If an application is subject to a public hearing per Table 6-1: *Development Review Procedures Summary*, the Director shall schedule the public hearing for either a regularly scheduled meeting or special meeting of the appropriate advisory and/or decision-making body.
- 2. The public hearing shall be scheduled to allow sufficient time to prepare a staff report per §6.3.6.
- 3. All public hearing procedures shall be completed as expeditiously as possible. The application materials include a schedule of public hearings, which the Community Development Department will follow if the applicant submits the appropriate materials on the deadline established for each step in the process. Schedules are based on time frames established by state statute for reviewing agency response times and minimum requirements for notice of public hearings.

**B. Public Hearing Notice**

All public hearings required by this Code shall be preceded by the notices identified in Table 6-2: *Public Hearing Notice Requirements*.

<b>Table 6-2: Public Hearing Notice Requirements<sup>358</sup></b>			
Days indicated are the minimum number of days prior to the scheduled public hearing. The date of publication and the date of the hearing are excluded from the computation of days.			
<b>Type of Hearing</b>	<b>Published Notice</b>	<b>APO Notice</b>	<b>Sign Posted</b>
<b>County Commissioners</b>			
Administrative special review (if referred)	14 days	14 days	14 days
Special review	14 days	14 days	14 days
Designation of a Matter of State Interest	30 days but no more than 60 days	N/A [2]	N/A
1041 permit	30 days but no more than 60 days	14 days [2]	N/A
1041 appeal	14 days	14 days	N/A

<sup>356</sup> New. Included per the assessment recommendation for a referral procedure. Some communities also have a call-up procedure that allows commissioners to request that an application be elevated to them for decision (whether one or two votes is required varies).

<sup>357</sup> From current note in Sec. 12.2.4. Updated language for clarity and consistency.

<sup>358</sup> Based on current Table 12.3.1, updated to match new procedures.

**Table 6-2: Public Hearing Notice Requirements<sup>358</sup>**  
 Days indicated are the minimum number of days prior to the scheduled public hearing. The date of publication and the date of the hearing are excluded from the computation of days.

Type of Hearing	Published Notice	APO Notice	Sign Posted
Subdivision concept plan	14 days	14 days	14 days
Preliminary plat	14 days	14 days	14 days
Final plat (if referred)	14 days	14 days	14 days
Vacation, Lot consolidation, Amended Plat	14 days	10 days <sup>359</sup>	N/A
Zoning map amendment	14 days	14 days	14 days
Text amendment	14 days	N/A	N/A
Nonconformity change	14 days	14 days	14 days
Appeals	14 days	14 days	N/A
<b>Planning Commission</b>			
Special review	14 days	14 days	14 days
1041 permit	14 days	14 days	N/A
Designation of a Matter of State Interest	14 days	N/A	N/A
Subdivision concept plan	14 days	14 days	14 days
Preliminary plat	14 days	14 days	14 days
Text amendment	30 days <sup>360</sup>	N/A	N/A
Zoning map Amendment	14 days	14 days	14 days
<b>Board of Adjustment</b>	<b>14 days<sup>361</sup></b>	<b>14 days</b>	<b>14 days</b>
<b>Floodplain Rev. Board</b>	<b>14 days</b>	<b>14 days</b>	<b>N/A</b>
<b>Neighborhood Meeting</b>	<b>N/A</b>	<b>14 days</b>	<b>N/A</b>

**NOTES:**  
 [1] Mineral owner/lessee notification required in §6.3.7.B.2 must be sent at least 30 days prior to the initial public hearing.  
 [2] Any interested person may elect to place their name on a list to be notified of all hearings.<sup>362</sup>

**1. Responsibility for Notice<sup>363</sup>**

- a. The Community Development Department shall be responsible for the accuracy of and proper publication, mailing, and posting of notice of the public hearing.
- b. The applicant shall be responsible for the installation and maintenance of the posted notice on the site.

<sup>359</sup> Consolidated draft: Changed from N/A to comply with C.R.S. 43-2-303.

<sup>360</sup> Consolidate draft: Changed from 14 days to comply with C.R.S. 30-28-106.

<sup>361</sup> Revised from 10 days.

<sup>362</sup> Consolidated draft: Added note to comply with C.R.S. 24-65.1-404.

<sup>363</sup> Consolidated draft: Changed responsibility for most notice from applicant to CD department. New.

**2. Notification of Mineral Interest Owners and Lessees<sup>364</sup>**

C.R.S. §§ 30-28-133(10) and 24-65.5-103(1) require an applicant for development to notify all owners and lessees of a mineral interest on the subject property of the pending application. The applicant shall submit to the Community Development Department a certification of compliance with this notice requirement prior to the initial public hearing on any application for zoning, rezoning, special review, subdivision, conservation development, planned land division, minor land division and rural land use plan. Failure to submit the required certification of notice will result in the public hearing being rescheduled to a later date.

**C. Notice Format and Content<sup>365</sup>**

**1. Published and Mailed Notice**

- a. All required published and mailed notices shall:
  - i. Identify the application type;
  - ii. Describe the nature and scope of the proposed project;
  - iii. Identify the location subject to the application;
  - iv. Identify where and when the application and associated materials may be inspected; and
  - v. Indicate opportunity to appear at the public hearing, including the public hearing date, time, and location.
- b. Published notice shall appear in a newspaper of general circulation in the area of the proposed project according to the timeframes established in Table 6-2: *Public Hearing Notice Requirements*. The affidavit of publication is evidence of proof of publication. Notice of amendments to the text of this Code and legislative amendments to the official zoning map must be published in at least one newspaper of general circulation.<sup>366</sup>
- c. Mailed notices shall be sent via first-class mail to all properties and to all owners of property as listed in the records of the county tax assessor’s office within a distance of the subject property determined by county staff during the pre-application conference, as measured from property boundaries.<sup>367</sup> The area included in the mailed notice shall not be less than 500 feet surrounding the subject property.
- d. Depositing the notice in the U.S. mail with postage prepaid is the responsibility of the Community Development Department and satisfies the mailed notice requirement. Failure to send a mailed notice does not invalidate any public hearing.

**2. Posted Notice**

- a. Required posted notice shall include:
  - i. At least one sign on the subject property along each street frontage according to the timeframes established in Table 6-2: *Public Hearing Notice Requirements*. The Community Development Department will provide signs when a complete application is made. The applicant is responsible for erecting and maintaining

<sup>364</sup> From current 12.3.4.

<sup>365</sup> From current 12.3.1; 12.3.2; and 12.3.3. Reworded for clarity and consistency. Other proposed revisions are footnoted accordingly.

<sup>366</sup> Changed from two newspapers to one.

<sup>367</sup> Modified per staff suggestion to require mailings to properties, not just property owners.

the sign(s) for the time period specified and removing them after the last public hearing. Signs must be placed as near the property line as possible and in a manner that is readily visible from the street or road. Posting the property is a courtesy to the public and the failure of anyone to observe a sign does not invalidate any public hearing; and

- ii. Notice posted by the Community Development Department on the County website or at the posting board at a County facility according to the timeframes established in Table 6-2: *Public Hearing Notice Requirements*. Such notice shall:<sup>368</sup>
  - 1) Identify the application type;
  - 2) Describe the nature and scope of the proposed project;
  - 3) Indicate opportunity to appear at the public hearing, including the public hearing date, time, and location; and
  - 4) Identify a telephone number for additional information.

b. The Director may require additional signs based on access and configuration of the property.<sup>369</sup>

**D. Constructive Notice<sup>370</sup>**

**1. Minor Defects in Notice Shall Not Invalidate Proceedings**

Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed.

**2. Failure to Receive Notice Shall Not Invalidate County Action**

Failure of a party to receive notice shall not invalidate subsequent action. If questions arise at the public hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this Code. Appearance at a public hearing shall automatically waive an individual’s claim that public notice was inadequate.

**3. Additional Notice**

In addition to notice by the means set forth above, the county may give notice of the hearing in a specific case in such other manner as it deems necessary or appropriate, including online notice on the county website.

**6.3.8. Review and Decision**

**A. Hearing, Review, and Decision<sup>371</sup>**

- 1. The application shall be subject to review, hearings, recommendations, and decisions as indicated in Table 2-3:

<sup>368</sup> New. Current signs are not this detailed, so would need to be modified to comply with this provision.

<sup>369</sup> New.

<sup>370</sup> New.

<sup>371</sup> New.

2. If the application is subject to a public hearing, the applicable advisory and/or decision-making body shall hold a public hearing in accordance with § 6.3.7: *Scheduling and Notice of Hearings*.
3. The applicable advisory and/or decision-making body shall consider the following:
  - a. The written project description and supportive material submitted by the applicant;
  - b. Any conditions of approval attendant to prior approvals;
  - c. The testimony of the applicant;
  - d. The testimony of the public during the public hearing, when applicable;
  - e. The Community Development Department report, including any requirements or conditions of the members of the Development Review Team;
  - f. Materials provided by the public during the public hearing;
  - g. Any referral comments received; and
  - h. Such other additional information as may be required by the advisory and/or decision-making body to evaluate the application.
4. The applicable advisory body shall recommend and the decision-making body shall approve, approve with conditions, or deny the application based on the applicable approval criteria listed in the application-specific procedures in §6.4 through §6.7. The advisory and/or decision-making body may also continue the hearing in accordance with subsection 6.3.8.E.1.c and the advisory and decision-making body’s adopted rules and procedures.
5. If the review involves a quasi-judicial hearing, the recommendation or decision (as applicable) shall be based only on the record of the public hearing; shall be in writing; shall include findings of fact based on competent, material, and substantial evidence presented at the hearing; shall reflect the determination of contested facts; and shall state how the findings support compliance with applicable review standards.
6. The advisory and/or decision-making body may incorporate or require, as part of a condition of approval, a written agreement between the applicant and the county that enforces the conditions. All conditions shall comply with the limitations in §6.3.8.C, *Conditions of Approval*, as applicable.
7. The applicable advisory and/or decision-making body shall base the decision upon the applicable review criteria of this Code and shall clearly state the factors considered in making its recommendation or decision, as well as the basis or rationale for the recommendation or decision.

**B. Director Decisions Referred to County Commissioners<sup>372</sup>**

1. If Table 6-1: *Development Review Procedures Summary*, authorizes the Director to make a decision, and the Director determines that the application is unusually complex or raises potentially unique or serious impacts on the county or the surrounding area, the Director may refer the application to the County Commissioners for a decision pursuant to the same criteria that the Director would have been required to apply to that decision.
2. In cases where the Director refers the application for decision to the County Commissioners, all applicable noticing requirements §6.3.7: *Scheduling and Notice of Hearings*, shall apply.

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<sup>372</sup> New. Included per the assessment recommendation for a referral procedure.

**C. Conditions of Approval<sup>373</sup>**

1. Where this Code authorizes a decision-making body to approve or deny an application subject to applicable criteria, the advisory and/or decision-making body may approve or recommend approval of the application with conditions necessary to bring the proposed development into compliance with this Code or other regulations, or to mitigate the impacts of that development on the surrounding properties and streets.
2. 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 county. Such conditions may include those necessary to carry out the purpose and intent of county policies and this Code.
3. Unless approved by appeal or alternative compliance, no conditions of approval shall be less restrictive than the requirements of this Code, except where the Code expressly allows deviations.
4. 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.
5. During its consideration, the advisory and/or 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 advisory and/or decision-making body unless and until the advisory and/or decision-making body takes formal action to attach that condition to a development approval.
6. Unless otherwise provided in this Code, any representations of the applicant in submittal materials or during public hearings shall be binding as conditions of approval.
7. Any conditions shall be listed in or attached to the approval document, and violation of any approved condition shall be a violation of this Code.

**D. General Review Criteria**

**1. Generally<sup>374</sup>**

- a. Unless otherwise specified in this Code, County review and decision-making bodies shall review all development applications submitted pursuant to this article for compliance with the general review criteria stated below.
- b. The application may also be subject to additional review criteria specific to the type of application, as set forth in §6.4 through §6.7.
- c. If there is a conflict between the general review criteria in this section and the specific review criteria in §6.4 through §6.7, the specific review criteria in §6.4 through §6.7 control.

<sup>373</sup> New. This provision is placed here since it would apply to administrative decisions, but these conditions would also apply to any decisions made under this article. They are cross-referenced in later sections dealing with Planning Commission and BCC decisions.

<sup>374</sup> By listing these once, they do not have to be repeated multiple times throughout the code.

**2. Compliance with this Code<sup>375</sup>**

The proposed use and development shall comply with all applicable standards in this Code, unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.

**3. Compliance with Other Applicable Regulations<sup>376</sup>**

The proposed use and development shall comply with all other county regulations and with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant entities with jurisdiction over the property or the current or proposed use of the property.

**4. Compliance with Prior Approvals<sup>377</sup>**

The proposed use and development shall be consistent with the terms and conditions of any prior land use approval, plan, or plat approval for all or part of the property that is in effect and not proposed to be changed. This includes consistency with any approved phasing plan for development and installation of public improvements and amenities.

**5. Compliance with Zoning District Standards**

The proposed development shall comply with the standards of the zoning district in which it is located and any standards applicable to the particular use, as identified in §3.3, *Use-Specific Standards*.

**6. Compliance with Development Standards**

The proposed development shall comply with the applicable standards in Article 4.0, *Development Standards*.

**7. Compliance with Other Code Provisions**

The proposed development shall comply with all other standards imposed on it by all other applicable provisions of this Code, including but not limited to standards relating to establishment and operation of uses, layout of the site, and general development characteristics.

**E. Public Hearing Procedures**

Whenever a public hearing is required by this Code or by state law, the following public hearing procedures shall apply:

**1. Conduct of Public Hearings<sup>378</sup>**

**a. Generally<sup>379</sup>**

Any person can appear at a public hearing and testify or submit evidence, either individually or as a representative of a person or organization. Each person appearing at a public hearing must be identified by name and, if appearing on behalf of a person or organization, must state the name of the person or organization being represented.

<sup>375</sup> From current 6.1.3.A, updated for clarity and consistency.

<sup>376</sup> New.

<sup>377</sup> Replaces current 6.1.3.B, updated for clarity and consistency.

<sup>378</sup> From current 12.4.2.

<sup>379</sup> Did not carry forward requirement to state address, since that is not current practice.

**b. Exclusion of Testimony**

If necessary, the board or commission conducting the public hearing can establish time limits for testimony and may exclude testimony or evidence that is irrelevant, immaterial, or repetitious.

**c. Tabling of Public Hearing<sup>380</sup>**

The board or commission conducting the public hearing can, on its own motion or at the request of any person, table the public hearing to a specified date. Tabling for more than 40 days from the date of commencement<sup>381</sup> without the applicant's consent is not permitted. Every effort must be made to conduct each public hearing expeditiously and without undue delay.

**2. Public Hearing Order of Proceedings<sup>382</sup>**

The order of proceedings at a public hearing will be as follows:

**a. Narrative and Description**

The Director presents a narrative and/or graphic description of the project.

**b. Staff Report**

The Director presents a staff report that includes the comments of all reviewing agencies, a written recommendation addressing standards required by the review criteria contained in this Code, and the recommendations of advisory boards and commissions.

**c. Applicant Presentation**

The applicant presents testimony or evidence in support of the project.

**d. Public Testimony**

The public presents evidence and testimony concerning the proposed project.

**e. Applicant Response**

The applicant responds to any evidence or testimony presented by the public.

**f. County Staff Response**

The Director, county attorney, or any other county staff responds to the evidence and testimony offered by the applicant and the public and responds to questions from the board or commission.

**g. Decision of Board or Commission**

i. The board or commission makes its recommendation or decision to approve, approve with conditions, or deny the application. The decision must be in writing. The decision is final as of the date of adoption of the written resolution of recommendation or decision.

<sup>380</sup> Consolidated draft: A staff comment questioned whether additional protocol might be appropriate here (e.g., to allow an applicant to opt for a recommendation for denial versus a tabling, or a limitation on the issues that may be brought up after a tabled issue is reopened). We have kept this broad to allow maximum flexibility in such circumstances, but further discussion may be necessary.

<sup>381</sup> Required by CRS 30-28-133.5(5) for subdivision plan, plans, and agreements. And to PUDs in 24-67-105.5(3). Proposed here to be broadly applicable to all applications.

<sup>382</sup> From current 12.4.3.

- ii. Following the County Commissioners’ written decision, there is a 28-day period when appeals to a court may be made; an applicant that proceeds with post-approval activities does so at their own risk during such appeal period.<sup>383</sup>

**h. Notice of Decision**

The Director notifies the applicant in writing of the board or commission's decision within 10 days after the decision.

**i. Official Record**

The complete and official record shall consist of the audio tape of the hearing, minutes of the secretary, all exhibits and papers or other materials submitted by staff or the public during the proceedings, Community Development Department files, staff report, and written decision of the board or commission. The record shall remain in the possession of the Director. A written transcript of the audio tape may be prepared for convenience, but the audio tape, not the written transcript, is the official record and controls.

**6.3.9. Post-Decision Actions and Limitations**

**A. Notice of Decision<sup>384</sup>**

Within 10 days after the recordation of the Findings and Resolution or written decision on an application, the Director shall provide written notification of the decision via personal delivery, electronic mail, or first-class mail to the applicant, or in the case of a quasi-judicial hearing, the property owners and residents, and make a copy of the decision available to the public in the Community Development department.

**B. Appeal<sup>385</sup>**

1. A party aggrieved or adversely affected by any quasi-judicial decision by the County Commissioners or Board of Adjustment may seek review of the decision in the courts in accordance with applicable state law.
2. A party aggrieved by other final decisions may appeal the decision in accordance with the procedures and standards in §6.7.2: *Appeals*.

**C. Expiration and Revocation of Approval<sup>386</sup>**

**1. Expiration of Approval**

- a. Approval under this article may be granted subject to a schedule of development or set time period for development of specific improvements, and/or establishment of a specific use or uses for which the approval is requested.
- b. Approval shall expire at the end of this period or, if a specific time period is not specified, after two years following the date upon which the final approval became effective, if none of the following have occurred:
  - i. Vested rights have been established pursuant to §6.3.9.1, *Vested Rights*; or<sup>387</sup>
  - ii. A building permit has been issued and is being diligently pursued toward completion of the site for which the approval was originally granted; or

<sup>383</sup> Consolidated draft: new.

<sup>384</sup> New.

<sup>385</sup> New.

<sup>386</sup> New. May require additional fine-tuning to coordinate with edits to the development agreement process, which are underway.

<sup>387</sup> Consolidated draft: new.

- iii. A Certificate of Occupancy has been issued for structure(s) that were the subject of the application; or
  - iv. The site has been occupied for a permitted use if no building permit or Certificate of Occupancy is required.
- c. Administrative approvals subject to expiration pursuant to this section shall automatically expire. For other approvals, the Director shall initiate a public hearing before the Board to consider expiration.

**2. Revocation of Approval**

Upon expiration, the approval shall be considered revoked, unless a request for a time extension is made by the applicant to the Director at least 90 days prior to the date of the expiration of the original approval in accordance with established application submittal scheduling requirements. The applicant is responsible for keeping track of the application expiration dates.

**3. Request for Extension of Approval**

The Director may grant extensions of the expiration time period for up to one year, following a written request for such extension prior to the expiration date. The request shall include reasonable cause for an extension. Further extensions shall be subject to the approval of the decision-making body for the original application.

**D. Modification or Amendment of Approval<sup>388</sup>**

**1. Minor Changes Allowed**

Development authorized by any approval under this article may incorporate minor changes from the approved plan, permit, or conditions of approval, as appropriate, without the need for a new application, subject to the limitations below.

- i. Authorized minor changes are limited to those that appear necessary in light of technical or engineering considerations first discovered during actual development and were not reasonably anticipated during the initial approval process, as long as they comply with the standards of this Code.
- ii. Minor changes may include minor deviations in the building footprint or relocation of infrastructure (roads and water or sewage lines) so long as the relocation complies with the conditions of any approval and this Code.
- iii. Minor changes shall not include reductions in the amount of open space, wildlife habitat protection, or buffering, or increases in building floor area.
- iv. The Director shall determine that the proposed minor changes:
  - 1) Comply with the standards of this Code;
  - 2) Are necessary to meet conditions of approval; and
  - 3) Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as approved.

**2. Major Changes**

Any modification of an approved plan, permit, or condition of approval that the Director determines does not meet the criteria in paragraph 1 above shall require a new

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<sup>388</sup> New.

application that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of the original application.

**E. Limitation on Subsequent Similar Applications<sup>389</sup>**

For one year following the revocation or denial of an application by the decision-making body, the Community Development Department shall not accept a new application for subject property that is the same or substantially similar to the one previously denied. New applications proposed within the year must receive a determination by the Director that changes are sufficiently different to allow a resubmittal. The determination by the Director shall consider the following:

1. There is a substantial change to circumstances, or new information available, relevant to the issues or facts considered during the previous application review; or
2. The new application is materially different from the previous application.

**F. Development Construction Permit**

Prior to the commencement of any improvements associated with an approved project, the applicant shall obtain a construction permit from the Larimer County Engineer.

**G. Building Permits<sup>390</sup>**

A building permit will not be accepted for processing on property that has a valid application pending for review of a variance, special review, site plan, rezoning, subdivision, conservation development, planned land division, minor land division, special review, amended plat or rural land plan, unless the Director grants permission because the building permit is unrelated to the pending request.

**H. Development Agreements<sup>391</sup>**

**1. Purpose**

Development agreements are intended to specify details of a project approved under this Code and assure the completion and maintenance of all improvements required to serve the project.

**2. Applicability**

Development agreements are required for all final plats for subdivisions, conservation developments, planned developments, and rural land plans and for all special review approvals unless waived by the Board of County Commissioners.

**3. Contents<sup>392</sup>**

All development agreements must contain the minimum information as authorized by the Community Development Department within the Administrative Manual.

<sup>389</sup> New.

<sup>390</sup> Consolidated draft: Removed much of the detail here from prior drafts. The details of when a building permit may be issued are in the building code. This serves only to establish that the zoning approval procedures are a prerequisite to the building permit process.

<sup>391</sup> From current 12.6.1.

<sup>392</sup> The specific content was not carried forward and should be relocated to the Administrative Manual.

**4. Guarantee of Public Improvements<sup>393</sup>****a. Purpose**

Guarantees that all public improvements required to serve projects approved under this Code are completed according to approved plans without public expense.

**b. Applicability**

A guarantee of public improvements is required for all development agreements.

**c. Collateral Amount<sup>394</sup>**

Collateral submitted to guarantee the completion of improvements must be in an amount equal to 115 percent of the estimated cost of improvements specified in the development agreement, except that landscaping improvements shall require collateral in the amount of 125 percent.

**d. Types of Collateral**

The county will accept the following types of collateral:

- i. Irrevocable letter of credit from a state or federally licensed financial institution on a form approved by the county that states at least the following:
  - 1) The amount of the letter of credit is equal to at least 115 percent of the estimated cost of the improvements;
  - 2) The letter of credit is payable to the county upon demand if the applicant fails to perform the obligations specified in the development agreement and the county has notified the issuer of the letter of credit of the failure to perform;
  - 3) At all times the unreleased portion of the letter of credit is equal to at least 115 percent of the estimated costs of the uncompleted portions of the required improvements;
  - 4) Fifteen percent of the total amount will remain available to the county until released by the county; and
  - 5) The date of expiration, which must coincide with the timetable specified in the development agreement but stipulate that in no event can the letter of credit expire until the county has received 60 days' written notice of the pending expiration. The notice must be sent by certified mail to the Director.
- ii. An escrow agreement that provides at least the following:
  - 1) Cash in escrow is equal to at least 115 percent of the estimated cost of the improvements;
  - 2) The escrowed funds will be used only for improvements specified in the development agreement. The escrow agent will not release any portion of the escrowed funds without prior approval;
  - 3) The escrow agent is a federal- or state-licensed financial institution; and
  - 4) The escrowed funds will be released to the county upon demand, if the applicant fails to perform the obligations specified in the development

<sup>393</sup> Consolidated draft: *Guarantee of public improvements moved under Development Agreements to clarify they are part of a united document/requirement.* From current 12.6.2.

<sup>394</sup> Revised to include 125% requirement for landscaping.

agreement and the county has notified the escrow agent of the failure to perform.

- iii. A cash deposit made with county commissioners equal to 115 percent of the estimated costs of improvements.

**e. Requests for Release of Collateral<sup>395</sup>**

- i. The applicant may submit a request to the Director to release collateral when obligations specified in the development agreement have been completed. All requests for release of collateral must include inspection logs; test results; letters of acceptance by the appropriate authority; and a letter of substantial compliance from the applicant's engineer or other evidence of successful completion of the improvements as required by the Director.
- ii. The Director in his/her discretion may grant partial releases but only for complete categories of improvements. (For example, when all water lines are complete and inspected and accepted by the appropriate water utility, the applicant may request release of the collateral designated in the cost estimates for water lines.)

**f. Warranty Collateral<sup>396</sup>**

After a project is completed, all obligations specified in the development agreement are satisfied and county commissioners have approved a release of collateral, the applicant must provide warranty collateral for a period of two years. Warranty collateral will apply to all improvements not accepted for maintenance by a public entity other than the county. Generally, warranty collateral applies to roads, drainage facilities, landscaping and any other items specified by the Director. Warranty collateral must be one of the types of acceptable collateral specified in §12.6.2 above. Warranty collateral must be in an amount equal to 15 percent of the estimated costs of the improvements.

**g. Common Areas, Open Space and Residual Land<sup>397</sup>**

Any parcels, tracts, common areas, open space or residual land parcels to be owned by a property owners' association or other corporate entity shall be deeded to the association or entity at the time the final plat or site plan is recorded.

**h. Property Owners Association or Equivalent<sup>398</sup>**

- i. Each project approved under this Code that includes parcels, tracts, common areas, open space parcels, residual land, roads, detention facilities, landscaping or other features requiring maintenance (collectively referred to as common facilities) must provide for a property owners' association or an equivalent entity to be responsible for such maintenance. If applicable, each final plat and site plan that is recorded must be accompanied by the appropriate legal documents

<sup>395</sup> From current 12.6.3.

<sup>396</sup> From current 12.6.4.

<sup>397</sup> From current 12.6.5.

<sup>398</sup> *Consolidated draft: Staff comment for further discussion: "Local roads within new developments are publicly dedicated but privately maintained. Should we add language to the code that requires developer to form a Improvement district as part of land division application or if no district is created require that HOA documents include a plan (20 Years or perpetual) that defines road maintenance schedule and mandatory annual collection of fees to insure such maintenance can be accounted for when the time comes."* From current 12.6.6.

(covenants, articles of incorporation, bylaws, etc.) necessary to create such an entity.

- ii. Property owner documents shall include a reference to the development agreement (see §6.3.9.H: *Development Agreements*). Development agreements shall include a provision for perpetual maintenance of the common facilities by the responsible entity.
- iii. If a use plan for residual land and/or common area (see §5.6, *Residual Land and/or Common Area Use Plans*) is required for the project, provisions for perpetual maintenance of the common facilities must be included in the use plan for residual land and/or common area.
- iv. All documents providing for maintenance must include a provision allowing county commissioners to take over maintenance of the common facilities and assess the cost of maintenance, including inspection fees, legal fees and administrative expenses, to the property owners within the development, if the responsible entity fails to maintain the common facilities in a reasonable condition. Any unpaid assessments will become a lien upon the properties payable in the same manner and with the same priority as provided by law for the collection, enforcement and remittance of general property taxes. The county will file a notice of such lien in the office of the County Clerk and Recorder upon the properties and will certify such unpaid assessments to the county treasurer for collection, enforcement and remittance. Before taking over maintenance of any property the county commissioners will hold a public hearing with at least 14 days' notice to property owners within the development. If the county commissioners take over maintenance of the common facilities, the commissioners will continue the maintenance until it is assured that adequate provisions have been made for the maintenance of the common facilities.

**I. Vested Rights<sup>399</sup>**

**1. Purpose**

The purpose of this section is to implement the Colorado Vested Property Rights Statute.

**2. Applicability**

A vested right is established under C.R.S. § 24-68-101 et. seq., as amended, upon approval of a site-specific development plan by county commissioners. Site-specific development plans are defined to be final plats for subdivisions, conservation developments, planned land divisions and rural land plans and site plans for special reviews.

**3. Approval**

A vested right is automatically created upon the approval or conditional approval of a site-specific development plan. Vesting occurs on the date of the hearing when approval or conditional approval is granted. Failure to abide by the terms and conditions of approval will result in a forfeiture of vested rights.

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<sup>399</sup> From current 12.7. We will continue to discuss with County Attorney; there may be a better location for this material.

**4. Notice**

The Director must publish a notice of the county commissioners' approval of a site-specific development plan in a newspaper of general circulation no later than 14 days after approval.

**5. Term**

A vested right created by approval of a site-specific development plan remains in effect for three years from the date of the county commissioners' approval, unless the county commissioners determine, as part of the site-specific development plan approval, that a longer period is warranted in light of relevant circumstances. Those circumstances may include, but are not limited to, the size and phasing of the development, economic cycles and market conditions.

**6. Modification of Plan**

The county commissioners' approval of any modification to a site-specific development plan does not extend the term of a vested right unless expressly authorized by the county commissioners.

**7. Exceptions**

- a. A vested right does not preclude any zoning or land use action taken by the county under the following circumstances:
  - i. With the consent of the affected property owner; or
  - ii. Upon the discovery of natural or manmade hazards on or in the immediate vicinity of the property, which hazards could not reasonably have been discovered at the time of the site-specific development plan approval, and which hazards, if uncorrected, would pose a serious threat to the public's health, safety and welfare; or
  - iii. To the extent that the affected property owner receives just compensation for all costs, expenses and liabilities incurred by the property owner after approval by the county. These include, but are not limited to, costs incurred in preparing the site for development consistent with the site-specific development plan; all fees paid in consideration of financing; and all architectural, planning, marketing, legal and other consultants' fees, together with interest at the legal rate until paid. Just compensation does not include any diminution in the value of the property caused by such action.
  
- b. A vested right does not preclude the application of regulations that are general in nature and applicable to all property subject to land use regulation by the county, including, but not limited to, building, fire, plumbing, electrical and mechanical codes.

**6.4. Site Development Procedures**

**6.4.1. Site Plan Review**

**Commentary**

The county has two current site plan procedures (Sec. 6.0) – a “general site plan” and “public site plan.” As recommended in the Assessment Report, this draft carries forward only a single site plan procedure. Any

projects/land uses currently required to follow the public site plan procedure (as identified in current Sec. 4.1: Zoning Table) are proposed to instead follow the new administrative special review procedure – as that procedure is intended to review proposed land uses and mitigate potential negative impacts. The revised site plan procedure set forth below is focused on ensuring compliance with the code’s development and design regulations, rather than the more subjective decisions about compatibility associated with the special review process.

This draft also introduces refined applicability thresholds that better distinguish larger projects from smaller projects, allowing smaller projects to be approved faster and more efficiently. There are broad site plan review exemptions for any projects that fall below the thresholds established. Application submittal requirements should also be updated in supplemental documents to reflect the size and complexity of proposals. Some submittal requirements may be waived at the discretion of the Director for small projects.

**A. Purpose<sup>400</sup>**

The site plan review procedure is intended to ensure compliance with the development and design standards of this Code and to encourage quality development reflective of the adopted goals and objectives of the county. The site plan review procedure ensures that the county has an opportunity to mitigate potential impacts of development prior to issuance of a building permit.

**B. Applicability**

**1. Activities Subject to Site Plan Review**

Site plan review is required for the following types of activities.

**a. Residential**

New construction, including expansion, of a residential building, except for a single-family detached or duplex dwelling.

**b. Mixed-Use and Nonresidential**

- i. New construction, including expansion, of a mixed-use or nonresidential building.
- ii. A change in use that involves or requires other site improvements, including but not limited to:<sup>401</sup>
  - 1) Parking lots;
  - 2) Landscaping, screening, or buffering;
  - 3) Drainage facilities;
  - 4) Outdoor storage;
  - 5) Outdoor display and sales;
  - 6) Accessory outdoor commercial storage;
  - 7) Junkyards; and
  - 8) Flea markets.

<sup>400</sup> Replaces current 6.1.1. Relocated specific language related to applicability to the following section, (B) Applicability.

<sup>401</sup> Consolidated draft: Removed specific numeric thresholds for expansion and just refer to all types of “expansion,” per staff request. The current Zoning Table in Sec. 4.1 includes a specific identifier for land uses that require site plan review approval (SP). We recommend all of these labels be converted to “allowed by right” and then rely on the applicability thresholds to trigger site plan review. If staff thinks a specific use should undergo a higher level of review, the level of permission for that land use should be updated to “minor special review” (MS) or “special review” (S). Site planning details would be examined as part of the special review procedure.

- iii. Tenant improvements that involve or require other site improvements such as parking, landscaping, screening, buffering, drainage facilities, or other changes to the site that may be required by this Code.<sup>402</sup>
- iv. Reconstruction of a mixed-use or nonresidential building after voluntary demolition.<sup>403</sup>

**2. Activities Exempt from Site Plan Review**

Site plan review is not required for the following activities, but such activities shall be subject to the standards of this Code and building permit review:<sup>404</sup>

- a. Projects that do not fall within any of the categories subject to site plan review in subsection 1, above;
- b. Construction of a single-family detached or duplex dwelling on a single lot, additions to such dwellings, an accessory dwelling unit, and structures accessory to such dwellings;
- c. Establishment or construction of an agricultural use, building, or structure allowed by right in the underlying zoning district;
- d. A change in use that does not involve or require other site improvements such as parking, landscaping, screening, buffering, drainage facilities, or other changes to the site that may be required by this Code;
- e. Tenant improvements that do not involve or require other site improvements such as parking, landscaping, screening, buffering, drainage facilities, or other changes to the site that may be required by this Code;
- f. Construction or erection of accessory buildings, fences, hedges, or walls; and<sup>405</sup>
- g. Any project where the Director determines that the review criteria for site plan review in §6.4.1.D: *Review Criteria*, have been met or will be satisfied through the building permit process.

**C. Site Plan Procedure**

Figure 6-2 identifies the applicable steps from §6.3, *Common Review Procedures*, that apply to the review of site plan applications. Additions or modifications to the common review procedures are noted below.

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<sup>402</sup> Carried forward; however, we replaced the reference to the “change of use” definition with specific language from that definition.

<sup>403</sup> New.

<sup>404</sup> Did not carry forward exemption for medical marijuana establishments.

<sup>405</sup> New.

Figure 6-2: Summary of Site Plan Procedure<sup>406</sup>

1	<b>Pre-Application Conference</b>	<i>Required</i>	
2	<b>Sketch Plan</b>	<i>Not Required</i>	
3	<b>Neighborhood Meeting</b>	<i>Not Required</i>	Neighborhood Notice and Application Processing
4	<b>Application Submittal and Processing (additional pre-application conference required)</b>	<i>Submit to Director</i>	
5	<b>Staff Review</b>	- Review by Staff - Referral agencies have 21 days to submit comments	Hearing and Decision-making
6	<b>Scheduling and Notice of Public Hearings</b>	<i>Not Required</i>	
7	<b>Review and Decision</b>	<i>Decision by Director</i>	
8	<b>Post-Decision Actions</b>	<i>Site plan approval expires if not commenced within two years of approval</i>	

**1. Pre-Application Conference**

A pre-application conference shall be held in accordance with §6.3.2: *Pre-Application Conference*.

**2. Application Submittal and Processing<sup>407</sup>**

The application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §6.3.5, *Application Submittal and Processing*, with the following modifications:

- a. Site plan applications may be reviewed concurrently with other land use applications but cannot be approved until all associated land use applications have been approved.<sup>408</sup>

**3. Staff Review**

The staff shall review the application and prepare a staff review comments in accordance with §6.3.6: *Staff Review*, with the following modifications:

**a. Modifications**

Upon the determination of the Director that a site plan review application requires modifications based on referral comments, the applicant shall be required to make a revised submittal, for a subsequent review, that addresses the referral comments.

<sup>406</sup> Consolidated draft: All flowcharts in this article have been updated to reflect the new organization of the common procedures.

<sup>407</sup> Did not carry forward specific language covered in the common review procedures (e.g., “site plan review commences when a complete site plan application is submitted”).

<sup>408</sup> Consider identifying specific associated procedures here – namely special review, admin special review, rezoning, prelim plat.

Prior to the revised submittal the applicant may request a meeting to discuss the referral comments.

**b. Referral Timing<sup>409</sup>**

Referral departments and agencies shall have 21 days to review and provide written comments to the Director. Referral departments and agencies may request additional review time in writing.

**4. Review and Decision**

The site plan application shall be reviewed and decided upon in accordance with §6.3.8: *Review and Decision*, with the following modifications:

- a. Within five working days following the 21-day review period, the Director will provide a written determination stating that the site plan review application:
  - i. Is approved, with or without conditions, and complies with this Code and any other approvals imposed by the County Commissioners, the Board of Adjustment, or Floodplain Review Board.
  - ii. Requires modifications based upon the referral review, to be prepared by applicant for subsequent review to demonstrate compliance with this Code and any other approvals imposed by the County Commissioners, the Board of Adjustment, or Floodplain Review Board.
  - iii. Is denied based upon an inability to comply with this Code and any other approvals imposed by the County Commissioners, the Board of Adjustment, or Floodplain Review Board.

**5. Post-Decision Actions and Limitations**

All common procedures in §6.3.9: *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

**a. Vesting and Expiration**

An approved site plan does not create a vested right. Approved site plans are effective for two years. If a building permit and development construction permit are not issued within two years of the site plan approval, the site plan approval will automatically expire.<sup>410</sup>

**b. Permits Required**

- i. Upon approval of a site plan and prior to the commencement of construction, a development construction permit is required.
- ii. Approval of a site plan does not relieve the applicant from complying with the building codes as adopted by the county or the building permit submittal requirements.

**c. Final Site Plan**

If approved, the applicant shall provide final versions of the site plans and supporting documents for approval signature by the Director. The final site plan set

<sup>409</sup> We recommend relocating specific timeframes for review to the supplemental document outside of this code so that they can be adjusted without requiring a formal code amendment.

<sup>410</sup> Confirm automatic expiration with legal dept.

and supporting documents for signature shall be in the number and format specified in the Administrative Manual and shall also include one of the following:

- i. An agreement (provided by the Director) signed by the applicant indicating that the applicant is aware that all on-site and off-site improvements required for the development will need to be completed, inspected, and approved prior to the operation of the approved use of the site, or the issuance of a temporary or final certificate of occupancy.
- ii. A signed and executable development agreement and collateral pursuant to the requirements of §6.3.9: *Post-Decision Actions and Limitations*.

**d. Performance and Maintenance Guarantees**

When public improvements are required, the applicant or authorized representative shall post performance and maintenance guarantees for such improvements. Such financial guarantees shall be submitted, reviewed, and approved per §6.3.9.H.4: *Guarantee of Public Improvements*.

**e. Appeals**

The decision of the Director may be appealed in writing to the County Commissioners pursuant to §6.7.2: *Appeals*.

**D. Review Criteria**

The Director shall review the application in accordance with the approval criteria in §6.3.8.D: *General Review Criteria*.

**6.4.2. Special Review**

**Commentary**

The current code (4.5) includes both special review and minor special review procedures. They are almost identical, with the main difference being that minor special review uses do not require the neighbor referral or Planning Commission hearing process. The Assessment Report calls for them to be streamlined.

This new section proposes still having two special review procedures, though modified from the current approach. The main special review process stays intact (decision by BCC), while a new administrative special review procedure is streamlined and essentially based on the current public site plan and minor special review procedures, with staff approval and no public hearing required (but subject to BCC call-up). This new procedure allows the Director to make a streamlined determination of compatibility.

**A. Purpose<sup>411</sup>**

The special review procedure provides a mechanism for the county to evaluate proposed development and land uses that have unique or widely varying operating characteristics or unusual site development features to ensure compatibility with surrounding areas. The procedure considers the location, design, configuration, intensity, density, natural hazards and other relevant factors pertaining to the proposed use to evaluate the potential impacts of such uses on surrounding properties, including the environment and wildlife, and to ensure that such uses are compatible with surrounding properties and that adequate mitigation is provided to minimize potential impacts on those surrounding properties and/or the county.

<sup>411</sup> Replaces current 4.5.1. Reworded for clarity and simplicity, relocated some content to other appropriate subheadings in this subsection.

**B. Applicability**

Special review is required for certain land uses and zoning districts as specified in §3.2, *Tables of Allowed Uses*. Special review approval is also required for modification or expansion of an existing special review use.<sup>412</sup>

**C. Special Review Procedure**

Figure 6-3 identifies the applicable steps from §6.3, *Common Review Procedures*, that apply to the review of special review applications. Additions or modifications to the common review procedures are noted below.

**Figure 6-3: Summary of Special Review Procedure**

<b>1</b>	<b>Pre-Application Conference</b>	<i>Required</i>	
<b>2</b>	<b>Sketch Plan</b>	<i>Required</i>	
<b>3</b>	<b>Neighborhood Meeting</b>	<i>Director may waive meeting requirement based on response to neighbor referral</i>	Neighborhood Notice and Application Processing
<b>4</b>	<b>Application Submittal and Processing (additional pre-application conference required)</b>	<ul style="list-style-type: none"> <li>– Submit to Director</li> <li>– Neighbor referral required</li> </ul>	
<b>5</b>	<b>Staff Review</b>	<i>Review by Staff</i>	
<b>6</b>	<b>Scheduling and Notice of Public Hearings</b>	<ul style="list-style-type: none"> <li>– Planning Commission hearing</li> <li>– County Commissioners hearing</li> </ul>	Hearing and Decision-making
<b>7</b>	<b>Review and Decision</b>	<ul style="list-style-type: none"> <li>– Planning Commission review and recommendation</li> <li>– County Commissioners review and decision</li> </ul>	
<b>8</b>	<b>Post-Decision Actions</b>	<i>Special review expires if not commenced within 3 years of approval</i>	

**1. Pre-Application Conference**

A pre-application conference shall be held in accordance with §6.3.2, *Pre-Application Conference*.

**2. Sketch Plan**

Sketch plan review pursuant to §6.3.3, *Sketch Plan Review*, shall be required prior to submission of the special review application.

**3. Neighborhood Meeting**

A neighborhood meeting shall be held in accordance with §6.3.4, *Neighborhood Meeting*. The Director may waive the meeting requirement based on responses received to the neighbor referral.

<sup>412</sup> New, clarity added about modifications or expansions of existing special review uses.

**4. Application Submittal and Processing**

The application shall be submitted, accepted, and revised, and may be withdrawn, and the neighbor referral completed, in accordance with §6.3.5, *Application Submittal and Processing* with the following modifications:

- a. Special review applications may be reviewed in combination with a site plan application. However, each application shall be decided separately based upon the applicable criteria of this Code, and the site plan decision shall be approved only following approval of the special review application.

**5. Staff Review**

The staff shall review the application and prepare a staff report and recommendation in accordance with §6.3.6: *Staff Review*.

**6. Scheduling and Notice of Public Hearings**

The special review application shall be scheduled for public hearings before the Planning Commission and the County Commissioners and shall be noticed pursuant to §6.3.7: *Scheduling and Notice of Hearings*.

**7. Review and Decision**

**a. Planning Commission Review and Recommendation**

The Planning Commission shall review the special review application in accordance with the approval criteria in §6.4.2.D: *Review Criteria*, and shall forward its recommendation to the County Commissioners.

**b. County Commissioners Review and Decision**

The County Commissioners may review and approve, approve with conditions, or deny the special review application in accordance with the approval criteria in §6.4.2.D: *Review Criteria*.

**c. Conditions of Approval<sup>413</sup>**

In addition to the allowed conditions of approval in §6.3.8.C: *Conditions of Approval*, the following shall apply:

- i. The Board of County Commissioners may set limits on the length of any special review use to obtain assurances that the ongoing operation of the use will comply with all of the applicant's representations and all conditions of approval, including, but not limited to, requiring an annual compliance review.
- ii. These conditions may be required to be included in a development agreement signed by the applicant and the County Commissioners and recorded with the County Clerk and Recorder. The development agreement shall comply with §6.3.9.H: *Development Agreements*.
- iii. The County Commissioners may require the applicant to post sufficient collateral to ensure the timely completion of any improvements required or needed to address potential impacts of the proposed use. The amount and type of collateral must be detailed in the development agreement and be consistent with §6.3.9: *Post-Decision Actions and Limitations*.

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<sup>413</sup> New.

**8. Post-Decision Actions and Limitations**

All common procedures in §6.3.9: *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

**a. Expiration**

- i. Special review approvals approved in conjunction with a site plan review shall expire following a public hearing if the use is not commenced within two years of the date of approval.<sup>414</sup>
- ii. All other special review approvals expire following a public hearing if the use is not commenced within three years of the date of approval.

**b. Permits Required**

A building permit is required for the construction of buildings or structures on the site as required by building code. Development improvements and construction shall be approved and completed prior to commencement of the approved use.

**c. Modifications**

Changes to approved special review plans that the Director determines are not minor deviations require approval through the special review process. This requires a new application and receives full review under the process described below. The Director may, however, waive sketch plan review and a portion of the application fees.

**D. Review Criteria<sup>415</sup>**

In reviewing a proposed special review application, the review bodies shall consider the general approval criteria in §6.3.6: *General Review Criteria*, and also whether:

1. The proposed use has minimal impacts on existing and future development of the area;
2. Any impacts associated with the environment, wildlife, access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, odor, and other adverse impacts have been adequately addressed and/or mitigated;
3. The recommendations of referral agencies have been considered and adequately addressed;
4. Within a GMA district, the proposed use is consistent with the applicable supplementary regulations to the GMA district, or if none, with the Comprehensive Plan; and
5. The applicant has demonstrated that this project can meet applicable additional criteria listed in Article 3.0, *Use Regulations*.

**6.4.3. Administrative Special Review**

**Commentary**

The new administrative special review procedure allows the Director to make a streamlined determination of compatibility. See commentary at start of Special Review section.

<sup>414</sup> Consolidated draft: new.

<sup>415</sup> Consolidated draft: Updated criteria to bring forward additional language from current code. Replaces current 4.5.3 and 4.5.5. The approval criteria for minor special review and special review were identical. We have carried forward the general principles; however, we have reworded them to be clearer and more objective.

**A. Purpose**

The administrative special review procedure provides a mechanism for the county to evaluate proposed development and land uses that have unique or widely varying operating characteristics or unusual site development features to ensure compatibility with surrounding areas. The procedure considers the location, design, configuration, intensity, density, natural hazards and other relevant factors pertaining to the proposed use to evaluate the potential impacts of such uses on surrounding properties, including the environment and wildlife, and to ensure that such uses are compatible with surrounding properties and that adequate mitigation is provided to minimize potential impacts on those surrounding properties and/or the county.

**B. Applicability**

Administrative special review is required for certain land uses and zoning districts as specified in §3.2, *Tables of Allowed Uses*. Administrative special review approval is also required for modification or expansion of an existing administrative special review use.

**C. Administrative Special Review Procedure**

Figure 6-4 identifies the applicable steps from §6.3, *Common Review Procedures*, that apply to the review of administrative special review applications. Additions or modifications to the common review procedures are noted below.

**Figure 6-4: Summary of Administrative Special Review Procedure**

<b>1</b>	<b>Pre-Application Conference</b>	<i>Required</i>	
<b>2</b>	Sketch Plan	<i>Not required</i>	
<b>3</b>	Neighborhood Meeting	<i>Not required</i>	Neighborhood Notice and Application Processing
<b>4</b>	<b>Application Submittal and Processing (additional pre-application conference required)</b>	<i>Submit to Director</i>	
<b>5</b>	<b>Staff Review</b>	<i>Review by Staff</i>	
<b>6</b>	Scheduling and Notice of Public Hearings	<i>Not required</i>	Hearing and Decision- making
<b>7</b>	<b>Review and Decision</b>	<i>Decision by Director</i>	
<b>8</b>	<b>Post-Decision Actions</b>	<i>Administrative special review expires if not commenced within 3 years of approval</i>	

**1. Pre-Application Conference**

A pre-application conference shall be held in accordance with §6.3.2: *Pre-Application Conference*.

**2. Application Submittal and Processing**

The application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §6.3.5, *Application Submittal and Processing*. Neighbor referral is not required.

**3. Staff Review**

The staff shall review the application and prepare a staff report and recommendation in accordance with §6.3.6: *Staff Review*.

**4. Scheduling and Notice of Public Hearings**

Not required, unless the Director refers the application for hearing and decision by the Board of County Commissioners.

**5. Review and Decision**

**a. Director Review and Recommendation**

The Director shall review and decide upon the administrative special review application in accordance with §6.3.8: *Review and Decision*, or shall refer the application to the Board of County Commissioners; see §6.3.6.D.3: *Referrals to Board of County Commissioners*.

**b. Conditions of Approval**

In addition to the allowed conditions of approval in §6.3.8.C: *Conditions of Approval*, the following shall apply:

- i. The Director may set limits on the length of any special review use to obtain assurances that the ongoing operation of the use will comply with all of the applicant's representations and all conditions of approval, including, but not limited to, requiring an annual compliance review.

**6. Post-Decision Actions and Limitations**

All common procedures in §6.3.9: *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

**a. Expiration**

Administrative special review approvals expire following a public hearing if the use is not commenced within three years of the date of approval.

**b. Permits Required**

Development improvements and construction shall be approved and completed prior to commencement of the approved use. A building permit is required for the construction of buildings or structures on the site as required by building code.

**D. Review Criteria<sup>416</sup>**

In reviewing a proposed administrative special review application, the Director shall consider the general approval criteria in §6.3.6: *General Review Criteria*, and also whether:

- 1. The proposed use has minimal impacts on existing and future development of the area;

<sup>416</sup> Consolidated draft: Updated criteria to bring forward additional language from current code.

2. Any impacts associated with the environment, wildlife, access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, odor, and other adverse impacts have been adequately addressed and/or mitigated;
3. The recommendations of referral agencies have been considered and adequately addressed;
4. Within a GMA district, the proposed use is consistent with the applicable supplementary regulations to the GMA district, or if none, with the Comprehensive Plan; and
5. The applicant has demonstrated that this project can meet applicable additional criteria listed in Article 3.0, *Use Regulations*.

**6.4.4. Location and Extent<sup>417</sup>**

**A. Purpose<sup>418</sup>**

The purpose of the location and extent procedure is to determine if a public road, public park, trail or trailhead, public way, public ground or space, public building, or public structure or utility proposed for location in unincorporated Larimer County conforms with the adopted Comprehensive Plan. This procedure is included in the Code pursuant to Colorado law.

**B. Applicability**

**1. Review Required, Generally<sup>419</sup>**

The following public projects shall be brought before the Larimer County Planning Commission for location and extent review in accordance with C.R.S. §30-28-110, unless otherwise stated below:

- a. School
- b. Prison or Detention Center
- c. Hospital
- d. Parks and Open Lands (all uses in this category)
- e. Campground
- f. Recreational Vehicle Park
- g. Airport
- h. Helipad
- i. Transit Terminal or Station
- j. Landfill
- k. Treatment Plant
- l. Utility Substation
- m. Water Storage Facility

**2. Review Required for Public Schools**

- a. Prior to acquiring land or contracting for the purchase of land for a school site, the Board of Education shall consult with and advise the Planning Commission in writing to ensure that the proposed site conforms to the adopted Comprehensive Plan to the maximum extent feasible.<sup>420</sup>

<sup>417</sup> From current 13.0. No major substantive changes proposed.

<sup>418</sup> Revised to clarify the types of public activities included in CRS §30-28-110 instead of referring to “public use.”

<sup>419</sup> We did not carry forward specific lists of activities where L&E is required or exempted, but rather referenced state statute. The list should be reevaluated following preparation of the new use table to ensure consistency with updated use names.

<sup>420</sup> Replaced “as far as is feasible” with “to the maximum extent feasible,” which is a defined term.

- b. Prior to construction of any structure or building, the Board of Education shall submit a site development plan for review and comment by the Planning Commission.

**C. Procedure**

**1. For Public Schools**

- a. The Planning Commission may request a public hearing before the Board of Education on the proposed site location or site development plan. If the Planning Commission requires a hearing, the Board of Education shall promptly schedule the hearing, publish at least one notice in advance of the hearing, and provide written notice of the hearing to the Planning Commission.
- b. The Planning Commission shall consider all information presented at the hearing. If no hearing is requested, the Planning Commission shall consider all information provided by the Board of Education and provide to the Board of Education its recommendations and conclusions.
- c. The authority to make final determinations regarding the location of public schools and the construction of buildings and structures remains with the Board of Education.

**2. For All Other Public Projects**

- a. A proposed site location and development plan shall be submitted to the Planning Commission for approval before construction or authorization of any public road, public park, trail or trailhead, public way, ground or space, public building, or structure or utility.<sup>421</sup> This does not include County acquisition of right-of-way for public roads through negotiation and/or eminent domain.
- b. In case of disapproval of a county-funded project, the Planning Commission shall communicate its reasons to the County Commissioners. County Commissioners are authorized to overrule such disapproval by a majority vote. Upon overruling, the County<sup>422</sup> may proceed with construction or authorization of the project.
- c. If the project is one that is not required to be authorized or financed by the County Commissioners or other county officials or county board, the Planning Commission's disapproval may be overruled by the body or official having jurisdiction over the authorization and financing of the project by a majority vote. In the case of a utility owned by an entity other than a political subdivision, the Planning Commission's disapproval may be overruled by the Public Utilities Commission by a majority of its entire membership.
- d. In the case of county-funded or county-authorized projects, approval is required from the Planning Commission for the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, or sale or lease of or acquisition of land for any public park, trail or trailhead, public ground or space, public property, public structure, or building or public utility. Disapproval may be overruled as described above.

<sup>421</sup> Did not carry forward "whether public or privately owned."

<sup>422</sup> Deleted "commissioners" after county here because the commissioners do not proceed with construction.

- e. Failure of the Planning Commission to act within 30 days after the date of official submission to it is deemed approval unless a longer period is granted by the submitting board, body or official.

## 6.5. Land Division Procedures

This section contains the procedures for land divisions within the County, generally following the framework identified in current Section 5.13 – Land Division Process. Three significant changes are intended to streamline the subdivision procedures generally:

- A new administrative subdivision option is proposed for the creation of no more than two new lots (three total).
- A new process allows for staff approvals of minor plat amendments.
- Final plats are now proposed to be administratively approved.

### 6.5.1. Purpose and Intent<sup>423</sup>

The purpose of this section is to establish the minimum standards for the division of land and improvement of that land in unincorporated Larimer County and to:

**A. General**

Establish reasonable and equitable procedures and standards for the subdivision of land.

**B. Safe and Convenient Traffic Circulation**

Require the provision of safe and convenient vehicular and pedestrian traffic circulation.

**C. Adequacy of Public Facilities**

Ensure that public facilities are available to serve development.

**D. Conserve and Manage Natural Resources**

Conserve and manage natural resources.

**E. Minimize Air and Water Pollution**

Minimize the impacts of air and water pollution and the degradation of land.

**F. Open Space**

Provide for open space and recreational land through efficient and appropriate subdivision design.

**G. Conformance with Land Use Regulations and Adopted County Documents**

Guide future growth and development in substantial conformance with the purposes, intents, goals, and policies of this Code and any applicable ancillary County-adopted documents related to natural resource protection, affordable housing, or infrastructure management, and other applicable provisions of this Code.

<sup>423</sup> New section expanding on the current §5.13.1.

**H. Safety from Fire, Flood, and Other Disasters**

Maintain or improve safety from fire, flood, and other potential disasters, including all flooding requirements in accordance with §2.7.1, *Floodplain Overlay (FP-O)*, and Article 12.0, *Floodplain*.

**I. Adequate Light, Air, and Privacy**

Provide adequate light, air, and privacy for land uses.

**J. Recording**

Ensure that the subdivision of lands is recorded with proper legal descriptions and monuments.

**6.5.2. General Applicability**

Except for those actions eligible to be processed as an administrative subdivision in §6.5.3, or those actions listed as exempt in §6.5.2.A, prior to the division, listing for sale, or transfer of land within unincorporated Larimer County, an applicant shall obtain approval for a subdivision preliminary plat and final plat pursuant to the procedures and standards of this section.

**A. Subdivision Exemptions<sup>424</sup>**

The following development is exempt from the procedures and standards of §6.5, *Land Division Procedures*:

**1. Division of Land into Parcels of 35 Acres or More**

As permitted by Colorado Revised Statutes, provided that the subdivision complies with 38-51-101 et. seq. C.R.S. and county standards regarding:

- a. Access; and
- b. Wildfire hazard mitigation;

**2. Division of Lands by Courts**

The division of land created by any court in the State of Colorado pursuant to the law of eminent domain, or by operation of law, or by order of any court of the State of Colorado, if the County Commissioners are given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion of subdivision regulations prior to the entry of the court order.

**3. Creation of Lien, Mortgage, Deed of Trust, or Other Security Instrument**

The division of land that creates an interest in land such as a lien, mortgage, deed of trust, or other security instrument.

**4. Creation of Security or Unit of Interest**

The division of land that creates a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity.

**5. Creation of Cemetery Lots**

The division of land that creates cemetery lots within a cemetery.

<sup>424</sup> New. Introduced here for discussion purposes.

**6. Creation of Oil, Gas, Mineral, or Water Interests**

The division of land that creates an interest or interests in oil, gas, minerals, or water which are now or hereafter severed from the surface ownership of real property.

**7. Creation of Joint Tenancy or Tenancy in Common**

The division of land that creates by the acquisition of an interest in land in the name of spouses or other persons in joint tenancy or as tenants in common and any such interest shall be deemed for purposes of this Code as only one interest.

**8. Consolidation**

The division of land that results in the consolidation of contiguous parcels of land into one larger parcel.

**9. Option to Purchase**

The division of land that is created by a contract concerning the sale of land that is contingent upon the purchaser's obtaining approval to subdivide, pursuant to this Code, the land that is to be acquired pursuant to the contract.

**B. Exemption Procedure**

Nothing contained in this application of this Code shall be construed to prevent the County Commissioners in its sole discretion from granting an exemption from subdivision pursuant to the authority of Section 30-28-101(10)(d), C.R.S., or for land that is otherwise required to be platted pursuant to this Code.

**C. Development of Entire Parcel**

Applicants who do not develop an entire parcel must indicate the intended plans for the remainder of the parcel. Any remaining undeveloped parcel must be at least 35 acres if it is not included in the development.

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**6.5.3. Administrative Subdivision<sup>425</sup>**

**Commentary**

This is a proposed new procedure that would allow for the administrative approval of the creation of small subdivisions (no more than two new lots).

**A. Purpose**

The administrative subdivision procedure provides a streamlined land division process that allows the creation of no more than two new lots (resulting in three lots total) that meet the requirements of this Code.

**B. Eligibility**

To be eligible for the administrative subdivision process, applicants shall demonstrate that:

**1. The subject property:**

- a.** Is not situated within an adopted GMA, the LaPorte Plan Area, Red Feather Lakes Plan Area, Estes Valley Planning Area, or any area subject to an adopted sub-area plan;
- b.** Is a legal parcel; and

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<sup>425</sup> Consolidated draft. New, written to implement a concept developed by staff following internal discussions.

- c. Is not a lot previously created by an Exemption, Minor Land Division (MLD), Minor Residential Development (MRD), Subdivision, Conservation Development (CD), or Rural Land Use Plan (RLUP).
2. The proposed subdivision and proposed lots:
- a. Will be consistent with the existing base zoning for the property;
  - b. Will meet the minimum lot dimensional requirements for the base zoning district of this Code in which the property is situated, regardless of any hazard, wildlife, or environmentally sensitive areas on the property, or setbacks resulting from a hazard, wildlife, or environmentally sensitive areas on or adjacent to the property. (For example, if a lot is required to be two acres in area, none of that two acres can be encumbered by a hazard area such as a floodplain. If a lot is encumbered by a hazard area, then the proposed lot area shall be equal to the area of the lot in the hazard area plus two acres of unencumbered area.);
  - c. Will be served by a public water supply;
  - d. Will require no new roads nor any road improvements adjacent to or necessary for access to the development;
  - e. Will include access points serving the proposed lots from the adjacent road(s) that will comply with the current locational and spacing requirements of the LC Access Control and Rural Area Road Standards; and
  - f. Will include dedicated ROW for existing roads adjacent to the development necessary to meet the projected ROW for the existing road classification.

**C. Administrative Subdivision Procedure**

Figure 6-5 identifies the applicable steps from §6.3, *Common Review Procedures*, that apply to the review of administrative subdivision applications. Additions or modifications to the common review procedures are noted below.

**Figure 6-5: Summary of Administration Subdivision Procedure**

<b>1</b>	<b>Pre-Application Conference</b>	<i>Required</i>	
<b>2</b>	<b>Sketch Plan</b>	<i>Required</i>	
<b>3</b>	<b>Neighborhood Meeting</b>	<i>Director may waive meeting requirement based on response to neighbor referral</i>	<b>Neighborhood Notice and Application Processing</b>
<b>4</b>	<b>Application Submittal and Processing (additional pre-application conference required)</b>	– <i>Submit to Director</i> – <i>Neighbor referral required</i>	
<b>5</b>	<b>Staff Review</b>	<i>Review by Director</i>	
<b>6</b>	<b>Scheduling and Notice of Public Hearings</b>	<i>Not required unless referred to County Commissioners</i>	<b>Hearing and Decision-making</b>
<b>7</b>	<b>Review and Decision</b>	<i>Decision by Director, unless referred to County Commissioners</i>	

## 8

## Post-Decision Actions

See text below

**1. Pre-Application Conference**

A pre-application conference shall be held in accordance with §6.3.2: *Pre-Application Conference*.

**2. Sketch Plan**

- a. Sketch plan review pursuant to §6.3.3, *Sketch Plan Review*, shall be required prior to submission of the administrative subdivision application.
- b. In the sketch plan process, the applicant shall demonstrate how the proposed administrative subdivision will meet the eligibility criteria set forth above.
- c. At the conclusion of the sketch plan process, the Director shall inform the applicant if the proposal is eligible for the administrative subdivision process.

**3. Neighborhood Meeting**

A neighborhood meeting shall be held in accordance with §6.3.4, *Neighborhood Meeting*. The Director may waive the meeting requirement based on responses received to the neighbor referral.

**4. Application Submittal and Processing**

The application shall be submitted, accepted, and revised, and may be withdrawn, and the neighbor referral completed, in accordance with §6.3.5, *Application Submittal and Processing*, with the following modifications:

- a. The application shall be prepared as a final plat meeting the requirements in the Administrative Manual.
- b. The application shall include sufficient information to demonstrate that the minimum adequate public facility requirements for water, sewer, drainage, roads, and fire protection will be met.

**5. Staff Review**

The staff shall review the application and prepare a staff report and recommendation in accordance with §6.3.6: *Staff Review*.

**6. Scheduling and Notice of Public Hearings**

Not required, unless the Director refers the application for hearing and decision by the Board of County Commissioners.

**7. Review and Decision****a. Director Review and Recommendation**

The Director shall review and decide upon the administrative subdivision application in accordance with §6.3.8: *Review and Decision*, or shall refer the application to the Board of County Commissioners; see §6.3.6.D.3: *Referrals to Board of County Commissioners*.

**b. Appeal**

Upon the Director’s approval of the administrative subdivision, the applicant or any person may file an appeal of the Director’s decision, which appeal shall advance the decision to a hearing with the Board of County Commissioners.

**8. Post-Approval Actions and Limitations**

All common procedures in §6.3.9: *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

**a. Recording**

- i. After approval of an administrative subdivision, the Director will obtain the necessary signatures of public officials on the original mylar drawing.
- ii. The Director will then record the original mylar drawing, a mylar copy and all appropriate documents with the County Clerk and Recorder.
- iii. The applicant may request a delay of recording for up to six months from the date the final plat is approved. If the Director approves a delay, the development agreement (if applicable) shall be amended by updating the estimates of the cost of the required improvements and by revising the construction schedule and other date-sensitive items. The amount of collateral required to guarantee installation of the improvements must be adjusted according to updated cost estimates.

**b. Final Plat Completion**

The final plat process shall be completed within one year from the date that a complete and sufficient administrative subdivision application is accepted by the Director. Completing the final plat process will require complete execution of the final plat and the development agreement and the recording of these documents in the Office of the Larimer County Clerk and Recorder.

**D. Review Criteria**

In reviewing a proposed administrative subdivision application, the Director, or the Board of County Commissioners if referred, shall consider the general approval criteria in §6.3.6, and if the proposed administrative subdivision meets all requirements in §6.5.3.B, *Eligibility*.

**6.5.4. Subdivision Concept Plan<sup>426</sup>**

**Commentary**

This is a proposed new name for the current subdivision sketch plan. This is intended to function as an **optional** initial step in the subdivision process, to provide an opportunity for review and approval of major concepts prior to development of a preliminary plat. This is more of a “political” check on a proposed subdivision, as opposed to the sketch plan that provides the technical review. The language is based roughly on the current code’s “general development plan” procedure.

**A. Purpose**

The subdivision concept plan procedure is intended to provide an initial, optional step in the land division process and allow the applicant to obtain feedback from the Board of County

<sup>426</sup> Consolidated draft: Changed to an optional step in the subdivision process.

Commissioners on proposed divisions and development without having to provide detailed engineering drawings and specifications.

**B. Applicability**

A subdivision concept plan is an optional step that may precede any application for subdivision.

**C. Subdivision Concept Plan Procedure**

Figure 6-6 identifies the applicable steps from §6.3, *Common Review Procedures*, that apply to the review of subdivision concept plan applications. Additions or modifications to the common review procedures are noted below.

**Figure 6-6: Summary of Subdivision Concept Plan Procedure**

<b>1</b>	<b>Pre-Application Conference</b>	<i>Required</i>	
<b>2</b>	<b>Sketch Plan</b>	<i>Not required</i>	
<b>3</b>	<b>Neighborhood Meeting</b>	<i>Director may waive meeting requirement based on response to neighbor referral</i>	Neighborhood Notice and Application Processing
<b>4</b>	<b>Application Submittal and Processing (additional pre-application conference required)</b>	<ul style="list-style-type: none"> <li>– <i>Submit to Director</i></li> <li>– <i>Neighbor referral required</i></li> </ul>	
<b>5</b>	<b>Staff Review</b>	<i>Review by Director</i>	
<b>6</b>	<b>Scheduling and Notice of Public Hearings</b>	<ul style="list-style-type: none"> <li>– <i>Planning Commission hearing</i></li> <li>– <i>County Commissioners hearing</i></li> </ul>	Hearing and Decision-making
<b>7</b>	<b>Review and Decision</b>	<ul style="list-style-type: none"> <li>– <i>Planning Commission review and recommendation</i></li> <li>– <i>County Commissioners review and decision</i></li> </ul>	
<b>8</b>	<b>Post-Decision Actions</b>	<i>See text below</i>	

**1. Pre-Application Conference**

A pre-application conference shall be held in accordance with §6.3.2: *Pre-Application Conference*.

**2. Application Submittal and Processing**

The application shall be submitted, accepted, and revised, and may be withdrawn, and the neighbor referral completed, in accordance with §6.3.5, *Application Submittal and Processing*, with the following modifications:

- a. Submittal requirements, which are contained in the Administrative Manual, are intended to provide adequate information to determine if the project is appropriate for the location but limit the cost of preparing these materials as much as possible.

**3. Staff Review**

The staff shall review the application and prepare a staff report and recommendation in accordance with §6.3.6: *Staff Review*.

**4. Scheduling and Notice of Public Hearing**

The application shall be scheduled for public hearings before the Planning Commission and the County Commissioners and noticed in accordance with §6.3.7: *Scheduling and Notice of Hearings*.

**5. Review and Decision**

The subdivision concept plan shall be reviewed and decided upon in accordance with §6.3.8: *Review and Decision*, with the following modifications:

- a. Each subdivision concept plan approval shall include a time limit for completion of the project not to exceed three years.
- b. Concept plan approvals are conditioned on the applicant successfully addressing the following in the preliminary plat application:
  - i. Compatibility with existing and allowed land uses in the area;
  - ii. Compliance with all standards and other requirements of this Code and with all other federal, state and county laws and regulations; and
  - iii. Compliance with the development standards of this Code.

**6. Post-Approval Actions and Limitations**

Approval of a subdivision concept plan does not create a vested right or guarantee preliminary plat approval.

**6.5.5. Preliminary Plat<sup>427</sup>**

**A. Purpose<sup>428</sup>**

The preliminary plat process provides a mechanism to demonstrate compliance with the requirements of this Code, for applicants to respond to issues identified during the review process, and to formulate detailed solutions and mitigations proposals to those issues.

**B. Applicability**

A preliminary plat is required for any proposed subdivision that is not eligible for processing as under §6.5.3, *Administrative Subdivision*.

**C. Preliminary Plat Procedure**

Figure 6-7 identifies the applicable steps from §6.3, *Common Review Procedures*, apply to the review of preliminary plat applications. Additions or modifications to the common review procedures are noted below.

<sup>427</sup> Carried forward and reorganized content from current 5.13.4. Updates to specific standards are footnoted throughout. We have folded the **planned land division procedure** into this preliminary plat procedure. The current planned land division process acts like an overlay for subdivision regulations. Rather than having two distinct procedures, we have integrated the planned land division review criteria and standards into the preliminary plat and have clarified that those criteria and standards apply for subdivision proposals within GMA areas.

<sup>428</sup> New.

Figure 6-7: Summary of Preliminary Plat Procedure

1	<b>Pre-Application Conference</b>	Required	
2	<b>Sketch Plan</b>	Required	
3	<b>Neighborhood Meeting</b>	Director may waive meeting requirement based on response to neighbor referral	Neighborhood Notice and Application Processing
4	<b>Application Submittal and Processing (additional pre-application conference required)</b>	– Submit to Director – Neighbor referral required	
5	<b>Staff Review</b>	Review by Staff	
6	<b>Scheduling and Notice of Public Hearings</b>	– Planning Commission hearing – County Commissioners hearing	Hearing and Decision-making
7	<b>Review and Decision</b>	– Planning Commission review and recommendation – County Commissioners review and decision	
8	<b>Post-Decision Actions</b>	Automatically expires if final plat application is not filed within 1 year of approval	

**1. Pre-Application Conference**

A pre-application conference shall be held in accordance with §6.3.2: *Pre-Application Conference*.

**2. Sketch Plan**

Sketch plan review pursuant to §6.3.3, *Sketch Plan Review*, shall be required prior to submission of the special review application.

**3. Neighborhood Meeting**

A neighborhood meeting shall be held in accordance with §6.3.4, *Neighborhood Meeting*. The Director may waive the meeting requirement based on responses received to the neighbor referral.

**4. Application Submittal and Processing<sup>429</sup>**

The application shall be submitted, accepted, and revised, and may be withdrawn, and the neighbor referral completed, in accordance with §6.3.5, *Application Submittal and Processing*.

**5. Staff Review**

The staff shall review the application and prepare a staff report and recommendation in accordance with §6.3.6: *Staff Review*, with the following modifications:

**a. Referrals**

**i. General Timing**

<sup>429</sup> Consolidated draft: Removed mandatory requirement for subdivision concept plan here.

- 1) Within seven days of the Director's determination that an application is complete, the Community Development Department will send the application materials to appropriate reviewing agencies.
- 2) Reviewing agencies have 21 days from the date the application materials are sent to submit their comments to the Community Development Department.
- 3) A reviewing agency's failure to respond within the initial time limit or within the extended time period will be considered a favorable response for the purpose of the preliminary plat review.
- 4) The Community Development Department will ask each reviewing agency to send a copy of its comments to the applicant. The applicant should contact the staff planner assigned to the project to ensure all comments are received.
- 5) Within 28 days after the deadline for reviewing agency comments, the planner assigned to the project will prepare a written report specifying how the preliminary plat meets or fails to meet the standards and other requirements of this Code. The report must also include comments received from reviewing agencies.
- 6) The applicant may review the report and make revisions to the preliminary plat to address concerns raised by the planning staff and reviewing agencies.

**ii. Timing Extensions**

- 1) If a school district, county, or municipality within two miles of the proposed preliminary plat; utility; local improvement or service district; ditch company; the Colorado State Forest Service; Planning Commission; local soil conservation district board; county, district, regional or state health department; state engineer or the Colorado Geological Survey needs more time to complete the review, the county may extend the time limit for referral agency review.
- 2) Such extension may not exceed 30 days unless the referral agency indicates that additional time is needed to complete its recommendation. Such an extension automatically extends the development review schedule established pursuant to §6.5.5.C.5.a.i, above.
- 3) If another referral agency requests additional time for review the county, the applicant, and the referral agency may agree on an extension of the time limit for review. Such an extension automatically extends the review schedule as stated above.

**iii. Potential Reviewing Agencies**

Following is a list of potential reviewing agencies for preliminary plats:

- 1) The appropriate school district(s);
- 2) Each county and/or municipality within three miles of the boundary of the preliminary plat and each municipality if the preliminary plat is located within the growth management area, cooperative planning area or community influence area of that municipality;
- 3) All utility districts, associations or companies providing service in the immediate vicinity of the preliminary plat;

- 4) The appropriate fire district(s);
- 5) All local improvement and service districts in the immediate vicinity of the preliminary plat;
- 6) All appropriate ditch companies;
- 7) Colorado State Forest Service;
- 8) County Engineer and Colorado Department of Transportation where appropriate;
- 9) Natural Resources Conservation Service (Soil Conservation District Board) for explicit review and recommendations regarding soil suitability, floodwater problems and watershed protection;
- 10) U.S. Forest Service and Rocky Mountain National Park, where appropriate;
- 11) U.S. Army Corps of Engineers;
- 12) Colorado Parks and Wildlife;
- 13) County Parks and Open Lands Department;
- 14) County and state departments of health for review of on-lot sewage disposal reports, review of the adequacy of existing or proposed sewage treatment works to handle estimated effluent and for a report on the water quality of the proposed water supply to serve the proposed development;
- 15) State Board of Land Commissioners when the preliminary plat is adjacent to state school land;
- 16) State Engineer, for an opinion regarding material injury likely to occur to decreed water rights by virtue of the diversion of water necessary to serve the proposed development and adequacy of the proposed water supply to meet the needs of the proposed development;
- 17) Colorado Geologic Survey, for an evaluation of geologic factors that would have a significant impact on the proposed development;
- 18) County Natural Resources Department;
- 19) County Emergency Services Department;
- 20) County Building Department and the Larimer County Emergency Telephone Authority (LETA) to determine if the proposed street names duplicate existing street names and if the street names are consistent with street naming standards in this Code;
- 21) County Wildfire Safety Coordinator;
- 22) Any public or private agency, company or corporation that, in the opinion of the Director, may be affected by the proposed development;
- 23) Colorado State University Cooperative Extension Service;
- 24) All property owners who receive mailed notice of public hearings under §6.3.7: *Scheduling and Notice of Hearings*; and
- 25) County TDU Administrator.

**6. Scheduling and Notice of Public Hearings**

The preliminary plat application shall be scheduled for public hearings before the Planning Commission and the County Commissioners and shall be noticed pursuant to §6.3.7: *Scheduling and Notice of Hearings*.

**7. Review and Decision**

**a. Planning Commission Review and Recommendation**

- i. The Planning Commission shall review the preliminary plat application in accordance with the approval criteria in §6.5.5.D: *Review Criteria*, and shall forward its recommendation to the County Commissioners.
- ii. The Planning Commission hearing will not be scheduled until the Director and the applicant agree to all staff-recommended conditions of approval or the applicant submits a written request to schedule the public hearing.

**b. County Commissioners Review and Decision**

- i. The County Commissioners may review and approve, approve with conditions, or deny the preliminary plat application in accordance with the approval criteria in §6.5.5.D: *Review Criteria*.
- ii. The date of the County Commissioners' public hearing on the preliminary plat will be selected no later than seven days after the Planning Commission hearing.
- iii. A subdivision application for six or fewer lots may combine preliminary plat and final plat review by County Commissioners.

**c. Project Redesign to Meet Review Criteria**

The Planning Commission or County Commissioners may request redesign of part or all of a preliminary plat to meet the criteria §6.5.5.D: *Review Criteria*. If the applicant redesigns the plat in accordance with the request, no further redesign will be required unless it is necessary to comply with a duly adopted county resolution, ordinance, or regulation.

**8. Post-Decision Actions and Limitations**

All common procedures in §6.3.9: *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

**a. Expiration**

- i. Preliminary plat approvals are effective for one year. If a complete final plat application is not submitted to the Community Development Department within one year of preliminary plat approval, the preliminary plat approval will automatically expire.
- ii. The County Commissioners may extend the effective period of a preliminary plat for good cause. The applicant must request the extension in writing prior to expiration of the preliminary plat.
- iii. Notice of a hearing to consider an extension request will be given under notice requirements for County Commissioner consideration of a preliminary plat.
- iv. The County Commissioners will consider the following criteria when reviewing a preliminary plat extension request:
  - 1) Conditions in the neighborhood have not changed significantly since the original approval;
  - 2) The approved preliminary plat is consistent with any amendments to this Code adopted since the original approval; and

- 3) The applicant demonstrates that the extension is necessary because there have been factors beyond his or her control that prevented the submittal of the final plat for this project.

**b. Resubmittals**

A preliminary plat application denied by the County Commissioners may be resubmitted only if the applicant makes significant changes to address the reasons stated for the denial. The Director will determine if the changes are sufficient to allow a resubmittal. The decision of the Director can be appealed in writing to the County Commissioners pursuant to §6.7.2: *Appeals*.

**c. Development Agreement Required**

All land divisions must include a development agreement pursuant to §6.3.9: *Post-Decision Actions and Limitations*, that specifies details of the development. Upon recording of the final plat and development agreement, a rezoning to Planned Development (PD) will be effective.

**d. Appeals**

The County Commissioners' decision on a preliminary plat application is final. The County Commissioners' decision can be appealed to court.

**D. Review Criteria<sup>430</sup>**

**1. Generally**

In reviewing a proposed preliminary plat application, the review and decision-making bodies shall consider the general approval criteria in §6.3.6, and if the proposed subdivision:

- a. Complies with all applicable use, density, development, and design standards set forth in this Code that have not otherwise been modified or waived pursuant to this Code and that would affect or influence the layout of lots, blocks, and streets;
- b. Provides a layout of lots, roads, driveways, utilities, drainage, and other public facilities and services designed to minimize the amount of disturbance to sensitive natural areas or other community resources;
- c. Provides evidence to show that all areas of the proposed subdivision that may involve other natural hazards including flood and wildfire have been identified and mitigated to the maximum extent practicable;
- d. Provides evidence that provision has been made for a public sewage disposal system or, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with state and local laws and regulations;
- e. As applicable, provides proposed phasing for development of the subdivision that is rational in terms of available infrastructure, capacity, and financing; and
- f. The subdivision is consistent with the subdivision sketch plan, if applicable, unless detailed engineering studies require specific changes based on site conditions.

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<sup>430</sup> Replaces current 5.13.4.F. The existing review criteria for preliminary plats are vague, only requiring the plat to meet review criteria for the applicable type of development. We have proposed several new and more specific review criteria commonly associated with preliminary plat review for the county's consideration.

**2. Land Divisions within Growth Management Areas (GMAs) or the LaPorte Plan Area<sup>431</sup>**

In reviewing a proposed preliminary plat application, the review and decision-making bodies shall consider the general approval criteria in §6.3.6, the approval criteria in 6.5.5.D.1 above, in addition to the following:

- a. Complies with the applicable supplementary regulations of the GMA district, if any, or the LaPorte Area Plan or other adopted sub-area plan, as applicable.
- b. Is compatible with existing and allowed land uses in the surrounding area;
- c. Can and will comply with all applicable requirements of this Code;
- d. The County Commissioners have approved a rezoning of the land to PD-planned development;
- e. The recommendations of referral agencies have been considered; and
- f. Approval of the proposed land division will not result in a substantial adverse impact on other property in the vicinity of the proposed land division.

**6.5.6. Final Plat<sup>432</sup>**

**Commentary**

This section proposes streamlining the subdivision process by allowing final plats to be approved by the Director without a public hearing. Currently, final plats require approval by the Board of County Commissioners.

**A. Purpose**

The final plat procedure completes the subdivision process and ensures compliance with the approved preliminary plat and all applicable standards of this Code.

**B. Applicability<sup>433</sup>**

A final plat is required for any proposed subdivision that requires preliminary plat review pursuant to §6.5.5: *Preliminary Plat*.

**C. Final Plat Procedure**

Figure 6-8 identifies the applicable steps from §6.3, *Common Review Procedures*, that apply to the review of final plat applications. Additions or modifications to the common review procedures are noted below.

<sup>431</sup> From current 5.2.3. Some content reworded for clarity and consistency.

<sup>432</sup> Carried forward and reorganized content from current 5.13.5. Updates to specific standards are footnoted throughout.

<sup>433</sup> Replaces current 5.13.5.A.

**Figure 6-8: Summary of Final Plat Procedure**

<b>1</b>	<b>Pre-Application Conference</b>	<i>Not Required</i>	
<b>2</b>	<b>Sketch Plan</b>	<i>Not Required</i>	
<b>3</b>	<b>Neighborhood Meeting</b>	<i>Not Required</i>	<b>Neighborhood Notice and Application Processing</b>
<b>4</b>	<b>Application Submittal and Processing (additional pre-application conference required)</b>	<i>Submit to Director</i>	
<b>5</b>	<b>Staff Review</b>	<i>Review by Staff</i>	<b>Hearing and Decision-making</b>
<b>6</b>	<b>Scheduling and Notice of Public Hearings</b>	<i>Not Required</i>	
<b>7</b>	<b>Review and Decision</b>	<i>Director review and decision</i>	
<b>8</b>	<b>Post-Decision Actions</b>	<i>Final recording and completion within 1 year of approval</i>	

**1. Application Submittal and Processing**

The application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §6.3.5, *Application Submittal and Processing*, with the following modifications:

- a. Approval or conditional approval of a preliminary plat by the County Commissioners pursuant to §6.5.5, shall be completed prior to final plat application submittal and review, unless otherwise allowed pursuant to §6.5.6.C.3.c.

**2. Staff Review<sup>434</sup>**

The staff shall review the application and prepare a staff report and recommendation in accordance with §6.3.6: *Staff Review*, with the following modifications:

- a. Within seven days of the Director's determination that an application is complete, the Community Development Department will send the application materials to appropriate reviewing agencies.
- b. Reviewing agencies will review the application materials to ensure that the final plat complies will all conditions of preliminary plat approval, improvement standards required by this Code and the standards required by districts, utilities and agencies providing service to or having facilities and infrastructure that may be affected by the proposed development.
- c. The Community Development Department will ask each reviewing agency to send a copy of its comments to the applicant. The applicant should contact the staff planner assigned to the project to ensure all comments are received.

<sup>434</sup> The content in (a) and (b) is carried forward from the current final plat procedure. We have added (c) through (e) which are taken from the preliminary plat procedure to help clarify the process, but without the timing constraints.

- d. The planner assigned to the project will prepare a written report specifying how the final plat meets or fails to meet the standards and other requirements of this Code. The report must also include comments received from reviewing agencies.
- e. The applicant may review the report and make revisions to the final plat to address concerns raised by the planning staff and reviewing agencies.

**3. Review and Decision**

- a. Director review will not be scheduled until all the districts, utilities, and agencies have approved the construction plans and the County Attorney has approved property owner documents and the development agreement described in §6.3.9: *Post-Decision Actions and Limitations*.
- b. The Director may review and approve, approve with conditions, or deny the final plat application in accordance with the approval criteria in §6.5.5.D: *Review Criteria*, or shall refer the application to the Board of County Commissioners; see §6.3.6.D.3: *Referrals to Board of County Commissioners*.
- c. A subdivision application for six or fewer lots may combine preliminary plat and final plat review.

**4. Scheduling and Notice of Public Hearings**

Not required, unless the Director refers the application for hearing and decision by the Board of County Commissioners.

**5. Post-Decision Actions and Limitations**

All common procedures in §6.3.9: *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

**a. Recording**

- i. After approval of a final plat, the Director will obtain the necessary signatures of public officials on the original mylar drawing.
- ii. The Director will then record the original mylar drawing, a mylar copy and all appropriate documents with the County Clerk and Recorder.
- iii. The applicant may request a delay of recording for up to six months from the date the final plat is approved. If the Director approve a delay, the development agreement must be amended by updating the estimates of the cost of the required improvements and by revising the construction schedule and other date-sensitive items. The amount of collateral required to guarantee installation of the improvements must be adjusted according to updated cost estimates.

**b. Final Plat Completion**

The final plat process must be completed within one year from the date that a complete and sufficient final plat application is accepted by the Director. Completing the final plat process will require complete execution of the final plat and the development agreement and the recording of these documents in the Office of the Larimer County Clerk and Recorder.

**D. Review Criteria<sup>435</sup>**

In reviewing a final plat application, the Director shall consider the general approval criteria in §6.3.6, and if the proposed subdivision:

1. Conforms to the approved preliminary plat and incorporates all recommended changes, modifications, and conditions attached to the approval of the preliminary plat;
2. Complies with all applicable requirements of this Code; and
3. Complies with applicable technical standards and specifications adopted by the county.

**6.5.7. Director-Approved Plat Modifications**

**Commentary**

This new procedure consolidates the current minor land division, boundary line adjustment, and plat amendment procedures. The substance of each of those sections is carried forward and reorganized to fit the new structure of this Code. We have carried forward distinct standards for each of the procedures as necessary (e.g., each procedure has distinct review criteria that are carried forward).

The current minor land division procedure requires County Commissioner review and approval; however, this draft proposes the Director have authority to review and approve such requests. The current boundary line adjustment procedure authorizes Director review and approval.

**A. Purpose**

This procedure provides an administrative review for minor modifications to approved plats that will not impact surrounding properties, environmental resources, or public facilities and comply with applicable zoning regulations. This procedure also shall be used for the adjustment of boundary lines between contiguous legal lots that does not result in the creation of additional lots.

**B. Applicability**

The Director-approved plat modification procedure shall be used for the following activities:

**1. Boundary Line Adjustments**

Reconfiguration of the common boundaries between contiguous legal lots.

**2. Minor Plat Amendments<sup>436</sup>**

The procedure may be used at the Director’s discretion for minor corrections to recorded plats that do not involve changing lot boundaries or lot consolidations.

**3. Lot Consolidation**

The consolidation of lots except for:

- a. Lots in recorded subdivisions, planned unit developments, or minor residential developments approved under previous subdivision regulations;
- b. Lots in recorded minor land divisions, subdivisions, conservation developments, planned land divisions, or rural land plans; or
- c. Lots in approved exemptions, whether recorded or not.

<sup>435</sup> New. There are currently no approval criteria specifically listed for final plat review. We have proposed new review criteria commonly associated with final plat review for the county’s consideration. Requires further discussion.

<sup>436</sup> Relocated here from the vacation procedure, which requires BCC approval. The intent is to allow minor plat amendments to be processed administratively.

**C. Director-Approved Plat Modification Process**

Figure 6-9 identifies the applicable steps from §6.3, *Common Review Procedures*, that apply to the review of applications for Director-approved plat modifications. Additions or modifications to the common review procedures are noted below.

**Figure 6-9: Summary of Director-Approved Plat Modification Procedure**

<b>1</b>	<b>Pre-Application Conference</b>	<i>Required</i>	
<b>2</b>	<b>Sketch Plan</b>	<i>Not Required</i>	
<b>3</b>	<b>Neighborhood Meeting</b>	<i>Not Required</i>	Neighborhood Notice and Application Processing
<b>4</b>	<b>Application Submittal and Processing (additional pre-application conference required)</b>	- Submit to Director - Neighbor referral not required	
<b>5</b>	<b>Staff Review</b>	<i>Review by Director</i>	
<b>6</b>	<b>Scheduling and Notice of Public Hearings</b>	<i>Not Required</i>	Hearing and Decision-making
<b>7</b>	<b>Review and Decision</b>	<i>Decision by Director</i>	
<b>8</b>	<b>Post-Decision Actions</b>	<i>Final plat required following approval</i>	

**1. Pre-Application Conference**

A pre-application conference shall be held in accordance with §6.3.2: *Pre-Application Conference*.

**2. Application Submittal and Processing**

The application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §6.3.5, *Application Submittal and Processing*. No neighbor referral is required.

**3. Staff Review**

The staff shall review the application and prepare a staff report and recommendation in accordance with §6.3.6: *Staff Review*.

**4. Scheduling and Notice of Public Hearings**

No public hearing is required, unless the Director refers the application for hearing and decision by the Board of County Commissioners.

**5. Review and Decision**

The Director shall review and decide the application in accordance with §6.3.8: *Review and Decision*, or shall refer the application for hearing and decision by the Board of

County Commissioners pursuant to §6.3.6.D.3, *Referrals to Board of County Commissioners*.

**6. Post-Decision Actions and Limitations**

All common procedures in §6.3.9: *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

**a. Final Plat**

After Director approval of a plat amendment, the applicant shall submit a final plat as described in §6.5.6: *Final Plat*.

**b. Amendments that Include Lot Consolidations**

- i. Amended plats that add contiguous lots together or that change conditions or notes will be approved by resolution of the County Commissioners. The resolution will be recorded with the County Clerk and Recorder. No new plat will be required.
- ii. Prior to execution of the resolution by the County Commissioners, the applicant shall submit a certification of the County Treasurer's Office that all ad valorem taxes applicable to the lots for years prior to that year in which approval is granted have been paid.

**D. Review Criteria**

The Director shall review the application in accordance with the approval criteria in §6.3.8.D: *General Review Criteria*, in addition to the following:

**1. Boundary Line Adjustment**

To approve a boundary line adjustment, the Director shall consider the following review criteria and find that each criterion has been met or determined to be inapplicable:

- a. The lots are “legal lots” as defined in Article 15.0, *Rules of Interpretation and Definitions*;
- b. No additional lots will be created by the adjustment;
- c. The lots are not in a subdivision, planned unit development, minor residential development, or exemption approved under previous subdivision regulations or in a minor land division, subdivision, conservation development, or planned land division;
- d. The resultant lots will meet the required minimum lot size and lot width to depth ratio standards of the applicable zoning district. (If either or both lots are nonconforming with respect to minimum lot size or lot width to depth ratio, the adjustment must not increase the nonconformity); and
- e. The adjustment will not create a nonconforming setback for any existing building.

**2. Minor Plat Amendment**

To approve a minor plat amendment, the Director shall consider the following review criteria and find that each criterion has been met or determined to be inapplicable:

- a. No additional lots will be created by the amended plat.
- b. The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ratio required by §5.2, *Lot and Block Standards*. If any

of the lots are nonconforming with respect to the minimum lot size or the lot dimension ratio, the amended plat must not increase the nonconformity.

- c. The amended plat will not create a nonconforming setback for any existing building;
- d. The amended plat will not adversely affect access, drainage or utility easements, or rights-of-way serving the property or other properties in the area; and
- e. Any covenants, deed restrictions, or other conditions of approval that apply to the original lots must also apply to the resultant lots and be noted on the final plat, except those changes to a condition or note on a plat that are approved with this application. The Director shall consider the original reason or circumstance for a condition or note on a plat when approving a change.

**3. Lot Consolidation**

The lots being combined are legal lots as defined in An illegally created lot can be combined with one or more existing legal lots if the Board determines the resultant lot or lots are consistent with the intent and purpose of this Code.

**6.5.8. Board-Approved Plat Modifications<sup>437</sup>**

**Commentary**

This procedure consolidates the various procedures that require approval by the County Commissioners to change existing plats. These include vacation of plat, right-of-way, or easement; lot consolidation; and add-on agreement procedures. The substance of each of these sections has been carried forward, reorganized, and reformatted to fit the new Code. We have carried forward distinct standards for each of the procedures as indicated (e.g., each procedure has distinct review criteria that was carried forward). All other proposed changes to these standards are footnoted throughout.

**A. Purpose**

This section provides the procedure for the Board of County Commissioners to review proposed vacations of all or a portion of a prior-approved plat, lot consolidations, and add-on agreements.

**B. Applicability<sup>438</sup>**

This procedure shall be required for the following activities:

- 1. Changing lot boundaries or consolidation of any contiguous lots in a recorded subdivision, planned unit development, and minor residential development approved under previous subdivision regulations, recorded subdivision, conservation development, rural land plan and planned land division, and in approved exemptions, whether recorded or not;
- 2. The vacation of any right-of-way that results in a new lot configuration;
- 3. Any change to a condition or note on a plat;
- 4. The vacation of rights-of-way and easements of record over which the County Commissioners have jurisdiction that are no longer needed after complete review by all appropriate agencies; or
- 5. The vacation of a contiguous lots shown on a final plat of record that results in a single, unplatted parcel.

<sup>437</sup> Consolidated draft: New name for the prior section on “vacations,etc.”

<sup>438</sup> This content is carried forward from current purpose and applicability sections for the consolidated procedures. Some of the content has been reworded for clarity and consistency; however, no substantive changes are proposed.

- 6. Division of existing legal uses that have separate utilities; however, the minor land division procedure may not be used to divide accessory uses from principal uses or create an opportunity for additional principal uses;
- 7. Division of an existing legal use from the remaining vacant property with the condition that development of the vacant property must be approved through the appropriate subdivision, conservation development, or PD process;
- 8. Division of quarter sections into four parcels of equal size where the original quarter section contains fewer than 140 acres; and
- 9. Divisions of land for public utilities, open space, schools, or other public uses that require county review of potential impacts through the location and extent review or special review process.

**C. Board-Approved Plat Modification Procedure**

Figure 6-10 identifies the applicable steps from §6.3, *Common Review Procedures*, that apply to the review of Board-approved plat modification applications. Additions or modifications to the common review procedures are noted below.

**Figure 6-10: Summary of Board-Approved Plat Modification Procedure**

<b>1</b>	<b>Pre-Application Conference</b>	<i>Required</i>	
<b>2</b>	<b>Sketch Plan</b>	<i>Not Required</i>	
<b>3</b>	<b>Neighborhood Meeting</b>	<i>Not Required</i>	<i>Neighborhood Notice and Application Processing</i>
<b>4</b>	<b>Application Submittal and Processing (additional pre-application conference required)</b>	<i>Submit to Director</i>	
<b>5</b>	<b>Staff Review</b>	<i>Review by Staff</i>	<i>Hearing and Decision-making</i>
<b>6</b>	<b>Scheduling and Notice of Public Hearings</b>	<i>County Commissioners open meeting required for some requests</i>	
<b>7</b>	<b>Review and Decision</b>	<i>County Commissioners review and decision</i>	
<b>8</b>	<b>Post-Decision Actions</b>	<i>See text below</i>	

**1. Pre-Application Conference**

A pre-application conference shall be held in accordance with §6.3.2: *Pre-Application Conference*.

**2. Application Submittal and Processing**

The application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §6.3.5, *Application Submittal and Processing*, with the following modifications:

- a. If the request includes a right-of-way vacation, the applicant must submit an amended plat showing how the lot configurations changed as a result of the vacation.

**3. Staff Review**

The staff shall review the application and prepare a staff report and recommendation in accordance with §6.3.6: *Staff Review*.

**4. Scheduling and Notice of Public Hearings**

- a. If an amended plat includes a right-of-way or easement vacation or dedication, or a change to a condition or a note on a plat, the application shall be scheduled for an open meeting before the County Commissioners and shall be noticed pursuant to §6.3.7: *Scheduling and Notice of Hearings*.
- b. Vacation of a plat for a subdivision may require Planning Commission review at the Director's discretion.<sup>439</sup>

**5. Review and Decision**

The County Commissioners may review and approve, approve with conditions, or deny the application in accordance with the review criteria in §6.5.8.D, *Review Criteria*.

**6. Post-Decision Actions and Limitations**

All common procedures in §6.3.9: *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

**a. Lot Reconfigurations and Amended Plats Following Right-of-Way Vacation**

After the County Commissioners approve an amended plat that reconfigures lots or adds vacated right-of-way to a lot, the applicant shall submit a final plat pursuant to §6.5.6: *Final Plat*.

**D. Review Criteria**

In reviewing a proposed plat modification, the County Commissioners shall consider the general approval criteria in §6.3.6, and the following:

**1. Vacation of Right-of-Way or Easement**

- a. Approval of the vacation request will not leave any land adjoining the right-of-way without an established public road or private access easement connecting the land with another established public road, or without utility or drainage services;
- b. The recommendations of referral agencies have been considered;
- c. Any right-of-way that is vacated will be divided equally between the lots on each side, unless it can be demonstrated that all of the right-of-way was originally taken from one parcel. In that case, the right-of-way will be returned to that parcel. Property owners on each side of the right-of-way may agree to divide the vacated

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<sup>439</sup> How has this played out in practice? Are there specific triggers that the Director has used to make this determination?

right-of-way differently but must sign deeds to transfer ownership after the County Commissioners approve the vacation; and

- d. Right-of-way vacations must also meet requirements of C.R.S. § 43-2-303.

**2. Vacation of Plat**

- a. Vacation of the plat will not leave any lots without adequate utility or drainage easements;
- b. Vacation of the plat will not vacate road rights-of-way or access easements needed to access other property;
- c. Vacation of the plat will not inhibit the provision of adequate public facilities or services to other property as required by this Code; and
- d. Vacation of the plat is consistent with the Comprehensive Plan.

**3. Re-Subdivision**

A re-subdivision of existing lots requires review and approval through the applicable land division process as determined by the Director in the pre-application conference.

**4. Add-On Agreement**

- a. The add-on agreement will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area; and
- b. The add-on agreement will not result in a nonconformity. For example, an add-on agreement that results in two principal buildings on one lot is not allowed.

**5. Land Division**

To approve a minor land division, the Director shall consider the following review criteria and find that each criterion has been met or determined to be inapplicable:

- a. The property is not part of an approved or recorded subdivision plat;
- b. The property is not part of an exemption or minor residential development approved under the previous subdivision resolution or a minor land division;
- c. The newly created parcels will meet the minimum lot size required by the applicable zoning district;<sup>440</sup>
- d. The newly created parcels meet minimum access standards required by the County Engineer or the Colorado Department of Transportation as applicable; and
- e. Approval of the minor land division will not result in impacts greater than those of existing uses. However, impacts from increased traffic to a public use may be offset by the public benefit derived from such use.

**6.5.9. Condominium Maps<sup>441</sup>**

**A. Purpose**

The condominium maps procedure is intended to provide a consistent process for creating condominium units in existing buildings.

<sup>440</sup> Removed allowance for “appeal” from minimum lot size requirements for projects with public benefit; all such provisions have been removed and are replaced with the new minor modification procedure.

<sup>441</sup> Carried forward from current 5-12. Reorganized content to fit the new framework. Requires further discussion with County Attorney’s office, specifically regarding the standards applicable to condominium plats.

**B. Applicability**

A condominium map is required for the conversion of any existing building to condominium units.

**C. Condominium Map Procedure**

Figure 6-11 identifies the applicable steps from §6.3, *Common Review Procedures*, that apply to the review of condominium map applications. Additions or modifications to the common review procedures are noted below.

**Figure 6-11: Summary of Condominium Map Procedure**

<b>1</b>	<b>Pre-Application Conference</b>	<i>Required</i>	
<b>2</b>	<b>Sketch Plan</b>	<i>Not Required</i>	
<b>3</b>	<b>Neighborhood Meeting</b>	<i>Not Required</i>	<b>Neighborhood Notice and Application Processing</b>
<b>4</b>	<b>Application Submittal and Processing (additional pre-application conference required)</b>	<i>Submit to Director</i>	
<b>5</b>	<b>Staff Review</b>	<i>Review by Staff</i>	
<b>6</b>	<b>Scheduling and Notice of Public Hearings</b>	<i>County Commissioners meeting required (public hearing not required)</i>	<b>Hearing and Decision-making</b>
<b>7</b>	<b>Review and Decision</b>	<i>County Commissioners review and decision</i>	
<b>8</b>	<b>Post-Decision Actions</b>	<i>See text below</i>	

**1. Pre-Application Conference**

A pre-application conference shall be held in accordance with §6.3.2: *Pre-Application Conference*.

**2. Application Submittal and Processing**

The application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §6.3.5, *Application Submittal and Processing*.

**3. Staff Review**

The staff shall review the application and prepare a staff report and recommendation in accordance with §6.3.6: *Staff Review*.

**4. Scheduling and Notice of Public Hearings**

The application shall be scheduled for a meeting before the County Commissioners pursuant to §6.3.7: *Scheduling and Notice of Hearings*.

**5. Review and Decision**

The County Commissioners may review and approve, approve with conditions, or deny the application in accordance with the approval criteria in §6.5.9.D: *Review Criteria*.

**6. Post-Decision Actions and Limitations**

All common procedures in §6.3.9: *Post-Decision Actions and Limitations*, shall apply.

**D. Review Criteria**

In reviewing a condominium map application, the County Commissioners shall consider the general approval criteria in §6.3.6, and the following:

1. The proposed uses in the condominium units are consistent with existing zoning of the site;
2. The site complies with [update from current Sec. 8.5 (landscaping); 8.6 (off-street parking standards); and 10 (signs)];
3. The condominium map complies with the monumentation and plat preparation standards required by state statute; and
4. The applicant has submitted property owners association documents or their equivalent that address the unit owners' rights and responsibilities with respect to parking, loading and access facilities, landscaping, utilities, and any other common areas and facilities on the site. The documents must also provide for perpetual maintenance of common facilities by property owners. If property owners fail to adequately maintain the common facilities, the County Commissioners may take over maintenance and charge the cost to the property owners until property owners demonstrate they can adequately maintain the property.

**6.5.10. Rural Land Plan**

**Commentary**

Based on conversations with the Agriculture Advisory Board, staff, and other stakeholders, the RLUP process has been revised to work more closely with the County’s generally applicable development and subdivision standards, as well as the “regular” subdivision process. This section provides the RLUP review process. The RLUP development standards are located in Section 5.5.

