

ORDINANCE NO. 077, 2019  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING VARIOUS AMENDMENTS TO THE  
CITY OF FORT COLLINS LAND USE CODE

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

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

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

WHEREAS, on May 16, 2019, the Planning and Zoning Board unanimously recommended that City Council adopt the Land Use Code changes set forth herein; and

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

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

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

Section 2. That Section 2.1.2(C) of the Land Use Code is hereby amended to read as follows:

**2.1.2 Overview of Development Review Procedures**

...

- (C) *Which type of development application should be submitted?* To proceed with a development proposal for permitted uses, the applicant must determine what type of development application should be selected and submitted. All development proposals which include only permitted uses must be processed and approved through the following development applications: first through a project development plan (Division 2.4), and then through a final plan (Division 2.5). If the applicant desires to develop in two (2) or more separate project development plan submittals, an overall development plan (Division 2.3) will also be required

prior to or concurrently with the project development plan. Overall development plans, PUD Overlays, basic development reviews, project development plans and final plans are the five (5) types of development applications for permitted uses. Each successive development application for a development proposal must build upon the previously approved development application, as needed, by providing additional details (through the development application submittal requirements) and by meeting additional restrictions and standards (contained in the General Development Standards of Article 3 and the District Standards of Article 4). Overall development plans, basic development reviews and project development plans may be consolidated into one (1) application for concurrent processing and review when appropriate under the provisions of Section 2.2.3. The purpose, applicability and interrelationship of these types of development applications are discussed further in Section 2.1.3.

Section 3. That Section 2.2.12 of the Land Use Code is hereby amended to read as follows:

(A) *Appeals*. Appeals of any final decision of a decision maker under this Code shall be only in accordance with Chapter 2, Article II, Division 3 of the City Code, unless otherwise provided in Divisions 2.3 through 2.11 and 2.16, 2.18, and 2.19 of this Code.

...

Section 4. That Section 2.18.3(G) of the Land Use Code is hereby amended to read as follows:

### **2.18.3 Basic Development Review and Minor Subdivision Review Procedures**

...

*Step 7(D)(1 and 2)* : (Decision and Findings): Not applicable and in substitution thereof, after consideration of the development application, the Director shall issue a written decision to approve, approve with conditions, or deny the development application based on compliance with the standards referenced in Step 8 of the Common Development Review Procedures (Section 2.2.8). The written decision shall be mailed to the applicant, to any person who provided comments during the comment period and to the abutting property owners, and shall also be posted on the City's website at [www.fcgov.com](http://www.fcgov.com).

...

Section 5. That Section 3.1.1 of the Land Use Code is hereby amended to read as follows:

### **3.1.1 - Applicability**

All development applications and building permit applications shall comply with the applicable standards contained in divisions 3.1 through 3.11 with the following exceptions:

- (A) Single-family detached dwellings and extra occupancy rental houses on platted lots that are subject only to building permit review.
- (B) Accessory buildings, structures and accessory uses associated with the single-family dwellings and extra occupancy rental houses listed in (A) above.

Applications for the development noted in exceptions (A) and (B) above must comply only with the standards contained in division 3.8; and with respect to extra occupancy rental houses, the additional standards contained in Section 3.2.2(k)(1)(j).

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

Section 6. That Section 3.2.1(A) through (I) of the Land Use Code is hereby amended to read as follows:

**3.2.1 - Landscaping and Tree Protection**

- (A) **Applicability.** This Section shall apply to all development (except for development on existing lots for single-family detached dwellings) within the designated "limits of development" ("LOD") and natural habitat buffer zones established according to Section 3.4.1 (Natural Habitats and Features).
- (B) **Purpose.** The intent of this Section is to require preparation of landscape and tree protection plans that ensure significant canopy cover is created, diversified and maintained so that all associated social and environmental benefits are maximized to the extent reasonably feasible. These benefits include reduced erosion and stormwater runoff, improved water conservation, air pollution mitigation, reduced glare and heat build-up, increased aesthetics, and improved continuity within and between developments. Trees planted in appropriate spaces also provide screening and may mitigate potential conflicts between activity areas and other site elements while enhancing outdoor spaces, all of which add to a more resilient urban forest.
- ...
- (D) **Tree Planting Standards.** All developments shall establish groves and belts of trees along all city streets, in and around parking lots, and in all landscape areas that are located within fifty (50) feet of any building or structure in order to establish at least a partial urban tree canopy. The groves and belts may also be combined or interspersed with other landscape areas in remaining portions of the development to accommodate views and functions such as active recreation and storm drainage.
- ...

