

ORDINANCE NO. 44, 1984  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
BEING AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE  
ZONING AND SUBDIVISIONS REGULATIONS TO ELIMINATE  
POSSIBLE BARRIERS TO SOLAR ENERGY UTILIZATION

WHEREAS, in order to protect solar access to solar energy systems it is vital to identify potential barriers to the utilization of solar energy in new and existing buildings; and

WHEREAS, these potential barriers are identified through the application and enforcement of the subdivision and zoning regulations; and

WHEREAS, existing Code provisions do not adequately, or at all, address these concerns.

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

Section 1. That Section 118-11 of the Code of the City of Fort Collins be amended to add the following definition in alphabetical sequence:

SOLAR ENERGY SYSTEM - A solar collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use.

Section 2. That Section 118-11, of the Code of the City of Fort Collins, Definition of Building Height, be, and the same hereby is, repealed and readopted as follows:

BUILDING HEIGHT - the vertical distance from the average of the finished ground level at the center of all walls of a building to the highest point of the roof surface, exclusive of chimneys, ventilators, pipes, solar energy systems and similar apparatus.

Section 3. That Section 118-20(B) of the Code of the City of Fort Collins be, and the same hereby is, repealed and readopted as follows:

§118-20. Zoning Board of Appeals; duties and powers.

- B. To authorize, upon appeal in specific cases, variances from the terms of this chapter where, by reason of exceptional narrowness, shallowness of slope of a specific piece of property at the time of the enactment of this chapter or by reason of exceptional topographic conditions or other extra-

ordinary and exceptional situations or conditions of such piece of property including situations or conditions which hinder the owner's ability to install a solar energy system, the strict application of any regulation enacted herein would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this chapter, and provided that no variance shall authorize any use in a zoning district other than a use specifically permitted in such zoning district.

Section 4. That Section 118-81(B) of the Code of the City of Fort Collins be amended to add the following section in numerical sequence:

§118-81. Accessory buildings and uses.

B. Permitted buildings and uses. Accessory buildings and uses may include but are not limited to the following:

(14) Solar energy systems.

Section 5. That Section 118-82(B) of the Code of the City of Fort Collins be amended to add the following section in numerical sequence:

§118-82. Supplementary regulations.

B. Supplementary yard regulations.

(5) Solar energy devices including, but not limited to overhangs, moveable insulating walls and roofs, detached solar collectors, sun reflectors, and piping may extend into a required yard not more than three (3) feet.

Section 6. That Section 99-7(A) of the Code of the City of Fort Collins be, and the same hereby is, repealed and readopted as follows:

§99-7. Variances.

A. When permitted, the Planning and Zoning Board may authorize variances under this chapter upon its finding that the requirements in paragraphs (1) or (2) have been satisfied:

(1) That by reason of exceptional topographical, soil, or other subsurface conditions or other conditions peculiar to the site, hardship would be caused to a subdivider by the strict application of any provisions of this

chapter. Such variances shall not be granted if the same would be detrimental to the public good or impair the intent and purposes of this chapter. The decision of the Planning and Zoning Board on any application for variance shall be set forth in writing in the minutes of said board.

- (2) That by reason of exceptional conditions or difficulties with regard to solar orientation or access, hardship would be caused to a subdivider by the strict application of any provisions of this chapter. Such variance shall not be granted if the same would be detrimental to the public good or impair the intent and purposes of this chapter. The decision of the Planning and Zoning Board on any application for variance shall be set forth in writing in the minutes of said board.

Introduced, considered favorably on first reading, and ordered published this 3rd day of April, A.D., 1984, and to be presented for final passage on the 17th day of April, A.D., 1984.

Gery Horak  
Mayor

ATTEST:

Wanda M. Kravick  
City Clerk

Passed and adopted on final reading this 17th day of April, A.D., 1984.

Gery Horak  
Mayor

ATTEST:

Wanda M. Kravick  
City Clerk