**A. Process<sup>442</sup>**

**1. Board of County Commissioners Review**

RLUP applications shall be processed in the same manner as an application for subdivision in §6.5, *Land Division Procedures*, with the additions and exceptions listed below.

**a. Subdivision Concept Plan<sup>443</sup>**

**i. Residual Land Plan**

An RLUP subdivision concept plan application shall be required prior to submission of a RLUP application. The concept plan application shall include a

<sup>442</sup> Consolidated draft: This section substantially edited following discussions with staff. Title and Background sections removed.

<sup>443</sup> The current RLUP's initial step of applicant/staff creation of a negotiated development plan has been replaced with applicant submission of a concept plan. This change creates consistency with the County's subdivision process and allows for more clarity about the roles of the applicant and staff in the creation and review of a subdivision application.

plan meeting the requirements of §5.6, *Residual Land and/or Common Area Use Plans*, that identifies the following:

- 1) All existing dwellings located on the residual land.
- 2) Any principal farm or ranch dwelling and any accessory farm or ranch dwelling proposed to be constructed on the residual land.
  - (a) No principal farm or ranch dwelling or accessory farm or ranch dwelling can be constructed on the residual land unless specifically approved by the County Commissioners and designated on the final plat or described in the development agreement or an amendment to the final plat or development agreement.
  - (b) Any new principal farm or ranch dwelling and any accessory farm or ranch dwelling(s) shall be designed to allow a logical pattern of lots that meet minimum lot size and setback requirements of the applicable zoning district.
  - (c) No accessory farm or ranch dwelling(s) will be permitted to be subdivided into a lot or lots separate from the principal farm or ranch dwelling during the nondevelopable period.

**ii. Review and Decision**

The RLUP subdivision concept plan shall be reviewed and decided upon in accordance with §6.5.4.C.5, *Review and Decision*, with the following modifications:

- 1) Each RLUP subdivision concept plan approval shall include a time limit for completion of the project not to exceed three years.
- 2) Concept plan approvals are conditioned on the applicant successfully addressing the following in the preliminary plat application:
  - (a) Compatibility with existing and allowed land uses in the area;
  - (b) Compliance with all standards and other requirements of this Code and with all other federal, state and county laws and regulations; and
  - (c) Compliance with the development standards of this Code.

**iii. Post-Approval Actions and Limitations**

Approval of an RLUP subdivision concept plan does not create a vested right or guarantee preliminary plat approval.

**b. Preliminary Plat Review Criteria**

In reviewing a proposed RLUP preliminary plat application, the review and decision-making bodies shall consider the general approval criteria in §6.5.5, and whether the proposed subdivision:

- i. Complies with all applicable use, density, development, and design standards set forth in this Code that have not otherwise been modified or waived pursuant to this Code and that would affect or influence the layout of lots, blocks, and streets;

- ii. Provides a layout of lots, roads, driveways, utilities, drainage, and other public facilities and services designed to minimize the amount of disturbance to sensitive natural areas or other community resources;
- iii. Provides evidence to show that all areas of the proposed subdivision that may involve other natural hazards including flood and wildfire have been identified and mitigated to the maximum extent practicable;
- iv. Provides evidence that provision has been made for a public sewage disposal system or, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with state and local laws and regulations;
- v. As applicable, provides proposed phasing for development of the subdivision that is rational in terms of available infrastructure, capacity, and financing; and
- vi. The preliminary plat is consistent with the RLUP subdivision concept plan, if applicable, unless detailed engineering studies require specific changes based on site conditions.

**c. Final Plat Review Criteria**

In reviewing a final plat application, the Director shall consider the general approval criteria in §6.5.6.D, and whether the proposed subdivision:

- i. Conforms to the approved preliminary plat and incorporates all recommended changes, modifications, and conditions attached to the approval of the preliminary plat;
- ii. Complies with all applicable requirements of this Code; and
- iii. Complies with applicable technical standards and specifications adopted by the county.

**B. Expedited Review**

**1. Eligibility**

Landowners whose project involves a single contiguous parcel and who agree to limit the total buildable lots (including existing dwellings) to no more than the number described below may elect to use the expedited review process:

<b>Table 6-3: RLUP Single Parcel Maximum Densities</b>	
<b>Acreage</b>	<b>Max. No. Buildable Lots</b>
70 to less than 105	3
105 to less than 140	4
140 to less than 175	5
175 to less than 210	6
210 to less than 245	8
245 to less than 280	9
280 to less than 315	10
315 to less than 350	11
350 to less than 385	12
385 to less than 420	14
420 to less than 455	15
455 to less than 490	16
490 to less than 525	16

525 to less than 560	16
560 to less than 595	16

Any project larger than 595 acres is eligible for the administrative process provided the number of total buildable lots does not exceed 16.

**C. Expedited Review Process**

The expedited review process shall be limited to the following steps:

**1. Preliminary Plat**

All parts of §6.5.5, *Preliminary Plat*, shall apply, except the preliminary plat shall only be referred to the County Health Department, the County Engineering Department, the Community Development Department, and the appropriate fire district for review and comment. The Director may refer the preliminary plat to other affected interests as deemed appropriate.

**2. Development of Residual Land**

- a. At any time after the expiration of the nondevelopable period, the person(s) or entity owning or controlling the residual land may propose further development through the appropriate procedure in this article.
- b. If further development is approved for the residual land, the additional development rights for the development shall be purchased by the owner from the county or land trust at the then current fair market value. Proceeds from the sale of development rights shall be reinvested in open space and the preservation of agricultural land.

## 6.6. Code Amendment Procedures

### 6.6.1. Amending the Official Zoning Map (Rezoning)

**Commentary**

This section is based generally on the existing procedure in §4.4, but the current language has been rewritten to refer to the new common procedures. Approvals for amendments to the map are separate from amendments to the code text; differences include separate approval criteria and separate notice provisions.

**A. Purpose**

The purpose of this section is to provide the method for changing boundaries of zoning districts or overlay zoning districts and for changing the zone designation of a parcel as shown on the official zoning map.

**B. Applicability<sup>444</sup>**

- 1. A zoning map amendment may be approved by the County Commissioners following review and recommendation by the Planning Commission. Official zoning maps amended under this subsection shall be signed by the County Commissioners and recorded with the County Clerk and Recorder.
- 2. **Rezoning to a Planned Development District**  
The application and review process for zoning changes to the Planned Development district is in §6.6.1.E, *Rezoning to Planned Development (PD)*.

<sup>444</sup> For final draft: Consider adding distinction here between legislative and quasi-judicial rezonings. Restructure section to have separate procedures and criteria for both. The text here is primarily for quasi-judicial.

**3. Drafting Errors on the Official Zoning Map**

The Director is authorized to change the official zoning map when the public record clearly indicates the official zoning map does not accurately depict zoning district and overlay zoning district boundaries or zoning designations and subsequent amendments to those boundaries or zone designations approved by the County Commissioners.

**C. Application Submittal and Review Procedure**

Figure 6-12 identifies the applicable steps from §6.3, *Common Review Procedures*, that apply to the review of zoning map amendment applications. Additions or modifications to the common review procedures are noted below.

**Figure 6-12: Summary of Official Zoning Map Amendment (Rezoning) Procedure**

<b>1</b>	<b>Pre-Application Conference</b>	<i>Required</i>	
<b>2</b>	<b>Sketch Plan</b>	<i>Required</i>	
<b>3</b>	<b>Neighborhood Meeting</b>	<i>Director may waive meeting requirement based on response to neighbor referral</i>	Neighborhood Notice and Application Processing
<b>4</b>	<b>Application Submittal and Processing (additional pre-application conference required)</b>	<ul style="list-style-type: none"> <li>– Submit to Director</li> <li>– Neighbor referral required</li> </ul>	
<b>5</b>	<b>Staff Review</b>	<i>Review by Director</i>	
<b>6</b>	<b>Scheduling and Notice of Public Hearings</b>	<ul style="list-style-type: none"> <li>– Planning Commission hearing</li> <li>– County Commissioners hearing</li> </ul>	Hearing and Decision-making
<b>7</b>	<b>Review and Decision</b>	<ul style="list-style-type: none"> <li>– Planning Commission review and recommendation</li> <li>– County Commissioners review and decision</li> </ul>	
<b>8</b>	<b>Post-Decision Actions</b>	<i>See text below</i>	

**1. Pre-Application Conference**

A pre-application conference shall be held in accordance with §6.3.2: *Pre-Application Conference*.

**2. Sketch Plan**

Sketch plan review pursuant to §6.3.3, *Sketch Plan Review*, shall be required prior to submission of the application.

**3. Neighborhood Meeting**

A neighborhood meeting shall be held in accordance with §6.3.4, *Neighborhood Meeting*. The Director may waive the meeting requirement based on responses received to the neighbor referral.

**4. Application Submittal and Processing**

The application shall be submitted, accepted, and revised, and may be withdrawn, and the neighbor referral completed, in accordance with §6.3.5, *Application Submittal and Processing*, with the following modifications:

**a. Application Content<sup>445</sup>**

In addition to the application content requirements in the Administrative Manual, the following additional materials are required:

- i. A statement of how the proposed zone change complies with the approval criteria in §6.6.1.D.
- ii. Statements from public water and sewer utilities that indicate that they can provide service for the site. If public utilities are not to be used, the applicant shall submit information that documents the availability of water and suitability of the site for the sewage disposal system chosen by the applicant. The evidence shall document the adequacy of the proposed utility service for the uses permitted in the proposed zoning district.
- iii. If road, intersection, or highway facilities that provide access to the property are not adequate to meet the requirements of the proposed zoning district, the applicant shall supply information that demonstrates willingness and financial capability to upgrade the road or highway facilities in conformance with the County’s road standards. In addition, the applicant shall provide information that demonstrates that no significant impact will occur to other roads, intersections, or highway facilities as a result of the proposed change, with consideration given to all potential changes in the vicinity or how the applicant intends to mitigate the impact.
- iv. If the proposed zoning change is located within an overlay district, the applicant shall submit information that represents how the applicable overlay districts standards have been satisfied, or how the applicant intends to meet the requirements of the County regulations concerning overlay districts.

**5. Staff Review**

The staff shall review the application and prepare a staff report and recommendation in accordance with §6.3.6: *Staff Review*.

**6. Scheduling and Notice of Public Hearing**

The application shall be scheduled for public hearings before the Planning Commission and the County Commissioners and noticed in accordance with §6.3.7: *Scheduling and Notice of Hearings*, with the following modifications.

**a. Legislative Amendments to the Official Zoning Map**

Legislative amendments to the official zoning map must meet notice requirements of C.R.S. §§ 30-28-112 and 30-28-116, as amended.

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<sup>445</sup> New.

**b. Quasi-Judicial Amendments to the Official Zoning Map**

Quasi-judicial amendments to the official zoning map must meet all notice requirements of §6.3.7: *Scheduling and Notice of Hearings*.

**7. Review and Decision**

The zoning map amendment shall be reviewed and decided upon in accordance with §6.3.8: *Review and Decision*, with the following modifications:

**a. Planning Commission Review and Recommendation**

- i. After receipt of the staff report, the Planning Commission shall conduct a public hearing on the application.
- ii. After the close of the public hearing, the Planning Commission, by a majority vote of the quorum present, shall recommend to the County Commissioners either to approve, approve with conditions, or deny the application for a zoning map amendment based on the approval criteria in §6.6.1.D.

**b. County Commissioners Review and Decision**

- i. After receipt of the recommendation from the Planning Commission, the County Commissioners shall conduct a public hearing on the application.
- ii. After the close of the public hearing, the County Commissioners, by a majority vote of the quorum present, shall either approve, approve with conditions, or deny the application based on the approval criteria in §6.6.1.D.
- iii. The Zoning Map Amendment shall be adopted by a Resolution of the County Commissioners.

**8. Post-Decision Actions and Limitations<sup>446</sup>**

- a. All common procedures in §6.3.9: *Post-Decision Actions and Limitations*, shall apply. Following approval of a rezoning, the Director shall prepare an appropriate revision to the Official Zoning Map.
- b. The County Commissioners shall include a resolution adopting the rezoning within 90 days of the County Commissioner’s vote to approve, approve with conditions, or deny the rezoning.

**D. Review Criteria<sup>447</sup>**

Amending the zoning map is a matter committed to the legislative discretion of the County Commissioners. In deciding the application, the Planning Commission and the County Commissioners shall consider the general approval criteria in §6.3.6 and whether and the extent to which the proposed amendment meets the following.

**1. Compatible with Surrounding Uses**

The proposed change in zoning is compatible with the type, intensity, character, and scale of existing and permissible land uses surrounding the subject property. Dimensional limitations of the proposed zoning district, when applied, should result in development that will be consistent with the physical character of existing or

<sup>446</sup> New.

<sup>447</sup> This is a mix of new and existing criteria.

permissible uses surrounding the subject property. The proposed change shall result in a logical and orderly development pattern in the neighborhood.

**2. Community Need or Public Benefit**

The proposed change in zoning addresses a demonstrated community need or otherwise results in one or more particular public benefits that offset the impacts of the proposed uses requested, including but not limited to: affordable and senior housing; childcare facilities; medical facilities; transportation efficiencies; public recreational opportunities; infrastructure improvements; and preservation of lands of high conservation value.

**3. Change of Circumstances**

The proposal change in zoning addresses or responds to a beneficial material change that has occurred to the immediate neighborhood or to the greater Larimer County community.

**4. Adequate Infrastructure**

The property subject to the proposed change in zoning is, or may be served by adequate roads, water, sewer, and other public use facilities.

**5. Natural Environment**

The proposed change does not result in significant adverse impacts on the natural environment.

**6. Additional Review Criteria in Growth Management Area (GMA) Districts<sup>448</sup>**

- a. To establish or enlarge a GMA district, the County Commissioners must also find that the criteria in §4.2.1.B.3 have been met; and
- b. The County Commissioners may exclude or remove an area from an established GMA district boundary if they find one or more of the review criteria in §4.2.1.B.3 can no longer be met.

**E. Rezoning to Planned Development (PD)<sup>449</sup>**

**Commentary**

Currently PDs are only allowed within GMAs and the LaPorte Plan Area. The intent moving forward is that PDs would continue to be used sparingly within the county, but the Code will provide a clearer process for evaluating them and they may be allowed in additional areas. This consolidated draft treats PD rezonings as subject to the general rezoning procedure, albeit with additional submittal requirements and review criteria. (The prior drafts had a separate two-step process for reviewing PDs (Preliminary PD Plan and Final PD Plan).

**1. Purpose<sup>450</sup>**

The rezoning procedure may be used to amend the Official Zoning Map to reclassify land to the PD zoning districts established in Article 2.0, in accordance with C.R.S. §24-67-101, the Planned Unit Development Act of 1972. The PD rezoning is intended to achieve

<sup>448</sup> References to the criteria in §4.2.1.B.3 are currently located in the GMA Overlay Zone District standards and will be included with the second installment.

<sup>449</sup> Consolidated draft: The PD rezoning is now not a separate procedure, but rather folded into the general rezoning procedure. This section collects the sections that were unique to the PD from the prior draft. Expands on current 4.1.22.

<sup>450</sup> New.

greater flexibility than otherwise allowed by the strict application of this Code while providing greater benefit of the County.

**2. Applicability<sup>451</sup>**

- a.** A property may only be rezoned to a PD zoning district if the property is within a designated growth management area or within the LaPorte Plan area or other adopted subarea.
- b.** Properties within a GMA may only be rezoned to a PD zoning district and are not eligible for rezoning to another base zoning district.
- c.** The PD rezoning procedure shall not be used when a special review, variance, minor modification, or rezoning to a base or overlay zoning district could achieve a similar result.

**3. Procedure for Rezoning to PD**

The general rezoning procedure set forth above applies to any rezoning to the PD district, with the following additions and modifications:

**a. Application Submittal and Processing**

The PD rezoning application submittal requirements are identified in the Administrative Manual.

**i. Sketch Plan Requirements**

At a minimum, the sketch plan application shall indicate the following:

- 1)** Analysis as to why other flexibility and relief procedures in this Code are not sufficient to accommodate the proposed development.
- 2)** For proposed development, the following characteristics, as applicable:
  - (a)** Description of the existing conditions of the site;
  - (b)** Statement of consistency with the Comprehensive Plan;
  - (c)** General site characteristics such as environmentally sensitive lands, wildlife habitat, areas of visual impact, and waterways;
  - (d)** Proposed land uses, including the approximate number and type of residential units and the approximate square footage and type of nonresidential uses;
  - (e)** Floor area of cumulative proposed buildings;
  - (f)** General site planning layout, including vehicular and pedestrian access;
  - (g)** Proposed public improvements including location and whether they would be provided on-site and/or connect to a public system;
  - (h)** Proposed deviations from the Code; and
  - (i)** Proposed phasing schedule, if applicable.

**ii. Application Requirements**

The application shall at a minimum include the following:

- 1)** The general location of individual development areas, identified by land use and development density and intensity;

<sup>451</sup> Consolidated draft: eliminated the proposed five-acre minimum for PDs. STAFF: Given the new introduction of the Rural PD, should we remove the restriction here about LaPorte and subarea plans?

- 2) The land area, use types, and number of units by type;
- 3) The location, amount, and type of common open space, parks, and recreation areas;
- 4) The location of landscaping and installation plans;
- 5) The location of environmentally sensitive lands, wildlife habitat, areas of visual impact, and waterways;
- 6) On-site circulation system, including the location of all public streets, existing transportation corridors, and pedestrian and bicycle paths and how they connect to existing and planned systems;
- 7) The location of water and wastewater facilities and how they will connect to existing and planned systems;
- 8) The location of on-site storm drainage facilities and how they will connect to existing and planned systems;
- 9) The location of all other public facilities serving the development;
- 10) Provisions addressing how transportation, water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;
- 11) Any other provisions the County Commissioners determine relevant and necessary regarding the development of the PD in accordance with applicable standards and regulations.

**iii. PD Agreement**

- 1) A PD agreement that specifies the terms and conditions defining the development parameters and provides for management and maintenance of development.
- 2) The agreement shall establish the responsibility of the developer to design and construct or install required and proposed on-site public facilities in compliance with applicable county, state, and federal regulations. This shall include the responsibility to dedicate to the public the rights-of-way and easements necessary for the construction and installation of such improvements.

**b. Public Benefit**

The PD application shall provide an analysis of how the proposed PD addresses a demonstrated community need or otherwise results in one or more benefits that offset the impacts of the requested flexibility from the Code requirements.

**c. Phasing Plan**

If development in the proposed PD is proposed to be phased, the final PD plan and agreement shall include a development phasing plan that includes the general sequence and timing of development, including types and number of units and the timing of infrastructure and public improvements.

**4. Approval Criteria for Preliminary and Final PD Plans**

In considering an application to rezone to the PD district, the Planning Commission in their review and recommendation, and the County Commissioners in their decision, shall consider whether and the extent to which the proposed PD meets the general approval criteria for Zoning Map Amendments in §6.6.1.D, and also the following:

- a. Whether the proposed PD plan addresses a unique situation, provides substantial benefit to the County, or incorporates innovative design, layout, or configuration resulting in quality over what could have been accomplished through strict application of a base zoning district or other standards of this Code; and
- b. Whether the proposed PD plan meets the other standards of this Code not expressly modified by the PD plan or development agreement.

**6.6.2. Amending the Code Text<sup>452</sup>**

**Commentary**

This section is based generally on the existing procedure in §3.8, but the current language has been rewritten to refer to the new common procedures. The procedure was revised to allow staff, the Planning Commission, and the BCC to initiate a Code text amendment – the current Code requires applications to go straight to the BCC who will then refer applications to the PC.

**A. Purpose**

The purpose of this section is to provide a method for changing the text of this Code.

**B. Applicability**

The provisions of this Code may be amended or repealed following the procedure in this section. Notwithstanding this procedure, the Director shall have the authority to revise this Code to correct errors or omissions, to clarify existing Code provisions, and make other minor non-substantive revisions.<sup>453</sup> An application for a Code text amendment is not a development application.

**C. Procedure for Code Text Amendment**

Figure 6-13 identifies the applicable steps from §6.3, *Common Review Procedures*, that apply to the review of code text amendment applications. Additions or modifications to the common review procedures are noted below.

**Figure 6-13: Summary of Code Text Amendment Procedure**

<b>1</b>	<b>Pre-Application Conference</b>	<i>Not required; however, applicant may request informal work session</i>	Neighborhood Notice and Application Processing  Hearing and Decision
<b>2</b>	<b>Sketch Plan</b>	<i>Not Required</i>	
<b>3</b>	<b>Neighborhood Meeting</b>	<i>Not Required</i>	
<b>4</b>	<b>Application Submittal and Processing (additional pre-application conference required)</b>	<i>Submit to Director</i>	
<b>5</b>	<b>Staff Review</b>	<i>Review by Director</i>	
<b>6</b>	<b>Scheduling and Notice of Public Hearings</b>	<ul style="list-style-type: none"> <li>– <i>Planning Commission hearing</i></li> <li>– <i>County Commissioners hearing</i></li> </ul>	

<sup>452</sup> From current 3.8.

<sup>453</sup> Second sentence is new.

<b>7</b>	<b>Review and Decision</b>	<ul style="list-style-type: none"> <li>– Planning Commission review and recommendation</li> <li>– County Commissioners review and decision</li> </ul>
<b>8</b>	<b>Post-Decision Actions</b>	See text below

**1. Pre-Application Conference<sup>454</sup>**

- a. A pre-application conference is not required.
- b. However, a citizen may request an opportunity to present and discuss a proposed amendment to the text of this Code with the Board of County Commissioners and Planning Commission prior to submitting a formal application.
- c. Upon receipt of such a request, staff shall, at the direction of the Board, research the issue for a presentation and discussion at a work session of the Board and Planning Commission to determine if the requested change should be formally pursued.
- d. If the determination is that the proposed change should be pursued, staff shall initiate the text amendment process as set forth below.

**2. Application Submittal and Processing**

The application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §6.3.5, *Application Submittal and Processing*.

**3. Staff Review**

The staff shall review the application and prepare a staff report and recommendation in accordance with §6.3.6: *Staff Review*.

**4. Scheduling and Notice of Public Hearing**

The application shall be scheduled for public hearings before the Planning Commission and the County Commissioners and noticed in accordance with §6.3.7: *Scheduling and Notice of Hearings*.

**5. Review and Decision**

The code text amendment shall be reviewed and decided upon in accordance with §6.3.8: *Review and Decision*, with the following modifications:

**a. Planning Commission Review and Recommendation**

After receipt of the staff report, the Planning Commission shall conduct a public hearing on the application for the code text amendment. The Planning Commission shall recommend to the County Commissioners to approve, approve with conditions, or deny the application based on the criteria in §6.6.2.D below.

**b. County Commissioners Review and Decision**

After receipt of a recommendation from the Planning Commission, the County Commissioners shall conduct a public hearing on the application for the code text amendment. The County Commissioners shall approve, approve with conditions, or deny the application based on the criteria in §6.6.2.D below.

<sup>454</sup> Consolidated draft: new. Intended to codify current practice.

**6. Post-Decision Actions and Limitations**

All common procedures in §6.3.9: *Post-Decision Actions and Limitations*, shall apply.

**D. Review Criteria for Code Text Amendment**

Amending the text of this Code is a matter committed to the legislative discretion of the Board of County Commissioners. To approve a change in the code text, the Planning Commission in their review and recommendation, and the County Commissioners in their review and decision, shall consider whether the proposed change is consistent with the Comprehensive Plan and the intent and purpose of this Code.

**6.7. Flexibility and Relief Procedures**

**Commentary**

The flexibility and relief procedures describe the processes for obtaining relief from the standards of this Code and appeals from decisions regarding this Code. We introduced a new tool called “minor modifications,” which replaces the administrative variance tool. We did not carry forward the current special exceptions procedure from §4.7, as suggested in the Assessment report. That current procedure (ostensibly a use variance) is very rarely used and is better addressed through rezoning or text amendments.

**6.7.1. Minor Modifications<sup>455</sup>**

**Commentary**

This new procedure is intended to replace the current administrative variance procedure in §4.6.7. Unlike the current administrative variance, this modification procedure would not automatically be decided administratively because they are required to be applied for concurrently with another application type. We also propose expanding the types of modifications that are eligible (the administrative variance is fairly limited in that regard).

As other parts of the Code are drafted, the list of eligible modifications may be reconsidered. For example, if the County determines that minimum lot widths are appropriate by zoning district, those widths may be added to the list of allowable modifications.

The term “waiver” has been used frequently in applying the current code, but moving forward the term “waiver” is not a formally defined term in this Code and should not be used.

**A. Purpose**

The purpose of the minor modification procedure is to allow adjustments, modification, or deviations from the dimensional or numerical standards of this Code. Minor modifications are intended to provide greater flexibility when necessary without requiring a formal zoning amendment. The minor modification procedure is not a waiver, but rather a modification up to a specified amount when warranted.

**B. Applicability**

**1. Other Incentives are Prerequisite**

All available incentives and allowances in this Code shall be used before a minor modification may be considered.

<sup>455</sup> FINAL DRAFT: Per County Attorney comments, consider drafting an additional procedure to allow other modifications not covered by the Minor Modification section. It would allow the BCC to modify any Code requirements based on set review criteria.

**2. Table of Allowed Modifications**

Applications for minor modifications may only be considered for the modifications listed below in Table 6-4. The general approval criteria in §6.7.1.D.1 apply to all minor modifications, and the righthand column of the table identifies additional criteria that apply to that particular type of minor modification.

<b>Table 6-4: Allowable Minor Modifications</b>		
<b>Standard</b>	<b>Allowable Modification (maximum)</b>	<b>Additional Criteria that May Apply</b>
<b>Lot and Building Standards</b>		
Lot size, minimum	10 percent	--
Lot width-to-depth ratio	50 percent	--
Lot depth-to-width ratio	50 percent	--
Front setback, minimum	10 percent	6.7.1.D.5
Side setback, minimum	10 percent	6.7.1.D.5
Rear setback, minimum	10 percent	6.7.1.D.5
Setbacks from streams, creeks, and rivers	50 percent	6.7.1.D.2
Setbacks from county roads	See 6.7.1.D.3 and 6.7.1.D.4	6.7.1.D.3 and 6.7.1.D.4
Extension into setback, maximum <sup>456</sup>	10 percent	--
Building height, maximum	20 percent	--
<b>Site Features</b>		
Fence or wall height, maximum	Two feet	--
Parking stalls required, minimum <sup>457</sup>	20 percent	--
Landscaping requirements, minimum	10 percent	--

**3. Limitations on Minor Modifications**

The minor modification procedure shall not be used to:

- a. Modify standards outside this Code;
- b. Modify uses or activities allowed on a property;
- c. Modify the standards that apply to a specific use or activity, including dimensional and numerical standards; or
- d. Modify a standard that is already modified through a separate minor modification, variance, or other deviation procedure.

**4. Reasonable Accommodations Under the FFHA<sup>458</sup>**

- a. The County may approve a minor modification to accommodate requirements under the FFHA provided:

<sup>456</sup> Includes exceptions for porches, mechanical equipment, decks, and other common site improvements similar to those currently identified in Sect. 4.9.2.B and C.

<sup>457</sup> Included here for consideration but may be relocated or reconsidered after the parking standards are amended and new alternatives considered.

<sup>458</sup> These are standards typically included in similar modification procedures to comply with FFHA and RLUIPA standards. Alternatively, these could be drafted as standalone common review procedures instead of being folded into the minor modifications.

- i. The modification is the minimum change from the provisions of this Code necessary to comply with the FFHA; and
  - ii. The modification will not cause adverse impacts on the surrounding area.
- b. The County may approve a type of accommodation that is different than the applicant’s request if the County deems such accommodation would satisfy the requirements of the FFHA and would result in fewer impacts on the surrounding area.
- c. The County may be required to approve requests for reasonable accommodations under the FFHA regardless of whether the request qualifies as a minor modification under this section.

**5. Accommodations Under RLUIPA**

- a. The County may allow modifications to eliminate a substantial burden on religious exercise as guaranteed by RLUIPA, as amended.
- b. Under no circumstance may the County approve a modification that allows a use, structure, or activity in a zoning district where such use, structure, or activity is prohibited.
- c. The County may grant a waiver or partial waiver of the provisions of this Code to accommodate a person’s free exercise of religion pursuant to federal or state law.

**C. Procedure<sup>459</sup>**

**1. Concurrent Review Required**

- a. An application for a minor modification may only be submitted and reviewed concurrently with an application for a Special Review use, Administrative Special Review use, Site Plan Review approval, or Subdivision Concept Plan or Preliminary Plan approval.
- b. Multiple requests for eligible modifications pursuant to Table 6-4 may be considered under the same minor modification application.

**2. Review and Decision**

**a. Applications Approved Administratively**

- i. When the request for a minor modification is submitted concurrently with and associated with an application that requires approval by the Director, the Director shall review and approve, approve with conditions, or deny the modification in accordance with the criteria in §6.7.1.D below.
- ii. The Director shall provide notice of the application of the minor modification and an opportunity for interested persons to submit comments on the application. Notice must be provided by posting details of the request as follows:<sup>460</sup>
  - 1) On a clearly visible sign on the subject property for a period of at least seven days; and/or
  - 2) In a designated location within the County Services building; and/or

<sup>459</sup> Note that this tool does not reference the common procedures; instead, the procedure is proposed to “piggy-back” on a concurrently submitted application (and using the same decision-maker).

<sup>460</sup> This is an optional standard that some communities include to prevent public outcry that staff is simply modifying standards unchecked. If you think this is necessary in Larimer County, select any of the posting options as appropriate.

- 3) Mailed notice to surrounding property owners within 500 feet<sup>461</sup> of the subject property; or
- 4) Mailed notice to adjacent property owners.

iii. The Director may refer a minor modification application to the Board of County Commissioners if the Director determines that the nature of the request requires additional feedback through a public hearing.<sup>462</sup>

**b. Applications Approved by the Planning Commission or County Commissioners**

When the request for a minor modification is submitted concurrently with and associated with an application that requires recommendation by the Planning Commission and/or approval by the County Commissioners, the applicable decision-maker shall review the modification and approve, approve with conditions, or deny the modification in accordance with the criteria in §6.7.1.C.3 below.

**3. Post-Decision Actions and Limitations**

The common procedures in §6.3.9: *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

**a. Effect of Approval**

- i. Approval of a minor modification only authorizes the modifications as approved an only on the subject property associated with the application.
- ii. A minor modification may be suspended or revoked after notice and an opportunity to be heard is provided to the applicant if there is:
  - 1) A failure to comply with related provisions in this Code;
  - 2) A failure to comply with any conditions included with the minor modification; or
  - 3) A change in use or activity is established on the site.

**b. Recordation of Approval**

Approval of a minor modification shall be recorded with the county clerk.

**c. Expiration of Minor Modification<sup>463</sup>**

Minor modifications automatically expire if not acted upon within 12 months of the date of the written approval, or if the development permit or application associated with the minor modification is denied or otherwise deemed invalid.

**d. Appeals<sup>464</sup>**

- i. Appeals of a minor modification decision made by the Director may be heard by the Board of Adjustment pursuant to the procedures in §6.7.2.
- ii. Appeal of all other minor modification decisions shall be heard pursuant to the appeal procedures applicable to the body deciding the minor modification.

<sup>461</sup> Common review procedures currently require 500 feet for mailed notice. County Attorney’s office looking into any potential requirements or limitations under Colorado statutes.

<sup>462</sup> This is an optional provision that allows staff an escape valve from particularly complex or sticky projects that may warrant additional scrutiny.

<sup>463</sup> From current Sect. 4.6.7, revised to include expiration if the associated application is denied or deemed invalid.

<sup>464</sup> Revised to reflect that only administrative decisions would be appealed to the BOA.

**D. Review Criteria**

An application shall be approved if the application supports the applicable criteria listed below, and the applicant has provided any additional data and references, if requested by the Director, the Planning Commission, or the County Commissioners.

**1. General Approval Criteria**

In reviewing a request for all minor modifications, the decisionmaker shall consider whether the modification would result in development that complies with the intent of the standard being modified and the overall intent of this Code, and the extent to which the requested minor modification:

- a. Is technical in nature;
- b. Compensates for an unusual site condition or circumstance not shared by landowners in general;
- c. Meets all other applicable building and safety codes;
- d. Benefits the county by protecting community assets, features, and sensitive areas; and
- e. Avoids creating adverse impacts to surrounding areas.

**2. Additional Criteria for Modifications to Setbacks from Streams, Creeks, and Rivers<sup>465</sup>**

Approval of modifications to the required setback from the centerline of streams, creeks, and rivers are subject to the following additional criteria:

- a. The review criteria for a setback variance in §2.9.4.F, *Setbacks from Streams, Creeks, and Rivers*, are met or determined to be inapplicable;
- b. The proposed building site is not within a wetland area;
- c. The proposed building site is not within a 100-year floodplain; and
- d. The proposed building site is not within any federally designated threatened or endangered species critical habitat.

**3. Additional Criteria for Modifications to Setbacks from County Road Setbacks<sup>466</sup>**

Approval of modifications to the county road setback requirements listed in §2.9.4.E, *Setbacks from All Roads, Streets, and Highways*, for additions to existing buildings that are nonconforming with respect to county road setbacks are subject to the following additional criteria:

- a. The proposed addition must meet the following minimum setbacks:
  - i. Arterial roads—90 feet from ROW centerline;
  - ii. Major collector roads—80 feet from ROW centerline;
  - iii. Minor collector roads—60 feet from ROW centerline;
  - iv. Local roads—55 feet from ROW centerline.
- b. Written documentation has been provided to the Community Development Department that the property owners in the vicinity of the proposal as defined in this

<sup>465</sup> From current Sect. 4.6.7.A.

<sup>466</sup> From current Sect. 4.6.7.B.

Code, or as determined by the Director, have been notified and they have indicated they support the variance request;

- c. No portion of the original building or the proposed addition is within the future right-of-way identified by the Larimer County Functional Road Classification.
- d. The review criteria in §6.7.3.D, *Review Criteria*, are met or determined to be inapplicable.

**4. Additional Criteria for Modifications to County Road Setbacks Along Roads Under Jurisdiction of a Municipality<sup>467</sup>**

Approval of modifications to the county road setback requirements listed in §2.9.4.E, *Setbacks from All Roads, Streets, and Highways*, or the applicable zoning district, for properties in unincorporated Larimer County along a road or street that has been annexed and is under the jurisdiction of another municipality, are subject to the following additional criteria:

- a. Written documentation has been provided to the Community Development Department indicating that the proposed structure will meet the setback requirements applicable within the jurisdiction in which the road is located.
- b. The review criteria for a setback variance in §6.7.3.D, *Review Criteria*, are met or determined to be inapplicable.

**5. Additional Criteria for Modifications to Setbacks for Nonconforming Building on Corner Lot<sup>468</sup>**

Approval of modifications to the required setback on one side of a corner lot for an addition to an existing building that is nonconforming with respect to the required street or road setback are subject to the following additional criteria:

- a. The building is nonconforming with regards to the street or road setback that is not along the front lot line.
- b. The proposed addition must not come any closer to the road than the existing building.
- c. The lot is less than one-half acre in size.
- d. Written documentation has been provided to the Community Development Department that the property owners in the vicinity of the proposal as defined in this Code, or as determined by the Director, have been notified and they have indicated they support the variance request;
- e. No portion of the original building or the proposed addition is within the future right-of-way identified by the Larimer County Functional Road Classification or the Colorado Department of Transportation.<sup>469</sup>
- f. The review criteria for a setback variance in §6.7.3.D, *Review Criteria*, are met or determined to be inapplicable.

<sup>467</sup> From current Sect. 4.6.7.E.

<sup>468</sup> From current Sect. 4.6.7.C.

<sup>469</sup> Is it necessary to include CDOT in additional to the Fun-Class data?

**6.7.2. Appeals<sup>470</sup>****Commentary**

The appeals procedure is generally from the existing code. In contrast to minor modifications, which are sought prior to a decision on an application, this procedure applies following rendering of a decision on an application.

The current “Procedure for Appeals to Deviate from Standards Filed Concurrently with Development Applications” is not carried forward. The minor modification process should be used for such instances prior to a decision.

**A. Purpose**

The purpose of this section is to define circumstances under and processes by which persons may appeal decisions made in administration, interpretation, or enforcement of this Code. An appeal is not a development application.

**B. Appeals to County Commissioners<sup>471</sup>****1. Applicability**

The County Commissioners are authorized to hear and decide appeals where:

- a. A person asserts that there is an error in any order, requirement, decision, or refusal made by an administrative officer or agency in the administration or enforcement of the provisions of this Code except:
  - i. The minimum setback or structure height requirements of Article 2.0, *Zoning Districts*; or
  - ii. §2.9.4.E, *Setbacks from All Roads, Streets, and Highways*, and §2.9.4.F, *Setbacks from Streams, Creeks, and Rivers*.
- b. A person asserts that the Director made an error in interpreting the text of this Code.
- c. A person proposes to deviate from a standard or requirement imposed by this Code, except standards or requirements that are subject to zoning variances from the Board of Adjustment in §6.7.3.
- d. Appeals to the prohibition of medical marijuana centers, medical marijuana infused product manufacturers, medical marijuana optional premises cultivation operations, private marijuana clubs, and appeals that would allow for the submittal of a land use application to establish those or similar marijuana-related uses not otherwise allowed in a zoning district shall not be accepted, reviewed, or processed.

**2. Procedure for Appeals of Administrative Decisions and Director Interpretations****a. Initiation of Appeal**

A written application for appeal must be submitted to the Community Development Department within 30 days of the decision or interpretation which the person believes to be in error. The Director may grant one 30-day extension of this time limit provided that a written request for such extension is submitted to the Director within the initial 30-day period.

<sup>470</sup> From current Chapter 22.0, revised as noted.

<sup>471</sup> From 22.2.

**b. Contents of Appeal**

The appeal must be submitted on a form provided by the Community Development Department and must include a statement of the decision or interpretation being appealed, the date of the decision or interpretation, and facts, legal authority, or other evidence that supports the decision was in error. An application fee established by the County Commissioners must be paid when the appeal is submitted.

**c. Scheduling**

Upon receipt of the appeal, the Director will schedule the appeal on the next available agenda of the County Commissioners, no later than 60 days after the date on which a properly completed notice of appeal is filed.

**d. Notice**

Notice of the time and place of the appeal hearing must be published in a newspaper of general circulation at least 10 days before the hearing date. Notice by first-class mail may be sent to property owners in the vicinity of the proposal if the Director determines such notice is appropriate.

**e. Action by the County Commissioners**

- i. At the appeal hearing the County Commissioners will take relevant evidence and testimony from the person who filed the appeal, the administrative officer, Director, county staff, and any interested party.
- ii. At the appeal hearing the County Commissioners will only consider the same application, plans, and materials that were the subject of the original decision or interpretation, the record of that decision or interpretation and the issue raised by the person who submitted the appeal, unless the County Commissioners determine other evidence to be relevant and helpful. Testimony from interested parties may be considered only as it relates to the administrative officer's decision or the Director's interpretation.
- iii. At the conclusion of the hearing the County Commissioners will affirm, affirm with modifications, or reverse the decision of the administrative officer or the interpretation of the Director.
- iv. The County Commissioners may refer an appeal to the Planning Commission for a recommendation. The decision to refer an appeal to the Planning Commission will be made by the County Commissioners within 14 days of the date the appeal was submitted.

**f. Burden of Proof**

The decision of the administrative officer or the Director's interpretation will not be reversed unless a preponderance of evidence supports that the decision is in error or inconsistent with the intent and purpose of this Code.

**C. Appeals to the Board of Adjustment<sup>472</sup>**

**1. Applicability<sup>473</sup>**

- a. The Board of Adjustment is authorized to hear and decide appeals where:
  - i. A person is aggrieved by their inability to obtain a building permit as a result of an error by an administrative officer or agency in the administration or enforcement of:
    - 1) The minimum setback or structure height requirements of Article 2.0, *Zoning Districts*; or
    - 2) §2.9.4.E, *Setbacks from All Roads, Streets, and Highways*, and §2.9.4.F, *Setbacks from Streams, Creeks, and Rivers*.
  - ii. An officer, department, board, or bureau of the county is affected by the grant or refusal to grant a building permit as a result of an error by an administrative officer or agency in the administration or enforcement of the requirements listed in §6.7.2.C.1.a.i above; or <sup>474</sup>
  - iii. A person asserts that there is an error in any order, requirement, decision, or refusal made by an administrative officer or agency in the administration or enforcement of the requirements listed in §6.7.2.C.1.a.i above.
- b. The Board of Adjustment is authorized to hear appeals on decisions made by the Director on minor modifications.<sup>475</sup> All other appeals of the Director's interpretations of the provisions of this Code or application of the provisions of this Code are expressly reserved to the County Commissioners.

**2. Procedure for Appeals to the Board of Adjustment<sup>476</sup>**

**a. Initiation of Appeal**

A written application must be submitted to the Community Development Department within 30 days of the order, requirement, decision, or refusal made by the administrative official or agency. The application must be on a form provided by the Community Development Department. A fee established by the County Commissioners must be paid when the appeal is submitted.

**b. Scheduling**

Upon receipt of the application, the Director will schedule a hearing before the Board of Adjustment no later than 60 days after receipt of the application pursuant to §6.3.7.

**c. Notice**

Notice of the time and place of the appeal hearing must be published in a newspaper of general circulation at least 10 days before the hearing date. Notice by first-class

<sup>472</sup> From current 22.3.

<sup>473</sup> From current 22.3.1.

<sup>474</sup> For ii and iii, referenced the code sections referred to in paragraph i rather than repeating.

<sup>475</sup> New authorization consistent with the new minor modification procedure. Decisions made by the PC or the BOCC on minor modifications would be handled pursuant to the concurrent application submitted with the minor modification.

<sup>476</sup> From current 22.3.2.

mail must be sent to property owners in the vicinity of the proposal as determined by the Director.<sup>477</sup>

**d. Action by the Board of Adjustment**

At the appeal hearing, the Board of Adjustment will take relevant evidence and testimony from the appellant, the administrative officer or agency, and any interested party. At the conclusion of the hearing, the Board of Adjustment will affirm, affirm with modifications, or reverse the determination made by the administrative officer or agency. A concurring vote of four members of the Board of Adjustment is necessary to reverse any order, requirement, decision, or refusal of the administrative official or agency or to decide in favor of the appellant.

**e. Burden of Proof**

An order, requirement, decision, or refusal of the administrative officer or agency shall not be reversed unless the appellant shows a preponderance of evidence that such order, requirement, decision, or refusal is erroneous.

**D. Appeals from Decisions of the Floodplain Review Board<sup>478</sup>**

**1. Applicability**

Any person aggrieved by a decision of the Floodplain Review Board can appeal the decision to the County Commissioners.

**2. Procedure for Appeals from Decisions of the Floodplain Review Board**

- a. Appeals may be initiated by filing a notice of appeal with the County Commissioners within 30 days after the date of the Floodplain Review Board decision and paying any applicable fees.
- b. Upon receiving notice of appeal, the County Commissioners will set a date for hearing the appeal no sooner than 30 days and no later than 60 days after receipt. Written notice of the appeal designating the date, time, and place of the hearing along with the appellant's name must be mailed to the appellant (and to the applicant if the appellant is someone other than the applicant) at least 14 days prior to the hearing. Notice of the date, time, and place of the hearing must also be published in a newspaper of general circulation in Larimer County at least 14 days prior to the hearing.
- c. At the appeal hearing, the County Commissioners will take relevant evidence and testimony from the appellant and from any other interested party or person. At the conclusion of the hearing, the County Commissioners will affirm, affirm with modifications, or reverse the decision made by the Floodplain Review Board.
- d. A decision of the Floodplain Review Board shall not be reversed unless the appellant shows a preponderance of evidence that the decision is in error or inconsistent with this Code.

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<sup>477</sup> Again, should we make this consistent with the 500-foot requirement?

<sup>478</sup> From current 22.4.

**6.7.3. Zoning Variances<sup>479</sup>**

**Commentary**

The zoning variance procedure is largely carried forward with no major substantive changes. However, administrative variance procedures were integrated into the new minor modification procedure in §6.7.1.

**A. Purpose**

The purpose of a zoning variance is to grant a landowner relief from certain standards in this Code where, due to exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographic conditions or other extraordinary and exceptional situations or conditions of the property, the strict application of the standards would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the property owner.

**B. Applicability<sup>480</sup>**

When consistent with the review criteria listed below, the Board of Adjustment may grant zoning variances from the minimum setback requirements and the maximum structure height requirements of Article 2.0, *Zoning Districts*. An application for zoning variance is not a development application.

**C. Procedure**

Figure 6-14 identifies the applicable steps from §6.3, *Common Review Procedures*, that apply to the review of variance applications. Additions or modifications to the common review procedures are noted below.

**Figure 6-14: Summary of Variance Procedure**

<b>1</b>	<b>Pre-Application Conference</b>	<i>Required</i>	
<b>2</b>	<b>Sketch Plan</b>	<i>Not Required</i>	
<b>3</b>	<b>Neighborhood Meeting</b>	<i>Not Required</i>	<b>Neighborhood Notice and Application Processing</b>
<b>4</b>	<b>Application Submittal and Processing (additional pre-application conference required)</b>	<i>Submit to Director</i>	
<b>5</b>	<b>Staff Review</b>	<i>Review by Director</i>	
<b>6</b>	<b>Scheduling and Notice of Public Hearings</b>	<i>BOA hearing required</i>	<b>Hearing and Decision-making</b>
<b>7</b>	<b>Review and Decision</b>	<i>Review and decision by BOA</i>	
<b>8</b>	<b>Post-Decision Actions</b>	<ul style="list-style-type: none"> <li>– Expires after 12 months if no action</li> <li>– May be appealed to the district court</li> </ul>	

<sup>479</sup> From current 4.6.

<sup>480</sup> Consolidated draft: Simplified this reference, since now all the setbacks and heights are in Article 2.

**1. Pre-Application Conference**

A pre-application conference shall be held in accordance with §6.3.2: *Pre-Application Conference*.

**2. Application Submittal and Processing**

The application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §6.3.5, *Application Submittal and Processing*. Neighbor referral is not required.

**3. Staff Review**

The staff shall review the application and prepare a staff report and recommendation in accordance with §6.3.6: *Staff Review*.

**4. Scheduling and Notice of Hearings**

The application shall be scheduled for a public hearing before the Board of Adjustment and noticed in accordance with §6.3.7: *Scheduling and Notice of Hearings*.

**5. Review and Decision**

The variance shall be reviewed and decided upon in accordance with §6.3.8: *Review and Decision*, with the following modifications:

**a. Conditions of Approval**

- i. The Board of Adjustment may impose conditions on a zoning variance necessary to accomplish the purposes and intent of this Code and the Comprehensive Plan and to prevent or minimize adverse impacts on the general health, safety, and welfare of property owners and area residents.
- ii. All approved zoning variances run with the land, unless conditions of approval imposed by the Board of Adjustment specify otherwise.
- iii. The Board of Adjustment may require, as a condition of approval, that the applicant sign a development agreement to ensure completion of any public improvements related to the approved zoning variance.

**6. Post-Decision Actions and Limitations**

The common procedures in §6.3.9: *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

- a. All Board of Adjustment decisions shall be recorded with the County Clerk and Recorder.
- b. All Board of Adjustment decisions regarding a zoning variance are final. Decisions can be appealed to court.
- c. All zoning approved variances automatically expire within one year of the date of approval, unless the applicant takes affirmative action consistent with the approval.

**D. Review Criteria**

To approve a zoning variance application, the Board of Adjustment must find that paragraph 1, 2, or 3 has been met and that paragraphs 4, 5, and 6 have each been met:

- 1. Strict compliance with the standard sought to be varied will cause either:

- a. A peculiar and exceptional practical difficulty; or
- b. An exceptional and undue hardship on the owner by reason of an exceptional physical condition of the property such as narrowness, shallowness, topography, or location of the property, or other extraordinary and exceptional situation unique to the property provided the difficulty or hardship is not caused by the act or omission of the applicant.

**Or**

- 2. The requested variance will promote or maintain the general purpose of the standard for which the variance is sought and will be equal to or better than the standard; or
- 3. The requested variance will diverge from the standard only in a nominal, inconsequential way when considered in the context of property in the vicinity of the subject land or structure.

**And**

- 4. Granting the variance will not result in a substantial adverse impact on other properties in the vicinity of the subject land or structure or be a detriment to the public good; and
- 5. Granting the variance will not substantially impair the intent and purpose of the Code and Comprehensive Plan; and
- 6. The recommendations of referral agencies have been considered.

## 6.8. Review and Decision-Making Bodies

### **Commentary**

This section is based generally on and brings together several scattered provisions from the current Code. The descriptions of the various bodies have been simplified and streamlined, since many of the specific powers/duties, such as the applications reviewed by each body, are now summarized in the earlier parts of this article. Also, some of the material governing the specific rules for each board or commission has been removed from the Code and can be located in an Administrative Manual or other documents outside the Code.

The Assessment recommends establishing a Development Review Committee and acknowledging the committee formally in the Code, but housing most of the procedural information within a separate technical or Administrative Manual. However, following additional discussion, it was determined that the establishment, composition, and role of the DRC review should be left out of the Code entirely and covered only in the manual. Its composition, procedures, and role would be up to the discretion of the Director.

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### **6.8.1. Purpose**

This section describes the organization, powers, and duties of those responsible for administration of this Code.

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### **6.8.2. Board of County Commissioners**

- 1. The Board of County Commissioners (County Commissioners) has the following powers and duties under this Code:
  - a. The review and decision-making authority as shown in Table 6-1: *Development Review Procedures Summary*; and

- b. To take such other action not delegated to the Planning Commission, the Zoning Board of Adjustment, the Hearing Officer, or heads of County departments, as the County Commissioners may deem desirable and necessary to implement this Code.
- 2. Prior to making a final decision on any appeal, the County Commissioners may refer the matter to the Planning Commission for a recommendation.
- 3. Public hearings will be conducted in accordance with §6.3.8 of this Code. At the public hearing, the County Commissioners will consider all information presented by the applicant and the county staff, any verbal or written testimony and the recommendation of the Planning Commission. The County Commissioners will review the application with respect to the review criteria of this Code and all information and testimony to decide whether to approve, approve with conditions or deny the application. The County Commissioners may announce their decision at the conclusion of the hearing. The county commissioners' official final decision will be in the form of a written resolution that states how the proposal meets or fails to meet the applicable review criteria of this Code.
- 4. The County Commissioners will administratively approve or deny final plats for planned land divisions, conservation developments, subdivisions, and rural land plans and amended plats at an open meeting. The meeting will be open to the public and the date, time, and location will be posted on the Larimer County website at least 24 hours<sup>481</sup> prior to the meeting. Notice of the meeting will also be given in the County Commissioners' weekly schedule of meetings.

### 6.8.3. Planning Commission

The Planning Commission has the review and decision-making authority as shown in Table 6-1: *Development Review Procedures Summary*, as well as the following duties:

- 1. Conduct a public hearing on any other matter specifically referred by the County Commissioners to the Planning Commission for a recommendation.<sup>482</sup>
- 2. At the public hearing, the Planning Commission will consider all information presented by the applicant and the Community Development Department and any verbal or written testimony. The Planning Commission will review the application with respect to the Comprehensive Plan, this Code and all information and testimony and make a recommendation for approval, approval with conditions or denial. The recommendation must include findings stating how the proposal meets or fails to meet the review criteria of this Code.

### 6.8.4. Board of Adjustment<sup>483</sup>

The Board of Adjustment has the review and decision-making authority as shown in Table 6-1: *Development Review Procedures Summary*, as well as the following duties:

- 1. Approve, approve with conditions, or deny applications for zoning variances from certain requirements of this Code as specified in §6.7.3.
- 2. Hear appeals of certain administrative decisions as specified in §6.7.2.

<sup>481</sup> Consolidated draft: Changed from courthouse posting to website. Revised from current two-day requirement.

<sup>482</sup> Eliminated the list of hearing requirements for applications since those are covered in the summary table of procedures.

<sup>483</sup> Simplified these provisions to simply reference the procedures rather than repeating those requirements here.

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### 6.8.5. Floodplain Review Board

The Floodplain Review Board has the review and decision-making authority as follows:

1. Review and determine the exact location of a zoning district boundary of the FW, FF, and FH districts as they relate to any specific piece of property;
  2. Review and make recommendations regarding floodplain special review applications;
  3. Grant variances from the terms and conditions of the floodplain sections of this Code;
  4. Review and grant variances to expand a nonconforming use or nonconforming structure in a floodplain;
  5. Review and make determinations of interpretations of the floodplain sections of this Code; and
  6. Determine the suitability and advisability of alternate methods of construction in the FW, FF, and FH overlay zoning districts.
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### 6.8.6. Community Development Director<sup>484</sup>

The Community Development Director has the review and decision-making authority as shown in Table 6-1: *Development Review Procedures Summary*, as well as the following duties:

1. To undertake the day to day administration of this Code.
  2. To receive applications for development permits for processing pursuant to the terms of this Code.
  3. To ensure that adequate public notice is provided for applications for development permits pursuant to the terms of this Code.
  4. To undertake the current and long-range comprehensive planning responsibilities of the County.
  5. To review every five years the Comprehensive Plan and this Code and recommend amendments to the Planning Commission.
  6. To coordinate other local, regional, state, and federal planning and permitting processes affecting development in the unincorporated county and to serve as liaison to such local, regional, state, and federal planning agencies having jurisdiction over development in the unincorporated county.
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### 6.8.7. Rural Land Use Advisory Board<sup>485</sup>

The Rural Land Use Advisory Board (RLUAB) is appointed by County Commissioners. It is comprised of nine members who serve three-year staggered terms. The RLUAB will:

1. Make recommendations to the County Commissioners regarding changes to the rural land use process;
2. Evaluate and provide written comments and recommendations regarding proposed preliminary rural land plans. RLUAB members should visit the landowner's property prior to making a recommendation; and
3. Promote the principles, purposes, and objectives of the rural land use process.

*Note:* Appointments to the RLUAB by the County Commissioners will represent a cross section of the county.

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<sup>484</sup> New. Are there additional duties that should be listed here for the Community Development Director?

<sup>485</sup> Carried forward with no revisions pending further discussion.

# Article 7.0 Special Events<sup>486</sup>

## 7.1. Purpose

The purpose of this Section is to:

- 7.1.1.** Provide for the temporary (see §15.3, *Other Terms Defined*) use of property for special events in all zone districts,
- 7.1.2.** Provide for the orderly control of special events by establishing appropriate permit requirements and regulations,
- 7.1.3.** Ensure the promoter or sponsor of a special event is aware of any special circumstances that may have an impact on the success of their event, and
- 7.1.4.** Minimize any significant effects of a special event on adjacent and nearby property owners, residents and businesses or which would impact the prevailing site conditions, traffic and circulation patterns, land use characteristics or the nature of the proposed use.

## 7.2. Definition and Criteria

- 7.2.1.** Special event are the temporary use of land, buildings or structures for a gathering of any size, at any location, for any purpose, unless excluded in §7.3 below, but are not limited to:
  - A. Carnivals,
  - B. Circuses,
  - C. Concerts,
  - D. Revivals,
  - E. Tournaments,
  - F. Seasonal events (haunted houses),
  - G. Craft fairs or markets,
  - H. Festivals (medieval festivals)
  - I. Fund-raisers,
  - J. Rodeos.
- 7.2.2.** There shall be no more than three special events allowed on a property in a calendar year.
- 7.2.3.** The combined number of days that special events can occur on a property cannot exceed 30 days in any 12 month period.
- 7.2.4.** There shall be no more than one special event allowed on a property in a calendar month.

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<sup>486</sup> Consolidated draft: Carries forward current Section 7.0, reformatted to match the new LUC. Submittal requirements moved into the "Supplemental Materials" article.

## 7.3. Applicability and Exclusions

**7.3.1.** This section shall apply to all special events, as defined above, conducted on any property in Larimer County, regardless of what zone district the property is situated in, unless otherwise excluded herein:

**7.3.2.** This Section shall not apply to:

- A.** Gatherings on property that has received and is subject to an existing land use approval that limits the number, type and nature of gatherings to be held on the property (i.e., assembly uses),
- B.** Temporary agritourism enterprises,
- C.** Personal events,
- D.** Special events occurring on any Larimer County road or other county owned properties, parks or open lands. Any event utilizing a Larimer County road or other county property is required to obtain a special events permit pursuant to article IV, special events, chapter 50, roads and bridges of the Larimer County Code of Ordinances. Any event occurring on a County park or open lands property shall be regulated by the rules and regulations of the County Parks and Open Lands Department, or
- E.** Gatherings at any regularly established, permanent place of assembly such as:
  - 1. Place of worship,
  - 2. Stadium,
  - 3. Athletic field,
  - 4. Arena,
  - 5. Auditorium,
  - 6. Fairgrounds,
  - 7. Coliseum,
  - 8. Picnic or camping area,
  - 9. Sale or auction of agricultural lands or personal property,
  - 10. Polling places for special or general elections,
  - 11. Other similar permanently established place of assembly, or
  - 12. Temporary uses identified in §3.5, *Temporary Uses and Structures*, provided that:
    - a.** Such place is being used for its established and normal use allowed by zoning,
    - b.** Attendance does not exceed the maximum seating capacity of the structure or place where the gathering is held, and
    - c.** The gathering complies with all other county ordinances, resolutions and regulations.

## 7.4. Permit Required

A special events permit shall be required for any special event on property where it is anticipated that the overall attendance will exceed 40 persons.

## 7.5. Review Criteria

To approve a special events permit, the Director, or the County Commissioners, must consider the following review criteria and find that each criterion has been met or determined to be inapplicable:

- 7.5.1.** The applicant has demonstrated that the special event can be compatible with existing and allowed used in the surrounding area.
- 7.5.2.** The applicant has demonstrated that the special event complies with all applicable requirements of this code.
- 7.5.3.** The applicant has demonstrated that the special event will result in no substantial adverse impact on other properties in the vicinity, including environmentally sensitive areas or features or other lands.
- 7.5.4.** The applicant has demonstrated that the special event has addressed the recommendations of the referral agencies.
- 7.5.5.** The applicant has demonstrated that the special event will comply with the applicable performance standards as set forth in §7.7, *Performance Standards*.

## 7.6. Process and Submittal Requirements

### 7.6.1. Application Requirements

Application requirements can be found in §16.1.6, *Special Events*.

### 7.6.2. Application Review

Upon determining that the special event permit application is complete, the Director will refer the application to other county or non-county departments, agencies or officials whose consideration is deemed essential to a full and complete assessment. Review of the application will take into consideration:

- A. The adequacy of the site sketch.
- B. The adequacy of the site to accommodate the special event proposed.
- C. The degree to which the special event complies or will be able to comply with the performance standards of §7.7, *Performance Standards*.
- D. The preservation of the health, safety and welfare of the public and surrounding properties and uses.

### 7.6.3. Action on Application

Within 30 days of filing of a complete special event application, the Director will take one of the following actions:

- A. Issue the permit with any conditions deemed necessary to minimize potential adverse impacts and meet the intent and purpose of this section,
- B. Deny the permit if the proposed special event fails to conform to the applicable provisions, requirements or standards of this Section. The Director's decision shall specify the reasons, in writing, for the denial citing specific requirements, provisions and standards in this Section or other applicable provisions, laws, rules or regulations that were not met, or
- C. Schedule the application for a hearing before the County Commissioners to determine if the event should be allowed or denied.

### 7.6.4. Appeals

- A. Any decision by the Director to either grant or deny the special event permit may be appealed to the County Commissioners. Appeals must be received within five calendar days following the date on which the Director issues their decision. The appeal must be in writing

and must state specifically why the Director's decision is incorrect or inconsistent with the provisions, intent or purpose of this Section.

- B.** The County Commissioners will consider the appeal in an open meeting. The County Commissioners may overturn or modify the Director's decision if they determine the Director's decision is incorrect or inconsistent with the provisions, intent or purpose of this Section.

## 7.7. Performance Standards

Special events may be required by the Director to comply with any or all of the following conditions, except for Subsections 7.7.4, 7.7.9, and 7.7.10, which may only be waived with the approval of the Larimer County Health Department, the fire district or the Larimer County Sheriff respectively. Which requirements apply to a specific event will be determined based on the location and type of event, and after consultation with the County Sheriff, Department of Health and Environment, applicable fire authority and any other county or non-county department, agency or official whose consideration the Director deems essential to a full and complete assessment. All applicable requirements shall be specified in the conditions of the permit, if approved:

- 7.7.1.** An adequate and safe supply of potable water meeting requirements set forth by the Colorado Department of Health or county department of 7.7.10 shall be provided.
- 7.7.2.** Separate enclosed toilets for males and females, meeting all state and local specifications, as determined by the County Department of Health and Environment, conveniently located throughout the grounds, sufficient to provide healthful facilities, for the maximum number of persons allowed at any single time, to attend the special event shall be provided.
- 7.7.3.** A sanitary method of disposing of solid or liquid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of persons allowed at any single time to attend the special event.
- 7.7.4.** As determined by the County Department of Health and Environment, the following may be required:
  - A.** Two certified emergency medical technicians and one emergency ambulance provided for special events with 500 persons. One additional certified medical technician provided for every additional 500 persons. An enclosed structure where treatment may be rendered shall also be provided.
  - B.** A licensed practical nurse or registered nurse, licensed to practice in the state, provided for special events with 1,000 persons. One additional nurse provided for every additional 1,000 persons.
  - C.** A vector control plan indicating how insects, rodents, and other vermin will be controlled by proper sanitary practices, extermination or other safe and effective control methods. Where necessary, a plan to control animal ectoparasites, and other disease transmitting and nuisance insects must be provided.
- 7.7.5.** If the special event is to occur during hours of darkness, illumination sufficient to light the area of attention (stage, actors, band, etc.) be provided at the rate of at least five foot-candles. Such illumination shall not be allowed to shine or reflect unreasonably beyond the boundaries of the location of the special event.
- 7.7.6.** A parking area sufficient to provide parking space for the maximum number of persons allowed at any single time to attend the special event. In addition, there shall be a traffic circulation

system sufficient to allow safe and efficient traffic and pedestrian circulation for the maximum number of persons allowed at any single time to attend the special event. The flow of traffic on roads shall not be blocked or hindered, and no cars, buses or bicycles shall be allowed to park along the side of or in any public road right-of-way, without prior written approval of the county engineering department.

- 7.7.7.** Adequate facilities for communication with hospital, police and fire services shall be provided and based in the medical station.
- 7.7.8.** If the assembly is to continue overnight, camping facilities in compliance with all state and local requirements must be provided.
- 7.7.9.** Security which, as determined by the county sheriff, is adequate to control any disturbances which might occur at the special event. An adequate plan of peer group control may be used if approved by the Larimer County Sheriff.
- 7.7.10.** Applicant must provide evidence that the applicable fire protection district has been notified about the special event. Applicant shall comply with all requirements of the fire protection district.
- 7.7.11.** Applicant assurance that sounds from the special event do not carry unreasonably beyond the boundaries of the location of the special event. Sound created by the special event which exceeds any limitations set by the Larimer County Noise Ordinance shall be presumed to be unreasonable.
- 7.7.12.** Applicant must provide for appropriate dust mitigation.
- 7.7.13.** If electrical systems are not self-supporting, electrical systems installation and maintenance must comply with minimum county and state electrical standards.
- 7.7.14.** Management of food service shall conform to the requirements of the county department of health and environment.
- 7.7.15.** Guarantees in the form of an irrevocable letter of credit, bond, or cash retainer in the amount of \$500.00 per acre to cover the cost any required grading, site restoration, dismantling and removal of structures, and clean-up following the special event may be required. Any letter of credit, bond or cash retainer must be irrevocable for a period of 30 days after the completion of the event. The letter of credit, bond or cash retainer will be released by the county as soon as possible after the event, after determination that the site has been adequately cleaned-up and restored from any impacts of the event. If the county has not made a determination on retention or return of the guarantee within 30 days following the event, said guarantee will be returned to the applicant.
- 7.7.16.** Structures and facilities shall be designed and located on the site and the site shall be maintained so as to ensure:
- A.** Trees, underbrush, large rocks and other natural features are left intact and undisturbed.
  - B.** Natural vegetative cover is retained, protected and maintained so as to facilitate drainage, prevent erosion and preserve scenic attributes.
- 7.7.17.** For special events that involve exotic animals, including but not limited to circuses, carnivals, fairs, exhibitions, races, displays, educational seminars or performances, the Director may impose as a condition of permit approval reasonable conditions the Director deems necessary or appropriate to protect the health, safety and welfare of the animals, the permit holder, those persons conducting the special event, the special event attendees, and the

general public. This §7.7.17 shall not apply to special events involving only livestock, domestic animals or wildlife sanctuaries licensed by the division of wildlife. The Director may consult the humane society or other animal welfare agencies or organizations in determining necessary and appropriate conditions.

**7.7.18.** A description of the surface material of the parking area and a method-plan for handling traffic in conformance with the Manual on Uniform Traffic Control Devices and the Colorado Supplement.

**7.7.19.** Insurance in an amount determined to be adequate and reasonable in light of the risks and hazards relating to the special event. Applicant may also be required to purchase search and rescue (SAR) cards for some or all persons participating in the special event.

## **7.8. Compliance with Other Regulations**

**7.8.1.** Special events shall occur or operate in compliance with the provision of this Section and all applicable provisions and regulations of Larimer County and applicable state and federal statutes and regulations.

**7.8.2.** Issuance of a special event permit shall not relieve the landowner or applicant of the responsibility for securing other permits or approvals required by the planning department, the building department, department of health and environment, the fire district or other department or agency of Larimer County or other public agency.

## **7.9. Site Clean Up and Restoration**

Within 48 hours of cessation of the event, the special event site shall be returned to its previous condition, including removal of all buildings and structures, trash, debris, signage, attention-attracting devices or other evidence of the special event.

## **7.10. Enforcement**

### **7.10.1. Inspections**

The County or its representatives may enter and inspect the special event site from time to time to ensure compliance with the special event permit conditions and to enforce the provisions of this section.

### **7.10.2. Permit Available**

The special event permit issued by the county must be available for inspection on the special event site at all times during the event.

### **7.10.3. Suspension and Revocation of Permit**

The Director may suspend or revoke a special event permit for violation of any provision of this Section or any other applicable law, rule or regulation, for violation of the permit conditions, or for any misrepresentation by the applicant, his agents or employees or independent contractors under contract with the applicant. The decision of the Director to suspend or revoke a special event permit may be appealed to the County Commissioners. No event shall occur while a suspension or revocation appeal is pending except as authorized by the Director. By signing the application, the applicant agrees that the Larimer County Sheriff may enter the special event site

and cause the special event to be stopped upon suspension or revocation of the special event permit.

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**7.10.4. Letter of Credit or Cash**

Upon breach of the terms and conditions for which the letter of credit, cash or other guarantees are provided pursuant to §7.7.15 , the County may undertake to cure such breach, perform such condition, or cause such condition to be performed by another and may use the proceeds of the guarantee to recoup its costs.

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**7.10.5. Additional Remedies**

Failure to comply with this Section or with the special event permit conditions is a violation of this land use code for which the county is entitled to pursue and seek the remedies and penalties set out in §1.9, *Enforcement*.

# Article 8.0 Signs<sup>487</sup>

## 8.1. Purpose

The purpose of this section is to protect the health, safety and welfare of the public; to provide the public and property owners with an opportunity for safe and effective identification of uses and locations within the county; and to avoid clutter and protect and maintain the visual appearance and property values of the agricultural, residential, business, commercial and industrial areas of the county.

## 8.2. General Sign Regulations

- 8.2.1.** The regulations of this section shall apply to all signs in all zoning districts including signs not requiring a sign permit, except for address numerals, street name signs, and bus stop signs.
- 8.2.2.** Signs may not be placed on or over public roads or rights-of-way unless approval from the Road and Bridge Director has been given. Signs may not be placed in road or access easements, except for utility warning signs. On private property, signs can be placed in private utility easements.
- 8.2.3.** No sign shall be located to impair traffic visibility or the health, safety or welfare of the public. Sight triangle standards for signs are contained in the Larimer County Rural Area Road Standards and the Larimer County Urban Area Street Standards.
- 8.2.4.** Any light used to illuminate a sign must be oriented to reflect light away from nearby residential properties and away from the vision of passing motorists and pedestrians. See also §4.4.4.C.4.f regarding wildlife development standards for exterior lighting.
- 8.2.5.** All signs must be permanently affixed or attached to the ground or to a structure, except for those temporary signs and vehicle signs that are specifically allowed in this article.
- 8.2.6.** All electrical signs placed in Larimer County shall bear the label of Underwriters Laboratories, Inc.
- 8.2.7.** All electrical service to a freestanding sign shall be underground.
- 8.2.8.** In addition to sign permits and requirements as described in this section, signs and sign structures may be subject to other applicable requirements of the county including requirements for building permits and permit requirements of the State of Colorado.

## 8.3. Calculation of Sign Area

The following methods shall be used to calculate the total square footage of the sign area of any sign.

### 8.3.1. All Signs

All sign faces shall be counted and considered part of the maximum total sign area allowance. The sign area of building mounted signs shall not include structural elements used to attach or support the sign that do not contribute to the display.

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<sup>487</sup> Consolidated draft: The substantive rewrite of the Signs section is a Phase 2 task for 2021. For this draft, this section carries forward the current sign standards, reformatted to match the new LUC. All references to specific use types or zoning districts have been updated to reflect the changes in language from the Zoning Districts and Use Regulations articles.

### 8.3.2. Cabinet Signs and Signs Other Than Individual Letter Signs

Sign area shall be determined by the outer edge of the sign background, frame or cabinet that encompasses all text, decorative artwork, logos, or other information displayed. In instances where the background, frame or cabinet is an irregular shape, the sign area shall be calculated as the entire area within a continuous perimeter drawn with not more than eight straight lines enclosing the extreme limits of the background, frame or cabinet encompassing the background material.

### 8.3.3. Individual Letter Signs

Signs which consist of individual letters that are mounted to a wall, or "race-way" type signs that consist of individual letters that are mounted to a base that is mounted to a wall, which utilize the building wall as the background, and freestanding individual letters that are mounted to a monument base shall be considered individual letter signs. The sign area of such signs shall be calculated as the entire area within a continuous perimeter drawn with not more than eight straight lines enclosing the extreme limits of the sign.

### 8.3.4. Freestanding Signs

The measurement of the sign area of a freestanding sign shall include, in addition to the sign face area, any portion of the freestanding sign base which exceeds one and one-half times the area of the sign face. The base shall include any structural component of the sign, including raised landscape planter boxes. Freestanding signs with two or more faces that are aligned to each other at an angle greater than 90° shall be considered a single sign face.

## 8.4. Calculation of Sign Height and Setback

**8.4.1.** The height of a freestanding sign shall be measured as the vertical distance from the average finished grade of the ground below the sign excluding any filling, berming, mounding or excavating solely for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign including any architectural appurtenances. For purposes of this section, average finished grade shall be considered the lower of:

- A. The lowest elevation where the base of the sign meets ground level or
- B. The nearest public or private sidewalk within 25 feet of the sign.

**8.4.2.** The required setback for freestanding signs shall be the distance between the nearest edge of the sign and the road right-of-way or lot line.

## 8.5. Prohibited Signs

The following signs are not allowed in any zoning district:

- 8.5.1.** Rooftop signs, except in the CD- Commercial Destination zoning district, where rooftop signs that extend no higher than the peak of the roof shall be allowed.
- 8.5.2.** Signs which contain any flashing, rotating, animated or otherwise moving features. The appearance of electronic or changeable message signs cannot change more frequently than once every minute.
- 8.5.3.** Strings of light bulbs used for commercial purposes other than traditional holiday decorations.
- 8.5.4.** Wind-driven signs, except as allowed in §8.6, *Signs Not Requiring A Sign Permit* and §8.8, *Temporary Commercial Signs*.
- 8.5.5.** Billboards, off-premises signs, except that a home occupation and an accessory rural occupation may have a temporary, off-premises directional sign as described in §8.6.1.J.4.
- 8.5.6.** Searchlights, whether stationary or revolving, beacons or other similar devices used for the purpose of advertising or attracting attention to a property.
- 8.5.7.** Inflatable signs such as blimps, animals, inflatable representations of a product for sale and other inflatable devices used for the purposes of advertising or attracting attention, but not including ordinary balloons with a diameter of two feet or less that are used for temporary displays.
- 8.5.8.** Signs mounted to landscaping, trees, traffic signage, utility and light poles or other similar structures.

**8.6. Signs Not Requiring A Sign Permit**

**8.6.1. Standards by Sign Type**

Due to their small size, limited time duration, limited aesthetic impact and strong community interest in identifying land uses, locations and historic structures, the following signs may be erected without a sign permit, but shall meet all applicable standards of this article and any other applicable requirements of the County and the State of Colorado.

**A. Nameplate Signs**

One nameplate sign which does not exceed a total of two square feet in area, per street frontage.

**B. Rural Property Identification Signs**

One sign per primary driveway entrance to the property and located at that entrance, not exceeding six square feet of total sign area for properties that are less than ten acres and 32 square feet of total sign area for properties that are ten acres or greater.

**C. Agricultural Product Signs**

One sign per frontage of a property, advertising agricultural products that are produced and available for sale on the property, not exceeding 16 square feet in sign face area per sign.

**D. Business Vehicle Identification Signs**

- 1. All business vehicle identification signs shall be permanently affixed, painted, magnetically applied or otherwise mounted upon a vehicle.
- 2. For purposes of this section, the term vehicle shall include trucks, buses, vans, railroad cars, automobiles, tractors, trailers, motor homes, semi-tractors, hot air balloons or any

other motorized or nonmotorized transportational device, whether or not such vehicle is in operating condition.

3. The primary purpose of any vehicle upon which a sign is affixed must be to serve a useful, current function in the transportation or conveyance of persons or commodities from one place to another, including transportation to and from work, and such intermittent delays and stops as are customary in the routine conduct of the business or activity for which the transportation or conveyance occurs.
4. No vehicle upon which a sign is affixed may be parked on any property for the primary effect of directing or attracting the attention of the public to a building, institution, product, service, organization, event or location offered or existing elsewhere than upon the same property where such vehicle is parked.
5. Signs mounted on construction trailers directly related to construction on a site shall be allowed to be located on the site for the duration of construction, and shall be removed immediately upon receipt of the last certificate of occupancy for the site.

**E. Commemorative Signs**

One commemorative sign, tablet or plaque per property, not exceeding a total of two square feet in sign face area.

**F. Crop Signs**

Signs identifying seed brands and varieties in use, test plots, and similar signs that are customary in agricultural production areas.

**G. Daily Special Signs**

Signs for daily specials such as menu boards, sandwich boards or A-frame type signs shall be allowed for the purpose of advertising nonrecurring daily specials. Such signs shall be limited to one sign per business and a maximum of six square feet in area per side and two sides. Signs shall be placed within 15 feet of the business entrance and shall not impede pedestrian sidewalk circulation. Such signs shall be taken in daily at the close of business.

**H. Flags, Commercial**

No more than one commercial flag per property, where no single side exceeds 48 square feet.

**I. Flags, noncommercial**

No more than two governmental or other noncommercial flags per property, where no single side exceeds 48 square feet. Note that flags of the United States are not defined as signs.

**J. Home Occupation and Accessory Rural Occupation Signs**

1. Signs for home occupations and accessory rural occupations shall be limited to one sign per property and be located on the same lot as the home occupation or accessory rural occupation.
2. A home occupation sign shall not exceed four square feet in area per face and six feet in height.
3. A rural occupation sign shall not exceed 16 square feet in area per face and six feet in height.
4. A home occupation or an accessory rural occupation may have one temporary on or off premises directional sign that is located on private property no farther from the subject parcel than the nearest arterial road, has a one or two sided sign face that is no more

than nine square feet per face, a sign height no more than eight feet, and is in place only during allowed retail sales events.

**K. Noncommercial Event Signs**

Any number of signs is allowed, provided such signs do not exceed nine square feet in face area in residential and rural districts, and 32 square feet in face area in nonresidential districts. Signs may not be placed more than 45 days prior to the event and must be removed within five days after the event.

**L. On-Site Traffic Directional Signs**

Signs may not exceed four square feet per face or ten feet in height. The minimum horizontal distance between such signs shall be 15 feet, except for signs designating the purpose for which parking stalls may be used, such as for handicap parking.

**M. Private Sale Signs**

One on-premises sign per street frontage which does not exceed four square feet per sign face. Signs shall be displayed only during the sale or event specified.

**N. Real Estate Signs**

One sign per street frontage on the property being advertised. Each real estate sign advertising a single-family or two-family dwelling unit is limited to eight square feet in area per face and six feet in height. Each real estate sign advertising vacant land is limited to 48 square feet in area per face and six feet in height. Real estate signs may not be illuminated.

**O. Regulatory Signs**

**P. Signs Over Gas Pumps**

One per pump that is no larger than two square feet per face.

**Q. Warning Signs**

Signs with messages of warning, danger or caution such as underground utility location signs, no trespassing, no hunting, and similar warning messages.

**R. Window Signs**

**S. Small Construction Signs**

One construction sign per property on which construction is taking place, and limited to eight square feet in area per face and six feet in height. Such signs must be removed within one week of final inspection or completion of the project, whichever occurs first. Note that larger construction signs may be permitted according to the requirements of section 10.8.

**T. Election Signs**

Any number of signs is allowed, provided such signs do not exceed nine square feet in face area in residential and rural districts, and 32 square feet in face area in nonresidential districts. Signs must be removed within five days after the applicable election.

**U. Ideological Signs**

Any number of signs is allowed, provided such signs do not exceed ten square feet in area per face within a maximum aggregate of 20 square feet in face area per lot and are unlighted. In addition, where an identification sign is allowed, all or any portion of said sign may be used as an ideological sign.

### 8.6.2. Height Limitation

All signs included in this Section are limited to six feet in height, except rural property identification signs located on entryway arches over private driveways. If any sign in this section exceeds the limits stated herein; an appeal to the requirement must be approved by the County Commissioners and a sign permit shall be obtained from the Building Department.

## 8.7. Temporary Construction and Project Marketing Signs

A sign permit is required for the following construction and project marketing signs:

- 8.7.1.** One construction sign shall be allowed per street frontage per property not exceeding 16 square feet in area per face in residential and rural districts or 32 square feet in area per face in nonresidential districts. Such signs must be removed within one week of final inspection or completion of the project, whichever occurs first. Note that one construction sign of eight square feet in area per face or less per property is allowed without a sign permit per §8.6, *Signs Not Requiring A Sign Permit*. The total number of construction signs per property includes all such signs whether they require a sign permit or not.
- 8.7.2.** One project marketing sign per project shall be allowed per entrance from any adjacent street and no more than two signs per project or phase of a project. The maximum sign face area shall be 50 square feet in residential and rural districts and 64 square feet in nonresidential districts and all such signs shall be located within the development.
- A.** Signs shall be allowed to remain for no more than two years following issuance of the temporary sign permit.
  - B.** In addition to the sign(s) above, a temporary project sales office shall be entitled to one indirectly lit sign not to exceed ten square feet in size.

## 8.8. Temporary Commercial Signs

Temporary signs that promote a temporary commercial event such as a sale or grand opening on the property of a principal legal nonresidential use require a temporary sign permit.

- 8.8.1.** Allowed sign types:
- A.** A banner or banners that do not cumulatively exceed 100 square feet in total sign area and which are mounted flush to a building wall.
  - B.** Pennants.
  - C.** Balloons and other types of lighter than air objects which have no linear dimension greater than two feet.
- 8.8.2.** The temporary sign permit may specify such conditions and limitations as are deemed necessary to protect adjoining properties and the public. The permit may not be approved for a

time period that exceeds 30 consecutive days in any calendar year for each property, or each business in a multi-tenant center.

- 8.8.3.** The applicant shall remove any temporary signs on or before the expiration date of the permit.
- 8.8.4.** If a person erects any temporary commercial signs without receiving a permit as herein provided, the person shall be ineligible to receive a temporary sign permit for the remainder of the calendar year.
- 8.8.5.** If a temporary sign remains up for longer than 30 days, the sign will be considered a permanent sign, it will require a sign permit and all other regulations in this article apply.

## 8.9. Standards for Residential Districts

The following regulations shall apply to all signs in the FO, RR-1, RR-2, UR-1, UR-2, UR-3, M,R, MH, AP zoning districts, the O zoning district located within a GMA overlay zoning district of Larimer County or the LaPorte Plan Area, and areas of the PD zoning district that have been approved for residential use:<sup>488</sup>

- 8.9.1.** In addition to those signs which are allowed without a sign permit in §8.6, *Signs Not Requiring A Sign Permit*, signs in residential zoning districts may include the following signs which do require a sign permit:
- A.** One identification sign for a multi-family complex per driveway access from the public street, not exceeding 32 square feet in area per face, and one wall sign per multi-family structure, not exceeding 20 square feet in area per face per street frontage.
  - B.** One identification sign per entrance to the property identifying a residential subdivision or housing project, provided that such sign does not exceed 32 square feet in area per face. When such signs are placed on subdivision entry wall structures, only the sign face shall be used to calculate the size of the sign. In the event that entrance identification signs are proposed for both sides of the street at any one entrance, this "set" of signs shall be considered as one identification sign.
  - C.** One identification sign per street frontage for a principal legal nonresidential use in a residential district including nonconforming uses and uses approved by special review, minor special review and special exception shall be allowed, subject to a maximum sign area of 20 square feet per sign face and not to exceed a total of two such signs per property.
  - D.** One identification sign per street frontage or per structure for public or semipublic facilities, such as churches, libraries, schools, fire stations and public recreation facilities, subject to a maximum sign area of 32 square feet per sign face and not to exceed a total of two such signs per property.

<sup>488</sup> Consolidate draft: From current definition of "residential districts" in Section 10.15.

- 8.9.2. All freestanding and ground signs in residential zoning districts are limited to six feet in height, excepting rural property identification signs located on entryway arches over private driveways.
- 8.9.3. All signs in residential districts shall be unlit or indirectly illuminated. All lighting shall be aimed and/or shielded to insure that no direct light is seen upon any nearby street or upon any nearby residential property.

## 8.10. Standards for Rural Districts

The following regulations shall apply to all signs in the O zoning district located outside of a GMA overlay zoning district of Larimer County, and located outside the LaPorte Plan Area.<sup>489</sup>

- 8.10.1. In addition to those signs which are allowed without a sign permit in §8.6, *Signs Not Requiring A Sign Permit*, signs may include the following signs which do require a sign permit:
  - A. One identification sign for a multi-family complex per driveway access from the public street, not exceeding 32 square feet in area per face, and one wall sign per multi-family structure, not exceeding 20 square feet in area per face per street frontage.
  - B. One identification sign per entrance to the property identifying a residential subdivision or housing project, provided that such sign does not exceed 32 square feet in area per face. When such signs are placed on subdivision entry wall structures, only the sign face shall be used to calculate the size of the sign. In the event that entrance identification signs are proposed for both sides of the street at any one entrance, this "set" of signs shall be considered as one identification sign.
  - C. One identification sign per street frontage for a principal legal nonresidential use in a rural district including nonconforming uses and uses approved by special review, minor special review and special exception shall be allowed, subject to a maximum sign area of 32 square feet per sign face and not to exceed a total of two such signs per property.
  - D. One identification sign per street frontage or per structure for public or semipublic facilities, such as churches, libraries, schools, fire stations and public recreation facilities, subject to a maximum sign area of 32 square feet per sign face and not to exceed a total of two such signs per property.
- 8.10.2. All freestanding and ground signs in rural zoning districts are limited to six feet in height, excepting rural property identification signs located on entryway arches over private driveways.
- 8.10.3. All signs in rural districts shall be unlit or indirectly illuminated. All lighting shall be aimed and/or shielded to ensure that no direct light is seen upon any nearby street or upon any nearby residential property.

## 8.11. Standards for Nonresidential Districts

All permanent signs in the CD, CC, CN, IL, IH zoning districts and areas of the AP and PD zoning districts approved for nonresidential uses shall be subject to the following standards.<sup>490</sup>

### 8.11.1. Total Allowable Sign Area

- A. The total sign area for all signs for which permits are required shall not exceed two square feet per linear foot of building frontage for the first 200 linear feet of building frontage, plus one square foot per linear foot of building frontage thereafter. No more than two sides of a

<sup>489</sup> Consolidated draft: From current definition of "rural districts" in Section 10.15.

<sup>490</sup> Consolidated draft: From current definition of "nonresidential districts" in Section 10.15.

building may be counted as building frontage. The total sign area shall include all sign faces and shall be calculated according to the standards of §8.3, *Calculation of Sign Area*.

- B.** For the purpose of this section, the sign allowance shall be calculated on the basis of the length of the one building frontage which is most nearly parallel to the street it faces. If a building does not have frontage on a dedicated public street, the owner of the building may designate the one building frontage which shall be used for the purpose of calculating the sign allowance.
- C.** However, each property shall be at a minimum 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 10 are met. If permits are approved for signs based on the minimum provisions of this paragraph, the allowable sign area based on the building frontage as set forth above shall not be recognized as allowable sign area for the property.

**8.11.2. Freestanding Signs**

- A.** The total number of freestanding signs allowed shall be one per street frontage per property.
- B.** The maximum size per side for freestanding signs shall be 90 square feet per side. The maximum height for freestanding sign shall be 18 feet above grade. See Table 8-1, below.

<b>Table 8-1: Requirements For Freestanding Signs</b>		
<b>Setback (feet)</b>	<b>Maximum height (feet)</b>	<b>Maximum size allowed per side (square feet)</b>
0	8	20
5	8	27
10	10	33
15	12	50
20	14	60
25	16	70
30	18	80
36 and more	18	90

- C.** The required setback of any freestanding sign shall be measured from the right-of-way line.
- D.** No freestanding sign shall be located within 15 feet of any interior side lot line.
- E.** When electrical service is provided to freestanding signs, all such electrical service shall be underground.
- F.** A drive-in restaurant shall be allowed one freestanding sign per drive-through lane, for the sole purpose of a menu board for drive-through customers that shall not be included in the number of such signs allowed for the property. Such sign(s) shall not exceed five feet in height and 35 square feet in sign face area. 50 percent of the square footage of such sign(s) shall be exempted from the total allowed for the property. Individual drive-in menu boards that are four square feet or less shall be exempted from the total sign area allowed for the property.
- G.** In order to encourage their use, the following modification of the freestanding sign requirements table is allowed for monument signs.

Table 8-2: Requirements For Monument Signs		
Setback (feet)	Maximum height (feet)	Maximum size allowed per side (square feet)
0	7	45
5	8.5	60
10	10	75
15 and more	12	90

**8.11.3. Signs Mounted to Structures**

**A. Wall signs**

No wall sign or individual letter sign shall exceed 100 square feet in sign area or seven feet in vertical measurement from bottom of sign to top of sign. A wall sign may not extend above the top of the wall or parapet wall of the building to which the wall sign is attached. Signs may not project more than 12 inches horizontally from the face of the building on which they are erected. Signs that are mounted on mansards or similar architectural features may not project more than 12 inches horizontally, measured at the bottom of the sign, from the surface to which they are mounted.

**B. Canopy Signs**

No canopy sign shall project above the top of the canopy upon which it is mounted. No canopy sign shall project from the face of a canopy. Under-canopy signs which are perpendicular to the face of the building shall be deemed to be projecting signs. Under canopy signs which are parallel to the face of the building shall be deemed flush wall signs and shall be a minimum of eight feet above grade.

**C. Projecting Signs**

No sign may project over a public right-of-way. Signs may not project more than six feet from the face of the building or into the minimum required building setback for the zone district in which they are located. Such signs shall not exceed 15 square feet per face and must be a minimum of eight feet above grade.

**D. Awning Signs**

Awning signs shall not be allowed above the first story of a building. No awning sign shall project above the top of an awning on which it is mounted. No awning sign shall project from the face of an awning. The maximum amount of sign area allowed on an awning per street frontage shall be 50 square feet excluding banding and striping. When extended over either a public or private sidewalk, the minimum clearance from the lowest point of the awning to the top of pavement shall be eight feet. No awning sign shall be allowed to project over a private or public vehicular way.

**8.12. Maintenance**

**8.12.1.** All signs shall be maintained in good condition at all times. All signs shall be kept neatly finished and repaired, including all parts and supports. The building official may inspect any sign governed by this code and shall have authority to order the painting, repair, alteration or

removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

- 8.12.2.** The building official shall have the power to order a change in the illumination of any sign that becomes a hazard or nuisance.

## 8.13. Sign Permits

- 8.13.1.** A sign permit is required prior to the placement of any new sign, relocation of an existing sign or remodeling of any sign, although the content an existing sign may be changed without a permit.
- 8.13.2.** No sign permit shall be required for those signs regulated by §8.6, *Signs Not Requiring A Sign Permit*.
- 8.13.3.** No permit for a new sign shall be approved unless such sign is in conformance with the requirements of this section 10 and includes a non-residential property sign inventory form.
- 8.13.4.** For all nonresidential properties:
- A. A sign inventory form shall be submitted prior to or concurrent with the issuance of a sign permit for any permanent sign in a nonresidential district.
  - B. The form may include a graphic representation or photos showing all existing and/or proposed signage for the subject property.
  - C. Properties and uses subject to the site plan requirement in Section 6 of the Larimer County Land Use Code may include a sign inventory form as part of the site plan review process.

## 8.14. Nonconforming Signs<sup>491</sup>

### 8.14.1. Limitations on Expanding or Altering Nonconforming Signs

A nonconforming sign shall not be:

- A. Structurally or physically changed to another nonconforming sign, although its content may be changed;
- B. Structurally or physically altered in order to prolong the life of the sign, including a change from the original materials of the sign, except to meet safety requirements;<sup>492</sup>
- C. Altered in a way that increases the degree of nonconformity of the sign.

### 8.14.2. Bringing Signs into Conformance

All nonconforming signs on a property shall be brought into conformance with this Code when:

- A. A change of use, as defined in the Code, occurs on the property;
- B. A new sign is added to the property;

- C. A change to any sign beyond routine maintenance and repairs<sup>493</sup>, except in the content of a sign; or
- D. An extension of non-conforming sign agreement has expired.

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**8.14.3. Continuation of Nonconforming Signs**

If the conditions listed in §8.14.2 above have not been met, a nonconforming sign can remain on a property with an extension of nonconforming sign agreement signed by the owner of the property. An extension agreement allows an owner to keep a nonconforming sign for seven years from the date of a change on the property or until an appeal for the sign(s) has been approved by the County Commissioners.

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**8.14.4. Abandonment or Damage to Nonconforming Signs**

- A. A nonconforming sign shall not be re-established after damage or destruction if the estimated cost of reconstruction exceeds 50 percent of the appraised replacement cost.
- B. A nonconforming sign and sign structure shall be removed from a property if the sign is blank or displays obsolete advertising material for a period of 12 consecutive months.



# Article 9.0 Wireless Communication Facilities<sup>494</sup>

## 9.1. Intent and Purpose

It is the intent and purpose of this chapter of the county's Land Use Code to establish a regulatory framework for Wireless Communications Facilities (WCFs) constructed or located within Larimer County that accommodates the communication needs of residents and businesses, protects the public health, safety, and general welfare of the community, and minimizes adverse impacts.

### 9.1.1. Purpose

The County finds that these regulations are necessary to:

- A. Provide for the managed development, installation, maintenance, modification, and removal of wireless communications infrastructure in the county with the fewest number of WCFs 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 the equipment associated with WCFs where technically feasible;
- 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 WCFs in non-residential areas in a manner that minimizes the total number of WCFs needed throughout the community;
- G. Encourage the collocation of WCFs on new and existing sites;
- H. Encourage owners and users of WCFs to locate them, to the extent possible, in areas where the adverse impact to the community is minimized;
- I. Enhance the ability of wireless communications service providers to provide such services to the community quickly, effectively, and efficiently; and
- J. Effectively manage small cell facilities in the right-of-way.

### 9.1.2. Applicability

- A. The requirements set forth in this chapter shall apply to all WCF applications for base stations, alternative tower structures, towers, micro cells, and small cell facilities as defined in this chapter.
- B. This chapter shall not preempt underlying zoning regulations unless explicitly stated in this chapter or as explicitly stated in federal and/or state law.

<sup>494</sup> Consolidated draft: Carried forward from Adopted Wireless Communications Facilities Regulations (October 2, 2019) with new formatting/organization and updated references to new zoning districts and review processes.

- C. The requirements set forth in this chapter shall not apply to:
1. Amateur radio antenna, over-the-air receiving device (OTARD), as those devices are defined in applicable law as of the date of these provisions, and residential television reception/antenna towers, except as provided in subparagraph 3. below.
  2. Pre-existing WCFs. Any WCF for which a permit has been properly issued prior to the effective date of these new wireless regulations, shall not be required to meet the requirements of this chapter of the Code, other than the requirements of the operational standards section. Changes and additions to pre-existing WCFs (including trading out of antennas for an equal number of antennas) shall meet applicable requirements of the operational standards Section. Notwithstanding the foregoing, any modifications qualifying as an eligible facilities request shall be evaluated under this Code.
  3. Miscellaneous antennas. Antennas used for reception of television, multichannel video programming and radio such as OTARD antennas, television Larimer County – Land Use Code Regulations Adopted October 7, 2019 2 broadcast band antennas, and broadcast radio antennas, provided that any requirements related to accessory uses contained in this Code and the requirement that the height be no more than the distance from the base of the structure where it meets the ground 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 reasonable discretion of the county, modifications are necessary to comply with federal law.
  4. A WCF installed upon the declaration of a state of emergency by the federal, state, or local government, or a written determination of public necessity by the county.
  5. A temporary WCF installed for providing coverage of a special event such as a news coverage or sporting event which must be included in the special event permit application

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**9.1.3. Permit Required**

- A. No person, firm or corporation shall construct, establish, build or cause to be constructed, established or built a WCF without first having obtained land use approvals as required in this chapter, a lease (as applicable), pole attachment agreement or license (as applicable), a building permit, and if applicable, right-of-way permit for this purpose.
- B. All WCF permits shall expire and be of no further force and effect 180 days following the date of county approval unless, pursuant to the discretion of the director, prior to the date of expiration: (1) Construction has been diligently pursued towards completion of the project, or (2) Approval has been extended in accordance with paragraph C. below.
- C. Prior to the expiration of a WCF permit, one (1) 180-day extension of the permit may be authorized by the director upon a written request by the applicant. An extension may be granted if a review of the permit shows that no major changes in the county's development or zoning regulations or in the development pattern of the surrounding properties has occurred, as determined by the director. If a WCF permit expires, no further development of the facility may occur until a new permit application is submitted, reviewed and approved in accordance with this Code, subject to all application and processing fees.

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**9.1.4. Severability**

If any section, clause, provision, or portion of these regulations should be found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of the

regulations in this chapter shall not be affected thereby and is hereby declared to be necessary for the public health, safety, and welfare.

## 9.2. Where Allowed<sup>495</sup>

Subject to the standards of this Section, the WCF classifications that are permitted in each zoning district are set out in Table 9-1, below. See §9.6 and Table 9-2 for review processes. WCFs located in the right-of-way are permitted through a master license agreement and right-of-way permit, subject to the design standards set forth in 9.4.3.E, *Design Standards for Small Cell Facilities in the Right-of-Way*.

Table 9-1: Zoning Districts Where WCFs are Allowed and Heights				
SP = Site Plan	AS = Administrative Special Review		SR = Special Review	
Zoning District	Attached Facility on Existing Structure	Small Cell Facility	Alternative Tower Structure (concealed)	Tower (non-concealed)
<b>RR-1 - Rural Residential UR, UR-1, and UR-2 - Urban Residential MR and MH - Multiple Family</b>	SP	SP ≤ 40 feet high	SP ≤ 40 feet high AS ≤ 60 feet high	Not permitted
<b>RR-2 - Rural Residential<sup>496</sup> FO - Forestry</b>	SP	SP ≤ 40 feet high	SP ≤ 40 feet high AS ≤ 60 feet high	AS ≤ 60 feet high AS ≤ 80 feet high
<b>CD - Commercial Destination<sup>497</sup></b>	SP	SP ≤ 40 feet high	SP ≤ 40 feet high AS ≤ 60 feet high	AS ≤ 60 feet high AS ≤ 80 feet high AS ≤ 100 feet high
<b>CN - Commercial Neighborhood</b>	SP	SP ≤ 40 feet high	SP ≤ 40 feet high AS ≤ 60 feet high	AS ≤ 60 feet high AS ≤ 100 feet high
<b>CC - Commercial IL - Industrial Light IH - Industrial Heavy PD - Planned Development</b>	SP	SP ≤ 40 feet high	SP ≤ 40 feet high AS ≤ 60 feet high	AS ≤ 60 feet high AS ≤ 120 feet high
<b>O - Open</b>	SP	SP ≤ 40 feet high	SP ≤ 40 feet high MS ≤ 60 feet high	PSP ≤ 60 feet high MS ≤ 120 feet high SR >120 feet high
<b>AP - Airport</b>	SP	SP ≤ 40 feet high	SP ≤ 40 feet high	PSP ≤ 40 feet high

<sup>495</sup> Consolidated draft: This table has been updated to reflect the new zoning districts and all Public Site Plan and Minor Special Review requirements have been updated as Administrative Special Review.

<sup>496</sup> Non-concealed towers are currently prohibited in the current E and E-1 zoning districts (RR-2).

<sup>497</sup> The current A and T districts (A, T, and RFLB form the new CD zoning district) do not maintain a requirement for towers ≤ 100 feet.

**Table 9-1: Zoning Districts Where WCFs are Allowed and Heights**

SP = Site Plan    AS = Administrative Special Review    SR = Special Review				
Zoning District	Attached Facility on Existing Structure	Small Cell Facility	Alternative Tower Structure (concealed)	Tower (non-concealed)
Public right-of-way	Master License Agreement (MLA) & right-of-way permit	MLA & right-of-way permit	Not permitted	Not permitted

## 9.3. Operational Standards for all WCFS

### 9.3.1. Federal and State Requirements

All WCFs shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC) and any other agency of the federal or state government with the authority to regulate WCFs. If such standards and regulations are changed, then the owners of the WCF shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal or state agency. All applicants are responsible to ensure that they comply with federal and state regulations, including, but not limited to Americans with Disabilities Act (ADA) and other regulatory requirements.

### 9.3.2. Permission to Use Right-of-Way

For WCFs in the right-of-way, the applicant shall execute a license agreement with the county. In this, the county is able to grant a non-exclusive license to the applicant to use the right-of-way. 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.

### 9.3.3. Operation and Maintenance

To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with the standards contained in applicable local building and safety codes in effect at the time of original installation or modification. If upon inspection at any time, the county 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 county’s chief 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 county may remove such WCF at the owner’s expense.

### 9.3.4. Abandonment and Removal

If a WCF has not been in use for a period of six months, the owner of the WCF shall notify the county 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 county, in its sole discretion, may require an abandoned WCF to be removed. The owner of such WCF shall remove the same within 60 days of receipt of written notice from the county. If such WCF is not removed within said 60 days, the county may remove it at the owner’s

expense and any approved permits for the WCF shall be deemed to have expired. The county reserves the right to pursue available legal remedies.

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### 9.3.5. 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.

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### 9.3.6. Collocation

No WCF owner or operator shall unreasonably exclude a telecommunications competitor from using the same facility or location. Upon request by the director, the owner or operator shall provide evidence explaining why collocation is not possible at a particular facility or site.

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### 9.3.7. Cameras

Placement of cameras or other surveillance on WCFs shall be used exclusively for the safety and security of the WCFs. No data secured through the use of camera, video, and biometric sensors (including facial recognition software) installed on WCFs shall be collected and shared without the expressed prior consent of citizens. Data collected from WCF security surveillance equipment will not be shared with law enforcement except within well-defined exigent circumstances. The applicant must identify in its application whether cameras or other surveillance equipment are to be utilized.

## 9.4. Design Standards

The following design and landscaping standards apply to all WCFs governed by this chapter provided, however, that the director may waive any of these requirements if they determine 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 area and to maintain the character and appearance of the county, consistent with other provisions of this Code.

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### 9.4.1. Minimum Setbacks for all Towers from Property Lines

- A. The minimum setback from property lines for towers not located in the right-of-way shall be as follows:
  - 1. Adjacent to properties, buildings, or structures with residential uses, a 2:1 setback to tower height applies (setback = 200% of the tower height);
  - 2. Adjacent to any right-of-way a 1:1 setback to tower height applies (setback = 100% of the tower height);
  - 3. For all other property adjacencies, the setback shall be at least 30% of tower height.
- B. An alternative setback, approved by the director or board of county commissioners, for an alternative tower structure where the facility replaces or proposes an accessory structure to an established principal use, to include, but not limited to, signs, light poles, and flagpoles, where it is evidenced that the siting and location of the alternative tower structure allows for camouflage and concealment design techniques to a greater extent than would be achieved by application of the principal structure setback.

- C. All ground-based equipment shall meet the building and structure setbacks in the zoning district, unless an alternative setback is established for an alternative tower structure pursuant to this section.

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#### 9.4.2. Design Standards for all WCF

The following design and landscaping standards apply to all WCFs governed by this chapter provided, however, that the director may waive any of these requirements if they determine 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 area and to maintain the character and appearance of the county, consistent with other provisions of this Code.