- (2) **Street Trees.** Planting of street trees shall occur in the adjoining street right-of-way, except as described in subparagraph (b) below, in connection with the development by one (1) or more of the methods described in subparagraphs (a) through (d) below:

- (d) Wherever existing ash trees (*Fraxinus* species) are in the adjoining street right-of-way, the applicant shall coordinate and obtain an onsite analysis with the City Forester to determine replacement canopy shade trees either through shadow planting or other emerald ash borer mitigation methods.

- (3) **Minimum Species Diversity.** To prevent uniform insect or disease susceptibility and eventual uniform senescence on a development site or in the adjacent area or the district, species diversity is required, and extensive monocultures are prohibited. The following minimum requirements shall apply to any development plan.

<i>Number of trees on site</i>	<i>Maximum percentage of any one species</i>
10—19	50%
20—39	33%
40—59	25%
60 or more	15%

- (4) **Tree Species and Minimum Sizes.** The City Forester shall provide a recommended list of trees which shall be acceptable to satisfy the requirements for landscape plans, including approved canopy shade trees that may be used as street trees. The following minimum sizes shall be required (except as provided in subparagraph (5) below):

<i>Type</i>	<i>Minimum Size</i>
Canopy Shade Tree	2.0" caliper balled and burlapped or equivalent
Evergreen Tree	6.0' height balled and burlapped or equivalent
Ornamental Tree	1.5" caliper balled and burlapped or equivalent

Shrubs	5 gallon or adequate size consistent with design intent or 1 gallon may be permitted if planting within the Critical Root Zone of existing trees
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Any tree plantings that are in addition to those that are made as part of the approved landscape plan are exempt from the foregoing size requirements.

- (F) **Tree Preservation and Mitigation.** Existing significant trees (six (6) inches and greater in diameter) within the LOD and within natural habitat buffer zones shall be preserved to the extent reasonably feasible and may help satisfy the landscaping requirements of this Section as set forth above. Such trees shall be considered "protected" trees within the meaning of this Section, subject to the exceptions contained in subsection (2) below. Streets, buildings and lot layouts shall be designed to minimize the disturbance to significant existing trees. All required landscape plans shall accurately identify the locations, species, size and condition of all significant trees, each labeled showing the applicant's intent to either remove, transplant or protect.

Where it is not feasible to protect and retain significant existing tree(s) or to transplant them to another on-site location, the applicant shall replace such tree(s) according to the following requirements and shall satisfy the tree planting standards of this Section. To the extent reasonably feasible, replacement trees shall be planted on the development site or, if not reasonably feasible, in the closest available and suitable planting site on public or private property. The closest available and suitable planting site shall be selected within one-half (½) mile (2,640 feet) of the development site, subject to the following exceptions. If suitable planting sites for all of the replacement trees are not available within one-half (½) mile (2,640 feet) of the development, then the City Forester shall determine the most suitable planting location within the City's boundaries as close to the development site as feasible. If locations for planting replacement trees cannot be located within one-half (½) mile of the development site, the applicant may, instead of planting such replacement trees, submit a payment in lieu to the City of Fort Collins Forestry Division to be used to plant replacement trees as close to the development site as possible. The payment in lieu mitigation fee per tree is determined by the City Forester and may be adjusted annually based on market rates. Payment must be submitted prior to the Development Construction Permit issuance or other required permits.

- (1) A significant tree that is removed shall be replaced with not less than one (1) or more than six (6) replacement trees sufficient to mitigate the loss of contribution and value of the removed significant tree(s). The applicant shall coordinate with the City Forester to determine such loss based upon an onsite tree assessment, including, but not limited to, shade, canopy, condition, size, aesthetic, environmental and ecological value of the tree(s) to be removed. Replacement trees shall meet the following minimum size requirements unless otherwise determined by the City Forester:

- (a) Canopy Shade Trees: 2.0" caliper balled and burlap or equivalent.
  - (b) Ornamental Trees: 2.0" caliper balled and burlap or equivalent.
  - (c) Evergreen Trees: 8' height balled and burlap or equivalent.
- (2) Trees that meet one (1) or more of the following removal criteria shall be exempt from the requirements of this subsection unless they meet mitigation requirements provided in paragraph 3.4.1(E)(1) of this Code:

- ...
- (c) Siberian elm less than eleven (11) inches DBH and Russian-olive or ash (*Fraxinus* species) less than eight (8) inches DBH;
  - (d) Russian-olive, Siberian elm, and ash (all *Fraxinus* species) of wild or volunteer origin, such as those that have sprouted from seed along fence lines, near structures or in other unsuitable locations;

(G) **Tree Protection Specifications.** The following tree protection specifications shall be followed to the maximum extent feasible for all projects with protected existing trees. Tree protection methods shall be delineated on the demolition plans and development plans.