##### A. Camouflage, Concealment, or Camouflage Design Techniques

All WCFs and any transmission equipment shall, to the extent technically feasible, use camouflage design techniques and not be readily apparent. Techniques may include, but not limited to the use of materials, colors, textures, screening, undergrounding, or other design options that will blend the WCF to the surrounding natural setting and/or built environment. Design, materials and colors of WCFs shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation on sites located in the right-of-way and on 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 and/or natural or community features, or in a Growth Management Area). Should the director determine that WCFs are located in areas of high visibility, they shall (where possible) be designed (including but not limited to camouflaged, placed underground, depressed, or located behind earth berms) to minimize their profile at the request of the director.
2. The camouflage design may include the use of alternative tower structures should the director determine that such design meets the intent of this section and the community is better served thereby.
3. All WCFs, shall be constructed out of or finished with non-reflective materials (visible exterior surfaces only).
4. Maximum height for WCFs shall be based on limits set forth in Table 16.A above, except if they are structures, they shall comply with building height limits (e.g., for a silo).

##### B. Collocation

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 county approves an alternative design to the extent reasonably feasible based upon construction, engineering and design standards. Collocation shall not be required when it would materially compromise the camouflage design intent of the WCF. Upon request by the director, the owner or operator shall provide evidence explaining why collocation is not possible at a particular facility or site.

##### C. 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 county 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 to minimize the amount of glare and light falling onto nearby properties, particularly residences.

**D. Noise**

Noise generated on the site must not exceed the levels permitted by the county noise ordinance, except that a WCF owner or operator shall be permitted to exceed noise standards for a reasonable period of time during repairs, not to exceed two hours without prior authorization from the county.

**E. Landscaping and Fencing Requirements**

1. WCFs shall be sited in a manner that does not reduce landscaping required by the Land Use Code for the other principal uses on the property.
2. 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 lots with an abundance of vegetation, including trees, natural growth around the site perimeter may be sufficient to buffer.
3. No trees larger than four inches in diameter measured at four and one-half feet high on the tree may be removed, unless authorized by the director. To obtain such authorization the applicant shall show that tree removal is necessary, the applicant's plan minimizes the number of trees to be removed, and any trees removed are replaced at a ratio of 2 to 1. The county shall designate a tree caliper requirement for all replacement trees. Additional landscaping required by the county will be maintained at the expense of the owner of the WCF.
4. Landscaping for concealed towers shall be compatible with the type of camouflage or concealment technique.
5. In Growth Management Areas (GMAs), excluding small cell facilities deployed in the right-of-way, all ground-based equipment must be screened by a solid fence or screen wall six feet in height as measured in accordance with this Code, and surrounded by a 30 percent opaque county landscape buffer around the perimeter of the enclosed area. Such area shall include a 60:40 mix of evergreen and deciduous trees. This requirement may be reduced or waived by the director in areas where the buildings or other structures provide a comparable or better screening effect. Existing landscaping within 10 feet of the perimeter of the enclosed area may be applied towards the minimum planting requirements, upon approval of the director. The planting area must be adequate to allow for appropriate spacing for mature growth for the tree species. In no case shall the planting area be less than 15 feet from the edge of the solid fence or screen wall. Where fencing for screening is required by the director the fencing or screening material shall meet the standard of the zone district in which the WCF will be located. In no case may fencing material primarily be wire or metal.

**F. Fire Protection**

WCFs shall be sited and built to address International Fire Code standards for fire-detection and extinguishing systems, and if in a wildfire hazard area provide defensible space and adequate vehicle access for emergency equipment and possibly an approved water supply.

**G. Adjacent to Residential Uses**

WCFs shall be sited in a manner that evaluates the proximity of the facility to residential structures. WCFs shall not be within 250-feet of any residential structure, unless it is demonstrated there is no other technically feasible alternative. When placed near a 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.

**H. Residential Buildings**

WCFs shall not be placed on buildings used principally for residential purposes.

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**9.4.3. Design Standards Specific to WCF Types**

The design requirements set forth in this section shall apply to the types of WCFs as specified below.

**A. Design Standards for Facilities Attached to Base Stations**

1. Roof mounted WCFs, including the antenna, support structures and screening, shall not project more than 10 feet above the roof line of a building.
2. WCFs shall be painted to match the building and shall be architecturally integrated with the building materials.
3. If placed on a structure or building which is non-conforming due to setbacks or height, the addition of antennas or equipment must not increase the nonconformity.
4. Façade mounted WCFs, including the antenna, support structures and screening, shall not extend above the top of the structure or the parapet wall, or, in the case of a pitched roof, above the fascia.
5. WCFs attached to base stations shall utilize camouflage design techniques. 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 technically feasible. Additionally, any ground-mounted equipment shall be located in a flush-to-grade underground equipment vault, unless otherwise authorized by the director.

**B. Design Standards for Alternative Tower Structures Not in the Right-of-Way**

Alternative tower structures not in the right-of-way shall:

1. Be designed and constructed to look like a building, facility, structure, or trees typically found in the area or other natural feature.
2. Be camouflaged/concealed consistent with other existing natural or manmade features in or near the location where the alternative tower structure will be located.
3. Be architecturally compatible with the surrounding area.

4. Be the maximum size needed to obtain coverage objectives while maintaining compatibility with the context and character of the surrounding area. Height or size of the proposed alternative tower structure should be minimized as much as possible.
5. Be sited in a manner that evaluates the proximity of the facility to residential structures and residential district boundaries.
6. Take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses.
7. Be compatible with the surrounding topography and landscape.

**C. Design Standards for Towers**

1. Monopoles which taper from the base to the tip are preferred over lattice and guy towers with support, except in the O-Open zoning district where they may be appropriate if demonstrated to be less visually obtrusive.
2. Towers shall be subject to any applicable FAA standards and county design approval processes.
3. Tower structures should use existing landforms, vegetation, and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment.
4. All towers shall be enclosed by security fencing or wall and shall also be equipped with an appropriate anti-climbing device.
5. Towers shall be compatible with the surrounding tree coverage and foliage.

**D. Design Standards for Accessory Equipment and Transmission Equipment**

Accessory equipment and transmission equipment for all WCFs shall meet the following requirements:

1. All transmission equipment and accessory equipment shall be grouped as closely as technically possible.
2. Transmission equipment and accessory equipment shall be located out of sight whenever possible by locating within equipment enclosures. Where such alternate locations are not available, the transmission equipment and accessory equipment shall be camouflaged or concealed in a manner appropriate to the character of the site.
3. Transmission equipment and accessory equipment shall be of a neutral, nonreflective 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 equipment as visually unobtrusive as possible, including, for example, painting the equipment to match the structure.
4. Equipment enclosures shall be designed to be architecturally compatible. (See §9.4.3.B.1).

**E. Design Standards for Small Cell Facilities in the Right-of-Way**

Small cell facilities in the right-of-way shall be designed and constructed to look like a facility or utility pole typically found in the right-of-way and shall comply with the following design standards:

1. Collocations are preferred, and the number of poles within the right-of-way shall be limited as much as possible.
2. The master license agreement notes preferred locations for siting facilities on streets, support structures, and their general placement.

3. New facilities placed on new wooden poles is prohibited, unless authorized through the master license agreement.
4. **Appearance**
  - a. With respect to a pole-mounted small cell facility, be located on, or within, an existing utility pole serving another utility
  - b. Be camouflaged/concealed consistent with other existing natural or manmade features near the location where the facility will be located;
  - c. With respect to a pole-mounted small cell facility, be located on, or within, a new utility pole where other utility distribution lines are aerial, if there are no reasonable alternatives, and the applicant is authorized to construct the new utility poles;
  - d. To the extent reasonably feasible, be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles near the facility;
  - e. Be sized to minimize the negative aesthetic impacts to the right-of-way and adjacent property;
  - f. Be designed such that antenna installations on traffic signal standards are placed in a manner so that the size, appearance, and function of the signal will not be materially altered, as determined by the county in its sole discretion;
5. **Ground Mounted Equipment**

Be designed such that any ground mounted equipment shall be located in a manner necessary to address both public safety and aesthetic concerns in the reasonable discretion of the director, and may, where appropriate and reasonably feasible based upon technical, construction, and engineering requirements, require a flush-to-grade underground equipment vault. Ground-based equipment may be located within the rights-of-way on a case-by-case basis, accounting for impacts of such equipment within the right-of way on the public health, safety, and welfare.
6. **Non-Interference**
  - a. The alternative tower structure shall comply with the Americans with Disabilities Act (ADA) and every other local, state, and federal law and regulations.
  - b. The alternative tower structure shall 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.
  - c. No alternative tower structure 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 its use by the county, 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;
7. **Heights**
  - a. The small cell facility shall not be more than ten feet higher (as measured from the ground to the top of the pole) than any existing utility or traffic signal within 600 feet of the pole or structure.

- b. Any such facility shall in no case be higher than 40 feet, unless such pole is already existing at a greater height.
- c. Any transmission equipment placed on an existing tower shall not extend more than five feet above such pole. Small cell facilities attached to an electric distribution alternative tower structure may be located at the minimum height necessary to provide the safety clearance required by the electric utility if applicable.

**8. Spacing**

- a. No new freestanding small cell facility shall be within 1,000 feet of another freestanding small cell facility in the right-of-way. These separation requirements do not apply to attachments made to existing alternative tower structures.
- b. The director may exempt an applicant from these separation requirements if (1) the applicant demonstrates through technical network documentation that the minimum separation requirement cannot be satisfied for technical reasons, or (2) the director determines, when considering the surrounding topography; the nature of adjacent uses and nearby properties; and, the height of existing structures in the vicinity, that placement of a WCF at a distance less than 600 feet from another small cell facility will meet the intent of reducing visibility and visual clutter of small cell facilities to the extent possible.

**9. Other Equipment**

Equipment enclosures shall be located out of view as much as possible.

**10. Temporary Tower**

A temporary tower may be allowed for the purpose of maintaining or replacing an existing tower.

**9.5. Administrative Waiver**

**9.5.1.** Any of the above design standards may be waived by the director upon written application that demonstrates the following waiver criteria:

- A. The design standard prohibits or has the effect of prohibiting the provision of wireless service through the WCF at the location because the standard will not allow the technology to function at that location; and
- B. There is no existing nearby alternate structure for collocation or attachment that will provide the technological functionality and which otherwise meets the design standard sought to be waived; and
- C. The proposal for varying from the design standard represents a reasonable and best approximation of the specific standard sought to be waived; and
- D. The proposed alternative does not and will not constitute or create any public safety, health or welfare concern.

**9.5.2.** If any design standard is approved for waiver, the WCF proposed shall nevertheless meet all other applicable design standards not approved for waiver.

**9.5.3.** If a waiver request is denied for failure to meet any of the criteria specified above and there is no alternative for installation of the small cell facility at the particular location in a manner that

meets the applicable design standards, then such application for the WCF for such specific location shall be denied.

## 9.6. Review Procedures

### 9.6.1. Review Procedures for all WCFs

The following requirements apply to all applications for WCFs. WCFs shall be processed in accordance with Table 9-2 below and this section.

Table 9-2: Review Requirements for Different Facility Types						
Procedure	Applies to	Notice Given	Referral	Type of Decision	Appeal to	Timeframe
<b>Building permit only</b>	Eligible facilities requests	n/a	n/a	Administrative decision	Board of Appeals	60 days
<b>Site Plan (SP)[1]– §6.4.1</b>	See Table 9-1 for zoning districts and WCF types	Upon receipt of a complete application, notice is sent to neighboring properties within 500 feet of the property	Sent to referral agencies within 14 calendar days of receipt of complete application Notice sent to cities if in a GMA	Administrative decision	BCC	90 days
<b>Administrative Special Review - §6.4.3</b>	See Table 9-1 for zoning districts and WCF types	Upon receipt of a complete application, notice is sent to neighboring properties within 500 feet of the property	Sent to referral agencies within 14 calendar days of receipt of complete application Notice sent to cities if in a GMA	Administrative decision. If 30% or more of the neighbors note concerns, it may be reviewed by Board of County Commissioners (BCC).	BCC	90 days or 120 if BCC review
<b>Special Review (SR)[1] – §6.4.2</b>	See Table 9-1 for zoning districts and WCF types	Notice is sent to neighboring properties within 500 feet of the property in accordance with §6.3.5.1	Sent to referral agencies within 14 calendar days of receipt of complete application	Two public hearings: Planning Commission (PC) recommendation and BCC approval		150 days

**Table 9-2: Review Requirements for Different Facility Types**

			Notice sent to cities if in a GMA			
<b>Master License Agreement (MLA) with right-of-way permit [1]</b>	Small cell facilities in right-of-way	Upon receipt of a complete application, notice is sent to neighboring properties within 500 feet of each facility proposed in supplemental site license	Sent to referral agencies within 14 calendar days of receipt of the supplemental site license submittal	Administrative right-of-way permit	BCC	90 days

**Table Notes:**

[1] Building permit required in addition to the planning approval.

**A. Pre-Application Conference**

Prior to applying for any WCF, an applicant is encouraged to comply with the requirements of §6.3.2 regarding pre-application conferences; provided however that no pre-application conference shall be required for small cell facilities. The purpose of the pre-application conference is to clarify questions of the applicant, ensure the correct process is used, and ensure that the submission of an application can be accepted. It does not indicate or qualify as the date the application is complete.

**B. Application and Completeness**

An application shall be made on forms provided by the county, in compliance with §6.3.3 of this LUC and in accordance with Table 16.B, depending on the type of facility and height. The Director shall determine if the application is complete. If the application is not complete, the applicant will be asked to provide the missing information before processing will resume. No application submittal will be accepted by mail without prior approval from the director.

**C. Timelines for Review**

Unless applicant and county mutually agree otherwise, applications will be processed according to the following timelines:

1. The review period begins to run when the application is filed and may be tolled only by mutual agreement of the county and the applicant, or in cases where the director determines that the application is incomplete.
2. Final action on complete applications for WCFs other than small cell facilities will be in no more than 150 days for a new WCF and 90 days for collocations that do not qualify as an eligible facilities request, provided all standards in this chapter are met.
3. Final action on complete applications for locating or collocating small cell facilities will be in no more than 90 days, provided all standards in this chapter are met.

**D. Decision**

Any decision to approve, approve with conditions, or deny an application for a WCF, shall be in writing and supported by a written record. The applicant shall receive a copy of the decision.

**E. Appeal**

Any decision to approve, approve with conditions, or deny an application for a WCF must be done within the timeframes of Table 9-2 above. Written application for appeal must be in accordance with §6.3.9.B of this Code, except that appeals must be submitted to the director within 10 days of a decision.

**F. Compliance with Applicable Law**

Notwithstanding the approval of an application for new or modified WCFs or eligible facilities request as described herein, all work done pursuant to WCF applications must be completed in accordance with all applicable building, structural, electrical, and safety requirements as set forth in this Code and any other applicable laws or regulations. In addition, all WCF applications shall comply as follows:

1. Obtain any separate permit or license required as 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, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than 10 calendar days from the time of notification by the county or after discovery by the owner or operator of the site. Notwithstanding the foregoing, any graffiti on WCFs located in the rights-of-way or on public property may be removed by the county at its discretion, and the owner and/or operator of the WCF shall pay all costs of such removal within 30 days after receipt of an invoice from the county.

**G. Compliance Report**

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, applicable code requirements, federal, state and/or local laws, and/or regulations.

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**9.6.2. Review Procedures for all WCFs except Eligible Facilities Requests**

No new WCF shall be constructed and no collocation or modification to any WCF may occur except after a written request from an applicant, reviewed and approved by the county in accordance with this chapter. All WCFs except eligible facilities requests which are reviewed under §9.6.3, shall be reviewed pursuant to the following procedures.

**A. Review Procedures for Towers and Base Stations Not in the Right-of-Way**

In all zoning districts, applications for towers shall be reviewed by the county for conformance with this chapter and using the procedures set forth in Sections noted below based on the type of review required and noted in Table 9-2 and design criteria.

1. Review Procedure types and criteria:

- a. Site Plan procedures and criteria are set forth in §6.4.1.
  - b. Administrative Special Review procedures and criteria are set forth in §6.4.3.
  - c. Special Review procedure and criteria are set forth in §6.4.2.
2. All applications for towers shall demonstrate that other alternative design options, such as using base stations or alternative tower structures, are not viable options as determined by the county.
  3. Applications that are within 500 feet of residentially zoned property shall require a courtesy notification to abutting property owners.
  4. Applications will be referred to the relevant city if within a Growth Management Area (GMA).

**B. Review Procedures for Small Cell Facilities in the Right-of-Way**

Small cell facilities are permitted within the right-of-way, subject to approval of a master license agreement executed by the county manager and adherence to all the following standards:

1. Small cell facilities shall be a permitted use by right in county rights-of-way subject to review and approval from the county.
2. No new small cell facility shall be constructed in the right-of-way except after a written request from an applicant is reviewed and approved by the county in accordance with this section; after execution of a license agreement with the county, if required, or other legal right or approval to use such structure by its owner; and upon issuance of a building permit. All work done pursuant to small cell facility applications must be completed in accordance with all applicable building and safety requirements as set forth in this Code and any other applicable regulations.
3. New small cell facilities shall be contained in a structure that is architecturally compatible with the surrounding area through application of camouflage and concealment design techniques.
4. Applications for WCFs in the rights-of-way that are adjacent to residentially zoned property shall require a courtesy notification to abutting property owners.
5. Applications will be referred to the relevant city if within a Growth Management Area.

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**9.6.3. Review Procedures for Eligible Facilities Requests**

This section applies to any eligible facilities requests for collocation on, or modification to an existing tower or base station that does not substantially change the physical dimensions of such facility.

**A. Review Required for Eligible Facilities**

No collocation or modification to any existing tower or base station may occur except after a written request from an applicant is reviewed and approved by the director.

**B. Review Criteria**

Upon receipt of an application for an eligible facilities request pursuant to this section, the county shall review administratively such application to determine whether the application meets the following criteria for an eligible facilities request:

1. Does not result in a substantial change;

2. Does not violate a generally applicable law, regulation, or other rule reasonably related to public health and safety and complies with generally applicable building, structural, electrical, and safety codes;
3. Complies with the original application design elements or conditions of approval, including but not limited to colors, textures, surfaces, scale, character, and siting, or any approved amendments thereto, subject to the thresholds established in the definition of substantial change; and
4. Complies with concealment elements of the eligible support structure necessary to qualify as a concealed facility.

**C. Timeframe for Reviewing Eligible Facilities Requests**

Subject to the tolling provisions of subparagraph D. below, within 60 days of the date on which an applicant submits a complete application, as determined by the director, seeking approval under this subsection, the county shall approve the application unless it determines that the application is not covered by this section or otherwise in nonconformance with applicable codes.

**D. Tolling of the Timeframe for Review**

The 60-day review period begins to run when the submission of a completed application is accepted and may be tolled only by mutual agreement of the county and the applicant, or in cases where the Director determines that the application is incomplete.

1. To toll the timeframe for an incomplete application, the county 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;
2. The timeframe for review continues running again the following business day after the applicant makes a supplemental written submission in response to the county's notice of incompleteness; and
3. Following a supplemental submission, the county will notify the applicant within 10 calendar 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 above in 1. and 2. In the case of a second or subsequent notice of incompleteness, the county may not specify missing information or documents that were not delineated in the original notice of incompleteness.

**E. Interaction with Telecommunications Act Section 332(c)(7)**

If the county determines that the applicant's request is not an eligible facilities request as delineated in this section of the Code, 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 county's decision that the application is not a covered request. To the extent such information is necessary, the county may request additional information from the applicant to evaluate the application under Section 332(c)(7) reviews.

**9.7. Application Requirements**

Applications shall follow the procedures set forth in §9.6 and meet the standards set forth in §16.1.7.

# Article 10.0 Areas and Activities of State Interest

## **Commentary**

This procedure is carried forward from current Chapter 14.0. No major substantive revisions are proposed in this draft. Criteria may be reviewed and revised as part of Phase II work in 2021. We have NOT yet reorganized these to follow the new common procedures outline but will do so prior to the public consolidated draft. It is possible that new oil and gas regulations could be integrated into this section also. Further discussion required.

## **10.1. Purpose**

The purpose of this section is to facilitate the identification, designation, and regulation of areas or activities of state interest consistent with applicable statutory requirements.

## **10.2. General Applicability**

These regulations shall apply to all proceedings concerning the designation and regulation of any development in any area of state interest or any activity of state interest that has been or may be designated by the County Commissioners, whether located on public or private land.

## **10.3. Designated Matters of State Interest**

The County Commissioners, having conducted a public hearing consistent with the requirements of §24.65.1-404 C.R.S. and having considered the intensity of current and foreseeable pressures on and within Larimer County; the dangers that would result from uncontrolled conduct of such activity or development in an area of state interest; and the advantages of conduct of such activity in a coordinated manner, does hereby find and declare the following to be matters of state interest. A 1041 permit shall be required prior to any of the following activities, unless specifically exempted.

- 10.3.1.** Site selection and development of any electrical power plant with a generating capacity of 50 megawatts or more, or any addition to an existing power plant which increases the existing design capacity by 50 megawatts or more. This designation shall not include use of temporary generators at an existing electrical power plant in an emergency situation.
- 10.3.2.** Conversion of an existing electrical power plant to a new type of fuel or energy, but not including a change from coal to natural gas, and also not including a change in start-up fuel.
- 10.3.3.** Site selection and development of a nuclear power plant of any size, or any addition thereto.
- 10.3.4.** Site selection and development of a wind power plant in which there are more than three wind towers or where any wind generator tower exceeds a hub height of 80 feet, or any addition

thereto increasing the existing design capacity of the facility by 10 percent or more or expanding the area of the plant.

- 10.3.5.** Site selection of electric transmission lines and appurtenant facilities that are designed to transmit electrical voltages of 69,000 volts or greater, whether erected above ground or placed underground.
- 10.3.6.** Any existing transmission line upgrade that involves expanding an easement or right-of-way or increases the height of transmission structures by more than 10 feet.
- 10.3.7.** Site selection of an electrical substation or transition site designed to provide switching, voltage transformation or voltage control required for the transmission of electricity at 69,000 volts or greater.
- 10.3.8.** Site selection and development of new pipelines designed for transmission of natural gas or other petroleum derivatives of 10-inch diameter or larger. This designation shall include appurtenant facilities such as compressor stations, pipe valves and other mechanical controls that are part of the pipeline project. This designation shall not include the maintenance, repair, adjustment or removal of an existing pipeline or the relocation of an existing pipeline within the same easement or right-of-way. The designation shall also not include the addition, replacement, expansion or maintenance of appurtenant facilities on existing pipelines.
- 10.3.9.** Site selection and development of new or expanded storage facilities of 50,000 cubic feet or more of natural gas or 35,000 barrels or more of petroleum derivatives.
- 10.3.10.** Site selection and development of new or extended domestic water or sewer transmission lines which are contained within new permanent easements greater than 30 feet or within new permanent easements greater than 20 feet that are adjacent to existing easements. Domestic water transmission lines include those used to transport both raw and treated water. This designation shall not include the maintenance, repair, adjustment or removal of an existing pipeline or the relocation, replacement, or enlargement of an existing pipeline within the same easement or right-of-way, provided no additional permanent property acquisitions are required. The designation shall also not include the addition, replacement, expansion or maintenance of appurtenant facilities on existing pipelines.
- 10.3.11.** Site selection and construction of a new water storage reservoir or expansion of an existing water storage reservoir resulting in a surface area at high water line in excess of 50 acres, natural or manmade, used for the storage, regulation and/or control of water for human consumption or domestic use and excluding a water storage reservoir used exclusively for irrigation. A water storage reservoir shall also include all appurtenant uses, structures and facilities, roads, parks, parking, trails and other uses which are developed as part of the water storage reservoir. This designation shall not include the maintenance and operation of irrigation ditches, canals or laterals nor shall it include the normal maintenance and operation of a reservoir solely used for irrigation or a reservoir serving both irrigation and domestic customers.
- 10.3.12.** Site selection and development of any solar energy power plant, including solar energy collectors, power generation facilities, facilities for storing and transforming energy and other appurtenant facilities, that together disturb an area greater than five acres, or any addition

thereto that expands the disturbed area. This designation shall not include roof mounted solar systems located on existing permitted principal and accessory buildings.

## 10.4. Exempt Development Activities

### 10.4.1. Statutory Exemptions

These regulations shall not apply to any development in an area of state interest or any activity of state interest if any one of the following is true as of May 17, 1974:

- A. The specific development or activity was covered by a current building permit issued by the county.
- B. The specific development or activity was directly approved by the electorate of the state or the county, provided that approval by the electorate of any bond issue by itself shall not be construed as approval of the specific development or activity.
- C. The specific development or activity is on land that has been finally approved by the county, with or without conditions, for planned unit development or land use similar to a planned unit development.
- D. The specific development or activity is on land which was either zoned or rezoned in response to an application which contemplated the specific development or activity.
- E. The specific development or activity is on land for which a development plan has been conditionally or finally approved by the county.

### 10.4.2. Specific Exemptions

The provisions of this §Article 10.0 shall not apply to any of the following:

- A. Any activity that, as of the date of designation as a matter of state interest, meets one of the following criteria.
  - 1. The activity is part of a final discretionary county land use approval and protected by a site-specific development plan or agreement whose vesting period has not expired.
  - 2. The activity has a complete application filed and in process for a discretionary county land use approval, provided the applicant (if a public entity) commits to being bound by any conditions of a final county approval or by denial of the application.
  - 3. The specific activity has been acted upon by the Planning Commission as a location and extent application.
- B. An interstate natural gas utility regulated by the Federal Energy Regulatory Commission or its successor, provided the following requirements and procedures are complied with by the utility whenever site selection and construction of major facilities within Larimer County are proposed:
  - 1. Copies of all materials (i.e., environmental impact statement, application for certification of public convenience and necessity) filed with a federal and/or state regulatory agency shall also be filed with the County Commissioners within five days;
  - 2. Written notice of all scheduled public proceedings before the federal and/or state regulatory agency shall be given to the County Commissioners not less than 30 days prior to the proceedings, provided further, however, that if the public utility receives less than 30 days' notice it shall give written notice to the County Commissioners within five working days after it receives its notice.

- C. A reservoir used exclusively for irrigation is not considered to be a water storage reservoir.
- D. An entity that has an approved intergovernmental agreement with the county specific to the project in question.

## 10.5. Designation Process for Matters of State Interest

The County Commissioners may in its discretion designate and adopt regulations for the administration of any matter of state interest.

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### 10.5.1. Public Hearing Required

- A. The County Commissioners shall hold a public hearing before designating any matter of state interest and adopting regulations for the administration of such regulations. No less than 30 calendar days but no more than 60 calendar days before the designation hearing, the county shall publish notice in a newspaper of general circulation in the county.
- B. The Planning Commission shall hold a hearing and provide a recommendation to the County Commissioners on the proposed designation prior to the County Commissioners hearing. Notice of any hearing before the Planning Commission shall be published no less than 14 days before the Planning Commission hearing date in a newspaper of general circulation in the county.

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### 10.5.2. Criteria for Designations

At the public hearings(s), the Planning Commission and County Commissioners shall consider such evidence as they deem appropriate, including, but not necessarily limited to testimony and documents addressing the following considerations.

- A. The intensity of current and foreseeable development pressures.
- B. The reasons why the particular area or activity is of state interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner.
- C. Applicable policies of the Larimer County Comprehensive Plan and any duly adopted intergovernmental agreements affected by the area or activity under consideration.
- D. The extent to which other governmental entities regulate the area or activity proposed to be designated.
- E. The testimony, evidence, and documents taken and admitted at the public hearing.
- F. The recommendations of staff and the Planning Commission.

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### 10.5.3. Adoption of Designation and Regulations

- A. At the conclusion of the hearing, or within 30 days thereafter, the County Commissioners may, by resolution, adopt, adopt with modification, or reject the proposed designation and accompanying guidelines or regulations.
- B. Each designation order adopted by the County Commissioners shall, at a minimum:
  - 1. Specify the activity or area of state interest to be designated;
  - 2. Specify the boundaries of the designated area of state interest, if applicable;
  - 3. State reasons why the designation is appropriate in light of the review criteria considered at the public hearings pursuant to the above section; and
  - 4. Specify the regulations applicable to the designated matter of state interest.

## 10.6. Relationship to Other County, State, and Federal Requirements

- 10.6.1.** If a 1041 permit is required under this §14, other sections of the Code shall not apply unless specifically stated in this §14, or unless applied by the county commissioners as conditions of approval. If an appeal to the requirement for obtaining a 1041 permit is granted pursuant to §14.7 below, other requirements of the Land Use Code shall apply.
- 10.6.2.** Review or approval of a project by a federal or state agency does not obviate, and will not substitute for, the need to obtain a 1041 permit for that project under this section.
- 10.6.3.** These regulations shall not be applied to create an operational conflict with any state or federal laws or regulations.
- A.** The applicant may request that the county application and review process be coordinated with the applicable state or federal agency review process
  - B.** To the extent practicable and appropriate, the county may coordinate its review and approval of the application, including the terms and conditions of such approval, with that of other agencies.

## 10.7. Appeal of 1041 Permit Requirement<sup>498</sup>

An applicant may appeal the requirement for obtaining a 1041 permit.

### 10.7.1. Appeal Process

#### A. Initiation of Appeal

A written application for appeal must be submitted to the Director on a form provided by the Community Development Department. An application fee established by the County Commissioners must be paid when the appeal is submitted.

#### B. Contents of appeal

The appeal application must include a description of the scope of the proposed activity and evidence that supports the appeal including evidence that demonstrates how §10.7.2: *Review Criteria*, are met.

#### C. Scheduling

Upon receipt of the appeal, the Director will schedule the appeal on the next available agenda of the county commissioners, no later than 60 days after the date on which a properly completed application is filed.

#### D. Notice

Notice shall be consistent with the requirements in § 6.3.7: *Scheduling and Notice of Hearings*. Notice of the time and place of the appeal hearing must be published in a newspaper of general circulation at least 14 days before the hearing date.

<sup>498</sup> County attorney notes that it is not clear if this is meant to be an appeal that the 1041 section is not applicable to the project or is this section meant to be a request to waive the requirement that a 1041 permit be obtained.

**E. Action by the County Commissioners**

1. At the appeal hearing the County Commissioners will take relevant evidence and testimony from the person who filed the appeal, county staff and any interested party.
2. The applicant shall have the burden of proving that granting the appeal is consistent with the intent and purpose of this §Article 10.0: *Areas and Activities of State Interest*.
3. The County Commissioners may refer an appeal to the Planning Commission for a recommendation. The decision to refer an appeal to the Planning Commission will be made by the County Commissioners within 14 days of the date the appeal was submitted.
4. The decision of the County Commissioners shall be final.

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**10.7.2. Review Criteria**

The County Commissioners shall consider each of the following review criteria and make findings pertaining to each one which, in their discretion, applies to the appeal.

- A. Approval of the appeal will not subvert the purpose or intent of this §Article 10.0, *Areas and Activities of State Interest*.
- B. The development or activity has received approval through a state or federal permitting process which has utilized review criteria substantially the same as those contained in this regulation, and which has afforded a similar or greater amount of input by affected residents and property owners of Larimer County.
- C. In the case of siting and development of a new domestic water or sewer transmission pipeline, evidence has been provided that:
  1. The proposed pipeline is located entirely on property owned by the entity proposing the activity and/or within easements or rights-of-way that have been acquired from willing sellers, or
  2. The proposed pipeline is located entirely within a special district organized under C.R.S. Title 32, or a public or local improvement district organized under C.R.S. 30-20-Parts 5 and 6, and
    - a. The pipeline is intended to provide water or sewer service to properties located within that district in Larimer County; and
    - b. Written notice of all scheduled public meetings of the district concerning the siting and development of the new pipeline has been given to all property owners who may be directly affected by the activity, and to the County Commissioners, not less than 14 days prior to the meeting.

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**10.8. 1041 Permit Application and Review Process**

**10.8.1. Permit Required**

No person may engage in development in a designated area of state interest or conduct a designated activity of state interest without first obtaining a 1041 permit, unless the county commissioners have granted an appeal to the requirement for a 1041 permit pursuant to ---.

- A. If a development or activity subject to these regulations is proposed as an integral part of a land division process, the applicant shall comply with this subsection prior to obtaining final plat approval.

- B.** No building permit shall be issued by the county for an activity or development subject to this subsection without the applicant having first obtained a 1041 permit, unless the County Commissioners have granted a waiver to the requirement for a 1041 permit.
- C.** 1041 permits issued under this subsection shall not be considered to be a site-specific development plan and no statutory vested rights shall inure to such permit. A 1041 permit may specify a period of time for which the permit is valid or state additional criteria related to future validity of the permit.

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### **10.8.2. General Process Outline**

The following is a general outline of the steps required for any permit decision under this subsection. More specific information regarding these referenced steps is contained in §6.3, *Common Review Procedures* and in the Administrative Manual.

- A.** Pre-application conference.
- B.** Complete and sufficient application received.
- C.** Referral to affected agencies.
- D.** Public hearing before the Planning Commission and county commissioners.
- E.** Post-approval requirements.

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### **10.8.3. Notice of 1041 Permit Hearing**

Notice shall be consistent with the requirements of §6.3.7: *Scheduling and Notice of Hearings*.

- A.** Not later than 30 days after receipt of a completed application for a 1041 permit, the Director shall set and publish notice of the date, time and place for a hearing before the County Commissioners. The notice shall be published once in a newspaper of general circulation in Larimer County, not less than 30 nor more than 60 days before the date set for the hearing.
  - 1.** The Director shall be responsible for the determination that a complete and sufficient application has been received.
  - 2.** Not later than 60 days after receipt of the application, the Director shall provide a written description of any application materials that are determined to be not complete and the additional materials that are necessary before application processing may begin.
- B.** Within the time constraints above, the Director shall schedule the application for a hearing before the Planning Commission. Notice of the Planning Commission hearing shall be published in a newspaper of general circulation for the county at least 14 days before the hearing date.
- C.** A notice will be mailed to property owners in the vicinity of the proposal at least 14 days prior to the hearing(s) according to the procedures and requirements of §6.3.7: *Scheduling and Notice of Hearings*.
- D.** C.R.S. §§ 30-28-133(10) and 24-65.5-103(1) require an applicant for development to notify all owners and lessees of a mineral interest on the subject property of the pending application. The applicant must submit, to the Community Development Department, a certification of compliance with this notice requirement, prior to the initial public hearing for a 1041 permit, except for those types of development applications specifically excluded below. Failure to submit the required certification of notice will result in the public hearing being rescheduled to a later date. According to C.R.S. §§ 24-65.5-102(2) an application for development does not include applications with respect to electric lines, crude oil or natural gas pipelines, steam pipelines, chilled and other water pipelines, or appurtenances to said lines or

pipelines; therefore notification of mineral interest owners and lessees is not required for those activities.

- E. Any application for a 1041 permit which relates to the location, construction or improvements of a major electrical or natural gas facility as contemplated by 29-20-108 C.R.S. as amended shall be subject to the terms of that statute. In the event of an inconsistency between the statute and these regulations, the statute shall control.
- F. The Director may, when necessary, decide that additional expertise is needed to review a project, according to the procedure detailed in [*reference to new location of §8.01.A*] of this Code.

## 10.9. General Requirements for Approval of a 1041 Permit Application

**10.9.1.** The applicant must submit a complete and sufficient application that is consistent with the submittal requirements that are stated at the pre-application conference.

**10.9.2.** A 1041 permit application may be approved only when the applicant has satisfactorily demonstrated that the proposal, including all mitigation measures proposed by the applicant, complies with all of the applicable criteria set forth in this §Article 10.0: *Areas and Activities of State Interest*. If the proposal does not comply with all the applicable criteria, the permit shall be denied, unless the County Commissioners determine that reasonable conditions can be imposed on the permit which will enable the permit to comply with the criteria.

**10.9.3.** The County Commissioners shall adopt a written decision on a 1041 permit application within 90 days after the completion of the permit hearing. The 1041 permit will be in the form of a findings and resolution signed by the County Commissioners. The effective date shall be the date on which the findings and resolution is signed.<sup>499</sup>

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### 10.9.4. Review Criteria for Approval of all 1041 Permits

- A. The proposal is consistent with any applicable intergovernmental agreements affecting land use and development.
- B. The applicant has adequately considered reasonable siting and design alternatives or explained why such alternatives are not available or not feasible.
- C. The proposal conforms with adopted county standards, review criteria and mitigation requirements concerning environmental impacts, including but not limited to those contained in this Code.
- D. The proposal will not have a significant adverse affect on or will adequately mitigate significant adverse affects on the land or its natural resources, on which the proposal is situated and on lands adjacent to the proposal.
- E. The proposal will not adversely affect any sites and structures listed on the State or National Registers of Historic Places.
- F. The proposal will not negatively impact public health and safety.
- G. The proposal will not be subject to significant risk from natural hazards including floods, wildfire or geologic hazards.

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<sup>499</sup> Did not carry forward “If the County Commissioners determine at the public hearing that sufficient information has not been provided to allow it to determine if the applicable criteria have been met, the Board may continue the hearing until the specified additional information has been received.” If sufficient info is not provided then the BCC should deny the application.

- H. Adequate public facilities and services are available for the proposal or will be provided by the applicant, and the proposal will not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.
- I. The applicant will mitigate any construction impacts to county roads, bridges and related facilities. Construction access will be re-graded and re-vegetated to minimize environmental impacts.
- J. The benefits of the proposed development outweigh the losses of any natural resources or reduction of productivity of agricultural lands as a result of the proposed development.
- K. The proposal demonstrates that the costs to mitigate are proportional to the benefits achieved from the mitigation.
- L. The recommendations of staff and referral agencies have been addressed to the satisfaction of the County Commissioners.

## 10.10. Additional Specific Review Criteria and Standards

### 10.10.1. Additional Review Criteria for Power Plants

- A. Proposed transmission facilities have been identified and included as part of the power plant project.
- B. Wind power plants must meet the following standards:
  1. All towers must be set back at least 750 feet from property lines and public rights-of-way.
  2. The wind generator turbines and towers must be painted or coated a non-reflective white, grey or other neutral color.
  3. Facilities must not be artificially illuminated unless required by the FAA.
  4. Facilities must not be used to display advertising.
  5. Electrical controls must be wireless or underground and power lines must be underground except where the electrical collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.
  6. Noise generated from the wind power plant must be in compliance with the Chapter 30, Article V: *Noise*, of the Larimer County Code.
  7. The operator of the plant must minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by the plant.
  8. Towers for wind generators must be constructed of a tubular design and include anti-climb features.
  9. The facility design must use best practices available to protect wildlife.

### 10.10.2. Additional Review Criteria for Electrical Transmission Lines

The siting and design of the proposal addresses potential levels of electrical and magnetic fields (EMFs) by exercising "prudent avoidance" to limit exposure.

## 10.11. Post-Approval Requirements

Prior to the issuance of a 1041 permit approved under this subsection the follow conditions must be met, if applicable.

## Article 10.0: Areas and Activities of State Interest

10.12 Technical Revisions and 1041 Permit Amendments | 10.10.2 Additional Review Criteria for Electrical Transmission Lines

- 10.11.1.** The applicant may be required to obtain a construction permit from the County Engineer.
- 10.11.2.** A development agreement may be required as a condition of approval of the 1041 permit and may include requirements for performance guarantees.
- 10.11.3.** An agreement concerning decommissioning, abandonment or reuse of the permitted facility may be required as a condition of approval of the 1041 permit.

### 10.12. Technical Revisions and 1041 Permit Amendments

- 10.12.1.** Any change in the construction or operation of the project from that approved by the County Commissioners shall require staff review and a determination made by the Director in writing as to whether the change is a technical revision or 1041 permit amendment.
- 10.12.2.** A proposed change shall be considered a technical revision if the Director determines that there will be no increase in the size of the area affected or the intensity of impacts as a result of the proposed change(s); or any increase in the area or intensity of impacts is insignificant.
- 10.12.3.** Changes other than technical revisions shall be considered 1041 permit amendments. A permit amendment shall be subject to review as a new permit application.

# Article 11.0 Oil and Gas Facilities<sup>500</sup>

## 11.1. Intent and Purpose

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### 11.1.1. Intent

The intent of this section of the Land Use Code is to establish a regulatory framework for new oil and gas facilities (O&GFs) to be located in the unincorporated areas of Larimer County in a manner that acknowledges private property rights and protects the public health, safety and general welfare, protects environment and wildlife, and minimizes adverse impacts.

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### 11.1.2. Authority

C.R.S. 29-20-104-(1) provides the County authority to regulate and review applications pertaining to the surface development of O&GFs.

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### 11.1.3. Purpose

These regulations are necessary to:

- A. Ensure a comprehensive land use process and transparent public process for the development of new O&GFs, in the unincorporated areas of the County.
  - B. Provide for the managed development, installation, maintenance, modification, reclamation, and removal of O&GFs, while acknowledging the interests of oil and gas developers and operators, or mineral interest owners.
  - C. Minimize to the maximum extent possible the nuisance effects of O&GFs through the application of best available techniques and technologies.
  - D. Promote and protect the public health, safety, and welfare, and protect the environment and wildlife by minimizing the adverse impacts of O&GFs.
  - E. Maximize protection of natural and cultural resources and public facilities.
  - F. Encourage O&GF's to strategically locate where adverse impacts from such operations can be avoided.
  - G. Minimize and mitigate the extent and severity of adverse impacts that cannot be avoided.
  - H. Confirm the financial, indemnification and insurance capacities of the oil and gas developer/operator to ensure timely and effective construction, production, removal and reclamation of O&GFs and infrastructure.
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### 11.1.4. Applicability

These regulations shall apply to all new and greenfield O&GFs, to be constructed on any property in all zoning districts in the unincorporated portions of Larimer County.

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### 11.1.5. Severability

If any section, clause, provision, or portion of these regulations should be found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of the regulations in this section shall not be affected thereby and is hereby declared to be necessary for the public health, safety and welfare.

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<sup>500</sup> Consolidated draft: Carried forward from adopted Oil and Gas Facilities (April 6, 2020) with new formatting/organization.

## 11.2. Review Procedures and Required Permits

### 11.2.1. General Requirements

No person, firm or corporation shall establish, construct, or build a new O&GF, without first having obtained required land use approval(s) and permits as required by this Code. Applications to the County for new O&GFs, may be submitted simultaneously with the Colorado Oil and Gas Conservation Commission (COGCC) permitting process.

### 11.2.2. County Review Process

All new O&GFs, in the unincorporated portions of Larimer County shall require approval of a Special Review application for the proposed facility as set forth in §6.4.2, *Special Review*, of this Code. Application and submittal requirements for O&GFs are specified in the following Community Development Department application handouts:

- A. Sketch Plan Review Application and Submittal Requirements for Oil and Gas Facilities.
- B. Neighborhood Meeting Submittal Requirements and Guidelines for Oil and Gas Facilities.
- C. Special Review Application and Submittal Requirements for Oil and Gas Facilities.

### 11.2.3. Notification

All O&GF applications shall have a minimum APO notification boundary of ½ mile (2,640 feet) for all neighbor referral, neighborhood meeting and public hearing notices, as outlined §6.3, *Common Review Procedures*.

### 11.2.4. County Permits

Prior to the commencement of any construction activity for an O&GF, all required permits for such facilities shall be approved. Required permits include, but are not limited to:

- A. Access permits,
- B. Development construction permit,
- C. Building permits for all qualifying buildings and structures,
- D. Electrical permits, and
- E. All federal, state, and local permits.

### 11.2.5. Non-County Permits

County approval of an O&GF shall not relieve the landowner or applicant of the responsibility for securing other permits or approvals required by any other applicable County Departments, local fire district, municipalities, or other applicable publicagencies.

### 11.2.6. Technical Expert Review

Applications for O&GFs may involve complex technical issues that require review and input that is beyond the expertise of County staff. If such a situation arises, the Director may commission a third-party review of the relevant subject matter and require the applicant to pay reasonable costs for the third-party review. Selection of a third-party expert(s) to review portions the proposal will be at the discretion of the County.

## 11.3. Standards Required for Oil and Gas Facilities.

### 11.3.1. General

- A. In addition to the standards and requirements of this Section, all other relevant standards and regulations set forth in this Code shall also apply.
- B. All applications for new O&GFs, shall meet all applicable federal, state, and local standards and regulations pertaining to the development and operation of such facilities.

### 11.3.2. Setbacks

- A. Setbacks for O&GFs shall be 1,000 feet from building units, including high occupancy building units, or as required by the rules of the COGCC, whichever are greater. All other setbacks from natural and manmade feature as required by the rules of the COGCC shall apply.
- B. To achieve the objectives of §11.1.3, the County Commissioners may, on a case by case basis, require setbacks greater than required by §11.3.2.A above.
- C. The Board of County Commissioners may, by request, allow a reduction of the setbacks required by §11.3.2.A above when it has been determined that the applicant has adequately demonstrated that the setbacks prohibit access to the mineral interests being sought, or the reduced setbacks will achieve and mitigate to the extent necessary the objectives of this code or the expectations of the County Commissioners.

### 11.3.3. Air Quality

- A. **An Air Quality Report and Plan** shall be submitted with all O&GF applications. The report/plan shall include baseline air quality data and demonstrate how the development and operation of the facility will avoid and/or mitigate adverse impacts to air quality and demonstrate compliance with and implementation of standards in §§11.3.3 and 4.11 of this Code.
- B. In addition to all federal and state laws, rules and regulations, applications for O&GFs shall demonstrate how exploration, construction and standard operations of an O&GF will comply with the rules and regulations of the Colorado Air Quality Control Commission (AQCC). Information to be provided shall include all appropriate applications of notifications and permits for sources of emissions.
- C. Reduced Emission (Green) Completions shall be used for all completions and well workovers. Such completions shall include the use of Best Management Practices including, when available, the following unless an equal or better system exists:
  1. Closed loop, pitless drilling, completion systems, without permanent on-site storage tanks, for the containment and/or recycling of all drilling, completion and flowback fluids.
  2. Flaring only allowed during emergencies or upset conditions. When allowed, routing and control of all emissions to a flare or combustor shall provide at least 98% destruction or removal efficiency.
  3. Zero emission desiccant dehydrators.
  4. Emission controls of 95% or better for glycol dehydrators.
  5. Pressure-suitable separator and vapor recovery units.
  6. No-bleed continuous and intermittent pneumatic devices.

- 7. Automated tank gauging.
- D. O&GFs shall be equipped with electric-powered engines for motors, compressors, drilling and production equipment, and pumping systems unless no adequate electricity source is available, or it is technically infeasible.
- E. O&GF applications shall include operational provisions to reduce emissions on Air Quality Action Advisory Days posted by the Colorado Department of Public Health and Environment (CDPHE) for the Front Range area. The provisions shall include how alerts are received, outline specific emission reduction measures, and include requirements for documenting the measures implemented. Measures should include:
  - 1. Minimizing vehicle traffic and engine idling,
  - 2. Reducing truck and worker traffic,
  - 3. Delaying vehicle refueling,
  - 4. Suspending or delaying use of fossil fuel powered equipment,
  - 5. Postponing construction and maintenance activities,
  - 6. Postponing well maintenance and liquid unloading that would result in emission releases to the atmosphere, and
  - 7. Postponing or reducing operations with high potential to emit VOCs of NOx.

**11.3.4. Leak Detection and Repair**

- A. **A Leak Detections and Repair Plan** shall be submitted with all O&GF applications. The plan shall disclose techniques, methods and protocols that will be utilized at the proposed O&GF to identify, prevent, contain, document, repair and report leaks, and shall demonstrate how it will comply with and implement the standards in this §11.3.4.
- B. Operators shall conduct leak detection and repair inspections at the frequency required by the APCD (Air Pollution Control Division) for the emission source using modern leak detection technologies (infrared cameras, etc.) and equipment. The results of said inspections, including all corrective actions taken, shall be reported to the Larimer County Department of Health and Environment (LCDHE) and County Local Government Designee (LGD) upon request.
- C. Repair of verified leaks shall occur within 72 hours of detection. If it is anticipated that a repair will take longer than 72 hours, the operator shall provide a written explanation to the LCDHE and the LGD as to why more time is required and how the leak will be contained. If a leak is not repaired within 72-hours, the O&GF shall be shut-in until the leak is repaired.
- D. Equipment leaks that pose an imminent safety risk to persons, wildlife, or the environment shall undergo emergency shut down and not be allowed to operate until the operator has provided evidence that the leak has been repaired.
- E. At least annually, operators shall provide a 2-week notice of a routine leak inspection to the LCDHE and LGD inviting them to attend and observe the inspection.

**11.3.5. Odors**

- A. **An Odor Mitigation Plan** shall be required for all O&GF applications indicating how the operations will prevent odors from adversely impacting the public and wildlife and further demonstrating compliance with the standards in this §11.3.5.
- B. Oil and gas operations shall comply with the CDPHE, AQCC, Regulation No. 2 Odor Emission, 5 CCR 1001-4, Regulation No. 3, 5 CCR 1001-5, and Regulation No. 7, 5 CCR 1001-9 Sections VII and VIII.

- C. Proposed O&GFs shall provide protocols for immediate response to odor complaints that include options for ceasing operations, notification of affected residents, and temporary relocation of residents until the source of the odor is identified and resolved.
- D. The operator shall communicate the schedule/timing of well completion activities to adjacent and nearby residents which could include an online portal. As part of the application, provide information on how notifications will be communicated to the public.
- E. The Odor Mitigation Plan shall include control strategies which shall be implemented upon receipt of an odor complaint(s) or as required by the County depending on the size, location, and nature of the facility. These Odor control strategies may include the following:
  1. Odorants, that are not a masking agent, shall be added to chillers and/or mud systems.
  2. Additives to minimize odors from drilling and fracturing fluids except that operators shall not mask odors by using masking fragrances.
  3. Filtration systems and/or additives to minimize, not mask, odors from drilling and fracturing fluids shall be utilized in the drilling and flowback processes.
  4. Increasing additive concentration during peak hours provided additive does not create a separate odor. Additives must be used per the manufacturer’s recommended level.
  5. Enclosed shale shakers shall be utilized to contain fumes from exposed mud where safe and feasible.
  6. Drilling activities shall utilize minimum low odor Category III drilling fluid or non-diesel-based drilling muds that do not contain benzene, toluene, ethylbenzene, or xylene (BTEX).
  7. Wipe down drill pipe as they exit the well bore each time.

**11.3.6. Water Quality and Water Bodies**

- A. **A Water Quality Report/Plan** shall be submitted with all O&GF applications. The report/plan shall demonstrate how the development and operations of the facility will avoid impacts to surface and ground waters in Larimer County, identify all private and community permitted water wells within half-mile and demonstrate compliance with and implementation of standards in §§11.3.6 and 16.2.1 of this Code.
- B. Baseline and subsequent water source tests, as typically required by and submitted to the COGCC and CDPHE, shall be provided to the LCDHE and the LGD for the life of the facility and any post-closure assessments, if approved by the owner(s) of the water well.
- C. The application shall provide documentation indicating how the COGCC water quality protection standards are being implemented.
- D. Locating O&GFs within a Federal Emergency Management Agency (FEMA) designated 100-year floodplain shall not be allowed unless no other location is feasible, and all other appropriate permissions are obtained.
- E. The requirements of this §11.3.6 shall not prevent discharges reviewed and permitted by the CDPHE Water Quality Control Division, the EPA, and the Army Corps of Engineers.

**11.3.7. Spills and Releases**

- A. **A Spill Prevention and Containment Plan** shall be submitted with all O&GF applications. The plan shall disclose techniques, methods, and protocols to be utilized at the proposed O&GF to prevent, contain, document and report any spills or releases, and shall demonstrate compliance with and implementation of the standards in this §11.3.7.

- B. An Emergency Response Plan shall be provided that includes evacuation plans and routes, inventory of emergency response supplies, and notification requirements. The plan shall include what training opportunities that will be provided for emergency services personnel to become familiar with the site.
- C. Secondary containment shall be required and shall conform to the requirements of the COGCC rules and standards.
- D. Unloading areas shall be designed to contain potential spills or direct spills into other secondary containment areas
- E. Containment systems constructed of steel rimmed berms, or similar impervious surfaces that are equal to or better, shall be used for all secondary containment areas.
- F. Any spill or release of unrefined and refined petroleum products, hazardous substances, fracking fluids, E&P waste, or produced fluids of greater than 25 gallons outside of secondary containment areas on an O&GF, including those thresholds reportable to the COGCC, shall upon discovery, be immediately reported to the National Response Center and CDPHE as well as the following Local Emergency Response Authorities in Larimer County:
  - 1. Larimer County Sheriff – Public Safety Answering Point (PSAP) (9-1-1)
  - 2. Larimer County Department of Health and Environment,
  - 3. Local Fire Department/District,
  - 4. Local Municipal Police Department if within in mile of a City or Town,
  - 5. Larimer County Oil and Gas LGD, and
  - 6. Larimer County Local Emergency Planning Committee (within 24-hours).
- G. All spills or releases, whether reportable or not, shall be cleaned up immediately and to the satisfaction of the local emergency response authorities, listed in the Spill Prevention Control and Countermeasure Plan.

**11.3.8. Noise**

- A. **A Noise Report and Mitigation Plan** shall be required for all O&GF applications. The plan shall demonstrate how the operations will mitigate noise and vibration impacts to comply with the noise standards contained in this §11.3.8. The report and plan shall include the following:
  - 1. A five-day (two days being the weekend day) baseline noise analysis.
  - 2. Modeled decibel levels for all phases of development shall be presented using contour maps from the O&GF site (combining noise sources) at 350 feet, 500 feet, 1000 feet, and to the property line of the adjacent properties. Contour maps shall be provided that demonstrate both unmitigated and mitigated decibel levels.
  - 3. A plan of proposed mitigation measures to be implemented by the O&GF during each phase of development shall be provided to ensure compliance with the maximum permissible noise levels as listed in 11.3.8.B below.
- B. Noise generated from O&GFs shall comply with the following maximum permissible noise levels appropriate for the Zone Area Designation of the adjacent land uses as determined by the County. Zone Area Designations are defined by C.R.S. 25-12-102 Noise Abatement and will be used as part of the County’s determination for surrounding land uses and may be different than the County’s zone districts.

Table 11-1: Maximum Permissible Noise Levels		
Zone Area Designations	7:00 am to next 7:00 pm	7:00 pm to next 7:00 am
Residential/Agricultural/Rural	55 db(A)	50 db(A)
Commercial	60 db(A)	55 db(A)
Light Industrial	70 db(A)	65 db(A)
Industrial	80 db(A)	75 db(A)

In the hours between 7:00 a.m. and the next 7:00 p.m., the noise levels permitted above may be increased by ten (10) db(A) for a single period of not to exceed fifteen minutes in any one-hour period. Night-time levels between 7:00 p.m. and the next 7:00 a.m. shall not be exceeded therefore requiring strategic planning of noise-inducing activities to be conducted during daytime hours at the site.

- C. Sound levels shall be measured at or within 25 feet of the parcel boundary line where the O&GF site is located. When evaluating a noise complaint, the County shall measure sound at or within 25 feet of the parcel boundary line of the O&GF site and other property boundaries which are more representative of the noise impact.
- D. O&GF activities shall be operated so the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on a boundary line of the property on which the O&GF is located.
- E. In situations where low frequency noise is a component of the problem, a sound level measurement shall be taken 25 feet from the exterior wall of the residence or occupied structure nearest to the noise source, using a noise meter calibrated to the db(C) scale. If this reading exceeds 65 db(C), the County shall require the operator to obtain a low frequency noise impact analysis by a qualified sound engineer, including identification of any reasonable control measure available to mitigate such low frequency noise impact to be implemented by the O&GF. Such study shall be provided to the County for consideration and possible action.
- F. Construction of O&GFs, including drilling/well completions, recompletions, and pipeline installations, shall be subject to the maximum permissible noise levels specified for industrial zones for the period within which construction is being conducted. Construction activities directly connected with abatement of an emergency are exempt from the maximum permissible noise levels.
- G. Quiet design mufflers (i.e., hospital grade or dual dissipative) or equal to or better than noise mitigation technologies shall be utilized for non-electrically operated equipment.
- H. Motors, Generators, and engines shall be enclosed in acoustically insulated housings or covers.

**11.3.9. Dust**

- A. **A Fugitive Dust Control Plan** shall be submitted with all O&GF applications. The plan shall disclose techniques and methods to be utilized at the proposed O&GF to prevent or mitigate fugitive dust generated by the construction and operations of the proposed O&GF and shall demonstrate compliance with and implementation of standards in §§11.3.9 and 4.11 of this Code.

- B. Best management practices (BMPs) for the mitigation of dust associated with on-site operations and traffic activities shall be employed at the facility. The BMPs shall be outlined in the Fugitive Dust Control Plan.
- C. Produced water and other process fluids shall not be used for dust suppression unless adequately pretreated so that it does not create odors and has been approved for land application by CDPHE Water Quality Control Division.
- D. Safety Data Sheets (SDSs) shall be provided with the application for any proposed chemical based dust suppressants.
- E. Unless otherwise approved by the County Health and Engineering Departments, only water will be used for dust suppression activities within 300-feet of the ordinary high- water mark of any body of water.

**11.3.10. Access**

- A. **A Traffic Impact Analysis and Routing Plan** shall be submitted with all O&GF applications. The plan shall disclose routing alternatives and transportation infrastructure improvements proposed for the proposed O&GF to mitigate projected transportation impacts and demonstrate compliance with and implementation of the standards in this §11.3.10.
- B. Designs for private access drives shall conform to the Local Low Volume cross section found in the Larimer County Rural Area Road Standards and shall include the following:
  - 1. The first 50 feet of access drive from the edge of pavement of the adjacent road will be paved, or made of an approved all weather surface, and the remaining portions of the access drive shall be composed of a minimum of 6 inches of compacted Class 5 road base.
  - 2. The access drive entrance shall include returns with a 30-foot radius.
  - 3. A mud and debris tracking pad shall be located at the end of the paved portion of the access drive.

**11.3.11. Chemical Handling**

- A. **A Chemical and Hazardous Materials Report and Handling Plan** shall be submitted with all O&GF applications. The plan shall disclose the type of hazardous and non-hazardous materials and chemicals that will be used on the site of the proposed O&GF, including how they will be handled to prevent spills and demonstrate compliance with and implementation of standards in this §11.3.11.
- B. Prior to any hydraulic fracturing activity, the Operator shall provide the County with a copy of the Chemical Disclosure Registry form provided to the COGCC pursuant to the COGCC’s “Hydraulic Fracturing Chemical Disclosure”.
- C. Drilling and completion chemicals shall be removed from the site within sixty (60) days of the drilling completion.

**11.3.12. Recycle, Reuse and Disposal of Fluids**

- A. **A Waste Management and Disposal Plan** shall be submitted with all O&GF applications. The plan shall document the techniques and methods of the proposed O&GF to manage wastes generated on the site and demonstrate compliance with and implementation of the standards in this §11.3.12.
- B. Drilling, completion flowback, and produced fluids shall be recycled or reused whenever technically feasible.

- C. If not to be recycled or reused onsite, exploration and production waste may be temporarily stored in tanks for up to 30-days while awaiting transport to licensed disposal or recycling sites.
- D. Produced water shall be recycled or reused or shall be transported by pipeline unless easements are not available.
- E. The Operator shall take precautions to prevent adverse environmental impacts to air, water, soil, or biological resources to the extent necessary to protect public health, safety and welfare, including the environment and Wildlife Resources to prevent the unauthorized discharge or disposal of oil, gas, Exploration and Production Waste, chemical substances, trash, discarded equipment, or other oil field waste.
- F. The requirements of this §11.3.11 shall not prevent discharges or beneficial uses of water reviewed and permitted by the CDPHE Water Quality Control Division or another agency with jurisdiction.

**11.3.13. Lighting and Visual Impacts**

- A. For all phases of the development of the site, the application shall demonstrate compliance with the visual and aesthetic rules of COGCC and this Code for landscaping, fencing and lighting set forth in Article 4.0, Development Standards.
- B. All O&GFs shall be painted with colors that are matched to or slightly darker than the surrounding landscape, and shall utilize paint with uniform, non-contrasting, nonreflective color tones based upon the Munsell Soil Color Coding System.
- C. The location of all outdoor lighting shall be designed to minimize off-site light spillage and glare using best practices recognized by the International Dark-Sky Association. See §4.10, *Exterior Lighting*.
- D. For all phases of site development, fencing shall be installed for security and visual aesthetics of the use.
- E. Sound or screening wall to mitigate for noise during construction and well completion may be required if the O&GF is within 2,000 feet of residential buildings or lots, or if electric requirement is appealed.
- F. O&GFs applications shall minimize removal of trees and vegetation on the site.
- G. Landscaping and/or fencing for screening and visual quality as viewed from public rights-of-way and neighboring residential areas shall be required within 6 months from the time of well completion and in accordance with requirements for the zoning district.
- H. O&GF applications shall demonstrate compliance with weed control requirements of the County Weed District and Forestry Services Department, including for access roads serving the facility.

**11.3.14. Well Plugging and Abandonment**

- A. **A Reclamation Plan** shall be submitted. The plan shall demonstrate how well abandonment and reclamation shall comply with the COGCC rules and shall include the following information:
  1. Removal of all equipment from the well site,
  2. Restoration of the site surface to the conditions of the site reclamation plan,
  3. Notice to the County LGD of the commencement and completion of such activity, and

4. Coordinates for the location of the decommissioned well(s), and any associated gathering or flow lines, shall be provided with the notice of the completion of well abandonment.

**11.3.15. Well Liquids Unloading**

- A. Best management practices, including artificial lift, automated plunger lifts and at least 98% emission reductions when utilizing combustion to control venting shall be employed at all facilities unless technically infeasible.
- B. Approved manual unloading shall require on-site supervision of the unloading process.

**11.3.16. Flammable Materials**

- A. The location of flammable materials on site shall conform to all COGCC safety standards and local fire codes.
- B. A minimum 25-foot buffer, free of weeds and dried grasses, shall be required around flammable materials or equipment.

**11.3.17. Waste Disposal**

- A. **A Waste Management and Disposal Plan** shall be submitted with all O&GF applications. The plan shall document the techniques and methods of the proposed O&GF to manage wastes generated on the site and demonstrate compliance with and implementation of the standards in this §11.3.17.
- B. Oil and gas facilities shall remain free of debris and excess materials during all phases of operation.
- C. Burning of debris, trash or other flammable material is not allowed.
- D. Temporary storage of materials (up to 30-days) may be allowed with installation of screening to mitigate from aesthetic impacts from public rights-of-way or if requested by landowner.

**11.3.18. Removal of Equipment**

- A. There shall be no permanent storage of equipment (i.e., vehicles, trailers, commercial products, chemicals, drums, totes, containers, materials, and all other supplies not necessary for uses on an oil and gas location) on the site of an oil and gas facility.
- B. When not in use, or if no longer needed for on-site operations, all equipment not being used on the site shall be removed.

**11.3.19. Maintenance of Machinery**

- A. Statewide Best Management Practices shall be used to prevent contamination of soils and stormwater runoff, including equipment and vehicle maintenance and fluid containment.
- B. There shall be no maintenance of field equipment involving hazardous materials within 300-feet of a water body.
- C. Any fueling on-site shall occur over an impervious surface with a secondary containment berm and sump in case of a spill and shall not occur during storm events.

**11.3.20. Flow Lines, Transfer Lines, and Gathering Lines**

- A. All off-site lines transporting process materials, production wastes, product and any other items used or generated by the facility shall be located to avoid existing or proposed residential, commercial, and industrial buildings, places of assembly, surface water bodies

and designated open spaces. Buried pipelines shall be a minimum of four-feet deep and shall be of detectable material which could include the addition of tracer wire to ensure detection during buried utility locating.

- B.** The location of pipelines shall be evaluated on a case-by-case basis, with the determining locational factor being the size and type of pipeline being proposed.
- C.** Coordinates of all flow lines, gathering lines, and transfer lines shall be provided.

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### **11.3.21. Temporary Water Lines**

- A.** Temporary waterlines shall be used unless development is not within a water service area.
- B.** Temporary waterlines shall be buried at all existing driveway and road crossings, or utilize existing culverts, if available.

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### **11.3.22. Financial Assurance**

- A.** The Applicant shall demonstrate the financial capability to reclaim all disturbed areas during each phase of the site development and following termination of the oil and gas operation on the site. This shall include meeting any state requirements, and any additional requirements the County deems necessary to protect the public health, safety, and welfare.
- B.** The Applicant shall, for the life of the use, carry customary and usual environmental liability insurance.

## **11.4. Appeals**

§6.7.2, *Appeals*, of this Code shall provide direction for all appeals to standards, processes, and provisions of this Article 11.0, *Oil and Gas Facilities*.

## **11.5. Enforcement and Inspections**

- 11.5.1.** Applications for O&GFs shall demonstrate compliance with this and all other relevant Sections of this Code. Failure of an Operator to maintain compliance with the County approval of an O&GF may result in the revocation of the approval pursuant to the procedures in §6.3, *Common Review Procedures*.
- 11.5.2.** The County retains the right to seek whatever remedy or redress is legally allowable.
- 11.5.3.** The County reserves the right to inspect the property for compliance.

## **11.6. Fees and Security for Reclamation**

The following fees are applicable to oil and gas facilities:

- A.** A Capital Transportation Impact fee.

## **11.7. Termination or Modifications of Use**

**11.7.1.** No modification to an approved O&GF shall be made without obtaining appropriate land use approvals from the County. A modification is any permanent physical change not required by law that substantially increases the site footprint or air emissions.

**11.7.2.** Upon termination of use, the O&GF shall be reclaimed pursuant to the reclamation plan provided.

## **11.8. Definitions**

Unless otherwise listed herein, the definitions found within the C.R.S. and Colorado Oil and Gas Conservation Commission (COGCC) regulations shall apply.

# Article 12.0 Floodplain<sup>501</sup>

## 12.1. Floodplain Overlay District

### 12.1.1. Purpose

- A. To meet or exceed minimum standards for floodplain regulation (Minimum Floodplain Regulations) in accordance with the Federal Emergency Management Agency (FEMA) and the Colorado Water Conservation Board (CWCB) which qualify unincorporated areas of Larimer County for flood insurance under the National Flood Insurance Program (NFIP). Minimum Floodplain Regulations include the following regulatory documents, along with any revisions thereto, and are hereby adopted by reference and declared to be a part of Article 12.0:
  - 1. 44 Code of Federal Regulations §65.3 (44 CFR §65.3)
  - 2. National Flood Insurance Act of 1968 (NFIA)
  - 3. Section 2 Colorado Code of Regulations 408-1 (2 CCR 408-1)
  - 4. CWCB Rules and Regulations for Regulatory Floodplains in Colorado (CWCB Rules and Regulations)
  - 5. To help preserve, protect, and improve the safety, health, and property of Larimer County residents from the adverse impacts of flooding.
- B. To prevent floodplain development and land uses which would create new flood hazards or cause increases in flood elevations beyond those allowable under the Minimum Floodplain Regulations.
- C. To promote floodplain development practices which minimize public and private property losses due to flooding.
- D. To provide controls for filling, excavation, dredging, or other activities which alter the natural floodplains or stream channels.

### 12.1.2. Applicability and Administration

#### A. Authority

The Legislature of the State of Colorado has, in Title 29, Article 20 of the Colorado Revised Statutes, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Board of County Commissioners of Larimer County, Colorado, does hereby adopt the floodplain regulations of Article 12.0.

#### B. Applicability

##### 1. Applicability

Article 12.0 of the Code applies to all lands in the Floodplain Overlay (FPO) District, as defined in §12.1.3, *Floodplain Overlay District Defined*. If a lot or parcel of land lies partly within the FPO District, Article 12.0 applies to the part of such lot or parcel lying within the District. If a building or structure lies partly within the FPO District, Article 12.0 applies to the entire building or structure lying within the District.

<sup>501</sup> Consolidated draft: This Article carries forward the Floodplain Overlay District regulations updated by the County Engineering Department October 2020..

## 2. Floodplain Development

FEMA requires all communities that participate in the NFIP, such as Larimer County, to regulate “development” that occurs within the Special Flood Hazard Area (SFHA). FEMA defines development as “any manmade change to improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations”. “Development” shall be referred to as “floodplain development” throughout Article 12.0. Floodplain development in the FPO District requires a Floodplain Development Permit (FDP) in accordance with §12.1.4. Larimer County shall also regulate the use(s) associated with floodplain development within the FPO district.

### C. Warning and Disclaimer of Liability

The degree of flood protection required by Article 12.0 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. Article 12.0 does not imply that land outside the FPO District or uses permitted within such areas will be free from flooding or flood damages, or that compliance with these regulations will prevent flood damage. Article 12.0 shall not create liability on the part of Larimer County or any official or employee thereof for any flood damages that result from reliance on Article 12.0 or any administrative decision.

### D. Abrogation and Greater Restrictions

1. To the extent that the Minimum Floodplain Regulations conflict with a provision of Article 12.0, the most restrictive controls.
2. Article 12.0 does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where Article 12.0 and another ordinance, easement, covenant, or deed restriction conflict or overlap, the more restrictive applies.

### E. Severability

Article 12.0 and the various parts thereof are hereby declared to be severable. Should a portion of Article 12.0 be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the section as a whole, or any portion thereof, other than the section so declared to be unconstitutional or invalid.

### F. Penalties for Noncompliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of Article 12.0 and other applicable regulations. Neither shall the legal use of a structure or land be changed without full compliance with the terms of Article 12.0 and other applicable regulations. Violation of the provisions of Article 12.0 by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) may result in revocation of the FDP or other enforcement action under §1.9, *Enforcement*. The County Engineer reserves the right to require an FDP reflecting the current or as-built condition of illegal floodplain development to facilitate compliance with requirements under this Code. Nothing contained herein shall prevent Larimer County from taking such other lawful action as is necessary to prevent or remedy any violation.

**G. County Engineer Role**

The County Engineer or his or her designee(s) is responsible for the administration and implementation of the requirements of the FPO District, including reviewing all floodplain development proposals in accordance with Article 12.0. The designee(s) of the County Engineer shall be established by resolution of the Board of County Commissioners.

**H. Referrals from Other County Departments**

1. Land use applications will be reviewed by the Planning Division to determine whether the application may be within the FPO District. If it appears to the Planning Division that the application may be within the FPO District, then the Planning Division shall refer the application to the County Engineer for review and comment. Final approval of land use applications within the FPO District, in accordance with the Larimer County Land Use Code, shall not be granted until a Floodplain Development Permit has been issued or the County Engineer has determined that a Floodplain Development Permit is not required.
2. Building permit applications will be reviewed by the Building Division to determine whether the application may be within the FPO District. If it appears to the Building Division that the application may be within the FPO District, then the Building Division shall refer the application to the County Engineer for review and comment. Building permits within the FPO District shall not be issued until a Floodplain Development Permit has been issued or the County Engineer has determined that a Floodplain Development Permit is not required.

**12.1.3. Floodplain Overlay District Defined****A. Floodplain Overlay District**

The Floodplain Overlay (FPO) District includes the FEMA Floodplain, Best Available Floodplain, Municipal Floodplain, Poudre GMA Floodplain, and Larimer County Flood-Prone Areas as defined below:

**1. FEMA Floodplain****a. FEMA Floodplain Definition**

The FEMA Floodplain is defined as the areas within the Special Flood Hazard Areas (SFHAs) identified by FEMA in a scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Larimer County," dated December 19, 2006 with accompanying Flood Insurance Rate Maps (FIRM) and Digital Flood Insurance Rate Maps (DFIRM), and any revisions thereto. The term "DFIRM" includes all flood zone designations and technical information displayed on the maps, explanatory matter, technical addenda, modeling and calculations, water surface elevations, profiles, cross sections, workmaps, and other underlying detailed study data, such as information published in the FIS report and supporting documentation, as well as approved Letters of Map Revision (LOMR), Letters of Map Amendment (LOMA), and Letters of Map Revision based on Fill (LOMR-F). The FIS, FIRMs, DFIRMs, and any revisions thereto, are hereby adopted by reference and declared to be a part of Article 12.0. The County Engineer shall keep a copy of the FIS, FIRMs, and DFIRMs on file and available for public inspection.

**b. FEMA Floodplain Zones**

The FEMA Floodplain may include, but is not limited to, flood zone designations such as Zone AE (Floodway), Zone AE (Flood Fringe), Zone A, Zone AH, Zone AO, Zone X (Shaded), and Zone X (Shaded Protected by a Levee).

**2. Best Available Floodplain**

**a. Best Available Floodplain Definition**

The Best Available Floodplain is defined as the areas within 1% annual chance event (1% ACE) or 0.2 percent annual chance event (0.2 percent ACE) flood zones identified by draft or preliminary flood hazard information which meet the following criteria:

- i. The draft or preliminary flood hazard information is supplied by FEMA, CWCB, or another source.
- ii. The draft or preliminary flood hazard information is more restrictive than the FEMA Floodplain.
- iii. The draft or preliminary information has been approved by CWCB.

**b. Best Available Floodplain Zones**

The Best Available Floodplain may include, but is not limited to, flood zone designations such as Zone AE (Floodway), Zone AE (Flood Fringe), Zone A, Zone AH, Zone AO, Zone X (Shaded), and Zone X (Shaded Protected by a Levee).

**3. Municipal Floodplain**

**a. Municipal Floodplain Definition**

- i. The Municipal Floodplain is defined as the areas within flood zones identified by incorporated cities and towns within Larimer County which have been adopted as a regulatory floodplain by resolution of the Larimer County Board of Commissioners (BCC) and includes lands regulated by Larimer County.
- ii. The Municipal Floodplain may include, but is not limited to, flood zone designations such as Zone AE (Floodway), Zone AE (Flood Fringe), Zone A, Zone AH, Zone AO, Zone X (Shaded), Zone X (Shaded Protected by a Levee), High Risk, High-Risk Floodway, and Moderate Risk.

**4. Cache La Poudre Growth Management Area Floodplain (Poudre GMA Floodplain)**

**a. Poudre GMA Floodplain Definition**

The Poudre GMA Floodplain includes the area within the FEMA floodplain and Best Available Floodplain for which the Cache La Poudre River is the flooding source and in the Fort Collins Growth Management Area (GMA).

**b. Poudre GMA Floodplain Zones**

The Poudre GMA Floodplain may include, but is not limited to, flood zone designations such as Zone AE (Floodway), Zone AE (Flood Fringe), Zone X (Shaded), and Zone X (Shaded Protected by a Levee).

**5. Larimer County Flood-Prone Areas**

**a. Larimer County Flood-Prone Areas (FPAs) Definition**

Larimer County FPAs are defined as the areas which are designated as prone to flooding by resolution of the Larimer County Board of Commissioners (BCC).

**b. Larimer County Flood-Prone Areas Floodplain Zones**

The Larimer County FPAs may or may not be associated with a flood recurrence interval. Flood zones may include, but are not limited to, designations such as Zone AE (Floodway), Zone AE (Flood Fringe), Zone X (Shaded), and Zone X (Shaded Protected by a Levee).

**B. Official Map****1. Digital Maps**

The County Engineer shall maintain digital maps delineating the location and boundaries of the FEMA Floodplain, Best Available Floodplain, Municipal Floodplain, Poudre GMA Floodplain, and Larimer County FPAs. The digital maps shall depict in plan view the horizontal boundary of the flood hazards described in the underlying flood studies. The maps depicting the FEMA Floodplain, Best Available Floodplain, Municipal Floodplain, Poudre GMA Floodplain, and Larimer County FPAs together establish the areas governed by the provisions of Article 12.0 and constitute the Official Map of Larimer County's FPO District (Official Map).

**2. Availability to Public**

The most current Official Map and supporting data shall be on file in the Engineering Department in electronic format and available for public inspection during normal business hours.

**C. Official Map Interpretation****1. Structure Determination**

The County Engineer shall determine which uses, parcels, structures, or other facilities are located within the FPO District. This determination shall include situations where a mapped boundary appears to conflict with actual field conditions. The County Engineer may require and accept information from a licensed Colorado Professional Engineer (PE) and/or licensed Colorado Professional Surveyor (PLS) to make this determination. Such determinations do not contract or expand the boundaries of the FPO District or result in an amendment to the Official Map.

**2. Base Flood Elevation Determination**

The County Engineer shall determine the Base Flood Elevation (BFE) which is applicable for regulatory purposes within the FPO District. The County Engineer may require and accept information from a PE to determine the BFE for regulatory purposes.

**3. Best Available Data**

In making interpretations of the Official Map, the County Engineer shall refer, as necessary, to the best available data at the time of the determination. Best available data used to make interpretations of the Official Map may include the engineering study upon which the Official Map and associated elevations are based, the most recent detailed terrain or survey data certified by a PE or PLS, updated hydrologic or hydraulic information, and/or any other reliable information that the County Engineer determines to meet an acceptable level of technical accuracy in accordance with prevailing industry practices. Where more than one source of data exists, the data which is more restrictive at the time of determination shall be used.

**D. Official Map Amendments****1. Conditional Letter of Map Revision (CLOMR)**

Proponents of floodplain development within the FEMA Floodplain that would, upon construction, affect the hydrologic and hydraulic characteristics of a flooding source and result in the modification of the floodway zone, the Base Flood Elevations (BFEs), or FEMA's SFHAs, must submit technical data in the form of a Conditional Letter of Map Revision (CLOMR) request to the Larimer County Flood Review Board (FRB) and FEMA. The County Engineer may also require that a CLOMR be submitted for projects at his or her discretion. CLOMRs must be reviewed and approved by the FRB prior to County approval of FEMA's Overview and Concurrence Form per §12.1.6, *Flood Review Board*. Final approval of the FEMA MT-2 Form shall be issued by the County Engineer.

**2. Letter of Map Revision (LOMR)**

Proponents of floodplain development within the FEMA Floodplain must submit technical data in the form of a Letter of Map Revision (LOMR) request to the FRB and FEMA within six months from the completion of construction if:

- a. The floodplain development received a Conditional Letter of Map Revision (CLOMR) from FEMA before the start of construction,
- b. The floodplain development results in an increase in the 1% annual chance (100-year) water surface elevation,
- c. The floodplain development results in a decrease in the 1% annual chance (100-year) water surface elevation greater than 0.3 foot, or
- d. The floodplain development involves alteration(s) of a watercourse which will relocate the channel.

The County Engineer may also require that a LOMR be submitted for projects at his or her discretion. LOMRs pertaining to the FEMA Floodplain must be reviewed and approved by the FRB prior to County approval of FEMA's Overview and Concurrence Form per §12.1.6, *Flood Review Board*. Final approval of the FEMA MT-2 Form shall be issued by the County Engineer.

**3. Floodplain Map Adoption**

The Official Map shall be deemed updated upon the following circumstances:

**a. FEMA Floodplain Adoption**

The FEMA Floodplain shall be deemed updated upon FEMA's effective date of a new Flood Insurance Rate Map (FIRM), or Digital Flood Insurance Rate Map (DFIRM), or Flood Insurance Study (FIS).

**b. Best Available Floodplain Adoption**

The Best Available Floodplain shall be deemed updated upon resolution of the County Commissioners.

**c. Municipal Floodplain Adoption**

The Municipal Floodplain shall be deemed updated upon resolution of the County Commissioners.

**d. Poudre GMA Floodplain Adoption**

The Poudre GMA Floodplain, being defined by the FEMA Floodplain, the Best Available Floodplain, and the Fort Collins Growth Management Area (GMA), shall be deemed updated in accordance with their respective procedures for adoption or upon the resolution of the Board of County Commissioners.

**e. Larimer County FPAs Adoption**

The Larimer County FPAs shall be deemed updated upon resolution of the Board of County Commissioners.

**4. Clerical Errors**

The County Engineer may correct clerical errors in the Official Map as they are discovered.

**12.1.4. Floodplain Development Permits****A. Minimum Federal and State Standards**

All floodplain development in the FPO District must meet or exceed the Minimum Floodplain Regulations.

**B. Permits Required**

All floodplain development in the FPO District, unless meeting the criteria provided in the following exceptions, requires an approved Floodplain Development Permit (FDP) prior to the start of construction. Floodplain development in the FPO District which does not meet the following criteria for exclusion and is not covered by an FDP may result in enforcement action under §1.9, *Enforcement*.

1. FDPs are not required for routine maintenance of buildings. However, competent evidence must be submitted to the County Engineer for routine maintenance activities within the FPO District which demonstrates reasonable costs of labor and materials associated with routine maintenance activities. Such evidence may include, but is not limited to, an itemized cost estimate and affidavit(s) attesting to the truth and validity of the cost estimate. Competent evidence shall be submitted in accordance with the Larimer County Floodplain Development Permit Guidelines. The County Engineer shall determine if the costs of labor and materials for a floodplain development project are reasonable. An FDP shall be required if the competent evidence submitted to the County Engineer demonstrates that maintenance activities exceed \$2,000 or if competent evidence is not provided as determined by the County Engineer.
2. FDPs are not required for routine maintenance of infrastructure which does not result in modifications to the hydraulic characteristics of a floodplain, the FPO District, or the Base Flood Elevations (BFEs) as determined by the County Engineer. The County Engineer may require an FDP for maintenance activities at his or her discretion if it appears an activity may impact the hydraulic characteristics of a floodplain, the FPO District, or the Base Flood Elevations (BFEs).
3. FDPs are not required for activities such as gardening, plowing, and similar practices that do not involve filling, excavation, or grading.
4. FDPs are not required for the placement of furniture and other accessory materials which are not fixed to the ground or structure, used routinely by the occupants of a

structure, and can be moved quickly in event of a flood as determined by the County Engineer. This exemption does not include materials which are determined to be outdoor storage materials per this Code or by the County Engineer.

5. FDPs are not required for floodplain development within a flood zone designated as a FEMA Floodplain Zone X (Shaded), FEMA Floodplain Zone X (Shaded Protected by a Levee), Best Available Floodplain Zone X (Shaded), or a Best Available Floodplain Zone associated with 0.2% annual chance of flooding which is not located within the Poudre GMA Floodplain.

### **C. Floodplain Development Standards**

Larimer County Engineering Standards and Floodplain Development Guidance Documents (Floodplain Development Standards) shall provide standards and guidance for FDP submittals. Floodplain Development Standards include, but are not limited to, the most current version of the documents listed below along with any other documentation which may be designated at the discretion of the County Engineer for floodplain development proposals:

1. Larimer County Rural Area Road Standards (LCRARS)
2. Larimer County Urban Area Street Standards (LCUASS)
3. Larimer County Stormwater Design Standards (Stormwater Standards)
4. Larimer County Floodplain Development Guide (Floodplain Guide)
5. FEMA Technical Bulletins and Technical Documents (FEMA Guidance)

### **D. Floodplain Permit Submittal Requirements**

FDP permit submittal materials must be submitted to the County Engineer in a manner which is complete, accurate, and in accordance with the Floodplain Development Standards to obtain an FDP unless the County Engineer determines that a particular requirement is not required. Additional materials may be required at the discretion of the County Engineer.

### **E. Permit Review**

#### **1. Completeness Review**

- a. After an application for an FDP is submitted, the County Engineer shall review it for completeness.
- b. The County Engineer may suspend the processing of an FDP application at the request of the applicant or whenever the County Engineer determines that the application is not complete. If the County Engineer deems an application incomplete, the County Engineer shall notify the applicant of any deficiencies. Once the requested information has been provided, the application shall be accepted as of that date and the County Engineer shall proceed to process the application. The County Engineer may declare an application withdrawn if the application is not deemed complete within 90 days of the initial submittal date.

#### **2. Technical Review**

- a. The County Engineer shall review the FDP application and associated submittals for technical adequacy in accordance with the Floodplain Development Standards and communicate any deficiencies to the applicant and/or owner as appropriate.
- b. The County Engineer may suspend the processing of an FDP application at the request of the applicant or whenever the County Engineer determines that the

application is not technically adequate. If the County Engineer deems an application not technically adequate, the County Engineer shall notify the applicant of any deficiencies. Once the deficiencies have been corrected, the County Engineer shall proceed to process the application. The County Engineer may declare an application withdrawn if the application is not deemed technically adequate within one year of the initial submittal date.

**3. Application Review Criteria**

The approval or denial of an FDP application shall be based on all applicable subsections of Article 12.0 and the following factors:

- a. The completeness and technical adequacy of the FDP application in accordance with the Floodplain Development Standards
- b. The probability that the floodplain development will result in unreasonable risk of harm to people or property, both onsite and in the surrounding area
- c. The safety of access to and from the property during flood events
- d. The availability of alternate locations having a reduced risk of flooding impacts.
- e. Impacts due to scour and erosion.
- f. The impacts that the floodplain development will have on, or experience due to, the:
  - i. Flood profile and flood heights (1% ACE)
  - ii. Floodway
  - iii. Stability of the channel and/or sedimentation

**F. County Engineer's Determination**

1. If the County Engineer finds in reviewing an FDP application that the application meets the applicable standards set forth in Article 12.0, the County Engineer shall approve the permit.
2. If the County Engineer finds that the application can only meet all applicable standards if the FDP approval is conditioned, then the County Engineer shall include all necessary and reasonable conditions when issuing the permit.
3. If the County Engineer finds that the application does not meet one or more applicable standards, the County Engineer may deny the application as proposed.
4. The County Engineer's determination of approval shall be deemed final as of the date that the FDP is issued.

**G. Appeal of County Engineer's Determination****1. Right to Appeal**

Any person aggrieved by a final decision of the County Engineer based upon or made in the course of the administration or enforcement of the provisions of Article 12.0 may appeal to the Board of County Commissioners.

**2. Appeal Application**

The procedures and requirements for filing an appeal may be found in §6.7.2, *Appeals*.

**3. Public Hearing**

Upon receipt of a complete appeal application, the Board of County Commissioners must hold a public hearing on the appeal application following the procedures specified in the LUC.

**4. Review Criteria**

In deciding upon an appeal of a County Engineer administrative decision or interpretation made under Article 12.0, the County Commissioners shall consider the factors specified §12.1.4.E.3, *Application Review Criteria*.

**5. Decision of the Board**

The Board of County Commissioners shall make a record of its decision on the appeal in the same manner as other appeals filed under §6.7.2, *Appeals*. The County Engineer shall maintain records of the outcome of all appeals filed.

**6. Effect of Decision**

- a. In no instance can a decision on an appeal to the Board of County Commissioners result in a modification to the FEMA’s regulatory floodplain boundaries or associated data.
- b. In order to modify the regulatory boundaries established by FEMA, interested parties must use FEMA’s LOMC process or consult FEMA on other options for modification.

**12.1.5. Floodplain Development Requirements**

**A. General Requirements**

The following requirements apply for all floodplain development in the FPO District:

**1. Flood Damage Protection**

All floodplain development in the FPO District shall be designed to reasonably protect from flooding and/or adverse impacts due to flooding.

**2. Use Restrictions**

The type(s) of uses allowed for a structure or property within the FPO District shall be in accordance with Table 12-1, below.

**Table 12-1: Table of Allowed Uses – FPO District**  
R = Permitted Use

FLOODPLAIN	FEMA				BEST AVAILABLE				MUNICIPAL			POUDRE GMA			LARIMER COUNTY			
	AE (FLOODWAY)	AE (FLOOD FRINGE)	A/AH/AO	X (SHADED & SHADED, PROTECTED BY A LEVI)	AE OR 1% ACE (FLOODWAY)	AE OR 1% ACE (FLOOD FRINGE)	A/AH/AO	X (SHADED & SHADED, PROTECTED BY A LEVI)	AE OR HIGH RISK (FLOODWAY)	AE OR HIGH RISK (FLOOD FRINGE)	MODERATE RISK	X (SHADED & SHADED, PROTECTED BY A LEVI)	AE OR 1% ACE (FLOODWAY)	AE OR 1% ACE (FLOOD FRINGE)		A/AH/AO	X (SHADED & SHADED, PROTECTED BY A LEVI)	ALL ZONES
<b>AGRICULTURAL USES</b>																		
Agricultural Operation	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
<b>Agricultural Cultivation</b>																		
Community Garden	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R

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	AE (FLOODWAY)	AE (FLOOD FRINGE)	A/AH/AO	X (SHADED & SHADED, PROTECTED BY A LEVI)	AE OR 1% ACE (FLOODWAY)	AE OR 1% ACE (FLOOD FRINGE)	A/AH/AO	X (SHADED & SHADED, PROTECTED BY A LEVI)	AE OR HIGH RISK (FLOODWAY)	AE OR HIGH RISK (FLOOD FRINGE)	MODERATE RISK	X (SHADED & SHADED, PROTECTED BY A LEVI)	AE OR 1% ACE (FLOODWAY)	AE OR 1% ACE (FLOOD FRINGE)	A/AH/AO	X (SHADED & SHADED, PROTECTED BY A LEVI)	
Forestry	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Nursery		R	R	R		R	R	R		R	R	R		R	R	R	R
Retail		R	R	R		R	R	R		R	R	R		R	R	R	R
Wholesale		R	R	R		R	R	R		R	R	R		R	R	R	R
Tree Farm		R	R	R		R	R	R		R	R	R		R	R	R	R
Retail		R	R	R		R	R	R		R	R	R		R	R	R	R
Wholesale		R	R	R		R	R	R		R	R	R		R	R	R	R
<b>Agricultural Support and Services</b>																	
Agricultural Equipment Repair & Sales		R	R	R		R	R	R		R	R	R		R	R	R	R
Agricultural Labor Housing		R	R	R		R	R	R		R	R	R		R	R	R	R
Custom Meat or Poultry Processing Facility		R	R	R		R	R	R		R	R	R		R	R	R	R
Livestock Auction		R	R	R		R	R	R		R	R	R		R	R	R	R
Packing Facility		R	R	R		R	R	R		R	R	R		R	R	R	R
<b>Animal Agriculture</b>																	
Commercial Feedlot or Dairy		R	R	R		R	R	R		R	R	R		R	R	R	R
Equestrian Operation	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Large	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Small	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Poultry & Egg Production	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Small	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Large	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
<b>RESIDENTIAL USES</b>																	
<b>Household Living</b>																	
Dwelling, Cabin		R	R	R		R	R	R		R	R	R				R	R
Dwelling, Co-Housing		R	R	R		R	R	R		R	R	R				R	R

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	AE (FLOODWAY)	AE (FLOOD FRINGE)	A/AH/AO	X (SHADED & SHADED, PROTECTED BY A LEVI)	AE OR 1% ACE (FLOODWAY)	AE OR 1% ACE (FLOOD FRINGE)	A/AH/AO	X (SHADED & SHADED, PROTECTED BY A LEVI)	AE OR HIGH RISK (FLOODWAY)	AE OR HIGH RISK (FLOOD FRINGE)	MODERATE RISK	X (SHADED & SHADED, PROTECTED BY A LEVI)	AE OR 1% ACE (FLOODWAY)	AE OR 1% ACE (FLOOD FRINGE)	A/AH/AO	X (SHADED & SHADED, PROTECTED BY A LEVI)	
Dwelling, Duplex		R	R	R		R	R	R		R	R	R				R	R
Dwelling, Live/Work		R	R	R		R	R	R		R	R	R				R	R
Dwelling, Multifamily		R	R	R		R	R	R		R	R	R				R	R
Dwelling, Single-Family Attached		R	R	R		R	R	R		R	R	R				R	R
Dwelling, Single-Family Detached		R	R	R		R	R	R		R	R	R				R	R
Dwelling, Triplex or Fourplex		R	R	R		R	R	R		R	R	R				R	R
Manufactured Home		R	R	R		R	R	R		R	R	R				R	R
Manufactured Housing Park		R	R	R		R	R	R		R	R	R				R	R
Medium Density		R	R	R		R	R	R		R	R	R				R	R
High Density		R	R	R		R	R	R		R	R	R				R	R
Modular Home		R	R	R		R	R	R		R	R	R				R	R
<b>Group Living</b>																	
Assisted Living Facility		R	R	R		R	R	R		R	R	R					
Community Residential Homes		R	R	R		R	R	R		R	R	R					
Congregate Residence		R	R	R		R	R	R		R	R	R					
Group Home		R	R	R		R	R	R		R	R	R					
Group Home Aged		R	R	R		R	R	R		R	R	R					
Group Home for Persons W/ Behavioral or Mental Health Disorders		R	R	R		R	R	R		R	R	R					
<b>PUBLIC, CIVIC &amp; INSTITUTIONAL USES</b>																	
<b>Community &amp; Cultural Facilities</b>																	
Assembly		R	R	R		R	R	R		R	R	R		R	R	R	R
Indoor only		R	R	R		R	R	R		R	R	R		R	R	R	R
With outdoor area		R	R	R		R	R	R		R	R	R		R	R	R	R
Cemetery		R	R	R		R	R	R		R	R	R				R	R

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	AE (FLOODWAY)	AE (FLOOD FRINGE)	A/AH/AO	X (SHADED & SHADED, PROTECTED BY A LEVI)	AE OR 1% ACE (FLOODWAY)	AE OR 1% ACE (FLOOD FRINGE)	A/AH/AO	X (SHADED & SHADED, PROTECTED BY A LEVI)	AE OR HIGH RISK (FLOODWAY)	AE OR HIGH RISK (FLOOD FRINGE)	MODERATE RISK	X (SHADED & SHADED, PROTECTED BY A LEVI)	AE OR 1% ACE (FLOODWAY)	AE OR 1% ACE (FLOOD FRINGE)	A/AH/AO	X (SHADED & SHADED, PROTECTED BY A LEVI)	
With Funeral Home or Crematorium		R	R	R		R	R	R		R	R	R		R	R	R	R
Crematorium		R	R	R		R	R	R		R	R	R		R	R	R	R
Cultural Institution		R	R	R		R	R	R		R	R	R		R	R	R	R
Day Care Center		R	R	R		R	R	R		R	R	R					
Funeral Home		R	R	R		R	R	R		R	R	R		R	R	R	R
With Crematorium		R	R	R		R	R	R		R	R	R		R	R	R	R
Prison or Detention Center		R	R	R		R	R	R		R	R	R		R	R	R	R
<b>Educational Facilities</b>																	
School, Nonpublic		R	R	R		R	R	R		R	R	R					
School, Public		R	R	R		R	R	R		R	R	R					
<b>Healthcare Facilities</b>																	
Health Services		R	R	R		R	R	R		R	R	R					
Hospital		R	R	R		R	R	R		R	R	R					
Medical or Dental Clinic		R	R	R		R	R	R		R	R	R					
Rehabilitation Facility		R	R	R		R	R	R		R	R	R		R	R	R	R
<b>Parks and Open Lands</b>																	
Natural Resources & Wildlife Area	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Park or Playground		R	R	R		R	R	R		R	R	R		R	R	R	R
Regional Open Space & Trails	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Reservoir Park	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Urban Open Space & Trail	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
<b>COMMERCIAL USES</b>																	
<b>Agriculture &amp; Animal Uses</b>																	
Garden Supply Center		R	R	R		R	R	R		R	R	R		R	R	R	R
Kennel, Commercial		R	R	R		R	R	R		R	R	R		R	R	R	R
Indoor Only		R	R	R		R	R	R		R	R	R		R	R	R	R

**Table 12-1: Table of Allowed Uses – FPO District**  
**R = Permitted Use**

FLOODPLAIN	FEMA				BEST AVAILABLE				MUNICIPAL				POUDRE GMA				LARIMER COUNTY
	AE (FLOODWAY)	AE (FLOOD FRINGE)	A/AH/AO	X (SHADED & SHADED, PROTECTED BY A LEVI)	AE OR 1% ACE (FLOODWAY)	AE OR 1% ACE (FLOOD FRINGE)	A/AH/AO	X (SHADED & SHADED, PROTECTED BY A LEVI)	AE OR HIGH RISK (FLOODWAY)	AE OR HIGH RISK (FLOOD FRINGE)	MODERATE RISK	X (SHADED & SHADED, PROTECTED BY A LEVI)	AE OR 1% ACE (FLOODWAY)	AE OR 1% ACE (FLOOD FRINGE)	A/AH/AO	X (SHADED & SHADED, PROTECTED BY A LEVI)	
Outdoor Animal Use Area		R	R	R		R	R	R		R	R	R		R	R	R	R
Pet Animal Service Facility		R	R	R		R	R	R		R	R	R		R	R	R	R
Veterinary Clinic or Hospital, Livestock		R	R	R		R	R	R		R	R	R		R	R	R	R
Indoor Only ≤ 5,000 SF or Outdoor Animal Use Area ≤ 1,000 SF		R	R	R		R	R	R		R	R	R		R	R	R	R
Indoor Only > 5,000 SF or Outdoor Animal Use Area > 1,000 SF		R	R	R		R	R	R		R	R	R		R	R	R	R
Veterinary Clinic or Hospital, Pet Animal		R	R	R		R	R	R		R	R	R		R	R	R	R
Indoor Only ≤ 2,500 SF or Outdoor Animal Use Area ≤ 200 SF		R	R	R		R	R	R		R	R	R		R	R	R	R
Indoor Only > 2,500 SF and Outdoor Animal Use Area < 200 SF		R	R	R		R	R	R		R	R	R		R	R	R	R
Outdoor Animal Use Area > 200 SF		R	R	R		R	R	R		R	R	R		R	R	R	R
<b>Food &amp; Beverage Services</b>																	
Bar or Tavern		R	R	R		R	R	R		R	R	R		R	R	R	R
Microbrewery, Cidery, Winery, Meadery or Distillery		R	R	R		R	R	R		R	R	R		R	R	R	R
Restaurant		R	R	R		R	R	R		R	R	R		R	R	R	R
<b>Lodging Facilities</b>																	
Bed & Breakfast		R	R	R		R	R	R		R	R	R		R	R	R	R
≤ Ten Guests		R	R	R		R	R	R		R	R	R		R	R	R	R
> Ten Guests		R	R	R		R	R	R		R	R	R		R	R	R	R
Boarding or Rooming House		R	R	R		R	R	R		R	R	R		R	R	R	R
Hotel or Motel		R	R	R		R	R	R		R	R	R		R	R	R	R
Resort Lodge or Resort Cottages		R	R	R		R	R	R		R	R	R		R	R	R	R

**Table 12-1: Table of Allowed Uses – FPO District**  
**R = Permitted Use**

FLOODPLAIN	FEMA			BEST AVAILABLE			MUNICIPAL			POUDRE GMA			LARIMER COUNTY				
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Short-term Rental		R	R	R		R	R	R		R	R	R		R	R	R	R
≤ Ten Occupants		R	R	R		R	R	R		R	R	R		R	R	R	R
> Ten Occupants		R	R	R		R	R	R		R	R	R		R	R	R	R
<b>Marijuana</b>																	
Medical Marijuana-infused Products Manufacturer		R	R	R		R	R	R		R	R	R		R	R	R	R
Medical Marijuana Center		R	R	R		R	R	R		R	R	R		R	R	R	R
Medical Marijuana Optional Premises Cultivation Operation		R	R	R		R	R	R		R	R	R		R	R	R	R
Private Marijuana Clubs		R	R	R		R	R	R		R	R	R		R	R	R	R
Retail Marijuana Cultivation Facility		R	R	R		R	R	R		R	R	R		R	R	R	R
Retail Marijuana Product Manufacturing Facility		R	R	R		R	R	R		R	R	R		R	R	R	R
Retail Marijuana Store		R	R	R		R	R	R		R	R	R		R	R	R	R
Retail Marijuana Testing Facility		R	R	R		R	R	R		R	R	R		R	R	R	R
<b>Office, Business &amp; Professional Services</b>																	
Financial Institution		R	R	R		R	R	R		R	R	R		R	R	R	R
Professional Office		R	R	R		R	R	R		R	R	R		R	R	R	R
<b>Personal Services</b>																	
Instructional Facility		R	R	R		R	R	R		R	R	R		R	R	R	R
Personal Service		R	R	R		R	R	R		R	R	R		R	R	R	R
<b>Recreation &amp; Entertainment</b>																	
Campground		R	R	R		R	R	R		R	R	R		R	R	R	R
Membership Club or Clubhouse		R	R	R		R	R	R		R	R	R		R	R	R	R
Rafting Business		R	R	R		R	R	R		R	R	R		R	R	R	R
Recreation Facility, Indoor		R	R	R		R	R	R		R	R	R		R	R	R	R

**Table 12-1: Table of Allowed Uses – FPO District**  
**R = Permitted Use**

FLOODPLAIN	FEMA				BEST AVAILABLE				MUNICIPAL				POUDRE GMA				LARIMER COUNTY
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Recreation Facility, Outdoor		R	R	R		R	R	R		R	R	R		R	R	R	R
Recreational Vehicle Park		R	R	R		R	R	R		R	R	R		R	R	R	R
Riding Stable	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Seasonal Camp		R	R	R		R	R	R		R	R	R		R	R	R	R
Shooting Range	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Indoor Only		R	R	R		R	R	R		R	R	R		R	R	R	R
With Outdoor Activity	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
<b>Retail Sales</b>																	
Building Material & Supply Store		R	R	R		R	R	R		R	R	R		R	R	R	R
Fireworks Sales, Permanent		R	R	R		R	R	R		R	R	R				R	R
Flea Market		R	R	R		R	R	R		R	R	R		R	R	R	R
With Outdoor Activity		R	R	R		R	R	R		R	R	R		R	R	R	R
General Retail		R	R	R		R	R	R		R	R	R		R	R	R	R
≤ 10,000 SF		R	R	R		R	R	R		R	R	R		R	R	R	R
10,000 to 25,000 SF		R	R	R		R	R	R		R	R	R		R	R	R	R
> 25,000 SF		R	R	R		R	R	R		R	R	R		R	R	R	R
Outdoor Display and Sales		R	R	R		R	R	R		R	R	R		R	R	R	R
<b>Transportation</b>																	
Airport		R	R	R		R	R	R		R	R	R					
Fleet Services		R	R	R		R	R	R		R	R	R		R	R	R	R
Helipad		R	R	R		R	R	R		R	R	R					
Parking Lot or Garage	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Transit Terminal or Station		R	R	R		R	R	R		R	R	R					
Transportation Depot		R	R	R		R	R	R		R	R	R					
<b>Vehicles &amp; Equipment</b>																	
Truck Stop		R	R	R		R	R	R		R	R	R		R	R	R	R
Vehicle Fuel Sales		R	R	R		R	R	R		R	R	R				R	R

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Vehicle Repair, Major		R	R	R		R	R	R		R	R	R				R	R
Vehicle Repair, Minor		R	R	R		R	R	R		R	R	R				R	R
Vehicle Sales & Leasing		R	R	R		R	R	R		R	R	R		R	R	R	R
Vehicle Wash		R	R	R		R	R	R		R	R	R		R	R	R	R
<b>Adult Uses</b>																	
All		R	R	R		R	R	R		R	R	R		R	R	R	R
<b>Industrial Uses</b>																	
<b>Manufacturing &amp; Processing</b>																	
Hazardous Materials Storage and/or Processing		R	R	R		R	R	R		R	R	R				R	R
Junkyard		R	R	R		R	R	R		R	R	R					
Landfill		R	R	R		R	R	R		R	R	R					
Manufacturing, Light		R	R	R		R	R	R		R	R	R		R	R	R	R
Manufacturing, Heavy		R	R	R		R	R	R		R	R	R		R	R	R	R
Mining	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Oil & Gas Drilling and Production	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Recycling Facility		R	R	R		R	R	R		R	R	R		R	R	R	R
Sawmill		R	R	R		R	R	R		R	R	R		R	R	R	R
Trade Use		R	R	R		R	R	R		R	R	R		R	R	R	R
Treatment Plant	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Utility Substation		R	R	R		R	R	R		R	R	R					
Water Storage Facility	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
<b>Storage &amp; Warehousing</b>																	
Storage, Enclosed	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Storage, Outdoor		R	R	R		R	R	R		R	R	R		R	R	R	R
Warehousing & Wholesale Facility		R	R	R		R	R	R		R	R	R		R	R	R	R
<b>PUBLIC &amp; SEMI-PUBLIC UTILITY USES</b>																	

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Power Plant		R	R	R		R	R	R		R	R	R					
Radio & Television Transmitters		R	R	R		R	R	R		R	R	R					
Small Solar Energy Facility, Building Mounted		R	R	R		R	R	R		R	R	R		R	R	R	R
Small Solar Energy Facility, Ground Mounted		R	R	R		R	R	R		R	R	R		R	R	R	R
Small Wind Energy Facility		R	R	R		R	R	R		R	R	R		R	R	R	R
Wireless Communication Facilities		R	R	R		R	R	R		R	R	R		R	R	R	R
Alternative Tower Structure (concealed)		R	R	R		R	R	R		R	R	R		R	R	R	R
≤ 40 feet high		R	R	R		R	R	R		R	R	R		R	R	R	R
≤ 60 feet high		R	R	R		R	R	R		R	R	R		R	R	R	R
Attached Facility on Existing Structure		R	R	R		R	R	R		R	R	R		R	R	R	R
Small Cell Facility		R	R	R		R	R	R		R	R	R		R	R	R	R
Tower (non-concealed)		R	R	R		R	R	R		R	R	R		R	R	R	R
≤ 40 feet high		R	R	R		R	R	R		R	R	R		R	R	R	R
≤ 60 feet high		R	R	R		R	R	R		R	R	R		R	R	R	R
61-80 feet high		R	R	R		R	R	R		R	R	R		R	R	R	R
81-100 feet high		R	R	R		R	R	R		R	R	R		R	R	R	R
101- 120 feet high		R	R	R		R	R	R		R	R	R		R	R	R	R
> 120 feet high		R	R	R		R	R	R		R	R	R		R	R	R	R
<b>MIXED-USE</b>																	
Mixed-Use Structures & Additions		R	R	R		R	R	R		R	R	R				R	R
<b>CRITICAL FACILITIES</b>																	
<b>Essential Services Facilities</b>																	
Police Stations		R	R	R		R	R	R		R	R	R					

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Fire and Rescue Stations		R	R	R		R	R	R		R	R	R						
Emergency Vehicle & Equipment Storage		R	R	R		R	R	R		R	R	R						
Emergency Operation Centers		R	R	R		R	R	R		R	R	R						
Hospital		R	R	R		R	R	R		R	R	R						
Ambulance Service Center		R	R	R		R	R	R		R	R	R						
Urgent Care Center		R	R	R		R	R	R		R	R	R						
Medical or Dental Clinic		R	R	R		R	R	R		R	R	R						
Surgical Structures (non-ambulatory)		R	R	R		R	R	R		R	R	R						
Emergency Shelter		R	R	R		R	R	R		R	R	R						
Emergency Communications (Main Hubs)		R	R	R		R	R	R		R	R	R						
Public Utility Plant Facilities		R	R	R		R	R	R		R	R	R						
Emergency Air Transportation		R	R	R		R	R	R		R	R	R						
<b>Hazardous Materials Storage &amp; Production Facilities</b>																		
Chemical and Pharmaceutical Plants		R	R	R		R	R	R		R	R	R					R	R
Laboratories		R	R	R		R	R	R		R	R	R					R	R
Refineries		R	R	R		R	R	R		R	R	R					R	R
Hazardous Waste Storage and Disposal		R	R	R		R	R	R		R	R	R					R	R
Above and Below-Ground Gasoline/Propane		R	R	R		R	R	R		R	R	R					R	R
Automobile Oil/Lubrication, Repair, Paint		R	R	R		R	R	R		R	R	R					R	R
<b>At-Risk Populations Facilities</b>																		

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Elder Care, Nursing Homes, Assisted Living		R	R	R		R	R	R		R	R	R						
Congregate Care, Residential Care, Group Homes		R	R	R		R	R	R		R	R	R						
Housing for Vulnerable Populations		R	R	R		R	R	R		R	R	R						
Day Care or Childcare		R	R	R		R	R	R		R	R	R						
Public and Private Schools (K-12)		R	R	R		R	R	R		R	R	R						
Before and After-School Care		R	R	R		R	R	R		R	R	R						
Day Camp		R	R	R		R	R	R		R	R	R						
<b>At-Risk Populations Facilities</b>																		
Essential Government Operations		R	R	R		R	R	R		R	R	R					R	R
Essential Public College/University Structures		R	R	R		R	R	R		R	R	R					R	R

**3. Hazardous Materials**

Materials which are flammable, hazardous, toxic, or explosive, or that in times of flooding could be harmful to human, animal, or plant life as determined by the County Engineer may not be produced, stored, or processed in the FPO district unless stored securely at or above the Flood Protection Elevation (FPE) within a structure that meets all applicable regulations of Article 12.0. This regulation applies for facilities where quantities of produced, stored, or processed materials equal or exceed threshold limits per the CWCB Rules and Regulations. New facilities in which quantities of produced, stored, or processed materials equal or exceed threshold limits (i.e. critical facilities) are prohibited in the Zone AE or 1% ACE flood zones of Poudre GMA Floodplain.