- ...
- (2) All protected existing trees shall be pruned to the City of Fort Collins Forestry Division standards.
  - (3) Prior to and during construction, barriers shall be erected around all protected existing trees with such barriers to be of orange construction or chain link fencing a minimum of four (4) feet in height, secured with metal T-posts, no closer than six (6) feet from the trunk or one-half (½) of the drip line, whichever is greater. Concrete blankets, or equivalent padding material, wrapped around the tree trunk(s) is recommended and adequate for added protection during construction. There shall be no storage or movement of equipment, material, debris or fill within the fenced tree protection zone. A tree protection plan must be submitted to and approved by the City Forester prior to any development occurring on the development site.

- ...
- (7) The installation of utilities, irrigation lines or any underground fixture requiring excavation deeper than six (6) inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of twenty-four (24) inches. The auger distance is established from the face of the tree (outer bark) and

is scaled from tree diameter at breast height as described in the chart below. Low pressure hydro excavation, air spading or hand digging are additional tools/practices that will help reduce impact to the tree(s) root system when excavating at depths of twenty-four (24) inches or less. Refer to the Critical Root Zone (CRZ) diagram, Figure 2, for root protection guidelines. The CRZ shall be incorporated into and shown on development plans for all existing trees to be preserved.

<i>Tree Diameter at Breast Height (inches)</i>	<i>Auger Distance From Face of Tree (feet)</i>
0-2	1
3-4	2
5-9	5
10-14	10
15-19	12
Over 19	15

**Figure 2**  
**Critical Root Zone Diagram**

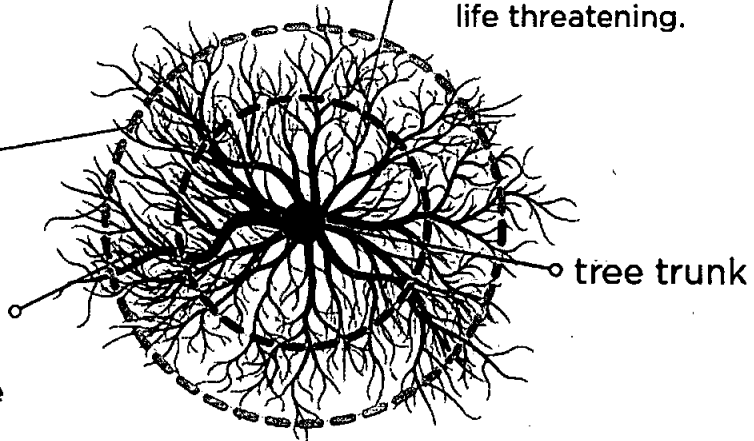
**CRITICAL ROOT ZONES** (top view)

Critical Root Zone (CRZ) is the distance from the trunk that equals one foot for every inch of the tree's diameter. For example: if the tree has a trunk 12 inches in diameter, the CRZ is a 12 foot radius around the tree.

**Interior Critical Root Zone (ICRZ)**  
Disturbance in this area would cause significant impact to the tree, potentially life threatening.

**Critical Root Zone (CRZ)**

**Perimeter Critical Root Zone (PCRZ)**  
The greater the disturbance in this area, the greater post care treatment is needed.



(H) ***Placement and Interrelationship of Required Landscape Plan Elements.*** In approving the required landscape plan, the decision maker shall have the authority to determine the optimum placement and interrelationship of required landscape plan elements such as trees, vegetation, turf, irrigation, screening, buffering and fencing, based on the following criteria:

...

(4) creating visual interest year-round;

...

(I) ***Landscape Materials, Maintenance and Replacement.***

...

(8) ***Restricted Species.*** City Forestry Division shall provide a list of specified tree species that shall not be planted within the limits of development and adjoining street right-of-way. For example, no ash trees (*Fraxinus* species) shall be planted due to the anticipated impacts of the emerald ash borer.

(9) ***Prohibited species.*** For prohibited species reference Chapter 27, Article II, Division 1, Sec. 27-18 of the Fort Collins Municipal Code.

...

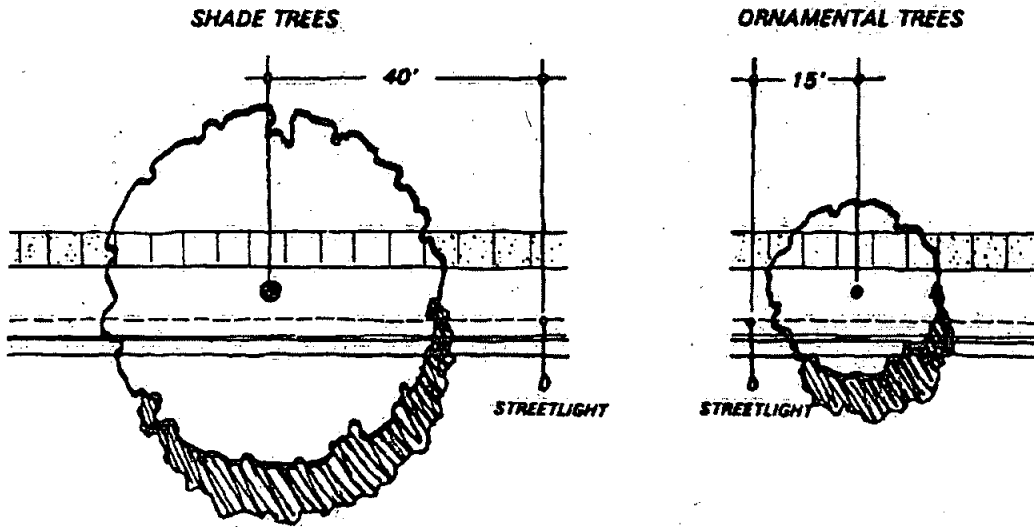
Section 7. That Section 3.2.1(K) of the Land Use Code is hereby amended to read as follows:

(K) ***Utilities and Traffic.*** Landscape, utility and traffic plans shall be coordinated. The following list sets forth minimum dimension requirements for the most common tree/utility and traffic control device separations. Exceptions to these requirements may occur where utilities or traffic control devices are not located in their standard designated locations, as approved by the Director. Tree/utility and traffic control device separations shall not be used as a means of avoiding the planting of required street trees.

(1) Forty (40) feet between shade trees and streetlights. Fifteen (15) feet between ornamental trees and streetlights. (See Figure 3.)

**Figure 3  
Tree/Streetlight Separations**





...

Section 8. That Section 3.2.4(D) of the Land Use Code is hereby amended to read as follows:

**3.2.4 Site Lighting**

...

(D) **Design Standards.** The lighting plan shall meet the following design standards:

...

- (5) Light sources must minimize contrast with the light produced by surrounding uses and must produce an unobtrusive degree of brightness in both illumination levels and color rendition.
- (11) All lighting shall have a nominal correlated color temperature (CCT) of no greater than three thousand (3,000) degrees Kelvin.

Section 9. That Section 3.3.2(E)(1)(e) of the Land Use Code is hereby amended to read as follows:

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

...

- (e) **Drainage.** The construction of stormwater drainage facilities required by the approved Development Plan Documents must be consistent with the Stormwater Criteria Manual as it may be modified from time to time. Such stormwater drainage

facility must be verified by an authorized City inspector at the appropriate phases of construction activities as specified in the Development Certification Checklist issued by Water Utilities Engineering and available on the City of Fort Collins website.

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

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

...

Section 10. That Section 3.3.5 of the Land Use Code is hereby amended to read as follows:

### **3.3.5 - Engineering Design Standards**

The project must comply with all design standards, requirements and specifications for the following services as certified by the appropriate agency or variances must be granted by such agency:

- water supply
- sanitary sewer
- mass transit
- fire protection
- flood hazard areas
- telephone
- walks/bikeways
- irrigation companies
- electricity
- natural gas
- storm drainage
- cable television
- streets/pedestrians
- broadband/fiber optic

Section 11. That Section 3.4.1(D)(1)(e) of the Land Use Code is hereby amended to read as follows:

### 3.4.1 Natural Habitats and Features

...

(D) ***Ecological Characterization and Natural Habitat or Feature Boundary Definition.*** The boundary of any natural habitat or feature shown on the *Natural Habitats and Features Inventory Map* is only approximate. The actual boundary of any area to be shown on a project development shall be proposed by the applicant and established by the Director through site evaluations and reconnaissance, and shall be based on the ecological characterization of the natural habitat or feature in conjunction with the map.

(1) ***Ecological Characterization Study.*** If the development site contains, or is within five hundred (500) feet of, a natural habitat or feature, or if it is determined by the Director, upon information or from inspection, that the site likely includes areas with wildlife, plant life and/or other natural characteristics in need of protection, then the developer shall provide to the City an ecological characterization report prepared by a professional qualified in the areas of ecology, wildlife biology or other relevant discipline. At least ten (10) working days prior to the submittal of a project development plan application for all or any portion of a property, a comprehensive ecological characterization study of the entire property must be prepared by a qualified consultant and submitted to the City for review. The Director may waive any or all of the following elements of this requirement if the City already possesses adequate information required by this subsection to establish the buffer zone(s), as set forth in subsection (E) below, and the limits of development ("LOD"), as set forth in subsection (N) below. The ecological characterization study shall describe, without limitation, the following:

...

(e) the pattern, species and location of all non-native trees and vegetation that contribute to the site's ecological, shade, canopy, aesthetic and cooling value;

...