**4. Service Equipment**

All new and replacement plumbing, electrical, heating, ventilation, air conditioning, and other service facilities shall be located and/or designed to minimize or eliminate infiltration of flood waters into the system.

**5. Water Supply, Wastewater, and Septic Facilities**

Water supply, wastewater, and septic facilities shall be located and designed to minimize or eliminate adverse flooding impacts and infiltration of flood waters into the system. No new water supply, wastewater, or septic facilities shall be constructed or installed within a floodway zone.

**6. Floodway Requirements**

New buildings or structures are prohibited in a floodway zone. Other forms of floodplain development in a floodway zone are prohibited unless the following conditions are met:

**a. No-Rise**

The floodplain development can be demonstrated through a hydraulic study and no-rise certificate, which are certified by a PE, that the development will not produce an increase(s) in BFE(s), or

**b. CLOMR**

If the proposed floodplain development would, upon construction, increase the BFE(s) or result in the modification of the floodway zone, a Conditional Letter of Map Revision (CLOMR) must be approved by the FRB and FEMA prior to issuance of an FDP for the development.

**B. Flood Elevation Standards**

All floodplain development in the FPO District shall follow the elevation standards and requirements specified below unless explicitly stated otherwise in Article 12.0. Elevation requirements shall be applied based on the standards described below:

**1. Base Flood Elevation (BFE)**

The County Engineer shall determine the BFE which is applicable for regulatory purposes within the FPO District. The County Engineer may require and accept information from a licensed Colorado Professional Engineer (PE) to determine the Base Flood Elevation for regulatory purposes.

**2. Flood Protection Elevation (FPE)**

The FPE shall be determined as follows for each floodplain zone and critical facilities within the FPO District, unless explicitly stated otherwise:

**a. FEMA and Best Available Floodplains**

- i.** Zone AE: the FPE is equal to the BFE plus 1.5 feet.
- ii.** Zone A with BFE: the FPE is equal to the BFE plus 1.5 feet.
- iii.** Zone A without BFE: the BFE must be determined by a PE and accepted by the County Engineer. The FPE is equal to the BFE plus 1.5 feet.
- iv.** Zones AH with BFE: the FPE is equal to the BFE plus 1.5 feet.
- v.** Zones AO with depths: the FPE is equal to the existing ground elevation plus the specified depth plus 1.5 feet.

- vi. Other Floodplain Zones: for any zone associated with the 1% ACE, the FPE is equal to the BFE plus 1.5 feet. The FPE shall not apply for floodplain development in zones associated with a lower frequency than the 1% ACE.
- vii. Critical Facilities: for critical facilities that are permissible, the FPE is to the BFE plus 2 feet in Zone AE. The FPE shall not apply for floodplain development in zones associated with a lower frequency than the 1% ACE.

**b. Municipal Floodplain**

- i. 1% ACE Zones: for any zone associated with a 1% annual chance of occurrence, the FPE is equal to the BFE plus 1.5 feet unless the Board of County Commissioners has adopted a municipal floodplain which enforces a more restrictive FPE, in which case the more restrictive applies.
- ii. Other Floodplain Zones: the FPE shall not apply for floodplain development in zones associated with a lower frequency than the 1% ACE unless the Board of County Commissioners has adopted a lower-frequency floodplain zone which enforces an FPE requirement, in which case the FPE requirement shall apply.
- iii. Critical Facilities: for critical facilities that are permissible, the FPE is to the BFE plus 2 feet. The FPE shall not apply for floodplain development in zones associated with a lower frequency than the 1% ACE.

**c. Poudre GMA Floodplain**

- i. 1% ACE Zones: for any zone associated with a 1% annual chance of occurrence, the FPE is equal to the BFE plus 1.5 feet.
- ii. Other Floodplain Zones: The FPE shall not apply for floodplain development in zones associated with a lower frequency than the 1% ACE.
- iii. Critical Facilities: New critical facilities or expansions of existing critical facilities are prohibited in Zone AE or any zone associated with a 1% ACE. Essential service and at-risk population critical facilities are prohibited in any zone associated with a 0.2% ACE.

**d. Larimer County FPAs**

All zones: the FPE is equal to the BFE plus 1.5 feet. The County Engineer shall determine the FPE where a BFE has not been determined.

**3. Vertical Datum**

All elevation data utilized for regulatory purposes shall be referenced to the North American Vertical Datum of 1988 (NAVD 88)

**C. Wet Floodproofing**

**1. Wet Floodproofing Restrictions**

Wet floodproofing is prohibited for all floodplain development except for crawlspaces or where a variance has been granted by the County Engineer.

**2. Wet Floodproofing Standards**

Wet Floodproofing must be performed in accordance with the Minimum Floodplain Regulations, Floodplain Development Standards, and all applicable requirements of Article 12.0.

**D. New Floodplain Construction****1. New Floodplain Construction**

New Floodplain Construction is defined as a proposed or unpermitted structure which is walled or roofed and principally above ground. New Floodplain Construction also includes indoor and outdoor gas and liquid storage tanks.

**2. General Requirements**

The following requirements apply for all New Floodplain Construction in the FPO District unless explicitly stated otherwise or as determined by the County Engineer:

**a. Floodway Restriction**

New Floodplain Construction in a floodway zone is prohibited.

**b. Flood Damage Protection**

All New Floodplain Construction must be built using methods, materials, and practices that minimize flood damage. New Floodplain Construction must be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Adequate drainage paths must be provided around New Floodplain Construction.

**c. Elevation Requirements**

All New Floodplain Construction shall have the lowest floor elevation and mechanical equipment elevation elevated at or above the FPE.

- i. FEMA Elevation Certificate. A FEMA Elevation Certificate, stamped and signed by a licensed Colorado Professional Engineer (PE) or licensed Colorado Professional Surveyor (PLS), shall be submitted at the discretion of the County Engineer demonstrating that all elevation requirements have been met. The County Engineer may require a FEMA Elevation Certificate to be submitted at any time during or after construction in accordance with his or her discretion.
- ii. LOMR-F Properties. New Floodplain Construction on a property removed from the floodplain by issuance of a Letter of Map Revision Based on Fill (LOMR-F) from FEMA must have the lowest floor elevation at or above the FPE that existed prior to the placement of fill.

**d. Fill Material Requirements**

New Floodplain Construction which requires fill material to elevate a building or structure above the existing ground must meet compaction requirements specified in the Floodplain Development Standards.

**e. Zone A Floodplain Construction**

The following requirements shall apply for new structures built within a Zone A flood zone:

- i. If a structure is located within 100 feet from the channel centerline of a designated flooding source for a Zone A flood zone, a hydraulic study (certified by a PE) must be submitted in accordance with the Floodplain Development Standards which demonstrates that the proposed structure is not located in the

floodway. The County Engineer may also require a hydraulic study (certified by a PE) to be submitted for a structure located in a Zone A Floodplain at his or her discretion.

- ii. A structure which is located within a Zone A floodplain must meet the flood protection requirements of §12.1.5, Floodplain Development Requirements. If a hydraulic study (certified by a PE) is performed for a structure within a Zone A flood zone, the County Engineer may accept a BFE determination and apply floodplain requirements in accordance with the findings of the study.

**3. Residential Structures**

**a. Poudre GMA Floodplain Restriction**

New residential structures are prohibited in the Zone AE and 1% ACE zones within the Poudre GMA Floodplain.

**b. Additions and Detached Structures**

- i. Residential additions and attached structures or buildings shall have the lowest floor elevation and mechanical equipment elevation at or above the FPE unless the structure or building is not used as a habitable space and a variance for wet floodproofing is granted by the County Engineer. If the addition constitutes a Substantial Improvement, it must meet the requirements of §12.1.8, *Nonconforming Uses and Structures in the FPO District*.
- ii. Detached or accessory structures shall have the lowest floor elevation and mechanical equipment elevation at or above the FPE unless the structure is not used as a habitable space and a variance for wet floodproofing is granted by the County Engineer. Accessory dwelling units with habitable space on the second floor shall have the lowest floor elevation and mechanical equipment elevation at or above the FPE unless the lowest floor is not used as a habitable space and a variance for wet floodproofing is granted by the County Engineer.
- iii. Accessory structures which are not located in a floodway zone and do not have at least two rigid walls including, but not limited to, carports, gazebos, and picnic pavilions, may be constructed at grade and must use flood-resistant materials up to the FPE.

**4. Nonresidential & Mixed-Use Structures**

**a. Poudre GMA Mixed-Use Restriction**

New mixed-use structures are prohibited in the Zone AE and 1% ACE zones within the Poudre GMA Floodplain.

**b. Commercial & Mixed-Use Structures**

**i. PE Certification**

Commercial structures and mixed-use structures containing commercial uses must be certified by a PE to be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, up to the FPE.

**ii. Dry Floodproofing**

Commercial structures and mixed-use structures containing commercial uses (including the attendant and sanitary facilities and attached garages) which utilize dry floodproofing must be designed to be watertight with walls substantially impermeable to the passage of water below the FPE. Dry floodproofing measures must be certified by a PE that the methods and materials meet this requirement, and the FEMA Floodproofing Certificate for Non-Residential Buildings must be completed and approved by the County Engineer.

**c. Additions and Detached Structures**

- i. Nonresidential additions and attached buildings or structures shall have the lowest floor elevation and mechanical equipment elevation at or above the FPE unless the building or structure is not used as a habitable space and a variance for wet floodproofing is granted by the County Engineer. If the addition constitutes a Substantial Improvement, it must meet the requirements of §12.1.8, *Nonconforming Uses and Structures in the FPO District*.
- ii. Detached or accessory structures shall have the lowest floor elevation and mechanical equipment elevation at or above the FPE unless the structure is not used as a habitable space and a variance for wet floodproofing is granted by the County Engineer. Accessory dwelling units with habitable space on the second floor shall have the lowest floor elevation and mechanical equipment elevation at or above the FPE unless the lowest floor is not used as a habitable space and a variance for wet floodproofing is granted by the County Engineer.
- iii. Accessory structures which are not located in a floodway zone and do not have at least two rigid walls including, but not limited to, carports, gazebos, and picnic pavilions, may be constructed at grade and must use flood-resistant materials up to the FPE.

**d. Agricultural Structures**

Agricultural structures shall have the lowest floor elevation and mechanical equipment elevation at or above the FPE unless a variance for wet floodproofing is granted by the County Engineer.

**5. Manufactured Homes**

**a. Poudre GMA Floodplain Restriction**

New manufactured homes are prohibited in the Zone AE and 1% ACE zones within the Poudre GMA Floodplain.

**b. Anchoring Requirements**

Manufactured homes shall be adequately anchored using, at minimum, over-the-top and frame ties to ground anchors as specified below:

- i. Over-the-top ties at each of the four corners, with two additional ties per side at intermediate locations, except for manufactured homes less than 50 feet long which require only one additional tie per side.
- ii. Frame ties at each corner with five additional ties per side at intermediate points, except for manufactured homes less than 50 feet long which require only four additional ties per side.

- iii. All components of a manufactured home anchoring system must be capable of carrying a force of 4800 pounds.
- iv. Any additions to the manufactured home be similarly anchored.

**c. Flood Protection**

Stands or lots on which a manufactured home is located must be elevated at or above the FPE on compacted fill in accordance with the Floodplain Development Standards.

**d. Drainage Requirement**

Stands or lots on which a manufactured home is located must provide adequate surface drainage.

**6. Liquid Propane Gas (LPG) Storage Tanks**

**a. LPG Placement**

Placement of a new or replacement LPG tanks or other similar storage tanks in the FPO District shall be located to minimize adverse impacts due to flooding. The County Engineer may prohibit new or replacement LPG tanks at his or her discretion if a location which is reasonably safe from adverse impacts due to flooding cannot be located on the subject property.

**b. Above-Ground Tanks**

Above-ground tanks must be placed on a concrete pad which is elevated at or above the FPE and is sufficiently anchored. If elevation of the tank conflicts with International Building Code (IBC) requirements, the IBC requirements must prevail. However, in all cases sufficient protection must be provided to the tank such that it resists the expected hydrostatic and hydrodynamic flood forces.

**c. Below-Ground Tanks**

Underground tanks must be designed and installed to resist the effects of buoyancy during high groundwater or flooding conditions. Buoyancy calculations must assume an empty tank. Anchoring of the tank is required if the empty tank alone will not counteract the calculated buoyant force.

**d. Infiltration or Accumulation**

All connections and components related to the tank or fuel system must be designed such that floodwaters cannot infiltrate or accumulate within any component of the system. Inspection ports and access covers must be sealed to prevent the entry of floodwaters or the exit of tank contents, or must extend above the FPE.

**e. Indoor Tanks**

Tanks located inside of a structure must meet all applicable requirements of Article 12.0.

**E. Critical Facilities**

**1. Poudre GMA Floodplain Restriction**

New critical facilities and the expansion of existing critical facilities are prohibited within the Zone AE and 1% ACE zones within the Poudre GMA Floodplain. New critical facilities

and expansion of existing critical facilities designated as Essential Service Facilities or At-Risk Population Facilities are prohibited in the Zone X (Shaded), Zone X (Shaded, Protected by a Levee), and 0.2% ACE zones within the Poudre GMA Floodplain.

**2. Flood Protection.**

All new and substantially improved critical facilities and new additions to critical facilities located within the FPO District shall be regulated to a higher standard than structures not determined to be critical facilities. Protection shall include the lowest floor elevation to be raised at least two feet above the BFE or dry floodproofing to at least two feet above the BFE. Protection may include the location of the facility outside the FPO District.

**3. Ingress and Egress**

New Critical Facilities shall, when practicable as determined by the County Engineer, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 1% ACE flood event.

**4. Critical Facility Classification**

Critical facilities are classified under the following categories:

**a. Essential Services Facilities**

Essential services facilities are for the provision of services needed before, during and after a flood event to protect public health and safety. Facilities classified as essential services 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, doctors’ 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).

**vii. Exemptions**

Specific exemptions to this category are included in the following list. Owners of these facilities are encouraged to meet the spirit of Article 12.0 when practicable to protect their own infrastructure and to avoid system failures during extreme flood events. These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in Article 12.0.

- 1) Wastewater treatment plants (WWTP)
- 2) Non-potable water treatment and distribution systems, and
- 3) Hydroelectric power generating plants and related appurtenances.
- 4) Parallel-connected solar and wind power generation

Prior to obtaining an FDP or beginning operation, exempt facilities are required to submit an Operation and Maintenance Plan and an Emergency Restoring Plan which adequately demonstrate how operations will be restored following major flood events for those facilities. Public utility plant facilities may be exempted from this requirement if it is demonstrated that the facility is an element of a redundant system for which service will not be interrupted during a flood. Evidence of ongoing redundancy shall be provided to the County Engineer on an as-needed basis upon request by the County Engineer.

**b. Hazardous Materials Facilities**

Hazardous Materials Facilities include facilities that produce or store volatile, flammable, explosive, toxic and/or water-reactive materials in excess of threshold limits as stated in the CWCB Rules and Regulations and 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 and below-ground gasoline or propane storage or sales centers.
- vi. Automobile oil and lubrication, repair, or paint facilities
- vii. Cemeteries (Poudre GMA Floodplain only)

**viii. Exemptions**

Specific exemptions to this category include the following list. These exemptions shall not apply to buildings or structures that also function as Critical Facilities under another category outlined in Article 12.0.

- 1) Facilities containing finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
- 2) Structures containing hazardous materials for which it can be demonstrated by hazard assessment and certification by a qualified professional (as determined by the County Engineer) that a release of the subject hazardous material does not pose a major threat to the public.

- 3) Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.
- 4) Hazardous materials facilities are not prohibited in 0.2% annual chance (500-year) flood zones in the Poudre GMA Floodplain.

**c. At-Risk Population Facilities**

At-Risk Population Facilities include facilities that house, provide shelter, or provide services to children, the infirm, or other persons requiring special assistance, care, or life support. Such facilities include, but are not limited to, the following:

- i. Hospitals
- ii. Non-ambulatory surgery centers
- iii. Elder care, nursing homes and assisted living facilities.
- iv. Congregate care facilities, residential care facilities and group homes
- v. Housing intended for occupants who may not be sufficiently mobile to avoid death or injury during a flood without special assistance.
- vi. Day care and childcare facilities
- vii. Public and private schools for all grade levels below high-school graduation
- viii. Before-school and after-school care facilities and summer day-camp facilities

**d. Facilities Vital to Restoring Normal Services**

- i. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance, and equipment centers) and
- ii. Essential structures for public colleges and universities, community colleges, and vocational schools (dormitories, offices, laboratories, and classrooms only).

**iii. Exemptions**

Specific exemptions to this category include the following list.

- 1) Facilities may be exempted if it is demonstrated that the facility is an element of a redundant system for which service will not be interrupted during a flood. Evidence of ongoing redundancy shall be provided to the County Engineer on an as-needed basis upon request by the County Engineer.
- 2) Facilities vital to restoring normal services are not prohibited in 0.2% ACE (500-year) zones in the Poudre GMA Floodplain.

**F. Recreational Vehicles (RVs) and RV Parks**

**1. RV Requirements**

Recreational vehicles must meet the floodplain requirements for manufactured homes in §12.1.5.D, *New Floodplain Construction*, unless the RV is:

- a. Located on the site for fewer than 180 consecutive days and
- b. Be fully operable, licensed, and ready for highway use as determined by the County Engineer. To be considered fully operable and ready for highway use, the RV must be on its wheels or jacking system, able to be self-propelled or towed quickly from the site, attached to the site only by quick-disconnect utilities, and have no permanently attached additions.

**2. Fee- based RV Parks**

Fee-based RV parks must meet the following requirements in addition to §12.1.5.A, *General Requirements*:

- a. Stands, lots, or sites on which an RV is located must be elevated at or above the FPE on compacted fill in accordance with the Floodplain Development Standards
- b. Stands or lots must provide adequate surface drainage.
- c. If RVs will be located on sites longer than 180 days, RVs and RV sites must meet floodplain requirements for manufactured homes in §12.1.5.D.5.

**G. Campgrounds**

Campgrounds must meet the following requirements:

**1. Flood Protection**

Camping sites or locations must be elevated at or above the FPE on compacted fill in accordance with the Floodplain Development Standards.

**2. Emergency Operation Plan (EOP)**

An EOP must be submitted prior to obtaining a permit which demonstrates reasonable flood safety and evacuation practices in event of a flood.

**3. Length of Stay Restriction**

Visitors shall not remain on the site longer than 180 consecutive days.

**4. Drainage Requirement**

Stands or lots must provide adequate surface drainage.

**H. Outdoor Storage**

Outdoor storage sites must meet the following requirements:

**1. Flood Protection**

Outdoor storage sites must be elevated at or above the BFE on compacted fill in accordance with the Floodplain Development Standards.

**2. Hazardous & Floatable Materials**

Outdoor storage sites shall be used solely for the storage of materials which are not considered hazardous (per §12.1.5.A) or floatable and do not violate other sections of this Code.

**3. Drainage Requirement**

Outdoor storage sites must provide adequate surface drainage.

**I. Electrical Facilities**

Cellular towers, transformers, solar panels, overhead electric poles, signs with electrical components, and other electrical facilities shall ensure that all electrical components are adequately floodproofed to an elevation at or above the FPE to eliminate infiltration of flood waters into the system.

**J. Fixed Accessory Features and Facilities**

Decks, fences, carports, gazebos, pergolas, fire pits, stairs, benches, sculptures, pillars/columns, or other accessories to a structure which are permanently fixed to the ground or structure shall meet the following requirements:

1. Fixed accessory features shall not be located within a floodway zone unless the requirements of §12.1.5, Floodplain Development Requirements, are met. The County Engineer may require that new or unpermitted features be reviewed by the Flood Review Board prior to issuance of an FDP.
2. Decks attached or accessory to a non-residential structure shall have the surface raised to an elevation at or above the FPE. The design shall be certified by a PE and demonstrate that:
  - a. The structure is adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - b. The foundation, footings, and/or structural supports are adequately protected from scour due to flood forces at the design frequency deemed appropriate by the County Engineer.

**K. Shipping or Storage Containers**

Shipping or storage containers shall meet the following requirements:

**1. Floodway Restriction**

Placement of shipping or storage containers in a floodway zone is prohibited.

**2. Anchoring**

Shipping and storage containers shall be adequately anchored using, at minimum, over-the-top and frame ties to ground anchors as specified below:

- a. Over-the-top ties at each of the four corners, with two additional ties per side at intermediate locations, except for shipping containers less than 50 feet long which require only one additional tie per side.
- b. All components of a shipping container anchoring system must be capable of carrying a force of 4800 pounds.

**3. Flood Protection**

Sites or pads on which a shipping container is located must be elevated at or above the BFE on compacted fill in accordance with the Floodplain Development Standards.

**4. Drainage Requirement**

Stands or lots on which a manufactured home is located must provide adequate surface drainage.

**5. Habitable Space Restriction**

Shipping and storage containers may not be used as a habitable space.

**L. Temporary Structures or Facilities**

FDPs may be issued for temporary structures or facilities in the FPO District if they meet the following criteria:

**1. Flood Protection**

The County Engineer may require that the temporary structure or facility and any associated equipment or materials be adequately anchored to prevent flotation, collapse, or lateral movement in event of a flood.

**2. No Permanent Attachments**

No permanent attachments or affixtures may be constructed or installed to the temporary structure or facility.

**3. No Permanent Alterations**

No permanent alterations are allowed for a temporary structure or facility. Prohibited activities may include, but are not limited to, mining, dredging, filling, grading, paving, excavating, or drilling operations.

**4. Time Limit**

The structure or facility shall not remain longer than a period of 90 consecutive days. One extension of up to 90 days may be granted at the discretion of the County Engineer.

**M. Repairs and Improvements**

**1. Substantial Damage & Substantial Improvement Determination**

A structure which requires repairs or to which improvements are proposed, including reconstruction, rehabilitation, addition, or other improvements, of which the cumulative cost over a five year period equals or exceeds 50 percent of the structure’s valuation shall be considered a Substantially Damaged or Substantially Improved Structure. A Substantially Damaged or Substantially Improved Structure must meet all applicable floodplain regulations under Article 12.0 in effect at the time that the floodplain development is proposed unless a variance is granted by the County Engineer.

**2. Costs**

The costs for labor and materials required for the repairs or improvements to a structure must be submitted to the County Engineer in a cost estimate and supported by contractor and owner affidavits per the Floodplain Development Standards. The costs for repairs and/or improvements to a structure shall be cumulatively added over a five year period prior to the approval date of the FDP for said repairs and/or improvements, but not including work prior to January 1, 2021. The costs must be deemed to be reasonable in accordance with the fair-market value by the County Engineer.

**3. Structure Valuation**

The valuation of the structure to which repairs or improvements are made must be deemed to be reasonable in accordance with the fair-market value by the County Engineer, supported by an appraisal from a licensed Colorado Real Estate Appraiser or Larimer County Assessor records, and be current within one year of the work.

**4. Cost Exclusions**

The costs of repairs and/or improvements which meet the following criteria shall not be included in the substantial damage and/or substantial improvement determination:

- a. Repairs and/or improvements which are not associated with flood damage and are made to correct existing violations of state or local health, sanitary, or building or

safety code specifications which have been identified by the County Engineer and which are the minimum necessary to assure safe living conditions.

- b. Repairs and/or improvements which are considered routine maintenance.
- c. Repairs and/or improvements which are made to a historic structure which has been designated by the National Register of Historic Places or State of Colorado and will not preclude the structure's continued designation as a historic structure. Entitlement to such an exemption requires that the applicant provide documentation that:
  - i. The building or structure is designated as a historic structure and
  - ii. Confirms that the proposed work will not preclude the structure's continued historic designation.

#### 5. Substantial Damage/Improvement Requirements

Structures which are substantially damaged and/or substantially improved shall meet all applicable requirements of Article 12.0 that are effective at the time of the determination by the County Engineer.

#### 6. Critical Facilities

Substantial Improvements of and expansions to existing critical facilities shall follow the requirements of the CWCB Rules and Regulations. Substantial Improvements and expansions to existing critical facilities are prohibited in the Poudre GMA Floodplain except for Hazardous Material Facilities and Facilities Vital to Restoring Normal Services in the Zone X (Shaded), Zone X (Shaded, Protected by a Levee), and 0.2% ACE zones.

### 12.1.6. Flood Review Board

#### A. Purpose

The Flood Review Board (FRB) exists to make recommendations to the County Engineer regarding floodplain development, variances to and interpretations of Article 12.0, map amendment proposals, and Floodplain Project Reviews within the FPO District.

#### B. Structure

1. The FRB is appointed by the Board of County Commissioners
2. The FRB shall contain five to seven (5-7) members.
3. The FRB shall select one chairperson annually.
4. The FRB must have at least three members present to achieve a quorum and conduct business.

#### C. Powers

The Flood Review Board (FRB) is authorized to make recommendations to the County Engineer regarding:

1. Variance requests to Article 12.0 of this Code
2. Interpretations of Article 12.0 of this Code
3. Map Amendments
4. Floodplain Project Reviews (FPR)
5. Guidance related to floodplain development, floodplain construction methods, flood safety, or other flood-related topics.

**D. Hearing Procedure****1. Initiating Review**

To initiate review by the FRB, the applicant must submit an application and along with all applicable submittal requirements per the Floodplain Development Standards.

**2. Hearing Schedule Deadline**

A hearing before the FRB shall be scheduled within 60 days from the date on which the application is determined complete by the County Engineer. The applicant shall be notified in writing of the date, time, and location of the hearing.

**3. Public Notice**

Notice of the hearing must be published at least 14 days prior to the hearing in a newspaper of general circulation within Larimer County. The notice must designate the date, time, and location of the hearing, the location of the subject property under review, and the nature of the review for which the applicant is applying. Written notice may be mailed to any surrounding property owners at the discretion of the County Engineer. The mailing of such notices is discretionary and failure to receive a notice does not affect the validity of the hearing before the FRB.

**4. FRB Recommendation**

At the conclusion of the hearing, the FRB shall make its recommendation to the County Engineer or table an item to a future date to allow the applicant to resolve issues which are identified. The FRB shall make its recommendation based on the evidence and information presented and by the applicable criteria, standards, and requirements in Article 12.0 of this Code.

**5. Conditions**

The FRB may recommend, and the County Engineer may require, that conditions be attached to a recommendation to further the purpose and objectives of Article 12.0.

**6. Appeals**

Any person or persons aggrieved by the County Engineer's decision regarding a variance, interpretation, map amendment, or Floodplain Project Review may appeal the decision to the County Commissioners.

**7. Professional Engineer Representation**

The FRB or the County Engineer may require the applicant to be represented by a licensed Colorado Professional Engineer (PE) who can address technical matters.

**E. Variances****1. FRB Review**

The FRB shall hear and make recommendations to the County Engineer for variance requests to the requirements of Article 12.0 unless the variance may be granted administratively by the County Engineer. The County Engineer may require any variance request to be reviewed by the FRB.

**2. Variance Approval Criteria**

Variance requests shall be evaluated based on the following criteria:

- a. The completeness and technical adequacy of the variance request and associated materials in accordance with:
  - i. Article 12.0 of this Code
  - ii. Larimer County Floodplain Development Standards
  - iii. Sound engineering judgment of FRB members
- b. The probability that granting the variance will result in unreasonable risk of harm to people or property, both onsite and in the surrounding area
- c. The safety of access to and from the subject property during flood events
- d. The availability of alternatives having a reduced risk of flooding impacts.
- e. Exceptional or undue hardship which would be experienced by the property owner through strict application of Article 12.0.
- f. Impacts due to scour and erosion.
- g. The impacts that approval of the variance will have on the:
  - i. Flood profile and flood heights (1% ACE)
  - ii. Floodway
  - iii. Stability of the channel and/or sedimentation
  - iv. Existing structures, roads, bridges, or other infrastructure
  - v. Lands upstream, downstream, and in the immediate vicinity of the floodplain development
  - vi. Ecosystem(s) associated with the watercourse, including the streambank and streamside vegetation.

**3. Abrogation**

Variations granted to Article 12.0 do not remove or relieve the requirements set forth in other sections of this Code.

**4. Records**

The County Engineer shall maintain a record of actions and recommendations involving a variance request and shall report variations to the Federal Emergency Management Agency and/or the Colorado Water Conservation Board upon request.

**F. Interpretations**

The FRB may hear and make recommendations to the County Engineer for requests to make interpretations of Article 12.0 of this Code.

**G. Map Amendments**

**1. FRB Review**

The FRB shall hear and make recommendations to the County Engineer regarding approval of FEMA’s Overview and Concurrence Form for map amendment requests such as Letters of Map Revision (LOMRs) and Conditional Letters of Map Revision (CLOMRs) within the FPO District.

**2. Map Amendment Approval Criteria**

Map amendment requests shall be evaluated based on the following criteria:

- a. The completeness and technical adequacy of the map amendment request and associated materials submitted with the request in accordance with the:

- i. FEMA Guidelines and Specifications for Flood Hazard Mapping Partners
  - ii. Article 12.0 of this Code
  - iii. Larimer County Floodplain Development Standards
  - iv. Sound engineering judgment of FRB members
- b. The impacts that approval of the map amendment request will have on the:
- i. Flood profile, flood heights, and floodplain boundaries (1% ACE)
  - ii. Floodway
  - iii. Existing structures, roads, bridges, or other infrastructure
  - iv. Lands upstream, downstream, and in the immediate vicinity of the study limits of the map amendment request

**3. Map Amendment Cost**

Where an applicant for a map change proposes a project which will result in changes to the FPO District boundaries, the applicant shall be responsible for the cost of preparing maps and any technical studies necessary for submittal to FEMA for a CLOMR or LOMR.

**4. FDP Issuance**

The FDP or building permit shall not be issued until FEMA has indicated the information is acceptable and has issued a CLOMR. The applicant shall pay any costs incurred to revise information submitted to FEMA to make it acceptable.

**5. Appeals**

Any person or persons aggrieved by a decision regarding an FPR may appeal the recommendation to the County Commissioners.

**H. Floodplain Project Review**

**1. FRB Review**

The FRB shall hear and make recommendations to the County Engineer regarding approval of Floodplain Project Review (FPR) requests within the FPO District. FPRs shall include:

- a. New or replacement bridges, roads, utility lines (not including overhead power lines), or other infrastructure which cross a stream channel.
- b. New or replacement water control structures which are determined to be hydraulically significant by the County Engineer.
- c. New or replacement marinas, docks, piers, wharves, or other infrastructure determined by the County Engineer to require special consideration by the FRB.

**2. FPR Approval Criteria**

FPR requests shall be evaluated based on the following criteria:

- a. The completeness and technical adequacy of the FPR in accordance with:
  - i. Article 12.0 of this Code
  - ii. Larimer County Floodplain Development Standards
  - iii. Sound engineering judgment of FRB members
- b. The probability that granting approval of the FPR will result in unreasonable risk of harm to people or property, both onsite and in the surrounding area

- c. The safety of access to and from the subject property during flood events
- d. The availability of alternatives having a reduced risk of flooding impacts.
- e. Impacts due to scour and erosion.
- f. The impacts that approval of the FPR will have on the:
  - i. Flood profile and flood heights (1% ACE)
  - ii. Floodway
  - iii. Stability of the channel and/or sedimentation
  - iv. Existing structures, roads, bridges, or other infrastructure
  - v. Lands upstream, downstream, and in the immediate vicinity of the floodplain development
  - vi. Ecosystem(s) associated with the watercourse, including the streambank and streamside vegetation.

**12.1.7. Wet Floodproofing**

**A. Wet Floodproofing Variance Eligibility**

Enclosures, additions or attached structures, accessory or detached structures, and agricultural structures in the FPO District which do not meet elevation requirements of §12.1.5, *Floodplain Development Requirements* may be eligible for an administrative variance to be wet floodproofed if the following requirements are met:

- 1. Non-agricultural structures are only eligible if used solely for parking of vehicles, building access, or storage of materials.
- 2. Agricultural structures are only eligible if used solely for the production, harvesting, storage, drying, or raising of agricultural commodities (including livestock).

**B. Wet Floodproofing Requirements**

For buildings or structures which are permitted to be wet floodproofed, floodproofing designs must meet the following criteria:

**1. Floodproofing Design & Materials**

- a. Buildings and structures which are wet floodproofed shall follow FEMA Guidance and other applicable Floodplain Development Standards.
- b. Wet floodproofing measures must be designed to equalize the hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
- c. Buildings and structures which are wet floodproofed shall provide flood-resistant materials to an elevation at or above the FPE.
- d. The County Engineer may require a wet floodproofing design to be certified by a PE at his or her discretion.

**2. Flood Venting Requirements**

- a. A minimum of two openings on at least two walls having a total net area of at least one square inch of open area for every square foot of enclosed area subject to flooding. The minimum opening requirement may be reduced if engineered venting is provided and certified by a PE.
- b. The bottom of all openings must be no higher than one foot above grade.
- c. Openings must permit the automatic entry and exit of floodwaters.

- d. Required openings may be installed in garage doors. However, the garage door itself does not qualify as an opening for wet floodproofing purposes.

**3. No Appliances**

The structure must have no permanently affixed appliances including, but not limited to, furnaces, heaters, washers, and dryers.

**4. Non-Conversion Agreement**

The County Engineer may require, at his or her discretion, that the property owner execute and record a Non-Conversion Agreement stating that the use of the structure or applicable portion of the structure will not be modified in the future prior to issuance of the Certificate of Occupancy. The agreement must run with the land and bind successors in perpetuity. Violation of the agreement will be considered a violation of Article 12.0 and will be subject to enforcement under §1.9, *Enforcement*.

**C. Wet Floodproofing Variance Approval Criteria**

Wet floodproofing variance requests shall be evaluated based on the following criteria:

- 1. The completeness and technical adequacy of the variance request and associated materials in accordance with:
  - a. Article 12.0 of this Code
  - b. Larimer County Floodplain Development Standards
  - c. Sound engineering judgment
- 2. The probability that granting the variance will result in unreasonable risk of harm to people or property, both onsite and in the surrounding area.
- 3. The safety of access to and from the subject property during flood events.
- 4. The availability and feasibility of alternatives having a reduced risk of flooding impacts.
- 5. Exceptional or undue hardship which would be experienced by the property owner if the variance is not granted.

**D. Abrogation**

Wet floodproofing variances which are approved do not remove or relieve the requirements set forth in other sections of this Code.

**E. Appeals**

Any person or persons aggrieved by a decision regarding a wet floodproofing variance may appeal the recommendation to the County Commissioners.

**F. Conditions**

The County Engineer may require that conditions be attached to the granting of wet floodproofing variances as he or she deems necessary to further the purpose and objectives of Article 12.0.

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**12.1.8. Nonconforming Uses and Structures in the FPO District**

**A. Principles of Construction**

This subsection is to be read in conjunction with §1.10, *Nonconformities*. This subsection does not supersede §1.10 in its entirety but establishes additional requirements for nonconforming structures and uses located in the FPO District. If a conflict arises between

the requirements of this subsection and the provisions of §1.10, the requirements of this subsection control.

**B. Nonconforming Uses and Change of Use Requirements**

**1. Nonconforming Use Continuation**

Any building or structure within the FPO District that was lawfully established before the adoption or amendment of Article 12.0 but that does not conform to the current requirements of Article 12.0 may be continued subject to the provisions of this Code.

**2. Change in Use Requirements**

A change in use of a structure as determined by the County Engineer will require that the entire structure meet all the current and applicable requirements of Article 12.0.

**3. Change in Use Variance**

A variance may be sought to modify or waive the requirements of Article 12.0 for a change in use through a request to the Flood Review Board. To receive approval, the variance request must meet all applicable criteria of §12.1.6.E, *Variances* and the following conditions:

- a. The existing structure must be determined to be structurally sound by a licensed Colorado Professional Engineer (PE).
- b. The work associated with the change of use must not be deemed a Substantial Improvement or repair of Substantial Damage.
- c. The proposed use to which the structure, or portion of the structure, will be changed shall not be a use which is determined to be more intensive by the Flood Review Board or increase human use or occupation of the structure(s).
- d. The proposed use to which the structure, or portion of the structure, will be changed must be allowable in the zoning district applicable to the property.
- e. The granting of the change in use shall not create a conflict with other sections of this Code.

**C. Nonconforming Structures in a Flood Fringe Zone**

**1. Regulatory Compliance**

A nonconforming structure in a flood fringe zone [e.g. Zone AE (Flood Fringe) or 1% ACE (Flood Fringe)] may not be expanded, improved, repaired, relocated, restored, or replaced unless the work complies with this subsection.

**2. Flood Elevation Amendments**

If the regulatory Base Flood Elevation (BFE) or Flood Protection Elevation (FPE) is amended to a higher BFE and/or FPE such that a structure becomes nonconforming, the higher BFE and FPE will apply to subsequent permit applications if the work constitutes a Substantial Improvement or repair of Substantial Damage.

**3. Additions to Nonconforming Structures**

Additions to or expansions of a nonconforming structure shall have the lowest floor elevation and mechanical equipment elevation at or above the FPE unless it is not used as a habitable space and a variance for wet floodproofing is granted by the County Engineer. If the addition constitutes a Substantial Improvement, the lowest floor

elevation of the entire structure and mechanical equipment elevation must be raised at or above the FPE unless an alternative design is provided (certified by a PE) which follows FEMA Guidance and meets all applicable requirements of Article 12.0. Additions or expansions of residential or mixed-use structures are prohibited in the Zone AE or 1% ACE flood zones of the Poudre GMA Floodplain.

**4. Substantial Improvement and Substantial Damage**

Owners of existing nonconforming structures must follow the requirements for repairs and improvements under §12.1.5.M, *Repairs and Improvements* to determine if the work constitutes a Substantial Improvement or repair of Substantial Damage. Where an owner of a nonconforming structure in a flood fringe zone proposes a Substantial Improvement or repair of Substantial Damage, the owner shall complete a relocation evaluation prior to retrofitting or repairs as described below. The County Engineer may require, at his or her discretion, that the proposal be reviewed by the Flood Review Board.

**a. Relocation Evaluation**

The owner must first evaluate the feasibility of relocating the nonconforming building or structure to a less hazardous location on the property. The following requirements shall apply to the relocation evaluation:

- i. Any relocation must be reviewed and approved by the County Engineer.
- ii. Relocation is subject to other provisions of Article 12.0 including, but without limitation to, setback, building permit, and zoning requirements.

**b. Retrofitting Existing Buildings**

- i. The entire building or structure must be brought into compliance with the requirements of Article 12.0.
- ii. All retrofitting designs, methods, and techniques must follow applicable FEMA Guidance and Floodplain Development Standards.
- iii. The County Engineer may require at his or her discretion require that retrofitting designs, methods, and techniques be certified by a PE.
- iv. Structures which meet the provisions of §12.1.7, *Wet Floodproofing* may be eligible for an administrative variance to be wet floodproofed at the discretion of the County Engineer.

**c. Repair or Replacement of Substantially Damaged Structures**

- i. The entire building or structure must be brought into compliance with the requirements of Article 12.0.
- ii. The County Engineer may require at his or her discretion that the building or structure design be certified by a PE.
- iii. Structures which meet the provisions of §12.1.7, *Wet Floodproofing* may be eligible for an administrative variance to be wet floodproofed at the discretion of the County Engineer.

**D. Nonconforming Structures in a Floodway Zone**

**1. Regulatory Compliance**

A nonconforming structure in a floodway zone may not be improved, repaired, relocated, restored, or replaced unless the work complies with this subsection.

## 2. No Expansion

A nonconforming structure in a floodway zone may not be expanded by addition of square footage, footprint, or habitable space.

## 3. Substantial Improvement and Substantial Damage

A Substantial Improvement is prohibited in a floodway zone. A repair of Substantial Damage is prohibited in a floodway zone unless the damage was caused by an event other than a flood or it meets the provisions of this subsection. Owners of existing nonconforming structures must follow requirements for repairs and improvements under §12.1.5.M, *Repairs and Improvements* to determine if the work constitutes a Substantial Improvement or repair of Substantial Damage. Where an owner of a nonconforming structure in a floodway zone proposes repair of Substantial Damage, the owner shall complete a relocation evaluation prior to retrofitting or repair/replacement as described below:

### a. Relocation Evaluation

The owner must first evaluate the feasibility of relocating the nonconforming building or structure outside of the floodway zone and to a location which minimizes flood risk. The following requirements shall apply to the relocation evaluation:

- i. Any relocation must be reviewed and approved by the County Engineer.
- ii. Relocation is subject to other provisions of Article 12.0 including, but without limitation to, setback, building permit, and zoning requirements.

### b. Retrofitting Existing Buildings

- i. In addition to requiring conformance with the flood protection measures in §12.1.5, *Floodplain Development Requirements*, the County Engineer may require one or more of the following retrofitting techniques to protect the structure from flooding as well as scour and erosion, debris impact, and other hazards associated with floodways:
  - 1) Elevation using posts, columns, or piles.
    - (a) Posts or columns must be placed in drilled or excavated holes or piles must be driven into the ground.
    - (b) Posts or columns must be encased in concrete and include a footer.
    - (c) Posts, columns, and piles must be sufficiently anchored to resist hydrodynamic and hydrostatic flood forces (1% ACE).
  - 2) Elevation using stem walls parallel to the direction of flow.
    - (a) Water must be allowed to flow freely between stem walls.
    - (b) Footers must be designed and installed to protect against scour due to flooding.
    - (c) Other techniques may be required as determined by the County Engineer.
- ii. All retrofitting designs, methods, and techniques must follow applicable FEMA Guidance and Floodplain Development Standards.

- iii. The County Engineer may require at his or her discretion that retrofitting designs, methods, and techniques be certified by a PE.

**c. Repair or Replacement of Substantially Damaged Structures**

If relocation and retrofitting are not feasible options (as determined by the County Engineer) for a Substantially Damaged Structure in a floodway zone, repairs or replacement of the damaged structure may be sought through a request to the Flood Review Board. To receive approval, the request must meet all applicable criteria of §12.1.6.E, *Variances* and the following conditions:

- i. The damage must have been caused by an event other than a flood or, if the damage was caused by a flood, a hydraulic study (certified by a PE) must be submitted which demonstrates that the product of the flood depth and velocity associated with the 1% ACE for the structure and the area surrounding the structure is less than or equal to 8.0 square feet per second.
- ii. The repairs or replacement of a Substantially Damaged Structure in a floodway zone must be within the footprint of the existing structure.
- iii. The repairs or replacement of a Substantially Damaged Structure in a floodway zone must result in the new structure having its lowest floor elevation and mechanical equipment elevation raised at least 24 inches above the BFE.
- iv. The design for the repairs or replacement of a Substantially Damaged Structure must follow applicable FEMA Guidance and Floodplain Development Standards. The design must be certified by a PE and shall demonstrate that the structure is safe and stable (in accordance with standard engineering practice) and able to withstand flood forces from the 1% ACE.
- v. A hydraulic study, certified by a licensed PE, must be submitted demonstrating that the repaired or replaced structure is not at risk of adverse impacts due to erosion or scour.
- vi. Access to and from the residence shall be evaluated for safety.
- vii. The applicant shall have five years from the date of loss to complete the repairs or replacement. At the expiration of the five-year period, the applicant may petition the County Engineer for a single one-year extension.

### 12.1.9. Definitions

#### **1% Annual Chance Event (1% ACE)**

A flood event having a 1-percent chance of being equaled or exceeded during any given year (commonly called the 100-Year Flood).

#### **0.2% Annual Chance Event (0.2% ACE)**

A flood event having a 0.2-percent chance of being equaled or exceeded during any given year (commonly called the 500-Year Flood).

#### **100-Year Flood**

A flood event having a 1-percent chance of being equaled or exceeded during any given year. The term does not imply that the flood will necessarily happen once every 100 years.

#### **500-Year Flood**

A flood event having a 0.2-percent chance of being equaled or exceeded during any given year. The term does not imply that the flood will necessarily happen once every 500 years.

**100-Year Floodplain**

The area of land susceptible to being inundated by the 1% Annual Chance Event (100-Year Flood).

**500-Year Floodplain**

The area of land susceptible to being inundated by the 0.2% Annual Chance Event (500-year Flood).

**Addition**

For purposes of floodplain regulation, an addition includes any expansion of the enclosed footprint or increase on the square footage of an existing structure.

**Agricultural Structures**

For purposes of floodplain regulation, agricultural structures include those utilized for the production, harvesting, storage, drying, or raising of agricultural commodities (including livestock). Agricultural structures do not include structures which are used wholly or partly as a habitable space.

**Alluvial Fan**

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.

**Accessory or Detached Structure**

For the purposes of floodplain regulation, an accessory or detached structure is a structure having a use which is incidental to the use of the principal or primary building on the same parcel of property. Examples include, but are not limited to, detached garages, storage sheds, barns, boathouses, and pavilions.

**Alteration of a Watercourse**

The manmade alteration of a watercourse such that the post-project location, orientation, or principal flow direction of the watercourse differs from the pre-project location, orientation, or principal flow direction of the watercourse.

**Base Flood**

The flood which has a 1% chance of being equaled or exceeded in any given year (also known as the 100-year flood or 1% ACE). This term is used in the National 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**

The water surface elevation for the flood event associated with a 1% chance of being equaled or exceeded in any given year.

**Basement**

For purposes of floodplain regulation, a basement is the interior space between the elevated finished floor of a building and the finished interior grade where the finished grade is below ground level, greater than 4 feet below the top of the foundation walls, and greater than 2 feet below the Lowest Adjacent Grade (LAG) on all sides.

**Building**

For purposes of floodplain regulation, a building is a structure which is walled or roofed and is principally above ground, including a manufactured home.

**Campground**

Site used for recreational camping, travel, or seasonal use and not used as a permanent living area.

**Channel**

The physical confine of a natural or artificial stream or watercourse consisting of a bed and stream banks, existing in a variety of geometries.

**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.

**Completion of Construction**

Date on which the project is fit to be used for or serve its intended purpose.

**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.

**Crawlspace**

For purposes of floodplain regulation, a crawlspace is the interior space between the elevated finished floor of a building and the finished interior grade where the finished grade is below ground level, no greater than 4 feet below the top of the foundation walls, and no greater than 2 feet below the Lowest Adjacent Grade (LAG) on all sides.

**Critical Facility**

A structure or related infrastructure (but not the land on which it is situated) which, 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, as determined by the County Engineer.

**Development (Floodplain Development)**

For purposes of floodplain regulation, development includes any manmade change to improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations. "Development" is referred to as "floodplain development" throughout Article 12.0.

**Digital Flood Insurance Rate Map (DFIRM)**

FEMA's digital floodplain map. These digital maps serve as regulatory floodplain maps for issuance of federally subsidized insurance and floodplain management purposes.

**Enclosures**

Fully enclosed areas below the lowest floor of a building.

**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.

**FEMA**

Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program (NFIP)

**FEMA Elevation Certificate**

FEMA’s official record used to demonstrate compliance with elevation requirements for all new structures and substantial improvements in FEMA Special Flood Hazard Areas (SFHAs) and within the Floodplain Overlay (FPO) District.

**FEMA Overview and Concurrence Form**

FEMA’s form provided for community acknowledgement of a map amendment within an MT-1 or MT-2 Form.

**Fill Material or Fill**

For purposes of floodplain regulation, fill material is a deposit of materials placed by artificial means.

**Flood or Flooding**

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of water from channels and reservoir spillways, the unusual and rapid accumulation or runoff of surface waters from any source, or 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 Fringe**

The portions of the Floodplain Overlay District that are within flood zones associated with a 1% annual chance of occurrence but not located in a floodway zone.

**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 (SFHA) and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS)**

The official report provided by the Federal Emergency Management Agency which contains the flood insurance rate map as well as flood profiles for studied flooding sources that can be used to determine base flood elevations for some areas.

**Floodplain or Flood-Prone Area**

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 Development Permit (FDP)**

A permit required before the start of construction or development within the Floodplain Overlay District (FPO District).

**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.

**Floodproofing**

Any combination of structural and/or nonstructural additions, modifications, 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**

Those portions of the FPO District that must be reserved in order to discharge the 1% Annual Chance Flood Event (1% ACE) without cumulatively increasing the water surface elevation more than 0.5 feet (or other height specified by Larimer County or local community), including the channel of a river or other watercourse and any adjacent floodplain areas that must be kept free of development and other encroachments.

**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.

**Habitable Space**

Area(s) within a building or structure used for continual human occupancy including, but not limited to, spaces for living, sleeping, dining, and cooking.

**Historic Structure**

Any structure that is listed individually in the National Register of Historic Places or preliminarily determined as meeting the requirements for individual listing on the National Register, certified or preliminarily determined as contributing to the historical significance of a registered historic district, individually listed on a state inventory of historic places, or individually listed on a local inventory of historic places.

**Letter of Final Determination**

A letter FEMA sends to the Chief Executive Officer of a community stating that a new or updated FIRM or DFIRM will become effective in 6 months. The letter also notifies each affected flood prone community participating in the NFIP that it must adopt a compliant floodplain management ordinance by the map effective date to remain participants in good standing in the NFIP.

**Letter of Map Amendment (LOMA)**

An amendment to the currently effective FEMA map, issued only by FEMA, which establishes that a property is not located in a Special Flood Hazard Area (SFHA).

**Letter of Map Revision (LOMR)**

An official amendment to the currently effective FEMA map, issued by FEMA, which changes flood zones, delineations, and elevations.

**Letter of Map Revision Based on Fill (LOMR-F)**

A modification of the Special Flood Hazard Area (SFHA) shown on the FEMA Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

**Lowest Adjacent Grade**

The lowest point of the ground level adjacent to a structure or building.

**Lowest Floor Elevation**

The surface elevation of the bottom floor of a structure, including basements.

**Manufactured Home**

For purposes of floodplain regulation, a manufactured home is a prefabricated, transportable structure which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to utilities. The term manufactured home does not include a recreational vehicle.

**Mechanical Equipment**

Mechanical equipment includes, but is not limited to, electrical, heating, ventilation, plumbing, and air conditioning equipment. Mechanical Equipment does not include necessary connections to public utilities.

**Mechanical Equipment Elevation**

The lowest elevation of all mechanical equipment which service a structure including, but not limited to, electrical, heating, ventilation, plumbing, and air conditioning equipment. Mechanical Equipment does not include necessary connections to public utilities.

**Minimum Floodplain Regulations**

Minimum standards for floodplain regulation in accordance with the Federal Emergency Management Agency (FEMA) and the Colorado Water Conservation Board (CWCB) which qualify unincorporated areas of Larimer County for flood insurance under the National Flood Insurance Program (NFIP). Minimum Floodplain Regulations include the following regulatory documents, along with any revisions thereto:

- 1) 44 Code of Federal Regulations §65.3 (44 CFR §65.3)
- 2) National Flood Insurance Act of 1968 (NFIA)
- 3) Section 2 Colorado Code of Regulations 408-1 (2 CCR 408-1)
- 4) CWCB Rules and Regulations for Regulatory Floodplains in Colorado

**Mixed-Use Structure**

A building or structure which contains multiple uses.

**MT-1 Form**

FEMA's application form used with Letters of Map Amendment (LOMAs), Conditional Letters of Map Amendment (CLOMAs), Letters of Map Amendment Based on Fill (LOMR-Fs), and Conditional Letters of Map Amendment Based on Fill (CLOMR-Fs) designed to assist community officials, individual property owners and others in gathering the information needed to determine whether parcels of land or structures are likely to be flooded during a flood event which has a 1% chance of being equaled or exceeded in any given year.

**MT-2 Form**

FEMA's application form used with Letters of Map Revision (LOMRs) and Conditional Letters of Map Amendment (CLOMRs) designed to assist community officials or individuals in gathering the data that FEMA needs to determine whether the effective National Flood Insurance Program (NFIP) map (i.e., Flood Hazard Boundary Map, Flood Insurance Rate Map, Flood Boundary and Floodway Map or Digital Flood Insurance Rate Map) and Flood Insurance Study report for a community should be revised. These forms also should be used by community officials or individuals for requesting FEMA comments on a proposed project issued in the form of a CLOMR. These forms assure FEMA that all pertinent data relating to the request is included in the submittal.

**Permanent**

Any change or alteration expected to remain for greater than 180 days.

**Professional Engineer (PE)**

An individual who has obtained and holds a current and valid license to practice engineering in the State of Colorado through the Colorado Department of Regulatory Agencies (DORA) State Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors.

**Recreational Vehicle**

For purposes of floodplain regulation, a recreational vehicle (RV) is a vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Routine Maintenance of Buildings**

Repairs or work necessary to keep an existing building in a safe and habitable condition, do not trigger a building permit, and for which the total cost does not exceed \$2,000. Such repairs include reroofing or replacing roof tiles, replacing siding, painting, wallpapering, tiling, carpeting, replacing or repairing windowpanes, replacing or repairing plumbing systems, electrical systems, or heating and air conditioning systems, basement sealing, or repairing wells or septic systems. Routine maintenance does not include repairs associated with flood damage. The costs associated with routine maintenance are not included in substantial damage or substantial improvement determinations.

**Routine Maintenance of Infrastructure**

Repairs or work or necessary to keep existing infrastructure such as roads, bridges, ditches, headgates, pipelines, or utilities in a safe and usable condition as determined by the County Engineer. Routine maintenance of infrastructure must not result in, or have potential to result in, modifications to the hydraulic characteristics of a floodplain, FPO District, or the Base Flood Elevations (BFEs) as determined by the County Engineer.

**Shallow Flooding Areas**

Shallow flooding areas are areas within Zone AO or AH floodplains with a 1% or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, the path of flooding is unpredictable, and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Start of Construction**

The time at which the first land-disturbing activity associated with a development occurs. This includes, but is not limited to, clearing, grading, filling, or excavation, the installation of project

elements such as streets, utilities, and walkways, the erection of temporary forms. For a substantial repair or improvement, the start of construction is defined as 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, gas or liquid storage tank, or manufactured home which is principally above ground.

**Variance**

A granting of relief from the strict application of a code requirement. A variance permits floodplain development in a manner otherwise prohibited by this code.

**Violation**

The failure of a building, structure, or other development to be fully compliant with Larimer County’s floodplain regulations as defined in Article 12.0 of the Larimer County Land Use Code. A building, structure, or other development not in compliance with Article 12.0 is presumed to be in violation until such time as the violation is adequately remedied or addressed to the satisfaction of the County Engineer or County Commissioners.

**Water Control Structure**

A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flows along a watercourse.

**Water Surface Elevation**

The height, in feet relative to the North American Vertical Datum of 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

**Watercourse**

A natural or artificial land surface depression with or without perceptibly defined beds and banks to which surface runoff gravitates and collectively forms a flow of water continuously or intermittently in a defined direction.

# Article 13.0 Supplemental Regulations for the Estes Valley<sup>502</sup>

## 13.1. Purpose and Applicability

### 13.1.1. Purpose

The regulations in this section are intended to provide for coordinated and harmonious development of the Estes Valley which will, in accordance with present and future needs, best promote health, safety, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development.

### 13.1.2. Applicability

The provisions shall apply to all land and development and use of all structures and land located within the unincorporated areas of Larimer County within the Estes Valley, as depicted in the Estes Valley Development Code Boundary Map, as may be amended from time to time. This map is set forth in this section of the Code and hereby incorporated by reference; and

### 13.1.3. Official Zoning Map

The location and boundaries of the zoning districts shall remain as historically designated and are hereby described in this chapter as shown on the map entitled "Zoning District Map of the Estes Valley," and hereafter referred to as the Official Zoning Map, as may be amended.

## 13.2. Estes Valley Zoning Districts

The following zoning districts are hereby incorporated into the Code. They may be referred to by their name or their district letter abbreviations.

### 13.2.1. Zoning Districts

#### A. Residential Zoning Districts include:

1. EV RE-1 Estes Valley Rural Estate
2. EV RE Estes Valley Rural Estate
3. EV E-1 Estes Valley Estate
4. EV E Estes Valley Estate
5. EV R Estes Valley Residential
6. EV RM Estes Valley Multi-Family Residential

#### B. Nonresidential Zoning Districts include:

1. EV A Estes Valley Accommodations/Highway Corridor
2. EV A-1 Estes Valley Accommodations/Low Intensity
3. EV CO Estes Valley Outlying Commercial
4. EV O Estes Valley Office

<sup>502</sup> Consolidated draft: Carries forward current Article 19.0, reformatted and renumbered for consistency. Use permissions have been updated to reflect the new procedures established in Article 6.0, but use definitions have not been updated and retain the definitions in the current LUC. More substantive updates to this Article will occur as a part of Phase 2.

5. EV I-1 Estes Valley Restricted Industrial

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**13.2.2. Residential Zoning Districts/Specific Purposes**

**A. EV RE-1 Estes Valley Rural Estate Zoning District**

This district protects and preserves some of the most rural areas of the Estes Valley in which significant view sheds, woodlands, rock outcroppings, ridgelines, other sensitive environmental areas and low-density residential development comprise the predominant land use pattern. The district regulations allow for the development of low-density single-family residential uses, generally at densities no greater than one dwelling unit per 10 acres.

**B. EV RE Estes Valley Rural Estate Zoning District**

This district permits relatively low-density single-family residential development in areas of the Estes Valley where this is the established and predominant land use pattern. New residential development is encouraged to incorporate rural residential conservation designs, such as clustering and other open space preservation techniques, in order to preserve the existing rural character and limit development in sensitive environmental areas such as steep sloped areas. The regulations contained in this district will permit continued, low-density residential development, generally at densities no greater than one dwelling unit per two and one-half acres.

**C. EV E-1 Estes Valley Estate Zoning District**

This district preserves the predominantly lower density residential uses that have been established in the Estes Valley. The district regulations permit single-family residential uses at densities of one dwelling unit per acre.

**D. EV E Estes Valley Estate Zoning District**

This district encourages moderate density single-family residential uses in areas of the Estes Valley convenient to services and the key highway corridors. District regulations are intended to continue the predominant single-family detached use, while providing for additional parks, open space and trail/bikeway linkages to Downtown Estes Park and existing systems whenever possible. District regulations permit single-family residential uses at densities of two dwelling units per acre, with a minimum lot area of one-half acre.

**E. EV R Estes Valley Single-Family Residential Zoning District**

This district preserves and encourages relatively high-density single-family residential uses primarily within the Town of Estes Park. District regulations are intended to continue the predominant single-family detached use, while providing for additional open space and trail/bikeway linkages to Downtown Estes Park and existing systems whenever possible. District regulations permit single-family residential uses at densities of four dwelling units per acre, with a minimum lot area of one-quarter acre.

**F. EV RM Estes Valley Multi-Family Residential**

This district provides opportunities for multifamily residential development.

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**13.2.3. Non-Residential Zoning Districts/Specific Purposes**

**A. EV A Estes Valley Accommodations/Highway Corridor Zoning District**

This district applies primarily in highway-oriented commercial areas of the Estes Valley, and allows a wide variety of accommodation uses, including relatively higher-intensity

accommodations such as multi-story hotels and motels. A variety of related tourist-serving retail and commercial uses, such as restaurants, bars and gift shops, will be permitted, but only as accessory uses to a principal accommodations use and only if such supporting uses are located inside the same structure as the principal use. Stand-alone commercial or retail uses will not be permitted in this accommodations district; instead, such uses may be developed in the other commercial zones.

**B. EV A-1 Estes Valley Accommodations/Low-Intensity Zoning District**

This district provides for low-intensity and small-scale residential uses, low-intensity accommodations and very limited accessory uses located along highway and roadway corridors characterized by low-intensity residential and lodging uses, including resort lodges, cabins and condominium developments. Aside from these limited residential and accommodation uses, no new commercial development shall be permitted in this district. New uses, including new accommodations, shall be developed consistent in intensity, bulk and design with the low-scale, residential character of this district.

**C. EV CO Estes Valley Outlying Commercial Zoning District**

This district encourages the development of a wide variety of commercial and retail uses along the major corridor entryways into the Valley and the Town of Estes Park. This district should accommodate the majority of the larger, freestanding commercial and retail buildings to meet future demand in the community.

**D. EV O Estes Valley Office Zoning District**

This district implements office future land uses. The intensity of future office development will be controlled through district standards.

**E. EV I-1 Estes Valley Restricted Industrial Zoning District**

Permitted uses in this district shall include a relatively wide variety of industrial uses, as reflected in the existing mix of industrial land uses, including several concrete/asphalt plants, propane distributors, construction trade yards and gravel mining and crushing facilities. However, to discourage future conflicts, residential uses shall not be permitted in this zoning district. An important element of development in this industrial zone district shall be compliance with performance standards to protect adjacent uses from adverse impacts of industrial development.

## 13.3. Compliance with District Standards

### 13.3.1. Compliance Required

No building or structure shall be erected, converted, enlarged, reconstructed, or altered for use, nor shall any land, building, or structure be used or changed in use except in accordance with all of the regulations established by this Code for the zoning district in which the land, building, or structure is located.

### 13.3.2. Permitted Uses and Review Procedures

Use Tables Table 13-1 and Table 13-4 set forth the use classifications and specific uses permitted within the relevant zoning districts according to the following procedures.

## Article 13.0: Supplemental Regulations for the Estes Valley

### 13.3 Compliance with District Standards | 13.3.2 Permitted Uses and Review Procedures

#### A. Permitted Uses

1. Uses followed by an (R) are allowed by right but they may be subject to all other requirements of this Code.
2. Uses followed by an (SP) require approval through the Site Plan Review process described in §6.4.1, *Site Plan Review*.
3. Uses followed by an (AS) require approval through the Administrative Special Review process described in §6.4.3, *Administrative Special Review*.
4. Uses followed by an (S) require approval through the Special Review Process described in §6.4.2, *Special Review*.
5. Uses followed by an (L&E) require approval through the location and extent process described in §6.4.4, *Location and Extent*.
6. Uses followed by a combination of (R/SP/AS/S) may be allowed by right or require approval based on thresholds set forth in Article 3.0, *Use Regulations*.
7. The number of dwelling units allowed on a site is based on the presumption that all other applicable standards will be met. The maximum density established for a zoning district is not a guarantee that such densities may be obtained, nor a valid justification for varying other dimensional or development standards.

#### B. Uses Not Allowed

A "—" in a cell indicates that a use type is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Code.

#### C. Additional Regulations

Many uses are subject to additional use-specific regulations (in addition to those standards in Article 4.0, *Development Standards* that apply to all development in general). The final column of the use table contains references to applicable use-specific standards, which are set forth in §13.6, *Use Regulations for the Estes Valley*. Standards referenced in the Additional Regulations column apply in all zoning districts unless otherwise expressly stated.

#### D. Use Classifications/Specific Use Types

All of the use classifications listed in Tables Table 13-1 and Table 13-4 are described and defined in §13.8 of this Code. In some cases, specific uses are listed in the second column of the table. The use classifications are intended to be mutually exclusive. If a use type is specifically listed in the table, that use type is allowed only in the districts indicated, not within the districts that may allow the broader classification.

#### E. Uses Not Listed as Permitted

Uses not specifically listed as permitted by right or by special review in a specific zoning district, as depicted in Tables Table 13-1 and Table 13-4, are prohibited unless such use is subsequently permitted pursuant to the rezoning/amendment procedure set forth in §6.6, *Code Amendment Procedures*.

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## 13.4. Residential Zoning Districts – Permitted Uses and Standards

### 13.4.1. Table of Permitted Uses in Residential Zoning Districts

Table 13-1: Residential Zoning Districts Zoning Table								
Use Classification	Specific Use	Zoning Districts						Additional Regulations (Apply in All Districts Unless Otherwise Stated)
		EV RE-1	EV RE	EV E-1	EV E	EV R	EV RM	
<b>Residential Uses</b>								
<b>Household Living</b>	Single-family dwelling	R	R	R	R	R	R	
	Two-family dwelling	-	-	-	-	-	R	
	Multi-family dwelling	-	-	-	-	-	SP	
	Mobile Home Park	-	-	-	-	-	S	§13.6.1.K
<b>Group Living Facility, Large</b>	Senior Care Facility	-	-	-	-	-	S	§13.6.1.I
	Large Group living facilities	-	-	-	-	-	S	§13.6.1.I
<b>Group Living Facility, Small</b>		R	R	R	R	R	R	§13.6.1.I
<b>Institutional, Civic and Public Uses</b>								
Day Care Center		S	S	S	S	S	S	§13.6.1.F
Family Home Day Care, Large		S	S	S	S	S	S	§13.6.1.F; As accessory to a principal residential use only
<b>Government Facilities</b>	Public Safety Facilities	L&E	L&E	L&E	L&E	L&E	L&E	
	Trail/Trail Head	L&E	L&E	L&E	L&E	L&E	L&E	
	Utility, Major	-	-	-	-	-	-	
	Utility, Minor	L&E	L&E	L&E	L&E	L&E	L&E	Use shall not include office, repair, storage or production facilities.

**Article 13.0: Supplemental Regulations for the Estes Valley**

13.4 Residential Zoning Districts – Permitted Uses and Standards | 13.4.1 Table of Permitted Uses in Residential Zoning Districts

<b>Table 13-1: Residential Zoning Districts Zoning Table</b>								
<b>Use Classification</b>	<b>Specific Use</b>	<b>Zoning Districts</b>						<b>Additional Regulations (Apply in All Districts Unless Otherwise Stated)</b>
		<b>EV RE-1</b>	<b>EV RE</b>	<b>EV E-1</b>	<b>EV E</b>	<b>EV R</b>	<b>EV RM</b>	
	All Other Government Facilities	L&E	L&E	L&E	L&E	L&E	L&E	
Hospital		-	-	-	-	-	S	
Park and Recreation Facilities—Public		L&E	L&E	L&E	L&E	L&E	L&E	
Park and Recreation Facilities—Private		S	S	S	S	S	S	§13.6.1.V
Park and Ride Facilities		-	-	-	-	-	ASR	
Religious Assembly		-	-	-	-	-	S	§13.6.1.O
Cultural Institutions		S	S	S	S	S	S	§13.6.1.U
Schools		-	-	-	-	-	S	
<b>Senior Institutional Living</b>	Continuing Care Retirement Facility	-	-	-	-	S	S	§13.6.1.I
	Congregate Housing	-	-	-	-	S	S	§13.6.1.I
	Skilled Nursing Facility	-	-	-	-	-	S	§13.6.1.I
Transportation Facility Without Repairs		-	-	-	-	-	L&E	
<b>Accommodation Uses</b>								
<b>Low Intensity Accommodation</b>	Bed and Breakfast: 10 or fewer occupants	AS	AS	AS	AS	AS	AS	§3.3.5.A
	Bed and Breakfast: more than 10 occupants	AS	AS	AS	AS	AS	AS	§3.3.5.A

**Article 13.0: Supplemental Regulations for the Estes Valley**

13.4 Residential Zoning Districts – Permitted Uses and Standards | 13.4.2 Density/Dimensional Standards

<b>Table 13-1: Residential Zoning Districts Zoning Table</b>								
Use Classification	Specific Use	Zoning Districts						Additional Regulations (Apply in All Districts Unless Otherwise Stated)
		EV RE-1	EV RE	EV E-1	EV E	EV R	EV RM	
	Vacation/Short-Term Rental: 10 or fewer occupants	AS	AS	AS	AS	AS	AS	§§13.6.1.B and 3.3.5.B.
	Vacation/Short-Term Rental: 11 or more occupants	AS	AS	AS	AS	AS	AS	§§13.6.1.B and 3.3.5.B.
<b>Commercial/ Retail Uses</b>								
<b>Wireless Communications Facilities</b>	Attached Facility on Existing Structure	SP	SP	SP	SP	SP	SP	See Article 9.0
	Small Cell Facility	SP ≤40 feet high	SP ≤40 feet high	SP ≤40 feet high	SP ≤40 feet high	SP ≤40 feet high	SP ≤40 feet high	See Article 9.0
	Alternative Tower Structure (concealed)	SP ≤40 feet high AS ≤60 feet high	SP ≤40 feet high AS ≤60 feet high	SP ≤40 feet high AS ≤60 feet high	SP ≤40 feet high AS ≤60 feet high	SP ≤40 feet high AS ≤60 feet high	SP ≤40 feet high AS ≤60 feet high	See Article 9.0
	Tower (non-concealed)	-	-	-	-	-	-	See Article 9.0
	Golf Course	R	S	S	S	S	-	
	Accessory Uses							§13.6.2
	Temporary Uses							§13.6.3

**13.4.2. Density/Dimensional Standards**

**A. Density Calculation**

**1. Net land area**

Net land area shall be determined by subtracting from the gross land area the following:

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13.4 Residential Zoning Districts – Permitted Uses and Standards | 13.4.2 Density/Dimensional Standards

- a. 80 percent of lands located in the 100-year floodplain;
- b. 80 percent of lands located above the elevation serviceable by the Town of Estes Park water system;
- c. All lands within private streets or dedicated public rights-of-way; and
- d. All lands subject to a ground lease that, because of the lease terms, would not be available for development of the proposed land use(s) on the subject property.

**2. Net density**

- a. Net density shall be calculated by dividing the net land area by the minimum lot area or land area required for each unit.
- b. When applying a density standard to a parcel's net land area, all resulting fractions shall be rounded down to the next lower whole number.
- c. The number of dwelling or accommodations units allowed on a site is based on the presumption that all other applicable standards shall be met. The maximum density established for a zoning district (See Table 13-2 below) is not a guarantee that such densities may be obtained, nor a valid justification for varying other dimensional or development standards.

**B. Table of Density and Dimensional Standards by Zoning District**

Table 13-2 below lists the density and dimensional standards that apply within the residential zoning districts. These are "base" standards and are not guarantees that stated minimums or maximums can be achieved on every site. Other regulations of this Code or site-specific conditions may further limit development on a specific site.

**C. Maximum Number of Principal Structures Permitted Per Lot or Development Parcel**

Except in the EV RM zoning district, only one principal structure shall be permitted per lot or development parcel.

**D. Table 13-2: Base Density and Dimensional Standards Residential Zoning Districts**

Table 13-2: Residential Zoning Districts Base Density and Dimensional Standards								
Zoning District	Max. Net Density (units/ac)	Minimum Lot Standards [1]		Minimum Building/Structure Property Line Setbacks [2] [6]			Max. Building Height (ft)	Min. Building Width (ft)
		Area (sq. ft.)	Width (ft.)	Front (ft.)	Side (ft.)	Rear (ft.)		
EV RE-1	1/10 Ac.	10 Ac.	200	50	50	50	30	20
EV RE	1/2.5 Ac.	2.5 Ac.	200	50	50	50	30	20
EV E-1	1	1 Ac. [3]	100	25	25	25	30	20
EVE	2	½ Ac. [3]	75	25-arterials; 15-other streets	10	15	30	20
EVR	4	¼ Ac	60	25-arterials; 15-other streets	10	15	30	20

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<b>EV RM</b>	Residential Uses: Max = 8 and Min = 3					<b>EV RM</b>	Residential Uses: Max = 8 and Min = 3	
<b>Notes:</b>								
[1] (a) See Table 13-3, which allows a reduction in minimum lot size (area) for single-family residential subdivisions that are required to set aside private open areas per §13.4.3.A. (b) See §13.7.2, which requires an increase in minimum lot size (area) for development on steep slopes.								
[2] See §§2.9.4.F and 4.4.2, for required setbacks from stream/river corridors and wetlands.								
[3] If private wells or septic systems are used, the minimum lot area shall be 2 acres. See also the regulations set forth in §4.3, <i>Adequate Public Facilities</i> .								
[4] Minimum building width requirements shall not apply to mobile homes located in a mobile home park.								
[5] Single-family and duplex developments shall have minimum lot areas of 18,000 sf. and 27,000 sf., respectively								
[6] All structures shall be set back from public or private roads that serve more than four adjacent or off-site dwellings or lots. The setback shall be measured from the edge of public or private roads, the edge of the dedicated right-of-way or recorded easement or the property line, whichever produces a greater setback. The setback shall be the same as the applicable minimum building/structure setback.								

**13.4.3. Additional Zoning District Standards**

**A. Private Open Areas; Applicability and Minimum Set-Aside Required**

All residential developments and subdivisions containing five or more units shall set aside a minimum percentage of total gross land area for the purpose of private open areas in the amount shown in Table 13-3 below.

<b>Table 13-3: Minimum Private Open Areas for Residential Zoning Districts</b>		
<b>Zoning District</b>	<b>Minimum Private Open Areas</b>	<b>Adjustment Minimum Lot Size/Area</b>
<b>EV RE-1</b>	30	7.00 acres
<b>EV RE</b>	30	1.75 acres
<b>EV E-1</b>	15	0.85 acres
<b>EV E</b>	15	0.43 acres
<b>EV R</b>	15	0.21 acres

**B. Lot Size**

**1. General Rule**

Subject to the exceptions listed below, the minimum lot sizes for lots within single-family residential subdivisions that are required to set aside private open areas shall be as shown in Table 13-3 above.

**C. Exception for Lots with Private Water/Sewer**

The minimum lot size for lots serviced by private wells or private septic systems shall be two acres in all districts, except the EV RE-1 zoning district.

**D. Exception for Development on Steep Slopes**

Lots with an average slope of greater than 12 percent shall be subject to the lot area adjustment set forth in §13.7.2 (Table 13-9) of this Code. The minimum lot areas set forth in

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this subsection shall be used as the base for any required increase in lot area due to steep slopes.

**E. Pedestrian Amenities and Linkage Requirements**

See Article 4.0, *Development Standards*.

**13.5. Nonresidential Zoning Districts – Permitted Uses and Standards**

**13.5.1. Table of Permitted Uses in the Nonresidential Zoning Districts**

Table 13-4: Nonresidential Zoning Districts Zoning Table							
Use Classification	Specific Use	Zoning Districts					Additional Regulations (Apply in All Districts Unless Otherwise Stated)
		EV A	EV A-1	EV CO	EV O	EV I-1	
<b>Residential Uses</b>							
<b>Household Living</b>	Single-family dwelling	R	R	-	R	-	In EV O, such use shall not be located on the ground floor of a building
	Two-family dwelling	R	R	-	-	-	
	Multi-family dwelling	SP	SP	-	-	-	In EV A-1, no more than 4 dwelling units per multi-family structure
	Mobile Home Park	-	-	S	-	-	§13.6.1.K
<b>Group Living Facility, Large</b>	Treatment Facility	AS	-	AS	-	-	§13.6.1.I
Group Living Facility, Small		R	R	R	-	-	§13.6.1.I
<b>Institutional, Civic and Public Uses</b>							
Civic, Social, or Fraternal Membership Clubs, Lodges, or Associations		AS	-	AS	-	-	
Cultural Institutions		AS	-	AS	AS	-	
Day Care Center		AS	S	AS	AS	AS	
Emergency Health Care		-	-	AS	AS	AS	§13.6.1.H
Event Facility		AS	-	AS	-	-	

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13.5 Nonresidential Zoning Districts – Permitted Uses and Standards | 13.5.1 Table of Permitted Uses in the Nonresidential Zoning Districts

Table 13-4: Nonresidential Zoning Districts Zoning Table							
Use Classification	Specific Use	Zoning Districts					Additional Regulations (Apply in All Districts Unless Otherwise Stated)
		EV A	EV A-1	EV CO	EV O	EV I-1	
Family Home Day Care, Large		AS	S	-	-	-	§13.6.1.I §13.6.2.B.2.c, Home Occupation As accessory to a principal residential use only
<b>Government Facilities</b>	Public Safety Facilities	L&E	L&E	L&E	L&E	L&E	
	Trail/Trail Head	L&E	L&E	L&E	L&E	L&E	
	Utility, Major	-	-	L&E	-	L&E	All structures shall be located at least 200 feet away from a residential zone district boundary
	Utility, Minor	L&E	L&E	L&E	L&E	L&E	
	All Other Government Facilities	L&E	L&E	L&E	L&E	L&E	
Government Offices		L&E	L&E	L&E	L&E	L&E	
Maintenance and Service Facilities		-	-	-	-	P	§13.6.1.L
Park and Recreation Facilities—Public		L&E	L&E	L&E	L&E	-	
Park and Recreation Facilities—Private		AS	AS	AS	AS	-	§13.6.1.V
Park and Ride Facilities		L&E	L&E	L&E	L&E	L&E	
Religious Assembly		AS	-	AS	-	-	§13.6.1.O
Schools, Non-Public		S	-	S	S	S	
Schools, Public		L&E	L&E	L&E	L&E	L&E	Any Public School shall comply with all applicable requirements per Colorado Revised Statutes
<b>Senior Institutional Living</b>	Continuing care retirement facility	-	-	AS	-	-	§13.6.1.I

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13.5 Nonresidential Zoning Districts – Permitted Uses and Standards | 13.5.1 Table of Permitted Uses in the Nonresidential Zoning Districts

<b>Table 13-4: Nonresidential Zoning Districts Zoning Table</b>							
Use Classification	Specific Use	Zoning Districts					Additional Regulations (Apply in All Districts Unless Otherwise Stated)
		EV A	EV A-1	EV CO	EV O	EV I-1	
	Congregate housing	-	-	AS	-	-	
	Skilled nursing facility	-	-	-	-	-	§13.6.1.I
Transportation Facility Without Repairs		-	-	L&E	L&E	-	
<b>Low-Intensity Accommodations</b>	Bed and breakfast	AS	AS	-	-	-	§3.3.5.A
	Hotel, Small	-	AS	-	-	-	
	Short-term Rental (Vacation Home)	AS	AS	AS	-	-	§§13.6.1.B and 3.3.5.B.
	Resort lodge/cabins, low-intensity	-	AS	-	-	-	
<b>High-Intensity Accommodations</b>	Hostel	AS	-	-	-	-	
	Hotel/Motel	AS	-	-	-	-	§13.6.1.J
	Recreational vehicle park/campground	S	-	-	-	-	§§3.3.5.C and 3.3.5.E
	Resort lodge/cabins	AS	-	-	-	-	§13.6.1.P
<b>Commercial/ Retail Uses</b>							
Adult Businesses		-	-	-	-	S	§13.6.1.A
<b>Animal Sales/Services</b>	Animal Boarding	-	-	-	-	AS	
	Animal Grooming	-	-	AS	-	-	
	Animal Hospital	-	-	AS	-	AS	
	Animal Retail Sales	-	-	AS	-	-	
	Animal Shows/Sales	-	-	AS	-	AS	§13.6.1.L
	Veterinary Office	-	-	AS	-	-	
Artist Studio		AS	AS	AS	AS	AS	
Bank or Other Financial Institution		-	-	AS	AS	-	
Building Materials/ Services		-	-	AS	-	AS	§13.6.1.L
Business Services		-	-	AS	AS	-	
Catering Service		-	-	AS	-	AS	
Commercial Laundry		-	-	-	-	AS	

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13.5 Nonresidential Zoning Districts – Permitted Uses and Standards | 13.5.1 Table of Permitted Uses in the Nonresidential Zoning Districts

<b>Table 13-4: Nonresidential Zoning Districts Zoning Table</b>							
<b>Use Classification</b>	<b>Specific Use</b>	<b>Zoning Districts</b>					<b>Additional Regulations (Apply in All Districts Unless Otherwise Stated)</b>
		<b>EV A</b>	<b>EV A-1</b>	<b>EV CO</b>	<b>EV O</b>	<b>EV I-1</b>	
Construction Storage Yard		-	-	-	-	AS	§§13.6.1.D and 13.6.1.L
<b>Eating/Drinking Establishments</b>	Bar/tavern	AS	-	AS	-	AS	§13.6.1.G
	Brewpub	AS	-	AS	AS	AS	§13.6.1.G In the EV A district: Permitted as accessory to an accommodations use only
	Microbrewery/ micro-distillery/ microwinery	AS	-	AS	AS	AS	§13.6.1.G In the EV A district: Permitted as accessory to an accommodations use only
	Restaurant	AS	-	AS	AS	AS	§13.6.1.G
	Tasting/tap room	AS	-	AS	AS	AS	§13.6.1.G In the EV A district: Permitted as accessory to an accommodations use only
	With outdoor seating or food service	AS	-	AS	AS	AS	§§13.6.1.G and 13.6.1.M
	With drive-through service	-	-	AS	-	AS	§13.6.1.G
<b>Food/Beverage Sales</b>	Convenience stores	-	-	AS	-	AS	§13.6.1.E
	Convenience store with fuel sales	-	-	AS	-	AS	§§13.6.1.E and 13.6.1.Q
	Convenience store with outdoor seating or food service	-	-	AS	-	AS	§§13.6.1.E and 13.6.1.M
	Grocery store	-	-	AS	-	-	§13.6.1.L
	Liquor store	-	-	AS	-	-	

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Table 13-4: Nonresidential Zoning Districts Zoning Table							
Use Classification	Specific Use	Zoning Districts					Additional Regulations (Apply in All Districts Unless Otherwise Stated)
		EV A	EV A-1	EV CO	EV O	EV I-1	
	All other	-	-	AS	-	-	
Funeral or Interment Services		-	-	AS	-	AS	
Laboratory		-	-	AS	AS	AS	
Maintenance/ Repair Service		-	-	AS	-	AS	§13.6.1.L
Office		-	-	AS	AS	-	
Outdoor Sales		-	-	AS	-	AS	§13.6.1.L
Personal Services		AS	-	AS	AS	AS	In the EV A district: Permitted as accessory to an accommodations use only; and Use shall be located within the same structure as a permitted accommodations use.
Plant Nurseries		-	-	AS	-	AS	§13.6.1.L
<b>Retail Establishments</b>	Retail establishments, large	-	-	AS	-	-	§13.6.1.L
	All other retail	-	-	AS	-	AS	§13.6.1.L In the EV I-1 district: Limited to sales of products manufactured or produced on the subject premises; and No more than 15% of the principal building(s)' gross floor area shall be devoted to retail sales.
Self-Service Mini-Storage		-	-	AS	-	AS /S	In EV CO, not allowed on lots abutting an

**Article 13.0: Supplemental Regulations for the Estes Valley**

13.5 Nonresidential Zoning Districts – Permitted Uses and Standards | 13.5.1 Table of Permitted Uses in the Nonresidential Zoning Districts

Table 13-4: Nonresidential Zoning Districts Zoning Table							
Use Classification	Specific Use	Zoning Districts					Additional Regulations (Apply in All Districts Unless Otherwise Stated)
		EV A	EV A-1	EV CO	EV O	EV I-1	
							arterial street or highway. If such use in EV I-1 contains more than 20,000 sq. ft. of gross floor area, it shall be subject to Special Review
Sightseeing/Tour Vehicle Facility		S	-	S	-	-	
<b>Vehicle Services, Limited</b>	Car wash	-	-	AS	-	AS	\$13.6.1.Q
	Quick lubrication services	-	-	AS	-	AS	\$13.6.1.Q
	Service station	-	-	AS	-	AS	§§13.6.1.Q and 13.6.1.L
<b>Vehicle/ Equipment Sales &amp; Services</b>	Automobile rentals	AS	-	AS	-	-	In EV A, only as part of a hotel or motel use
	Commercial parking facility	-	-	AS	AS	-	
	Limited equipment rentals	-	-	AS	-	AS	\$13.6.1.Q
	Vehicle/ equipment repair	-	-	AS	-	AS	\$13.6.1.Q
	Vehicle/ equipment sales and rentals	-	-	AS	-	AS	§§13.6.1.Q and 13.6.1.L
	Vehicle storage	-	-	-	-	AS	\$13.6.1.L
<b>Wireless Communications Facilities</b>	Attached Facility on Existing Structure	SP	SP	SP	SP	SP	Article 9.0
	Small Cell Facility	SP ≤40 feet high	SP ≤40 feet high	SP ≤40 feet high	SP ≤40 feet high	SP ≤40 feet high	Article 9.0
	Alternative Tower Structure (concealed)	SP ≤40	SP ≤40	SP ≤40	SP ≤40	SP ≤40	Article 9.0

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13.5 Nonresidential Zoning Districts – Permitted Uses and Standards | 13.5.1 Table of Permitted Uses in the Nonresidential Zoning Districts

Table 13-4: Nonresidential Zoning Districts Zoning Table							
Use Classification	Specific Use	Zoning Districts					Additional Regulations (Apply in All Districts Unless Otherwise Stated)
		EV A	EV A-1	EV CO	EV O	EV I-1	
		feet high AS ≤60 feet high					
	Tower (non-concealed)	AS ≤60 feet high AS ≤80 feet high	AS ≤60 feet high AS ≤80 feet high	AS ≤60 feet high AS ≤80 feet high	AS ≤60 feet high AS ≤80 feet high	AS ≤60 feet high AS ≤80 feet high	Article 9.0
<b>Recreation Uses</b>							
<b>Commercial Recreation or Entertainment Establishments, Indoor</b>	Limited	-	-	AS	-	-	§13.6.1.C
	All other	-	-	AS	-	AS	§13.6.1.C
<b>Commercial Recreation or Entertainment Establishments, Outdoor</b>	Amusement parks	-	-	S	-	-	§13.6.1.C
	Miniature golf	-	-	AS	-	-	§13.6.1.C
	Riding academies, livery stables, roping or equestrian arenas	S	-	S	-	-	§13.6.1.C
	All other	-	-	S	-	-	§13.6.1.C
<b>Entertainment Event, Major</b>	Indoor Facility	S	-	AS	-	-	§13.6.1.C
	Outdoor Facility	-	-	AS	-	-	§13.6.1.C

**Article 13.0: Supplemental Regulations for the Estes Valley**

<b>Table 13-4: Nonresidential Zoning Districts Zoning Table</b>							
Use Classification	Specific Use	Zoning Districts					Additional Regulations (Apply in All Districts Unless Otherwise Stated)
		EV A	EV A-1	EV CO	EV O	EV I-1	
Private- Membership Recreational Facility or Club		AS	-	AS	-	-	
<b>INDUSTRIAL USES</b>							
<b>Industry</b>	Brewery/distillery/winery	-	-	-	-	AS	§13.6.1.L
	Custom	-	-	-	-	AS	§13.6.1.L
	General	-	-	-	-	AS	§13.6.1.L
	Industrial services	-	-	-	-	AS	§13.6.1.L
	Limited	-	-	-	-	AS	§13.6.1.L
	Research & development	-	-	AS	AS	AS	
Gravel Mining		-	-	-	-	AS	
Recycling Facility		-	-	-	-	AS	§13.6.1.L
<b>Warehousing and Storage</b>	Bulk Storage	-	-	-	-	AS	§§13.6.1.L and 13.6.1.S
	General	-	-	-	-	AS	§§13.6.1.L and 13.6.1.S
	Limited	-	-	AS	-	AS	§§13.6.1.L and 13.6.1.S In EV CO, not permitted on lots abutting an arterial street or highway
<b>Wholesale Sales &amp; Distribution</b>	Small scale	-	-	AS	-	AS	§13.6.1.S
	All other wholesale sales/ distribution	-	-	-	-	AS	§13.6.1.S

**13.5.2. Density and Dimensional Standards.**

**A. Table of Density and Dimensional Standards by Zoning District**

**Table 13-5** below lists the density and dimensional standards that apply within the nonresidential zoning districts. These are "base" standards, not guarantees that stated minimums or maximums can be achieved on every site. Other regulations of this Code or site-specific conditions may further limit development on a site.

**Article 13.0: Supplemental Regulations for the Estes Valley**

**B. Minimum Land Area Requirements for Accommodation and Residential Uses in the Nonresidential Zoning Districts**

**Table 13-5** below includes a standard for "minimum land area per accommodations (guest) or residential unit," which applies only in the A, and A-1 zoning districts. The "minimum land area" necessary to meet this standard shall be measured using the net land area definition set forth in §13.4.2, *Density/Dimensional Standards*. When applying the minimum land area standard to a parcel's net land area, all resulting fractions shall be rounded down to the next lower whole number.

**C. Maximum Units/Density Not Guaranteed**

The number of dwelling or guest units allowed on a site is based on the presumption that all other applicable standards shall be met. The maximum residential or accommodations density established for a zoning district is not a guarantee that such densities may be obtained, nor a valid justification for varying other dimensional or development standards.

**D. Table 13-5: Density and Dimensional Standards for the Nonresidential Zoning Districts**

Table 13-5: Nonresidential Zoning Districts Base Density and Dimensional Standards								
Zoning District	Max. Net Density (units/ac)	Minimum Lot Standards [1]		Minimum Building/Structure Property Line Setbacks [2] [6]			Max. Building Height (ft)	Min. Building Width (ft)
		Area (sq. ft.)	Width (ft.)	Front (ft.)	Side (ft.)	Rear (ft.)		
<b>EVA</b>	Accommodation Unit =1,800 [1]; Residential Units: SF = 9,000; 2-Family = 6,750; MF = 5,400	40,000 [2]	100 [3]	Arterial = 25 [5]; All other streets = 15	15 [6]	10 [6]	30	50
<b>EVA-1</b>	10,890	15,000 [2]	50 [3]	Arterial = 25 [5]; All other streets = 15	15	10	30	30
<b>EV CD</b>	Accommodation Units Only = 1,800SF & 2-Family (standalone) = 9,000; Dwelling Units (1st Floor) 1 unit per 2,250 square feet of gross land area Dwelling	Accommodation uses = 20,000 All other uses = n/a	SF & 2-Family (standalone) = 25; MF (standalone) = 100; All other uses = n/a	Minimum = 8 Maximum = 16	If lot abuts a residential property = 10; All other cases = 0	If lot abuts a residential property = 10; All other cases = 0	30	n/a

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13.5 Nonresidential Zoning Districts – Permitted Uses and Standards | 13.5.2 Density and Dimensional Standards.

	Units (2nd Floor) No minimum gross land area per unit							
<b>EV CO</b>	n/a	Lots fronting arterials = 40,000 [2]; Outdoor Commercial Recreation/ Entertainment = 40,000 [2] All other lots = 15,000 [2]	Fronting arterials = 200; All other lots = 50	Arterial = 25 [5]; All other streets = 15	15 [6]	15 [6]	30	65
<b>EV O</b>	Residential Units (2 <sup>nd</sup> Floor) 1 unit 2,250 sq. ft. GFA of principal use	15,000 [2]	Fronting Arterials = 200; All other lots = 50	Arterial = 25 [5]; All other streets = 15	15 [6]	15 [6]	30	50
<b>EV I-1</b>	n/a	15,000 [2]	Fronting Arterials = 200; All other lots = 50	Arterial = 25 [5]; All other streets = 15	10 [6]	10 [6]	30	80

**Notes:**

- [1] For guest units in a resort lodge/cabin use that have full kitchen facilities, the minimum land area requirement per guest unit shall be 5,400 square feet.
- [2] If private wells or septic systems are used, the minimum lot area shall be 2 acres. See also the regulations set forth in §4.3, *Adequate Public Facilities*.
- [3] For lots greater than 2 acres, minimum lot width shall be 200 feet.
- [4] See §§2.9.4.F and 4.4.2, for required setbacks from stream/river corridors and wetlands.
- [5] All front building setbacks from a public street or highway shall be landscaped according to the standards set forth in §4.7, *Landscaping*.
- [6] Setback shall be increased to 25 feet if the lot line abuts a residential zoning district boundary.
- [7] See section §13.7.2 which requires an increase in minimum lot size (area) for development on steep slopes.
- [8] All structures shall be set back from public or private roads that serve more than four dwellings or lots. The setback shall be measured from the edge of public or private roads, or the edge of the dedicated right-of-way or recorded easement, whichever produces a greater setback. The setback shall be the same as the applicable minimum building/structure setback. This setback is applicable only in the EV A-1 district.

**E. Number of Principal Uses Permitted Per Lot or Development Parcel**

**1. Maximum Number of Principal Uses Permitted**

One or more principal uses shall be permitted per lot or development parcel, except that in the EV A zoning district, only one principal residential use shall be permitted per lot or development parcel.

**2. Permitted Mix of Uses**

Where more than one principal use is permitted per lot or development parcel, mixed-use development is encouraged, subject to the following standards:

## Article 13.0: Supplemental Regulations for the Estes Valley

### 13.6 Use Regulations for the Estes Valley | 13.5.3 Additional Zoning District Standards

- a. More than one principal commercial/retail or industrial use permitted by right or by special review in the zoning district may be developed or established together on a single lot or site, or within a single structure, provided that all applicable requirements set forth in this section and Code and all other applicable ordinances are met.
- b. Any combination of residential and commercial/retail uses that are permitted by right or by special review in the zoning district may be developed or established together on a single lot or site or within a single structure, provided that all applicable requirements set forth in this section and Code, and all other applicable ordinances, are met. For example, a two-story structure on a single lot may have a restaurant or retail store on the ground floor, and residential apartments or condominiums on the second floor.

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### 13.5.3. Additional Zoning District Standards

#### A. Operational Requirements

##### 1. Performance Standards

All new development in the nonresidential zoning districts shall comply with the performance standards set §13.7.7, *Operational Performance Standards*.

#### B. EV CO and EV O Zoning Districts: Building Siting, Orientation and Materials Requirements

1. The main entrance of all buildings in the EV CO and EV O zoning districts shall be oriented to the front property line. If a lot fronts an arterial road or state highway, the main entrance of all buildings shall face the road or highway.
2. To the maximum extent feasible, each principal structure on a site shall avoid long flat or blank walls that face a public street. All sides of a building that face a public street shall be finished with the same materials as the primary facade.

#### C. Vehicular Access and Circulation Requirements

See Larimer County Urban Area Street Standards Chapters 9 and 19, Larimer County Rural Area Road Standards Chapter 10, Article 4.0, *Development Standards* and §13.7.8, *Street Design and Construction Standards*.

#### D. Pedestrian Amenities and Linkage Requirements

See Article 4.0, *Development Standards* and §13.7.8, *Street Design and Construction Standards*.

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## 13.6. Use Regulations for the Estes Valley

### 13.6.1. Specific Use Standards

This Section contains regulations that apply to specific uses or classes of uses.

#### A. Adult Business

All adult business uses shall be subject to special review and shall also comply with the following standards:

1. No adult business use shall be located within 500 feet of any residentially zoned or used property.

2. No adult business use shall be permitted within 500 feet of any school, place for religious assembly, public park, playground, other adult business use or liquor store.
3. Adult business use buildings, entries, windows and other openings shall be located, covered or screened to prevent a view into the interior from any public area, including sidewalks, bike/pedestrian paths and streets.

**B. Short Term Rental (Vacation Home)**

1. See §3.3.5.B, *Short-Term Rental*.
2. Estes Valley vacation homes shall be subject to the requirements and approval processes outlined in §3.3.5.B. All vacation homes shall re-register their operation (i.e., operating registration) on a bi-annual basis.
3. A vacation home with a valid operating registration approved under the previous Estes Valley Development Code prior to April 1, 2020 may continue to operate as a non-conforming vacation home (see §1.10.3, *Nonconforming Uses*), with the requirement to re-register on a bi-annual basis.
4. Operating registrations for vacation homes in residential zoning districts (designated herein as EV E, EV E-1, EV R, EV RE, EV RE-1, and EV RM) shall be held at a maximum total ("cap") of 266 registrations in effect at any given time. This cap shall be reviewed annually by the County Commissioners, in or near the month of April. The County will maintain a waiting list for interested applicants whose application would cause the cap to be exceeded. The waiting list will rank prospective applicants in the order they were received and as operating registrations become available may be eligible to apply for approval as a short-term rental.

**C. Commercial Recreation or Entertainment Establishments**

1. All commercial recreation or entertainment establishments shall be subject to the following standards:
  - a. The use of firearms shall not be permitted as a part of user activities.
  - b. A traffic impact study shall be submitted that assesses the impacts of the proposed use on existing roads, intersections and circulation patterns, and that demonstrates compliance with the traffic facility standard set forth Article 4.0 of this Code, Adequate Public Facilities, and/or sets forth mitigation measures to eliminate or substantially reduce such impacts.
2. In addition to the standards set forth in paragraph C.1 above, riding academies, livery stables and roping or equestrian areas shall be subject to the following standards:
  - a. The minimum lot or parcel size for such uses shall be five acres.
  - b. The Applicant shall submit a plan for the management of odor, dust and waste as part of the application for special review or development plan approval.

**D. Construction Storage Yards, Salvage Yards, Industrial Services (Repair or Storage)**

The following standards shall apply to all salvage yards and heavy equipment and industrial storage yards that abut an arterial street, a residential use or a residential zone district boundary, unless the subject use and related activities are entirely enclosed within a building:

1. Such uses shall be screened with a solid (100 percent opaque) wall or fence with a minimum height of eight feet.

2. No outdoor storage area shall be placed or maintained within a required building or yard setback.
3. Stored items shall not project above the fence or wall used to screen the material.
4. It shall be unlawful to store or otherwise have, maintain or allow on a single parcel of land or on contiguous parcels under common ownership more than one nonfarm vehicle not having current Colorado license plates or registration unless the vehicle is in an approved auto repair garage, body shop, gas station or other similar use where vehicle storage is permitted. There shall be no limit on the number of active or serviceable agricultural vehicles on a parcel of land, regardless of whether such vehicles have current registration or license plates; however, the restrictions of one vehicle per parcel of land shall apply to agricultural vehicles that are clearly abandoned or that are not, in their present condition, suitable for active agricultural use.

**E. Convenience Stores**

1. If fuel is sold as part of the convenience store operation, the conditions for service stations listed in §13.6.1.Q below shall also apply. In addition, parking areas for retail sales and fuel service shall be separated from each other, and circulation within the property to each parking area shall be separate and clearly marked or evident.
2. No drive-through service shall be permitted as part of the operation of a convenience store.
3. Outdoor seating areas may be permitted; see §13.6.1.M **below.**

**F. Day Care Centers and Large Family Home Day Care**

Day care centers and large family home day care shall be subject to the following standards:

1. The minimum lot area for a day care center in residential zoning districts shall be 12,000 square feet
2. In approving day care centers and large family day care homes, the Decision-Making Body may impose conditions related to location, configuration and operational aspects of the center or home to ensure that the use is compatible with surrounding uses. This includes, but is not limited to, hours of operation, noise, lighting and parking.
3. In approving day care centers and large family day care homes, the Decision-Making Body may impose conditions on the site design and structures to ensure compatibility with the character of the surrounding neighborhood in terms of building mass, scale and design.
4. Large family day care homes shall have direct access to a paved public street.
5. Day care centers in the EV E, EV E-1, EV RE, and EV RE-1 residential zoning districts shall be adjacent to an arterial street.

**G. Eating/Drinking Establishments**

1. In the EV A, EV O and EV I-1 zoning districts, eating/drinking establishments may be permitted in buildings as an accessory use not occupying more than 25 percent of the gross floor area. See also the specific use regulations applicable to hotels in §13.6.1.J below.
2. For restaurants and other eating/drinking establishments with outdoor seating areas or outdoor food service, see §13.6.1.M below.

**H. Emergency Health Care**

The provider must furnish sufficient proof that emergency response vehicles and other visitors and activities associated with the proposed use will not interfere with existing or anticipated surrounding uses.

**I. Group Living Facilities, Small; Group Living Facilities, Large; Senior Institutional Living Uses**

**1. Generally Applicable Standards**

All the above-listed uses shall be subject to the following standards:

- a. The number of residents occupying a facility at any one time, including staff and family of staff, shall not exceed one person per 200 square feet of living space.
- b. All structures shall be compatible in terms of building mass, scale and design with the character of the surrounding neighborhood.
- c. Such use proposed to be sited in an existing structure and proposed to house more than five clients or persons shall, to the maximum extent feasible, meet the requirements set forth in the current applicable Building and Fire Codes.

**2. Standards for All Senior Institutional Living Uses and Large Group Living Facilities**

If active and continuous operations are not carried on for a period of 12 consecutive months in a facility that was approved pursuant to this Code, the use shall be considered to be abandoned. As applicable, the use may be reinstated only after obtaining a new special review approval.

**J. Hotels**

All hotel uses shall be subject to the following standards:

- 1. Up to 15 percent of the gross floor area of a hotel may be in nonliving-quarter accessory uses, including management/employee offices, meeting rooms, banquet halls, retail services such as newsstands and gift shops, and similar accessory uses, provided that any incidental business is conducted primarily as a service to guests, and there is no entrance to such places of business except from inside the building.
- 2. In addition to the accessory uses allowed in paragraph J.1 above, up to an additional 25 percent of the gross floor area of a hotel may be devoted to eating/drinking establishments as an accessory use.

**K. Mobile Home Park**

All mobile home parks shall be subject to compliance with the regulations governing mobile home parks in §3.3.3.F, *Manufactured Housing Parks*.

**L. Outdoor Display/Sales and Storage**

All uses with outdoor displays, sales or storage shall be subject to compliance with the outdoor display/sales regulations in Article 4.0, *Development Standards*.

**M. Outdoor Seating Areas or Food Service (Convenience Stores or Eating/Drinking Establishments)**

**1. Outdoor Seating Areas**

- a. Eating and drinking establishments or convenience stores may provide outdoor seating areas, including tables and chairs, for the use of their customers.

- b. The outdoor seating area shall not obstruct the movement of pedestrians through plazas, along adjoining sidewalks or through other areas intended for public usage.
- c. In approving outdoor seating areas, the Decision-Making Body may impose conditions relating to the location, configuration and operational aspects (such as lighting) of such outdoor seating areas to ensure that such outdoor seating areas will be compatible with surrounding uses, will be maintained in an attractive manner and will comply with applicable Building and Fire Codes.

**2. Outdoor Food Service**

- a. Eating and drinking establishments may provide outdoor food service on the site of the principal use at tables provided by the establishment.
- b. Food service shall be provided by employees of the establishment.
- c. In approving outdoor food service, the Decision-Making Body may impose conditions relating to the location, configuration and operational aspects (such as lighting and litter control) of such outdoor food service areas to ensure that such area is compatible with surrounding uses, is maintained in an attractive manner and will comply with applicable Building and Fire Codes.

**N. Prohibited Uses**

The following uses are specifically prohibited in all Estes Valley unincorporated area zoning districts:

- 1. Feedlots.
- 2. Junkyards. Any area, lot, land, parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage or disposal of junk.
- 3. NAICS Subsector 324. All establishments falling within the North American Industry Classification System (NAICS) Subsector 324, Petroleum and Coal Products Manufacturing, as identified in the North American Industry Classification System United States Manual (OMB 1997).
- 4. NAICS Subsector 331. All establishments falling within the North American Industry Classification System (NAICS) Subsector 331, Primary Metal Manufacturing, as identified in the North American Industry Classification System United States Manual (OMB 1997).
- 5. NAICS Industry 22111. All electric power generation facilities falling within the North American Industry Classification System (NAICS) Industry 22111, Electric Power Generation, as identified in the North American Industry Classification System United States Manual (OMB 1997).
- 6. NAICS Industry Group 3116. All establishments falling within the North American Industry Classification System (NAICS) Industry Group 3116, Animal Slaughtering and Processing, as identified in the North American Industry Classification System United States Manual (OMB 1997).

**O. Religious Assembly**

**1. Caretaker Quarters**

A single-family dwelling unit, located on the same lot as the religious assembly use, and occupied by the facility's leader, may be permitted as an accessory use to the facility. See §3.4.5.B, *Caretaker Dwelling Units* for additional regulations applicable to accessory caretaker quarters use.

**2. Schools and Day Care Centers as Accessory Uses**

Accessory schools and day care centers must comply with the specific use standards in §13.6.1.F.

**P. Resort Lodge/Cabins**

A guest room or unit contained in a resort lodge/cabin accommodations use may contain full kitchen facilities instead of the otherwise required "limited kitchen facilities", provided that the following conditions are satisfied:

1. The guest room/unit is contained in a freestanding, detached "cabin" structure, and such structure contains no more than four such guest rooms/units.
2. For purposes of permitted density/intensity calculations, all guest rooms/units with full kitchen facilities shall comply with a minimum 5,400 square-foot land area per unit requirement, in lieu of the 1,800 square-foot requirement for accommodations units set forth in Table 13-9 of this Code.

**Q. Vehicle Services, Limited**

All service stations, car washes and quick lubrication service uses shall be subject to the following standards:

**1. Minimum Separation**

Such uses shall be located at least 500 feet from schools and day care uses, as measured from the outer boundaries of the sites.

**2. Site Layout**

Conditions of development plan approval may require buffering, screening or planting areas necessary to avoid adverse impacts on properties in the surrounding areas.

**3. Storage and Accessory Sales of Materials and Equipment**

- a. No outdoor displays of materials or equipment shall be allowed, except that a display rack for automobile products no more than four feet wide may be maintained within three feet of the principal building, subject to a limit of one such display rack per street frontage.
- b. Storage of unlicensed or inoperable vehicles shall be prohibited.

**4. Specific Standards for Service Stations and Quick Lubrication Services**

- a. The use shall be located at least 100 feet from the property boundary of any residential zoning district.
- b. All minor repair work, vehicle washing, lubrication and installation of parts and accessories shall be wholly performed within an enclosed structure.
- c. All automobile parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence. A chain link fence with slats shall not constitute acceptable screening or fencing for the purposes of this provision.
- d. All vehicles awaiting repair or service shall be stored on site in approved parking spaces and under no circumstances shall such vehicles be stored on or obstruct access to a public right-of-way.
- e. Fuel pump location shall comply with the following requirements:

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### 13.6 Use Regulations for the Estes Valley | 13.6.1 Specific Use Standards

- i. Fuel pumps shall be located at least 30 feet from the edge of the right-of-way of a public street.
  - ii. Subject to the setback in paragraph 4a. above, except on corner lots, fuel pumps shall be located in no more than one yard. For example, if fuel pumps are located in the front yard of a lot, they may not also be located in a side or rear yard.
  - iii. On corner lots, again subject to the setback in paragraph 4a. above, fuel pumps may be located in either or both of the yards adjacent to a street lot line, provided that safe vehicular access to the fuel pumps is available from both intersecting streets.
- f. All tanks containing fuel, oil, waste oils and greases or similar substance shall be placed underground at least 25 feet from any property line, and vented, in accordance with Colorado state health and safety requirements.
  - g. All discarded materials such as tires, cans, drums and the like shall be stored in an enclosed area and under cover.
  - h. A canopy over the fuel pumps may be erected, provided that the following conditions are met:
    - i. The canopy may be either attached or detached from the principal building;
    - ii. The canopy structure shall comply with all minimum building setback standards applicable to the principal structure; and
    - iii. The canopy structure shall not be enclosed.

#### R. Vehicle/Equipment Sales and Rentals

Vehicle and equipment sales uses (including automobiles, recreational vehicles, boats, trucks and motorcycles) shall be subject to the following standards:

1. Vehicle or equipment displays shall not be located within a required setback area.
2. Front yard setback areas shall be landscaped to provide a buffer between the right-of-way and vehicle or equipment sales/storage areas. Side yard setback areas shall also be landscaped if the side yard abuts a public right-of-way. See §4.7, *Landscaping*.
3. No vehicle or equipment shall be stored in a required landscape area.
4. Not more than one vehicle display pad, which may be elevated up to three feet in height, shall be permitted per one 100 feet of street frontage.
5. No other materials for sale shall be displayed between the principal structure and the street.

#### S. Warehousing and Storage; Wholesale Sales and Distribution

All warehousing and storage uses and wholesale sales and distribution uses shall be permitted subject to the following standards:

1. All wholesaling, distribution and storage of materials and equipment, except vehicles used for transporting the warehoused products, shall be conducted within a totally enclosed building.
2. Vehicles used for transporting the warehoused products shall be screened from view from all neighboring properties and from internal and external streets with a minimum six-foot solid masonry or wood fencing and landscaping, berms and landscaping or other approved comparable screening.

**T. Wireless Communications Facilities regulations**

See Article 9.0, *Wireless Communication Facilities*.

**U. Cultural Institutions**

Cultural Institutions in residential districts shall be restricted to museum use as defined herein. Museums shall be permitted with special review approval on sites that meet one or more of the following requirements:

1. The site and/or structure is identified with a person or entity who significantly contributed to the development, cultural, artistic, social, ethnic, economic, political, technological or institutional heritage of Estes Park.
2. The site and/or structure portrays one or more historic eras characterized by a distinctive design style.
3. The site and/or structure embodies elements of design, detail, materials, or craftsmanship that represent a significant quality of design and/or development.

**V. Park and Recreation Facilities**

Park and recreation facilities shall be divided into two classifications: public, and private, as defined in §13.8, *Definitions*.

1. Public park and recreation facilities include traditional public parks, cemeteries, public squares, plazas, playgrounds, ballfields, nature preserves, botanical gardens, and other indoor and outdoor recreation facilities owned by public entities such as federal, state, county and municipal government or a recreation district. Temporary commercial and non-commercial uses are allowed as specified in §13.6.3. Public park and recreation facilities are permitted in most zoning districts as listed in Table 13-1. Public park and recreation facilities in non-residential zoning districts may have private concessions and rental arrangements for use of facilities therein. A location and extent review is required to establish or modify a public park and recreation facility.
2. Private park and recreation facilities in residential districts, as standalone activities with permission of the property owner(s), shall be restricted to the following uses:
  - a. Horseback Riding with ten or fewer participants per riding group;
  - b. Fishing (including fishing lessons on private ponds), with appropriate licensing or permitting;
  - c. Photography;
  - d. Hiking and climbing activities;
  - e. Swimming;
  - f. Non-motorized boating, canoeing, kayaking (electric-assist boating shall be allowed);
  - g. Non-motorized cycling (electric-assist bicycling shall be allowed);
  - h. Passive open space.

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**13.6.2. Accessory Uses (Including Home Occupations) and Accessory Structures**

**A. General Standards**

1. Permitted principal uses and approved special review principal uses shall be deemed to include the accessory uses, structures and activities as set forth in this Section, unless specifically prohibited.

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2. See also §13.8.2, *Use Classifications/Specific Use Definitions and Examples* wherein incidental or accessory uses are sometimes included in the description of a specific principal use. When a use classification or specific use type definition in §13.8.2 does include permitted accessory or incidental uses, such accessory or incidental uses shall be subject to the general standards set forth in this section, as well as any use-specific standards set forth in §13.6.1.
3. All accessory uses, structures and activities shall be subject to the general, dimensional, operational and use-specific regulations set forth in this section, in addition to the same regulations that apply to principal uses in each district. In the case of any conflict between the accessory use/structure standards of this section and any other requirement of this Code, the standards of this section shall control.
4. All accessory uses and structures shall comply with the following conditions:
  - a. The accessory use or structure shall be clearly incidental and customarily found in connection with the principal use; and
  - b. The accessory use or structure shall be conducted and/or located on the same zoning lot as the principal use; and
  - c. There shall be unity of ownership between the principal use and the accessory use.

**B. Accessory Uses/Structures Permitted in the Residential Zoning Districts**

**1. Table of Permitted Accessory Uses and Structures**

**a. Listed Accessory Uses/Structures**

Table 13-6 below sets forth what types of accessory uses and structures are permitted in which residential zones. If a specific accessory use or structure is permitted in a residential zoning district, the column underneath the zoning district will be marked with a "Yes." If the accessory use or structure is not permitted in a particular zoning district, the column will be marked with a "No." If there is a reference contained in the column entitled "additional requirements," please refer to the cited section(s) for additional standards that shall apply to the specific accessory use.

**b. Unlisted Accessory Uses or Structures**

If an accessory use or structure is not listed in Table 13-6 but satisfies all the conditions set forth in §13.6.2.A.4 above, it may be permitted subject to compliance with the general, dimensional and operational standards set forth in this section.

Table 13-6: Accessory Uses and Structures Permitted in the Residential Zoning Districts							
Accessory Use	EV RE-1	EV RE	EV E-1	EV E	EV R	EV RM	Additional Requirements
Accessory dwelling unit	Yes	Yes	Yes	Yes	Yes	No	§13.6.2.B.2.a 1.33 times minimum lot area required
Barns and stables	Yes	Yes	Yes	No	No	No	None
Day care center	No	No	No	No	No	Yes	§§13.6.1.F and 13.6.1.O; as accessory to a permitted religious assembly use

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<b>Table 13-6: Accessory Uses and Structures Permitted in the Residential Zoning Districts</b>							
<b>Accessory Use</b>	<b>EV RE-1</b>	<b>EV RE</b>	<b>EV E-1</b>	<b>EV E</b>	<b>EV R</b>	<b>EV RM</b>	<b>Additional Requirements</b>
Family home day care, small	Yes	Yes	Yes	Yes	Yes	Yes	§13.6.2.B.2.c Home Occupation As accessory to a principal residential use only
Fences and walls	Yes	Yes	Yes	Yes	Yes	Yes	
Garages, carports, and off-street parking areas used to serve the residents of the property	Yes	Yes	Yes	Yes	Yes	Yes	§13.6.2.B.2.b
Golf clubhouses, including space for the sale of golf or other sporting equipment, food and refreshments	Yes	Yes	Yes	Yes	No	No	As accessory uses to golf courses only
Home occupation	Yes	Yes	Yes	Yes	Yes	Yes	§13.6.2.B.2.c
Kitchen, Accessory	Yes	Yes	Yes	Yes	Yes	No	§13.6.2.B.2.e
Kitchen, Outdoor	Yes	Yes	Yes	Yes	Yes	Yes	
Micro wind energy conversion systems	Yes	Yes	Yes	Yes	Yes	Yes	§13.6.2.B.2.g
Office	No	No	No	No	No	S	§13.6.2.B.2.i
Private greenhouses	Yes	Yes	Yes	Yes	Yes	Yes	
Private schools	No	No	No	No	No	Yes	As accessory to a permitted religious assembly use only; §13.6.1.O
Satellite dish antennas 39 inches (1 meter) or less in diameter	Yes	Yes	Yes	Yes	Yes	Yes	Accessory to a principal residential use only. To the maximum extent feasible, but only where there is no impairment to acceptable signal quality, such satellite dish antenna shall be located in the rear yard of the residential use.
Satellite dish antennas greater than 39 inches (1 meter) in diameter	Yes	Yes	Yes	Yes	Yes	Yes	Accessory to a principal residential use only. To the maximum extent feasible, but only where there is no substantial impairment to acceptable signal quality, such satellite dish antenna shall be located in the rear yard of the residential use. To

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<b>Table 13-6: Accessory Uses and Structures Permitted in the Residential Zoning Districts</b>							
<b>Accessory Use</b>	<b>EV RE-1</b>	<b>EV RE</b>	<b>EV E-1</b>	<b>EV E</b>	<b>EV R</b>	<b>EV RM</b>	<b>Additional Requirements</b>
							the maximum extent feasible, the satellite dish antenna shall be screened from view from adjacent public rights-of-way (including trails).
Small wind energy conservation systems	AS	AS	AS	AS	AS	AS	§13.6.2.B.2.h
Solar collector	Yes	Yes	Yes	Yes	Yes	Yes	Square footage of ground-mounted solar collectors shall be calculated as the area of the solar panels, not the structure footprint.
Storage or parking of trucks, cars, or major recreational equipment, including but not limited to boats, boat trailers, camping trailers, motorized homes, and house trailers	Yes	Yes	Yes	Yes	Yes	Yes	§13.6.2.B.2.d
Swimming pools/hot tubs	Yes	Yes	Yes	Yes	Yes	Yes	

**2. Additional Requirements for Specific Accessory Uses/Structures Permitted in the Residential Zoning Districts**

**a. Accessory Dwelling Units**

**i. Where Permitted**

Accessory dwelling units shall consist of living quarters integrated within the principal single-family detached dwelling on the lot. Mobile homes, recreational vehicles and travel trailers shall not be used as accessory dwelling units.

**ii. Size of Accessory Unit**

No accessory dwelling unit shall exceed 33 percent of the size of the habitable floor area of the principal dwelling unit or 800 square feet, whichever is less. An accessory dwelling unit may contain private sanitary facilities with hot and cold running water and cooking and food storage facilities.

**iii. Limit on Tenancy**

Accessory dwelling units shall not be used as rental units.

**iv. Density Calculations**

Accessory dwelling units shall not count toward any applicable maximum residential density requirement.

**v. Limit on Number**

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There shall not be more than one accessory dwelling unit on a lot in addition to the principal single-family dwelling.

**vi. Maximum Occupancy**

The combined total number of individuals that reside in the principal and accessory dwelling units shall not exceed the number that is allowed for a single household. See definition of "Household Living" in §13.8, *Definitions*.

**vii. Off-Street Parking**

At least one off-street parking space shall be provided for each bedroom located in an accessory dwelling unit.

**viii. Home Occupations**

Home occupations shall be prohibited on the site of an accessory dwelling unit.

**ix. Lot Area**

Lot area must be one and thirty-three one-hundredths (1.33) times the minimum lot area of the district.

**x. Other Regulations**

- 1) A permitted accessory dwelling unit shall comply with all other applicable site and building design, height, access and other standards for principal dwelling units in the zoning district in which the accessory dwelling unit will be located.
- 2) In the case of any conflict between the accessory dwelling unit standards of this section and any other requirement of this Code, the standards of this section shall control.

**b. Garages and Off-Street Parking Areas**

- i. Such accessory use shall serve only the residents of the property and shall not be used for commercial purposes.
- ii. For garages attached to or detached from a single-family dwelling:
  - 1) No more than 32 linear feet of garage door(s) shall be oriented towards a front lot line; and
  - 2) No more than 22 linear feet of garage wall, without architectural openings such as windows and doors, shall be oriented towards a front lot line.

**c. Home Occupations**

**i. Size/Area**

A home occupation shall not exceed 20 percent of the principal building floor area, excluding garage space. This size/area requirement does not apply to family home day care.

**ii. Location**

Home occupations shall be integrated within the principal building in all zoning districts that allow home occupations. Except that on lots equal to or greater than one-and-one-half acres in size, home occupations may be detached from the principal building.

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### iii. Employees

No one other than a resident of the dwelling shall be employed on site, report to work at the site or pick up supplies or products on site in the conduct of a home occupation. This prohibition also applies to independent contractors. Family home day care home occupations are exempt from this requirement.

### iv. Operational

- 1) There shall be no stock-in-trade other than products fabricated by artists and artisans.
- 2) A home occupation shall be conducted entirely within a portion of a building not within a required parking area. Outdoor play areas are permitted in conjunction with family home day care. All loose play items, such as toys and games, shall be stored inside at the close of business each day.
- 3) Vehicle or equipment sales, rentals or repairs shall not be conducted as a home occupation.
- 4) Personal and professional services shall be provided on an appointment-only basis.
- 5) No home occupation shall include a sales room open to the general public, and no articles shall be exhibited, offered for sale or sold on the premises except by prior appointment.
- 6) There shall be no advertising of the address of the home occupation that results in attracting persons to the premises.
- 7) No kilns exceeding 10 cubic feet in size shall be permitted.
- 8) All home occupations shall comply with the performance standards prescribed by §13.7.7 of this Code. There shall be no electrical or mechanical equipment not normally found in a residential structure.
- 9) No home occupation shall be allowed that will create noise, dust, fumes, odors, smoke, glare, vibration, electrical hazards, fire hazards or the storage of hazardous materials or any other nuisance to a greater degree than normally experienced in the residential district in which the permit is granted.
- 10) For home occupations on lots with shared private water systems, written approval of the water association shall be required for home occupations that will increase the demand on the water system.
- 11) Home occupations shall be prohibited on the site of a vacation home and/or accessory dwelling unit.

### v. Exterior Appearance and Outdoor Storage

- 1) No changes in the exterior appearance of the dwelling to accommodate the home occupation shall be allowed, except that one wall-mounted identification sign no larger than four square feet in area shall be permitted.
- 2) No outdoor storage of materials or equipment in conjunction with the home occupation shall be permitted.

### vi. Parking/Vehicles/Traffic

- 1) Not more than one truck with a maximum capacity of one-ton incidental to a home occupation shall be kept on the site.

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- 2) The number of parking spaces available to a dwelling unit housing a home occupation shall not be reduced to less than two.
- 3) A home occupation shall not create pedestrian, automobile or truck traffic significantly in excess of the normal amount associated with residential uses in the district, i.e., 10 vehicle trips per day.
- 4) The Decision-Making Body shall review the proposed home occupation to ensure that safe and adequate access is provided for customers. At a minimum, the street or shared driveway providing access to a home occupation shall have a minimum width of 18 feet if serving more than 10 customer trips per day.
- 5) For home occupations accessed via roads that are managed by a private road maintenance association, written approval of the association shall be obtained to permit customer trips generated by the home occupation.

**d. Storage or Parking of Vehicles, Recreational Equipment and Recreational Vehicles**

- i. Only vehicles, recreational equipment and recreational vehicles owned by an occupant of a principal residential building may be parked or stored.
- ii. Parking or storage shall occur on the same lot as the principal residential use. Vehicles, recreational equipment and recreational vehicles that are on a lot are considered parked or stored.
- iii. Recreational equipment and recreational vehicles shall have no fixed connections to electricity, water, gas or sanitary sewer facilities, nor shall they be used for dwelling, business or commercial purposes or for any accessory uses in any zoning district.
- iv. Recreational equipment and recreational vehicles may be parked or stored outside if all of the following requirements are satisfied:
  - 1) Recreational equipment and recreational vehicles may be parked no closer to the street than behind the front setback in a side yard.
  - 2) Recreational equipment and recreational vehicles may be parked no closer than three feet to a side or rear yard lot line.

**v. Limit on Parked or Stored Recreational Equipment and/or Recreational Vehicles on a Lot**

**1) Applicability**

This section applies to all recreational equipment and recreational vehicles that are not parked or stored in a fully enclosed garage.

**2) As Accessory to Single-Family and Two-Family Principal Uses**

No more than a total of two pieces of recreational equipment and/or recreational vehicles shall be parked or stored on a lot of two acres or less. No more than a total of three pieces of recreational equipment and/or recreational vehicles shall be parked or stored on a lot greater than two acres in size, but less than five acres. No more than a total of four pieces of recreational equipment and/or recreational vehicles shall be parked or stored on a lot greater than five acres in size.

**3) As Accessory to Town Home or Multi-Family Principal Uses**

No more than one piece of recreational equipment or one recreational vehicle shall be parked or stored for every 10 dwelling units.

**vi. Limit on Number of Parked or Stored Vehicles, Not Including Recreational Equipment and Recreational Vehicles, on a Lot**

**1) Applicability**

This section applies to all vehicles that are not parked or stored in a fully enclosed garage.

**2) As Accessory to Single-Family and Two-Family Principal Uses**

No more than a total of four vehicles shall be parked or stored on a lot of two acres or less. No more than a total of five vehicles shall be parked or stored on a lot greater than two acres in size, but less than five acres. No more than a total of six vehicles shall be parked or stored on a lot equal to, or greater than five acres, but less than 10 acres. No more than a total of eight vehicles shall be parked or stored on a lot equal to, or greater than 10 acres.

**vii. Bed and Breakfasts and Vacation Homes (Short-term Rentals) Maximum Off-Street Parking - Residential Zoning Districts**

This Section applies to all vehicles that are not parked or stored in a fully enclosed garage. No more than a total of four vehicles shall be parked or stored on a lot of two acres or less. No more than a total of five vehicles shall be parked or stored on a lot greater than two acres in size, but less than five acres. No more than a total of six vehicles shall be parked or stored on a lot equal to, or greater than five acres, but less than 10 acres. No more than a total of eight vehicles shall be parked or stored on a lot equal to, or greater than 10 acres.

**e. Accessory Kitchen**

- i.** Approval of a kitchen accessory to a single-family dwelling shall not constitute approval of a second dwelling unit or accessory dwelling unit.
- ii.** The dwelling shall not be occupied by more than one family unit, as defined in §13.8, *Definitions*.
- iii.** The dwelling shall have only one address.
- iv.** Interior access shall be maintained to all parts of the dwelling to ensure that an accessory dwelling unit or apartment is not created.

**v. Land Use Affidavit**

- 1)** Accessory kitchens located in a portion of the dwelling that also includes sanitary facilities shall require a Land Use Affidavit prepared by the Community Development Department.
- 2)** The Community Development Department shall record this Land Use Affidavit at the time of issuance of a building permit.

**f. Outdoor Kitchen**

A single-family dwelling may have one outdoor kitchen, either attached to the principal structure or detached, in addition to one or more kitchens inside the principal structure, provided that:

- i. An outdoor kitchen shall be a minimum of 10 feet from the rear lot line and not closer to the side lot line than the required side yard setback of the applicable district.
- ii. Cooking appliances in an outdoor kitchen shall maintain a minimum distance from combustible materials as recommended by the appliance manufacturer and as may be required under the applicable International Fire Code (IFC).

**g. Micro Wind Energy Conversion Systems**

**i. Size**

The swept area of any individual micro wind energy conversion system shall not exceed 15 square feet.

**ii. Height**

Height shall be measured from original natural grade to the highest point of the structure moving or fixed, whichever is greatest, and shall not exceed 30 feet.

**iii. Setbacks**

Micro wind energy conversion systems shall be subject to setback requirements set forth 2.9.4, *Setbacks*.

**iv. Ridgeline Protection Areas**

Micro wind energy conversion systems shall be subject to Ridgeline Protection Standards set forth in §13.7.2.C.

**v. Noise**

All systems shall comply with the noise standards found in Larimer County Ordinance 97-03 (as amended).

**vi. Lighting Prohibited**

Lighting, graphics, signs and other decoration are prohibited on the system, nor shall lighting be located in such a manner to illuminate the structure.

**vii. Operating Condition**

All systems shall be kept in safe operating condition.

**viii. Safety Regulations**

All micro-wind energy conversion systems shall provide means of protection from any blades or moving parts by either:

**1) Ground Clearance**

The minimum distance between the ground and any blades or moving parts utilized on a system shall be 10 feet as measured at the lowest point of the swept area; or

**2) Enclosures**

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Blades and moving parts shall be enclosed with either fencing, grilles, guards, screening, shrouds or any combination thereof.

**ix. Permit Required**

A building permit shall be required for the installation or modification of any micro wind energy conversion system that:

- 1) Is connected to the Town of Estes Park Light and Power Distribution System; or
- 2) Has a height of 15 feet or more.

**x. Limit on Number**

Multiple systems may be installed on a lot, but shall not exceed a cumulative aggregate swept area of 45 square feet. Swept Area shall mean the largest vertical cross-sectional area of the wind-driven parts as measured by the outermost perimeter of blades.

**xi. Electrical Connections**

Electrical connections and lines shall be placed below ground.

**h. Small Wind Energy Conversion Systems (SWECS or "system")**

**i. Administrative Special Review**

- 1) An Administrative Special Review approval shall be required for all systems.
- 2) The purposes of the Public Site Plan is to ensure the system mitigates, to the maximum extent feasible, potential adverse impacts on nearby land uses, public facilities and services and the environment.
- 3) This shall require the system to be located and sized to lessen the impacts (such as to principal view corridors) on nearby land uses and properties regardless of any associated negative impacts on system performance.

**ii. Submittal Requirements**

- 1) Site plan, including: property lines with distances and bearings; location and dimensions of existing structures on the site; location of the proposed wind turbine and appurtenant equipment; setback from property lines; rights-of-way or easements for any adjoining roads or drives; edge of any adjoining roads or drives; existing utilities and utility easements; extent of shadow during winter solstice.
- 2) Small wind energy conversion system specifications, including manufacturer; model; rotor diameter and/or swept area; structure height to highest point; and tower design.
- 3) Tower and foundation blueprints and drawings.
- 4) Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.
- 5) The site plan and foundation plan shall be stamped by a professional engineer.

**iii. Review Criteria**

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### 13.6 Use Regulations for the Estes Valley | 13.6.2 Accessory Uses (Including Home Occupations) and Accessory Structures

Through the Administrative Special Review process, the small wind energy conversion system shall be evaluated for compliance to the following additional review criteria:

#### 1) Visual Impact

SWECS shall be sited and sized in a manner to minimize visual impact to principal view corridors of adjoining properties. The structure may be required to be located outside of said principal view corridors. Principal view corridors shall be those views from primary living areas of the principal structure on a lot.

#### 2) Noise

SWECS shall be sited to ensure compliance with maximum noise levels set forth in the found in Larimer County Ordinance 97-03 (as amended).

#### 3) Shadow-flicker

SWECS shall be sited in a manner that does not result in shadowing or flicker impacts on structures located on adjoining properties.

#### 4) Color

The color of the SWECS shall either be the stock color from the manufacturer or painted with a non-reflective grey or white color.

#### 5) Design

All towers shall be freestanding.

#### 6) Wildlife

SWECS shall be subject to Wildlife Habitat Protection standards set forth in §13.7.5.

#### iv. Building Permit Required

A building permit shall be required for the installation of all small wind energy conversion systems.

#### v. Limit on Number

There shall not be more than one system on a lot.

#### vi. Size

The swept area of any individual system shall not exceed 125 square feet. Swept area shall mean the largest vertical cross-sectional area of the wind-driven parts as measured by the outermost perimeter of blades of the largest cross-sectional area of any shroud or cowling enclosing the wind-driven parts.

#### vii. Height

Height shall be measured from original natural grade to the highest point of the structure moving or fixed, whichever is greatest, and shall not exceed 30 feet.

**viii. Setbacks**

- 1) Setbacks from all property lines shall be at least two times the structure height. For example: a thirty-foot tall system shall have a minimum setback of 60 feet from the nearest property line.
- 2) This setback requirement shall also apply to public or private roads that serve more than four adjacent or off-site lots, and shall be measured from the edge of public or private roads, the edge of the dedicated right-of-way or recorded easement or the property line, whichever produces a greater setback.

**ix. Ridgeline Protection Areas**

Small wind energy conversion systems shall be subject to Ridgeline Protection Standards set forth in §13.7.2.C.

**x. Noise**

All systems outside the Town limits of the Town of Estes Park shall comply with the noise standards found in Larimer County Ordinance 97-03 (as amended).

**xi. Lighting Prohibited**

Lighting, graphics, signs and other decoration are prohibited on the system, nor shall lighting be located in such a manner to illuminate the structure.

**xii. Operating Condition**

All systems shall be kept in safe operating condition.

**xiii. Safety Regulations**

All small wind energy conversion systems shall provide means of protection from any blades or moving parts by either:

**1) Ground Clearance**

The minimum distance between the ground and any blades or moving parts utilized on a system shall be 10 feet as measured at the lowest point of the swept area; or

**2) Enclosures**

Blades and moving parts shall be enclosed with either fencing, grilles, guards, screening, shrouds or any combination thereof.

**xiv. Electrical Connections**

Electrical connections and lines shall be placed below ground.

**i. Office**

Office permitted as an accessory use in EV RM Multi-Family Residential zoning districts upon special review use approval, subject to the following requirements.

- i. No accessory offices shall cumulatively exceed 25 percent of the gross floor area of the principal structure.
- ii. The accessory office use must be incorporated within the primary structure that exists at the time of special review approval.

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- iii. Off-street parking for an accessory office use must comply one space per 200 square feet of gross floor area.
- iv. Should existing parking be insufficient, a development plan shall be required to accompany the special review application, prior to installation of additional parking spaces.

**3. Accessory Uses and Structures Permitted in the Nonresidential Zoning Districts**

**a. Table of Accessory Uses and Structures Permitted in the Nonresidential Zoning Districts**

**i. Listed Accessory Uses and Structures**

Table 13-7 below sets forth what types of accessory uses and structures are permitted in which nonresidential zoning districts. If a specific accessory use or structure is permitted in a zoning district, the column underneath the zoning district will be marked with a "Yes." If the accessory use or structure is not permitted in a particular zoning district, the column will be marked with a "No." If there is a reference contained in the column entitled "additional conditions," please refer to the cited section for additional conditions that shall apply to the specific accessory use.

**ii. Unlisted Accessory Uses and Structures**

If an accessory use or structure is not listed in Table 13-7, but satisfies all the conditions set forth in §13.6.2.A.4 above, it may be permitted subject to compliance with the general dimensional and operational standards set forth in this section.

<b>Table 13-7: Accessory Uses and Structures Permitted in the Nonresidential Zoning Districts</b>						
<b>Accessory Use</b>	<b>EV RE-1</b>	<b>EV RE</b>	<b>EV E-1</b>	<b>EV E</b>	<b>EV R</b>	<b>Additional Requirements</b>
Barns and stables	No	Yes	No	No	No	As accessory to a principal residential or accommodations use only
Cafeteria, dining halls and similar food services	Yes	No	Yes	Yes	Yes	In the A district, accessory to a permitted accommodation use only. Such facilities shall be operated primarily for the convenience of employees, clients, customers or visitors to the principal use
Car wash bay	No	No	Yes	No	Yes	A single-bay car wash allowed as an accessory to a permitted service station use only
Clubhouses, including space for the sale of golf or other sporting equipment, food and refreshments	Yes	No	Yes	No	No	As accessory uses to golf courses or indoor recreational facilities only

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<b>Table 13-7: Accessory Uses and Structures Permitted in the Nonresidential Zoning Districts</b>						
<b>Accessory Use</b>	<b>EV RE-1</b>	<b>EV RE</b>	<b>EV E-1</b>	<b>EV E</b>	<b>EV R</b>	<b>Additional Requirements</b>
Employee housing (Including caretaker quarters)	Yes	Yes	Yes	Yes	Yes	§13.6.2.B.3.b.i
Day care center	Yes	No	Yes	No	No	§§13.6.1.F and 13.6.1.O; as accessory to a permitted religious assembly use
Family home day care, small	Yes	Yes	No	No	No	§13.6.2.B.2.c Home Occupations As accessory to a principal residential use only
Home occupation	Yes	Yes	No	No	No	§13.6.2.B.2.c Home Occupations As accessory to a principal residential use only
Meeting rooms, banquet halls and similar group gathering spaces and uses	Yes	No	Yes	No	No	As accessory to a principal accommodation use only. Except in the EV A zone, shall be located inside the same building housing the principal use. Such facilities shall be operated primarily for the convenience of guests, customers or visitors to the principal use. Total gross floor area of the accessory use shall count toward any maximum FAR requirement
Micro wind energy conversion systems	Yes	Yes	Yes	Yes	Yes	§13.6.2.B.2.g
Outdoor mobile food vendors	Yes	No	Yes	No	Yes	§13.6.4
Outdoor retail sales	No	No	Yes	No	Yes	§13.6.1.L; Accessory to a principal retail sales/service or grocery store use only
Private greenhouses	Yes	Yes	No	No	No	As accessory to a principal residential use only
Private recreational facilities for use by residents, employees or guests	Yes	Yes	Yes	Yes	Yes	
Private schools	Yes	No	Yes	No	No	As accessory to a permitted religious assembly use only; §13.6.1.O

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<b>Table 13-7: Accessory Uses and Structures Permitted in the Nonresidential Zoning Districts</b>						
<b>Accessory Use</b>	<b>EV RE-1</b>	<b>EV RE</b>	<b>EV E-1</b>	<b>EV E</b>	<b>EV R</b>	<b>Additional Requirements</b>
Restaurants, bars, news stands, gift shops, clubs, managerial offices and lounges	Yes	No	Yes	No	No	§§13.6.1.G and 13.6.1.J; Only allowed when inside the principal building containing a permitted principal hotel, motel, resort lodge or major entertainment event facility use
Retail sales as an accessory use to artist and photography studios	Yes	Yes	Yes	Yes	Yes	The works of art or photographs for sale shall be work product from the principal studio use.
Satellite dish antennas greater than 39 inches (1 meter) in diameter	Yes	Yes	Yes	Yes	Yes	As accessory to a principal residential use only. To the maximum extent feasible, but only where there is no substantial impairment to acceptable signal quality, the satellite dish antenna shall be located to the rear of the principal building. To the maximum extent feasible, the satellite dish antenna shall be screened from view from adjacent public rights-of-way (including trails)
Satellite dish antennas that are 39 inches (1 meter) or less in diameter	Yes	Yes	No	No	No	As accessory to a principal residential use only. To the maximum extent feasible, but only where there is no impairment to acceptable signal quality, the satellite dish antenna shall be located to the rear of the principal building.
Satellite dish antennas that are 78 inches (2 meters) or less in diameter	Yes	Yes	Yes	Yes	Yes	As accessory to a principal nonresidential use only
Satellite dish antennas that are greater than 78 inches (2 meters) in diameter	Yes	Yes	Yes	Yes	Yes	As accessory to a principal nonresidential use only. To the maximum extent

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<b>Table 13-7: Accessory Uses and Structures Permitted in the Nonresidential Zoning Districts</b>						
<b>Accessory Use</b>	<b>EV RE-1</b>	<b>EV RE</b>	<b>EV E-1</b>	<b>EV E</b>	<b>EV R</b>	<b>Additional Requirements</b>
						feasible, but only where there is no substantial impairment to acceptable signal quality, the satellite dish antenna shall be located to the rear of the principal building. To the maximum extent feasible, the satellite dish antenna shall be screened from view from adjacent public rights-of-way (including trails)
Small wind energy conversion systems	AS					§13.6.2.B.2.h
Solar collector	Yes	Yes	Yes	Yes	Yes	Square footage of ground-mounted solar collectors shall be calculated as the area of the solar panels, not the structure footprint
Storage of merchandise and nonhazardous materials when located in the same building as the principal use	Yes	Yes	Yes	Yes	Yes	
Swimming pools and tennis courts	Yes	Yes	No	No	No	Must be located on the same parcel of a permitted principal hotel or motel use

**b. Additional Requirements for Specific Accessory Uses in the Nonresidential Zoning Districts**

**i. Employee Housing**

**1) Standards**

Employee housing shall be subject to the following development and operational standards:

## Article 13.0: Supplemental Regulations for the Estes Valley

### 13.6 Use Regulations for the Estes Valley | 13.6.2 Accessory Uses (Including Home Occupations) and Accessory Structures

- (a) Dwelling units used for employee housing shall comply with all applicable provisions of this Code.
- (b) Individual dwelling units used for employee housing shall not exceed 800 square feet of gross floor area.
- (c) Employee housing shall not be occupied or rented for a term of tenancy less than 30 days.

#### 2) Formula for the Provision of Employee Housing

The amount of employee housing shall be allowed as follows:

- (a) Accommodation Uses: One unit of employee housing per seven guest rooms or units.
- (b) In no case, however, may the total cumulative square footage of the employee housing units and their accessory use areas (garages, carports, decks, etc.), exceed that of the principal use. Also, parking requirements for the employee housing units may not exceed the total required parking for the principle use.

#### 4. General Dimensional and Operational Requirements

The following standards shall apply to all accessory uses and structures in all zoning districts, except for: (1) Satellite antenna dishes accessory to residential uses that are one meter or less in diameter; and (2) Satellite antenna dishes accessory to nonresidential uses that are two meters or less in diameter.

##### a. Time of Establishment

No accessory use shall be established, and no accessory structures shall be allowed on the subject parcel until after all required permits and approvals for the principal use or activity have been obtained.

##### b. Setbacks

No accessory use, structure or activity, except for permitted fences or walls, shall be located or take place within a required setback. On residential lots of less than one acre, all accessory buildings, excluding detached garages, shall be located no closer to the front property line than the residential dwelling. Small wind energy conversion systems shall be subject to setback requirements set forth in §13.6.2.B.2.h.viii.

##### c. Setbacks from Easements

No accessory structure shall be located within any platted or recorded easement or over any known utility.

##### d. Maximum Building or Structure Size for Nonresidential Uses

Except as otherwise expressly limited or allowed in this section, and except for accessory recreational facilities including swimming pools, freestanding accessory buildings and structures shall not be larger than 1,000 square feet of gross floor area.

**Article 13.0: Supplemental Regulations for the Estes Valley**

**e. Maximum Cumulative Gross Floor Area Allowed for all Accessory Uses in Accessory Buildings, Accessory Structures and/or Principal Buildings for Residential Uses**

Maximum cumulative gross floor area for all accessory uses, (excluding accessory kitchens; and, accessory nightly rentals in accessory or principal structures) shall not exceed the largest computation of the following:

- i. 1,200 square feet of gross floor area.
- ii. 50 percent of the gross floor area of the principal building, excluding the attached garage floor area.
- iii. For lots with a net land area greater than one-half acre and less than or equal to one acre:  $500 + [1,000(a)]^*$ .
- iv. For lots with a net land area greater than one acre:  $1,400 + [400(a)]^*$ . \*Where "a" = net land area in acres.

<b>Table 13-8: Accessory Uses</b>							
<b>Maximum Square Footage Allowed for Uses Accessory to a Principal Residential Use - Based on Net Land Area and Principal Building Size</b>							
<b>Net Land Area (acres)</b>	<b>Net Land Area (sq. ft.)</b>	<b>Principal Building Size (Sq. Ft.) Excluding Space in Principal Building Devoted to Accessory Uses</b>					
		<b>1,000</b>	<b>2,000</b>	<b>3,000</b>	<b>4,000</b>	<b>5,000</b>	<b>10,000</b>
<b>0.25</b>	<b>10,890</b>	1,200	1,200	1,500	2,000	---	---
<b>0.50</b>	<b>21,780</b>	1,200	1,200	1,500	2,000	2,500	5,000
<b>1.00</b>	<b>43,560</b>	1,500	1,500	1,500	2,000	2,500	5,000
<b>1.50</b>	<b>65,340</b>	2,000	2,000	2,000	2,000	2,500	5,000
<b>2.00</b>	<b>87,120</b>	2,200	2,200	2,200	2,200	2,500	5,000
<b>2.50</b>	<b>108,900</b>	2,400	2,400	2,400	2,400	2,500	5,000
<b>3.00</b>	<b>130,680</b>	2,600	2,600	2,600	2,600	2,600	5,000
<b>3.50</b>	<b>152,460</b>	2,800	2,800	2,800	2,800	2,800	5,000
<b>4.00</b>	<b>174,240</b>	3,000	3,000	3,000	3,000	3,000	5,000
<b>5.00</b>	<b>217,800</b>	3,400	3,400	3,400	3,400	3,400	5,000
<b>7.00</b>	<b>304,920</b>	4,200	4,200	4,200	4,200	4,200	5,000
<b>9.90</b>	<b>431,244</b>	5,360	5,360	5,360	5,360	5,360	5,360
<b>10.00</b>	<b>435,600</b>	5,400	5,400	5,400	5,400	5,400	5,400
<b>15.00</b>	<b>653,400</b>	7,400	7,400	7,400	7,400	7,400	7,400
<b>20.00</b>	<b>871,200</b>	9,400	9,400	9,400	9,400	9,400	9,400

**Article 13.0: Supplemental Regulations for the Estes Valley**

13.6 Use Regulations for the Estes Valley | 13.6.3 Temporary Uses and Structures

<b>40.00</b>	<b>1,742,400</b>	17,400	17,400	17,400	17,400	17,400	17,400
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**f. Maximum Number of Freestanding Accessory Buildings and Structures, Including Detached Garages, Per Single-Family Residential Lot**

No more than one accessory building or structure less than or equal to 120 square feet and no more than two accessory buildings or structures greater than 120 square feet shall be allowed on a lot of two-and-one-half acres or less. Small wind energy conversion systems and "micro-wind" systems shall be exempt from this limitation.

**g. Building or Structure Height**

The height limitations set forth in the underlying zoning districts shall apply to all accessory buildings and structures located therein.

**h. Dwelling Unit Prohibited**

Except as otherwise expressly allowed, no dwelling unit shall be located in any accessory structure or building.

**i. Operations**

Accessory structures, buildings and uses shall be constructed, maintained and conducted to avoid production of noise, vibration, concussion, dust, dirt, smoke, odors, noxious gases, fly ash, heat or glare from artificial illumination or from reflection of natural light.

**j. Limits on Mobile Homes/RVs**

No mobile home or recreational vehicle (RV) shall be used for accessory uses.

**13.6.3. Temporary Uses and Structures**

**A. General Standards**

All temporary uses or structures shall meet the following requirements:

1. The proposed temporary use will be located, operated and maintained in a manner consistent with the provisions of this Code.
2. The proposed temporary use will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare.
3. The proposed temporary use complies with all applicable general and specific regulations of this section, unless otherwise expressly stated.
4. Permanent alterations to the site are prohibited.
5. Permanent signs are prohibited. All approved temporary signs associated with the temporary use shall be removed when the activity ends.
6. Temporary uses shall not violate any applicable conditions of approval that apply to the principal use on the site.
7. Temporary uses shall comply with building/structure setbacks established for the zone district in which the temporary use is located. Staff may waive or adjust this provision.
8. The temporary use regulations of this section do not exempt the operator from any other required permits, such as health department permits.

**B. Temporary Uses Allowed**

**1. Temporary Seasonal and Holiday Sales**

- a. Holiday or seasonal sales activities, such as sales of Christmas trees or farm produce, shall be permitted temporary uses in the following zoning districts:
  - i. EV CO Outlying Commercial Zoning District.
  - ii. EV I-1 Restricted Industrial Zoning District.
- b. The term of the temporary use permit shall not exceed 60 days.
- c. Permitted sales activities may occur within required zone district setbacks, provided that the following conditions are satisfied:
  - i. No activity or display shall encroach into a required setback by more than 50 percent of the required setback.
  - ii. No activity or display shall be located within 25 feet of an abutting residential lot; and
  - iii. No activity, display or related equipment shall be located within a required intersection or driveway sight triangle.
- d. Temporary seasonal and holiday sales shall not include retail sales of bulk household goods, such as furniture, carpets, art work/paintings or similar items, and shall not include retail sales of prepared or processed food products.
- e. The outdoor sales and storage area shall be limited to 10 percent of the gross area of the lot.

**2. Temporary Real Estate Sales Office**

- a. Temporary real estate sales offices shall be permitted in all zoning districts when incidental to a new residential development.
- b. Permitted temporary real estate sales offices shall be used only as temporary field offices and for storage of incidental supplies, and shall not be used as any type of dwelling.
- c. A real estate sales office shall not be moved, erected or established on a residential development site until the date on or after which construction actually commences.
- d. Use of the temporary real estate sales office for sales of residential sites or projects located off-site is prohibited.
- e. All temporary real estate sales offices shall be removed within 30 days after the sale of the last dwelling unit in the development, even if the temporary use permit is still valid.

**3. Contractor's Office/Temporary Construction Uses**

**a. Permitted in all Zoning Districts**

The use of construction sheds or construction trailers in connection with site construction, or an area used for the temporary storage of building materials and equipment necessary for construction of a permanent use, are permitted temporary uses in all zoning districts, subject to the following regulations and restrictions.

## Article 13.0: Supplemental Regulations for the Estes Valley

### 13.6 Use Regulations for the Estes Valley | 13.6.3 Temporary Uses and Structures

#### b. Site Requirements

- i. A temporary construction trailer, construction shed, or construction yard shall be located on the lot on which construction is progressing and shall not be located within 25 feet of any abutting residential lot.
- ii. Siting of a temporary construction yard shall provide adequate buffering for adjacent structures and uses.
- iii. A temporary construction yard shall be maintained in good condition during the time of its use. Construction yards and sites shall be regularly mowed and weed growth shall be controlled. Trash and rubbish barrels/receptacles shall be provided on-site and trash pick-up and removal shall occur on at least a weekly basis.

#### c. Dwelling Prohibited

A temporary construction trailer or construction shed shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used as any type of dwelling.

#### d. Commencement of Use

A temporary construction trailer or construction shed, or a temporary construction yard shall be moved, erected or established on a construction site no earlier than two weeks prior to the date on which construction actually commences. If construction is interrupted and ceases for more than sixty (60) days, a construction trailer or construction shed shall be removed until actual construction commences again.

#### e. Fire Hazards

No flammable materials shall be stored in a temporary construction trailer or construction shed.

#### f. Trailer/Shed Requirements

- i. All temporary construction trailers and construction sheds shall have at least 10 feet on all sides for clearance.
- ii. Every temporary construction trailer and construction shed shall be maintained in clean and orderly condition.

#### g. Completion of Temporary Use

Upon completion of the temporary use, the site shall be cleaned, all evidence of the use(s) removed, and left in a condition that minimizes adverse impacts to the site itself and to surrounding properties.

### 4. Natural Disasters and Emergencies

Temporary uses and structures needed as the result of a natural disaster are allowed for as provided for in Article 14.0, *Disaster Re-Build Program*.

### 5. Temporary Fireworks Sales

- a. Temporary fireworks sales are permitted in the following zoning districts:
  - i. EV CO Outlying Commercial Zoning District.
  - ii. EV I-1 Restricted Industrial Zoning District.

## Article 13.0: Supplemental Regulations for the Estes Valley

### 13.6 Use Regulations for the Estes Valley | 13.6.4 Outdoor Mobile Food Vending Uses

- b. Temporary fireworks sales shall be permitted only from June 16 to July 5 of the calendar year.
- c. Permitted fireworks sales activities shall not be permitted within the required zoning district setbacks.
- d. No activity or display shall be located within 25 feet of an abutting residential lot.

#### 6. Other Uses

Subject to this section, the County may approve other temporary uses and activities or special events if it is determined that such uses would not jeopardize the health, safety or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

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### 13.6.4. Outdoor Mobile Food Vending Uses

#### A. Operational Standards

All outdoor mobile food vendors shall meet the following requirements:

1. Outdoor mobile food vending uses shall not violate any applicable conditions of approval that apply to the principal use on the site.
2. Outdoor mobile food vendors shall be classified as accessory uses in the zone districts in which they are permitted provided they are on lots that contain a principal building where active operations are being conducted.
3. Outdoor mobile food vendors shall be prohibited on undeveloped lots.
4. Permanent signage shall be allowed only on the outdoor mobile food vendor vehicle. One temporary sign may be placed by the outdoor mobile food vendor on the site. The temporary sign shall meet the applicable regulations of Article 8.0, *Signs*.
5. The outdoor mobile food vendor vehicles shall not be located any of the following places:
  - a. Within the extended boundaries of a crosswalk;
  - b. Within 10 feet of the extension of any building entranceway, and or doorway;
  - c. In a location in which the vehicle, may impede or interfere with or visually obstruct;
    - i. The safe movement of vehicular and pedestrian traffic;
    - ii. Parking lot circulation; or
    - iii. Access to any public street, alley or sidewalk;
6. The outdoor mobile food vendor shall have available a suitable container for the placement of litter by customers and shall pick up and dispose of any paper, cardboard, wood or plastic containers, wrappers or any litter on site.
7. Each outdoor mobile food vendor shall not leave the outdoor mobile food vehicle unattended for more than 15 minutes at any one time while engaged in business operations.
8. Each outdoor mobile food vendor shall comply with the provisions of all applicable rules regulations and ordinances of the County as well as requirements of all state and federal laws, including, but not limited to noise restrictions, sign regulations, limitations on discharge of liquid waste, sales tax requirements, food safety, wildlife protection and other related requirements.

## 13.7. Supplemental Development Standards for the Estes Valley

### 13.7.1. General Development Standards

The standards in Article 4.0, *Development Standards* apply to all development in the Estes Valley area. In the event of a conflict or absence of relevant regulation, the specific standards presented in this section apply.

### 13.7.2. Slope Protection Standards

#### A. Density Calculation for Residential and Accommodation Development on Steep Slopes in Excess of 12 Percent

##### 1. Applicability

These density calculation provisions shall apply to all new residential and accommodation development in the Estes Valley, except for the following:

- a. Single-family residential development on a lot created and approved for such use prior to the effective date of this Code.
- b. Development within the EV RE-1 Zoning District.

##### 2. General Rule

Notwithstanding the maximum densities permitted by the underlying zoning district, the minimum lot area for new residential and accommodation development on parcels containing slopes twelve percent (12%) or greater shall be determined by the following formulas:

##### a. All Residential Zoning Districts

For each percentage point by which average slope exceeds twelve percent (12%), the base zone minimum lot area requirement shall be increased by one thousand (1,000) square feet, as shown in Table 13-9 below.

Zoning District	Base Minimum Lot Area	Adjusted Minimum Lot Area (Square Feet) @ "x"% Slope				
		15%	20%	25%	30%	35%
EV RE-1	10 acres	No Slope Adjustment Required				
EV RE	2.5 acres	111,900	116,900	121,900	126,900	131,900
EV E-1	1 acre	46,560	51,560	56,560	61,560	66,560
EV E	½ acre	24,780	29,780	34,780	39,780	44,780
EV R	¼ acre	13,890	18,890	23,890	28,890	33,890

##### b. EVA Zone

- i. Accommodation development shall comply with the base zoning minimum lot area of 40,000 square feet.

## Article 13.0: Supplemental Regulations for the Estes Valley

### 13.7 Supplemental Development Standards for the Estes Valley | 13.7.2 Slope Protection Standards

- ii. In addition, for each percentage point by which average slope exceeds 12 percent, the base zoning minimum land area per unit requirement (1,800 or 5,400 square feet per unit) shall be increased by 100 or 300 square feet per unit, respectively.
- iii. Single-family or two-family uses in the EV A Zone shall comply with the base zoning minimum lot area of 40,000 square feet. In addition, for each percentage point by which average slope exceeds 12 percent, the base zone minimum land area per unit requirement (9,000 square feet for SF uses and 6,750 square feet for 2-F uses) shall be increased by 300 square feet per dwelling unit.

#### c. EVA-1 Zone

Development shall comply with the base zoning minimum lot area of 15,000 square feet. In addition, for each percentage point by which average slope exceeds 12 percent, the base zone minimum land area requirement per dwelling unit or accommodation unit (10,890 square feet per unit) shall be increased by 605 square feet per unit.

### 3. Definition

For purposes of this section, "average slope" shall be measured as set forth in §13.8.3. See Figure xx.

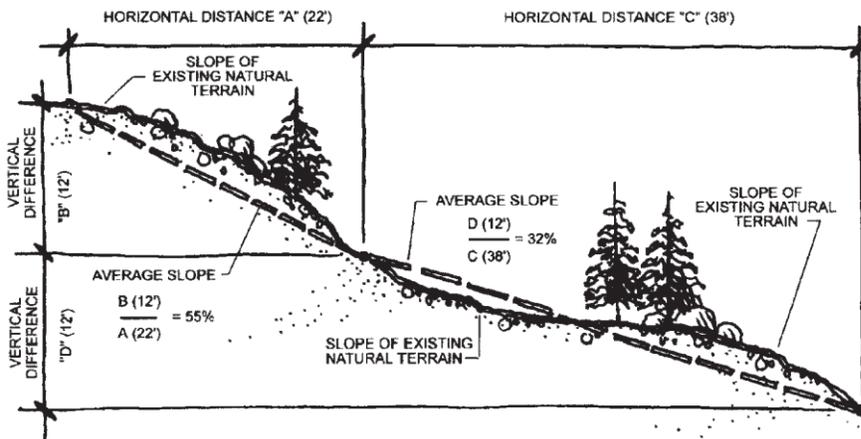


Figure xx

#### B. Development Restrictions on Steep Slopes

##### 1. Applicability

These development restrictions shall apply to all new development in the Estes Valley, except for development on lots that were approved for individually permitted buildings prior to the effective date of this Code.

##### 2. New Structures-Existing Slopes in Excess of 30 Percent

- a. New development proposed to be built on any portion of a site containing a slope of 30 percent or greater shall be subject to Staff review and approval of a site plan. This provision applies to development that would otherwise be exempt from the site plan review process.

## Article 13.0: Supplemental Regulations for the Estes Valley

### 13.7 Supplemental Development Standards for the Estes Valley | 13.7.2 Slope Protection Standards

- b. Staff shall review all such development plans and evaluate them according to the following standards:
  - i. Site disturbance shall be minimized to the maximum extent practicable
  - ii. Cuts for utilities and access driveways shall be shared to the maximum extent feasible;
  - iii. To the maximum extent feasible, new construction shall not take place on any portion of a parcel that shows evidence of slope instability, landslides, avalanche, flooding or other natural or manmade hazards (see §13.7.4, *Geologic and Wildfire Hazard Areas*).
  - iv. The Applicant shall demonstrate that the slope's ground surface and subsurface are not unstable, that the proposed development will not cause instability or increase the potential for slope failure, and that the development of the slope will not increase the degree of hazard both on-site and on adjacent properties.
- c. For purposes of this subsection, steepness of slope shall be measured from the points with highest and lowest elevation within five feet of any portion of the proposed structure.

#### 3. Structure Clearance from Steep Slopes

Structure clearance from ascending or descending slopes greater than 30 percent shall comply with the requirements set forth in the applicable Building Code provisions.

#### 4. Grading, Clearing and Excavation-Slopes in Excess of 30 Percent

Clearing, excavation and grading on slopes greater than 30 percent would not be allowed, unless expressly approved through a development plan.

#### 5. Roads/Driveways-Slopes in Excess of 30 Percent

Shared driveways and access to sites or lots containing slopes in excess of thirty percent (30%) shall be utilized to the maximum extent feasible.

### C. Ridgeline Protection Standards

#### 1. Applicability

This Section shall apply to all new development in the Estes Valley on land identified on the Estes Valley Ridgeline Protection Map as designated ridgeline protection areas. If the site contains an identified ridgeline, the Applicant may, by site specific analysis, demonstrate that the location of the proposed development is not on an identified ridgeline. Staff may then waive these standards.

#### 2. Building/Roof Design for Ridgeline Protection

Development subject to this subsection shall be designed and sited to minimize the visible intrusion of buildings and structures above the designated ridgelines or above existing ridge-top trees or vegetation, and thus preserve identified scenic views across or through the site. Techniques to meet this standard shall include, but are not limited to, careful consideration of architectural design, building massing, siting, building colors and roofing materials, and the use of native landscaping or other permitted screening materials. For example, compliance with this standard may require siting a building below a ridgeline so there is a solid, mountain backdrop behind the building. **See Figure**  
xx

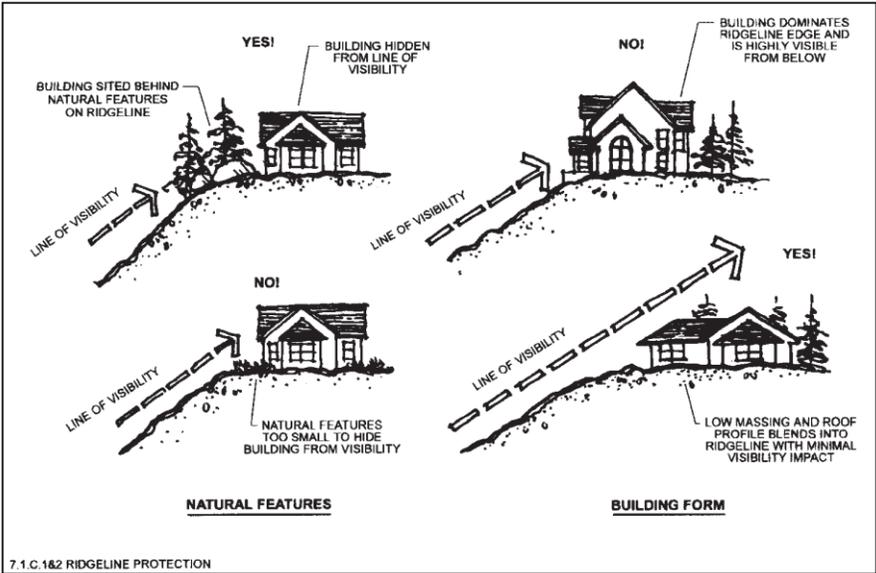


Figure xx

**D. Staff Waiver of Ridgeline Protection Standards**

1. The Director may grant such waivers or modifications to the ridgeline protection standards only if finding, based on substantial evidence presented by the Applicant, that the following conditions are satisfied:
  - a. Application of the ridgeline standards renders the site undevelopable; or
  - b. Application of the ridgeline standards will result in a substantial economic hardship (as defined in this chapter), and the economic hardship is not created by the Applicant or otherwise self-imposed; and
  - c. The development conforms with all other development, site design and environmental standards set forth in this chapter and in all other applicable ordinances and codes.
2. In granting a waiver from or modification of the ridgeline protection standards set forth in this section, the Director may impose conditions if the effect of the conditions is to reduce the adverse impacts of the development, including but not limited to a reduction in maximum building height below what would otherwise be permitted in the applicable zoning district.

**13.7.3. Tree and Vegetation Protection**

**A. Applicability**

These tree and vegetation protection standards shall apply to all new development in the Estes Valley, except for single-family residential development on a lot created and approved for such use prior to the effective date of this Code.

**B. Purposes**

Protection of existing tree and vegetation cover is intended to preserve the visual and aesthetic qualities of the Estes Valley; to encourage site design techniques that preserve the natural environment and enhance the developed environment; to control erosion, slippage

and sediment run-off into streams and waterways; to increase slope stability; and to protect wildlife habitat and migration corridors.

**C. Exemptions for Specific Activities**

The following activities shall be exempt from this Section:

1. The removal of dead or naturally fallen trees or vegetation, or trees or vegetation that are found by the County to be a threat to the public health, safety or welfare;
2. The selective and limited removal of trees or vegetation necessary to obtain clear visibility at driveways or intersections, or for the purpose of performing authorized field survey work;
3. The removal of trees or vegetation on land zoned or lawfully used for:
  - a. Agricultural and forestry activities, including tree farms and approved forestry management practices, except that if a site is substantially cleared of trees pursuant to legitimate forestry activities, no subdivision or development plan applications shall be accepted for 36 months from the date the clearing is completed; or
  - b. Commercial garden centers, greenhouses or nurseries.

**D. Tree/Vegetation Removal**

**1. Outside Approved Limits of Disturbance**

No trees or vegetation shall be removed outside the approved limits of disturbance except as specifically exempted in this Section or Chapter.

**2. Within Approved Limits of Disturbance**

- a. To the maximum extent feasible, significant trees (deciduous trees four-inch DBH or larger, conifers eight-inch DBH or larger) and vegetation within the limits of disturbance shall be preserved. Significant trees removed from within the limits of disturbance shall be replaced as set forth in paragraph 5 below. This standard shall not apply to tree/vegetation removal adjacent to structures in order to comply with wildfire hazard mitigation requirements. (See §13.7.4, *Geologic and Wildfire Hazard Areas*).
- b. Any existing trees or vegetation that are in appropriate locations, in sufficient quantities and of acceptable quality to be utilized to fulfill landscaping or buffering requirements of this Code shall be preserved to the maximum extent feasible.

**3. Wildfire Hazards and Tree/Vegetation Removal**

See §13.7.4, *Geologic and Wildfire Hazard Areas* below.

**4. Tree/Vegetation Removal for Views Prohibited**

No trees or vegetation shall be removed for the sole purpose of providing open views to or from structures on a site.

**5. Replacement of Significant Trees**

Except for significant trees removed for purposes of wildfire hazard mitigation (see paragraph 3 above), and except for trees removed through an expressly approved construction activity, when a significant tree or trees are removed from a site, the Applicant or developer shall replace such tree(s) on the lot, according to the following schedule and requirements:

## Article 13.0: Supplemental Regulations for the Estes Valley

### 13.7 Supplemental Development Standards for the Estes Valley | 13.7.4 Geologic and Wildfire Hazard Areas

- a. A significant deciduous tree that is removed shall be replaced by three trees each with a minimum size of two-and-one-half-inch caliper.
- b. A significant coniferous tree that is removed shall be replaced by two trees each with a minimum height of six feet.
- c. Alternatively with Director approval, acceptable replacement trees shall be determined by a person or firm qualified by training or experience to have expert knowledge of the subject. Alternatively, the valuation of trees removed may be established in accordance with the Valuation of Trees, Shrubs and Other Plants, prepared by the International Society of Arboriculture, and with Staff approval replaced with landscaping of equal dollar value.
- d. Replacement trees shall be maintained through an establishment period of at least three years, except that single-family developments on a single lot shall have an applicable establishment period of only one year. The Applicant shall post a bond or other surety acceptable to the Decision-Making Body guaranteeing the survival and health of all replacement trees during the establishment period and guaranteeing any associated replacement costs. If the replacement trees do not satisfactorily survive the establishment period, the bond or surety will be used to purchase and install new replacement trees.

#### E. Tree/Vegetation Protection During Construction/Grading Activities

See Appendix D for tree/vegetation protection standards during construction or grading activities.

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### 13.7.4. Geologic and Wildfire Hazard Areas

#### A. Applicability

All new subdivisions and development, including residential development on lots of record approved prior to the effective date of this Code, shall comply with the procedures and standards set forth in this Section.

#### B. Interpretation

The provisions of this Section shall be interpreted to apply in conjunction with all other applicable local, county and state land use requirements. Whenever a provision of any other land use regulation conflicts with the intent of this Section, the provisions of this Section shall apply.

#### C. Description of Regulated Hazard Areas

Hazard areas regulated by this Section shall include all areas that are or that may become hazardous due to environmental conditions. The hazards include, but are not limited to, the following: wildfire, avalanche, landslide, rock fall, mud flow and debris fan, unstable or potentially unstable slopes, seismic effects, radioactivity, ground subsidence and expansive soil and rock.

#### D. Professional Qualifications

All maps and reports required by this Section must be prepared by or under the responsible direction of a duly qualified professional.

## Article 13.0: Supplemental Regulations for the Estes Valley

### 13.7 Supplemental Development Standards for the Estes Valley | 13.7.4 Geologic and Wildfire Hazard Areas

1. Wildfire hazard analysis required by this Section must be prepared by or under the direct supervision of a professional forester with at least two years' experience with wildfire hazards in the Rocky Mountain region.
2. Geologic hazard analyses required by this Section must be prepared by or under the direct supervision of a professional geologist with experience in engineering geology or geotechnical engineering.
3. Engineering work required by this Section must be prepared by or under the direct supervision of a licensed professional engineer who is experienced in the engineering specialty (e.g., soils, slope stability) required to meet the objectives of this Section.

#### E. Wildfire Hazards

##### 1. Wildfire Hazard Areas

###### a. Mapped Wildfire Hazards

Wildfire hazard areas shall include all those areas shown as "high-tree" fire hazard areas on the Wildfire Hazards Resource Map.

###### b. Unmapped Wildfire Hazards

Wildfire hazard areas shall also include areas located outside of the mapped wildfire hazard areas that are identified by the Colorado State Forest Service or the Larimer County Wildfire Safety Specialist, or designee, as hazardous areas.

- c. In the event an Applicant questions the existence of a wildfire hazard within the proposed development or subdivision, the Applicant may submit evidence with respect thereto from a professional forester. This evidence may be considered by the decision maker, together with all other applicable evidence, in determining whether or not said development or subdivision is within a wildfire hazard area.

##### 2. Wildfire Hazard Mitigation Plans

###### a. Mitigation Plan Required

When new development or subdivision is proposed within a wildfire hazard area, the Applicant shall be required to submit a mitigation plan prepared by a professional forester, addressing how the development or subdivision will either avoid or mitigate the hazard, as more fully set forth below.

###### b. Wildfire Mitigation Plan Requirements

Mitigation plans shall be prepared according to the "Colorado Landowner Forest Stewardship Plan Guidelines."

##### 3. Review Criteria

- a. In reviewing new development or subdivisions subject to this Section, the decision maker may deny development within a hazard area or may approve it on the condition that the development is designed and built in such a manner to adequately mitigate the hazard.
- b. In reviewing new development and subdivisions, the decision maker shall take into consideration the following:
  - i. The Applicant's mitigation plan;

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- ii. Vegetative, topographic, access and other technical information presented by the Applicant or other interested party, including the County or other public agency;
  - iii. Recommendations of a reviewing state agency having expertise with respect to the hazard in question and recommendations of others with similar expertise; and
  - iv. Site specific vegetation and topographical characteristics.
- c. Mitigation methods required may include, but are not limited to:
- i. Compliance with "Guidelines and Criteria for Wildfire Hazard Areas," written by the Colorado State Forest Service, September 1974; "Wildfire Mitigation Plan Standards and Guidelines (Appendix D)," written by the Colorado State Forest Service, April 1997;
  - ii. Specific requirements for construction, location and density of structures and/or lots;
  - iii. Provision of defensible space in compliance with current Colorado State Forest Service guidelines shall be required on all new construction in wildfire hazard areas. For additions to or changes in the type of the occupancy or use in existing structures, a defensible space shall be provided around the entire structure; and
  - iv. Specific requirements for alteration to the vegetative features of the land.

#### F. Geologic Hazard Areas

##### 1. Geologic Hazard Areas

###### a. Mapped Geologic Hazards

Geologic hazard areas shall include all areas shown on the Geologic Hazard Areas Resource map and all areas classified as 4, 5, 6 or 7 on the Official Geologic Hazard Maps, which have been reviewed by the Colorado Geological Survey and are incorporated by reference in this Code. The Official Geologic Hazard Maps shall be available for public review at the Community Development Department.

###### b. Unmapped Geologic Hazards

Hazard areas shall further include any areas which have not been so classified, but where a hazard has been identified and confirmed by the Colorado Geological Survey. The Planning Director, or designee, shall have the authority to identify geologic hazard areas during field inspections. Such field identifications shall be based on identification procedures set forth in "Guidelines and Criteria for Identification and Land Use Controls of Geologic Hazard and Mineral Resource Areas," written by the Colorado Geological Survey, 1974.

- c. In the event an Applicant questions the existence of a geologic hazard area within the area proposed for development or subdivision, the Applicant may submit evidence with respect thereto from a professional geologist having requisite technical expertise. Such evidence may be considered by the Decision-Making Body, together with all other available evidence, in determining whether or not said development or subdivision is within a geologic hazard area.

**2. Geologic Hazard Mitigation Plans**

**a. Mitigation Plan Required**

When new development or subdivision is proposed within a geologic hazard area, the Applicant shall be required to submit a mitigation plan prepared by a professional geologist addressing how the development or subdivision will either avoid or mitigate the hazard, as more fully set forth below. Licensed professional engineers who are experienced in the engineering specialty (e.g., soils, slope stability) may submit mitigation plans for steep slope and alluvial soils hazards. Lots approved for single-family residential development prior to the adoption of this Code do not need to submit a mitigation plan for rock fall hazards.

**b. Colorado Geologic Survey Review**

Except for single-family residential development on lots of record, new development and subdivisions within a geologic hazard area shall be referred to the Colorado Geological Survey for review and comment. At the time of application submittal, the Applicant shall submit the required fees for the Colorado Geological Survey review. Applicants seeking approval of single-family development on lots of record within an identified Geologic Hazard Area shall be exempt from Colorado Geological Survey review, but shall be subject to all other requirements in this Section.

**c. Geologic Mitigation Plan Requirements**

Mitigation plans shall be prepared according to "Guidelines and Criteria for Identification and Land Use Controls of Geologic Hazard and Mineral Resource Areas," written by the Colorado Geological Survey, 1974 and include, at a minimum, the following:

- i.** An evaluation and predication of the impact of the hazard or hazards affecting the proposed development or subdivision and recommended mitigation methods;
- ii.** Maps describing the extent and severity of the hazard at the particular site, and including a true north arrow, scale, ties to quarter-section corners and accurate dimensions for all lines, angles and curves used to describe property boundaries scale;
- iii.** Topography;
- iv.** A location map showing the general location of the development or subdivision and its relationship to surrounding topographic features;
- v.** A map showing the location, type and density of the proposed development or subdivision;
- vi.** In the case of an alluvial soils hazard, an on-site subsurface soils investigation and report.
- vii.** In the case of rock fall geologic hazards, the mitigation plan shall:
  - 1)** Specifically address each possible method of mitigation, including:

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- (a) building outside of the run-out zone,
  - (b) stabilization of rocks,
  - (c) slowing or diverting moving rocks, and
  - (d) physical barriers.
- 2) Include maps of the fallout zone, including the rock fall source area, the acceleration zone and the run-out zone. Computer modeling is the preferred method of determining hazard zones.
  - 3) Include maps portraying the geologic conditions of a development area with particular attention given to the designated hazard condition or conditions and those geologic, hydrologic, soil and topographic features constituting the hazard.
  - 4) If needed, geologic cross-sections can be utilized to portray the hazard conditions. These maps must show the topography with a contour interval of 10 feet or smaller if necessary. These maps must be on a scale sufficiently detailed to meet the purposes of this Section, but in no case can the scale be less than one inch equals 200 feet.

#### 3. Review Criteria

- a. In reviewing a development subject to this Section, the Decision-Making Body may deny development within a hazard area or may approve it on the condition that the development is designed and built in such a manner as to adequately mitigate the hazard.
- b. In reviewing new development and subdivisions, the Decision-Making Body shall take into consideration the following:
  - i. The Applicant's mitigation plan;
  - ii. Geologic, topographic and other technical information presented by the Applicant or other interested party, including the County or other public agency;
  - iii. Recommendations of a reviewing state agency having expertise with respect to the hazard in question and recommendations of others with similar expertise; and
  - iv. The relationship between the development and the hazard area and the potential impact of the development within the area on lands outside the development.
- c. Mitigation methods required by the Decision-Making Body may include, but are not limited to:
  - i. Compliance with "Guidelines and Criteria for Identification and Land Use Controls of Geologic Hazard and Mineral Resource Areas," written by the Colorado Geological Survey, 1974;
  - ii. To the maximum extent feasible, in rock fall hazard areas avoidance of the run-out zone shall be the method of mitigation;
  - iii. Location of building envelopes outside areas identified as Class II geologic hazard areas;
  - iv. Specific requirements for construction, location, density of structures and/or lots;
  - v. Specific requirements for construction of roads upon the land;

- vi. Specific requirements for alteration to the physical characteristics of the land.

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**13.7.5. Wildlife Habitat Protection**

**A. Purpose**

To maintain the diversity of wildlife species and habitat that occur in the Estes Valley, and to plan and design land uses to be harmonious with wildlife habitat and the species that depend on this habitat for the economic, recreational and environmental benefit of the residents of and visitors to the Estes Valley.

**B. Applicability**

This Section shall apply to all applications for review of development plans, subdivision plats, planned unit developments, special review uses and rezonings. This Section shall not apply to development on lots that were approved for single-family residential use prior to the effective date of this Code.

**C. Exemptions**

The procedures and regulations contained in this Section shall not apply to:

1. Agricultural activities such as soil preparation, irrigation, planting, harvesting, grazing and farm ponds;
2. Maintenance and repair of existing public roads, utilities and other public facilities within an existing right-of-way or easement;
3. Maintenance and repair of flood control structures and activities in response to a flood emergency;
4. Maintenance and repair of existing residential or nonresidential structures; or
5. Activities undertaken pursuant to a wildlife conservation plan approved under this Section.

**D. Other Regulations**

This Section of the Code does not repeal or supersede any existing federal, state or local laws, easements, covenants or deed restrictions pertaining to wildlife. When this Section imposes a higher or more restrictive standard, this Section shall apply.

**E. Wildlife Habitat Data Base**

The following sources shall be used to identify important wildlife habitat areas for purposes of review under this Section:

1. Wildlife Habitat map.
2. Colorado Division of Wildlife habitat maps for Larimer County, as amended from time to time.
3. Colorado Natural Heritage Program Maps dated December 1996, or as amended from time to time.
4. Other information and maps as staff may from time to time identify in cooperation with the Colorado Division of Wildlife, such as wildlife maps produced specifically for the Estes Valley. Said maps shall be applicable only following adoption of an amendment to this Code.
5. Wildlife habitat information required by this section is intended for general planning purposes. Obvious errors or omissions may be corrected by the Staff.

**F. Review Procedures**

The following procedures shall apply to all applications for development:

**1. Application**

The Applicant shall submit a plat, sketch plan or site plan, as applicable, depicting the general location of the property, location of structures on the site, prominent natural areas such as streams and wetlands, and other features that Staff may require for review pursuant to this section. A Wildlife Conservation Plan shall be submitted for sites containing:

- a. An endangered or threatened species,
- b. Big Horn sheep or Big Horn sheep habitat, or
- c. Riparian areas adjacent to rivers and streams and wetlands.

**2. Preliminary Review**

Staff shall refer the submitted plan or plat to the Colorado Division of Wildlife for review. Applicants are also advised to consult with the Colorado Division of Wildlife and other agencies responsible for regulation of wildlife and habitat, such as the U.S. Fish and Wildlife Service, U.S. Department of the Interior-Rocky Mountain National Park, U.S. Forest Service and Colorado Natural Heritage Program. These agencies may maintain maps and databases that can aid in the site-specific confirmation of the presence or absence of wildlife and habitat on a specific site.

**3. Review Determination**

- a. The Review and Decision-Making Bodies shall issue a finding as to whether the application, including the wildlife conservation plan, complies with the requirements of this section.
- b. Wildlife studies and mitigation plans found to be adequate by the Decision-Making Body shall become binding upon the Applicant.
- c. Applications that do not comply with this §13.7.5 of this Code shall be denied.

**4. Waivers**

Staff may waive or approve minor modifications of any development standard or review criteria contained in this section upon a finding that such waiver or modification:

- a. Is consistent with the stated purposes of this section;
- b. Will have no significant adverse impacts on wildlife species or habitat;
- c. Any potential adverse impacts will be mitigated or offset to the maximum extent practicable; and
- d. Application of the standard or criteria is not warranted based on the location of the development, the absence of a particular species on the site or other relevant factors.

**G. Review Standards**

The following review standards shall apply to all development applications as specified, unless staff determines that a specific standard may be waived pursuant to subsection F.4 above. It is the intent of this Section that these standards be applied in a flexible fashion to protect wildlife habitat and wildlife species in a cost-effective fashion.

**1. Review Standards**

**a. Buffers**

All development subject to a wildlife conservation plan shall provide a setback from any identified important wildlife habitat area, in accordance with any recommendations in the wildlife conservation plan.

**b. Important Wildlife Habitat**

Restricted to native species on Recommended Plant List. There shall be no introduction of plant species that are not on the approved landscaping list in the "ComDev Recommended Plant List" on any site containing any important wildlife habitat area. Plans approved under provisions of this Code shall show existing herbaceous and woody cover on the site maintained and removal of native vegetation minimized in connection with development.

**c. Fencing**

- i.** No fencing on a site containing important wildlife habitat shall exceed 40 inches in height, except to the extent that such fencing is approved by Staff to confine permitted domestic animals or to protect permitted ornamental landscaping or gardens.
- ii.** Fences higher than 40 inches may be allowed if adequate openings are provided for the passage of deer, elk or other identified wildlife. These openings shall be at least six feet wide and spaced a maximum of 50 feet apart along continuous fence lines exceeding this length.
- iii.** No fencing using barbed wire shall be allowed.
- iv.** The type of fencing (materials, opacity, etc.) shall be determined by Staff or the Decision-Making Body as appropriate for the wildlife species on the site.

**d. Exterior Lighting**

Use of exterior lighting shall be minimized in areas of important wildlife habitat, and lighting shall be designed so that it does not spill over or onto such critical habitat. See also §13.7.6 below.

**e. Refuse Disposal**

Developments on sites containing important wildlife habitat, such as black bear, must use approved animal-proof refuse disposal containers. With Division of Wildlife approval, refuse disposal containers and enclosures may be electrified.

**f. Domestic Animals**

Development applications for property that includes important wildlife habitat must include a plan with specified enforcement measures for the control of domestic animals and household pets. The plan must include provisions to prevent the harassment, disturbance and killing of wildlife and to prevent the destruction of important wildlife habitat.

**H. Wildlife Conservation Plans**

**1. Plan Preparation**

A wildlife conservation plan required by this Section shall be prepared for the Applicant, at the Applicant's expense, under the responsible direction of a qualified person who has demonstrated expertise in the field.

**2. Plan Content**

Any wildlife conservation plan required to be prepared pursuant to this Section shall include the following information at a minimum. Specific requirements may be waived by Staff due to the location of the development, the previous use of the site, the size and potential impact of the development, the absence of particular species on a site, the prohibition of a reasonable use of the site and other relevant factors.

- a. A description of the ownership, location, type, size and other attributes of the wildlife habitat on the site.
- b. A description of the populations of wildlife species that inhabit or use the site, including a qualitative description of their spatial distribution and abundance.
- c. An analysis of the potential adverse impacts of the proposed development on wildlife and wildlife habitat on or off site.
- d. A list of proposed mitigation measures and an analysis of the probability of success of such measures.
- e. A plan for implementation, maintenance and monitoring of mitigation measures.
- f. A plan for any relevant enhancement or restoration measures.
- g. A demonstration of fiscal, administrative and technical competence of the Applicant or other relevant entity to successfully execute the plan.

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**13.7.6. Exterior Lighting**

**A. Purpose**

The intent of this Section is to focus on the actual physical effects of lighting, as well as the effect that lighting may have on the surrounding neighborhood. Exterior lighting shall be evaluated in the development review process to ensure that the functional and security needs of the project are met in a way that does not adversely affect the adjacent properties or neighborhood. The degree to which exterior night lighting affects a property owner or neighborhood will be examined considering the light source, level of illumination, hours of illumination and need for illumination in relation to the effects of the lighting on adjacent property owners and the neighborhood.

**B. Applicability**

All new development shall comply with the standards set forth in this Section. Short-term rentals (vacation homes) as designated and regulated in this Code shall comply with the standards set forth in this section, whether new or existing.

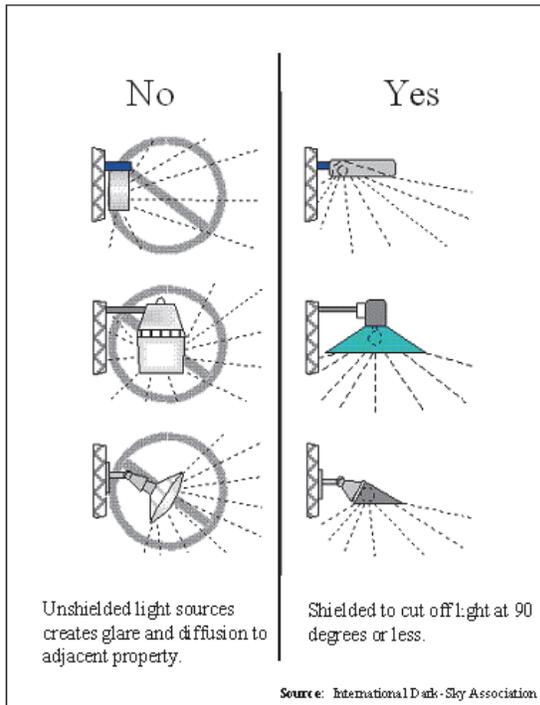
**C. General Review Standard**

If installed, all exterior lighting shall meet the functional security needs of the proposed land use without adversely affecting adjacent properties or the community.

**D. Design Standards**

Exterior lighting is not required except for purposes of public safety. However, if installed, all exterior lighting shall meet the following design standards:

1. Light sources shall be concealed or shielded with luminaires with cut-offs with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property. In no case shall exterior lighting add more than one foot-candle to illumination levels at any point off site. See **Figure xx below**.



**Figure xx**

2. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensors devices or turned off during nonoperating hours.
3. Light fixtures used to illuminate flags, statues or any other objects mounted on a pole, pedestal or platform shall use a narrow cone beam or light that will not extend beyond the illuminated object.
4. For upward-directed architectural, landscape and decorative lighting, direct light emissions shall not be visible above the building line roof.

**E. Height Standards for Lighting**

All exterior lighting luminaires shall be mounted no higher than 15 feet, except that lighting in parking lots containing more than 100 spaces shall have a maximum height of 25 feet.

**F. Street Lighting**

Lighting for public or private streets shall be shielded.

### 13.7.7. Operational Performance Standards

In addition to any standards required in the underlying zoning districts, all development shall meet the following performance standards:

#### A. Noise

All land uses and new development subject to this Chapter of the Code shall comply with the noise standards found in Larimer County Ordinance 97-03 (adopted September 22, 1997, and as amended from time to time).

#### B. Operational/Physical Compatibility

The following conditions may be imposed upon the approval of any development to ensure that it is compatible with existing uses, including but not limited to, restrictions on:

1. Placement of trash receptacles;
2. Location of loading and delivery areas;
3. Location, intensity and hours of illumination; and
4. Additional landscaping and buffering.

#### C. Evidence of Compliance

The Decision-Making Body shall require such evidence of ability to comply with appropriate performance standards and mitigation measures as it deems necessary prior to issuance of project development plan approval or a building permit or a certificate of occupancy.

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### 13.7.8. Street Design and Construction Standards

#### A. Applicability

1. All new development within the Estes Valley, except for single-family residential development on a lot created and approved for such use prior to February 1, 2000, shall comply with the Larimer County Rural Area Road Standards (LCRARS) and applicable Chapters and Sections of the Larimer County Urban Area Street Standards (LCUASS) as defined below.
  - a. Applicable Chapters of the LCUASS are Chapter 1 (General Provisions), Chapter 4 (Transportation Impact Studies), Chapter 7 (Street Design and Technical Criteria), Chapter 9 (Access requirement and Design Criteria), Chapter 16 ( Pedestrian Facilities), Chapter 17 (Bicycle Facilities), Chapter 22 (Construction Specifications), Chapter 23 (Inspection and Testing Procedures), Appendix A (Standard Drawings), and Appendix E (Standard Notes Approval Blocks and check lists). Applicable sections of the applicable chapters include all general sections and sections listed as “Loveland (GMA and City limits)”. Remaining Chapters of the LCUASS are not included as the contents, processes, and standards contained within these chapters are either not applicable or incorporated in other parts of the Larimer County Land Use Code (LCLUC) and LCRARS.
  - b. The applicable chapters of the LCUASS applies for all new non-residential and multi-family development within the Estes Valley. The applicable chapters of the LCUASS also applies for new residential land divisions that are proposed on parcels that intersect with the 1,500-foot buffer limit of the Town boundary, which is shown as reference in Figure 1.0.

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- c. The LCRARS applies for new residential land divisions not within the 1,500-foot buffer of the Town boundary, which is shown as reference in Figure 1.0.

### B. Administrative Modification Process

1. Modifications or variances from these standards will be considered on a case-by case basis.
2. If a person desires to design and construct improvements in modification or variation to these to these standards, such modification shall be requested in writing and sealed by a licensed Colorado professional civil engineer and shall consist of:
  - a. Identification of the standard provision to be modified, waived or varied.
  - b. Identification of the alternative design or construction standards to be adhered to that results in equivalent engineering standards.
  - c. A thorough justification of the modification request, including impact of capital and maintenance requirements and cost.
  - d. The modification request results in less visual impact; more effective environmental or open space preservation; or, relieves practical difficulties in developing a site due to mountainous terrain or other factors.
3. Modification requests shall first be reviewed by the County Engineer. If the request is denied by the County Engineer, the person requesting the modification may make their first appeal of the decision to the Community Development Director. If the denial of the variance is upheld by the Director, it may be appealed to the Board of County Commissioners.

### C. Additional Design and Construction Standards

All new applicable development shall comply with the following standards, in addition to the street design, cross-section, and construction specifications and details set forth in the LCRARS and applicable sections of the LCUASS.

#### 1. Typical Street Sections

##### a. Arterial Street Sections

Arterial Street sections in Estes Valley that are classified as State Highways and under the jurisdiction of the Colorado Department of Transportation shall meet State standards and typical sections.

##### b. Collector Street Sections.

- i. The Minor Collector Street section shown in Figure 7-5L of the LCUASS (Loveland Only) applies for internal streets with traffic volumes in the range of 1,000 to 3,000 vehicles per day and for adjacent roads shown as Collector Streets on the Larimer County Functional Classification Map that are proposed on parcels that intersect with the 1,500 foot buffer limit of the Town boundary. The section noted as “WITHOUT PARKING” shall be used, excluding the parkway requirement. The minimum right-of-way width requirement for this collector section with curb and gutter, bike lane and sidewalk is 50 feet.
- ii. The Minor and Major Collector Street sections shown in the LCRARS applies for adjacent roads shown as Collector Streets on the Larimer County Functional Classification Map outside of the 1,500-foot buffer limit of the Town boundary.

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The right-of-way width requirements apply as shown in Drawings 2 and 3 of the LCRARS.

### c. Local Street Sections

- i. The Residential Local Street section (Loveland Only) shown in Figure 7-7L of the LCUASS applies for internal streets with traffic volumes in the range of 100 to 999 vehicles per day and for adjacent roads shown as Local Streets on the Larimer County Functional Classification Map that are proposed on parcels that intersect with the 1,500 foot buffer limit of the Town boundary. The minimum right-of-way width requirement for the local section is 45 feet to accommodate curb, gutter, sidewalk, and optional parking if needed. Parkways are not required.
- ii. The Local Street sections shown in the LCRARS applies for streets shown as Local Streets on the Larimer County Functional Classification Map that are outside of the 1,500-foot buffer limit of the Town boundary. The right-of-way width requirements apply as shown in Drawing 4 of the LCRARS.

### d. Local Low Volume Street Sections

The Local Low Volume Street section shown in the LCRARS applies for streets within the Estes Valley where the average daily trip generation is expected to be less than 100 trips. The right-of-way width requirements apply as shown in Drawing 5 of the LCRARS.

## 2. Shared Driveways

The following standards apply to shared driveways:

- a. Shared Driveways are allowed for up to four single-family residential units and up to 10 multi-family units. Accesses that serve more than these thresholds are considered streets.
- b. Shared drives serving up to three single-family residential or up to three multi-family units may have a 10 foot wide minimum driving surface. Shared drives serving four single-family residential or four to 10 multi-family units shall have a 20 foot minimum driving surface.
- c. Shared driveways serving four single-family residential units and four to 10 multi-family units must be paved when proposed on parcels that intersect with the 1,500-foot buffer limit of the Town boundary.
- d. The primary entrance of shared driveways serving two or more dwelling units shall be maintained with unobstructed vehicular access between the dwelling entrance(s) and the public street access and shall not have gated access or other security barriers installed.
- e. Shared driveways must provide a turnaround to meet local fire department standards.
- f. Shared driveways require a recorded shared access easement and maintenance agreement.

## 3. Road Surfacing

- a. For any non-residential and multi-family development and for residential land divisions proposed on parcels that intersect with the 1,500-foot buffer limit of the

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Town boundary, paved access roads and shared drives must be available to provide access to the nearest paved road.

- b. Outside of the 1,500-foot buffer limit of the Town boundary, pavement is required based on the paving threshold standards in LCLUC Section 8.1.5 (Road Capacity and Level of Service Standards).

### 4. Curb and Gutter

- a. For any non-residential and multi-family development and for residential land divisions proposed on parcels that intersect with the 1,500-foot buffer limit of the Town boundary, concrete curb and gutter shall be required along the project frontage and on both sides of internal streets.
- b. Outside of the 1,500-foot buffer limit of the Town boundary, curb and gutter is not required.

### 5. Sidewalks and Bike Lanes

- a. For any non-residential and multi-family development and for residential land divisions proposed on parcels that intersect with the 1,500-foot buffer limit of the Town boundary, sidewalks on both sides of an internal roads shall be required where staff determines there will be significant pedestrian usage.
- b. When development abuts an Arterial or Collector Street, sidewalks and bike lanes along the project frontage shall be installed to provide public access and connection to adjacent properties.
- c. Sidewalks and bike lanes may not be required if staff determines:
  - i. There will not be significant pedestrian and/or bicycle usage;
  - ii. There will not be a feasible connection to other sidewalks and bike lanes in the area; or
  - iii. Unusual topographic or environmental conditions exist that would make installation infeasible or would result in a significant adverse impact.

### 6. Property Line Buffer

Roads, shared drives, and sidewalks shall be set back at least three (3) feet from an adjacent property line unless owners of abutting properties agree in writing that the edge may be closer to or abut their common property line.

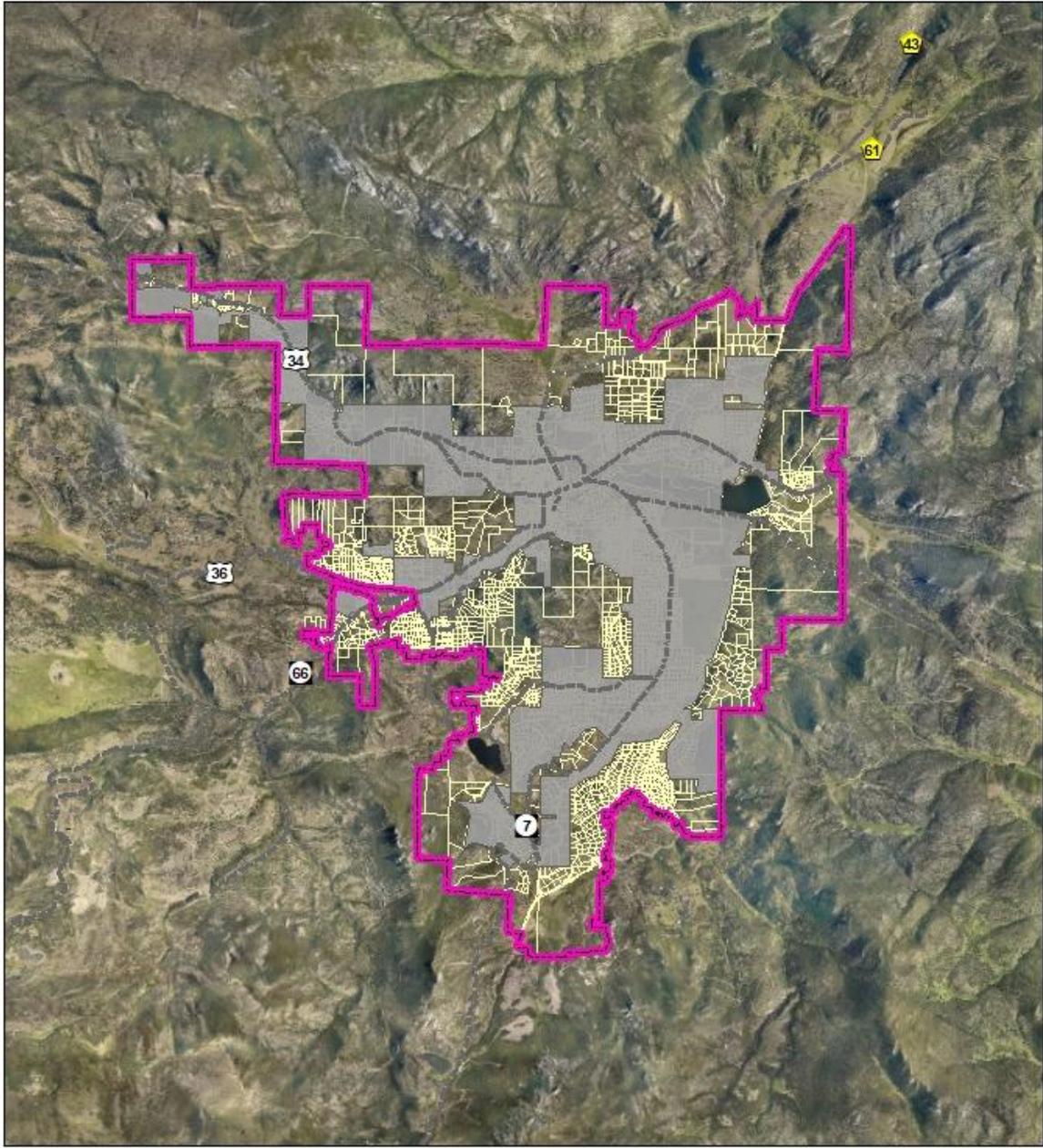
### 7. Dead End Length

The maximum length of a cul-de-sac or dead-end street shall be 1,000 feet, measured from the center of the nearest intersection to the center of the cul-de-sac turnaround.

### 8. Terrain Classification

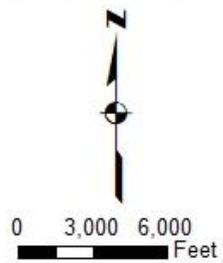
Terrain shall be classified "mountainous" when the average cross-slope at streets being developed exceeds fifteen percent (15%). LCRARS and LCUASS allow the proposal of deviations to the standards if another alternate design and construction standard can be met such as using American Association of State Highway and Transportation Officials (AASHTO) Policy on the Geometrics Design of Highways and Streets.

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**Legend**

-  Estes Valley Street Standard Buffer Area
-  Estes Valley Planning Area
-  Town Limits



Note: This figure is for reference only and shows the Estes Valley Street Standard Buffer Area effective on April 1, 2020. The boundary is subject to change as annexations occur. Contact County Engineering for current limits.

Figure xx. Estes Valley Street Standard Buffer Area

## 13.8. Definitions

### 13.8.1. General Provisions

Definitions listed in this section shall supersede other definitions in the Code with respect to the Estes Valley only. Terms used but not specifically defined herein shall have commonly accepted meaning of the word, generally a dictionary definition.

### 13.8.2. Use Classifications/Specific Use Definitions and Examples

#### A. Purpose and Applicability

Use classifications classify land uses and activities based on common functional, product or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use classifications provide a systematic basis for assigning present and future land uses into appropriate zoning districts.

#### B. Uses Not Classified

Any new use, or any use that cannot be clearly determined to be in an existing use classification pursuant to the use classification procedure set forth in §13.3.2.D, shall be prohibited until and if such use is incorporated into the zoning regulations by a code text amendment, as provided by §6.6, *Code Amendment Procedures*.