Section 12. That Section 3.4.1(E) of the Land Use Code is hereby amended to read as follows:

### 3.4.1 Natural Habitats and Features

...

(E) ***Establishment of Buffer Zones.*** Buffer zones surrounding natural habitats and features shall be shown on the project development plan for any development that is subject to this Division. The purpose of the buffer zones is to protect the ecological character of natural habitats and features from the impacts of the ongoing activity associated with the development.

(1) ***Buffer Zone Performance Standards.*** The decision maker shall determine the buffer zones for each natural habitat or feature contained in the project site. The buffer zones may be multiple and noncontiguous. The general buffer zone distance is established according to the buffer zone table below, but the decision maker may reduce any portion of the general buffer zone distance so long as the reduced buffer complies with the performance standards set forth below. To mitigate a reduced portion of the buffer area, the decision maker may also enlarge any portion of the general buffer zone distance if necessary to ensure that the buffer complies with the performance standards set forth below. The buffer zone performance standards are as follows:

...

(c) The project shall be designed to preserve existing trees and vegetation that contribute to the site's ecological, shade, canopy, aesthetic, habitat and cooling value. Notwithstanding the requirements of Section 3.2.1(F), all trees and vegetation within the Limits of Development must be preserved or, if necessary, mitigated based on the values established by the Ecological Characterization Study or the City Environmental Planner. Such mitigation, if necessary, shall include trees, shrubs, grasses, or any combination thereof, and must be planted within the buffer zone.

...

Section 13. That Section 3.5.2(D) of the Land Use Code is hereby amended by the addition of a new subparagraph (3) which reads in its entirety as follows:

(D) ***Relationship of Dwelling to Streets and Parking.***

...

(3) At least one door providing direct access for emergency responders from the outside into each individual single family attached dwelling must be located within one hundred fifty (150) feet from the closest emergency access easement or designated fire lane as measured along paved walkways. Neither an exterior nor interior garage door shall satisfy this requirement.

Section 14. That Section 3.8.17(A)(2) of the Land Use Code is hereby amended to read as follows:

### 3.8.17 Building Height

- ...
- (2) *Building Height Measured in Stories.* In measuring the height of a building in stories the following measurement rules shall apply:
- (a) A balcony or mezzanine shall be counted as a full story when its floor area is in excess of one-third (1/3) of the total area of the nearest full floor directly below it.
  - (b) No story of a commercial or industrial building shall have more than twenty-five (25) feet from floor to floor.
  - (c) A maximum vertical height of twelve (12) feet eight (8) inches shall be permitted for each residential story. This maximum vertical height shall apply only in the following zone districts: U-E; R-F; R-L; L-M-N; M-M-N; N-C-L; N-C-M; N-C-B; R-C; C-C-N; N-C; and H-C.
- ...

Section 15. That Section 4.4(B)(3)(e) of the Land Use Code is hereby amended by the addition of a new subparagraph (e) to read as follows:

- ...
- (3) The following uses are permitted in the R-L District, subject to review by the Planning and Zoning Board:
- ...

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

- 1. Wireless Telecommunications Facilities.
- ...

Section 16. That Section 4.4(D) of the Land Use Code is hereby amended by the addition of a new subparagraph (4) which reads in its entirety as follows:

- (4) *Wireless Telecommunications Facilities.* Wireless telecommunications facilities must be located on a non-residential parcel and installation must be mitigated by use of stealth techniques such as steeples, bell towers, grain silos, or similar means of disguising the appearance of the facilities to mitigate its visual impacts.

Section 17. That Section 4.7 of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.7 Neighborhood Conservation, Low Density District (N-C-L)**

(D) *Land Use Standards.*

...

(2) *Allowable Floor Area on Lots.*

(a) The allowable floor area shall be as follows:

...

2. On a lot that is between five thousand (5,000) square feet and ten thousand (10,000) square feet, the allowable floor area for single-family dwellings and buildings accessory to single-family dwellings shall not exceed twenty (20) percent of the lot area plus one thousand (1,000) square feet.
3. On a lot that is more than ten thousand (10,000) square feet, the allowable floor area for single-family dwellings and buildings accessory to single-family dwellings shall not exceed thirty (30) percent.

...

- (5) *Accessory Buildings With Habitable Space (or Potential Future Habitable Space).* Any accessory building with water and/or sewer service shall be considered to have habitable space. Any person applying for a building permit for such a building shall sign and record with the Larimer County Clerk and Recorder an affidavit stating that such accessory structure shall not be used as a dwelling unit. All applicable building permits issued for such buildings shall be conditioned upon this prohibition. Any such structure containing habitable space that is located behind a street-fronting principal building shall contain a maximum of six hundred (600) square feet of floor area. Floor area shall include all floor space within the ground floor plus that portion of the floor area of any second story having a ceiling height of at least seven and one-half (7½) feet and basement floor area where any exterior basement wall is exposed by more than three (3) feet above the existing grade at the interior side lot line adjacent to the wall. Such accessory building may be located in any area of the rear portion of a lot, provided that it complies with the setback requirements of this District and there is at least a ten-foot separation between structures.