#### C. Use Classification/Specific Use Definitions and Examples

This Section sets forth specific use classifications in alphabetical order. A general definition is typically provided for each use classification, and in many instances, examples are provided of specific uses that fall within the broader use classification. When a specific use example is provided, the example should satisfy both the broader classification's general definition as well as the definition of the specific use, if provided. Finally, the text may provide specific examples of uses that are not included in a particular use classification (referred to in the text as "exceptions").

##### 1. Accommodations, High-Intensity

- a. General Definition: Visitor-serving facilities that provide temporary lodging in guest rooms or guest units for compensation, and with an average length of stay of less than 30 days. High-intensity accommodations generally serve a larger number of guests than low-intensity accommodations.
- b. Examples: This classification includes the following types of specific uses:
  - i. Hostel: An establishment operated, managed or maintained under sponsorship of a nonprofit organization that holds a valid exemption from federal income taxes under the Internal Revenue Code of 1954, as amended, or which is licensed by and operated under the rules of Hosteling International-American Youth Hostels, or a comparable hosteling umbrella organization approved by the appropriate governing entity.
  - ii. Hotel/Motel: A facility offering transient lodging accommodations to the general public.

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- iii. Recreational Vehicle (RV) Park/Campground: A parcel of land where two or more recreational vehicle sites and/or camping sites are located, established or maintained for occupancy by recreational vehicles or camping units of the general public as temporary living quarters for travel, vacation or recreation purposes.
- iv. Resort Lodge/Cabins: A building or group of buildings, under single management and ownership, containing rooms and/or units available for temporary rental to transient guests, and where the primary attraction is generally recreational features or activities.

### 2. Accommodations, Low-Intensity

- a. General Definition: Visitor-serving facilities that provide temporary lodging for compensation, and with an average length of stay of less than 30 days. Such facility shall be designed to be compatible, in terms of building scale, mass and character, with a predominantly low-intensity and low-scale residential and/or rural setting.
- b. Examples: This classification includes the following types of specific uses:
  - i. Bed and Breakfast: An owner- or operator-occupied dwelling where short-term lodging is provided to transient guests.
  - ii. Hotel, Small: As defined above, containing no more than eight guest rooms.
  - iii. Resort Lodges/Cabins, Low-Intensity: As defined above, with no more than a total of 20 guest rooms or guest units.
  - iv. Short-Term Rental (Vacation Home): A dwelling rented to transient guests for short-term lodging when not occupied by the owner/renter.

### 3. Adult Businesses

Any facility used for an adult amusement or entertainment business. This includes an adult book store, adult photography studio, adult theater, adult drive-in theater, adult movie arcade, adult restaurant, bar or nightclub, adult tanning salon and other adult businesses characterized by offering patrons activities or material depicting, exhibiting, describing or relating to specified sexual activities or specified anatomical areas for observation, amusement, enjoyment, satisfaction or gratification, whether for a fee or not. The uses contemplated by this definition customarily, although not always, offer adult amusement or entertainment activities or materials as a principal, significant or emphasized part of their enterprise and such uses, customarily, although not always, exclude minors under 18.

### 4. Animal Sales/Services

- a. General Definition: Any commercial facility or establishment that conducts as a principal use of the premises the sale or boarding of animals, or the provision of care, treatment or services for animals.
- b. Examples: This classification includes the following types of specific uses:
  - i. Animal Boarding: Provision of shelter and care for small or large animals on a commercial basis. This use includes activities such as feeding, exercising, grooming and incidental medical care.
  - ii. Animal Grooming: Provision of bathing and trimming services for small or domestic animals only on a commercial basis. This use includes boarding of domestic animals for a maximum period of 48 hours.

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- iii. **Animal Hospital:** Establishments where small or domestic animals receive medical and surgical diagnosis and treatment. This use includes only facilities that are entirely enclosed, soundproofed and air-conditioned. Grooming and temporary (no more than 30 days) boarding of animals is included if incidental to the hospital use.
- iv. **Animal Retail Sales:** Retail sales and boarding of small or domestic animals only, provided that such activities take place within an entirely enclosed building. This use includes grooming if incidental to the retail use, and boarding of animals not offered for sale for a maximum period of 48 hours.
- v. **Animal Shows/Sales:** Exhibitions of small/domestic or large animals for a maximum of seven days. This use includes animal sales.
- vi. **Veterinary Office:** Any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment and prevention of animal diseases. Overnight care and boarding of small or domestic animals is permitted for up to thirty 30 consecutive days within the interior of such facility.

### 5. **Artist Studio**

Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft.

### 6. **Bank or Other Financial Institution**

Establishments that provide retail banking services, mortgage lending and similar financial services to individuals and businesses. This classification includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers. This classification also includes Automated Teller Machines (ATM) located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only.

### 7. **Building Materials/Services**

Retailing, wholesaling or rental of building supplies or equipment. This classification includes lumber yards, building tool and equipment sales or rental establishments, and building contractors' yards, but excludes establishments exclusively devoted to retail sales of paint and hardware and activities classified under Vehicle/Equipment Sales and Service.

### 8. **Business Services/Professional Office**

A place used primarily to conduct the affairs of a business, profession, service, industry, government, or other similar activity and where the indoor storage and sale of merchandise is secondary to the conduct of the business or profession.

### 9. **Catering Service**

Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption. (See also Eating/Drinking Establishments.)

### 10. **Civic, Social or Fraternal Membership Clubs, Lodges or Associations**

A facility to accommodate a group of people organized for a common purpose to pursue common goals, interests or activities and characterized by certain attributes, including

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membership qualifications, payment of fees and dues, regular meetings and/or a constitution and by-laws.

#### 11. Commercial Laundry

A business which launders and dry cleans clothing and other fabric articles in bulk. Dry cleaning agencies are distinguished from commercial laundries, the latter which perform dry cleaning of materials delivered to the premises by persons or services other than the owner of the materials. See also Personal Services.

#### 12. Commercial Recreation or Entertainment Establishments, Outdoor

A facility offering games, sports, exhibitions and/or rides. This does not include golf courses, country clubs, shooting ranges or livery stables.

#### 13. Construction Storage Yard

A facility utilized for the storage of vehicles, equipment and materials utilized in the construction industry.

#### 14. Cultural Institutions

A public or non-profit institution displaying or preserving objects of interest in one or more of the arts or sciences, including libraries and museums.

#### 15. Day Care Center

A nonresidential facility for the purpose of providing less than 24-hour care for children or adults, none of whom are receiving on-site medical or psychological treatment, therapy or counseling but some or all of whom may be receiving on-site physical assistance with day-to-day living activities. A day care center for children is a facility that is required to be licensed as such by the State of Colorado, Department of Human Services.

#### 16. Eating/Drinking Establishments

- a. General Definition: Retail businesses serving prepared food or beverages for consumption on or off the premises.
- b. Examples: This classification includes the following types of specific uses:
  - i. Bar/Tavern: An establishment where the primary business is providing or dispensing by the drink for on-site consumption of fermented malt beverages and/or malt, special malt, vinous or spirituous liquors, in which the sale of food products such as sandwiches and light snacks is secondary, and where music, live entertainment and/or dancing may be provided.
  - ii. Brewpub: An establishment where the brewing, fermenting or distilling of malt, vinous or spirituous liquors or other alcoholic beverages for consumption on or off the premises, which requires food sales. Food sales shall account for a minimum of 15 percent of a brewpub's gross on-premises food and drink income.
  - iii. Microbrewery/micro distillery/microwinery: An establishment with no more than 15,000 square feet of gross floor area in which malt, vinous, spirituous liquors are brewed, distilled or fermented for sale and distribution. An on-premises tasting/tap room is required. The sale of food products, such as sandwiches and light snacks, is permitted as an accessory use, but not required.

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- iv. **Restaurant:** An establishment where the principal business is the sale of food and beverages in a ready-to-consume state. Fermented malt beverages, malt, special malt and vinous and spirituous liquors may be produced on the premises as an accessory use.
- v. **Tasting/tap room:** A principal or accessory use associated with a micro/brewery/micro distillery/microwinery or brewery/distillery/winery at which customers may purchase the manufacturer's products and other beverages for on- or off-premises consumption.

### 17. Emergency Health Care

Facilities providing emergency medical service with no provision for continuing care on an inpatient basis.

### 18. Entertainment Event, Major

- a. **General Definition:** Major entertainment event uses are characterized by activities and structures that attract people to specific (often large-scale) events or shows. Activities are generally of a spectator nature. Accessory uses may include restaurants, bars, concessions, parking and maintenance facilities.
- b. **Examples:** Examples include fairgrounds, stadiums, sports arenas, coliseums, auditoriums and exhibition and meeting halls/areas.
- c. **Exceptions:** This use classification does not include the following:
  - i. Exhibition and meeting areas with less than 20,000 square feet of total event area, which are classified as "Retail Establishments" below.
  - ii. Meeting areas, banquet halls and similar uses that are part of hotels or restaurants and are accessory to those uses, which are included in the accommodations or retail establishment classification.
  - iii. Movie theaters, which are classified under indoor commercial recreation or entertainment establishments.
  - iv. Recreation or entertainment uses conducted on a continuous basis that are classified as indoor or outdoor commercial recreation or entertainment establishments.

### 19. Event Facility

A building or portion of a building, outdoor area(s), and related parking which is rented, leased, or otherwise made available for individuals or groups to accommodate episodic or discrete functions involving participation by multiple individuals, including but not limited to weddings, banquets, anniversaries and other similar events. Such use may include kitchen facilities for the preparation or catering of food, or the sale and/or serving of appropriately permitted alcoholic beverages for on-premises consumption. Food service shall occur only during scheduled events and shall not be open to the general public. An event facility may be operated in conjunction with other uses, subject to all applicable provisions of the EVDC.

### 20. Family Home Day Care

A facility in the permanent residence of the provider, for the purpose of providing less than 24-hour care for two or more adults or children who are not related to the caregiver and none of whom are receiving on-site medical or psychological treatment, therapy or

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counseling but some or all of whom may be receiving on-site physical assistance with day-to-day living activities. A family home day care for children is a facility that is required to be licensed as such by the State of Colorado, Department of Human Services.

- a. Family Home Day Care, Small: A facility licensed by the State of Colorado to serve eight or fewer adults or children with no more than one nonresident caregiver on site at any time.
- b. Family Home Day Care, Large: A facility licensed by the State of Colorado to serve more than eight adults or children and may include nonresident caregivers. The maximum number of children permitted in a family day care home shall be the maximum allowed by the State of Colorado, Department of Human Services. The maximum number of adults permitted in a family day care home shall be 12.

#### 21. Food/Beverage Sales

- a. General Definition: Retail sales of food and beverages for off-site preparation and consumption. Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site consumption shall be classified as eating/drinking establishments.
- b. Examples: This classification includes, but is not limited to, the following types of specific uses:
  - i. Convenience Store: Retail sales of food and beverage for off-site consumption, household items, newspapers and magazines, and other small convenience items typically found in establishments with long or late hours of operation. A convenience store shall have a gross floor area no larger than 5,000 square feet. This definition excludes delicatessens or other specialty food stores having a sizable amount of fresh fruits, vegetables and fresh-cut meats.
  - ii. Grocery Store.
  - iii. Liquor Store: An establishment licensed by the State of Colorado to sell alcoholic beverages in containers, including wine, beer and hard liquor, for consumption off-premises.

#### 22. Funeral/Interment Service

A building used for the preparation of the deceased for burial or cremation, for the display of the deceased and/or for ceremonies or services related thereto, excluding a crematorium.

#### 23. Golf Course

A parcel of land laid out for at least nine holes for playing golf and improved with tees, greens, fairways and hazards. It may also include a clubhouse and other accessory structures.

#### 24. Government Facilities

- a. General Definition: Facilities owned and operated by a political subdivision of the State of Colorado, including special districts (e.g., hospital, recreation, sanitation or library districts), or facilities owned and operated by the United States government (e.g., the National Park Service or Federal Bureau of Reclamation). This classification does not include "Government Offices," defined below.
- b. Examples: This classification includes the following types of specific uses:

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- i. **Public Safety Facilities:** Facilities for public safety and emergency services, including police, fire protection and emergency medical and ambulance stations. Such facilities often need to be located in or near the area where the service is provided, and employees are regularly present on site.
  - ii. **Trail/Trail Head:** A tract of land designated and used by the public for walking, hiking, biking and/or horseback riding, including a facility for the parking of motor vehicles that provides safe access to the trail.
  - iii. **Utility, Major:** Generating plants, electrical substations, switching buildings, refuse collection, disposal facilities, water reservoirs, water or wastewater treatment plants.
  - iv. **Utility, Minor:** Above- and below-ground electrical transmission lines or natural gas pipelines; flood control or drainage facilities; transportation or communications utilities, and similar facilities of public agencies or public utilities; utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, poles or cables; switch boxes; transformer boxes; cap banks; and underground water and sewer lines. Such facilities generally do not have employees on site, and the services may be public or privately provided.
- c. **Exceptions:** This use classification does not include wireless communications facilities, which are classified as "Wireless Telecommunications Facilities" below.

#### 25. Government Offices

Administrative, clerical or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles.

#### 26. Group Living Facility, Large

- a. **General Definition:** Shared living quarters for nine or more individuals, without separate kitchen or bathroom facilities for each room or unit.
- b. **Examples:** This classification includes the following types of specific uses:
  - i. **Large Group Living Facilities:** Group living for nine or more unrelated individuals, none of whom are receiving on-site medical or psychological treatment, therapy or counseling, but some or all of whom may be receiving on-site physical assistance with day-to-day living activities. The restriction to nine or more individuals shall include both residents and caretakers, if any. Provided that the use otherwise complies with this definition and size restriction, a large group living facility includes only the following:
    - 1) A nonprofit group home for the aged or an owner-occupied group home for the aged, as defined in §§30-28-115(2)(b) and 31-23-303(2)(b), C.R.S.; or
    - 2) A state-licensed group home for the developmentally disabled or mentally ill, as defined in §§30-28-115(2)(a) and (b.5) and 31-23-301(4) and 303(2)(a) and (b.5), C.R.S.
  - ii. **Senior Care Facility:** A residential care facility designed primarily for senior citizens with no serious health problems, but who may have chronic or debilitating conditions requiring assistance with daily activities. Permitted services include but are not limited to: staff-supervised meals; housekeeping and

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personal care; protective oversight such as supervision of self-administered medication; and social activities. Both private and shared sleeping rooms may be provided.

iii. **Treatment Facility:** Group living for nine or more unrelated individuals, some or all of whom are receiving on-site medical or psychological treatment, therapy or counseling. The limit of nine individuals or more shall include both those individuals receiving treatment and those providing treatment. Provided that the use otherwise complies with this definition and size restriction, a treatment facility may include any of the following:

- 1) A state-licensed group home for the developmentally disabled, as defined in §§30-28-115(2)(a) and 31-23-303(2)(b), C.R.S.;
- 2) A state-licensed group home for persons with mental illness, as defined in §§30-28-115(2)(a) and (b.5) and 31-23-301(4) and 303(2)(a) and (b.5), C.R.S.;
- 3) An adult day treatment facility; or
- 4) A physical/mental rehabilitation home.

c. **Exceptions:** This use classification does not include:

- i. Accommodations uses where the length of tenancy is typically shorter than 30 days;
- ii. Small (eight or fewer) group homes that fall within the "Group Living Facilities, Small" classification below;
- iii. Nursing homes, assisted living facilities or other uses falling within the "Senior Institutional Living" use classification; or
- iv. Facilities for people who are under judicial detainment and under the supervision of sworn officers.

#### 27. Group Living Facility, Small

Shared living quarters for up to eight unrelated individuals (including resident and nonresident care givers) living together in a single dwelling unit, with common access to and common use of all living and eating areas and all facilities for the preparation and serving of food within the dwelling unit. None of the residents receive on-site medical or psychological treatment, therapy or counseling, but some or all of the residents may be receiving physical assistance with day-to-day living activities. Provided that the use otherwise complies with this definition and size restriction, a small group living facility includes only the following:

- a. A nonprofit group home for the aged or an owner-occupied group home for the aged, as defined in §§ 30-28-115(2)(b) and 31-23-303(2)(b), C.R.S.; or
- b. A state-licensed group home for the developmentally disabled or mentally ill, as defined in §§30-28-115(2)(a) and (b.5) and 31-23-301(4) and 303(2)(a) and (b.5), C.R.S.

#### 28. Hospital

- a. **General Definition:** Facilities providing medical, surgical, psychiatric or emergency medical services to sick or injured persons, primarily on an inpatient basis. This classification includes incidental facilities for outpatient treatment, offices and laboratories, as well as training, research and administrative services for patients and employees.

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- b. Examples: Examples include medical centers and hospitals.
- c. Exceptions: This use classification does not include the following:
  - i. Medical clinics that provide care where patients are generally not kept overnight are classified as "Office."
  - ii. Emergency medical clinics are classified as "Emergency Health Care."
  - iii. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol or drug problems, where patients are residents of the program, are classified in "Group Living."

### 29. Household Living

- a. General Definition: A family unit related by blood, marriage or adoption or eight or fewer unrelated individuals (including resident and nonresident caregivers) living together in a single dwelling unit, with common access to and common use of all living and eating areas and all facilities for the preparation and serving of food within the dwelling unit. Household living shall include occupancy by a renter household for terms of 30 days or more. Refer to the definition of accommodations use for renter occupancy for terms of less than 30 days.
- b. Examples: This classification includes households living in single-family houses, duplexes, other multi-family dwelling structures, manufactured housing and other structures with self-contained dwelling units.

### 30. Industry

Any manufacturing or industrial facility, including but not limited to heavy equipment storage and maintenance; junk yards; hazardous materials handling and storage; asphalt and concrete batch plants; fuel alcohol plants; fuel bulk plants; slaughter houses; recycling facilities; and ice and cold storage plants.

- a. Industry, brewery/distillery/winery: An establishment in which malt, spirituous and vinous liquors are brewed, distilled or fermented for sale, distribution or consumption. Tasting/tap rooms are permitted on the premises. Tasting/tap rooms shall not exceed thirty percent (30%) of the total floor area of the facility or one thousand (1,000) square feet, whichever is greater
- b. Industrial Services: Firms engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Operations often include outdoor activities and storage of products, materials, equipment or bulk fuel. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Few customers, especially the general public, come to the site. Accessory activities may include offices, parking, and storage.
  - i. Examples: Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; repair, storage, salvage or wrecking of heavy machinery, metal and building materials; vehicle towing; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; fuel oil distributors; solid fuel yards; uses that involve the transfer or storage of solid or liquid waste; and photofinishing laboratories.

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- c. **Industry, Limited:** A facility that houses the secondary manufacture, assembly or packaging of products from previously-prepared materials, including but not limited to electronic instruments or devices; food and beverage processing; scientific research and testing; and commercial bakeries.
- d. **Research and Development:** Establishments primarily engaged in the research, development and controlled production of high technology electronic, industrial or scientific products or commodities for sale. Uses include biotechnology, films and nontoxic computer component manufacturers.

### 31. Laboratory

Establishments providing medical or dental laboratory services; or establishments with less than 2,000 square feet providing photographic, analytical or testing services. Other laboratories are classified under Industry.

### 32. Maintenance and Service Facilities

Facilities providing maintenance and repair services for vehicles and equipment, and materials storage areas. This classification includes corporation yards, equipment service centers and similar facilities owned by the city, public or private utilities, or other public entities.

### 33. Maintenance/Repair Service

Establishments providing appliance repair, office machine repair or building maintenance services. This classification excludes maintenance and repair of vehicles (see vehicle/equipment repair) and excludes maintenance and repair of industrial equipment and machinery (see limited industry).

### 34. Mobile Home Park

A parcel of land, under single ownership, that has been planned and improved for the placement of manufactured homes for single-family dwelling purposes.

### 35. Museum

See definition for Cultural Institution above.

### 36. Office

See definition for Professional Office above.

### 37. Outdoor Sales

A principal commercial use that requires the outdoor display of materials, parts, inventory or goods including, but not limited to, lumber and builder supply yards, landscape materials, automobile and truck sales, recreational vehicle sales, boat sales, farm implement sales and manufactured housing sales, excluding flea markets.

### 38. Park and Recreation Facilities

- a. **Park and Recreation Facilities—Public.** Publicly owned parks, playgrounds, recreation facilities and open spaces. Ownership is through public entities such as federal, state, county and municipal government or a public recreation district. Golf courses are classified separately as a recreational use.

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- b. Park and Recreation Facilities—Private. Privately owned and operated parks, playgrounds, recreation facilities and open spaces. Golf courses are classified separately as a recreational use.

### 39. Personal Services

A facility primarily engaged in providing services involving the care of a person and his/her apparel, appearance or personal goods.

### 40. Plant Nurseries

Any land parcel containing at least three acres used to raise lawn grasses, trees, flowers, shrubs and other plants for sale or transplanting where there is no retail sale of plants on the site.

### 41. Private-Membership Recreational Facility or Club

A facility to accommodate a group of people organized for a common purpose to pursue common goals, interests or activities and characterized by certain attributes, including membership qualifications, payment of fees and dues, regular meetings and/or a constitution and by-laws.

### 42. Recycling Facility

A facility where used material is separated, processed and stored prior to shipment to others who use the materials to make new products.

### 43. Religious Assembly

A place of assembly for religious worship. Typical accessory uses include, but are not limited to, day care centers and private schools.

### 44. Retail Establishments

- a. General Definition: Establishments that sell, lease or rent consumer, home and business goods, but excluding merchandise/retail uses classified more specifically in this Section (e.g., food/beverage sales, restaurants). Typical uses include department stores, furniture stores, clothing stores and establishments providing the following products or services: antiques, art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, hardware, home improvements, household products, jewelry, pet food, pharmaceuticals, printed material, sporting goods, stationary and videos; and new automotive parts and accessories (excluding service and installation).
- b. Retail Establishments, Large: Retail establishments that contain 15,000 square feet or more of gross floor area.

### 45. Schools

- a. Definitions:
  - i. School: Any building or part thereof used for instructional purposes to provide elementary, secondary, post-secondary or vocational education.
  - ii. Public school: Any elementary or secondary school under the jurisdiction of a public school district or local board of education, organized under the laws of the State of Colorado. Public schools may include charter schools and institute charter schools, as defined by the Colorado Department of Education.

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- iii. Non-public school: Any elementary or secondary school not under the jurisdiction of a public school district or local board of education. Parochial schools are non-public schools.
- b. Examples: This use classification includes:
  - i. Educational institutions at the primary, elementary, middle, junior or high school level. Examples include daytime schools, boarding schools and military academies.
  - ii. Business, vocation and trade schools (at the secondary or higher education levels).
- c. Exceptions: This use classification does not include preschools, which are classified as "Day Care Centers."

#### 46. Self-Service Mini-Storage

Provision of storage space for household or commercial goods within an enclosed building with direct public access to individual storage spaces. This use classification includes quarters for one or more persons employed by and residing at the mini-storage facility for the purpose of on-site management and security. This classification also may include vehicle storage to a maximum of 20 percent of the site. (Where greater than 20 percent of the site is allocated to vehicle storage, the vehicle storage must be treated as a separate use.)

#### 47. Senior Institutional Living

This classification includes the following types of uses:

- a. Continuing Care Retirement Facility (also called Independent Living Facility): An age-restricted development that is planned, designed and operated to provide a full range of accommodations and services for older adults, including independent living, congregate care housing and medical care. Dwellings include, but are not limited to, attached or detached houses, apartments, condominiums or town homes, offering private or semi-private rooms, and may be either rental or owner-occupied units. Such facilities may offer health care and a variety of other personal services. For a facility to qualify under this definition:
  - i. The ages of all occupants shall be restricted to 60 years of age or older for all units, or in the alternative, at least one resident in 80 percent of the units shall be 55 years or older.
- b. Congregate Housing (also called Assisted Living): Specially planned, designed and managed multi-unit rental housing with self-contained apartments. Congregate housing is designed to provide supportive environments, but also to accommodate a relatively independent lifestyle. A limited number of services such as meals, laundry, housekeeping, transportation and social and recreational activities may be provided.
- c. Skilled Nursing Facility: A facility licensed by the State of Colorado as a nursing home and which is maintained primarily for the care and treatment of inpatients under the direction of a physician. Patients in such a facility require supportive, therapeutic or compensating services and the availability of a licensed nurse for observation or

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treatment on a 24-hour basis. Nursing care may include but is not limited to terminal care; extensive assistance or therapy in the activities of daily living; continual nursing assessment and services which involve assessment of the total needs of the patient, planning of patient care, and observing, monitoring and recording the patient's response to treatment; and monitoring, observing and evaluating the drug regimen. "Skilled nursing facility" includes private, nonprofit or proprietary "intermediate nursing facilities for the mentally retarded or developmentally disabled" as that term is defined in §26-4-103(8), C.R.S., as amended.

#### 48. Sightseeing/Tour Vehicle Facility

A facility for the location of any motor-propelled passenger-carrying vehicle, which has six or more seats, used in the conveyance, for hire, of tourists and sightseers, for the purpose of a sightseeing trip or tour in the visiting and viewing of places of interest. The facility shall include on-site ticket sales and customer parking. The facility may or may not involve on-site storage of the sightseeing/tour vehicles.

#### 49. Single Family Use

A single-family dwelling that is not attached to any other dwelling by any means, containing a primary heat source and living facilities for sleeping, cooking, eating and sanitation.

#### 50. Transportation Facility Without Repairs

A facility for the parking and storage of busses and the loading and unloading of passengers.

#### 51. Vehicle Service, Limited

- a. General Definition: Uses that provide direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed. Incidental, accessory uses may include auto repair and tire sales.
- b. Examples: This classification includes the following types of specific uses:
  - i. Car Wash: A facility for full service, self-service or automatic car and light truck washing.
  - ii. Quick Lubrication Services: Any building used for minor servicing and repair of automobiles and light trucks, with an emphasis on the sale and installation of lubricants. Body and fender work or repair of heavy trucks or vehicles and retail dispensing or sales of vehicular fuels are excluded from this use classification.
  - iii. Service Station: Any building, land area or other premises used for the retail dispensing or sales of vehicular fuels; minor towing, servicing and repair of automobiles and light trucks; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar vehicle accessories. A single-bay car wash is also permitted as an accessory use. Body and fender work or repair of heavy trucks or vehicles are excluded from this use classification.
- c. Exceptions: This use classification does not include refueling facilities for vehicles that belong to a specific use (fleet vehicles), which are considered accessory uses if they are located on the site of the principal use.

**52. Vehicle/Equipment Sales and Services**

- a. Examples: This classification includes the following types of specific uses:
  - i. Automobile Rentals: Rental of automobiles and light trucks only, including storage and incidental maintenance, but excluding maintenance requiring pneumatic lifts.
  - ii. Commercial Parking Facility: Lots or structures, as the principal use of a parcel, offering short-term or long-term parking to the public for a fee. See also definitions of the terms "parking area," "parking lot" and "parking structure" in §13.3 below.
  - iii. Limited Equipment Rentals: The rental of supplies and equipment primarily intended for homeowner use and minor residential gardening and construction projects. All maintenance and storage of equipment shall be conducted within an enclosed building. This use classification does not include the rental, storage or maintenance of large construction equipment, which is included in either the broader use classifications of "Vehicle/Equipment Sales and Rentals" or "Construction Storage Yard."
  - iv. Vehicle/Equipment Repair: Repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles or boats, including the sale, installation and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, wheel and brake shops and tire sales and installation. This classification excludes vehicle dismantling or salvage and tire retreading or recapping.
  - v. Vehicle/Equipment Sales and Rentals: Sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, mobile homes, boats and similar equipment, including incidental storage and incidental maintenance.
  - vi. Vehicle Storage: Storage of parking tow-aways, impound yards and storage lots for automobiles, trucks, buses and recreational vehicles.
- b. Exceptions: This use classification does not include repair and service of industrial vehicles, equipment or heavy trucks; and does not include vehicle wrecking and salvage, all of which are classified as "Industrial Services."

**53. Warehousing and Storage**

This classification includes the following specific types of uses:

- a. Bulk Storage: The storage of chemicals, petroleum products, grains and other materials in above-ground structures for subsequent resale to distributors or retail dealers or outlets. "Bulk storage" shall not include bulk storage of materials or hazardous substances that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.
- b. General Warehousing and Storage: A building or tract of land used primarily for the storage of goods and materials, including tank storage, commodity warehouses, refrigerated warehouses and general merchandise warehouses.
- c. Limited Warehousing and Storage: Provision of storage space for household or commercial goods within an enclosed building without direct public access to individual storage spaces. This classification includes facilities with a maximum of

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5,000 square feet of gross floor area, but excludes wholesaling and distribution, self-service mini-storage and vehicle storage.

- d. Exceptions: This classification does not include uses that involve the transfer or storage of solid or liquid wastes (see Industrial Services above). Mini-warehouses are classified as Self-Service Mini-Storage uses. Vehicle storage is classified as "Vehicle Storage" uses.

### 54. Wireless Telecommunication Facilities

See Article 9.0, *Wireless Communication Facilities*.

### 55. Wholesale Sales and Distribution

- a. General Definition: A use engaged in enclosed storage, wholesale and/or distribution of manufactured products, supplies and equipment, including accessory offices and showrooms, and including incidental retail sales, but excluding bulk storage of materials or hazardous substances that are flammable or explosive or that create hazardous or commonly recognized offensive conditions. Products may be picked up on-site or delivered to the customer. Other accessory uses may include product repair, parking, minor fabrication services and repackaging of goods.
- b. Examples: This classification includes the following types of specific uses:
  - i. Small-scale Wholesale Sales and Distribution: Distribution and storage having a maximum gross floor area of 5,000 square feet and having no more than two docks or service bays.
  - ii. Other Wholesale Sales and Distribution: Wholesale or rental of machinery, equipment, heavy trucks, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts and building hardware.
- c. Exceptions: This use classification does not include the following:
  - i. Uses that involve the transfer or storage of solid or liquid wastes.
  - ii. Trucking terminals, which are defined as storage and distribution facilities having more than six heavy trucks on the premises at one time, but excluding trucking accessory to a limited industry or general industry classification.
  - iii. Mini-warehouses, which are classified as "Self-Service Mini-Storage" uses.
  - iv. Vehicle storage, which is classified as "Vehicle Storage."
  - v. Firms that engage primarily in sales to the general public or on a membership basis, which are classified as Retail Sales and Service.
  - vi. Firms that are primarily storing goods with little on-site business activity, which are classified as "Warehousing and Storage."
  - vii. Wholesale sales of building materials, which are classified as "Building Materials/Services."

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### 13.8.3. Definitions of Words, Terms and Phrases

The following words, terms and phrases, when used in this Chapter 19, shall have the meanings ascribed to them in this section:

**Abutting or Adjoining**

To physically touch or border upon; or to share a common property line or border.

**Accessory Building**

A building detached from a principal building and customarily used with, and clearly incidental and subordinate to, the principal building or use, and ordinarily located on the same lot with such principal building.

**Accessory Dwelling Unit**

A second dwelling unit integrated with a single-family detached dwelling that is located on the same lot as the single-family detached dwelling. "Accessory Dwelling Unit" does not include mobile homes, recreational vehicles or travel trailers.

**Accommodations Use**

The rental, leasing or occupancy of any room, mobile home, recreational vehicle, camp site or other area in a visitor-serving facility that provides temporary lodging, such as any hotel, motel, guest house, apartment, dormitory, mobile home park, recreational vehicle park or campground, any single-family dwelling, duplex, multiple-family dwelling, condominium unit, or any such similar place, to any person whom, for a consideration, uses, possesses or has the right to use or possess such room, mobile home site, recreational vehicle site, camp site or other area for a total continuous duration of less than 30 days.

**Adjacent**

The same as "Abutting or Adjoining."

**Adult Material**

Any material including but not limited to books, magazines, newspapers, movie films, slides or other photographic or written materials, video tapes or devices that are distinguished by their emphasis on depicting, describing or relating to Specified Anatomical Areas or Specified Sexual Activities.

**Adverse Impact**

A condition that creates, imposes, aggravates or leads to inadequate, impractical, unsafe or unhealthy conditions on a site proposed for development or on off-site property or facilities.

**Alter or Alteration**

Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors, windows, means of ingress or egress or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

**Animal, Domestic**

Small animals of the type generally accepted as pets, including but not limited to dogs, cats and fish, but not including roosters, ducks, geese, pea fowl, goats, sheep, hogs or similar animals.

**Barn/Stable**

A building, used exclusively to store farm implements, grain, hay, and other farm products and/or to shelter and feed livestock; or, a building having stalls or compartments used exclusively to shelter and feed livestock.

**Basement**

In Estes Valley shall mean that portion of a building that is partly or completely below natural or existing grade.

**Bikeway**

A pathway, often paved and separated from streets and sidewalks, designed to be used by bikers.

**Building Mass**

The three-dimensional bulk of a building: height, width and depth.

**Building Scale**

The relationship of a particular building, in terms of building mass, to other nearby and adjacent buildings.

**Bylaws**

The governing covenants, controls and restrictions for a condominium owner association or corporation, containing all the information required by the Colorado Condominium Ownership Act, §38-33-101 et seq., C.R.S.

**Camping Unit**

Any tent, trailer, recreation vehicle or similar structure established or maintained and operated in a campground as temporary living quarters for travel, recreation or vacation purposes.

**Campsite**

Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.

**Carport**

A garage that is open on at least two sides.

**Character**

Those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition and uniqueness.

**Clearing**

The indiscriminate removal of trees, shrubs and undergrowth with the intention of preparing real property for nonagricultural development purposes.

**Commercial Use**

Activity involving the sale of goods or services carried out for profit.

**Common Open Space**

Land within or related to a development, not individually owned or dedicated for public use but generally owned and/or maintained by a homeowners association, that is designed and intended for the common use or enjoyment of the residents of the development and their guests, and may include such complementary structures and improvements as are necessary and appropriate.

**Compatible or Compatibility**

The characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

**Estes Valley Comprehensive Plan**

The Estes Valley Comprehensive Plan, dated December 1996, as amended.

**Condominium Unit**

An individual air space unit in a condominium, together with the proportional, undivided interest in the common elements appurtenant to such unit.

**Cut**

The excavating of earth from the ground surface during the process of land development.

**Cutoff**

The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated (cut off) at a specific angle above the ground.

**Cutoff Angle**

The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

**Declaration**

An instrument recorded pursuant to the statutes of the State of Colorado and that defines the character, duration, rights, obligations and limitations of condominium ownership, including but not limited to plats and maps.

**Dedication**

The grant of an interest in property to the public for public use and benefit.

**Drive-Through**

An establishment which by design, physical facilities, service or packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

**Easement, Conservation**

An easement stipulating that the described property will remain in its natural state and precluding future or additional development or subdivision.

**Employee Housing**

A dwelling unit(s) occupied by a person employed within the Estes Valley and that employee's household members.

**Estes Valley Ridgeline Protection Map**

The official map showing the location of specific ridgeline protection areas in the Estes Valley, together with associated view and vantage points, dated November 3, 1999, as amended from time to time.

**Excavation or Excavating**

The removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances or organic substances, other than vegetation, from water or land, on or beneath the surface thereof, whether exposed or submerged.

**Fill**

A deposit of materials of any kind placed by artificial means.

**Floor Area, Gross**

The combined sum of the gross building floor area of all principal and accessory buildings on a lot, including basement gross floor area except as specifically excluded herein, as measured along the outside enclosing walls, but not including:

- 5) Parking structures accessory to a nonresidential use;
- 6) Any area where the floor-to-ceiling height is less than five feet;
- 7) Floor area placed below grade.

**Garage**

An accessory building or a portion of the principal building, including carports, for the private accessory use of the owner or occupant of a principal building intended for storage of motor vehicles and equipment with no facilities for mechanical service or repair of a commercial or public nature. All area within the walls enclosing the garage shall be considered garage space. For carports, all area under the roof shall be considered garage space.

**Garage, Public**

A garage other than a private or storage garage, where motor vehicles are housed, equipped for operation, repaired or kept for remuneration, hire or sale.

**Garage Sale**

The sale or offering for sale to the general public of more than five items of personal property on any portion of a lot in a residential zoning district, whether within or outside any building. Sales of programs and food and beverage items at school athletic events shall not be deemed to constitute garage sales. Garage sales shall be limited to no more than four consecutive calendar days and shall occur not more than twice within a twelve-month period.

**Grade**

Grade shall mean:

- 1) The average elevation of the land around a building; or
- 2) The percent of rise or descent of a sloping surface as it exists or as rendered by cut and/or fill activities.

**Grade, Existing or Natural**

The surface of the ground or pavement at a stated location as it exists prior to development or disturbance.

**Grade, Finished**

The final elevation and contour of the ground after cutting or filling/compacting and conforming to the proposed design.

**Grading**

Rearrangement of the earth's surface by stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition, to create new contours or grades.

**Hazard Areas**

All areas that are or that may become hazardous due to environmental conditions. The hazards include, but are not limited to, the following: wildfire, avalanche, landslide, rock fall, mud flow and debris fan, unstable or potentially unstable slopes, seismic effects, radioactivity, ground subsidence and expansive soil and rock.

**Hazardous Substance**

Any material that, by reason of its toxic, corrosive, caustic, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

**Home Occupation**

A business, profession, occupation or trade that is conducted for gain as an accessory use within a dwelling unit, or an accessory building by a resident of the dwelling unit.

**Homeowners' Association**

A private, nonprofit corporation of property owners for the purpose of owning, operating and maintaining various common properties and facilities (except that as this definition relates to a condominium project, the homeowners' association does not own the common property/facilities; it operates and maintains them on behalf of the condominium owners).

**Household**

A family unit related by blood, marriage or adoption, or eight or fewer unrelated individuals (including resident and nonresident caregivers) living together in a single dwelling unit, with common access to and common use of all living and eating areas and all facilities for the preparation and serving of food within the dwelling unit.

**Impervious Surfaces**

Impervious surfaces shall mean those portions of a lot which are covered by development that prevents or impedes the passage or absorption of stormwater. This includes but is not limited to principal and accessory buildings or structures, sidewalks, streets, driveways and parking areas. Porous pavement and graveled areas are included in this definition.

**Improvements**

Any manmade, immovable item which becomes part of, is placed upon or is affixed to real estate, including but not limited to any utility, paving, grading, drainage or structure.

**Individual Air Space Unit**

In the context of a condominium project, any enclosed room or rooms occupying all or part of a floor or floors of a building to be used for residential, professional, commercial or industrial purposes.

**Interactive Kiosk**

A device that allows the public to access the internet, send and retrieve e-mail or provide wayfinding or other information. These may be incorporated within an existing structure or be freestanding. These shall not be used to provide off-premises signage for other businesses. The display shall comply with the adopted sign code. Display of off-site content shall be user-activated.

**Kennel**

A commercial or noncommercial use with indoor and/or outdoor facilities for the keeping, breeding, boarding or training of four or more adult canine or feline animals (i.e., animals over the age of three months).

**Kitchen**

A room or space within a room equipped with such electrical or gas hook-up that would enable the installation of a range, oven or like appliance using 220/40 volts or natural gas (or similar fuels) for the preparation of food, and also containing either or both a refrigerator and sink.

**Kitchen, Accessory**

A kitchen other than the principal kitchen associated with a single-family dwelling.

**Kitchen, Outdoor**

A kitchen as defined herein, except that an outdoor kitchen shall be located in an unenclosed area that may be roofed, but is open on at least two sides and exposed to weather.

**Land Disturbance**

Any activity involving the clearing, cutting, excavating, filling or grading of land or any other activity that alters land topography or vegetative cover.

**Limits of Disturbance**

The area(s) of a site that may be disturbed by earth movement (grading), or cleared of vegetation, including disturbance or clearance to provide space for construction of principal and accessory uses and structures, driveways, parking areas, roads, drainage and stormwater management facilities, and/or utilities.

**Management Plan**

A detailed analysis of the objectives of the land owner and a description of the resources available on a particular site which includes a plan to use "best management practices" to achieve the objectives while maintaining the needs of the total ecosystem including soil, water, air, plants, animals and humans.

**Micro Wind Energy Conversion System (MWECS)**

A wind energy conversion system consisting of a wind turbine with a swept area not to exceed fifteen square feet, including appurtenant equipment, and which is intended to primarily reduce on-site consumption of utility power. Such systems are accessory to the principal use or structure on a lot.

**Mixed Use**

The development of a lot, tract, parcel of land, building or structure with two or more different principal uses including, but not limited to, residential, office, retail, personal service or entertainment uses, designed, planned and constructed as a unit.

**Off-Site Improvement**

Any utility, paving, grading, drainage, structure or modification of topography that is, or will be located on property that is: (a) not within the boundary of the property to be developed, or (b) on or under any perimeter roadway surrounding the property to be developed.

**Open Areas**

Any parcel or area of land or water essentially unimproved with any residential, commercial or industrial uses and set aside, dedicated or reserved for public or private use and enjoyment including recreational, scenic or environmental purposes. Open areas may include agricultural uses and natural features located on a site, including but not limited to meadows, forested areas, steep slopes, flood plains, hazard areas, unique geologic features, ridgelines, unique vegetation and critical plant communities, stream corridors, wetlands and riparian areas, wildlife habitat and migration corridors, areas containing threatened or endangered species and archeological, historical and cultural resources.

**Outdoor Activity**

Any enterprise, operation or activity that occurs in an unroofed area as part of a permitted use on a lot and any outdoor display of materials, machinery, vehicles or things that may or may not be for sale or rent.

**Outdoor Mobile Food Vendor**

Any person, whether as owner, agent, consignee or employee, who sells or attempts to sell, or who offers to the public free of charge, any services, goods, wares or merchandise, including, but not limited to, food or beverage, from any license vehicle.

**Outdoor Storage**

The keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.

**Porch**

A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

**Principal or Primary Entrance**

The place of ingress and egress used most frequently by the public.

**Qualified Designer**

A land surveyor or engineer who has been duly licensed by the State of Colorado to perform the type of work involved.

**Recreation, Active**

Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment, nonmotorized or otherwise, and taking place at prescribed places, sites or fields. Included activities are swimming, tennis and other court games, baseball and other field sports, track and playground activities.

**Recreation, Passive**

Leisure-time activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers and similar table games, and not typically requiring prescribed places, sites, courts or fields.

**Recreational Equipment**

Recreation equipment shall include, but is not limited to, the following: boats, golf carts, all terrain vehicles, snowmobiles, horse trailers and jet skis.

**Recreational Facility**

A place designed and equipped for the conduct of sports or passive and/or active recreational activities.

**Retail Uses**

See definition of "Retail Establishment" use classification above.

**Retaining Wall**

A structure designed to resist the lateral displacement of soil or other materials in order to protect property and/or prevent erosion.

**Review Body**

The entity that is authorized to recommend approval or denial of an application or permit required under this Code.

**Ridge**

An elongated crest or series of crests of a hill.

**Ridgeline**

A ground line located at the highest elevation of and running parallel to the long axis of the ridge.

**Ridgeline Protection Area**

Those areas designated as protected ridgelines on the Estes Valley Ridgeline Protection Map, plus the land located within 100 horizontal feet (plan view) on either side of ridgeline. See definition of "Estes Valley Ridgeline Protection Map" above.

**Sensitive Environmental Areas**

Areas with one or more of the following characteristics: (a) river and stream corridors; (b) wetlands; (c) steep slopes of 12 percent or greater; (d) soils classified as highly erodible, subject to erosion or highly acidic; (e) fault areas; (f) rock outcroppings; (g) critical wildlife habitats; or (h) view corridors that present vistas to mountains and foothills, water bodies, open areas or other regions of principal environmental importance.

**Slope**

The deviation of a surface from the horizontal, usually expressed in percent or degree.

**Slope, Average**

The difference in elevation divided by horizontal distance, and shall be measured over the entire parcel based on two-foot contour intervals, as shown in the following formula:

$$\text{Average Slope} = \frac{0.0046 \times \text{length of contour lines (in feet)}}{\text{Site or parcel area (in acres)}}$$

**Slope, Steep**

Slopes that are 12 percent or greater.

**Small Wind Energy Conversion System (SWECS)**

A wind energy conversion system consisting of a wind turbine with a swept area greater than 15 square feet and less than 125 square feet, including appurtenant equipment, which is intended to primarily reduce on-site consumption of utility power. Such systems are accessory to the principal use or structure on a lot.

**Solar Collector**

A device or combination of devices, structure or part of a device or structure that transforms direct solar energy into thermal or electrical energy which is intended to primarily reduce on-site consumption of utility power. Such systems are accessory to the principal use or structure on a lot.

**Substantial Economic Hardship**

A denial of all reasonable economic use of a subject property.

**Townhome Project**

A subdivision which subdivides land into individual lots and platted outlots. Each lot shall contain no more than one unit. Units may or may not be attached.

**Vested Right**

The right to undertake and complete development and use of real property under the terms and conditions of an approved site specific development plan, as provided in the provisions of Article 68 of Title 24, C.R.S., as amended.

**13.9. Reference Maps**

- A. Estes Valley Boundary
- B. Estes Valley Ridgeline Protection Map
- C. Wildfire Hazards Resource Map
- D. Geological Hazard Areas Map
- E. Wildlife Habitat Map

# Article 14.0 Disaster Re-Build Program

## 14.1. Generally

### 14.1.1. Purpose

Imposition of current regulations may create additional distress and hardship for existing residents and businesses in Larimer County affected by a disaster. The purpose of this disaster re-build program (re-build program) is to:

- A. Assist disaster survivors in their rebuilding efforts by offering additional flexibility through amendments to adopted land use regulations, including modified permitting and approval procedures; and
- B. Assist owners of legally established buildings, uses and structures in existence prior to the disaster who may desire to rebuild and/or continue their uses in the same manner that such structures and uses have historically existed; and
- C. Provide a process, for rebuilding or reestablishment of businesses that have been operating without all required approvals and permits, to allow such businesses to seek approval and become compliant in an expeditious and efficient manner.

### 14.1.2. Applicability

- A. This re-build program applies to structures and/or uses that have been destroyed or damaged in a disaster area as defined or described on a map attached to a declaration of disaster (declaration) issued by the County Commissioners. All buildings and structures located in the disaster area, and legally constructed prior to the date of the disaster, are eligible. Structures constructed without prior approval or not legally constructed may be eligible if the structures meet the requirements listed in §14.2.7 and are approved by the county.
- B. During the re-build program, in the event of any inconsistency between this Article 14.0 and any other Larimer County land use regulation, this Article 14.0 shall control.

### 14.1.3. Duration of Program

The County Commissioners shall establish the length of time the re-build program will be in effect for a specific disaster. All required application materials for participation in the program must be filed with Larimer County prior to the expiration of the re-build program ending date established for a disaster (program ending date).

## 14.2. Review and Approval Processes

For the duration of the re-build program, Larimer County will apply the following review and approval processes in lieu of those set out in this Code:

### 14.2.1. Temporary Emergency Housing

For the duration of the re-build program, a property owner may obtain a permit for temporary emergency housing when:

- A. A building permit has been issued for repair or replacement of a permanent dwelling; or

- B.** Prior to building permit issuance when the owner has provided an acceptable plan and timetable for rebuilding a permanent dwelling. Such plan and timetable shall become an enforceable agreement between the owner and county. A building permit application for rebuilding a permanent dwelling must be submitted prior to the expiration of the program ending date.
- C.** Temporary emergency housing may remain on the property so long as a valid building permit is in effect for rebuilding the permanent residence pursuant to an acceptable plan, or longer if the Director has granted an extension. Within 60 days after the issuance of a certificate of occupancy for the permanent dwelling or the expiration of an approved timeframe for removal of the dwelling, the emergency housing unit shall be removed from the property or converted to an approved accessory structure under a change of occupancy permit.
- D.** Temporary emergency housing shall be occupied only by the property owner(s) or their designee(s).
- E.** Only one temporary emergency housing unit is allowed per lot unless the owner demonstrates additional units are necessary and the additional unit has been approved by the Director.
- F.** Temporary emergency housing shall be connected to an approved sewage disposal system.
- G.** A building permit is required for a temporary emergency housing unit, except for recreational vehicles (RVs) or membrane structures used for 180 days or less in a calendar year. A building permit is required for RVs or membrane structures used for more than 180 days. The structure must comply with all applicable building, fire, electrical mechanical and related codes.
- H.** Temporary housing units shall be located in a manner that provides safety from natural hazards, including flood, fire damage, unstable soils and geological hazards. Temporary emergency housing units within a floodplain overlay zone district shall meet the requirements of Article 12.0, *Floodplain*.
- I.** Temporary emergency housing shall not be located within a road right-of-way and shall be served by existing access ways.
- J.** Temporary emergency housing shall comply with zoning setback requirements unless the Director determines that existing site conditions make such location impractical or unnecessary. At a minimum, temporary emergency housing shall be located at least five feet from all property lines.

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### **14.2.2. Temporary Emergency Accessory Structures**

For the duration of the re-build program, a property owner may obtain a permit for temporary emergency accessory structures when:

- A.** A building permit has been issued for repair or replacement of the permanent dwelling or other accessory structure; or
- B.** Prior to building permit issuance when the owner has provided an acceptable plan and timetable for rebuilding the permanent dwelling or accessory structure. A building permit for rebuilding the permanent dwelling or accessory structure must be applied for prior to the expiration of the program ending date.
- C.** Temporary emergency accessory structures may remain on the property so long as a valid building permit is in effect for rebuilding the permanent dwelling or accessory structure pursuant to an acceptable plan, or longer if the Director has granted an extension. Within 60

days after the issuance of a letter of completion for the permanent accessory structure or the expiration of an approved timeframe for removal of the temporary emergency accessory structure, the temporary emergency accessory structure shall be removed from the property.

- D. A building permit is required for temporary emergency accessory structures except for RVs or membrane structures used for 180 days or less in a calendar year. A building permit is required for RVs or membrane structures used for more than 180 days. The structure must be in compliance with all applicable building, fire, electrical, mechanical and related codes.
- E. Temporary emergency accessory structures shall be located in a manner providing safety from natural hazards, including flood, fire damage, unstable soils and geological hazards. Temporary emergency accessory structures within a floodplain overlay zone district shall meet the requirements of Article 12.0, *Floodplain*
- F. Temporary emergency accessory structures shall not be located within a road right-of-way and shall be served by existing access ways.
- G. Temporary emergency accessory structures shall comply with zoning setback requirements unless the Director determines that existing site conditions make such location impractical or unnecessary. At minimum, temporary emergency accessory structures shall be located at least five feet from all property lines.

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#### **14.2.3. Documentation of a Nonconforming Structure or Use**

Residents and businesses may request a determination from the Director that a building, structure or use is or is not a legal nonconforming building structure or use. The property owner is responsible for providing sufficient evidence to establish the size and date on which the structure was constructed or the use was established. The community development division will assist in researching county records and reviewing the information provided by the property owner, including, but not limited to:

- A. Historical records and photos showing when a use/building was established.
- B. Records of the county assessor.
- C. Records of the community development division.
- D. Description of the use (type, size, volume, frequency, hours of operations, etc.).
- E. Certification showing whether the use/building has been in continuous operation since established and up until the time of the disaster.
- F. Other records as deemed appropriate by the Director.

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#### **14.2.4. Rebuilding Nonconforming Buildings and Structures**

Nonconforming buildings and/or structures destroyed by the disaster may be rebuilt. The property owner shall submit a complete building permit application prior to the program ending date. The building or structure may only be rebuilt in the same location, size and character as the original building or structure unless the Director determines that existing site conditions make such location, size or character impractical or unnecessary. Any substantially damaged building or structure located in a designated floodplain overlay zone shall meet the requirements of Article 12.0, *Floodplain*.

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#### **14.2.5. Reestablishing a Nonconforming Use**

The timeframe to reestablish a nonconforming use destroyed or affected by a disaster is hereby extended to the program ending date.

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### 14.2.6. Setback Requirements

Replacement buildings and structures shall meet current setback requirements unless the Director determines that the existing site conditions make such location impractical or unnecessary. The Director shall be authorized to approve a variance of up to 50 percent of the current setback requirements upon finding the following criteria have been met or determined to be inapplicable:

- A. There are special circumstances or conditions, such as exceptional topographic conditions, narrowness, shallowness or the shape of property, or other extraordinary and exceptional situation or condition of such piece of property, that are peculiar to the land or structure for which the variance is requested;
- B. The strict interpretation and enforcement of the provisions of the code would cause an unnecessary and undue hardship;
- C. Granting the variance will not result in a substantial adverse impact on other property in the vicinity of the subject land or structure;
- D. The Director may waive the setback certification requirement for within the disaster area.

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### 14.2.7. Rebuilding and Re-Establishment of Structures and Uses Not Legally Permitted or Constructed

Some residents and businesses may not have heretofore obtained the proper permits and approvals. For the duration of the re-build program, Larimer County may consider requests on a case by case basis to rebuild a building or structure(s) and/or re-establish a use that may have not been legally permitted or constructed. As part of the review process, county staff will visit the site and complete a public safety overview. The destroyed building or structure may be allowed to be replaced upon approval of the Director if the following conditions are met or are determined to be not applicable:

- A. Access roadway is useable and access location does not impact function and safety of public roadways.
- B. Adequate drainage is provided and approved by the Engineering Department.
- C. Adequate water and sewer provisions exist or can be provided and approved by the Larimer County Health Department.
- D. Structures are located in a manner that mitigates to the maximum extent practicable the impacts from natural hazards, including, but not limited to, flood, fire damage, unstable soils and geological hazards. Any replacement building or structure within a floodplain overlay zone district must meet the requirements of Article 12.0, *Floodplain*.
- E. The proposed building or structure will not result in a substantial adverse impact on other property in the vicinity of the subject property.
- F. Any areas of significant concern as identified by the Director will be addressed at a public hearing before the board of county commissioners.

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### 14.2.8. Impact Fees

Rebuilding is not anticipated to generate new traffic once construction is complete. Therefore, impact fees will not be assessed for such established and approved historical buildings, structures and uses.

### **14.2.9. Flood Review Board**

The County Engineer may waive any flood review board process in the areas identified in the declaration. Projects that receive a waiver may be administratively reviewed and approved by the County Engineer.

## **14.3. Floodplain Management**

For the duration of a disaster re-build program, the floodplain overlay district described in Article 12.0, *Floodplain* is hereby supplemented for those properties within the declared flood disaster area. The Floodplain Administrator may use the best available information in addition to the information described in Article 12.0, *Floodplain*, to make a determination and decision as to whether or not the affected properties are located within a floodplain.

# Article 15.0 Rules of Interpretation and Definitions

## 15.1. Rules of Interpretation<sup>503</sup>

### 15.1.1. Meanings and Intent<sup>504</sup>

Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by definition under the definitions section of this code, by legislative declaration or otherwise, shall be construed accordingly. The particular controls the general.

### 15.1.2. Mandatory and Discretionary Terms<sup>505</sup>

Mandatory requirements use the words "shall," "must" or "will" and are sometimes labeled Standards. Recommendations use the words "may" or "should" and are sometimes labeled Guidelines.

### 15.1.3. Tenses, Plurals, and Gender<sup>506</sup>

Words used in the present tense include the future, unless the context clearly indicates otherwise. Words indicating a specific gender apply to all persons and things unless the context clearly indicates otherwise.

### 15.1.4. Conjunctions<sup>507</sup>

Unless the context clearly indicates otherwise, the word "and" indicates all connected words or provisions apply. The word "or" indicates connected words or provisions may apply singly or in any combination. The words "either ... or" indicate the connected words or provisions apply singly but not in combination.

### 15.1.5. Computation of Time<sup>508</sup>

A reference to days is to calendar days unless otherwise specified in this code or state statute. If a deadline falls on a weekend or county holiday, the deadline extends to the next working day. When computing a period of days, the first day is excluded and the last day is included. If the last day falls on a weekend or county holiday, the last day is the next working day.

### 15.1.6. Headings, Illustrations, and Text<sup>509</sup>

In the event of a conflict or inconsistency between the text of this Code and any heading, caption, figure, illustration, table, or map, the text shall control.<sup>510</sup> Section and subsection headings are for convenience only. They do not govern, limit, or modify the scope, meaning or intent of this Code.

<sup>503</sup> From current 3.3, revised as noted.

<sup>504</sup> Current 3.3.A and B.

<sup>505</sup> Current 3.3.C.

<sup>506</sup> Current 3.3.D. and F.

<sup>507</sup> Current 3.3.E.

<sup>508</sup> Current 3.3.G and H.

<sup>509</sup> Current Section 3.3.I.

<sup>510</sup> New.

## 15.2. Definitions of Use Categories and Specific Use Types

**Commentary:**

This section includes the defined terms of the general categories and specific use types listed in the main use table. The list is organized to match the structure of the use table. While some definitions are carried forward intact, many are new and are marked with yellow highlighting. Revisions and/or new uses are footnoted accordingly.

### 15.2.1. Agricultural Uses<sup>511</sup>

Uses in this category include the production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals useful to people. This includes but is not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; emus and ostriches; livestock, including beef cattle, sheep, swine, horses, ponies, mules, llamas, alpacas or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program. Specific use types include:

**A. Agricultural Operation<sup>512</sup>**

The cultivation of agricultural or horticultural crops, composting, aquaponics, aquaculture, hydroponics, the raising of livestock and/or poultry, 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.

**B. Agricultural Cultivation**

Uses in this category are characterized by the raising of agricultural products for consumption or commercial sale. Products may include, but are not limited to, vegetables, grains, fruits, plants, sod, trees, and other similar products. Specific use types include:

**1. Community Garden<sup>513</sup>**

A parcel of land where members of the community have access to individual garden plots for the cultivation of fruits, flowers, vegetables, or ornamental plants.

**2. Forestry<sup>514</sup>**

A land use that creates, conserves, and manages forests and forest lands for the continuing use of both commodity and non-commodity benefits. This use does not include tree farms. Accessory uses include office space, storage and maintenance of equipment used to harvest and transport forest trees, and storage of harvested trees.

**3. Nursery<sup>515</sup>**

A parcel of land used to raise plants, shrubs, trees, and other horticultural and floricultural products, conducted within or without an enclosed building. A single-family

<sup>511</sup> Carried forward current definition of "Agriculture."

<sup>512</sup> Consolidated draft – new use, replaces current "Farm" definition.

<sup>513</sup> New use.

<sup>514</sup> New use.

<sup>515</sup> Consolidated draft – replaces current "sod farm and nursery" to include all sizes and types of nursery operation.

## Article 15.0: Rules of Interpretation and Definitions

### 15.2 Definitions of Use Categories and Specific Use Types | 15.2.1 Agricultural Uses

dwelling occupied by the owner or operator of a nursery is allowed as an accessory building.

#### **a. Retail**

A nursery where products are displayed and sold on-site. This use does not include the sale of garden tools, equipment and supplies.

#### **b. Wholesale**

A nursery where products are transported to market and no on-site sales occur.

### **4. Tree Farm**

Any parcel of land used to raise and harvest trees for wood products, such as lumber, posts and poles, fuel wood and Christmas trees and such parcel is included in a forest management plan approved by the Colorado State Forest Service or other state certified forestry consultant.

#### **a. Retail<sup>516</sup>**

A tree farm where products are sold on-site.

#### **b. Wholesale**

A tree farm where forest products are transported to market and no on-site sales occur.

### **C. Agricultural Support and Services<sup>517</sup>**

Uses in this category are characterized by activities that provide support and services to agricultural, horticultural and animal husbandry activities that operate in conjunction with and on the site of on-going agricultural, horticultural, or animal husbandry uses or off-site. Specific use types include:

#### **1. Agricultural Equipment Repair and Sales<sup>518</sup>**

A commercial enterprise for the repair of equipment normally or routinely used on farms and gardens, and related parts, tools and accessories, includes sales of such materials.

#### **2. Agricultural Labor Housing**

A facility for the dormitory-style housing of agricultural workers on a seasonal basis.

#### **3. Custom Meat or Poultry Processing Facility**

A facility for the processing of meat and poultry for individuals, not intended for resale on the premises, including but not limited to the butchering, cutting, dressing, and packaging of meat and poultry products. All facilities shall be indoor operations only.

#### **4. Livestock Auction**

A commercial facility where livestock are offered for sale to people who bid on the animals.

<sup>516</sup> Consolidated draft – new categories to better determine the required review type based on the impact of each type of operation.

<sup>517</sup> New category and definition.

<sup>518</sup> New use. Reference San Miguel County's "Farm Machinery Equipment and Repair."

**5. Packing Facility**

A facility where locally raised farm products are to be packaged for shipping. This use does not include the butchering, cutting, or dressing of meat and poultry products.

**D. Animal Agriculture<sup>519</sup>**

Uses in this category are characterized by the commercial breeding, raising, and/or keeping of fish, livestock, and/or any type of fowl for sale or use of the animal, their products or byproducts, and/or the processing of those products or byproduct. Specific use types include:

**Commentary:**

The uses below are intended to capture a range of animal-related activities based on operating characteristics and potential impacts. As you review the list, please consider the following:

- 1) Should this definition be further tailored or separated based on species type?
- 2) Should this definition be further tailored or separated based on lot size?
- 3) When should animal-related activities be allowed as a principal versus an accessory use on a property?

**1. Commercial Feedlot or Dairy<sup>520</sup>**

A confined enclosure for the feeding and fattening of livestock where the average number of animals exceeds ten animals per acre of feed yard and where less than 50 percent of the roughage type feed is raised on the same farm premises. Accessory uses commonly include the processing and packaging of dairy products.

**2. Equestrian Operation, Large**

A facility or place used for horse boarding (including equestrian pasture boarding) and/or equestrian activities for a fee, and/or for an exchange of goods or services that receives 35.5 or more points using the method in §3.3.2.E, *Equestrian Operation, Large and Small*. Uses specifically excluded from equestrian operations are horse rescue and horse breeding farms.

**3. Equestrian Operation, Small**

A facility or place used for horse boarding (including equestrian pasture boarding) and/or equestrian activities for a fee, and/or for an exchange of goods or services that receives up to 35 points using the method in §3.3.2.E. Uses specifically excluded from equestrian operations are horse rescue and horse breeding farms.

**4. Poultry and Egg Production, Large<sup>521</sup>**

Maintaining an inventory of poultry for the purpose of commercial egg production and wholesale or retail sales of eggs and/or poultry. Accessory uses may include the butchering, cutting, dressing, and packaging of poultry products.

<sup>519</sup> New use category and definition.

<sup>520</sup> Consolidated Draft- carried forward current "feedyard" definition and clarified dairy operations are included in this use.

<sup>521</sup> Definitions based on Chaffee County Land Use Code.

**5. Poultry and Egg Production, Small**

The keeping of poultry for the purpose of egg production, with a maximum of 50 hens.

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**15.2.2. Residential Uses**

**A. Household Living<sup>522</sup>**

Uses in this category are characterized by residential occupancy of a building by a living unit and is not occupied by the living unit for less than 31 continuous days. This category does not include hotels, motels, boarding/rooming houses, resort cottages, or lodges. Specific use types include:

**1. Dwelling, Cabin<sup>523</sup>**

A structure that contains at least one habitable room for living and sleeping that is designed, arranged, and intended to be occupied by one occupant or living unit. A cabin that includes a primary heat source and living facilities for sleeping, eating, cooking and sanitation will be considered a single-family detached dwelling.

**2. Dwelling, Co-Housing<sup>524</sup>**

A residential development that combines small individually owned units on a single lot with common open space and sometimes including a larger community kitchen and dining room intended for communal use on a regular basis. The residents in a co-housing development may agree to share in the provision of communal services such as cooking meals, maintenance of grounds, and childcare.

**3. Dwelling, Duplex<sup>525</sup>**

A single building on a single lot or tract with two independent dwelling units under one roof, each of which is occupied by one occupant or living units and contains a primary heat source and living facilities for sleeping, cooking, eating, and sanitation.

**4. Dwelling, Live/Work<sup>526</sup>**

A dwelling unit containing an integrated living and working space in different areas of the unit.

**5. Dwelling, Multifamily<sup>527</sup>**

One or more buildings or portion of buildings on a single lot or tract that contains five or more individual dwelling units, where each unit is occupied by one occupant or living unit living independently of each other and maintaining separate cooking facilities and where each unit has an individual entrance to the outdoors or to a common hallway.

**6. Dwelling, Single-Family Attached<sup>528</sup>**

A single-family dwelling attached to one or more single-family dwellings by a common vertical wall, containing a primary heat source and living facilities for sleeping, cooking, eating, and sanitation.

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<sup>522</sup> New category and definition.

<sup>523</sup> Moved the 31-day time limit to rent to the use-specific standards.

<sup>524</sup> New use.

<sup>525</sup> Definition revised to clarify there shall be two independent dwelling units, not just two occupants.

<sup>526</sup> New use.

<sup>527</sup> New definition.

<sup>528</sup> New use. Consider additional differentiation from duplex and triplex.

**7. Dwelling, Single-Family Detached<sup>529</sup>**

A single-family dwelling that is not attached to any other dwelling by any means, containing a primary heat source and living facilities for sleeping, cooking, eating, and sanitation. This use type includes modular homes.

**8. Dwelling, Triplex or Fourplex**

A single building on a single lot or tract containing three or four independent dwelling units under one roof, each of which is occupied by one occupant or living unit, and contains a primary heat source and living facilities for sleeping, cooking, eating, and sanitation.

**9. Manufactured Home**

A factory-built, single-family detached dwelling that complies with the National Manufactured Housing and Construction Standards Act of 1974, 42 U. S. C. 5401 et seq., as amended and bears a seal issued by either the Department of Housing and Urban Development or the Colorado Division of Housing that certifies that the structure is approved to be a dwelling.

**10. Manufactured Housing Park**

A parcel of land under single ownership that has been planned and improved for the placement of manufactured homes for single-family dwelling purposes.

**B. Group Living<sup>530</sup>**

Uses in this category are characterized by residential occupancy of a structure by a group of people who do not meet the definition of “household living.” Tenancy is arranged on a monthly or longer basis and the size of the group may be larger than a living unit. Generally, group living structures have a common eating area for residents. Residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff.

**1. Assisted Living Facility<sup>531</sup>**

A residential facility that makes available to three or more adults not related to the owner of such facility, either directly or indirectly through a resident agreement with the resident, room and board and at least the following services: personal services; protective oversight; social care due to impaired capacity to live independently; and regular supervision that shall be available on a twenty-four-hour basis, but not to the extent that regular twenty-four hour medical or nursing care is required.

**2. Community Residential Home<sup>532</sup>**

A group living situation accommodating at least four, but no more than eight, persons which is licensed by the state and in which services and supports are provided to persons with intellectual and developmental disabilities.

<sup>529</sup> Revised definition.

<sup>530</sup> New category and definition.

<sup>531</sup> Revised definition for consistency with the Colorado Revised Statutes.

<sup>532</sup> New term and definition for consistency with the Colorado Revised Statutes. Replaces “Group Home for the Developmentally Disabled.”

## Article 15.0: Rules of Interpretation and Definitions

15.2 Definitions of Use Categories and Specific Use Types | 15.2.3 Public, Institutional, and Civic Uses

### 3. Congregate Residence

Apartments and dwellings with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services and other support services appropriate for the residents.

### 4. Group Home<sup>533</sup>

A single-family dwelling licensed by the state to be occupied as a group home for no more than eight persons and includes the following.

#### a. Group Home for the Aged

A group home for the exclusive use of persons who are 60 years of age or older, as defined by §31-23-303(2)(b)(II) C.R.S., as amended.

#### b. Group Home for the Persons with Behavioral or Mental Health Disorders<sup>534</sup>

A single-family dwelling occupied by two to eight people who are mentally ill as defined in Colorado Revised Statute 30-28-115.

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### 15.2.3. Public, Institutional, and Civic Uses

#### A. Community and Cultural Facilities<sup>535</sup>

Uses in this category include buildings, structures, or facilities that provide services to the public and generally provide public access. Accessory uses may include limited retail, concessions, parking, and maintenance facilities. Specific use types include:

##### 1. Assembly<sup>536</sup>

A facility for social, educational, worship, or recreational purposes primarily for members and their guests. Accessory uses may include offices, meeting areas, food preparation areas, concessions, parking, nonpublic schools and maintenance facilities.

##### a. Indoor Only

An assembly use with no outdoor recreation or seating areas.

##### b. Outdoor Area

An assembly use with at least one outdoor recreation or seating area.

##### 2. Cemetery<sup>537</sup>

A tract of land set aside for interring four or more bodies, including columbaria and mausoleums when operated in conjunction with and located on the same premises as the cemetery.

##### a. With Funeral Home or Crematorium

A cemetery with an accessory funeral home and/or crematorium operated on the same premises.

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<sup>533</sup> Updated all group home terms and definitions for consistency with the Colorado Revised Statutes.

<sup>534</sup> New term for "Group Home for the Mentally Ill."

<sup>535</sup> New category and definition.

<sup>536</sup> Consolidated "Community Hall" and "Church" and new definition. The intent behind consolidating all assembly-type uses is to ensure that they are treated consistently, whether or not they are religiously affiliated, and thus to ensure compliance with RLUIPA, which prohibits discrimination based on the exercise of religious beliefs.

<sup>537</sup> Revised definition to include allowance for funeral home or crematorium on the same premise (current Section 4.3.4.C) as cemetery requires a special review regardless.

## Article 15.0: Rules of Interpretation and Definitions

15.2 Definitions of Use Categories and Specific Use Types | 15.2.3 Public, Institutional, and Civic Uses

### 3. Crematorium

A structure that houses one or more crematories. A crematory is an incinerator, furnace, retort, oven, or chemical system used for the purpose of cremation of human or animal remains.

### 4. Cultural Institution

A public or non-profit institution displaying or preserving objects of interest in one or more of the arts or sciences, including libraries and museums.

### 5. Day Care Center<sup>538</sup>

A facility providing for the care, protection and supervision of more than eight children under 16 or more than eight people over 60.

### 6. Funeral Home

A building used for the preparation of the deceased for burial or cremation, for the display of the deceased and/or for ceremonies or services related thereto

#### a. With Crematorium

A funeral home with an accessory crematorium operated on the same premises.

### 7. Prison or Detention Center

A facility for the processing and confinement of people held in lawful custody.

## B. Educational Facilities<sup>539</sup>

### 1. School, Nonpublic<sup>540</sup>

A school organized and maintained by a recognized religious or independent association performing an academic function including private, parochial, and independent schools which provide education to children of compulsory school age.

### 2. School, Public<sup>541</sup>

A public institution intended for the purposes elementary or secondary education, including charter schools and similar institutions as recognized by state regulations.

## C. Healthcare Facilities<sup>542</sup>

Uses characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, or other amenities primarily for the use of employees in the firm or building. Specific use types include:

### 1. Health Services

A facility providing support to the medical profession and patients, including medical and dental laboratories, blood banks and various types of medical supplies and services.

<sup>538</sup> New name for current "Child/Elderly Care Center."

<sup>539</sup> New category.

<sup>540</sup> Consolidated draft-New definition including language from C.R.S. 22-2-102.

<sup>541</sup> New definition. This term is not currently defined in the LUC.

<sup>542</sup> New category and definition.

**2. Hospital**

A facility providing health services primarily for inpatients and medical and surgical care of the sick and injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, emergency departments and staff offices.

**3. Medical or Dental Clinic<sup>543</sup>**

An ambulatory health facility where patients are admitted for outpatient examination and treatment by a group of licensed health care practitioners, dentists, or licensed health care practitioners and dentists in practice together.

**4. Rehabilitation Facility<sup>544</sup>**

A facility that provides formal, organized, services designed to alter specific physical, mental, or social functions of persons under treatment by reducing disability or discomfort. Such facilities also ameliorate the signs or symptoms causing such functions, which may include counseling, vocational, social and/or educational services aimed at restoring the overall well-being, health, and abilities of those being treated.

**D. Parks and Open Lands<sup>545</sup>**

Uses in this category are characterized primarily by natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation. Structural improvements are generally limited to those structures that facilitate the use of the land as park and open space. Accessory uses may include maintenance facilities, restrooms and dressing rooms, concessions, and parking.

**1. Natural Resources and Wildlife Areas<sup>546</sup>**

Ecologically important areas including critical wildlife habitat areas, riparian areas, rivers, water bodies, wetlands, potential conservation areas, and other protected lands.

**2. Park or Playground<sup>547</sup>**

A parcel of land designated and used by the public for passive and active recreation. It may include a variety of facilities, including equipment for younger children as well as court and field games.

**3. Regional Open Space and Trails<sup>548</sup>**

Areas of primarily unimproved land reserved for natural and ecological reasons or recreational opportunities and longer distance natural surface or paved trails that may be used for recreation as well as serve non-motorized transportation needs. Regional open space and trails are located outside of adopted Growth Management Areas.

<sup>543</sup> New name for “Clinic” and expanded definition.

<sup>544</sup> Consolidated draft – new definition to expand substance abuse illness to include a range of physical, mental, and social functions.

<sup>545</sup> New category and definition.

<sup>546</sup> One of four broad types of open space determined in *Our Lands – Our Future* and expanded upon in the *Larimer County Open Lands Master Plan*.

<sup>547</sup> Carried forward current “Public park and playground” definition.

<sup>548</sup> One of four broad types of open space determined in *Our Lands – Our Future* and expanded upon in the *Larimer County Open Lands Master Plan*.

4. **Reservoir Parks**<sup>549</sup>

Reservoirs (including the four Reclamation reservoirs, Horsetooth Reservoir, Pinewood Reservoir, Flatiron Reservoir, and Carter Lake) and the land immediately adjacent to the surface waters, providing motorized and non-motorized water-based recreation, fishing, hiking, camping, picnicking, and mountain biking opportunities.

5. **Urban Open Space and Trails**<sup>550</sup>

Areas of primarily unimproved land reserved for natural and ecological reasons or recreational opportunities and shorter distance natural surface or paved trails that may be used for recreation as well as serve non-motorized transportation needs. Urban open space and trails are located within adopted Growth Management Areas.

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**15.2.4. Commercial Uses**

A. **Agricultural and Animal Uses**<sup>551</sup>

Uses in this category include limited, commercially oriented agricultural activities, greenhouses, nurseries, and facilities for selling agricultural products. This category also includes animal-related uses include the boarding and care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas. Specific use types include:

1. **Garden Supply Center**<sup>552</sup>

A facility for the sale of garden tools, equipment and supplies that includes the sale of plant materials grown on the premises.

2. **Kennel, Commercial**<sup>553</sup>

Any place or premise used in whole or in part for the keeping of pet animals for the purpose of adoption, breeding, overnight boarding, handling, selling, sheltering, trading or otherwise transferring such animals and shall exclude pet animal service facilities. Commercial kennel also includes any individual animals kept by such a facility as breeding stock. Commercial kennel does not mean a common carrier engaged in intrastate or interstate commerce and does not include hobby breeder facilities or a foster home for pet animals. Two or more commercial kennels that have the same or similar purpose and operate from one place or premise are considered a single commercial kennel.

a. **Indoor only**

A commercial kennel of any size with only indoor operations.

b. **Outdoor Animal Use Area**

A commercial kennel of any size with any outdoor animal use area.

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<sup>549</sup> The four Reclamation reservoirs and associated park spaces guided by the *Larimer County Parks Master Plan*.

<sup>550</sup> One of four broad types of open space determined in *Our Lands – Our Future* and expanded upon in the *Larimer County Open Lands Master Plan*.

<sup>551</sup> New category and definition.

<sup>552</sup> Revised current definition to eliminate the “in conjunction with a nursery and/or tree farm” provision.

<sup>553</sup> New name for “Pet Animal Facility” and a revised definition. See “Pet Animal Care Service”

**3. Pet Animal Service Facility<sup>554</sup>**

Any place or premise used in whole or in part to provide care and service for pet animals, including grooming, training, day care, and other services that do not require the overnight boarding of animals. Outdoor facilities such as runs and exercise yards shall not exceed 100 square feet.

**4. Veterinary Clinic or Hospital, Livestock**

A facility for the diagnosis, treatment, and/or hospitalization of livestock.

**a. Indoor only, ≤ 5,000 Square Feet or Outdoor Animal Use Area ≤ 1,000 Square Feet**

A livestock veterinary clinic or hospital with 5,000 square feet or less gross floor area of indoor operations, and/or an outdoor animal use area of 1,000 square feet or less.

**b. Indoor only, > 5,000 Square Feet or Outdoor Animal Use Area > 1,000 Square Feet**

A livestock veterinary clinic or hospital with more than 5,000 square feet gross floor area of indoor operations, and/or an outdoor animal use area of more than 1,000 square feet.

**5. Veterinary Clinic or Hospital, Pet Animal**

A facility for the diagnosis, treatment, and/or hospitalization of pet animals.

**a. Indoor only, ≤ 2,500 Square Feet or Outdoor Animal Use Area ≤ 200 Square Feet**

A pet animal veterinary clinic or hospital with 2,500 square feet or less gross floor area or an outdoor animal use area of 200 square feet or less.

**b. Indoor only, > 2,500 Square Feet or Outdoor Animal Use Area > 200 Square Feet**

A pet animal veterinary clinic or hospital with more than 2,500 square feet gross floor area or an outdoor animal use area of more than 200 square feet.

**B. Food and Beverage Services<sup>555</sup>**

Uses in this category include establishments involved in serving prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking. Specific use types include:

**1. Bar or Tavern**

An establishment where the primary business is providing or dispensing by the drink for on-site consumption of fermented malt beverages and/or malt, special malt, vinous or spirituous liquors, in which the sale of food products such as sandwiches and light snacks is secondary, and where music, live entertainment and/or dancing may be provided. This use does not include any adult use.<sup>556</sup>

<sup>554</sup> Consolidated draft- new use to distinguish kennel operations from other, less impactful animal care operations.

<sup>555</sup> New category and definition.

<sup>556</sup> Final sentence of definition added to address current Section 4.3.3.1.2.

## Article 15.0: Rules of Interpretation and Definitions

### 15.2 Definitions of Use Categories and Specific Use Types | 15.2.4 Commercial Uses

#### 2. **Microbrewery, Cidery, Winery, Meadery or Distillery**<sup>557</sup>

A small brewery, winery, meadery or distillery operated separately or in conjunction with a drinking establishment or restaurant, provided the beer, wine, mead or liquor is sold for consumption onsite or off the premises and is not sold to other drinking establishments, restaurants, or wholesalers. Accessory uses include tasting rooms at which product tasting occurs.

#### 3. **Restaurant**<sup>558</sup>

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.

#### C. **Lodging Facilities**<sup>559</sup>

Uses in this category provide lodging services for a defined period of time with the incidental food, drink, and other sales and services intended for the convenience of guests. Specific use types include:

##### 1. **Bed and Breakfast**

An owner or operator occupied dwelling where short-term lodging is provided to transient guests.

##### a. **≤ Ten Guests**

A Bed and Breakfast that serves no more than 10 guests.

##### b. **> Ten Guests**

A Bed and Breakfast that serves more than 10 guests.

##### 2. **Boarding or Rooming House**

A building or portion thereof used to accommodate, for compensation, three or more boarders or roomers with lodging and/or meals. "Compensation" includes money, services or other things of value.

##### 3. **Hotel or Motel**

A facility offering transient lodging accommodations to the general public.

##### 4. **Resort Lodge or Resort Cottages**<sup>560</sup>

A building or group of buildings, under single management and ownership, containing rooms and/or units available for temporary rental to transient guests, which serves as a destination point for visitors, and where the primary attraction is major recreational features or activities for persons on vacation.

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<sup>557</sup> New use based on Assessment recommendation. The definition does not currently allow for the production/manufacturing/resale of the products to other restaurants, etc. Other jurisdictions have allowed a certain amount of barrels/gallons to be produced and limits the amount sold. Which approach works best for Larimer County? Further discussion is needed.

<sup>558</sup> Revised definition to address outdoor dining areas and sidewalk cafes and removed the accessory brewery/distillery as "Microbrewery, Cidery, or Distillery" is now a separate use.

<sup>559</sup> New category and definition.

<sup>560</sup> Revised definition to address the concern in the Assessment that "recreational features or activities" was too broad.

**5. Short-term Rental**

A dwelling rented to transient guests for short-term lodging when not occupied by the owner/renter.

**a. ≤ Ten Occupants**

A Short-term Rental with no more than 10 occupants.

**b. > Ten Occupants**

A Short-term Rental with more than 10 occupants.

**D. Marijuana**

Uses in this category are primarily engaged in the sale of medical and retail marijuana product. Specific use types include:

**1. Medical Marijuana-infused Products Manufacturer**

A person or entity licensed pursuant to the Colorado Medical Marijuana Code to operate a business manufacturing medical marijuana-infused products.

**2. Medical Marijuana Center**

A person or entity licensed to operate a business as described in the Colorado Medical Marijuana Code that sells medical marijuana and medical marijuana-infused products to registered patients or primary caregivers as defined in Section 14, Article XVIII of the Colorado Constitution, but is not a primary caregiver.

**3. Medical Marijuana Optional Premises Cultivation Operation**

A person or entity licensed pursuant to the Colorado Medical Marijuana Code to grow and cultivate marijuana for a purpose authorized by Section 14, Article XVIII of the Colorado Constitution.

**4. Private Marijuana Club**

The consumption of *marijuana* by persons assembled within a nonresidential structure, where such consumption is permitted, encouraged, promoted, enabled or condoned by persons assembled therein, whether such consumption is the primary intended purpose or an intended purpose incidental to other reasons for assembly therein.

**5. Retail Marijuana Cultivation Facility**

A person licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

**6. Retail Marijuana Product Manufacturing Facility**

A person licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

**7. Retail Marijuana Store**

A person licensed to purchase marijuana from marijuana cultivation facilities and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

**8. Retail Marijuana Testing Facility**

An entity licensed to analyze and certify the safety and potency or [of] marijuana. Marijuana testing facilities includes only fixed structures/buildings and does not include mobile facilities that move from place to place.

**E. Office, Business and Professional Services<sup>561</sup>**

Uses in this category provide executive management, administrative, governmental, or professional services, but do not sell merchandise except as incidental to a permitted use. Specific use types include:

**1. Financial Institution<sup>562</sup>**

An establishment that provides retail banking, mortgage lending, and financial services to individuals and businesses, and including check-cashing facilities. Accessory uses may include automatic teller machines, drive-through service, offices, and parking.

**2. Professional Office**

A place used primarily to conduct the affairs of a business, profession, service, industry, government or other similar activity and where the indoor storage and sale of merchandise is secondary to the conduct of the business or profession. Typical uses include real estate, insurance, property management, investment, employment, travel advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

**F. Personal Services<sup>563</sup>**

Uses in this category are primarily 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, riding academies, health and fitness studios, handicraft or hobby instruction, laundry and dry-cleaning retail outlets, beauty and barber shops, shoe repair, and tailor/alterations shops. Specific use types include:

**1. Instructional Facility**

A facility offering specialized instruction in such things as a trade, music, dance, martial arts or business.

**2. Personal Service**

A facility primarily engaged in providing services involving the care of a person and their apparel, appearance or personal goods.

**G. Recreation and Entertainment<sup>564</sup>**

Uses in this category include indoor and outdoor recreation and entertainment activities. Accessory uses may include limited retail, concessions, parking, and maintenance facilities. Specific use types include:

<sup>561</sup> New category and definition.

<sup>562</sup> New use and definition.

<sup>563</sup> New category.

<sup>564</sup> New category.

## Article 15.0: Rules of Interpretation and Definitions

15.2 Definitions of Use Categories and Specific Use Types | 15.2.4 Commercial Uses

### 1. **Campground**<sup>565</sup>

A parcel of land on which two or more recreational vehicle sites and/or camping sites are located, established or maintained for occupancy by recreational vehicles or camping units of the general public as temporary living quarters for vacation or recreation purposes. Campgrounds do not require electrical hookups for recreational vehicles on each site.

### 2. **Membership Club or Clubhouse**

A facility to accommodate a group of people organized for a common purpose to pursue common goals, interests or activities and characterized by certain attributes, including membership qualifications, payment of fees and dues, regular meetings and/or a constitution and by-laws.

### 3. **Rafting Business**

A facility for the operation of a commercial rafting business where vehicles, rafts and other equipment are stored and where customers congregate to change clothes and be transported to and from the put in and take out sites.

### 4. **Recreation Facility, Indoor**<sup>566</sup>

An enclosed facility for entertainment, sports, and recreational activities such as health clubs, game arcades, bowling, skating, swimming, tennis, health and fitness centers, gyms, and similar indoor activities. Accessory uses may include limited retail, concessions, and maintenance facilities.

### 5. **Recreation Facility, Outdoor**<sup>567</sup>

An outdoor facility providing recreation, with or without charge, including golf courses, batting cages, golf driving ranges, miniature golf courses, archery ranges, amphitheatres, skating rinks, skateboard parks, swimming pools, tennis courts, sports courts, dirt bike tracks, race tracks, drag strips and similar uses. Accessory uses may include clubhouses, limited retail, concessions, and maintenance facilities. This use does not include parks, playgrounds, or open space.

### 6. **Recreational Vehicle Park**<sup>568</sup>

A parcel of land on which two or more recreational vehicle sites and/or camping sites are located, established or maintained for occupancy by recreational vehicles or camping units of the general public as temporary living quarters for vacation or recreation purposes. Recreational Vehicle Parks require electrical hookups for recreational vehicles on each site.

### 7. **Riding Stable**

A facility where horses are harbored and the general public may, for a fee, hire horses for riding.

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<sup>565</sup> Separated use based on current Section 18.4.

<sup>566</sup> New name and revised definition for "Place of Amusement or Recreation."

<sup>567</sup> Consolidated "Golf Course" and "Country Club" and expanded definition to include additional uses.

<sup>568</sup> Separated use based on Section 18.3.

## Article 15.0: Rules of Interpretation and Definitions

15.2 Definitions of Use Categories and Specific Use Types | 15.2.4 Commercial Uses

### 8. **Seasonal Camp**<sup>569</sup>

A land parcel under single ownership and management having tents, buildings or other shelters (not including recreational vehicles or mobile homes) for recreational or educational purposes, or portions thereof.

### 9. **Shooting Range**

A facility designed and arranged to accommodate fixed or moving targets for shooting practice with firearms or bow and arrow.

#### a. **With Outdoor Activity**

A Shooting Range with any outdoor activity other than the parking of customer's cars.

### H. **Retail Sales**<sup>570</sup>

Uses involving the sale, lease, or rent of new or used products directly to the final consumer for whatever purpose, but not specifically or exclusively the purpose of resale. Accessory uses may include offices, parking, storage of goods, assembly, repackaging, or repair of goods for on-site sale. Specific use types include:

#### 1. **Building Material and Supply Store**<sup>571</sup>

A business involved in the sale, storage, and distribution of structure supplies and services including lumber, brick, tile, cement, insulation, floor covering, lighting, plumbing supplies, electrical supplies, cabinetry and roofing materials. Accessory uses may include repair or delivery services and outside sale of plants and gardening supplies.

#### 2. **Fireworks Sales, Permanent**

A facility where fireworks are stored, shipped, packaged or sold (not including a temporary fireworks stand) and that has a valid permit from the county building division for the current fireworks sales season.

#### 3. **Flea Market**<sup>572</sup>

A facility where stalls or sales areas are set aside and rented or otherwise provided and intended for use by various individuals to sell articles that are homemade, homegrown, handcrafted, old, obsolete or antique. It may also include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. This use does not include farmer's markets and garage or yard sales which operate a total of less than seven days per calendar year.

#### a. **With Outdoor Activity**<sup>573</sup>

A flea market with outdoor activities including the display and selling of goods on the same premise as the enclosed facility.

<sup>569</sup> Did not carry forward "retreat" as a separate use as a seasonal camp includes the provision for "educational purposes."

<sup>570</sup> New category and definition.

<sup>571</sup> New use. Previously included in "Outdoor Display and Sales" definition.

<sup>572</sup> Revised definition to include current Section 4.3.3.L.2 and 3.

<sup>573</sup> New use. See Section 4.3.3.L.1.

## Article 15.0: Rules of Interpretation and Definitions

15.2 Definitions of Use Categories and Specific Use Types | 15.2.4 Commercial Uses

### 4. **General Retail, ≤ 10,000 Square Feet**<sup>574</sup>

Retail sales containing not more than 10,000 square feet of floor area. General retail may include a drive-up window.

### 5. **General Retail, Between 10,000 Square feet and 25,000 Square Feet**

Retail sales containing between 10,000 square feet and 25,000 square feet of floor area. General retail may include a drive-up window.

### 6. **General Retail, > 25,000 Square Feet**

Retail sales containing more than 25,000 square feet of gross floor area of the establishment or use (not the size of the structure). General retail may include a drive-up window.

### 7. **Outdoor Display and Sales**<sup>575</sup>

The placement of goods, equipment or materials for sale, rental or lease in a location not enclosed by a structure consisting of walls and a roof.

### I. **Transportation**<sup>576</sup>

Uses in this category are primarily associated with bus, train, and aircraft facilities. Specific use types include:

#### 1. **Airport**<sup>577</sup>

A facility designed and improved for the landing and takeoff of aircraft that may be equipped with hangars, facilities for refueling and repairing aircraft and accommodations for passengers and cargo. Accessory uses include commercial tour flights where aircraft, either rotary (helicopter) or fixed wing, are used to carry passengers for sightseeing, skydiving or tour purposes on a contract basis or for a fee or other consideration.

#### 2. **Fleet Services**<sup>578</sup>

A central facility for the storage of vehicles used regularly in business operation and not available for sale, or long-term storage of operating vehicles. Typical uses include courier, delivery, and express services, recreational touring fleets, taxi fleets, and mobile catering truck storage.

#### 3. **Helipad**<sup>579</sup>

A facility designed and improved for the landing and takeoff of helicopters, usually equipped with hangars, facilities for refueling and repairing helicopters and accommodations for passengers and cargo. Accessory uses include commercial tour flights where aircraft, either rotary (helicopter) or fixed wing, are used to carry passengers for sightseeing, skydiving or tour purposes on a contract basis or for a fee or other consideration.

<sup>574</sup> All three general retail uses are new. Separated uses based on current Section 4.3.5.E.1. Added provision for drive-up window in current Section 4.3.5.E.2 to definition.

<sup>575</sup> New definition to replace current.

<sup>576</sup> New category and definition.

<sup>577</sup> Revised definition to include commercial aerial sightseeing/tour flights to be an accessory use to an airport.

<sup>578</sup> New use – replaces “Transportation Service.”

<sup>579</sup> New name for “Heliport.”

**4. Parking Lot or Garage**

A facility designed and improved for temporary, daily or overnight parking of automobiles or light trucks.

**5. Private Landing Strip<sup>580</sup>**

A landing strip located on private property and used solely by the owner of the property for personal use.

**6. Transit Terminal or Station<sup>581</sup>**

A facility where public transit vehicles load and unload patrons, and where patrons may transfer from between public transit lines, when that is the principal use of the property. This use may include park-and-ride or ridesharing facilities but does not include public transit vehicle repair or maintenance facilities.

**7. Transportation Depot**

Land and buildings used as a relay station for the transfer of a load of freight from one vehicle to another or from one party to another. Long-term or accessory storage is not permitted in a transportation depot.

**J. Vehicles and Equipment<sup>582</sup>**

**1. Truck Stop**

A facility for the servicing, repair and maintenance of motor vehicles, including the dispensing of motor fuels or other petroleum products directly into the vehicles. A truck stop may include a restaurant, overnight accommodations, showers and other facilities intended to serve travelers.

**2. Vehicle Fuel Sales<sup>583</sup>**

A lot or portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment may offer for sale at retail other convenience items as a clearly secondary activity and may also include a single-bay carwash as an accessory use.

**3. Vehicle Repair, Major<sup>584</sup>**

An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint, upholstery, muffler, transmission work and major engine and engine part overhaul. Accessory uses include outdoor repair, storage, and staging areas.

**4. Vehicle Repair, Minor<sup>585</sup>**

An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar mechanical equipment, including brake, muffler, tire repair and change, lubrication and tune ups, provided it is conducted within a completely enclosed

<sup>580</sup> Consolidated draft- New use and definition from current "Airport" definition in Section 4.3.8.F.

<sup>581</sup> Consolidated "Bus Terminal," "Park and Ride," and "Train Station."

<sup>582</sup> New category and definition.

<sup>583</sup> New use. Definition includes ability to maintain convenience retail previously allowed by "convenience store" which was not carried forward.

<sup>584</sup> New use. Includes elements of the current "Automobile Service Station."

<sup>585</sup> New use. Includes elements of the current "Automobile Service Station."

## Article 15.0: Rules of Interpretation and Definitions

### 15.2 Definitions of Use Categories and Specific Use Types | 15.2.5 Industrial Uses

building. Major repairs such as vehicle bodywork or painting or repair of engines or drive trains is prohibited.

#### 5. **Vehicle Sales and Leasing**<sup>586</sup>

The sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, ATVs, snowmobiles and recreational vehicles. This definition shall not include salvage operations, scrap operations, impound yards, or commercial parking lots available for short-term use.

#### 6. **Vehicle Wash**<sup>587</sup>

A facility for full service, self-service or automatic car and light truck washing.

#### K. **Adult Uses**<sup>588</sup>

Any facility used for an adult amusement or entertainment business. This includes an adult book store, adult photography studio, adult theater, adult movie arcade, adult restaurant, bar or nightclub, adult tanning salon and other adult businesses characterized by offering patrons activities or material depicting, exhibiting, describing or relating to specified sexual activities or specified anatomical areas for observation, amusement, enjoyment, satisfaction or gratification, whether for a fee or not. The uses contemplated by this definition customarily, although not always, offer adult amusement or entertainment activities or materials as a principal, significant or emphasized part of their enterprise and such uses, customarily, although not always, exclude minors under 18.

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### 15.2.5. Industrial Uses

#### A. **Manufacturing and Processing**<sup>589</sup>

Uses in this category includes the excavation, transporting, manufacture, fabrication, processing, reduction, destruction or any other treatment of any article, substance or commodity, in order to change its form, character or appearance. Accessory uses may include retail sales, offices, storage, cafeteria, employee amenities, parking, warehousing, and repair facilities. Specific use types include:

##### 1. **Hazardous Material Processing and/or Storage**

A facility for the storage, treatment, disposal or otherwise handling any substance or material that, by reason of its toxic, corrosive, caustic, abrasive or otherwise injurious properties that may be detrimental or deleterious to the health of anyone coming into contact with such material or substance. This use category includes the collecting, storing and/or blending of hazardous waste to be used as a fuel source or alternate fuel.

##### 2. **Junkyard**

A facility for the display, storage, collection, processing, purchase, sale, salvage or disposal of used or scrap materials, equipment, junk vehicles, appliances or other personal property whether of value or valueless. "Junkyard" does not include the storage of implements of husbandry, farm tractors, farm and ranch equipment or vehicles customarily operated in a farm or ranch operation.

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<sup>586</sup> New use. Vehicle sales were previously included in the definition of "Outdoor Display and Sales."

<sup>587</sup> Carried forward definition of "carwash."

<sup>588</sup> New category.

<sup>589</sup> New category and definition.

## Article 15.0: Rules of Interpretation and Definitions

15.2 Definitions of Use Categories and Specific Use Types | 15.2.5 Industrial Uses

### 3. Landfill

A facility used primarily for the disposal by dumping, burial and other means of garbage, sewage, junk, trash, refuse, discarded machinery, vehicles or parts thereof.

### 4. Manufacturing, Light<sup>590</sup>

Industrial operations relying on the assembly, distributing, fabricating, manufacturing, packaging, processing, recycling, repairing, servicing, storing, or wholesaling of goods or products, 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 definition 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.

### 5. Manufacturing, Heavy<sup>591</sup>

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. Examples include but are not limited to: asphalt and concrete batch plants, fuel alcohol plants, fuel bulk plants, and ice and cold storage plants.

### 6. Mining

The act of exploring for and recovering stone, soil, peat, sand, gravel, limestone, coal, granite or other mineral resources from the ground for sale or for use off the property where it was recovered. Mining does not include the removal of loose surface stone; excavation solely for farm practices; excavation for a basement or footing for a structure authorized by a valid building permit; or grading associated with residential, agricultural or accessory uses. On-site processing of mined materials and asphalt and concrete batch plants are considered accessory to the mining activity.

### 7. Oil and Gas Drilling and Production

Any operation intended to discover, develop, recover and/or process oil and/or gas.

### 8. Recycling Facility

A facility where used material is separated, processed and stored prior to shipment to others who use the materials to make new products.

### 9. Sawmill

A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of the lot.

### 10. Trade Use

A business or occupation requiring specialized training in a manual or mechanical skill, including but not limited to carpentry; plumbing; sheet metal; electrical; auto repair; heating; ventilation and air conditioning; furniture upholstery; and machine shops.

<sup>590</sup> New name and revised definition for "Light Industrial."

<sup>591</sup> New name and revised definition for "General Industrial."

## Article 15.0: Rules of Interpretation and Definitions

### 15.2 Definitions of Use Categories and Specific Use Types | 15.2.6 Public and Semi-Public Utility Uses

#### 11. Treatment Plant

A facility for the treatment of sanitary sewage that complies with the minimum standards specified in the Design Criteria Considered in the Review of Wastewater Treatment Facilities, Colorado Department of Health and Environment, Water Quality Control Commission, or a facility for the treatment of raw water designed to meet the water quality requirements contained in the Colorado Primary Drinking Water Regulations.

#### 12. Utility Substation

Any electric transmission lines, substations or electric utilities, major gas regulator station, transmission and gathering pipelines and storage areas of utilities providing natural gas or petroleum derivatives and their appurtenant facilities.

#### 13. Water Storage Facility

A pond, lake, tank or basin, natural or man-made, used for the storage, regulation and/or control of water.

#### B. Storage and Warehousing<sup>592</sup>

Uses in this category are engaged in the storage or movement of goods for themselves or other businesses. Goods are generally delivered to other businesses or the final consumer, except for some will-call pickups. There are typically few customers present. Specific use categories include:

##### 1. Enclosed Storage<sup>593</sup>

A principal use where goods are kept in a completely enclosed building or buildings. Enclosed storage includes self-storage and ministorage facilities, freezers, and meat lockers, and may include an accessory single-family dwelling for the owner/operator of the facility.

##### 2. Outdoor Storage

A principal use where goods such as recreational vehicles, boats and other large items, are stored outside of a building.

##### 3. Warehousing and Wholesale Facility<sup>594</sup>

A building or area for storage, wholesale, and/or distribution of goods and materials, supplies, and equipment that are manufactured or assembled off-site. This definition excludes the bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions. Accessory uses may include retail and office uses.

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#### 15.2.6. Public and Semi-Public Utility Uses<sup>595</sup>

Uses in this category include all lines, buildings, easements, passageways, or structures used or intended to be used by any public or private utility related to the provision, distribution,

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<sup>592</sup> New category and definition.

<sup>593</sup> New definition includes 4.3.7.A 1 and 2.

<sup>594</sup> New use.

<sup>595</sup> New category and definition.

## Article 15.0: Rules of Interpretation and Definitions

### 15.2 Definitions of Use Categories and Specific Use Types | 15.2.6 Public and Semi-Public Utility Uses

collection, transmission, or disposal of power, oil, gas, water, sanitary sewage, communication signals, or other similar public services at a local level. Specific use types include:

#### A. Power Plant

A facility designed, constructed and operated to generate electric power by steam, wind, solar, water or other means.

#### B. Radio and Television Transmitter<sup>596</sup>

A facility consisting of antennas and transmitters for sending audio and visual programs to the public. Broadcast studios and administrative or business offices are not allowed.

#### C. Small Solar Energy Facility

A facility which is used for the production of electrical energy from energy collected by the sun including solar energy collectors, power generation facilities, facilities for storing and transforming energy, other appurtenant facilities and any transmission lines, which is developed for the purpose of supplying or distributing electrical energy to users, a customer or customers. (Note: this could include a solar garden that has a disturbed area of five or fewer acres.)

##### 1. Building-Mounted<sup>597</sup>

A small solar energy facility flush-mounted to the roof or walls of a structure.

##### 2. Ground-Mounted<sup>598</sup>

A small solar energy facility mounted on the ground in which all components together disturb an area of five or fewer acres.

#### D. Small Wind Energy Facility

A facility which is used for the production of electrical energy from energy supplied by the wind including any transmission lines, and developed for the purposes of supplying or distributing electrical energy to a customer or customers, and in which there are no more than three wind generator towers<sup>596</sup> and the hub height of the wind towers does not exceed 80 feet.

#### E. Wireless Communications Facility (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. 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, directional, omni-directional and parabolic antennas, 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

<sup>596</sup> Consolidated "Radio and television transmitter" definition from 4.3.8.J and 4.3.9.C.

<sup>597</sup> New use and definition based on 4.3.7.O.1.

<sup>598</sup> New use and definition based on 4.3.7.O.2.

## Article 15.0: Rules of Interpretation and Definitions

### 15.2 Definitions of Use Categories and Specific Use Types | 15.2.7 Accessory Uses

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 Code.

#### 1. Alternative Tower Structure

Man-made 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 camouflages or conceals the presence of antennas or towers so as to make them architecturally compatible with the surrounding area pursuant to this chapter including height limits as set forth in this code. This term also includes any antenna or antenna array attached to an alternative tower structure. A stand-alone monopole (including a replacement pole) in the right-of-way that accommodates small cell facilities is considered an alternative tower structure to the extent it meets the camouflage and concealment standards of §8.0<sup>599</sup>, *Wireless Communication Facilities*.

#### 2. Small Cell Facility

A WCF where each antenna is located inside an enclosure of no more than three (3) 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 (3) cubic feet; and primary equipment enclosures are not larger than seventeen (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.

#### 3. Tower

Any structure built for the sole or primary purpose of supporting one or more 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 services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

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### 15.2.7. Accessory Uses

A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use. Specific use types include:

#### A. Agriculture

##### 1. Agricultural Operation, Accessory

A parcel of land where livestock, pet animals, or poultry are raised or garden crops grown in a manner incidental to the principal residential use of the property and where the production of livestock or garden crops on the property does not constitute a principal income for the property owner. This would include 4H and similar types of programs.

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<sup>599</sup> To be updated with the specific section reference during Installment 3.

**2. Agritourism Enterprise**

Activities conducted on a working farm or ranch and offered to the public for the purpose of recreation, education, or active tourism related involvement in the farm or ranch operation. These activities shall be incidental to the primary agricultural operation on the site or related to natural resources present on the property. This term includes farm tours, hayrides, corn mazes, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above. An agritourism enterprise does not include accommodations uses or retail sales.

**a. Large**

An agritourism enterprise with a maximum lot area of 10% of the total acreage or 5 acres (whichever is less) and/or generates 20 or more vehicle trips per day, including customers, employees, and deliveries.

**b. Small**

An agritourism enterprise with a maximum lot area of 10% of the total acreage or 3.5 acres (whichever is less) and/or generates up to 20 vehicle trips per day, including customers, employees, and deliveries.

**3. Apiary**

A structure that is designed to hold honeybee hives.

**4. Backyard Chickens**

The non-commercial raising and caring for chickens.

**5. Farm Stand<sup>600</sup>**

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.

**6. Horse Keeping**

The activity of keeping and/or caring for boarded horses including horse rescue operations.

**7. Pet Animal**

Dogs, cats, rabbits, guinea pigs, hamsters, mice, ferrets, birds, fish, reptiles, amphibians and invertebrates or any other species of wild or domestic or hybrid animal, except livestock, sold, transferred or retained for the purposes of being kept as a household pet. Pet animal includes dogs and cats kept for working purposes on a farm or ranch.

**8. Personal Horses or Livestock**

Personal horses or livestock for the use of the occupants of the lot and their guests.

**9. Value-Added Ag Processing**

The processing and/or packaging of agricultural products, excluding the processing of fish, meat or game. Examples include but are not limited to: the making of alfalfa pellets, herbal products, food products, wreaths, woolen products, cheese, and candles. Value

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<sup>600</sup> New definition from Colorado House Bill 19-1191.

added processing may include the sales of agricultural products grown on the site or value-added agricultural products produced on the site.

**a. Small**

See §3.4.4.H.2.

**b. Medium**

See §3.4.4.H.2.

**c. Large**

See §3.4.4.H.2.

**B. Accessory Dwelling Unit (ADU)**

A residential unit that is located on the same lot as a primary residential dwelling unit or primary use and is either internal to or attached to the unit or located in a detached structure.

**1. Accessory Living Area**

Finished habitable space in a single-family dwelling or in a detached building that is clearly accessory to the single-family dwelling on the lot. Accessory living area may contain a complete dwelling unit.

**2. Caretaker Dwelling Unit**

An accessory dwelling intended for occupation in association with a related primary commercial structure or use.

**3. Extended Family Dwelling**

Living quarters in a manufactured home to be used on a temporary basis to house immediate family members.

**4. Farmstead Accessory Dwelling**

An accessory dwelling permitted in association with a farming operation.

**C. Public, Civic and Institutional Accessory Uses**

**1. Child/Elderly Care**

A family child care home as defined by Colorado state law.<sup>601</sup>

**2. Landing Strip or Helipad, Commercial**

An area of land or structural surface created for and used for the landing and takeoff of planes, helicopters, or similar vertical aircraft, including but not limited to medical, commercial, and law-enforcement helipads located on the same property as the associated use.

**3. Landing Strip or Helipad, Private<sup>602</sup>**

An area of land or structural surface created for and used for the landing and takeoff of planes, helicopters, or similar vertical aircraft located on private property and used solely by the owner of the property for personal use.

<sup>601</sup> Need additional information about the scope of elder care permitted to establish definition.

<sup>602</sup> Consolidated draft- New use and definition from current "Airport" definition in Section 4.3.8.F.

**D. Commercial Accessory Uses**

**1. Outdoor Display and Sales**

The accessory outdoor display of merchandise for sale.

**2. Home Occupation**

A business use conducted as a customary, incidental, and accessory use in the resident's dwelling unit, attached garage or detached building, including office work, the making of art or crafts, trade uses, the providing of personal or professional services, and similar activities, and including retail sales of products produced on the premises and products clearly incidental, secondary and ancillary to the home occupation. Uses specifically excluded from home occupations include vehicle repair or similar activities and retail marijuana establishments.

**a. Limited**

See §3.4.7.B.

**b. Large**

See §3.4.7.B.

**3. Rural Occupation**

A use conducted as a customary, incidental, and accessory to a single family dwelling or an agricultural use. An accessory rural occupation may include such business uses as the repair of agricultural equipment or the use of agricultural equipment for excavating, etc., but may not include any of the uses specifically listed in §3.4.7.C.3.a

**a. Limited**

See §3.4.7.C.

**b. Large**

See §3.4.7.C.

**E. Industrial Accessory Uses**

**1. Storage Buildings and Garages**

Accessory structures either attached to or separate from a primary structure that are intended or use for storage.

**2. Outside Storage of Vehicles**

The storage of vehicles on a lot outside of a structure such as a storage building or garage.

**3. Outdoor Commercial Storage**

The storage of materials, equipment, products and any other goods that are clearly incidental and subordinate to the principal business, commercial or industrial use of the property. Parking of employee and customer vehicles is not accessory outdoor commercial storage.

**F. Utility Accessory Uses**

**1. Wind Generator**

A generator specifically designed to convert the kinetic energy in wind into electrical energy. A wind generator may include a generator, tower, and associated control or conversion electronics. The height of a wind generator is measured at the hub of the generator.

**2. Solar Energy System**

A system which is used for the production of electrical energy from energy collected by the sun including solar energy collectors, power generation facilities, facilities for storing and transforming energy, and any other appurtenant facilities, which is designed to supply power to principle use(s) on the lot.

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**15.2.8. Temporary Uses**

**1. Agritourism Enterprise**

See §15.2.7.A.2.

**2. Christmas Tree Stand**

A location used for the seasonal display and sales of Christmas trees.

**3. Temporary Storage for a Construction Project**

The construction of temporary structures, fences, or screening to be used in conjunction with a construction project.

**4. Fireworks Stand**

A location used for the sale of fireworks.

**5. Manufactured Home**

See §15.2.2.A.9.

**15.3. Other Terms Defined**

**Commentary**

This section includes the defined terms used throughout the LUC. Many of the definitions are carried forward intact. Revisions and/or new definitions are footnoted. New terms are highlighted.

The following words, terms, and phrases used in this Code shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

**Abandonment**

The voluntary discontinuance of a use or the occupancy of a structure.

**Accessory Use**

A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

**Adequate Firefighting Water Supply**

A public or community water supply that can supply water to a fire hydrant at a pressure and flow rate of 1,000/1,500 gpm in GMA/urban areas and 500 gpm in outside of GMA areas. The residual pressure shall be 20 pounds per square inch (psi). This typically requires a minimum six-inch diameter water

line that is designed to supply fire hydrants and may require looping or other connections within a water system to ensure pressure and flow rates.

**Adverse Impact**

A condition that creates, imposes, aggravates, or leads to a negative condition on a site proposed for development or on off-site property or facilities. For example, a proposed building that blocks a scenic view corridor or a commercial building with a height and mass out of scale and proportion with adjacent residential buildings.

**Agricultural Structure**

A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public.

**Airport**

A facility designed and improved for the landing and takeoff of aircraft that may be equipped with hangars, facilities for refueling and repairing aircraft, and accommodations for passengers and cargo.

**Annual**

A plant that, under typical conditions, lives for only one year (see Perennial).

**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 nondirectional antennas consisting of one or more elements, multiple antenna configurations, or other similar devices and configurations, and exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals.

**Applicant**

A person submitting an application for development, a permit, or other required approval under this Code. "Applicant" includes the owner of the property subject to the application and any person designated by the owner to represent them.

**Architectural Feature**

A part, portion, or projection of a building or structure that contributes to its character or style, exclusive of signs, that is not necessary for the structural integrity of the building or to make a building habitable.

**Articulation**

Variation in the depth of the building or wall plane, roof line, or height of a structure or an individual fence/wall that breaks up plain, monotonous areas and create patterns of light and shadow.

**Banner**

A sign which is constructed of cloth, canvas or other type of natural or manmade fabric, or other similar light material which can be easily folded or rolled, but not including paper or cardboard.

**Beekeeper**

Any person producing or causing to be produced bees or bee products.

**Bees**

Honey-producing insects of the genus apis, including all life stages.

**Bedroom**

A room in a dwelling designed and intended for sleeping in.

**Billboard**

See sign, off-premise.

**Bird Hobby Breeder Facility**

Any facility engaged in the operation of breeding and raising birds for the purpose of personal enjoyment that does not transfer more than 30 birds per year.

**Block**

A land area consisting of contiguous lots established by a recorded plat, usually bordered by streets, common areas, open space, rights-of-way or other barriers to the continuity of development.

**Boarded Horse**

A horse that is kept for a fee, and/or an exchange of goods or services, and/or cared for by a party or entity other than its owner or lessee. A horse owned by the equestrian operation that is leased to another party but kept and/or cared for by the equestrian operation is considered to be a boarded horse.

**Buffer, Landscape**

A combination of physical space and vertical elements such as plants, berms, fences, or walls, the purpose of which is to separate and/or screen incompatible land uses from each other.

**Building**<sup>603</sup>

Any structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, or personal property of any kind.

**Building, Principal**<sup>604</sup>

The primary structure located on a lot and designed for a permitted primary use in the zone district applicable to the lot.

**Building Frontage**

he side of the building which is parallel to or most nearly parallel to a public street.

**Building Permit**

A development permit issued by the Larimer County Building Department or any other county office before any building or construction activity can be initiated on a land parcel.

**Building Massing**

The three-dimensional bulk of a building: height, width, and depth.

**Business**

An activity concerned with the supplying and distribution of goods and services. For purposes of this section, the term "business" shall not include an activity which is accessory to a residential use, such as a home occupation. The term "business" shall include principal agricultural uses. See also "Multi-tenant center" regarding two or more businesses located on a single property.

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<sup>603</sup> Replaced "chattels" with "personal property."

<sup>604</sup> This definition was modified for clarity.

**Caliper**

The diameter of a tree measured six inches above the ground if up to a four-inch caliper. For a larger tree, the measurement is made 12 inches above the ground.

**Canine Hobby Breeder Facility**

Any facility which transfers no more than 18 dogs per year or breeds no more than two litters per year, whichever is greater.

**Capacity**

The maximum number of vehicles that have a reasonable expectation of passing over a given section of a non-regional road during a given time period, under prevailing traffic conditions, expressed in terms of vehicles per day. Capacity is measured in this regulation and in the TCEF during the week day.

**Capital Improvement, Non-Regional Road**

Transportation planning, preliminary engineering, engineering design studies, land surveys, alignment studies, engineering, permitting, and construction of all necessary features for any road construction project on non-regional road, undertaken to accommodate traffic resulting from new traffic-generating development. Non-regional road capital improvements may include but are not limited to any of the following in connection with the non-regional road system:

- 3) Construction of new through lanes;
- 4) Construction of new bridges;
- 5) Construction of new drainage facilities in conjunction with new road construction;
- 6) Purchase and installation of traffic signals, including new and upgraded signalization;
- 7) Construction of curbs, gutters, sidewalks, medians and shoulders;
- 8) Relocating utilities to accommodate new road construction;
- 9) Construction and reconstruction of intersections;
- 10) Widening of existing roads;
- 11) Constructing bus turnouts;
- 12) Adding acceleration and deceleration lanes;
- 13) Adding interchanges; and
- 14) Purchasing and installing traffic control devices.

**Capital Improvement, Regional Road**

The transportation planning, preliminary engineering, engineering design studies, land surveys, alignment studies, engineering, permitting, and construction of all necessary features for any road on the regional system undertaken to accommodate additional traffic resulting from new traffic-generating development. Regional road capital improvement may include but are not limited to any of the following in connection with the regional road system:

- 15) Construction of new through lanes;
- 16) Construction of new bridges;
- 17) Construction of new drainage facilities in conjunction with new road construction;
- 18) Purchase and installation of traffic signals, including new and upgraded signalization;
- 19) Construction of curbs, gutters, sidewalks, medians and shoulders;
- 20) Relocating utilities to accommodate new road construction;
- 21) Construction and reconstruction of intersections;
- 22) Widening of existing roads;
- 23) Constructing bus turnouts;

- 24) Adding acceleration and deceleration lanes;
- 25) Adding interchanges; and
- 26) Purchasing and installing traffic control devices.

**Change of Use**

Any use that substantially differs from the previous use of a building or land, including a change from a public use to a private use, in which the new use requires additional parking, landscaping, screening, buffering, drainage facilities or other changes to the site addressed in §8, standards for all development.

**Character Area, Conservation and Agriculture**

The area is intended to support conservation and agricultural uses of land outside growth management areas (GMAs) and furthers the Comprehensive Plan goals for the Rural, Agricultural and Ranching, Mountains and Foothills, and Natural Resources framework categories. The area consists of the Conservation and Agriculture districts as defined in this Code.

**Character Area, Mixed Center**

The area is intended to support small- to medium-scaled mixed-use development outside growth management areas (GMAs) and furthers the Comprehensive Plan goals for the Urban and Rural Interface, Rural Center, and Retail Services framework categories. The area consists of the Mixed Center districts as defined in this Code.

**Character Area, Rural**

The area is intended to support low-density residential and small-scale agricultural uses of land outside growth management areas (GMAs) and furthers the Comprehensive Plan goals for the Rural, Agricultural and Ranching, and Mountains and Foothills framework categories. The area consists of the Rural districts as defined in this Code.

**Character Area, Urban**

The area is intended to support appropriate-sized structures and uses adjacent to and within growth management areas (GMAs) and furthers the Comprehensive Plan goals for the Urban Expansion, Urban and Rural Interface, and Industrial framework categories. This area consists of the Urban districts as defined in this Code.

**Cluster**

That portion of a conservation development which includes areas for the construction of dwellings, utilities and roads.

**Common Area<sup>605</sup>**

Land within a development, which may or may not be individually owned or dedicated for public use, that is designed and intended for common use or enjoyment of the residents of the development and their guests and may include such complementary structures and improvements as are necessary and appropriate.

**Community Development Director**

The person employed by the County to head the Community Development Department, including the term Director and Rural Land Use Center Director as referenced in this Code and those persons designated to act in their stead.

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<sup>605</sup> Did not carry forward reference to residual land, which has its own definition.

**Community Sewer System**

A wastewater system that collects sewage from more than one parcel and provides treatment at a centralized location and is not owned by a sanitation district or municipality. Examples include aerated lagoon systems; manufactured treatment plants; shared or clustered septic tank/soil-absorption systems; and individual absorption systems where all or part of the systems are located on common open space or residual land.

**Compatible**<sup>606</sup>

Having consistency in design and appearance, use, or function with natural systems and/or existing land uses in an area.

**Comprehensive Plan**

The adopted Larimer County Comprehensive Plan, sometimes referred to as the County “Master Plan.” This plan fulfills the statutory requirements of C.R.S. §30-28-106.

**Coniferous**

Trees and shrubs that generally have needles rather than leaves, bear cones, and typically remain green throughout the year.

**Contiguous**

Touching at two points along a common boundary. Contiguity is not broken by a road or alley, a public or private right-of-way or easement, a natural or artificial water course or intersecting mining claim. Contiguity is broken by an interstate highway right-of-way.

**Cooperative Planning Area**

An area beyond a municipality's immediate urban planning area (growth management area) where urban level development is not appropriate within the municipal plan's time frame but where development may have an impact on present and future municipal growth patterns. Cooperative planning areas will be defined in intergovernmental agreements and development standards will be based on jointly-developed plans.

**Cornice**

A horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

**County**

Larimer County, Colorado.

**Deciduous**

Trees and shrubs that lose their leaves at the end of each growing season and develop new leaves the following season.

**Defensible Space**

An area around a building where vegetation, debris, and other types of combustible fuels have been treated, cleared, or reduced to slow the spread of fire to and from the building.

**Developable Land**

The land area in a development exclusive of land in the floodway zoning district and land below the highwater mark of existing bodies of water.

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<sup>606</sup> Revised to replace “harmony” with “consistency.”

**Development**

The division of any parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, drilling, excavation, clearing of roadways or building sites, land filling or other land disturbance. This definition excludes activities associated with normal agricultural practices, the drilling of water wells on individual lots and the construction of individual single-family or duplex residential dwellings.

**Development Agreement**

The agreement between the applicant and the county that specifies the terms and conditions of approval of a development proposal.

**Development Area**

That portion of a conservation development that includes areas for the construction of dwellings, roads, utilities, and other facilities for the benefit of the development.

**Director**

The Community Development Director who heads the Community Development Department, including those persons designated to act in their stead.

**Districts, Conservation and Agriculture**

The Natural Resources (NR), Agriculture (A), Forestry (FO), and Agricultural Commercial Enterprise (ACE) base zoning districts as described in §2.2, *Conservation and Agriculture Districts*.

**Districts, Mixed Center**

The Interface Residential (IR), Rural Commercial (RC), and Community Facilities (CF) base zoning districts as described in §2.4, *Mixed Center Districts*.

**Districts, Rural**

The Rural Residential districts (RR-1 and RR-2) and the Open (O) district as described in 2.3, *Rural Districts*.

**Districts, Urban**

The Urban Residential (UR-1, UR-2, and UR-3), Multifamily Residential (MR), Manufactured Housing Park (MHP), Mixed-Use Neighborhood (MU-N), Mixed-Use Commercial (MU-C), Commercial Corridor (CC), Commercial Neighborhood (CN), Commercial Destination (CD), Industrial Light (IL), Industrial Heavy (IH) and Airport (AP) districts as described in §2.5, *Urban Districts*.

**Domestic Wastewater Treatment Works**

A publicly owned, centralized wastewater collection and treatment system.

**Drip Line**

An area around the tree trunk that generally includes the spread of the tree branches. Also that area around a structure that is beneath the roof overhang.

**Dwelling**

A building or portion thereof used for residential occupancy, including cabin, single-family, duplex and multifamily dwellings. Dwelling includes approved Bed and Breakfasts and Short-Term Rentals, but does not include hotels, motels, boarding or rooming houses, resort cottages, lodges or manufactured homes that comply with the “National Manufactured Standards of 1974,” 42 U.S.C. 5401 et seq., as amended.

**Emergency/Secondary Access**

An all-weather surface access way that is intended only for emergency use; shall have a travel surface of at least 20 feet in width capable of supporting fire apparatus up to 80,000 pounds (the weight standard may be altered on the approval of the fire service provider).

**Environmentally Sensitive Area**

An area with one or more of the following environmental characteristics: floodplains; geologic hazards; drainage areas; topographical conditions that may affect development; wildfire hazards; special places of Larimer County; wetlands; mineral resources; habitat for plants and animals identified by the federal government as threatened or endangered or proposed for threatened or endangered status; habitat for plants and animals identified as important species by the Colorado Parks and Wildlife; and habitat for plants and animals identified by the Colorado Natural Heritage Program as ranking G1 and G2.

**Equestrian Trainee Visit**

Each visit of an individual trainee to an equestrian operation to receive training such as a riding lesson or to attend an educational class that is offered for a fee and/or for an exchange of goods or services. If the trainee is participating in a non-profit organization event or boards his/her horse at the equestrian operation, his/her visits for lessons do not constitute an equestrian trainee visit.

**Equestrian Pasture Boarding**

Leasing or use of pasture for a fee and/or for an exchange of goods or services for the purposes of horse grazing, recreation, and turn-out where the same pasture area is made available to two or more horse owners.

**Expansion of the Capacity of a Non-Regional Road**

Any widening, intersection improvement, signalization, or other capital improvement designed to increase an existing non-regional road's capacity to carry vehicles.

**Expansion of the Capacity of a Regional Road**

Any widening, intersection improvement, signalization, or other capital improvement designed to increase an existing regional road's capacity to carry vehicles.

**Façade**

The exterior wall on the front, side, or rear elevation of the building regardless of whether the building side faces a street.

**Family**

Any number of persons who are related by blood, marriage or adoption. A single-family dwelling may be occupied by one *living unit* which is one family plus two individuals who *live* with the family.

**Farm Equipment<sup>607</sup>**

For the purpose of exterior lighting regulations, any farm tractor, self-propelled or towed unit of farm equipment, or implement of husbandry.

**Farmstead**

That portion of a farm, dairy, poultry farm, stable or exotic animal farm designated for accessory dwellings and other buildings necessary to the operation.

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<sup>607</sup> Definition from Chapter 58, Article II, Sec. 58-87, "Lamps on Farm Equipment."

**Fee Administrator**

The person designated by the county administrator to be the primary person responsible for the administration of this regulation.

**Fee Payer**

A person commencing traffic-generating development who is obligated to pay a non-regional road capital expansion fee in accordance with this regulation.

**Feline Hobby Breeder Facility**

Any facility that produces or transfers no more than 18 cats per year or breeds no more than three litters per year.

**FFHA**

The federal Fair Housing Amendments Act of 1988.

**Fire-Prone Vegetation**

Plants and vegetation that is highly flammable including but not limited to ornamental juniper, Leyland cypress, Italian cypress, rosemary, arborvitae, and eucalyptus.

**Fire Protection Plan**

A site/development specific plan for fire suppression and safety that addresses the following components.

**Fire Season**

The time of year when wildfires are most likely to ignite, spread, and affect resources, typically between the months of May and October.

**Fire Sprinkler Systems**

All fire sprinkler systems, whether required by the applicable fire district or chosen by the applicant for a development as part of a fire protection plan, shall be designed and installed to meet National Fire Protection Association (NFPA) standards.

**Flag, Commercial**

A flag displaying the name, insignia, emblem or logo of a for-profit entity.

**Flag, Noncommercial**

A flag displaying the name, insignia, emblem or log of any nation, state, county, municipality or nonprofit organization.

**Floodplain**

The land adjacent to a body of water that has been or may in the future be covered by flood water.

**Foster Home for Pet Animals**

A foster home for pet animals is a site which, through a written agreement with a Pet Animal Care Facilities Act (PACFA) licensed rescue facility, provides a temporary home for the care and/or rehabilitation of pet animals.

**Glare**

Direct light emitted from a luminaire in which the light source (i.e. bulb) is visible from an adjacent property.

**Grade, Finished**

The final elevation of the ground level after development.

**Gross Floor Area**

The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls, shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

**Ground Cover**

Low growing plant materials intended to spread over the ground. Also includes mulches used to fill in around plantings and grass.

**Ground Floor**

The level of a building that is situated at or most nearly at street grade.

**Growth Management Area (GMA)**

The unincorporated area around a municipality that is identified in an intergovernmental agreement between the municipality and Larimer County as an area that will eventually become part of the municipality. For the purposes of this regulation, the Estes Park GMA will be the area within the boundaries of the Estes Park Recreation District.

**Hardscape Elements**

Any non-living elements that are incorporated into a landscaping plan such as sidewalks, paths, driveways, required light fixtures, seating areas, or structures like gazebos that do not serve as a principal use.

**Hazardous Material**

Any material, including any substance, waste, combination thereof, that by reason of its toxic, corrosive, caustic, abrasive or otherwise injurious properties that may be detrimental or deleterious to the health of anyone coming into contact with such material or substance.

**Height, Building<sup>608</sup>**

The measurement from the vertical distance above the natural grade to the top of a flat roof or parapet, the deck line of a mansard roof, or to the top of the ridgeline of the highest gable of a pitched roof or hip roof.

**Hive**

A structure containing bees and designed to receive movable frames of comb.

**Honey Super**

Any hive body, or smaller box, used for the storage of surplus honey.

**Horse**

Any domesticated, equine mammal, including mules and burros.

**Improvements, Non-Site-Related**

Regional road capital improvements for regional roads that are not site-related improvements.

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<sup>608</sup> This definition was modified for clarity and to align with measurement standards.

**Improvements, Site Related**

Road capital improvements that provide direct access to the development. Direct access improvements are typically located within or adjacent to a development site and include but are not limited to the following:

- A. Driveways and streets leading to and from the development;
- B. Right- and left-turn lanes leading to those driveways and streets;
- C. Traffic control measures for those driveways and streets; and
- D. Internal streets and driveways. Credit is not provided for site-related improvements under the terms of this regulation.

**Indirect Lighting**

A source of external illumination of any sign.

**Junk Vehicle**

A vehicle that is inoperable (unable to move under its own power), or is partially or totally dismantled or has all or portions of its body work missing or substantially damaged or is not registered with the State of Colorado as required by C.R.S. § 42-3-103 or by C.R.S. §§ 42-12-401 and 42-12-402, and/or the number plate assigned to it is not permanently attached to the vehicle as required by C.R.S. § 42-3-202 or is lacking proper equipment to the extent that would be unsafe or illegal to use on public road rights-of-way or otherwise not equipped with lamps and other equipment as required by C.R.S. §§ 42-4-202—42-4-227. This definition does not include implements of husbandry, farm tractors, farm or ranch equipment or vehicles customarily operated in a farm or ranch operation.

**Legal Lot**

A lot, parcel or tract of land created by a legal conveyance of said lot, parcel or tract prior to May 5, 1972; a lot, parcel or tract shown on a subdivision plat which was approved and recorded prior to May 5, 1972, according to the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by approval of the county commissioners in conformance with the subdivision regulations in effect at the time of approval; or any parcel of 35 acres or more, which, when created, did not cause a parcel of less than 35 acres to remain.

**Level of Service (LOS)**

Applied to roads, a qualitative measure describing operational conditions, from A (best) to F (worst), within a traffic stream or at intersections, which is quantified for road segments by determination of a volume-to-capacity ratio (V/C), which is a measurement of the amount of capacity of a road that is being utilized by traffic. The LOS and corresponding V/C ratios are defined in the highway capacity manual.

**Light Trespass**

Light spill falling over property lines that illuminates adjacent grounds or buildings in a manner that exceeds the minimum standards of §4.10, Exterior Lighting.

**Livestock**

Cattle, horses, mules, burros, sheep, swine, llamas and goats, regardless of use, and any animals, except dogs and cats, that are used for working purposes on a farm or ranch and any other animal designated by the state agricultural commissioner, which animal is raised for food or fiber production.

**Living Unit**

One family, plus up to two additional individuals whose place of residence is with the family in the dwelling *unit*.

**Lot**

A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

**Lot, Corner**

A lot abutting 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 having street frontage on two streets that do not intersect. Also called a reverse frontage lot or a through lot.

**Lot Area**

The total area included within the lot lines of a lot, exclusive of adjacent dedicated street rights-of-way. The total of the area measured in a horizontal plane, within the lot lines bounding the lot, exclusive of the access strip required to serve a flag lot.

**Lot Depth**

The average distance measured from the front lot line to the rear lot line.

**Lot Line**

A line of record bounding a lot that divides one lot from another lot or from a public or private street or road.

**Lot Line, Front**

The shortest lot line separating a lot from a street or road. The front lot line designation is for the purpose of identifying the side and rear lot lines and it is not based on the orientation of the house and/or buildings on the lot.

**Lot Line, Rear**

The lot line opposite the front lot line.

**Lot Line, Side**

All lot lines other than front or rear lot lines.

**Lumen**

A unit used to measure the actual amount of visible light that is produced by a lamp as specified by the manufacturer.

**Mature Crown**

The width of the area occupied by the branches of a healthy, full-grown tree that has not been pruned and has been grown in a constructed landscape below 6,000 feet elevation.

**Maximum Extent Feasible**

When no prudent or feasible alternative exists and all possible efforts to comply with regulations and minimize potential harm or adverse impacts have been undertaken.

**Maximum Extent Practicable**

When, under the circumstances, reasonable efforts have been taken to comply with the regulation or requirement and the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project and reasonable steps have been taken to minimize any potential harm or adverse impacts resulting from the noncompliance.

**Medical Marijuana**

Marijuana that is grown and sold in accordance with Section 14, Article XVIII of the Colorado Constitution.

**Medical Marijuana Patient**

The term medical marijuana patient has the meaning set forth for the term 'patient' in Section 14, Article XVIII of the Colorado Constitution.

**Medical Marijuana Primary Caregiver**

The term medical marijuana primary caregiver has the meaning set forth for the term "primary caregiver" in Section 14, Article XVIII of the Colorado Constitution.

**Minor Modification**

The ability of the Director or County Commissioners to modify, adjust, or otherwise relax certain standards of this Code pursuant to §6.7.1.

**Modular Home**

A factory-built residential structure constructed to the building codes adopted by the Colorado Division of Housing and designed to be installed on a permanent foundation.

**Monopole**

A single, freestanding pole-type structure supporting one or more antennas.

**Mulch**

Non-living material used for covering bare ground between plant materials in a landscaped area to retain water, prevent erosion, lessen weeds and generally make a healthier, aesthetic environment for the plant materials. Mulch is composed of loose, non-living materials including wood chips, shredded wood, pine needles or other materials that do not reflect heat onto adjacent plants or structures.

**Multi-Tenant Center**

One or more buildings, located on a single property, containing two or more separate and distinct businesses or activities which occupy separate portions of the building with separate points of entrance, and which are physically separated from each other by walls, partitions, floors or ceilings. For purposes of Article 7.0, the term "multi-tenant center" shall include buildings containing condominium units. See also "property."

**New Development**

Development of a site with no existing principal structure(s) or use(s) or has been or will be cleared of structures.

**Nightclub**

A facility used primarily for the sale and dispensing of liquor or nonalcoholic beverages by the drink; where food may be available for on-site consumption; and where live entertainment and/or dancing is provided. A nightclub does not include any adult use.

**Nonconforming Lot**

A lot or parcel of land that does not meet one or more of the requirements of this Code but is considered a legal lot because: 1) The lot was created by deed or other instrument of property transfer executed before May 5, 1972; or, 2) The lot was approved by the County Commissioners on or after May 5, 1972; or, 3) The lot appears on a final plat of record approved by the appropriate approval authority at the time the plat was recorded.

**Nonconforming Site Feature**

Site development features such as buffers, landscaping, screening elements, fences and walls, and exterior lighting that does not conform to the requirements of this Code but did conform to applicable zoning requirements at the time of adoption, revision, or amendment of this Code.

**Nonconforming Structure**

A structure that, by reason of its height, size, distance from a lot line, encroachment on a setback, or other dimensional or bulk requirement, does not conform to the requirements of this Code but did conform to all applicable zoning requirements at the time of its construction.

**Nonconforming Use**

A use that does not conform to the requirements of this Code but did conform to all applicable zoning requirements at the time of adoption, revision, or amendment of this Code.

**Non-Site-Related Improvements**

Non-regional road capital improvements for roads on non-regional road system that are not site-related improvements.

**Obsolete Advertising Material**

Advertising material that has gone out of date; for example, the name of a business that no longer exists.

**On-Site Processing**

The treatment of crude ores and mineral products in order to separate the valuable minerals from their ores. This process occurs on the same property as the associated mining operation.

**On-Site Wastewater Treatment**

A wastewater system installed on a lot or parcel and designed to treat the wastewater generated from the uses on that parcel or lot.

**On Center**

A landscaping term that refers to the spacing of plant materials by locating the trunk or center of the plant a specified distance from the center of the next plant.

**Opaque**

Unable to be seen through.

**Ornamental Tree**

A small deciduous tree that will be no more than 30 feet tall at maturity with no more than a 30-foot wide mature crown.

**Overlay District**

A zoning district that encompasses one or more underlying base zoning districts and that imposes additional or alternate requirements to that required by the underlying zone(s).

**Parapet**

The extension of the main walls of a building above the roof level.

**Parcel**

Contiguous property in common ownership, whether or not it is platted into one or more lots developed for a single use. Platted lots held in common ownership but developed as separate uses shall be deemed separate parcels.

**Park-and-ride**

A parking lot designed for drivers to leave their cars and use mass transit or car pools that begin, terminate or stop at the park-and-ride facility.

**Park, Community**

Land owned or operated by or on behalf of Larimer County or the participating local governments and dedicated or used for the purpose of neighborhood or community parks. Neighborhood or community parks are parcels of land used for active recreation activities, ranging in size up to about 120 acres and serving up to several neighborhoods but typically not serving an entire community or region with specialized facilities.

**Park, Regional**

Land owned or operated by or on behalf of Larimer County or the participating local governments and dedicated or used for the purpose of regional parks. Regional parks are typically more than 250 acres in size, provide recreation opportunities associated with experiencing the natural environment and may include unique historic, archaeological or paleontologic features.

**Parkway**

An area of grass or other living landscape material between the road and the sidewalk and may be in the right-of-way.

**Participating Local Governments**

Any municipality within Larimer County that has entered into an intergovernmental agreement between the governing body and Larimer County.

**Perennial**

A plant that, under typical condition, will live a minimum of three years.

**Person**

An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more people having a joint or common interest or any other entity.

**Personal Event**

A gathering for social activities such as family celebrations (including but not limited to wakes, funerals, anniversaries, graduations, and weddings), parties (including but not limited to dinner parties, barbecues, house warming parties) and/or gatherings (including but not limited to demonstration parties, study groups, club meetings) of family members and friends of the owner/resident of the property. Personal events shall be hosted by an individual that resides on the property. A personal event shall be accessory and incidental to use of the property as a residence.

**Planned Development**

A land area under unified control designed and planned to be developed in a single phase or a series of phases according to an approved development plan.

**Primary Heat Source**

A heating system capable of maintaining room temperatures at 68 degrees Fahrenheit at a point three feet above the floor and two feet from exterior walls in all habitable rooms during cold, inclement weather at all times, even when the structure is not occupied.

**Principle Use**

The primary or predominate use of a lot.

**Property or Premises**

A lot, tract or parcel of land together with the buildings or structures thereon. For purposes of Article 7.0, individual condominium ownerships in a structure shall not be considered separate property. See also "multi-tenant center."

**Recreational Vehicle**

A vehicle designed to be used primarily as temporary living quarters for recreational, camping, travel or seasonal use that either has its own motor power or is mounted on or towed by another vehicle, including camping trailers, fifth wheel trailers, motor homes, travel trailers and truck campers.

**Remodeling**

A change in any aspect or character of a sign including addition or change in the type of lighting, increase in height or size, addition of sign faces or change from wood posts and frame to metal posts and frame, but not including a change in the content or message of the sign face.

**Renter**

The primary occupant (non-owner) of a dwelling for 31 consecutive days or more.

**Replacement Pole**

A newly constructed and permitted traffic signal, utility pole, street light, flagpole, electric distribution, or street light poles 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.

**Residual Land**

An area designated and protected from any activity that would significantly alter its ecological integrity, balance, or character including environmentally sensitive areas and areas in agricultural uses. That portion of residual land under separate ownership and/or devoted solely to the common use and enjoyment of residents and their guests may include areas that are landscaped and/or left with natural vegetative cover; or areas containing recreation or leisure facilities such as playgrounds, swimming pools, playfields, riding or bicycle trails, stables or arenas. Residual land can not include land area devoted to public or private streets and sidewalks or parking areas, except as noted in §5.4.4.A.2.

**Retail Marijuana**

Marijuana or marihuana as defined in Section 16(2)(f) of Article XVIII of the Colorado Constitution that is cultivated, manufactured, distributed, or sold by a licensed retail marijuana establishment.

**Retail Marijuana Establishment**

A retail marijuana store, retail marijuana cultivation facility, retail marijuana manufacturer, or retail marijuana testing facility.

**Right-of-Way**

Any public street, way, alley, sidewalk, median, parkway, or boulevard that is dedicated to public use.

**RLUIPA**

The Religious Land Use and Institutionalized Persons Act of 2000.

**Road**

An access that serves two or more lots.

**Road System, Non-Regional**

That system of non-regional roads defined in the TCEF, which is shown on Exhibit A to this regulation.

**Road System, Regional**

That system of regional roads defined in the TMP and shown in Exhibit A.

**Roof Form**

The type, arrangement of ridges or parapet walls, or materials used on a roof.

**Rural Area Road Standards**

The Larimer County Rural Area Road Standards as adopted in §16.2.4.

**Semi-Opaque**

Severely limiting vision by planting trees and shrubs in multiple rows or with reduced spacing between plants.

**Setback**

The minimum required distance, measured at the shortest distance perpendicular or radial from, a lot line, waterway, street or road, between a building and the lot line, waterway, street or road.

**Setback, Side**

A setback extending from the front setback to the rear setback between the side lot line and the closest projection of a building or structure along a line at right angles to the side lot line.

**Setback, Rear**

A setback extending across the full width of the lot between the rear lot line and the closest projection of a building or structure along a line at right angles to the lot line.

**Setback, Front**

The setback extending across the full width of the lot between the front lot line and the closest projection of a building or structure along a line at right angles to the lot line.

**Shade Tree**

A large tree that will be at least 30 feet tall when mature with at least a 30-foot wide mature crown.

**Sign**

Any object, device or structure, or part thereof, which is visible beyond the boundaries of the property upon which it is located, and which advertises, identifies, directs or attracts the attention of the public to a business, institution, product, organization, event or location by any means, including, but not limited to, words, letters, graphics, fixtures, symbols, colors, motion, illumination and projected images. The term "sign" shall not include the following:

1. Works of fine art which in no way identify a product or business and which are not displayed in conjunction with a commercial enterprise, which enterprise may benefit or realize direct commercial gain from such display;
2. Temporary decorations or displays clearly incidental and customary and commonly associated with national, local or religious holiday celebrations;
3. Products, merchandise, materials or equipment which are offered for sale or used in conducting a business, along with any incidental and customary product labels on such items, when such items are kept or stored in a location which is designed and commonly used for the storage of such products, merchandise, materials or equipment; and

4. Flags of the United States of America, provided that such flags are sized and displayed in such a manner that they do not extend beyond the property lines of the property upon which they are located, and that they do not interfere with utility lines.

**Sign, Agricultural Product**

A sign advertising agricultural products that are produced and available for sale on the property.

**Sign, Awning**

A sign which is mounted on a temporary shelter supported entirely from the exterior wall of the building.

**Sign, Bus Stop**

Signs located on benches or shelters placed in the public rights-of-way or in private property adjacent to public rights-of-way at a bus stop.

**Sign, Business Vehicle Identification**

A sign which is painted on, affixed to or otherwise mounted on any vehicle or on any object which is placed on, in, or attached to a vehicle. For purposes of this definition, the term "vehicle" shall include trucks, buses, vans, railroad cars, automobiles, tractors, trailers, hot air balloons, motor homes, semi-tractors or any other motorized or nonmotorized transformational device, whether or not such vehicle is in operating condition.

**Sign, Cabinet**

A sign that contains all the text, artwork, logos and/or other information displayed within an enclosed cabinet.

**Sign, Canopy**

A wall sign which is mounted on a permanently-roofed shelter covering a sidewalk, driveway or other similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.

**Sign, Commemorative or Memorial**

A sign, table or plaque commemorating or memorializing a person, event, structure or site.

**Sign, Construction**

A temporary sign erected on the property on which construction, alteration or repair is taking place, during the time of active continuous construction, displaying only the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the structure or project.

**Sign, Election**

A sign relating to a candidate, issue, proposition, or other matter to be voted upon by the electors of the County.

**Sign, Freestanding**

A nonmoveable sign that is anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports, and not attached to or dependent for support from any building.

**Sign, Identification**

A sign giving only the name, logo or other identifying symbol, address, or any combination of name, symbol and address of a building, business or residential development, establishment or rural property.

**Sign, Ideological**

A sign conveying a philosophical, religious, political, charitable or other similar noncommercial message.

**Sign, Menu Board**

A wall or freestanding sign which lists the foods or other products available at drive-through facilities.

**Sign, Monument**

A freestanding sign where the base of the sign structure is on the ground or a maximum of 12 inches above the adjacent grade. The width of the top of the sign structure can be no more than 120 percent of the width of the base.

**Sign, Nameplate**

A sign, located on the property, giving only the name or address or both, of the owner or occupant of a building or property.

**Sign, Neon**

An illuminated sign consisting of a neon or gas tube that is bent to form letter, symbols or other shapes that advertise or identify a product, business, organization or location. For purposes of Article 7.0, neon tubing that is used as an architectural decoration is not considered to be a sign.

**Sign, Noncommercial Event**

A temporary sign announcing a noncommercial event such as a community or neighborhood event or nonprofit fundraising campaign and containing no commercial content.

**Sign, Nonconforming**

A sign that does not meet one or more of the requirements of Article 7.0, but which was erected in conformance with any adopted standards and procedures in existence at that time.

**Sign, Off-Premise**

A sign which is used or intended for use to advertise, identify, direct or attract the attention to a business, institution, product, organization, event or location offered or existing elsewhere than upon the same property where such sign is displayed.

**Sign, On-Site Traffic Directional**

A sign intended solely for the purpose of guiding or directing pedestrian or vehicular traffic within an establishment and not including promotional advertising unnecessary to such directional purpose. Examples of such signs include "entrance", "exit", "no parking", "loading only" and other similar directives.

**Sign, Permanent**

A sign that is permanently affixed or attached to the ground or to a structure.

**Sign, Portable**

A sign that is not permanently affixed or attached to the ground or to a structure and that is designed to be easily transportable from one location to another, including but not limited to a sign designed to be displayed while mounted or affixed to the trailer by which it is transported.

**Sign, Private Sale**

A sign advertising a private sale of personal property such as a house sale, garage sale, rummage sale and the like.

**Sign, Project Marketing**

A sign that is placed at one or more locations within a project, which identifies the project and offers for sale or lease, as part of the original marketing of the project, the lots, tracts, structures or units within the project.

**Sign, Real Estate**

A sign indicating the availability for sale, rent or lease of a specific parcel, building or portion of a building, and the name, address and telephone number of the owner or listing of the real estate broker.

**Sign, Regulatory**

A sign having the primary purpose of conveying information concerning rules, ordinances, or laws.

**Sign, Rooftop**

A sign erected upon or above a roof or above a parapet wall of a building.

**Sign, Rural Property Identification**

A sign intended to identify the entrance to a rural property. For purposes of Article 7.0, the term rural property shall be limited to properties that are located outside a growth management area (GMA) overlay zoning district of Larimer County.

**Sign, Temporary**

A sign which, due to the materials used or the method, manner or location of display; is suited only for brief display, including but not limited to those signs regulated under §8.6, §8.7 and §8.8.

**Sign, Wall**

A sign attached to, painted on or erected against the wall of a building or structure in such a manner that the wall is the supporting structure for, or forms the background surface of, the sign.

**Sign, Warning**

A sign limited to a message of warning, danger or caution such as underground utility location signs, no trespassing, no hunting, and similar warning messages.

**Sign, Wind-Driven**

Any sign consisting of one or a series of banners, pennants, ribbons, spinners, streamers, captive balloons or other objects or material fastened in such a manner as to move, upon being subjected to pressure by wind or breeze.

**Sign, Window**

A sign that is applied to or attached to the exterior or interior of a window or located in such a manner within a building that it is visible from the exterior of the building through a window.

**Sign Face**

The area of a sign upon or through which the message is displayed.

**Sign Plan**

A graphic representation showing a comprehensive detailed presentation of all signage proposed for a particular property.

**Single-Family Equivalent (SFE)**

The demand for community park lands represented by a single-family detached dwelling. A single-family detached dwelling unit represents one SFE, while the number of SFEs for other housing types is the ratio of the average household size of the housing type to the average household size of single-family detached dwelling units.

**Site Plan**

The development plan for one or more lots showing the existing and proposed conditions of the lot. This includes topography; vegetation; drainage; floodplains; wetlands and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers and screening devices; surrounding development; and other information that may be reasonably required for the Director to make a decision.

**Site-Specific Development Plan**

A final plat for a subdivision, conservation development, planned development, TDU exemption plat or rural land plan or a special review site plan.

**Small Animal Hobby Breeder Facility**

Any facility that transfers a number of animals less than the maximum number established by the Colorado Commissioner of Agriculture by rule for each particular species.

**Solar Garden**

A community solar garden as defined in section 40-2-127 (2) of the Colorado Revised Statutes.

**Special Places of Larimer County**

Sites and structures listed on the state and National Register of Historic Places, identified in the Larimer County Open Lands Master Plan or designated by the County Commissioners through the process specified in the appendix E of the Open Lands Master Plan.

**Specified Anatomical Areas**

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.

**Specified Sexual Activity**

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.

**Steep Slope**

Land having average slopes over 15%, as measured over horizontal distances of 50 ft. or more.

**Stream, Creek, and River**

Any water course having a source and terminus, banks and channel through which water flows and is identified on a 7.5-minute quadrangle map prepared by the United States Geological Survey as a perennial or intermittent stream.

**Street or Road**

A general term denoting a public or private way for purposes of vehicular travel to two or more lots, including the entire area within the right-of-way (includes alleyways) and/or access easement.

**Street Frontage**

A property line that abuts a public right-of-way that provides public access to or visibility to the property.

**Structure**

Anything constructed or erected and that requires a permanent location on or in the ground or attachment to something having a permanent location on or in the ground, but not including fences, retaining walls four feet or less in height, irrigation facilities, poles, lines, cables, or other transmission or distribution facilities of public utilities. Landscape and associated nonliving ornamental landscape features or materials, such as rocks and edging, are excluded from this definition.

**Support Structure**

A structure designed to support small cell facilities including, but not limited to, monopoles, alternative tower structures, replacement poles, and other freestanding self-supporting pole structures.

**Sufficient**

Having the information necessary to demonstrate compliance with this Code.

**System**

A wastewater system installed on a lot or parcel and designed to collect and treat wastewater generated from uses on that parcel.

**Temporary**

Existing for a fixed or limited time period but not exceeding 30 days in any 12-month period unless otherwise specified by this Code.

**Traffic-Generating Development**

Land development, building construction, or activity designed or intended to permit a use of the land that will increase the generation of vehicular traffic over the existing traffic-generating development.

**Traffic-Generating Development, Commencement of**

Occurs upon the issuance of a final plat for land division, a special review approval, or the issuance of a building permit, whichever occurs first after the effective date of this regulation.

**Traffic-Generating Development, Existing**

The most intense use of land within the past ten years prior to the time of commencement of new traffic-generating development.

**Transient**

Lasting only for a short time; impermanent.

**Trip**

A one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end).

**Trip Generation**

The attraction or production of trips caused by a certain type of land development.

**Unshielded**

For the purposes of §4.10, *Exterior Lighting*, any fixture that allows light to be emitted above the horizontal directly from the lamp or indirectly from the fixture or a reflector.

**Urban Area Road Standards**

The Larimer County Rural Area Road Standards as adopted in §16.2.4.

**View Corridor**

A continuous, undisturbed area often terminating in a significant visual landmark, such as public open space or parks, mountain ranges or peaks, ridgelines or bodies of water.

**Vehicle-Miles of Travel (VMT)**

The product of the number of vehicles traveling during a given time period and the distance (in miles) that they travel.

**Xeriscape**

The term “Xeriscape” is a registered trademark by Denver Water and used here by permission. Xeric design includes seven concepts that describe an established landscape with minimal, supplemental water needs. Site-specific conditions determine which plants are appropriate for use within the parameters established by the seven concepts. Xeric design and xeric plants are not synonymous, and the use of the xeric design techniques does not necessarily require the use of xeric plants.

**Xeric Plants**

A distinct group of plants that generally require less to remain healthy. The word Xeric is derived from the Greek word Xerox, meaning dry.

**Unshielded**

For the purposes of §4.10, *Exterior Lighting*, any fixture that allows light to be emitted above the horizontal directly from the lamp or indirectly from the fixture or a reflector.

**Urban Area Road Standards**

The Larimer County Rural Area Road Standards as adopted in §16.2.4.

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**Xeric Plants**

A distinct group of plants that generally require less to remain healthy. The word Xeric is derived from the Greek word Xerox, meaning dry.

# Article 16.0 Supplemental Materials

## Commentary:

This article consists of the application requirements more technical standards currently located throughout the development standards in the LUC. As recommended in the LUC assessment, these should ideally be collected and organized into one central technical manual that is a stand-alone document that lives outside of the LUC. The technical manual could be formally adopted and cross-referenced throughout the development standards, similar to the Rural Road and Urban Street Standard documents in the current LUC. Creating one technical manual not only improves the user-friendliness and reduces the length of the LUC, it also allows staff to update submittal requirements and technical specifications over time without requiring a formal code amendment by the Board of County Commissioners.



## 16.1. Application Requirements

### 16.1.1. General

#### A. Application Fees<sup>609</sup>

The fee schedule shall be established and may be revised from time to time by the County Commissioners.

#### B. Application Submittal and Review Schedule<sup>610</sup>

The Director shall establish a submittal and review schedule for development applications and shall include that information in the Administrative Manual. The Director may amend the schedule to ensure effective and efficient review under this Code.

#### C. Neighborhood Meeting<sup>611</sup>

For the written summary of the neighborhood meeting, the applicant shall document and respond to all applicable and relevant comments provided during the neighborhood meeting and neighbor referral process for sketch plan. The written report will be available for review and it will also be included in the staff report prepared for any public hearing on the proposal.

<sup>609</sup> From prior draft 6.3.3.D.

<sup>610</sup> From prior draft 6.3.3.E.

<sup>611</sup> From prior draft 6.3.4.C.

### 16.1.2. Adequate Public Facilities

#### A. Wastewater Disposal Application Requirements<sup>612</sup>

In addition to the application requirements in the technical supplement of this code, the applicant shall provide the following supplemental information with their development application:

1. A letter of commitment from the appropriate domestic wastewater treatment works provider confirming:
  - a. That the provider can comply with the level of service standards domestic wastewater treatment works as stated in this subsection for the proposed development, taking into account committed development;
  - b. That the provider cannot currently comply with the level of service standards for domestic wastewater treatment works as stated in this subsection for the proposed development, taking into account committed development, together with a description of the capital improvements and the timing of such improvements necessary to allow the level of service standard to be met; or
  - c. That the site complies with the requirements for on-site wastewater treatment systems or community wastewater treatment systems as stated in this subsection based on its location relative to the provider's service area boundaries and existing facilities.
2. When on-site wastewater treatment systems or community wastewater treatment systems are proposed, the applicant shall provide a report showing compliance with the applicable requirements in this subsection.

#### B. Fire Protection Application Requirements

In addition to any application requirements in the technical supplement, applicants shall provide a narrative describing the proposed water supply for fire protection or a fire protection plan. Where applicable, the narrative shall include a vicinity map showing the location of the fire station and route used for calculating the proximity to fire station criteria.

#### C. Domestic Water Application Requirements

Applicants shall provide a letter from the appropriate central water provider confirming:

- D. A letter from the appropriate central water provider confirming that:
  1. The supplier is committed to and can comply with the level of service standards in §4.3.7.A, *Public Community Water Systems* for the proposed development, taking into account committed development; or
  2. The supplier cannot currently comply with the level of service standards in §4.3.7.A, *Public Community Water Systems* for the proposed development, taking into account committed development together with a description of the capital improvements and the timing of such improvements necessary to allow the level of service standard to be met; or

<sup>612</sup> Current Section 8.1.1.A, C.

3. The site complies with the requirements of §4.3.7.B, *Wells* for individual or shared water wells based on its location relative to the supplier’s service area boundaries and existing facilities, and letter from the supplier.
- E. When individual water wells are proposed, a report showing compliance with the requirements in §4.3.7.B, *Wells*

**16.1.3. Environmental Resource Standards**

**A. Hazard Area Protection Application Requirements <sup>613</sup>**

1. Prior to submitting an application, the applicant should consult the hazard area maps available in the Community Development Department.
2. Planning staff will assist the applicant during the pre-application conference to determine if a hazard area exists on the property.
3. During the field visit, staff will verify the information on hazard area maps and discuss mitigation requirements with the applicant.
4. If a proposed development is determined to be within a hazard area, the applicant shall submit three copies of a mitigation plan that includes:
  - a. An index map showing the general location of the development area and its relationship to surrounding topographic features. A standard U.S. Geological Survey Quadrangle map will be adequate as a base;
  - b. A map showing the location, nature, and density of the proposed development or land use change. These maps shall be on a scale sufficiently detailed to meet the objectives of this section, but in no case can the scale be less than one inch equals 200 feet;
  - c. In the case of a Class I geologic hazard, an on-site soil investigation;
  - d. In the case of a Class II geologic hazard, maps portraying the geologic conditions of a development area with particular attention given to the designated hazard condition or conditions and those geologic, hydrologic, soil, and topographic features constituting the hazard.
    - i. If needed, geologic cross sections can be utilized to portray the hazard conditions.
    - ii. These maps shall show the topography with a contour interval of 10 feet or smaller if necessary.
    - iii. These maps shall be on a scale sufficiently detailed to meet the purposes of this section, but in no case can the scale be less than one inch equals 200 feet;
  - e. In the case of a wildfire hazard, a report and maps portraying the extent and severity of the wildfire hazard at the particular site;
  - f. All maps shall show a true north arrow and indicate section corners and the appropriate land boundaries;
  - g. A text explaining the above maps and cross sections with particular emphasis on evaluating and predicting the impact of the hazard or hazards affecting the proposed development; and
  - h. The reports shall also include mitigating procedures to be employed in meeting the purposes of this section.

<sup>613</sup> Current Section 8.3.8.

5. Mitigation plans that are prepared according to Colorado Landowner Forest Stewardship Plan (LFSP) Guidelines (Code 30), prepared by the Colorado State Forest Service shall be submitted with the preliminary plat application for subdivisions, planned developments, or conservation developments and with the application for a administrative special review, special review, or site plan review.<sup>614</sup>
6. If any of the documents listed above are required to be submitted for any other county or state land use regulations, the same need not be duplicated for this section.

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#### 16.1.4. Landscaping

##### A. Landscaping Plans

##### 1. Landscaping Plan Requirements

###### a. Licensed Landscape Architect

Per C.R.S. 12-45-101 (Landscape Architects Practice Act), all final landscape plans required under this section shall be prepared by or under the direction of a licensed landscape architect registered in the State of Colorado. All sheets shall include the landscape architect's signature stamp and date and shall be stamped and signed in accordance with the regulations established by the State of Colorado, Board of Registrations. Exemptions to the Act apply as defined by statute.<sup>615</sup>

###### b. Supplementary Regulations

Where a site is subject to adopted supplementary regulations, the landscape plan shall be based on said requirements, or the requirements of this section shall apply.<sup>616</sup>

###### c. Required Contents of Landscape Plans<sup>617</sup>

Landscape plans shall identify and include existing, healthy trees and shrubs when possible. Existing plant groups shall be shown on the landscape plan and labeled as "existing" with individual species identification not required. Where existing trees are to be removed, they shall be replaced on site with trees of a similar size. Replacement is not required for trees that are diseased, damaged, or considered invasive/nuisance species, which are removed to comply with wildfire defensible space requirements or environmental considerations.

##### 2. Landscaping Narrative Requirements

- a. A licensed landscape architect is not required to prepare the landscape narrative.
- b. The narrative shall describe:
  - i. The plant materials to include common and botanical names, quantities of each used, size at plantings and their intended locations;
  - ii. The irrigation source; and
  - iii. How the proposed landscaping will address requirements such as buffering or screening, per this section.

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<sup>614</sup> Administrative Special Review was added. Special exception was removed.

<sup>615</sup> From current Section 8.5.3.A.

<sup>616</sup> From current Section 8.5.4.

<sup>617</sup> From current Section 8.5.11.A.22.

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### 16.1.5. Exterior Lighting

#### A. Lighting Plans

##### 1. Lighting Plan Requirements<sup>618</sup>

Site lighting photometric plans shall include sufficient information to enable the Director to determine whether the proposed lighting complies with §4.10, *Exterior Lighting*.

##### 2. Alternative Lighting Plan Requirements

Alternative lighting plans shall be prepared and submitted with information to clearly identify and discuss the modifications and alternatives proposed and describe how the plan would better accomplish the purpose of §4.10, *Exterior Lighting*, than a plan that complies with Subsection A, above.

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### 16.1.6. Special Events

#### A. Application

At least 60 days prior to the requested start date of the proposed special event requiring a permit, a complete special event permit application shall be submitted to the Director. The application shall include the following information:

1. The name and mailing address of all persons signing the application, and in the case of a corporation, a copy of the Articles of Incorporation and Certificate of Good Standing from the Colorado Secretary of State's Office.
2. The address, assessor parcel number, and legal description of all property upon which the event is to be held, together with the name and mailing address of the record owners of the property.
3. A written description indicating: the type of event, the event sponsor(s), the location of the event, a list of all roads affected, the duration of the event, the hours of operation, the expected water requirements (including the source and supply of water), the number of employees/volunteers, the number and location of toilets, the maximum number of persons that will be permitted to attend at any single time, the methods applicant will use to ensure the maximum number of allowed attendees at any single time is not exceeded, food or alcoholic beverages to be served (if alcohol is served a separate liquor license permit application is required), temporary structures or fences proposed, the anticipated parking needs and how the need is to be addressed, a statement of expected impacts to the subject land and surrounding properties, and a statement describing how impacts on surrounding properties will be minimized.
4. A sketch with dimensions, showing all of the following: existing and proposed buildings, internal streets on the event site, adjacent off-site streets, property lines on the proposed site and on abutting properties, the location of the event, the location of proposed structures (including restrooms, storage bins, trash receptacles, temporary buildings, etc.), the location of traffic controls proposed (including road barriers, detour signs, traffic control lights, traffic personnel, etc.), access to/from the site, parking areas (showing access, number of parking spaces, parking barriers, surfacing, etc.), and activity areas (e.g., parking areas, food and beverage areas, seating, etc.).

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<sup>618</sup> The lighting plan requirements could be more specific by adding specific details required in the photometric plan such as footcandle measurements, fixture and luminaire specifications, and light uniformity ratios.

5. A description of any signage associated with the event. Temporary signs to promote or identify an approved special event are subject to the following restrictions:
  - a. All special event signs must be located on the lot that is the site of the special event;
  - b. The maximum sign size is 32 square feet;
  - c. Each approved special event is limited to one sign per street frontage of the lot that is the site of the special event;
  - d. Banners are permitted as long as the total square footage of all banners does not exceed 100 square feet; and
  - e. Signs and banners promoting or identifying a special event are not subject to a separate permitting requirement but all such signs and banners must be removed from the site within 24 hours of the end of the approved special event.
6. Written confirmation from the property owner(s) agreeing to the use of their property for the special event or a copy of the lease agreement showing that the special event is allowed to occur on the property.
7. A nonrefundable application processing fee in an amount established by the board of county commissioners.
8. Any additional information the county manager deems necessary to evaluate the special event.

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#### 16.1.7. Wireless Communication Facilities

##### A. Application Not Required for Maintenance

A WCF application is not required for routine maintenance or replacement of existing facilities or equipment, so long as the new facilities or equipment are consistent with the approved size, height, concealment, screening, and other applicable site and facility design elements being replaced. A building permit is required for all routine maintenance or replacement of existing facilities or equipment.

##### B. Application Requirements for all WCFs Except Eligible Facilities Requests

The following items are required for all non-eligible facilities request WCF applications. Other requirements may be identified on the current application form. All items must be included to be determined to be a complete application by the director:

###### 1. Vicinity Map

A vicinity map shall be provided. Such map shall include all residential properties located within 1,000 feet of the proposed site.

###### 2. Project Description

A project statement identifying the proposed facility and the communication service to be provided by the proposed facility. The project statement must indicate the facility's suitability for co-location, which is encouraged where colocation will have less visual impact on the surrounding area than another facility. The project description shall include a written description of how the proposal complies with all applicable WCF standards.

**3. Proof of Ownership or Lease Rights**

The applicant shall demonstrate that it owns or has lease rights to the subject site (prior to construction). The property and tower owner(s) shall sign the application form or provide a letter of authorization.

**4. Photo-Realistic Simulations or Renderings**

Photo simulations which illustrate "before" and "after" conditions as they relate to installation of the WCF except for small cell facilities. Photos should be taken from all adjoining public streets and, when adjacent to residential properties, from the vantage point where the WCF and equipment will be visible.

**5. Elevation Drawings**

Elevation drawings of the proposed facility and any ground-based equipment. The drawings should indicate the location on the site, height, appearance, color, and material proposed, including information concerning topography.

**6. Plan**

A site and rooftop plan shall be provided which indicates the location, dimensions, setbacks, and height of all existing and proposed WCF, including freestanding facilities, antenna, and ground-based equipment. Proposals that include freestanding facilities or ground based equipment shall show all existing and proposed buildings, landscaping, and fencing on the site. Plans shall indicate materials and colors of poles and equipment, setbacks, adjacent uses, drainage, compliance with the county's intersection and driveway sight distance standards, and other information deemed by the director to be necessary to assess compliance with this section. Information and documents regarding fencing and landscaping shall be provided by applicant where applicable and at the request of the director. Documents requiring signatures and seals by appropriate qualified professionals shall be provided by the applicant after approval of the application by the director.

**7. Signal Non-Interference Letter**

A letter certifying all WCFs shall be designed, sited, and operated in accordance with applicable federal regulations addressing radio frequency interference.

**8. Radio Frequency Emissions Letter**

A letter certifying all WCFs shall comply with federal standards for radio frequency emissions and that they ensure ongoing compliance.

**9. Submittal Fees**

Application fees in accordance with the fee scheduled published annually in the Community Development Department.

**10. Landscaping Agreement**

If in a Growth Management Area, an agreement detailing the schedule for installation of landscaping and screening if applicable and responsibility for landscaping, screening, and site maintenance and the replacement of dead landscaping.

**11. Federal Aviation Administration (FAA) Letter**

If located near an airport as defined by an airport influence area or in a flight path, the application must include an FAA response to the notice of proposed construction or alternation (FAA Form 7460-1 or equivalent).

**12. Inventory of Existing Sites**

For WCFs that are not small cell facilities in the right-of-way, the applicant shall provide a narrative description and a map of the applicant’s existing or currently proposed WCFs within the county and within one mile of county boundaries. In addition, the applicant shall inform the county generally of the areas in which it believes WCFs may need to be located within the next three (3) years. The inventory list should identify the site name, address, and a general description of the facility (i.e., 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 county. This information will be used to assist in the county’s comprehensive planning process and promote collocation by identifying areas in which WCFs might be appropriately constructed for multiple users.

**13. For Small Cell Facilities in the Right-Of-Way**

The applicant shall provide an inventory of existing or proposed small cell facilities in the right-of-way. Alternatively, the execution of a master license agreement or similar authorization for deployment in the right-of-way which addresses the requirements of this subsection shall be deemed to be compliant with the submittal requirement of an inventory of existing sites for small cell facilities in the right-of-way.

**14. Abandonment and Removal**

A letter or affidavits on a form approved by the county 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.

**15. For Properties in Floodplains or in or Near Wetlands**

The applicant will need to submit a drainage report.

**16. For Properties with Federally Significant Historic or Environmental Features**

Applicant shall submit letter and documentation showing that all National Environmental Policy Act (NEPA) requirements have been met.

**17. Building Permit Application**

The applicant shall submit a building permit application to be processed concurrently.

**18. Sharing of Information**

The County may share such nonproprietary 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 county, provided however, that the county, is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

**C. Application Requirement for Eligible Facilities Requests**

The director shall prepare, and from time to time revise and make publicly available, an application form which shall be limited to the information necessary for the county to consider whether an application is an eligible facilities request. The application may not require the applicant to demonstrate a need or business case for the proposed modification or collocation. Such information may include, without limitation in addition to the application requirements for other WCFs above, whether the project:

1. Would result in a substantial change;
2. Violates a generally applicable law, regulation, or other rule codifying objective standards reasonably related to public health and safety.

**D. Technical Expert Review**

WCFs may involve complex technical issues that require review and input that is beyond the expertise of county staff. The Director may require the applicant to pay reasonable costs of a third-party technical study of a proposed WCF facility. Selection of expert(s) to review the proposal will be in the sole discretion of the county.

**16.2. Technical Specifications and Supplementary Regulations**

**16.2.1. Water Quality Management<sup>619</sup>**

**A. Applicability**

The standards of this section shall apply to all development that meets the applicability thresholds established in §4.2, *Applicability*.

**B. General Requirement<sup>620</sup>**

1. Developments shall comply with all county, state, and federal water quality standards, including but not limited to, those regulating erosion and sedimentation, storm drainage and runoff control, solid wastes, and hazardous substances.
2. The County Engineering and Health and Environment departments will review water quality management reports and recommend they be accepted or rejected prior to the public hearing process.

**C. Minimizing Water Quality Impacts<sup>621</sup>**

**1. Generally**

- a. Developments create water quality impacts related to the design and use of the property. Addressing water quality impacts as part of the design and occupancy phases of a development can reduce these impacts by identifying potential pollution sources and implementing best-management practices.
- b. Water quality impacts during the construction phase of a project may include erosion and sedimentation; deposition of wind-blown debris; and release of hazardous materials such as fuels or other chemicals used in the construction process.

<sup>619</sup> Current Section 8.12. Edited for clarity and consistency

<sup>620</sup> Current Section 8.12.1.B and 8.12.2.

<sup>621</sup> Current Section 8.12.3.

**2. Required Documentation and Permits**

Applicants for developments shall submit the following documents addressing how water quality impacts will be minimized for the construction and post construction phase of a project:

- a. A preliminary and final drainage report as specified in the Larimer County Stormwater Design Standards and approved by the County Engineering department.<sup>622</sup>
- b. A Colorado Construction Storm Water Discharge Permit is required prior to starting construction for those projects that involve land clearing in excess of state-specified acreage amounts.

**D. Water Quality During Construction<sup>623</sup>**

**1. Generally**

Water quality impacts during the construction phase of a project may include erosion and sedimentation, deposition of wind-blown debris, and release of hazardous materials such as fuels or other chemicals used in the construction process.

**2. Required Documentation**

Applicants for developments shall submit the following documents regarding control of water quality impacts during construction (the Colorado Department of Public Health and Environment determines the minimum acreage amounts of disturbed soil where stormwater management plans, stormwater discharge permits, and stormwater management reports are required).

- a. Preliminary and final drainage reports as specified in the Larimer County Stormwater Design Standards are required. The County Engineer shall review and approve the drainage reports.
- b. If the construction project will disturb an area in excess of the minimum acreage amount specified by the Colorado Department of Public Health and Environment, a stormwater management plan prepared in accordance with the applicable stormwater management plan (SWMP) guidance document as provided by the Permits Unit of the Water Quality Control Division, Colorado Department of Public Health and Environment, is required.
  - i. The purpose of a stormwater management plan is to identify potential pollution sources, select appropriate best management practices and design implementation strategies.
  - ii. Guidelines regarding best management practices are included in the "Construction Guidance Document."
  - iii. The County Department of Engineering and the County Department of Public Health and Environment shall review and approve construction stormwater management plans.
- c. If the construction project will disturb an area in excess of the minimum acreage amount specified by the Colorado Department of Public Health and Environment, a

<sup>622</sup> Removed a reference to the adoption date of the stormwater standards. Consolidated three provisions describing this requirement.

<sup>623</sup> Current Section 8.12.4.

Colorado Construction Stormwater Discharge Permit is required prior to starting construction.

- d. If the construction project will disturb less than the minimum acreage amount specified by the Colorado Department of Public Health and Environment, a stormwater management report is required that contains the following information:
  - i. A description and map outlining proposed construction activities;
  - ii. Identification of potential pollution sources, including sediment and chemical sources;
  - iii. A description of appropriate best management practices to be implemented before and during construction activities to prevent or minimize release of pollutants (guidelines regarding best management practices can be obtained from the County Community Development Department); and
  - iv. A discussion of how the best management practices will be implemented.
- e. The County Engineering and health and environment departments will review construction stormwater management reports and recommend they be accepted or rejected prior to the public hearing process.

**E. Stormwater Quality for Industrial Uses<sup>624</sup>**

- 1. In Colorado, certain industrial facilities (including mining) that discharge industrial stormwater are required to obtain an appropriate Colorado Stormwater Permit including a stormwater management plan.
- 2. The permit program is administered by the Water Quality Control Division of the Colorado Department of Public Health and Environment. Applicants for development for industrial uses required to obtain permits under the state program shall provide the following documents regarding control of water quality impacts:
  - a. A stormwater management plan prepared in accordance with the applicable guidance document for the class of regulated activity as provided by the Water Quality Control Division of the Colorado Department of Public Health and Environment.
    - i. The purpose of this plan is to identify potential pollution sources, select appropriate best management practices and develop a plan for preventing pollution.
    - ii. The County Department of Health and Environment shall review and approve industrial stormwater management plans.
  - b. A Colorado Stormwater Discharge Permit shall be submitted prior to operating the facility.

**F. Water Quality Adjacent to Drinking Water Reservoirs<sup>625</sup>**

- 1. Drinking water reservoirs shall be given the highest achievable level of environmental protection.
- 2. Stormwater from new developments cannot be discharged into a drinking water supply reservoir unless water quality will not be impaired.

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<sup>624</sup> Current Section 12.5.

<sup>625</sup> Current Section 8.12.6.

3. Drinking water reservoir quality management reports addressing this standard shall address water chemistry, biological contamination, and sediment transport.
4. The County Health and Environment Department and the applicable water district or municipality will review drinking water reservoir quality management reports and recommend they be accepted or rejected prior to the public hearing process.

### 16.2.2. Landscaping

Any installed landscaping material shall comply with the Larimer County Landscaping Guide and Plant List.

### 16.2.3. Irrigation Facilities<sup>626</sup>

#### A. Purpose

Irrigation is necessary for agricultural operations in the county. Development has the potential of disrupting the delivery of irrigation water. This section of the code is intended to protect irrigation facilities from adverse development impacts.

#### B. Applicability

The standards of this section shall apply to all development that meets the compliance thresholds established in §4.2, *Applicability*.

#### C. Easements

Easements for existing irrigation facilities, including adequate easements for maintenance access, shall be dedicated and shown on all final plats and final site plans approved under this code. Applications for development proposals will be referred to the appropriate ditch companies for review and comment. It is the responsibility of the ditch companies to respond within 21 days from the date the materials are sent to them.

#### D. Review Criteria

1. Any preliminary plat or site plan shall show the top of ditch banks relative to the limits of the proposed easement;
2. Written approval of the ditch owner or its representatives shall be obtained for any proposed modifications of any irrigation facilities, including but not limited to realignments, changes to configurations (i.e. [e.g.], from an earthen to a lined ditch, from an open ditch to underground, etc.) or crossings;
3. The time schedule for any modifications approved under subsection B above or other activities that may disrupt the flow of water shall be referred to the ditch owner for review and comment. The county commissioners will require, by condition of approval, that such modifications be made or such activities be conducted when the disruption of the water flow will be minimized;
4. Ditch easements will extend the length of the ditch through the site. The minimum width of the easement will be the area between the ditch banks plus the following:
  - a. For ditches having an average bottom width of less than eight feet, the easement will be 25 feet measured from the top of the ditch on one side of the ditch;
  - b. For ditches having an average bottom width of eight feet or more, the easement will be 30 feet measured from the top of the ditch on both sides of the ditch;

<sup>626</sup> Carries forward current Section 8.8.

- c. The ditch owner will be entitled to additional easement width where the ditch owner demonstrates:
  - i. Terrain or other circumstances (such as existing maintenance roads on both sides of a ditch) necessitate a wider easement or additional easements to operate, repair and maintain the ditches; and/or
  - ii. An entitlement to a wider easement by law or based on historical use or an agreement between the land owner and the ditch owner.
- d. Prior to dedication of any easement or right-of-way for irrigation facilities, the applicant shall provide a proper abstract of title or a proper commitment for title insurance in form, amount and insurance company acceptable to the ditch owner;
- e. The applicant is responsible for any and all reasonable costs for engineering, surveying and legal services incurred on behalf of a ditch owner as a result of the development proposal. The costs incurred on behalf of a ditch owner shall be paid in full before any public hearing is scheduled for the development proposal;
- f. Unless approved in writing by the county engineer and the ditch owner, irrigation ditches shall not be used to carry surface water flows and stormwater runoff, except to the extent that the ditch received such water prior to the development. Such water can only be discharged into the ditch in the same volumes, at the same rate of flow, at the same location or locations and within the same time frames as historically occurred. Unless the ditch owner agrees otherwise, in writing, the development shall be designed and constructed so that the ditch receives such water in this manner free from the addition of any pollutant but does not receive additional water;
- g. When the county commissioners determine that unreasonable, unnecessary or extraordinary requirements are proposed by a ditch owner, the commissioners may approve only those requirements they deem appropriate to protect the irrigation facilities.

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**16.2.4. Supplementary Engineering Regulations<sup>627</sup>**

The following standards have been adopted by the County as supplemental regulations to this LUC:

- A. Larimer County Rural Area Road Standards (adopted October 22, 2007).
- B. Larimer County Urban Area Street Standards (repealed and reenacted April 1, 2007).
- C. Larimer County Stormwater Design Standards (adopted June 2005).
- D. LaPorte Plan Area Access Control and Roadway Design,(adopted February 23, 2004), including the following itemized sections:
  - 1. Access Control and Traffic Circulation**
    - a. New land divisions, rural land plans and/or site plans shall be designed and constructed to implement the access control and traffic circulation plan as shown on the LaPorte Area Plan Future Transportation Improvements Map.
    - b. Land divisions, rural land plans and/or site plans pertaining to those properties affected by said access control and traffic circulation plan shall be designed such that access from County Road 54G or Taft Hill Road takes place only in the locations

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<sup>627</sup> Carried forward current Section 15.1.1.

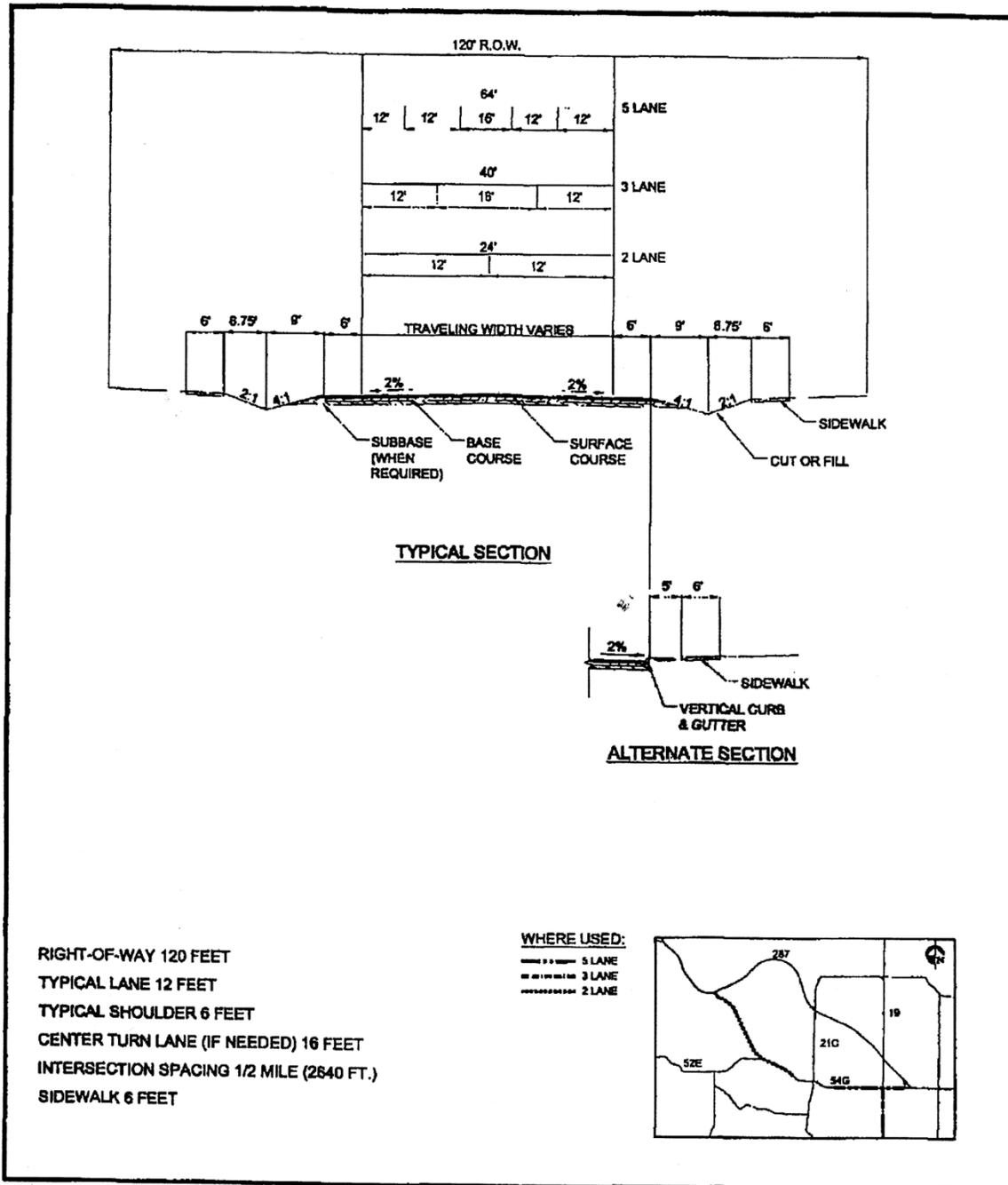
shown on the LaPorte Area Plan Future Transportation Improvements Map. The exact location of the access points along County Road 54G or Taft Hill Road and the right-of-way for said access points shall be determined by the County Engineer based upon the access control and traffic circulation plan. For those properties where it is not physically feasible to take access according to the plan, the county may allow an alternate temporary access point(s) as approved by the County Engineer until such time as access per the plan is physically feasible.

- c. At the time of final plat or site plan approval, for those properties affected by said access control and traffic circulation plan shown on the LaPorte Area Plan Future Transportation Improvements Map, public right-of-way for traffic circulation shall be dedicated in a final configuration that considers the map, the final plat or site plan for adjacent sites, the topography, drainage, floodplains and/or other physical characteristics of the area, and is approved by the County Engineer.
- d. Streets, roads, intersections, turning lanes, or other physical improvements included in the design of new development affected by said access control and traffic circulation plan shall be constructed at the time of development or, at the county's discretion, a fee-in-lieu shall be paid to the county.

**2. Roadway Design**

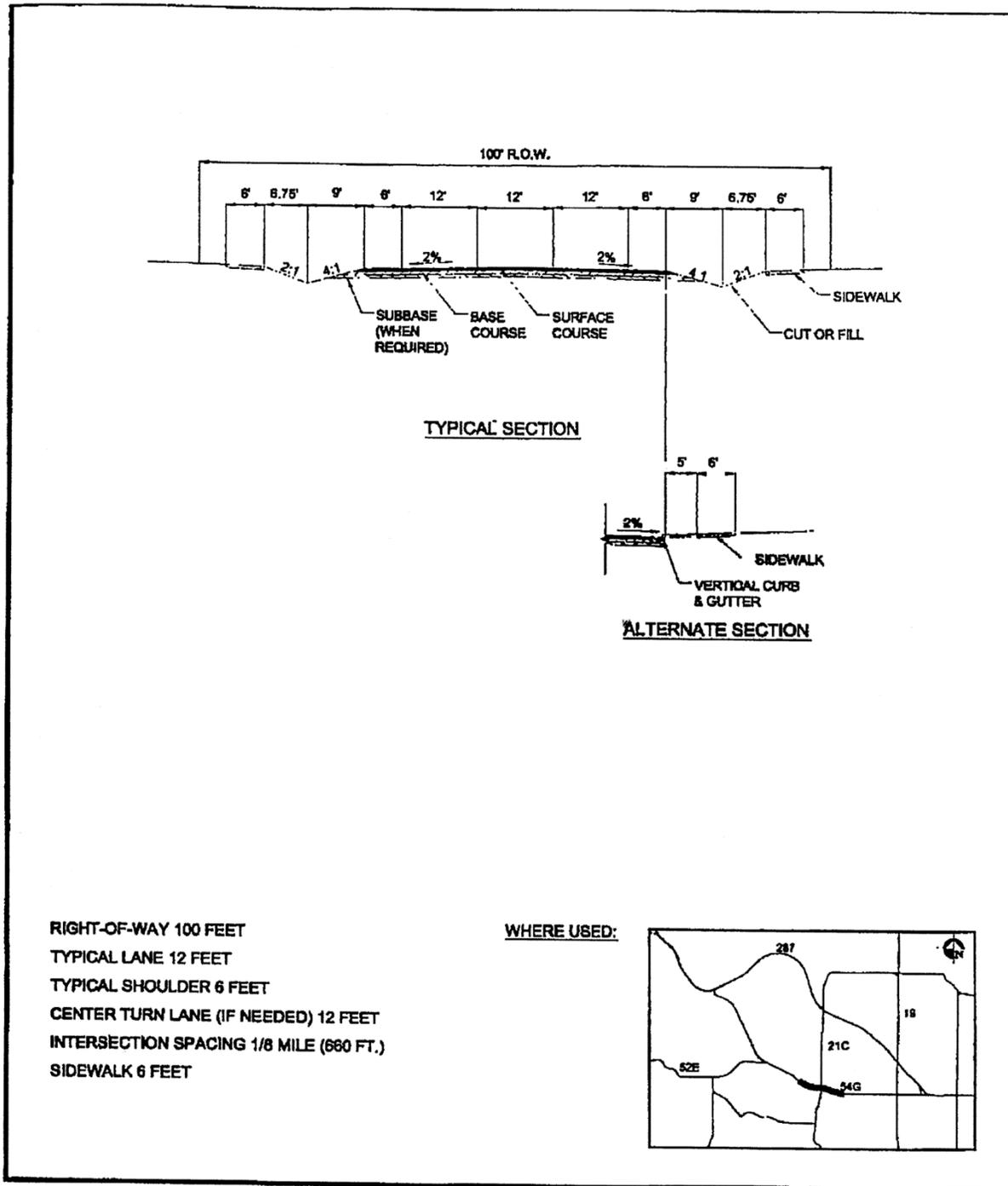
Street and road improvements shall be designed in accordance with the typical sections contained in the LaPorte Area Plan and detailed below:

a. Rural Arterial Typical Section



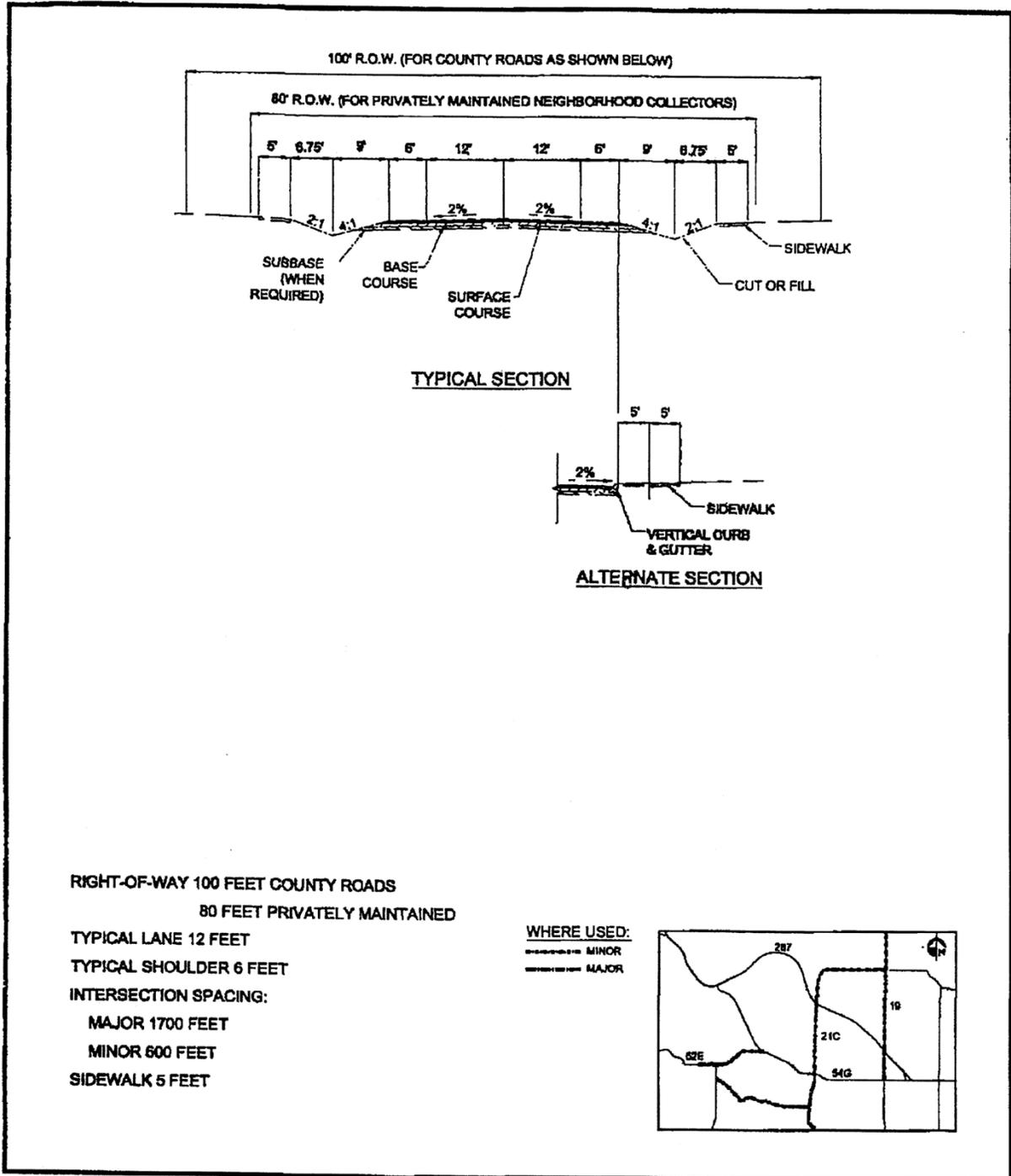
Rural Arterial Typical Section

**b. Urban Arterial Typical Section**



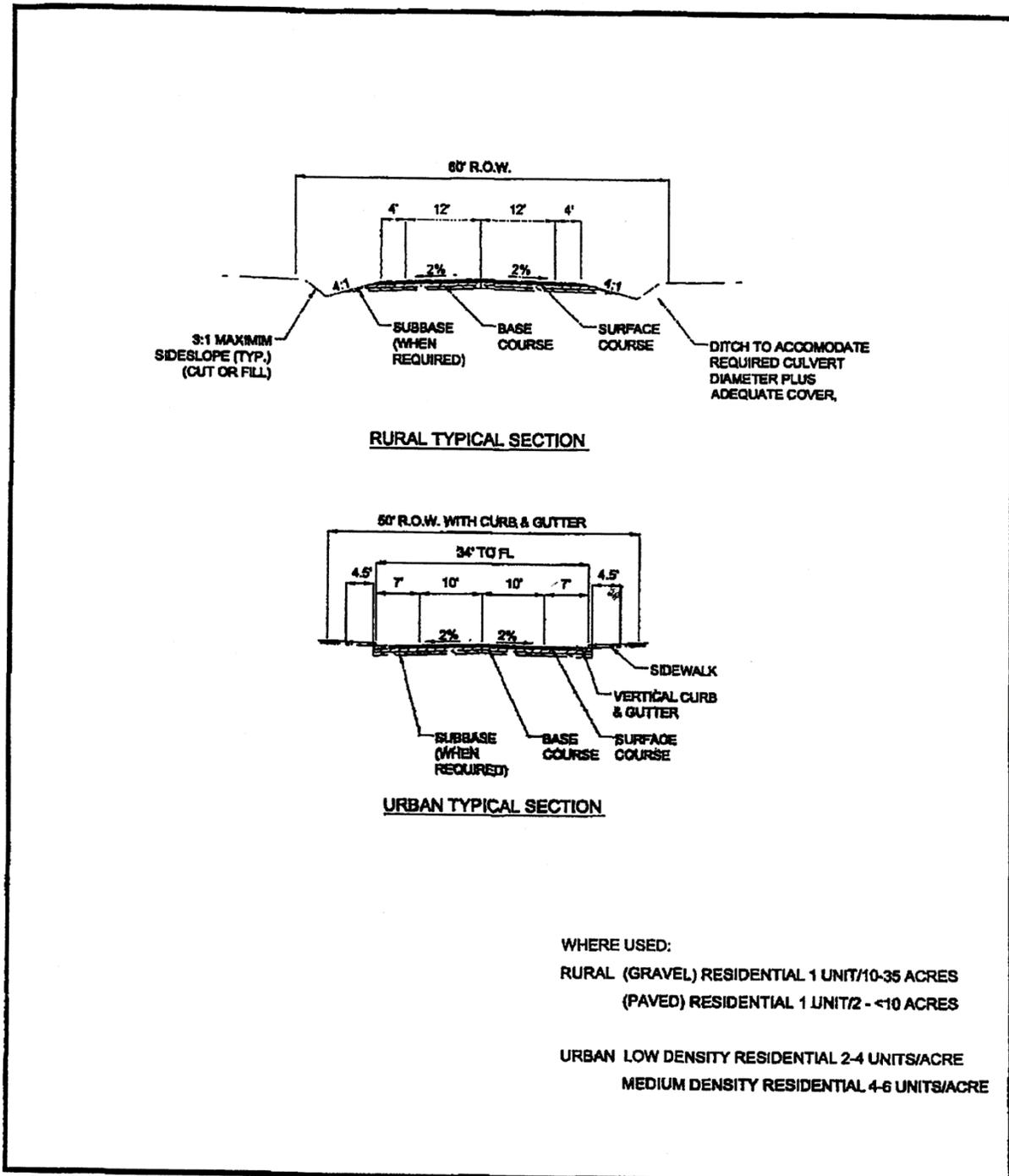
Urban Arterial Typical Section

c. Collector Typical Section



Collector Typical Section

d. Local Residential Street Typical Section



Local Residential Street Typical Section

**16.2.5. Supplementary Regulations for Growth Management Areas**

**A. Windsor Growth Management Area**

**1. Applicability**

- a. These supplementary regulations shall apply to all requests for rezoning to PD planned development or special review in that portion of unincorporated Larimer County that is in the Windsor GMA overlay zone district, in accordance with §2.7.2 of this LUC.
- b. Except as modified by these supplementary regulations, all county regulations, standards and procedures shall apply within the Windsor GMA district. Appeals, interpretations and variances, including those applied at the building permit stage, shall be processed and decided upon by the county as provided for in this LUC.

**2. Land Use Type, Density and Intensity**

- a. In the event that land within the Windsor GMA district is rezoned to PD planned development, approved by special review, or subdivided,<sup>628</sup> the land use type, density and intensity requirements as set forth on Map 1, dated May 20, 2003 incorporated herein by reference and as specified below shall apply.
  - i. High density estate single-family residential area;
  - ii. Neighborhood and general commercial area;
  - iii. Residential mixed use area; and
  - iv. Parks, open space, mineral extraction and floodplain area.

**b. Purpose**

- i. Lands within the high density estate single-family residential area, the neighborhood and general commercial area, or the residential mixed use area that are subdivided or rezoned to PD planned development shall be developed as clustered single-family residential detached homes, within the density limitations of §0,
- ii. *Rural Residential (RR-2)* and following the same requirements as a residential conservation development per §5.4 of this LUC, except that such land division shall be titled as a subdivision<sup>629</sup> rather than a conservation development, that all dwelling units shall be single-family detached structures, and that the density bonus in Table 5-2 in §5.4.3 shall not apply. Such development shall be served by a public water system and a public sanitary sewer system.
- iii. Lands in the parks, open space, mineral extraction and floodplain area are primarily intended for parks, open space and mineral extraction and should remain open and generally free from development so as to protect natural environmental elements including, but not limited to, floodplains, major drainage ways and other flood prone areas as identified by FEMA. However, if lands in the parks, open space, mineral extraction and floodplain area are subdivided or rezoned to PD planned development, they shall do so in

<sup>628</sup> “platted as a planned land division” replaced with subdivided per Section 6.5.5, Preliminary Plat.

<sup>629</sup> “as a planned land division” replaced with subdivided per Section 6.5.5, Preliminary Plat.

accordance with the high-density estate single-family residential area requirements above.

**c. Principal Uses and Structures<sup>630</sup>**

Land within the Windsor GMA district that is rezoned to PD planned development, approved for a special review use or subdivided shall be subject to \$0,

*Rural Residential (RR-2)*, except that the following principal uses and structures shall be prohibited:

- i. Garden supply center
- ii. Commercial feedlot or dairy
- iii. Commercial kennel
- iv. Packing facility

**d. Accessory Uses and Structures**

Land within the Windsor GMA district that is rezoned to PD planned development, approved for a special review use or subdivided shall be subject to §3.4, *Accessory Uses and Structures*, except as modified below:

- i. Home occupations in accordance with this LUC with the further requirement that there shall be no advertising display, outdoor storage, merchandise sold or displayed for sale or other indications of the home occupation on the premises.
- ii. Storage buildings, barns and garages in accordance with this LUC, except that use of items such as semi-trailers (with or without running gear), truck bodies, mobile homes or other structures that were not constructed or intended for the specific purpose of use as a storage building is strictly prohibited.
- iii. Outside storage of vehicles in accordance with this LUC with the further requirement that there shall be no outdoor storage of agricultural equipment.
- iv. The following accessory uses and structures shall be prohibited:
  - 1) Guest quarters
  - 2) Extended family dwellings
  - 3) Farmsteads

**e. Administrative Special Review<sup>631</sup>**

Land within the Windsor GMA district that is rezoned to PD planned development, approved by special review or subdivided shall not be allowed those land uses requiring an administrative special review.

**3. Development Standards**

- a. All requests to the county for rezoning to PD planned development, special review, and/or subdivided shall meet either Article 4.0, *Development Standards*, or these supplementary regulations, whichever is more stringent.

<sup>630</sup> The use types have been updated to reflect changes to the Table of Allowed Uses – Urban.

<sup>631</sup> Updated to reference Administrative Special Review rather than Minor Special Review per the changes in Installment 1: *Administration and Procedures*.

- b. Subdivision or rezoning to PD planned development on properties proposed for development that are not eligible for annexation to the town shall be required to develop within the density limitations of §0,
- c. *Rural Residential (RR-2)* and following the same requirements as a residential conservation development per §5.4, except that such land division shall be titled as a subdivision rather than a conservation development, that all dwelling units shall be single-family detached structures, and that the density bonus in Table 5 3 in §5.4.3 shall not apply. Such development shall be served by a public water system and a public sanitary sewer system.

## LARIMER COUNTY LAND USE CODE ADOPTION DRAFT CLEANUP EDITS

**\*Edits to Consolidated Draft published November 3, 2020**

### Overall

1. Commentary, footnotes, and “Larimer County Comprehensive Plan Says...” comment boxes removed
2. Technical Specifications article removed (Article 16.0), and cross-references throughout Code updated to “LUC Supplemental Materials”
3. Update “Article 15.0” to “Article 20.0” to allow for future article additions
4. Update and correct Table and Figure numbers
5. Correct page numbers (Sections 6.0-11.0 in consolidated draft incorrectly show page “350” for all pages)
6. Update and correct capitalization of “County” throughout
7. Update references to Planning Director (Community Development Director), county commissioners (Board of County Commissioners or County Commissioners), and Planning Department (Community Development Department)

### Specific Sections

Strikethrough = deletion

Red/Underline = new text

Section	Page # of Consolidated Draft	Revision
1.3.5.	2	“Ensure that service demands of new development will not exceed the capacity of existing roads, streets, utilities, and other public services and that new development, to the extent allowed by state statute, will pay its fair share of the cost of infrastructure additions and improvements needed to serve such new development.”
1.9.3.E.1	4	“It is a violation of this Code to commence construction of roads or other improvements until a <u>development</u> construction permit <u>or right-of-way</u> permit is issued by the County Engineer after final approval by the County Commissioners and all post-approval requirements are met.”
1.9.4.A.2.a.	5	“Deny and withhold all permits, certificates, or other forms of authorization to use or develop any land, structure, or improvements. This provision applies <u>regardless of</u> whether the current owner is responsible for the violation.
2.2.2.C	22	“...While <del>farming</del> <u>agricultural</u> practices such as <del>agriculture</del> and ranching should be the principal activity of these areas...”
2.7.1.A	40	“The FP-O district is intended to provide additional standards for areas that are at risk of flooding. <del>The district generally applies to all designated 100-year special flood hazard areas.</del> ”
2.7.2.G	44	See below.
3.2.6 (Table 3-1)	56	Add “Apiary” as primary use under Animal Agriculture in all zoning districts except “NR” as “R” and reference “3.3.2.A” in the Use-Specific Standards column.