- (6) *Accessory Buildings Without Habitable Space.* Any accessory building without water and/or sewer service, which has not been declared to contain habitable space by the applicant, shall not exceed a total floor area of six hundred (600) square feet. Floor area shall include all floor space within the ground floor plus that portion of the floor area of any second story having a ceiling height of at least seven and one-half (7½) feet and basement floor area where any exterior basement wall is exposed by more than three (3) feet above the existing grade at the interior side lot line adjacent to the wall.

(E) *Dimensional Standards.*

...

- (5) Maximum building height shall be two (2) stories, except in the case of a detached dwelling unit at the rear of the lot and accessory buildings

(F) *Development Standards.*

...

(2) Bulk and Massing

(a) **Building Height.**

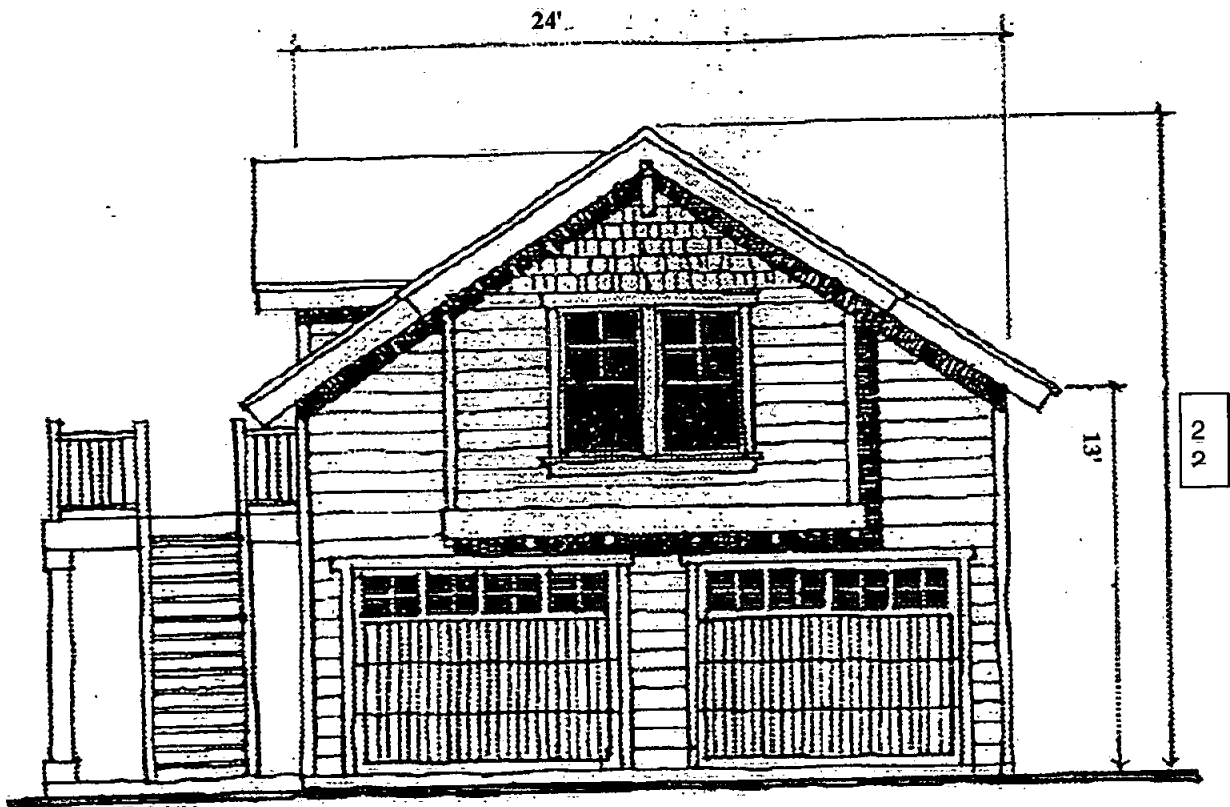
1. Maximum building height shall be two (2) stories, except in the case of a detached dwelling unit at the rear of the lot

...

(b) **Eave Height.**

1. The exterior eave height of an eave along a side lot line shall not exceed thirteen (13) feet from grade for a dwelling unit located at the rear of the lot or an accessory building with habitable space. An eave of a dormer or similar architectural feature may exceed thirteen (13) feet if set back two (2) feet from the wall below and does not exceed twenty-five (25) percent of the wall length.
2. The exterior eave height of an eave along a side lot line shall not exceed ten (10) feet from grade for an accessory building containing no habitable space. An eave of a dormer or similar architectural feature may exceed ten (10) feet if set back two (feet) from the wall below and does not exceed twenty-five (25) percent of the wall length.

3. The maximum eave height is measured at the minimum setback from an interior side-yard lot line and can be increased at a ratio of six (6) inches of additional building height for each one (1) foot of setback from the interior side property line.
34. If a second story has an exterior wall that is set back from the lower story's exterior wall, the eave height shall be the point of an imaginary line at which the upper story's roofline (if extended horizontally) would intersect with the lower story's exterior wall (if extended vertically).



...  
 Section 18. That Section 4.8 of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.8 Neighborhood Conservation, Medium Density District**

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



- (1) Required Lot Area. Minimum lot area shall not be less than the following: five thousand (5,000) square feet for a single-family or two-family dwelling and six thousand (6,000) square feet for all other uses.
- (2) Allowable Floor Area on Lots.
  - (a) The allowable floor area shall be as follows:
    1. On a lot of less than four thousand (4,000) square feet, the allowable floor area for single-family dwellings and buildings accessory to single-family dwellings shall not exceed fifty (50) percent of the lot area.
    2. On a lot that is between four thousand (4,000) square feet and ten thousand (10,000) square feet, the allowable floor area for single-family dwellings and buildings accessory to single-family dwellings shall not exceed twenty-five (25) percent of the lot area plus one thousand (1,000) square feet.
    3. On a lot that is more than ten thousand (10,000) square feet, the allowable floor area for single-family dwellings and buildings accessory to single-family dwellings shall not exceed thirty-five (35) percent of the lot area.
    4. The allowable floor area for buildings containing permitted uses other than single-family dwellings and buildings accessory to single-family dwellings shall not exceed forty (40) percent of the lot area.
- ...
- (5) *Accessory Buildings With Habitable Space (or Potential Future Habitable Space).* Any accessory building with water and/or sewer service shall be considered to have habitable space. Any person applying for a building permit for such a building shall sign and record with the Larimer County Clerk and Recorder an affidavit stating that such accessory structure shall not be used as a dwelling unit. All building permits issued for such buildings shall be conditioned upon this prohibition. Any such structure containing habitable space that is located behind a street-fronting principal building shall contain a maximum of six hundred (600) square feet of floor area. Floor area shall include all floor space within the ground floor plus that portion of the floor area of any second story having a ceiling height of at least seven and one-half (7½) feet and basement floor area where any exterior basement wall is exposed by more than three (3) feet above the existing grade at the interior side lot line adjacent to the wall. Such accessory building may be located in any area of the rear portion of a lot, provided that it complies with the setback requirements of this District and there is at least a ten-foot separation between structures.

- (6) *Accessory Buildings Without Habitable Space.* Any accessory building without water and/or sewer service, which has not been declared to contain habitable space by the applicant, shall not exceed a total floor area of six hundred (600) square feet. Floor area shall include all floor space within the ground floor plus that portion of the floor area of any second story having a ceiling height of at least seven and one-half (7½) feet and basement floor area where any exterior basement wall is exposed by more than three (3) feet above the existing grade at the interior side lot line adjacent to the wall.

...

(E) *Dimensional Standards.*

...

- (5) Maximum building height shall be two (2) stories, except in the case of a detached dwelling unit at the rear of the lot and accessory buildings.

(F) *Development Standards.*

...

(2) *Bulk and Massing.*

(a) **Building Height.**

1. Maximum building height shall be two (2) stories, except in the case of a detached dwelling unit at the rear of the lot.

...

(b) **Eave Height.**

1. The exterior eave height of an eave along a side lot line shall not exceed thirteen (13) feet from grade for a dwelling unit located at the rear of the lot or an accessory building with habitable space. An eave of a dormer or similar architectural feature may exceed thirteen (13) feet if set back two (2) feet from the wall below and does not exceed twenty-five (25) percent of the wall length.
2. The exterior eave height of an eave along a side lot line shall not exceed ten (10) feet from grade for an accessory building containing no habitable space. An eave of a dormer or similar architectural feature may exceed ten (10) feet if set back two (2) feet from the wall below and does not exceed twenty-five (25) percent of the wall length.

3. The maximum eave height is measured at the minimum setback from an interior side-yard lot line and can be increased at a ratio of six (6) inches of additional building height for each one (1) foot of setback from the interior side property line.
4. If a second story has an exterior wall that is set back from the lower story's exterior wall, the eave height shall be the point of an imaginary line at which the upper story's roofline (if extended horizontally) would intersect with the lower story's exterior wall (if extended vertically).

...