3.2.6 (Table 3-1)	56	Add Large Equestrian Operation to the O zoning district as “S” ; Add Small Equestrian Operation to the O zoning district as “AS”
3.2.6 (Table 3-1)	57	Add “Storage Building and Garage, Residential” to Household Living section as “R” in all zoning districts except “NR.”
3.2.6 (Table 3-1)	59	Update Use-Specific Standards reference for Marijuana Uses to “Chapter 14, Article VI <a href="#">of the Larimer County Code of Ordinances.</a> ”
3.2.7 (Table 3-2)	63	Add “Apiary” as primary use and prohibited in all zoning districts and reference “3.3.2.A” in the Use-Specific Standards column.
3.2.7 (Table 3-2)	64	Add “Storage Buildings and Garages, Residential” to Household Living as “R” in all zoning districts.
3.2.7 (Table 3-2)	66	Update “R” allowances for Retail Marijuana Cultivation Facility, Retail Marijuana Product Manufacturing Facility, Retail Marijuana Store, and Retail Marijuana Testing Facility to “SP.” Update Use-Specific Standards reference for the Marijuana Uses to “Chapter 14, Article VI <a href="#">of the Larimer County Code of Ordinances.</a> ”
3.2.8 (Table 3-3)	70	Change “Apiary to “Apiary, <a href="#">Accessory</a> ” and update Use-Specific Standards column to reference “3.3.2.A.”
3.2.8 (Table 3-3)	70	Add “Livestock Auction, Accessory” to Agriculture Uses as “AC” in all zoning districts except “NR” and reference “3.4.4.F” in the Use-Specific Standards column.
3.2.8 (Table 3-4)	71	Change “Apiary to “Apiary, <a href="#">Accessory</a> ” and update Use-Specific Standards column to reference “3.3.2.A.”
3.2.8 (Table 3-4)	71	Add “Livestock Auction, Accessory” to Agriculture Uses as prohibited in all zoning districts and reference “3.4.4.F” in the Use-Specific Standards column.
3.2.9 (Table 3-5)	73	Removed “Storage Building or Garage on Vacant Lot, Temporary”
3.2.9 (Table 3-6)	73	Removed “Storage Building or Garage on Vacant Lot, Temporary”
3.3.2.A	74	<p>Add new subsection A. Relocate content from 3.4.4.B.</p> <p><b><a href="#">“Apiary</a></b></p> <p><b><a href="#">1. Hives</a></b>  <a href="#">All bee colonies shall be kept in removable frame hives, which shall be kept in sound and usable condition.</a></p> <p><b><a href="#">2. Water</a></b>  <a href="#">Each beekeeper shall ensure that a convenient source of water is available at all times to the bees.</a></p> <p><b><a href="#">3. General Maintenance</a></b>  <a href="#">There shall be no outdoor storage of any beekeeping or hive materials that are not being used as part of a hive.</a></p> <p><b><a href="#">4. Queens</a></b>  <a href="#">In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation, it shall be the duty of the beekeeper to requeen the colony.</a></p> <p><b><a href="#">5. Colony Densities</a></b>  <a href="#">No more than the following number of colonies may be kept on any lot, based upon the size or configuration of the lot on which the apiary is situated:</a></p> <p><a href="#">a. On lots of 15,000 square feet or less — four colonies are allowed.</a></p> <p><a href="#">b. On lots of more than 15,000 square feet — two additional colonies are allowed for each 7,500 square feet in excess of 15,000 square feet.</a></p>

		<p><u>c. For each two colonies allowed under the colony densities, subsection (a) above, there may be maintained upon the same lot eight temporary nucleus colonies. The hive structure shall not exceed one standard nine and five-eighths inch depth ten frame hive body with no honey super(s) attached as required from time to time for management of swarms and for rearing of queens. Each such temporary nucleus colony shall be disposed of or combined with an authorized colony within 30 days after the date it is acquired.</u></p> <p><b>6. Distance</b>  <u>An apiary consisting of more than 75 colonies shall maintain a distance of at least 200 feet from any property line.</u></p>
3.3.3.E.3	78	<p>“Manufactured homes may be used to provide dwellings for <del>farm, ranch</del> <u>agricultural operation</u> or dairy help as a part of a farmstead...”</p>
3.3.3.G	83	<p>Add new Section G.</p> <p><b>“G. Storage Building or Garage, Residential</b></p> <p><u>a. All storage shall be inside the storage building or garage.</u></p> <p><u>b. No residential, business, or commercial activities are permitted in these buildings unless approved by the County Commissioners through the special exception, special review, or administrative special review processes.</u></p> <p><u>c. On lots of less than two acres (net area) these buildings may not exceed 800 square feet. On lots of two to five acres (net area) these buildings may not exceed 2,400 square feet. On lots over five acres (net area) there is no limit to the size of these buildings. In no event shall the ground floor area of detached storage buildings and garages exceed ten percent of the net area of any lot.</u></p> <p><u>d. Only those buildings that are designed, constructed, and approved by the Larimer County Building Department as storage buildings or garages may be used for this purpose. Manufactured homes, including pre-1974 mobile homes, cannot be used as storage buildings or garages.”</u></p>
3.4.4.B.	100	<p><b>“B. Apiary</b>  <u>See §3.3.2.A.</u></p> <p><b>1. Hives</b>  All bee colonies shall be kept in removable frame hives, which shall be kept in sound and usable condition.</p> <p><b>2. Water</b>  Each beekeeper shall ensure that a convenient source of water is available at all times to the bees.</p> <p><b>3. General Maintenance</b>  There shall be no outdoor storage of any beekeeping or hive materials that are not being used as part of a hive.</p> <p><b>4. Queens</b>  In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation, it shall be the duty of the beekeeper to requeen the colony.</p> <p><b>5. Colony Densities</b>  No more than the following number of colonies may be kept on any lot, based upon the size or configuration of the lot on which the apiary is situated:</p> <p>a. On lots of 15,000 square feet or less — four colonies are allowed.</p>

		<p>b. On lots of more than 15,000 square feet — two additional colonies are allowed for each 7,500 square feet in excess of 15,000 square feet.</p> <p>c. For each two colonies allowed under the colony densities, subsection (a) above, there may be maintained upon the same lot eight temporary nucleus colonies. The hive structure shall not exceed one standard nine and five eighths inch depth ten frame hive body with no honey super(s) attached as required from time to time for management of swarms and for rearing of queens. Each such temporary nucleus colony shall be disposed of or combined with an authorized colony within 30 days after the date it is acquired.</p> <p><b>6. Distance</b> An apiary consisting of more than 75 colonies shall maintain a distance of at least 200 feet from any property line.</p>
3.4.4.F	102	<p>New Section F. <b>Livestock Auction, Accessory</b> Applicable properties are limited to two livestock auction events in a calendar year.</p>
3.4.5.D.5.b.iii	107	<p>“Conservation development to place each accessory farmstead dwelling”</p>
3.5.3.G	115-116	Delete.
4.2.1.B (Table 4-1)	118	Add row for new Section 4.12, <i>Water Quality</i> . Standards apply in all character areas.
4.2.1.C.2 (Table 4-2)	120	Add row for new Section 4.12, <i>Water Quality</i> . 100% compliance with applicable standards required for all development types.
4.2.1.C.3.j.	121	<p><b>j. Section 4.12 Water Quality</b> A minor expansion or change of use shall trigger full compliance with the water quality standards.”</p>
4.4.2.C.1.a	135	“Agricultural activities, such as soil preparation, irrigation, planting, harvesting, grazing, and farm agricultural operation ponds;”
4.4.4.B.2.a	144	“Agricultural activities, such as soil preparation, irrigation, planting, harvesting, grazing, and farm agricultural operation ponds;”
4.6.3.B.4.b	163	New “b.” paragraph. “Handicapped parking spaces shall be surfaced with concrete or asphalt.”
4.6.3.B.4.e	164	“Each handicapped parking space shall be clearly designated as being reserved for use by the physically handicapped with the appropriate signing and pavement markings parking.”
4.8.3	185-187	See below.
4.10.2.B.3	190	“Farm Agricultural equipment lighting”
4.12	194	See below.
4.13	194	See below.
5.4.4.B.5	203	“Preference for “isolated” tracts that are not easily accessible for farming or ranching operations agricultural uses.”
5.5.2.C.6	209	“To educate people who purchase property adjacent to ranches and farms agricultural uses about agricultural or forestry practices, and support "right to farm" laws.”
5.5.5.A.2	210	“Any principal farm or ranch dwelling for the agricultural use on the residual land which is approved by the county commissioners pursuant to section 5.8.6.C.3 shall be included in density calculations. Any accessory farm or ranch dwellings for the agricultural use on the residual

		land in excess of one approved by the county commissioners pursuant to section 5.8.6.C.3 shall be included in density calculations.”
5.7.9.B	247	“Right-of-way dedications apply to all applications for conservation development, subdivision, minor land division, rural land plan, <a href="#">administrative special review</a> , special review, and site plan review submitted under this Code.”
5.7.9.C	247	“Sufficient right-of-way for all county roads shall be dedicated <a href="#">to Larimer County</a> by the property owner(s) for each development proposal to meet the minimum right-of-way standards cited in the Rural Area Road Standards or the Urban Area Street Standards, as appropriate. Sufficient right-of-way for all state and federal highways shall be dedicated <a href="#">to the Colorado Department of Transportation</a> by the property owner(s) for each development proposal consistent with the recommendations of the Colorado Department of Transportation.”
5.7.9.D	247	Right-of-way dedications for all conservation developments, subdivisions, rural land plans, and minor land divisions shall appear on the final plat prior to recording. Right-of-way dedications for <a href="#">administrative special reviews</a> , special reviews, site plan reviews and special exceptions shall be accomplished by a properly executed deed of dedication at the time of final approval. The wording for dedication statements is included in the technical supplement to the code.
6.3.5.l.1.b.	259	The Director may require a neighbor referral for any project for which sketch plan was not required upon determining the referral would be beneficial. <del>The Director’s decision to require a referral cannot be appealed.</del>
6.3.9.H.2.	271	“Development agreements are required for all final plats for subdivisions, conservation developments, planned developments, <del>and</del> rural land plans, <a href="#">site plans</a> , <del>and</del> for all special review approvals unless waived by the Board of County Commissioners.”
6.4.1.C.5.c.	280	If approved, the applicant shall provide final versions of the site plans and supporting documents for approval signature by the Director. The final site plan set and supporting documents for signature shall be in the number and format specified in the Administrative Manual and shall also include <del>one of the following</del> : i. <a href="#">A signed and executable development agreement and collateral pursuant to the requirements of §6.3.9: Post-Decision Actions and Limitations, unless the Director authorizes the use of an</a> An agreement (provided by the Director) signed by the applicant indicating that the applicant is aware that all on-site and off-site improvements required for the development will need to be completed, inspected, and approved prior to the operation of the approved use of the site, or the issuance of a temporary or final certificate of occupancy. ii. <del>A signed and executable development agreement and collateral pursuant to the requirements of §6.3.9: Post-Decision Actions and Limitations.</del>
6.5.2.A.1.a.	289	<del>“Access;</del> <a href="#">and where a road or access serving two or more lots or a use serving the public shall require the issuance of a private road construction permit; and</a>

<p>6.5.10.A.1.a.i.2) (a)-(c)</p>	<p>313</p>	<p>“Any principal <del>farm or ranch</del> dwelling <u>for the agricultural use</u> and any accessory <del>farm or ranch</del> dwelling <u>for the agricultural use</u> proposed to be constructed on the residual land.  (a) No principal <del>farm or ranch</del> dwelling <u>for the agricultural use</u> or accessory <del>farm or ranch</del> dwelling <u>for the agricultural use</u> can be constructed on the residual land unless specifically approved by the County Commissioners and designated on the final plat or described in the development agreement or an amendment to the final plat or development agreement.  (b) Any new principal <del>farm or ranch</del> dwelling <u>for the agricultural use</u> and any accessory <del>farm or ranch</del> dwelling(s) <u>for the agricultural use</u> shall be designed to allow a logical pattern of lots that meet minimum lot size and setback requirements of the applicable zoning district.  (c) No accessory <del>farm or ranch</del> dwelling(s) <u>for the agricultural use</u> will be permitted to be subdivided into a lot or lots separate from the principal <del>farm or ranch</del> dwelling <u>for the agricultural use</u> during the nondevelopable period.”</p>
<p>6.6.2.C</p>	<p>322-323</p>	<p>Deleted Figure 6-13.  “1. <del>Pre-Application Conference</del> <b><u>Initiation of a Text Amendment</u></b>  a. <del>A pre-application conference is not required.</del>  b. <del>However, a citizen may request an opportunity to present and discuss a proposed amendment to the text of this Code with the Board of County Commissioners and Planning Commission prior to submitting a formal application.</del> <u>a. The Director or any citizen may request that the text of this Code be amended. A citizen request shall be submitted to the Director or the Board of County Commissioners.</u>  c. <del>Upon receipt of such a request, staff shall, at the direction of the Board, research the issue for a presentation and discussion at a work session of the Board and Planning Commission to determine if the requested change should be formally pursued.</del> <u>b. For any proposed text amendment, staff shall research the issue for a presentation and discussion at a work session of the Board and Planning Commission to determine if the requested change should be formally pursued.</u>  <u>c.</u> If the determination is that the proposed change should be pursued, staff shall initiate the text amendment process as set forth below.”</p>
<p>12.1.1.A.5</p>	<p>397</p>	<p>Renumber 5. to be “B.” and update current “B.” “C.” and “D.” to “C.” “D.” and “E.”</p>
<p>12.1.3.A.2.a</p>	<p>400</p>	<p>“The Best Available Floodplain is defined as the areas within 1% annual chance event (1% ACE) or 0.2 percent annual chance event (0.2 <del>percent</del> <u>%</u> ACE) flood zones identified by draft or preliminary flood hazard information which meet the following criteria:”</p>
<p>12.1.3.A.3.a.</p>	<p>400</p>	<p>a. Municipal Floodplain <u>Zone</u> Definition  i. The Municipal Floodplain <u>Zone</u> is defined as the areas within flood zones identified by incorporated cities and towns within Larimer County which have been adopted as a regulatory floodplain by resolution of the Larimer County Board of Commissioners (BCC) and includes lands regulated by Larimer County.  ii. The Municipal Floodplain <u>Zones</u> may include, but is not limited to, flood zone designations such as Zone AE (Floodway), Zone AE (Flood Fringe), Zone A, Zone AH, Zone AO, Zone X (Shaded), Zone X (Shaded</p>

		Protected by a Levee), High Risk, High-Risk Floodway, and Moderate Risk.
12.1.3.D.3.a	402	“The FEMA Floodplain shall be deemed updated upon FEMA’s effective date of a new Flood Insurance Rate Map (FIRM), <del>or</del> Digital Flood Insurance Rate Map (DFIRM), or Flood Insurance Study (FIS).”
12.1.4.B.1	403	“FDPs are not required for routine maintenance of buildings. However, competent evidence must be submitted to the County Engineer for routine maintenance activities within the FPO District which demonstrates reasonable costs of labor and materials associated with routine maintenance activities. Such evidence may include, but is not limited to, an itemized cost estimate and affidavit(s) attesting to the truth and validity of the cost estimate. Competent evidence shall be submitted in accordance with the Larimer County Floodplain Development <del>Permit Guidelines</del> <u>Guide</u> .”
12.1.5.A (Table 12-1)	406-416	Added “ <u>FPAs</u> ” under “Larimer County” in second row.
12.1.5.E.1	423	“New critical facilities and the expansion of existing critical facilities are prohibited within the Zone AE and 1% ACE zones within the Poudre GMA Floodplain. New critical facilities and expansion of existing critical facilities designated as Essential Service Facilities or At-Risk Population Facilities are <u>also</u> prohibited in the Zone X (Shaded), Zone X (Shaded, Protected by a Levee), and 0.2% ACE zones within the Poudre GMA Floodplain.”
12.1.5.F.1.b	425	“ <u>Be</u> <u>is</u> fully operable, licensed, and ready for highway use as determined by the County Engineer.”
12.1.5.K.2	427	“Shipping and storage containers shall be adequately anchored using, at minimum, over-the-top <del>and frame</del> <u>ties</u> to ground anchors as specified below:
12.1.6.H.1.a	432	“New or replacement bridges, roads, <del>utility lines (not including overhead power lines)</del> , or other infrastructure which cross a stream channel, <u>as determined by the County Engineer</u> .”
12.1.8.C	435	“Nonconforming Structures in a Flood Fringe Zone <u>or Flood Zone not containing a Floodway</u> ”
12.1.8.D.3.c.	438	“If relocation and retrofitting are not feasible options (as determined by the County Engineer) for a Substantially Damaged Structure in a floodway zone, repairs or replacement of the damaged structure may be sought through a request to the Flood Review Board. <u>The County Engineer, at their discretion, may waive the Flood Review Board process.</u> To receive approval, the request must meet all applicable criteria of §12.1.6.E, Variances <del>Variances</del> and the following conditions:”
15.1.6	543	Add new paragraph 15.1.6. “ <b><u>15.1.6. Delegation of Authority</u></b> <u>Whenever a provision requires the head of a department or another officer or employee of the County to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others.</u> ”
15.2.1.A	544	“ <b>Agricultural Operation</b> The cultivation of agricultural or horticultural crops, composting, aquaponics, aquaculture, hydroponics, the <del>raising</del> <u>keeping</u> of livestock and/or poultry, or a combination of these activities. <u>This use does not include the agricultural uses listed in §§15.2.1.B, 15.2.1.C, and 15.2.1.D.</u> ”

		Accessory uses commonly include greenhouses and other facilities and storage necessary for the management of the agricultural operation or transport of products.”
15.2.1.C.1	545	“A commercial enterprise for the repair of equipment normally or routinely used <del>on farms and gardens</del> <u>for agricultural uses</u> , and related parts, tools and accessories, includes sales of such materials.”
15.2.1.C.5	545	“A facility where locally raised <del>farm</del> <u>livestock and/or poultry</u> products are to be packaged for shipping”
15.2.1.D.1	546	Add new paragraph 1. Relocate content from 15.2.7.3. <b>“Apiary</b> <u>A structure that is designed to hold honeybee hives.”</u>
15.2.1.D.1	546	“...number of animals exceeds ten animals per acre of feed yard and where less than 50 percent of the roughage type feed is raised on the same <del>farm</del> premises.”
15.2.2.A.11	548	Add new paragraph 11. <b>Storage Building or Garage, Residential</b> <u>A building or garage intended for storing personal property of the lot owner.</u>
15.2.5.A.2	561	“Junkyard” does not include the storage of implements of husbandry, <del>farm</del> tractors, <del>farm and ranch</del> <u>agricultural</u> equipment or vehicles customarily operated in a <u>an agricultural operation</u> <del>farm or ranch operation.</del> ”
15.2.5.A.6	562	“Mining does not include the removal of loose surface stone; excavation solely for <del>farm</del> <u>agricultural</u> practices;”
15.2.7.A.1	565	<b>“Agricultural Operation, Accessory</b> A parcel of land where livestock, pet animals, or poultry are raised or garden crops grown in a manner incidental to the principal residential use of the property and where the production of livestock or garden crops on the property does not constitute a principal income for the property owner. <u>This use does not include the accessory agricultural uses listed in paragraphs 2. through 10 of this §15.2.7.A.</u> This would include 4H and similar types of programs.
15.2.7.A.2	566	“Activities conducted on a <del>working farm or ranch</del> <u>parcel with a primary agricultural use</u> and offered to the public for the purpose of recreation, education, or active tourism related involvement in the <del>farm or ranch operation</del> <u>agricultural use</u> . These activities shall be incidental to the primary agricultural <del>operation</del> <u>use</u> on the site or related to natural resources present on the property. This term includes <del>farm</del> <u>site</u> tours, hayrides, corn mazes, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above. An agritourism enterprise does not include accommodations uses or retail sales.”
15.2.7.A.3	566	<b>“Apiary, Accessory</b> A structure that is designed to hold honeybee hives <u>and is incidental to the primary use on a lot.</u> ”
15.2.7.A.7	566	Added new paragraph 7. <b>“Livestock Auction, Accessory</b> <u>Where a property is being used for the raising of livestock, an event where livestock are offered for sale to people who bid on the animals.”</u>

15.2.7.A.8	566	“Pet animal includes dogs and cats kept for working purposes on an <u>agricultural operation</u> farm or ranch.”
15.2.7.B.4	567	“An accessory dwelling permitted in association with a farm <u>stead</u> ing operation.”
15.3	569	<b>Agricultural Housing</b> <u>Housing associated with an agricultural operation and provide for use by individuals who are primarily engaged in an agricultural operation; includes agricultural labor housing and associated accessory dwellings.</u>
	570	<b>Agricultural Structure</b> A structure designed and constructed to house farm <u>agricultural</u> implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public.
	576	<b>Farm-Agricultural Equipment</b> For the purpose of exterior lighting regulations, any farm-tractor, self-propelled or towed unit of farm <u>agricultural</u> equipment, or implement of husbandry.
	571	<b>Board of County Commissioners</b> <u>The Board of County Commissioners of Larimer County, including the term “County Commissioners” as referenced in this Code and those persons authorized to act on their behalf.</u>
	574	<b>Farm</b> <u>A type of agricultural operation that is used for the cultivation of agricultural or horticultural crops, composting, aquaponics, aquaculture, or hydroponics.</u>
	576	<b>Farmstead</b> That portion of an <u>agricultural operation, commercial feedlot or dairy, poultry and egg production, or equestrian operation</u> farm, dairy, poultry farm, stable or exotic animal farm designated for accessory dwellings and other buildings necessary to the operation.
	579	<b>Junk Vehicle:</b> This definition does not include implements of husbandry, farm tractors, farm or ranch <u>agricultural</u> equipment or vehicles customarily operated an <u>agricultural operation</u> farm or ranch operation.
	579	<b>Livestock:</b> Cattle, horses, mules, burros, sheep, swine, llamas and goats, regardless of use, and any animals, except dogs and cats, that are used for working purposes on a farm or ranch <u>agricultural land</u> and any other animal designated by the state agricultural commissioner, which animal is raised for food or fiber production.
	584	<b>Ranch/Ranching</b> <u>A type of agricultural operation that is used for grazing livestock.</u>
Article 16.0	592	Deleted (except Sections 16.2.4 and 16.2.5 that have been relocated to Sections 4.13 and 2.7.2)

## **New Section 2.7.2.G**

### **G. Supplementary Regulations for Growth Management Areas**

#### **1. Windsor Growth Management Area**

##### **a. Applicability**

- i. These supplementary regulations shall apply to all requests for rezoning to PD planned development or special review in that portion of unincorporated Larimer County that is in the Windsor GMA overlay zone district, in accordance with §2.7.2 of this LUC.
- ii. Except as modified by these supplementary regulations, all county regulations, standards and procedures shall apply within the Windsor GMA district. Appeals, interpretations and variances, including those applied at the building permit stage, shall be processed and decided upon by the county as provided for in this LUC.

##### **b. Land Use Type, Density and Intensity**

- 1) In the event that land within the Windsor GMA district is rezoned to PD planned development, approved by special review, or subdivided, the land use type, density and intensity requirements as set forth on Map 1, dated May 20, 2003 incorporated herein by reference and as specified below shall apply.
- 2) High density estate single-family residential area;
- 3) Neighborhood and general commercial area;
- 4) Residential mixed use area; and
- 5) Parks, open space, mineral extraction and floodplain area.

##### **ii. Purpose**

- 1) Lands within the high density estate single-family residential area, the neighborhood and general commercial area, or the residential mixed use area that are subdivided or rezoned to PD planned development shall be developed as clustered single-family residential detached homes, within the density limitations of §2.3.2.B, *Rural Residential (RR-2)* and following the same requirements as a residential conservation development per §5.4 of this LUC, except that such land division shall be titled as a subdivision rather than a conservation development, that all dwelling units shall be single-family detached structures, and that the density bonus in Table 5-2 in §5.4.3 shall not apply. Such development shall be served by a public water system and a public sanitary sewer system.
- 2) Lands in the parks, open space, mineral extraction and floodplain area are primarily intended for parks, open space and mineral extraction and should remain open and generally free from development so as to protect natural environmental elements including, but not limited to, floodplains, major drainage ways and other flood prone areas as identified by FEMA. However, if lands in the parks, open space, mineral extraction and floodplain area are subdivided or rezoned to PD planned development, they shall do so in accordance with the high-density estate single-family residential area requirements above.

**iii. Principal Uses and Structures**

Land within the Windsor GMA district that is rezoned to PD planned development, approved for a special review use or subdivided shall be subject to §2.3.2.B, *Rural Residential (RR-2)*, except that the following principal uses and structures shall be prohibited:

- 1) Garden supply center
- 2) Commercial feedlot or dairy
- 3) Commercial kennel
- 4) Packing facility

**iv. Accessory Uses and Structures**

Land within the Windsor GMA district that is rezoned to PD planned development, approved for a special review use or subdivided shall be subject to §3.4, *Accessory Uses and Structures*, except as modified below:

- 1) Home occupations in accordance with this LUC with the further requirement that there shall be no advertising display, outdoor storage, merchandise sold or displayed for sale or other indications of the home occupation on the premises.
- 2) Storage buildings, barns and garages in accordance with this LUC, except that use of items such as semi-trailers (with or without running gear), truck bodies, mobile homes or other structures that were not constructed or intended for the specific purpose of use as a storage building is strictly prohibited.
- 3) Outside storage of vehicles in accordance with this LUC with the further requirement that there shall be no outdoor storage of agricultural equipment.
- 4) The following accessory uses and structures shall be prohibited:
  - (a) Guest quarters
  - (b) Extended family dwellings
  - (c) Farmsteads

**v. Administrative Special Review**

Land within the Windsor GMA district that is rezoned to PD planned development, approved by special review or subdivided shall not be allowed those land uses requiring an administrative special review.

**c. Development Standards**

- i. All requests to the county for rezoning to PD planned development, special review, and/or subdivided shall meet either Article 4.0, *Development Standards*, or these supplementary regulations, whichever is more stringent.

Subdivision or rezoning to PD planned development on properties proposed for development that are not eligible for annexation to the town shall be required to develop within the density limitations of §2.3.2.B, *Rural Residential (RR-2)* and following the same requirements as a residential conservation development per §5.4, except that such land division shall be titled as a subdivision rather than a conservation development, that all dwelling units shall be single-family detached

structures, and that the density bonus in Table 5 3 in §5.4.3 shall not apply. Such development shall be served by a public water system and a public sanitary sewer system.

### **New Section 4.8.3**

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#### **4.8.3. Residential/Agricultural Buffer**

##### **A. Purposes**

Residential/agricultural buffers are intended to provide physical separation between existing agricultural uses and new, non-agricultural residential development. Creating such separation is intended to protect public health and safety by reducing noise, dust, odor, spraying, and other impacts that are normally associated with farming and ranching, and by doing so, may protect the agricultural operator from nuisance complaints.

##### **B. Applicability**

1. The residential/agricultural buffer requirement shall apply to all new residential structures and lots that do not qualify as agricultural housing and that are located within or adjacent to an agricultural or conservation zoning district or use. A residential/agricultural buffer is not required for “agricultural housing” as defined in this Code.
2. Where required, the buffer shall be placed and maintained on the residential lot (“buffer lot”).

##### **C. Residential/Agricultural Buffer Design**

The residential/agricultural buffer shall provide a barrier, separation, or combination of both between the agricultural use and the non-agricultural residential housing. The buffer shall be sufficient to reduce noise, spray drift, and dust; diffuse light; and act as a physical barrier to minimize conflict between non-agricultural and agricultural uses. Three types of buffer design may be acceptable, as follows:

###### **1. Adequate Existing Buffer**

Existing physical features, such as topography, water bodies, trees, hedgerows, or similar vegetation, may be utilized to serve as the residential/agricultural buffer. Such buffer shall be at least 50 feet wide.

###### **2. Constructed Buffer**

- a. A new physical barrier may be constructed to serve as the residential/agricultural buffer. Constructed buffers shall be:
  - b. At least 50 feet wide;
  - c. Shall incorporate a vegetative screening component (trees, shrubs, or berms) and may incorporate a solid, architectural, landscaped wall or fence; and
  - d. Described on a landscape plan prepared by a professional landscape architect or landscape designer.

###### **3. Setback Buffer**

An enhanced setback may be established to serve as the residential/agricultural buffer. A setback buffer shall provide a minimum separation of 200 feet between the non-agricultural residence and the agricultural use’s property line(s). The setback buffer may be reduced to no less than 50 feet from the property line by considering the following:

- a. The nature of the agricultural use and the potential for conflict between the agricultural use and the residential use due to potential impacts such as noise, dust, odor, chemical drift, and fire/smoke; and

- b. Whether an adequate existing buffer or a constructed buffer, as described above, or a combination of the two, will be provided that will achieve the buffer benefits described above.

**D. Structures and Uses Prohibited within the Residential/Agricultural Buffer**

Unless otherwise approved through the special review process, the following structures, uses, and/or features are prohibited within the residential/agricultural buffer:

1. Any structure used for human or animal habitation;
2. Home occupations;
3. Recreational uses; and
4. Outdoor spaces associated with a habitable use, such as decks, patios, or swimming pools.

## **New Section 4.12**

# **4.12 Water Quality**

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### **4.12.1. Purpose**

The purpose of this Section is to ensure that water quality impacts are addressed during the planning, design, construction, and post construction phases of developments and land disturbing activities in order to reduce or prevent water quality impacts by preventing the discharge of pollutants and illicit discharges to the local waters, irrigation ditches, state waters, and drinking water reservoirs.

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### **4.12.2. Applicability**

- A. The standards of this section shall apply to all development that:
    - 1. Meets the compliance thresholds established in §4.2, applicability.
    - 2. Is associated with a Larimer County Building permit within the County Municipal Separate Storm Sewer System (MS4) Permit Area.
    - 3. Includes any construction activity within the County Municipal Separate Storm Sewer System (MS4) Permit Area that is equal to or greater than one acre, or less than one acre but is part of a common plan of development, which is a contiguous area where multiple separate activities may be taking place at different times and schedules, but remain related. Construction Activity includes, but is not limited to, ground surface disturbances, clearing, grading, excavation, demolition, staging/storage areas, stockpiles, and borrow areas, excluding land disturbance activities associated with agricultural activities.
  - B. The standards of this Section are supplemented by:
    - 1. §4.13, *Supplemental Engineering Regulations*.
    - 2. Larimer County Stormwater Quality Ordinance
    - 3. Larimer County Municipal Separate Storm Sewer System (MS4) Permit Area found on the County website.
- 

### **4.12.3. General**

- A. The County Engineering Department will review and approve stormwater quality documentation outlined in §4.13, *Supplemental Engineering Regulations*, such as, but not limited to, disturbance area calculations and stormwater quality management design reports and plans, prior to:
  - 1. Final approval of an applicable development project that meets the thresholds established in section §4.2, *Applicability*.
  - 2. Issuance of a Larimer County building permit.
  - 3. Issuance of a development construction permit, land disturbance permit, or other similar permit for land disturbing activities.
- B. Developments shall comply with all county, state and federal water quality standards, including but not limited to, those regulating erosion and sedimentation, storm drainage and runoff control, nutrients, solid wastes, and hazardous substances and shall reduce or prevent potential pollution sources where feasible.
- C. Developments shall comply with the Larimer County Stormwater Quality Ordinance

through the construction and post construction phases of development.

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#### **4.12.4. Water Quality Management Documentation**

- A. Applicable developments shall submit the following documents, when applicable, addressing how water quality impacts will be addressed:
  - 1. A stormwater quality management report and plan as specified in the Technical Specifications and Supplementary Regulations Section of this Code, which further references the Larimer County Stormwater Design Standards.
    - a. The County stormwater quality documentation requirements include a stormwater quality management report and stormwater management plan that describes the construction activities, disturbed area, and addresses adjacent and downstream waters, and the design, selection, installation, implementation, inspection, and maintenance needs of the water quality control measures needed during and post construction in order to provide control of all pollutant sources and prevent degradation of state waters.
  - 2. An issued certification from the State Water Quality Control Division of the Colorado Department of Public Health and Environment for the Colorado General Permit for Stormwater Discharges Associated with Construction Activities.
    - a. A certification for Stormwater Discharges Associated with Construction Activity is required Statewide prior to starting construction for those projects that involve land disturbance in excess of state-specified acreage amounts.
  - 3. An issued Colorado Stormwater Permit for Industrial Facilities from the State Water Quality Control Division of the Colorado Department of Public Health and Environment
    - a. Industrial Use Permits must be obtained from the State, with associated the documentation and stormwater management plans, prior to operating an applicable Industrial facility.

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#### **4.12.5. Installation of Water Quality Control Measures**

- A. Appropriate Water Quality Control Measures must be installed correctly and maintain their function. The following is required to ensure proper installation and function of the control measures:
  - a. The applicant must perform routine inspections of the temporary, in-construction stormwater quality controls and address any inadequacies as needed during construction phase.
  - b. The applicant must submit as-built plans and a technical certification, stamped by a Colorado licensed professional civil engineer, confirming that the permanent water quality control measures, or systems, have been installed correctly and function properly.

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#### **4.12.6. Long Term Maintenance of Water Quality Control Measures**

- A. Water quality control measures must be maintained indefinitely by the property owner to ensure the long-term operation and function of the water quality control measure in order to

prevent or reduce the discharge of pollutants into State and local waters. The following documentation is needed:

1. Documentation of perpetual operation and maintenance procedures to ensure the long-term observation/inspection, maintenance, and operation of the control measures must be recorded prior to final approval of an applicable development.
2. Documentation regarding easements or other legal means for access of the control measure for purposes of operation, maintenance, and inspection of the control measure in perpetuity.

## **New Section 4.13**

### **4.13. Supplementary Engineering Regulations**

The following standards have been adopted by the County as supplemental regulations to this LUC:

- 4.13.1.** Larimer County Rural Area Road Standards (adopted October 22, 2007).
- 4.13.2.** Larimer County Urban Area Street Standards (repealed and reenacted April 1, 2007).
- 4.13.3.** Larimer County Stormwater Design Standards (adopted June 2005).
- 4.13.4.** LaPorte Plan Area Access Control and Roadway Design, (adopted February 23, 2004), including the following itemized sections:

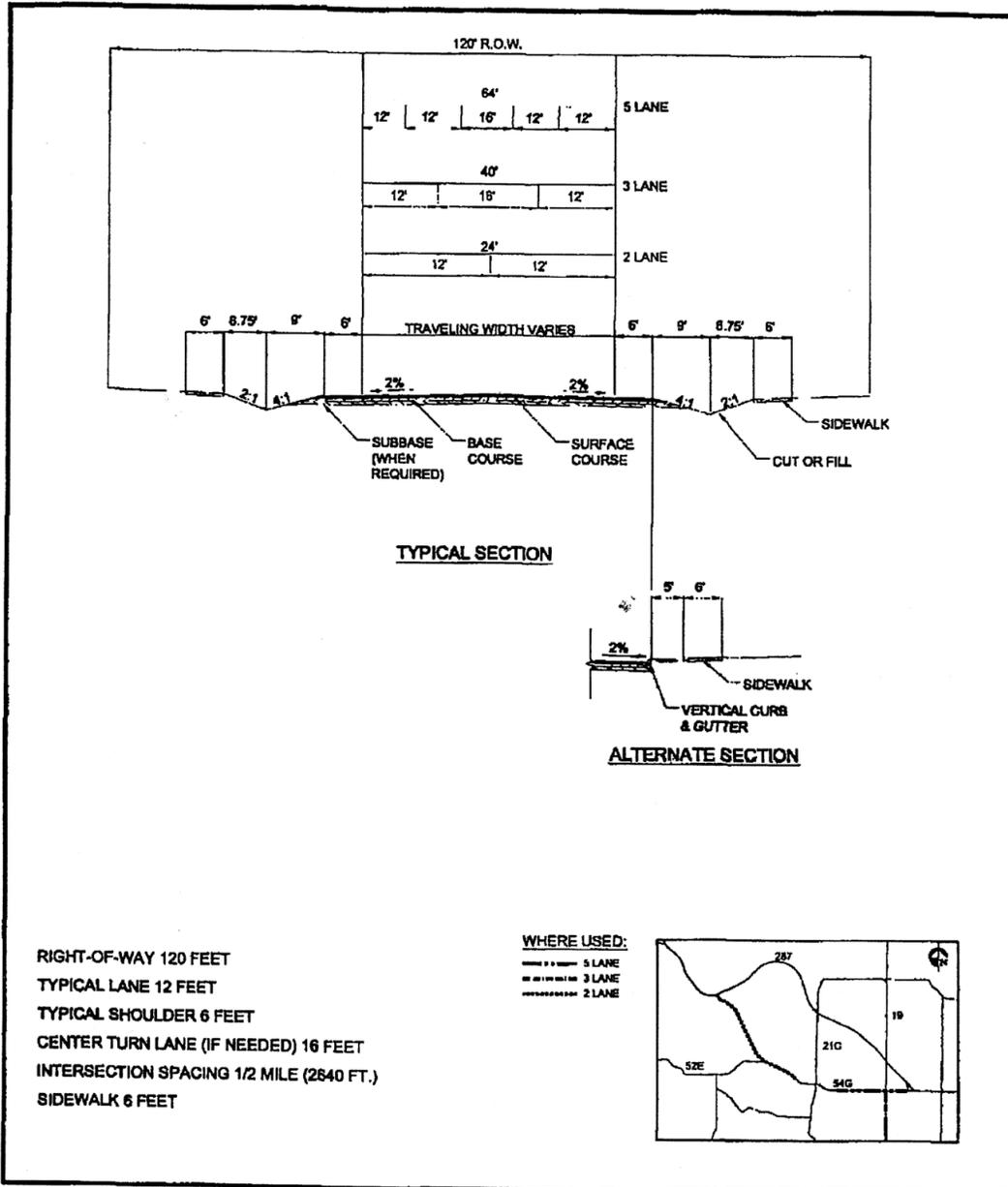
#### **A. Access Control and Traffic Circulation**

- 1.** New land divisions, rural land plans and/or site plans shall be designed and constructed to implement the access control and traffic circulation plan as shown on the LaPorte Area Plan Future Transportation Improvements Map.
- 2.** Land divisions, rural land plans and/or site plans pertaining to those properties affected by said access control and traffic circulation plan shall be designed such that access from County Road 54G or Taft Hill Road takes place only in the locations shown on the LaPorte Area Plan Future Transportation Improvements Map. The exact location of the access points along County Road 54G or Taft Hill Road and the right-of-way for said access points shall be determined by the County Engineer based upon the access control and traffic circulation plan. For those properties where it is not physically feasible to take access according to the plan, the county may allow an alternate temporary access point(s) as approved by the County Engineer until such time as access per the plan is physically feasible.
- 3.** At the time of final plat or site plan approval, for those properties affected by said access control and traffic circulation plan shown on the LaPorte Area Plan Future Transportation Improvements Map, public right-of-way for traffic circulation shall be dedicated in a final configuration that considers the map, the final plat or site plan for adjacent sites, the topography, drainage, floodplains and/or other physical characteristics of the area, and is approved by the County Engineer.
- 4.** Streets, roads, intersections, turning lanes, or other physical improvements included in the design of new development affected by said access control and traffic circulation plan shall be constructed at the time of development or, at the county's discretion, a fee-in-lieu shall be paid to the county.

#### **B. Roadway Design**

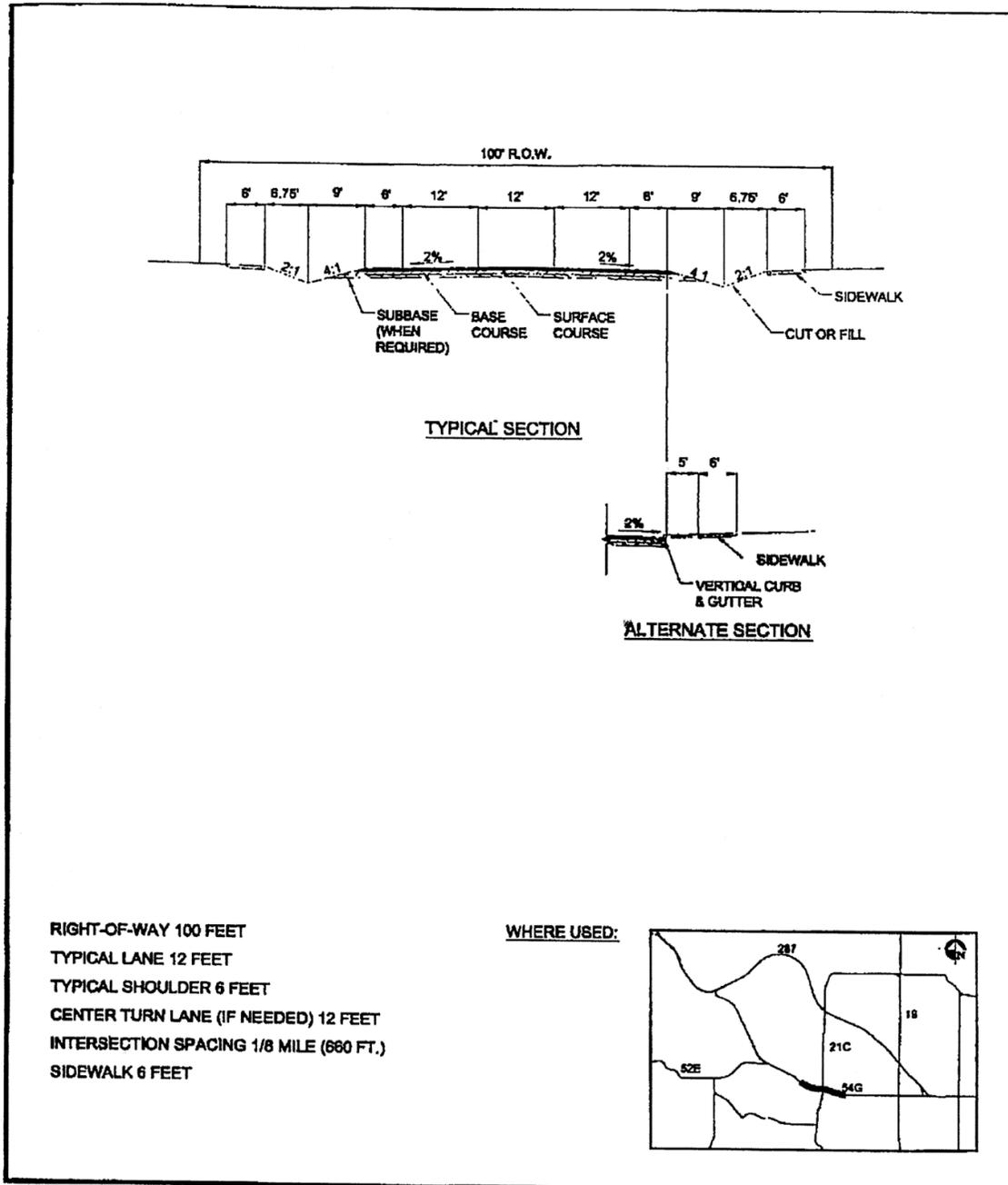
Street and road improvements shall be designed in accordance with the typical sections contained in the LaPorte Area Plan and detailed below:

# 1. Rural Arterial Typical Section



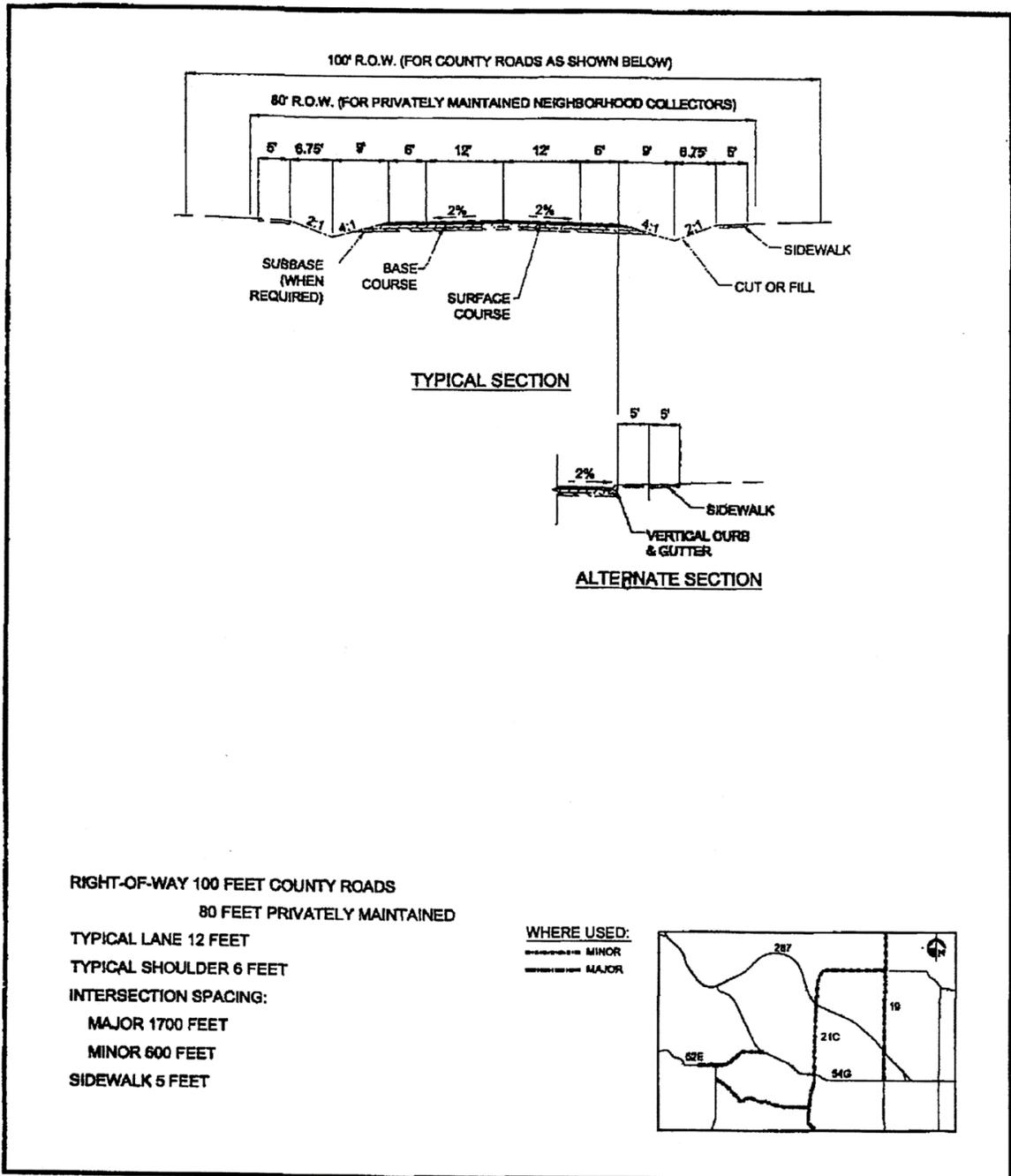
Rural Arterial Typical Section

## 2. Urban Arterial Typical Section



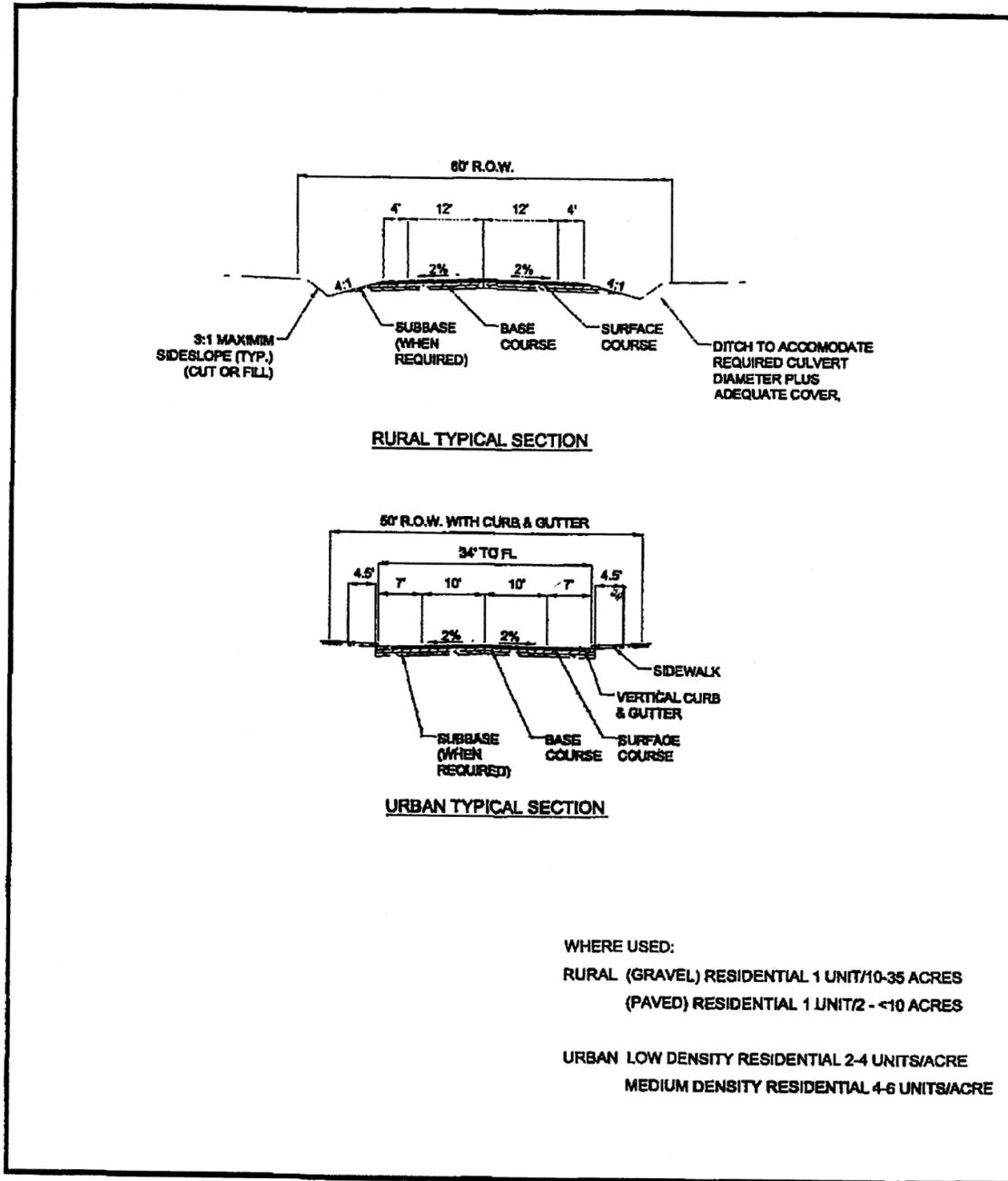
Urban Arterial Typical Section

### 3. Collector Typical Section



Collector Typical Section

### C. Local Residential Street Typical Section



### Local Residential Street Typical Section

## MEMORANDUM

**TO:** Matthew Lafferty, Principal Planner

**FROM:** Jim Gerek, ESAB Chair  
David Lehman, ESAB Vice Chair

**DATE:** 10/14/2020

**RE: ESAB comments on pertinent sections of the Land Use Code Update 2020**

In general, the draft Development Standards are an improvement over current versions, providing important reorganizations, as well as additional clarity and alignment. To provide further enhancements the ESAB encourages the following changes:

**4.3.6 Fire Protection** - In the 4.3.6.G *Fire Protection Plans* process for creating a site-specific plan when the more basic fire protection standards cannot be met, hazard and risk could be addressed by adding additional conditions to certain land uses, for example by prohibiting a fuel storage facility in a wildfire overlay zone. Also, special exemptions could be provided where enhanced climate adaptation measures were applied to the site plan such as Fire Resistant Landscaping Standards.

**4.4 Environmental Resource Standards** - Recommend adding to 4.4.2 *Wetlands* some administrative notification process, or enforceable permitting system, to provide oversight for work in and/or around wetlands. The code has many important rules about buffers and what work can and can't be done within a wetland, but there doesn't appear to be any type of enforcement process.

**4.4.3 Hazard Areas** - Recommend adding "flooding" to list of natural hazards in 4.4.3.A *Purpose*, and adding reference to the floodplain standards to be included later in Article 6.

**4.4.3 Hazard Areas** - In 4.4.3.M *Site Design for Wildfire Mitigation* the Site Plan for high hazard areas is left up to the discretion of the applicant and they are only held accountable after the development agreement is signed. The County should proactively adopt "Defensible



space regulations" following the NFPA Home Ignition Zone Checklist which define zones for the removal of vegetation and debris around the structure, and vegetation spacing and treatments to create a buffer between the structure and the surrounding wildlands. This should be a required standard and not left as a loose interpretation by an applicant.

**4.6 Off-Street Parking and Loading** - Recommend adding in 4.6.3.C *Construction Standards* the ability to use permeable pavement such as "permeable pavers", "permeable asphalt" and/or "permeable concrete". Also consider allowing these materials in 4.3.4.A.2.a.ii *Drainage* for stormwater conveyance, in lieu of only specifying concrete curb and gutter systems.

**4.9 Exterior Lighting** - Recommend adding language to 4.9.1 *Purpose* or 4.9.3.E *Light Fixtures* to encourage the general use of "energy-efficient lighting" wherever possible/practical.

**4.10 Air Quality** - Recommend adding additional cross-references to 4.10.6 *Compliance with Air Pollution Control Division Regulations During Operation* regarding compliance with new Larimer County O&G air quality regulations (i.e., Sec. 17.C.3), and to recent AQCC revisions to Regulation Number 7, which apply to new and existing O&G operations, including during pre-production, as well as other state regulations that may be more specific and/or restrictive than Larimer County's regulations.

**10.3 Other Defined Terms** - Recommend adding definition of "AAB" which is used without further definition multiple times in the Development Standards (Agriculture Advisory Board?).

**10.3 Other Defined Terms** - Recommend defining the term "utilities". Many references are made to this term in the standards but it is not specifically defined. Could be electric lines / transformers / metering / etc. or water lines / pump stations, etc.?

**13.1 Water Quality Management** - Recommend adding greater specificity in 13.1.3 *Minimizing Water Quality Impacts* regarding post-development ("occupancy phase") water quality standards with some measurable criteria. Some municipalities require water quality treatment systems or Low Impact Development (LID) so that 100% of the development site has water quality treatment. A 100% treatment goal might not align with the County's development objectives but having some specificity for "occupancy phase" water quality treatment would be admirable.

In addition, the November 2019 Land Use Code 2020 Assessment and Annotated Outline prepared by Clarion provided an important roadmap for enhancing the Larimer County Land Use Code. Many elements of this assessment are reflected in the current draft of the Development Standards. However, some elements are not readily evident.

- The Development Standards are missing any reference to the design standards by the American Society of Civil Engineers: *Climate-Resilient Infrastructure: Adaptive Design and Risk Management*. The addition of these references should be considered.
- The key recommendation (pg 56) regarding transfer of development rights (TDR) is admirable but we do not see much of this in the Development Standards document. TDR programs are designed to permanently protect open space and ecologically

sensitive areas, which can include areas of high hazard risk. When setting up a TDR program and drawing the boundaries of the sending area, Larimer County could consider protecting both areas that are of hazard risk (e.g., flood plains) and areas that play a role in mitigating hazard risk (e.g., wetlands) as has been done in other regional counties.

- In the Subdivision Standards (pg 79) the County should ensure the following three basic design criteria are clearly present: availability of affordable housing units; convenience of open space/conservation buffers; and specific density standards/definitions.
- Addition of the "solar ready" concept - What may seem like an update to the building code, "solar ready" has a place in the land use code as well while we transition from natural gas to statewide electrification and the use of more renewables. Other regional counties provide some great examples for amendments to the adopted Land Use Code that prepare new developments and their major alterations for "solar ready".

JMG 10/12/2020

## MEMORANDUM

**TO:** Jim Gerek, ESAB Chair  
David Lehman, ESAB Vice Chair  
Shelley Bayard de Volo, ESAB Liaison

**FROM:** Matt Lafferty, Principal Planner

**DATE:** 10/27/2020

### **RE: Response to EASB comments on pertinent section of the Land Use Code Update 2020**

Thank you for the ESAB comments on the Land Use Code Update 2020. The consultant team and staff have reviewed your comments and offer the following responses to your comments so that know how they are being addressed in the code draft.

**Comment: 4.3.6 Fire Protection** - In the 4.3.6.G Fire Protection Plans process for creating a site-specific plan when the more basic fire protection standards cannot be met, hazard and risk could be addressed by adding additional conditions to certain land uses, for example by prohibiting a fuel storage facility in a wildfire overlay zone. Also, special exemptions could be provided where enhanced climate adaptation measures were applied to the site plan such as Fire-Resistant Landscaping Standards.

**Response:** We will incorporate new language into 4.3.6.G.2.f as follows;

2. Fire Protection Plan shall include:

- f. Special plans/designs to address the existence and mitigation of wildfire hazards, which may include containment or limitations on the storage of volatile materials, fire resistance construction and landscaping, and other appropriate fire prevention measures.

**Comment: 4.4 Environmental Resource Standards** - Recommend adding to 4.4.2 Wetlands some administrative notification process, or enforceable permitting system, to provide oversight for work in and/or around wetlands. The code has many important rules about buffers and what work can and can't be done within a wetland, but there doesn't appear to be any type of enforcement process.

**Response:** This comment is already addressed in the code because when appropriately applied the wetland standards include required buffers that have been established to protect the resource during and after construction. Regardless, oversight of new development proposals near wetlands are reviewed in the development review process and protective measures are monitored during construction under the provisions of a development construction permit.



As a side note, the standards in Article 4, such as those addressing wetlands, are only applicable to new development. Additionally, they do not apply to the site improvements made to a property that is not subject to a development application. For example, the addition of a barn on a property not subject to the development review process, generally a use by right, could be built up to the edge of or even on the wetland, unless the site was part of a previous development application that buffered the wetland.

**Comment: 4.4.3 Hazard Areas** - Recommend adding "flooding" to list of natural hazards in 4.4.3.A Purpose and adding reference to the floodplain standards to be included later in Article 6.

**Response:** We will add flooding as recommended. Furthermore, we will provide a link to the flood plain regulations that will be added as a separate Article in the Code.

**Comment: 4.4.3 Hazard Areas** - In 4.4.3.M Site Design for Wildfire Mitigation the Site Plan for high hazard areas is left up to the discretion of the applicant and they are only held accountable after the development agreement is signed. The County should proactively adopt "Defensible space regulations" following the NFPA Home Ignition Zone Checklist which define zones for the removal of vegetation and debris around the structure, and vegetation spacing and treatments to create a buffer between the structure and the surrounding wildlands. This should be a required standard and not left as a loose interpretation by an applicant.

**Response:** Defensible space regulations have been adopted through the Building Codes and are administered at the time of building permit. All other wildfire standards and provisions are addressed in the development review process, and when necessary as part of a wildfire protection plan.

**Comment: 4.6 Off-Street Parking and Loading** - Recommend adding in 4.6.3.C Construction Standards the ability to use permeable pavement such as "permeable pavers", "permeable asphalt" and/or "permeable concrete". Also consider allowing these materials in 4.3.4.A.2.a.ii Drainage for stormwater conveyance, in lieu of only specifying concrete curb and gutter systems.

**Response:** Parking standards will be vetted in Phase 2 (2021) phase of the project. At that time, we will work with the Engineering Department to determine and refine the appropriate type and construction materials for parking areas. It is our intent that the standards, when considered, will be context specific so that areas where paving is not normal, alternatives will be available.

**Comment: 4.9 Exterior Lighting** - Recommend adding language to 4.9.1 Purpose or 4.9.3.E Light Fixtures to encourage the general use of "energy-efficient lighting" wherever possible/practical.

**Response:** We will add encouraged lighting types under General Lighting standards.

**Comment: 4.10 Air Quality** - Recommend adding additional cross-references to 4.10.6 Compliance with Air Pollution Control Division Regulations During Operation regarding compliance with new Larimer County O&G air quality regulations (i.e., Sec. 17.C.3), and to recent AQCC revisions to Regulation Number 7, which apply to new and existing O&G operations, including during pre-production, as well as other state regulations that may be more specific and/or restrictive than Larimer County's regulations.

**Response:** The current oil and gas regulations, adopted on April 6., 2020, are being incorporated in the code as a independent article and references are being added. Additionally, as required by the BoCC during the approval process, the oil and gas regulations will be revisited in 2021 to ensure alignment with the adopted State regulations.

**Comment: 10.3 Other Defined Terms** - Recommend adding definition of "AAB" which is used without further definition multiple times in the Development Standards (Agriculture Advisory Board?).

**Response:** References to the AAB are only found in commentary sections in the draft code. The final version the code will eliminate these commentaries and thus there is no need to define.

**Comment: 10.3 Other Defined Terms** - Recommend defining the term "utilities". Many references are made to this term in the standards, but it is not specifically defined. Could be electric lines / transformers / metering / etc. or water lines / pump stations, etc.?

**Response:** We will add a definition for "Utilities".

**Comment: 13.1 Water Quality Management** - Recommend adding greater specificity in 13.1.3 Minimizing Water Quality Impacts regarding post-development ("occupancy phase") water quality standards with some measurable criteria. Some municipalities require water quality treatment systems or Low Impact Development (LID) so that 100% of the development site has water quality treatment. A 100% treatment goal might not align with the County's development objectives but having some specificity for "occupancy phase" water quality treatment would be admirable.

**Response:** This question will be forwarded to the Engineering Department for their consideration as part of the water quality plans required with a development application or if necessary, as part of the current MS4 permitting process. We will keep you informed as we learn more.

**Comment:** In addition, the November 2019 Land Use Code 2020 Assessment and Annotated Outline prepared by Clarion provided an important roadmap for enhancing the Larimer County Land Use Code. Many elements of this assessment are reflected in the current draft of the Development Standards. However, some elements are not readily evident.

- The Development Standards are missing any reference to the design standards by the American Society of Civil Engineers: Climate-Resilient Infrastructure: Adaptive Design and Risk Management. The addition of these references should be considered.
- The key recommendation (pg. 56) regarding transfer of development rights (TDR) is admirable but we do not see much of this in the Development Standards document. TDR programs are designed to permanently protect open space and ecologically sensitive areas, which can include areas of high hazard risk. When setting up a TDR program and drawing the boundaries of the sending area, Larimer County could consider protecting both areas that are of hazard risk (e.g., flood plains) and areas that play a role in mitigating hazard risk (e.g., wetlands) as has been done in other regional counties.

- In the Subdivision Standards (pg. 79) the County should ensure the following three basic design criteria are clearly present: availability of affordable housing units; convenience of open space/conservation buffers; and specific density standards/definitions.
- Addition of the "solar ready" concept - What may seem like an update to the building code, "solar ready" has a place in the land use code as well while we transition from natural gas to statewide electrification and the use of more renewables. Other regional counties provide some great examples for amendments to the adopted Land Use Code that prepare new developments and their major alterations for "solar ready".

**Response:** Please note that the Land Use Code update is a two-phase project and some of the items identified in the assessment report will be addressed in phase two (2021) of the project. The project team will revisit the assessment report at the commencement of the second phase to identify those items that still need to be addressed, which should include the items raised above.

I hope that the responses adequately answer your comments. I am available to discuss these and any other issues at your convenience.

Respectfully,

Matt Lafferty, AICP

# **PUBLIC COMMENTS**

# Public Comments

**The following is a record of the comments received form LUC2020 web page starting in October 2019. The comments listed below have been taken directly from the emails received and have not been modified with the exceptions of typographical errors. The Community Development Department does not endorse any of the comments provided, we are merely providing transparency with the information we have received.**

Nov 14, 2019	Do not limit fracking beyond current regulations and areas.
Dec. 2, 2019	<p>Currently I have 2 neighbors out of a community of 8 running heavy equipment construction companies out of their homes. Using their property as a construction yard, storing equipment, having employees meet, starting as early as 5:30 in the morning loading and unloading equipment on semi-trailers and dump truck trailers or pick-ups with smaller trailers. Employees coming back and forth throughout the day to load and unload various equipment, from Track hoes, Loaders, compactors, backhoes, blade grader, skid steers to mini excavators with their dump trucks and semi's.</p> <p>Using their outdoor building as a maintenance shop for all of above mentioned equipment, also a meeting place in the morning for their employees.</p> <p>Currently the county rules allow them to park this equipment outside, however it must be 100 feet off the property line and screened from all sides. I don't believe there is a way to screen a semi with a lowboy trailer and a track hoe sitting on it. All this heavy equipment traffic traveling in and out of our community daily also tears up our road, which we as a community of 8 are required to pay for and maintain.</p> <p>My wife and I moved out to the country for peace and quiet, to enjoy the beautiful views of open space, mountains and wildlife that Larimer County has to offer, not to live next to a construction company with the unpleasant sights and sounds of heavy equipment and back up beepers.</p> <p>I would like the County to refine the standard to eliminate the ambiguities around running a construction business as a rural occupation.</p> <p>I do not believe a heavy construction company should be considered a rural occupation or a home occupation, and would like you to please amend the code to prohibit such uses, for running this type of business or storing this type of equipment for said business.</p>
Dec. 29, 2019	<ol style="list-style-type: none"> <li>1) I fully support the animal units calculations for animal densities in agricultural uses. I think this is a fair and equitable way to support regenerative agriculture as a use by right and allows usage to scale per property size</li> <li>2) I fully support the removal of the arbitrary lot size in the definition of farm, thank you for taking this into consideration.</li> <li>3) I like the idea of agricultural districts, are there some suggested locations where these would be set up, and what areas are those?</li> <li>4) I am not seeing how you will incorporate state statues regarding Right To Farm, as well as Poultry Processing, how will this be incorporated into the Land Use Code?</li> <li>5) Will the land use code for agriculture address the allowance for traffic? On farm sales are allowed on ag properties, traffic to support that should be allowed as well.</li> </ol>

	<p>It appears a lot of time, research and consideration has been put into these changes, I truly appreciate the efforts of the team! Thank you!</p>
<p>Dec. 30, 2019</p>	<p>I would like to see some changes made to the Canine Hobby Breeder Program. Having the misfortune of sharing a property line and a driveway with someone who had an illegal dog breeding business and is now doing hobby breeding, I realize that this program is not only vague but also difficult to enforce so there will always be people who abuse the program. It is nearly impossible to monitor the number of litters per year or the number of puppies or dogs being transferred annually.</p> <p>In the case of my neighbor, she also started a Guardian Home Program where dogs are transferred to forever homes but are still owned by the breeder and remain in a breeding program until they are five years old. The dogs in this program return to the breeder to be bred and then again to have their puppies. They remain with the breeder until the puppies are approximately seven weeks old. Then the female dog goes back to their guardian home and the breeder sells the puppies. This further muddies the guidelines of the program and allows hobby breeders to abuse the program by exceeding the annual litter limit and the number of dogs transferred per year. It also creates more work for code compliance personnel.</p> <p>Hobby breeders are not regulated and can use their entire property for their operation as opposed to a breeding facility that has to get special permission for their business and outdoor use. As you can imagine, a hobby breeder with 13+ adult dogs and a litter of puppies at any given time can cause quite a disturbance to the neighborhood because they are allowed outdoor use of their property. I deal with out of control barking dogs on a daily basis, which has drastically reduced my quality of life. I don't think it should be left up to the citizens or neighbors to have to continually file barking dog complaints, as it's time consuming, burdens taxpayers, and contributes to an already over-taxed court system.</p> <p>I am only allowed to have one horse on my property, yet my neighbor who has less property can have an unlimited number of dogs, up to 199! Does this make sense? It does not to me. Many counties do not have hobby breeding programs, instead they limit the number of dogs an owner can have on their property. Greeley, for example, limits the number of dogs over six months of age to four unless the property owner has 10 acres or more. I would like to see something like this put in place. It seems reasonable to have a limit on the number of pets someone can have to avoid disturbing neighbors. I also think that outdoor use should be removed or at least limited. I don't think my only recourse should be to file a private nuisance lawsuit against my neighbor that could cost approximately \$40,000.00!</p> <p>Having a shared driveway, I also have to deal with traffic from potential puppy purchasers, bookkeepers, mobile vets, dog food and dog supply deliveries, trainers, temperament testers, and on and on. I have had to call the Sheriff's Department because I couldn't access our shared driveway due to puppy purchasers blocking it. It's my opinion that the hobby breeder program should be eliminated and anybody wanting to breed canines should have to get special approval from the commissioners.</p>

Feb. 26, 2020	Will the Land Use Code be updated in such a fashion as to allow for alternative low-income housing measures like tiny home villages?
Mar. 13, 2020	<p>First, thank you for the opportunity to provide public comment.</p> <p>Please consider policy of additional regulations on CBD and hemp production above the ag zoning standards. I live in close proximity to a 5(ish) acre CBD/hemp grow facility. When we purchased our house 4.5 years ago it was a cut flower facility. Over the last few years, it has converted to 100% CBD/hemp production. The impacts have increased in correlation with the conversion.</p> <p>The primary issue is the smell. For over half the year, the smell is very noticeable. For a few months of the year it smells like a heard of skunks has our neighborhood surrounded. The smell comes in waves -usually when the hoop house fans are on- and significantly decrease enjoyment of spending time outside. They also grow hemp outdoors on an acre or so during the summer. Plants grow right up to our fence and to the ditch that separates the grow operation from Lincoln Middle School. We sometimes walk back on the Middle School property and they are certainly getting a strong dose of pot smell.</p> <p>The other component that makes CBD and hemp unique from other ag uses is the use of grow lights. Since CBD is such a high price crop, they can afford to use metal halide lights throughout the night in the hoop houses. This isn't as impactful as it once was because they now screen them with shade cloth, but they are still very bright and shine directly on our neighborhood.</p> <p>I fully support production of hemp and CBD in Larimer County, but ag zoning on it's own doesn't seem equipped to regulate its unique impact. Please consider policy to regulate smell (when in close proximity to residential) and light pollution.</p>
Mar, 30, 2020	<p>I'm writing because I live adjacent to an agricultural parcel which is owned by a CBD hemp business. The greenhouses are between 15 and 25 feet away from our property line, and the fans vent directly at our property, which means that for months out of the year, an extremely strong and unpleasant marijuana/CBD smell is forced directly to our property. Additionally, during the outdoor growing season, they plant outside directly behind our property up to within 6 feet of the fence, which also creates a very strong smell directly adjacent to our property. We are avid gardeners and spend lots of time outside in the yard working and relaxing, and this smell has significantly affected our time outside. Both my partner and I own small businesses run out of the house, so when there are weeks on end of this smell, it affects us all day. Furthermore, Lincoln Middle School is directly to the east, and with prevailing winds, this smell is carried directly over to the school. Thank you for the opportunity to comment on this issue and for working to help create solutions - as a facilitator I know issues like this are complex and I appreciate the chance to share my voice.</p>
Apr. 10, 2020	<p>I sometimes see horses and other livestock kept in very small, inhumane, enclosures. Please enact regulations to provide for humane treatment of these animals. (For horses 1/10 of an acre PER HORSE is considered a minimum, adequate area.) At the moment no agency is charged with seeing to the proper care of</p>

	livestock. Perhaps animal control could dedicate an officer to this position? All animals deserve humane treatment.
April 10, 2020	This is in regards to minimum enclosed space for individual horses. I believe the current land use space for horses is half an acre per horse but there is no code requiring an enclosed space for a horse, so an owner can contain their horse in any confined space they want if they technically meet the half acre per horse. An example of how this code is abused is the owner of Rusty May Saddle Maker on 6239 W. Highway 34 in Loveland. Although he has 2.46 acres, he is containing 2 horses in such a small area they don't have enough room to lie down. We desperately need a minimum required enclosure space per horse so they comfortably have enough room to move freely and to be able to lie down, and a code that can be enforced. Each individual horse needs at least 1/10th of an acre, or 4500 square feet. Please consider adding this to the Land Use Code 2020. Thank you very much.
July 9, 2020	This proposed land use code makes it MORE difficult for small land owners to raise any kind of live stock?? This is terrible and backwards! In this day of pandemic, when our giant supply chains are failing, causing basic supply and food shortages... we MUST support more local food producers. We need to de-centralize, not the opposite. Poultry operators need to be able to raise more than 50 birds - they need to have more like 1000 in order to have a scale that allows them to cover their own costs, much less make it profitable. Please don't put the small farms where I get the majority of my meat out of business!!
July 9, 2020	Please consider the variety of properties in our county when drafting code. Land owners should have the right to responsibly raise animals if they choose. Having access to local livestock promotes sustainability, higher nutrition, learning opportunities, and so much more for the residents of Larimer County. Please continue to allow 'back yard' poultry production and livestock production in our county.
July 10, 2020	The "Open" zone needs to have the same use designations as RR-1 and RR-2. The new definition for "Open" even states it is meant to "accommodate a wide range of development patterns" but then you take away my right to have a Green house, House farm labor, etc. Please at a minimum duplicate the current rights we have with RR-1 and RR-2 similar to the current FA,etc. and O shared rights.
July 28, 2020	In these days of Covid, one lesson we've learned is the disastrous consequences of too much consolidation in our food supply chain. This has been most evident in the concentration of our meat processing plants — of which only 4 plants in the nation handle the vast majority of our beef processing. This is a crazy, and clearly fragile system in the face of a pandemic making it dangerous for people to work side by side. We need to be distributing our food supply! MORE local, small producers. More local processors ( which I know we have). But the small processors need small producers to service. The land use code needs to allow people with small average to raise a reasonable amount of livestock / poultry so that they can make the effort profitable — NOT solely for their own consumption. I live in a town neighborhood. I have no way to raise my own livestock — I very much wish to purchase my meat and produce from people who live in my community and whom I know.
July 28, 2020	Small agriculture should be a land use by right. people should have the right to sustain themselves and their communities through locally sourced organic

	<p>agriculture. By siding with BIG AG and making it harder for small farmers and family units to support themselves through the land, you do a disservice not only to the current community but future generations when small family plots may be the only sustained sources of food. We need MORE and more diverse small "farms" interspersed with the barren grasses of suburbia and rural suburbs. Colorado has one of the largest CSA networks in the US and a clear propensity for locavorism. Larimer County should set the example for other Colorado counties as well as the country and world by encouraging the growth of urban farms and supporting people's clear desire to be more connected with our food and with our local small ag. This could also bring in significant business into Larimer county.</p>
<p>July 28, 2020</p>	<p>I am quite concerned about the initial drafts I've seen for the "updated" code, that agriculture and farming is actually going to be MORE limited in the new regulations. Larimer County has an incredibly strong and proud tradition of being PRO agriculture. However, with the farms being sold for houses and neighborhoods, we're now seeing the county bow down to the developers, and in my opinion, their own opinions about animals and farming in general.</p> <p>If we are to continue to promote our strong agricultural roots in this county, we need to ensure the code is aligned with our neighboring "right to farm" counties.</p> <p>The team must reconsider agriculture (poultry, livestock, and crop production) as a use by right in Larimer County.</p> <p>Please PLEASE ensure that we can grow our own food. If ever there were a time to do something to encourage farmers, COVID has definitely brought to light the inability of people to purchase and support their local farmers. Whether it be, a desire to purchase fresh butchered chicken or beef/lamb/pork. PLEASE ensure small Larimer County farmers can grow food for both themselves AND their neighbors. We need Larimer to ensure butcher shops can exist within the county also in addition to allowing on farm slaughter or animals (poultry, lamb, beef, etc.) to be able to sold to our neighbors.</p> <p>Please reconsider the animal units and align with our neighboring counties.</p>
<p>July 28, 2020</p>	<p>As a new farmer, and someone who values regenerative agriculture and animal husbandry, it is imperative that people like myself be free of unnecessary, restrictive and burdensome regulations that effectively lock out small producers like myself. Poultry isn't farming?!?! I would love to see the look on a farmers face when you told him that. The sky-rocketing demand for humanely and locally sourced poultry, will go unfilled, and worse off, may empower larger companies who have no care for an animals well being, to thrive on false claims of "Free Range" and "Pastured". Additionally, it is absolutely insane that Larimer County would not, at the very least, follow established guidelines that the State of Colorado, and the Federal Government, recognize and implemented for small flock producers. As a lifelong Larimer County resident, farmer, and citizen, I strongly encourage the Land Use code to be altered to recognize small flock poultry, in addition to other cottage industries and small farm/crop enterprises, as a use by right.</p>
<p>July 29, 2020</p>	<p>These were items difficult to understand which we'd like to be more clear.  1. Zoning Changes: RR-1 and RR-2. We would be in one of these categories, but the</p>

way it was explained in the document was highly confusing for us, because it indicates that the determining factor is well/septic vs public water/sewer. Our neighborhood, and many if not most surrounding us are on septic with public water. So how does that factor in? It seems like it might be better to simply do it by acreage, as there are many properties like ours.

2. Value-added agricultural processing (VAAP): If I am reading this correctly, it seems that small acreage properties could have a VAAP facility on their property. Does this mean that, essentially, health dept approved processing kitchens would now be allowed on residential properties if the residential facilities are processing their own raw materials? If not, I would request they consider it. The ability of small ag operations to process value-added items on their own property would be a boon to small business in Larimer County, allowing small producers to be more profitable and hopefully in turn supporting increased small businesses. It also lends itself to allowing for more localized food production and thus increased food security. The more a community can produce and process it's own food, the better off it is.

Same category, I am curious as to why no permit/review is required for "Limited" Classification whereas it is for "Medium" and "Large" when in some cases the building sizes and max traffic are the same.

Requested Changes:

1. VAAP - for limited producers, it says that 100% of raw materials are grown on site. It would make sense from a producer point of view to lower that to 80-90% as it is, by definition, almost impossible to do value-adds without additional materials that cannot be produced on site. For example, simply adding salt or water (or seasonings, or preservative stabilizers such as sugar) will immediately negate the 100% of raw materials rules. If that number is simply lowered to 90%, it keeps the spirit of the law (that everything being processed is locally grown - which is awesome) but allows for basic processing agents and food preservatives such as water and salt and many others to be used.

2. Animal use for small acreage: This was the most disappointing category of changes for us. In some instances, if I may say this respectfully, it seems that it was written by folks not at all familiar with or well-versed in agriculture.

We are an agricultural state and an agricultural county. We come from a long line of agricultural animal use. While we understand that areas are converting to residential, the presence of animals on properties does not have to be all or nothing. It is possible to maintain a rich animal tradition without causing nuisance issues for neighbors.

For any meaningful regenerative or sustainable farming, small amounts of animals need to be incorporated. Animals are used to compost food and plant waste, recycle nutrients to create self-sufficient systems, fertilize, aerate, and sometimes even till the soil and, incidentally, can also be food themselves. To eliminate all animals from small farms hamstring small farmer abilities to farm in

	<p>environmentally friendly manners and cuts off a potential line of income for farmers. Small herds/flocks of animals can absolutely be kept on small acreage without being a nuisance. Specific requests as follows:</p> <p>CAFOs - It seems odd that CAFOS would only have two designations, medium and large and "medium" would begin at one animal. By definition CAFOs are "concentrated." One animal (or 2, or 3 or 5 or even more) does not constitute "concentrated."</p> <p>We would request that an entire additional category be added, outside of the CAFO category that allows for small herds of animals to live on small acreage. It would be completely reasonable to set limitations on animals as well as expectations around structures and cleanliness, but those should be guided by research on animal density on sustainable small farms, not research on CAFOs as the two structures are entirely different and produce very different results. Sustainably raised small herds do not produce the nuisance side effects common with CAFOs.</p> <p>Poultry rules are even more baffling. The limitation of backyard poultry in unincorporated county to only 6 hens is extremely low, especially considering so many properties with acreage in the area. A small coop can easily house up to 25-30 birds without producing any nuisance whatsoever. In a time where people increasingly want to know where more of their food comes from and raise what they can, it seems like allowing larger backyard poultry flocks would be an easy concession with minimal to no impact on residential areas.</p> <p>The definition of a "small commercial poultry farm" is, in the entire proposal, the most baffling. Where did the math come from on this? Raising 50 birds is not a commercial operation in any way. It's enough to feed one family for one year, nothing more. Small poultry operations should be raised to (at least) a minimum of 500 birds, ideally 1,000 to be in line with state guidelines. We could see it including limitations on how many birds at one time, with the max annual limit, but to say that a commercial operation can exist with only 50 birds is unrealistic. Again, guidelines around structures and cleanliness are absolutely reasonable.</p> <p>It is worth nothing in the poultry vein that there is not a single USDA approved poultry processing facility in the state. If Coloradans want access to local poultry, the guidelines on this must be loosened.</p>
<p>Aug. 1, 2020</p>	<p>I live at 205 W. 51st St. Loveland ...our neighbor that lives at 213 51st st. Has 4 sheep and 8 chickens and 3 ducks 2 dogs in a residential neighborhood and there is currently no regulation regarding having livestock in the county.. the smell and rodent problem is bad and it is affecting all the neighbors in surrounding area. They have talked about getting pigs too. Please help write enforcement for Larimer county and if anything can be done about this nuisance please help.</p>
<p>Aug. 2, 2020</p>	<p>My comment is in regard to 18.3.5 (c) Vacation and recreational use of recreational vehicles. A recreational vehicle may be located for recreational or vacation purposes subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Recreational vehicles located for occupancy outside a recreational vehicle park or</li> </ol>

	campground for a period not to exceed 180 days in any 12-month period do not require a permit.
Aug. 5, 2020	<p>My comment is in regard to 18.3.5 (c) Vacation and recreational use of recreational vehicles. A recreational vehicle may be located for recreational or vacation purposes subject to the following conditions:</p> <p>1. Recreational vehicles located for occupancy outside a recreational vehicle park or campground for a period not to exceed 180 days in any 12-month period do not require a permit.</p> <p>This is a grey area that myself and my neighbors have been dealing with (Hummingbird Lane and River Hollow Lane) as there are some vacant unbuildable lots located along the Big Thompson River that are being rented to RVs for 6 months at a time. 6 months is not vacation or recreational, rather short term renting.</p> <p>In our situation, there could be up to 5 RVS in a small area (less than an acre), so basically an RV park with no regulations or manager oversight. I have to believe this was not the intent of this section of Code. These lands and lack of clarity in Code should not be used as a get around to RV Park regulations.</p> <p>The number of Code complaints, especially this year is likely enough to show the issues we have been having (Tony has been working with the neighbors).</p> <p>Please update this section to ensure only the landowner themselves are able to use the land and for a period not to exceed 2 consecutive weeks (in a 6 month or 12 month period). This aligns with other County regulations and would ensure lots are truly used for vacation purposes while not allowing enough time for junk to accumulate.</p>
Aug. 7, 2020	Please make it possible for small farms to sell locally grown, free-range poultry! We know that it's better for the environment than large-scale poultry factories, it's more ethical and humane for the birds, and the meat and eggs it produces is healthier than the mass-produced, hormone-laden chicken that fills the grocery stores. (AND it helps support local farmers!) We know that "farm to table" is better all around, so please help make that possible.
Aug. 7, 2020	I support ag in our county and encourage small farms as a use by right in rural areas.
Aug. 7, 2020	No livestock use in Zone O.... And special review required for all others...?! Is this LUC Draft some kind of sick joke? The demand for locally sourced food from small, transparent, CLEAN, sustainable, family farms, has never been higher and is skyrocketing, and Larimer County thinks it's smarter to further restrict use?! This is appalling... I do hope that the final version takes in to account farmers desire to make a living, and listens to the small, rural farming community..
Aug. 16, 2020	I support poultry as a use by right in rural areas!!!! I just bought this house in November Of 2019, I was looking for something zoned agricultural because of my love of farming. If I wanted to live in a city I would have moved to a larger one, if I wanted to live in a development I would have bought a house in one of the new developments in Berthoud. Instead I spent a lot of money to get a house with some land to grow vegetables and farm meat for myself and potentially as a business. I did not spend as much as I did on this house to have our community change it's regulations based on complaints or for big developments to start coming in

	<p>especially only months after I purchased the house. It clearly states on the Larimer county Website that you are responsible as a buyer to be aware that this is an agricultural community and “smells and noise are normal” we can not become a society that just adheres because we are tired of the complaints or because we want money! I have a right as a young American to grow and raise my own food! I am a respectful neighbor but I’ve already been threatened and lied to in an attempt to get me to not farm meat and it’s unacceptable! A neighbor told me there was a covenant after I had some animals grazing on my land. He cursed and screamed in front of a child but his complaints have made noise for other neighbors and he’s got other neighbors on his side. Its childish and I will not sit here and let bored people dictate to me how I can use my property simply because they don’t have anything else to do and they want to feel powerful! I deserve to use my land for what I paid 600,000 dollars for! There are millions of Americans out of work and starving and this community cares more about silencing the complaints than potentially opening things up for business and helping our community and neighbors eat! And or other communities that don’t have the land or the agricultural zoning laws to be able to help themselves.</p> <p>“Colorado is a "Right-to-Farm" State pursuant to C.R.S 35-3.5-101, et seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds, and smells of Larimer County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy agricultural sector. Those with an urban sensitivity may perceive such activities, sights, sounds, and smells only as inconvenience, eyesore, noise, and odor. However, State law and County policy provide that ranching, farming, or other agricultural activities and operations within Larimer County shall not be considered to be nuisances so long as operated in conformance with the law and in a non-negligent manner. Therefore, all must be prepared to encounter noises, odors, lights, mud, dust, smoke, chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, and one or more of which may naturally occur as a part of legal and non-negligent agricultural operations”</p> <p>This includes poultry! This means tell those people who complain about petty things to refer to this! It also includes dogs barking to protect live stock! I’ve heard Larimer county can require dogs vocal cords to be removed after several complaints and that’s disgusting! Dogs are a necessary part of protecting livestock!</p>
Aug. 16, 2020	I support poultry as a use by right in rural areas, as well as raising other livestock.
Aug. 16, 2020	I support poultry as a use by right in rural areas.
Aug. 18, 2020	<p>We live on five acres zoned RR. We chose it 30+ years ago because it allowed us to have horses, 4-H project animals, poultry, and bees. We are .25 miles from Weld, which allows much greater land use freedom. I don’t think Larimer should be Weld, but the new regulations are more prohibitive than Boulder, especially for poultry. I love the character of our neighborhood, which is full of small homesteads.</p> <p>Tightening restrictions will not lead to better quality of life for residents. It will lead to more food insecurity, less opportunity for kids to learn about agriculture, and less freedom for those of us with small farms to experiment and improve. Please consider Larimer’s robust agricultural heritage in your rezoning efforts.</p>

Aug. 18, 2020	<p>the new regulations are more prohibitive than Boulder, especially for poultry.</p> <p>Tightening restrictions will not lead to better quality of life for residents. It will lead to more food insecurity, less opportunity for kids to learn about agriculture, and less freedom for those of us with small farms to experiment and improve. Please consider Larimer’s robust agricultural heritage in your rezoning efforts. We do not want more restrictions.</p>
Aug. 24, 2020	<p>Please allow us to sell meat birds. Pastured poultry is a great inexpensive option for us homesteaders to help fund our dream of being sustainable. There are so many doors that can open for the small farmers, if you allow them ease of entry. I can not afford bigger livestock, but I can build up to it if allowed to start with Pastured Poultry. Also - why pastured poultry is not considered livestock, and we also can not be considered an Ag Property is perplexing.</p>
Aug. 25, 2020	<p>The Larimer County Board doesn't seem supportive of poultry. I support poultry as a use by right in all rural areas of Larimer County (and throughout the state, country and world), including the allowance of butchering on farm for small flocks. The USDA and the State of Colorado allow up to 1000 birds per year to be butchered on site without oversight from the USDA. We want the same for small farms (especially since there are few to no processors available for small farmers!) A strong Right to Farm statute as well as allowing agriculture as a Use-By-Right shuts down neighbor complaints and ensures local access to food sources. It feels as though the Larimer County Board continually treats small ag as a nuisance and seems as though you want to push it all into other areas. it's really disheartening. It's hard to not feel like you are only interested in projects that make money - like development, and expensive rezoning projects and special reviews. And there is yet to be a clear and valid reason why you treat poultry different than 4 legged livestock, which is a use by right. 10 animals per acre! A small 6 acre hobby farm can put 60 cows on the farm, but no chickens! One has significantly more negative environmental and nuisance impact than the other. NO FARMS NO FOOD, but also need diversified farms and low impact animals- allow poultry as part of the USE BY RIGHT and make it easier and be more supportive of small farms- they are the only hope for the future!</p>
Aug. 25, 2020	<p>The land owners on this parcel request the county open up the opportunity for short term and long term rental dwellings to provide more low income housing in Larimer County. We would like to see Farming Zones recoded to allow rental dwellings all under the same ownership. Such requirements as one story, no more than 800 sq ft, no basement, and single family short term or long term use all seem appropriate.</p>
Aug. 26, 2020	<p>We are interested in processing no less than 100 meatbirds on any given day on our farm, to store for future use for our family. An inalienable right to know where our food is grown, how it is grown and how it is slaughtered belongs to my family. Please consider small family farms to operate within the new zoning to a 100 bird per day allowance as a right for sustenance. Thank you for your consideration.</p>
Aug. 27, 2020	<p>I support Poultry as a right by use, please make it a part of the agenda.</p>
Aug. 27, 2020	<p>I support poultry as a use by right in all rural areas of Larimer, including the allowance of butchering on farm for small flocks. The USDA and the State of Colorado allow up to 1000 birds per year to be butchered on site without oversight</p>

	from the USDA. I want the same for small farms (especially since there are few to no processors available!) NO FARMS, NO FOOD
Aug. 28, 2020	As a resident in Larimer county, I support small scale, commercial poultry operations. Furthermore, I believe small farmers should be allowed to raise and breed poultry, sell live poultry, sell eggs, and according to state and federal law, be able to process that poultry on their farm to sell meat to local consumers. As a Health and Wellness Coach and Holistic Nutrition professional I believe this is critical in order to provide individuals and families with access to clean, healthy, local food sources and food security. There is no reason we should not have the freedom to support our agricultural heritage in this county. This should be a use by right, just like raising other livestock and crops.
Aug. 28, 2020	It is ludicrous that people aren't allowed to sell eggs from their home coop. This is a historically rural, agricultural community and to shred even the thinnest of vestiges of that in the name of whatever excuses city folks are cooking up these days is an insult and unacceptable. People should have the option to buy small, buy local, and sure - let people know the risks if you must but don't strip buyers and small sellers from that freedom.
Aug. 28, 2020	LUC2020: Citizens need to be able to purchase fresh eggs from healthy chickens. Please change this rule
Aug. 28, 2020	How are chicken related sales in violation of the Land Use Code when Larimer county owns land that is being used for small farms that raise chickens? Also, our county is historically an agricultural county. We have already lost most of that history - may as well re-write the history of CSU and its contributions to the farmers of the area. This is unacceptable.
Aug. 28, 2020	Please support small farmers by letting them butcher chickens and sell eggs from their farms! This is such a great asset to be able to do this.
Aug. 28, 2020	I cannot believe that it is now a violation of Larimer County Land Use Code to have chickens and sell their eggs. During COVID, a local chicken lady helped provide eggs to my family since all the grocery stores were completely out. We need to be supporting these individuals rather than making them into criminals. Small scale commercial poultry should be as a use by right in rural zones.
Aug. 30, 2020	<p>The current draft of the Land Use Code is lacking in addressing agricultural slaughter and process of farm animals. I would like to see the draft revised to include the following Accessory Use for Meat and Poultry Processing:</p> <p>Accessory Meat or Poultry Processing</p> <ol style="list-style-type: none"> <li>1. Definition: The processing of meat and poultry, including but not limited to the butchering, cutting, dressing, and packaging of meat and poultry products. Accessory includes: <ol style="list-style-type: none"> <li>a. Poultry or rabbits up to 50 per day</li> <li>b. Sheep or goats up to four per day</li> <li>c. Pigs up to two per day</li> <li>d. Cows or equivalent up to two per week</li> </ol> </li> <li>2. Districts Permitted: By right in RNR, FA, FO, ACE, RR-1, RR-2, O</li> <li>3. Parking Requirements: none</li> </ol>

	<p>4. Loading Requirements: none</p> <p>5. Additional Provisions:</p> <ul style="list-style-type: none"> <li>a. All animals allowed for this accessory use must be raised on-site</li> <li>b. The facilities associated with the use can be mobile or permanent</li> <li>c. Must meet regulatory requirements of other agencies</li> <li>d. Must also meet all applicable Additional Provisions for backyard composting and composting incidental to farming operations</li> <li>i. Materials to be composted for this accessory use also include animal carcasses, blood, and other animal by-products</li> <li>e. Structures or area permissible for the use: <ul style="list-style-type: none"> <li>i. Cooler – no more than 100 square feet</li> <li>ii. Butchering area no more than 120 square feet</li> </ul> </li> </ul>
Aug. 30, 2020	I support small, local poultry businesses. Please don't make non-commercial sales illegal! Supporting small businesses means micro businesses too.
Aug. 30, 2020	I support small scale commercial poultry, as a Use by Right in rural zones, and would like to see this change happen. I love to be able to get local, fresh eggs from my friend's business.
Sept. 9, 2020	<p>I believe there is a gap in agricultural allowances for the raising and selling of poultry in Larimer County. I would like to request that Larimer County consider allowing commercial poultry at 200 birds per acre as a use-by-right for zones that allow agriculture and farming.</p> <p>Chickens, turkeys, ducks, guinea fowl, quail, etc. do not have a designation like livestock that allows a specific quantity to be raised for commercial purpose as a use by right. Any small operation needs to have a Special Review, regardless of the quantity. I would like to see Larimer County allow poultry, like other livestock, up to a limited amount as a Use By Right. The Special Review process is time consuming and the cost is a barrier to entry for small poultry operations.</p> <p>I am unsure what the concerns are about poultry, but do recognize that there is a big difference between a large, industrial poultry operation that may house tens of thousands of birds in a confined building, and small, pastured operations that have uses that are beneficial not just for the products the farmer can sell, but also for regenerative agriculture and symbiotic relationships with other livestock and crops.</p> <p>As a reference, our neighboring counties are all friendly to poultry operations as a use by Right. Grand and Jackson Counties have relatively open land uses for similar zoning districts in their county, and don't clearly define animal limitations. Boulder and Weld counties both have developed a calculation for allowed animal units per acre, on properties zoned similarly to Larimer County Zones that currently allow farms. Though their approach is different in the calculations, they both, effectively, allow 200 chickens per acre for Zones that otherwise allow agriculture.</p> <p>My request is that Larimer County allow small poultry farm operations to operate as a Use By Right, alongside other livestock operations, leaving larger commercial operations to require a Special Review. This would still require oversight for large</p>

	<p>operations. Smaller operations don't require buildings that require permits, nor do they create amounts of dust and manure and other contaminants that require a review on how those operations would manage their inputs and outputs.</p> <p>On top of our neighboring counties already allowing small scale poultry as a Use By Right, the State of Colorado has shown its support for small agricultural enterprises.</p> <p>The Cottage Food Act , SB 12-048 established the right for small producers who meet the requirements to be free from the extra regulations required for commercial kitchens, retail licenses and other barriers for small businesses. The impetus here was to allow economic growth while providing access to fresh, local foods in our communities. This has removed some barriers to starting a business for small operations looking to sell eggs direct to consumers.</p> <p>HB 15-1102 extended the Cottage Food Act, and allowed pickled products with a pH less than 4.6 to be added to the original list that included eggs, jams, jellies, dried herbs, baked goods and more. This is another step for Colorado to support smaller agricultural operations and allowing more products for them to sell.</p> <p>SB 16-058 saw that Colorado adopted the USDA Small Farm Exemption on poultry processing, allowing 1000 birds or less to be processed on site, where the birds are raised, without USDA oversight, an exemption the USDA has held for many many years with poultry. Restrictions include sale directly to the consumer, no interstate commerce, and the processed birds must have been raised on the same farm, among other record keeping and labelling requirements.</p> <p>The State of Colorado is recognizing the importance of the small, family farm, of local food products and a developing economy for small farmers and ranchers. Our neighboring counties agree.</p> <p>I would also like Larimer County to recognize the Federal USDA Small Farm Exemption, that the State of Colorado has accepted to allow poultry farms to process 1000 of their own birds, or less, on site, per the requirements of SB-16-058. The state has determined this is not a food handling risk. So I am unsure why zoning thinks this is detrimental to our lands zoned for all other forms of agriculture.</p>
<p>Sept. 14, 2020</p>	<p>I would like to comment on the proposed Larimer County land use code with respect to section 3.4.8. I own Bee Squared Apiaries, a 100 colony beekeeping business that is my primary source of income. I reside in southern Larimer County—outside of Berthoud. My hives are located on multiple properties from Denver to Wellington. In addition, I am the past-president of the Western Apicultural Society, the Colorado State Beekeepers Association and the Northern Colorado Beekeepers Association. I am currently co-chair of People and Pollinators Action Network and also serve as vice-president and treasurer of the Pollinator Stewardship Council. I feel that I have solid expertise on the subject of bees and beekeeping and that my suggestions have merit as a result.</p> <p>I sent the following to Jenn Cram in February—before the code was available for comment:</p>

1. Beekeeping by right--It is difficult for me to discern the difference between the old code and the proposed new code. On page 63, it states that beekeeping is an accessory use. Does this mean that some sort of review process is supposed to be undertaken to plop a bee hive in your backyard if you are on an agricultural property? If so, that's silly. I believe that beekeeping should be allowed "by right" since there are bees all over anyway and having a review process for a bee hive is a waste of both citizen time and County time.

2. Density restrictions--There is a single line of County beekeeping code that I put in years ago with respect to density. This was the direct result of the O designation with a large beekeeping operation being located right next to a residential development. I believe that this density restriction will serve the County well in the future, too. There really is such a thing as too many beehives in one place.

3. Farm definition--The current definition of a farm as a 3 acre minimum lot size should most definitely be updated. I manage 15 hives on my property and it is 2.5 acres. The Federal government has several "farm" programs where the criteria to be a farm is described as \$1000 worth of on farm income to qualify. Perhaps this is an option for the County to consider in its simplification procedure.

4. Ag exemption--Finally, I have probably 3 calls a year from people interested in setting bee hives on their property in order to qualify for an agricultural exemption. I am not sure how the ag exemption works, but my recollection is that bee hives do not qualify as ag exemption criteria. Establishing that criteria may be of value to both beekeepers and land owners. There is too little land available for bees to forage due to urban sprawl, the lack of flowering field margins in "edge-to-edge" plantings as well as an aggressive and poorly thought out weed management program. Perhaps an ag exemption criteria for bee hives could be established as part of this process.

Here is the pertinent section of the proposed LUC2020 code.

#### 3.4.8. Additional Standards for Accessory Urban Agriculture

##### A. Apiary

1. Hives. All bee colonies shall be kept in removable frame hives, which shall be kept in sound and usable condition.

2. Water. Each beekeeper shall ensure that a convenient source of water is available at all times to the bees.

3. General maintenance. There shall be no outdoor storage of any beekeeping or hive materials that are not being used as part of a hive.

4. Queens. In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation, it shall be the duty of the beekeeper to requeen the colony.

5. Colony densities: No more than the following number of colonies may be kept on any lot, based upon the size or configuration of the lot on which the apiary is situated:

a. On lots of 15,000 square feet or less — four colonies are allowed.

	<p>b. On lots of more than 15,000 square feet — two additional colonies are allowed for each 7,500 square feet in excess of 15,000 square feet.</p> <p>c. For each two colonies allowed under the colony densities, subsection (a) above, there may be maintained upon the same lot eight temporary nucleus colonies. The hive structure shall not exceed one standard nine and five-eighths inch depth ten frame hive body with no honey super(s) attached as required from time to time for management of swarms and for rearing of queens. Each such temporary nucleus colony shall be disposed of or combined with an authorized colony within 30 days after the date it is acquired.</p> <p>6. An apiary consisting of more than 75 colonies shall maintain a distance of at least 200 feet from any property line.</p> <p>Further comments on LUC2020:</p> <p>I remain concerned that there is no "beekeeping by right" specified in agricultural zones. In fact, the only mention of apiaries is in the context of Urban Agriculture.</p> <p>Item #6 in the proposed land use code is a carryover provision from the current land use code that was inserted at least a decade ago, at my behest, due to a commercial beekeeping operation setting hundreds of bee hives just outside of a residential neighborhood resulting in considerable conflict. I still support its inclusion in the revised code. Further, I would like to state that, to my knowledge, there are no other counties within the state that have any apiary standards. If there are standards at all, it is the municipalities that have them. The proposed code is simply cut and pasted out of FC municipal code and has no real reason to be in the County code at all.</p> <p>Perhaps beekeeping/apiary management should be included in Section 9.2.C?</p> <p>I remain concerned that there is no criteria for Ag Exemption nor is there a clear statement that beekeeping is disqualified from an ag exemption (and why).</p> <p>Thank you all for your time and energy on this process. I will also post this to the public comment page.</p>
<p>Sept. 22, 2020</p>	<p>I want to make it clear that i feel pastured poultry should be a use by right like all other livestock in this county.</p>
<p>Sept. 26, 2020</p>	<p>Our current Land Using Zoning is FA-1 which, if I read the draft correctly, is being changed to RR-2. The draft Use Regulations are taking away RIGHTS we currently have with FA-1 such as Apiary, Tree Farm, Packing Facility, Laying hens and Farm Stand. Greenhouse or Nursery and Small Solar Energy Facility Building Mount will remain a Right but with new Use-Specific Standards.</p> <p>These are sweeping changes that few know about. These changes are tone-deaf to the times we live in. Those with FA-1 zoning should be producing more not less, if not for sale then for the Food Bank. We need to produce more food locally. Changing a RIGHT to an ACCESSORY USE and requiring Administrative or Special Reviews becomes either an impediment or unenforced.</p>

	<p>We are OPPOSED to any change that removes or modifies a Right or changes it to Accessory Use.</p> <p>If someone does not want to live near farming activities, there is an abundance of Urban and Rural communities with HOAs to regulate use by the people that live there. Larimer County should not be taking away our Land Use Rights.</p>
Sept. 30, 2020	<p>A notice on the contemplated revised Land Use Codes needs to be MAILED to every affected property.</p> <p>A friend forwarded the LC Connection email with the notice about the Open House on the New LUC. It is a mischaracterization to say the new codes are simply to simplify zoning. FA-1 is having Rights removed. Perhaps the other zoning codes are as well. Most people have no idea this is happening.</p>
Oct. 1, 2020	<p>I am a person with severe food restrictions and part of staying healthy for me is eating organic, pasture raised chicken. It was a disappointment to me to learn recently that local farms are not allowed to sell poultry meat in Larimer County. As a single mom who works full time while facilitating remote learning for my kids, I am on a shoestring budget. Organic poultry from the grocery store is something I can seldom afford, which means going without one of the few foods my body can easily digest. Please change this restrictive, unnecessary, and unfair policy that caters to corporate interests, not the well being of our community.</p>
Oct. 11, 2020	<p>I much prefer to purchase organic and free-range poultry products from small family farms located in unincorporated areas of Larimer County. Please do not legislate them out of business!</p>
Oct. 12, 2020	<p>What may seem like an update to the building code, "solar ready" has a place in the land use code as we transition from natural gas to statewide electrification and more renewables. Boulder provides some great examples for amendments to the adopted Land use code that prepare new developments and major alterations for "solar ready" - see link below. I would like to submit the suggested addition, however I'm not sure where in the document this might fit. can you suggest how I might advocate for this addition; can can draft suggested language if that is simpler.</p> <p><a href="https://assets.bouldercounty.org/wp-content/uploads/2018/12/resolution-2018-118-dc-18-0002.pdf">https://assets.bouldercounty.org/wp-content/uploads/2018/12/resolution-2018-118-dc-18-0002.pdf</a></p>
Oct. 15, 2020	<p>Small poultry farms should be a use-by-right just like other livestock operations!</p>
Oct. 16, 2020	<p>Please let small poultry farms like "Long Shadow Farm " be a use-by-right just like other livestock operations. Would love to buy from a local farmer. Deeply appreciate it.</p>
Oct. 19, 2020	<p>Hi All -- I have been searching for local, regenerative farms to provide our turkey for Thanksgiving as well as meat, dairy, etc on a regular basis. This ability to provide for the local community is imperative to not only the community but the earth. i recently came across a few farms that are not able to sell their turkeys locally because of the land codes. It seems it is time to revisit those codes and allow local farms to provide the food the community needs.</p>
Oct. 21, 2020	<p>It appears that the county is going to actively coerce, encourage property owners in the GMAs to annex into the contiguous city.</p>

	2.7.3 #3, 4, and 6 clearly indicate this. What about those of us who are contiguous to the city, but our land use is not in compliance with the cities plans for our area? Are we to lose the right to use our land as we currently are?
Oct. 22, 2020	Small poultry farms should be a use-by-right just like other livestock operations. Let your residents raise a few chickens and turkeys for the community. We miss our local thanksgiving turkey!
Oct. 24, 2020	Please allow small, pastured poultry operations to operate just like other livestock operations.
Oct. 25, 2020	We need more small farm who can raise nice clean( no hormones, antibiotics, corn or soy) pasture raise turkey!! Big corporations selling awful poultry. We need to support small farmers who can do better jobs. Who can raise organic nice products? Who cares not only about the money and profit but about the quality of the product they sell!!!
Oct. 26, 2020	Would love to purchase a fresh turkey raised on small family farm. Industrial farming operations do not look out for the welfare of the animals, nor do they care about the nutrient contents of their foods. Why are you preventing small farms from raising turkeys?
Nov. 1, 2020	I am a home chef and prefer to use local farms for my meat and vegetables. Big Agra is overwhelmed, so they must use herbicides, antibiotics, and they keep their animals in stressful environments. I think we need to support our local farmers. Allow them to sell or ship directly to the public.
Nov. 5, 2020	I suggest updating the internal procedure to require property line surveying to be completed prior to the application for a variance hearing concerning property line setbacks. From my personal experience, we were granted our setback variance, then we completed our survey of the property which turned out that our property line was off. This affected our conditions of our setback variance and required us to re submit for a second setback variance. This added so much time to our project and additional costs as we were required to pay for another variance hearing. Thank you.
Nov. 6, 2020	How are small farms suppose to survive. They should be able to sell their turkeys just like other farms sell there meat,
Nov. 7, 2020	I would like to voice my support for small local poultry farmers to be able to sell their products commercially. Small farms are good for Larimer county, good for the economy, and better for the health of its citizens than large factory farm operations.
Nov. 7, 2020	<p>I can't believe these definitions are still in here. There is nothing commercial about 50 laying hens. This would only ever be an accessory use.</p> <p>Poultry and Egg Production, Large Maintaining an inventory of poultry for the purpose of commercial egg production and wholesale or retail sales of eggs and/or poultry. Accessory uses may include the butchering, cutting, dressing, and packaging of poultry products.</p> <p>Poultry and Egg Production, Small The keeping of poultry for the purpose of egg production, with a maximum of 50 hens.</p> <p>I can't even understand how a farm can have 10 mammals per acre without any oversight, but 51 chickens and now we have to go trough a full site</p>