Section 19. That Section 4.9 of the Land Use Code is hereby amended to read as follows:

**DIVISION 4.9 Neighborhood Conservation Buffer District (N-C-B)**

...

**(D) Land Use Standards.**

...

- (3) *Accessory Buildings With Habitable Space (or Potential Future Habitable Space).* Any accessory building with water and/or sewer service shall be considered to have habitable space. An applicant may also declare an intent for an accessory building to contain habitable space. Any person applying for a building permit for such a building shall sign and record with the Larimer County Clerk and Recorder an affidavit stating that such accessory structure shall not be used as a dwelling unit. All building permits issued for such buildings shall be conditioned upon this prohibition. Any such structure containing habitable space that is located behind a street-fronting principal building shall contain a maximum six hundred (600) square feet of floor area. Floor area shall include all floor space within the ground floor plus that portion of the floor area of any second story having a ceiling height of at least seven and one-half (7½) feet and basement floor area where any exterior basement wall is exposed by more than three (3) feet above the existing grade at the interior side lot line adjacent to the wall. Such accessory building may be located in any area of the rear portion of a lot, provided that it complies with the setback requirements of this District and there is at least a ten-foot separation between structures.
- (4) *Accessory Building without Habitable Space.* Any accessory building without water and/or sewer service, which has not been declared to contain habitable space by the applicant, shall not exceed a total floor area of six hundred (600) square feet. Floor area shall include all floor space within ground floor plus that portion of floor area of any second story having a ceiling height of at least seven and one-half (7½)

feet and basement floor area where any exterior basement wall is exposed by more than three (3) feet above the existing grade at the interior side lot line adjacent to the wall.

...

(E) **Development Standards.**

(1) **Building Design.**

...

- (e) Front porches shall be limited to one (1) story, and the front facades of all single- and two-family dwellings shall be no higher than two (2) stories, except in the case of a detached dwelling unit at the rear of the lot and accessory buildings.

...

(2) **Bulk and Massing.**

(a) **Building Height.**

1. Maximum building height shall be three (3) stories, except in the case of a detached dwelling unit at the rear of the lot.

...

(b) **Eave Height.**

1. The exterior eave height of an eave along a side lot line shall not exceed thirteen (13) feet from grade for a dwelling unit located at the rear of the lot or an accessory building with habitable space. An eave of a dormer or similar architectural feature may exceed thirteen (13) feet if set back two (2) feet from the wall below and does not exceed twenty-five (25) percent of the wall length.
2. The exterior eave height of an eave along a side lot line shall not exceed ten (10) feet from grade for an accessory building containing no habitable space. An eave of a dormer or similar architectural feature may exceed ten (10) feet if set back two (2) feet from the wall below and does not exceed twenty-five (25) percent of the wall length.
3. The maximum eave height is measured at the minimum setback from an interior side-yard lot line and can be increased at a ratio of six (6) inches of additional building height for each one (1) foot of setback from the interior side property line.

4. If a second story has an exterior wall that is set back from the lower story's exterior wall, the eave height shall be the point of an imaginary line at which the upper story's roofline (if extended horizontally) would intersect with the lower story's exterior wall (if extended vertically).

...

Section 20. That Section 4.22(B)(2)(c)28 of the Land Use Code is hereby amended to read as follows:

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

...

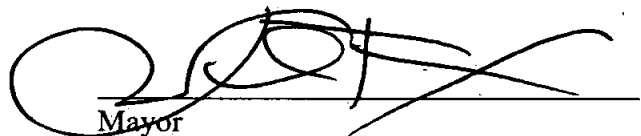
28. Enclosed mini-storage facilities, if located at least one hundred fifty (150) feet from South College Avenue.

...

Section 21. That the definition "*Neighborhood center*" contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

*Neighborhood center* shall mean a combination of at least two (2) uses and an outdoor space, which together provide a focal point and a year-round meeting place for a neighborhood as listed in the Low Density Mixed-Use Neighborhood zone district.

Introduced, considered favorably on first reading, and ordered published this 2nd day of July, A.D. 2019, and to be presented for final passage on the 16th day of July, A.D. 2019.

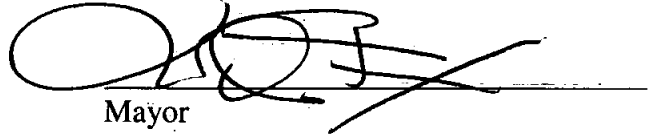
  
Mayor

ATTEST:

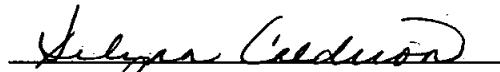
  
City Clerk



Passed and adopted on final reading on the 16th day of July, A.D. 2019.

  
Mayor

ATTEST:

  
City Clerk

