

## Article 4. Zoning District & Uses

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### 4.01 Zoning Districts

- A. **Intent.** To carry out the purposes of this code, the following districts are established, with the intent given for the character of specific areas, the development patterns and context, and the types or intensity of uses and buildings.

**Table 4-1: Zoning Districts & Intent**

<i>District &amp; Intent</i>	<i>Relationship to Comprehensive Plan</i>
<p><b>A – Agriculture.</b> The A district is intended for agriculture and associated uses, and includes rural and low density residential living with detached houses on acreages or large lots. Due to the development patterns and inefficiency of providing city services, this area receives only limited infrastructure investment. It is used as a “pre-development” district to preserve open and rural lands, or to hold areas until more coordinated, compact, and efficient growth and development can occur.</p>	<p>Limited application as a pre-development area or to preserve agriculture lands. . Alternatively, the conservation pattern can be used to cluster development areas served by infrastructure in exchange for preserving large, in-tact areas of open space, natural areas, or agriculture lands.</p>
<p><b>R-1 - Single-Family Residential.</b> The R-1 district provides residential living (detached houses) in low-density suburban neighborhood settings with access to supporting uses such as schools, churches, parks and other public facilities.</p>	<p>General application in low-density residential areas or limited application to provide larger lots at the edges of walkable neighborhoods. Alternatively, the conservation pattern can be used to cluster development areas served by infrastructure in exchange for preserving large, in-tact areas of open space, natural areas, or agriculture lands.</p>
<p><b>R-1A - Single- and Two-Family Residential.</b> The R-1A district provides residential living (detached houses) in low-density suburban or walkable neighborhood settings, with access to supporting uses such as schools, churches, parks and other public facilities.</p>	<p>General application in low-density residential areas or limited application to provide larger lots at the edges of walkable neighborhoods.</p>
<p><b>R-2 – Mixed-Density Residential.</b> The R-2 district provides residential living (limited range of small-scale residential building types) in compact, walkable neighborhood settings allowing a mix of housing options at strategic locations that transition to complementary and supporting non-residential uses. A well-designed public realm provides the focal point to integrate a variety of building types with a consistent neighborhood character.</p>	<p>General application in moderate and high-density areas, as a complementary component of walkable neighborhoods or the predominant residential component of downtown, mixed use areas, and transit-served nodes.</p>
<p><b>R-3 – High Density Residential.</b> The R-3 district provides residential living (wide range or residential building types) in a moderate-to high-density pattern in suburban areas or walkable neighborhoods, located as a transition between lower-density neighborhoods or more intense non-residential uses, and where a high level of accessibility, public amenity and support services are immediately available.</p>	<p>General application in high-density areas.</p>

**Table 4-1: Zoning Districts & Intent**

<i>District &amp; Intent</i>	<i>Relationship to Comprehensive Plan</i>
<p><b>MH – Manufactured and Small-Format Housing District.</b> The MH district provides residential living for smaller format manufactured, mobile, or other small format residences in a planned community that shares common amenities located in areas that have transitions between lower-density neighborhoods or more intense, non-residential uses and where a high level of accessibility, public amenity and support services are immediately available. See Section 5.08. Manufactured and Small-Format Housing District.</p>	<p>Limited application on a project specific basis, considering context and design.</p>
<p><b>DT – Downtown.</b> The DT district provides an integrated mix of retail, service, entertainment and civic uses, and supporting office and residential uses, in a compact and walkable format. This district preserves the historic “main street” scale and small town character of Fort Lupton. It is the vibrant heart of the community with a high level of civic design, walkable urban patterns, and a concentration of diverse, small-scale uses.</p>	<p>General application for Downtown Fort Lupton, for blocks fronting on Denver Avenue and Main Street, with potential for expansion north and south, and along major side- streets.</p>
<p><b>RO – Residential Office.</b> . The RO Residential and Office District is a transitional and supporting zone, with a mix of residential and small-scale, low-intensity commercial uses. This zone serves as a transition between commercial centers and neighborhoods, while it also supports other districts by providing uses which characteristically complement commercial and industrial activities in close proximity – typically in a small-scale, compact, and walkable format.</p>	<p>General allocation in commercial areas or as support uses on the edges of mixed use centers</p>
<p><b>C-1 – Neighborhood Commercial.</b> The C-1 Neighborhood Commercial District provides for small-scale and light intensity uses that support neighborhoods and other surrounding commercial or industrial districts. It may exist in compact, walkable formats in close proximity to neighborhoods, or alternatively if automobile oriented the impacts of access and operations on adjacent areas are limited and mitigated by the small-scale format and lighter intensity of the uses.</p>	<p>Application on corridors and arterials, or as nodes that support residential neighborhoods.</p>
<p><b>C-2 – Heavy Commercial.</b> The C-2 Heavy Commercial District is intended to provide an environment adaptable to commercial uses which, by their nature, require heavy auto and truck traffic or outdoor storage and display.</p>	<p>Limited application in commercial areas along corridors, and where mixed-use designations may not accommodate uses.</p>
<p><b>I-1 – Light Industrial.</b> The I-1 district provides primarily service, employment, manufacturing and distribution uses at a scale, intensity and format that won’t have significant impact on adjacent uses, and which can mix with supporting and compatible service and retail uses.</p>	<p>General application in industrial areas, and limited application as an employment component of mixed-use or commercial areas</p>
<p><b>I-2 – Heavy Industrial.</b> The I-2 district provides for the broadest scope of service, manufacturing and distribution uses that are generally not compatible with residential or commercial activity due to the scale, operation, intensity or impacts of activities, or due to the high level of transportation access and support infrastructure required of the business.</p>	<p>Limited application in industrial areas or other locations on major regional freight routes.</p>
<p><b>P – Parks and Open Space.</b> The P Parks and Open Space District is intended for outdoor recreation facilities and large open land areas which, by reason of topographic features, proximity to a natural drainage course or other natural or man-made features, may be either unsuitable for customary density of construction or use or suitable for preservation as a park or as an open space area.</p>	<p>General application for open space, parks or other areas reserved for public, civic, and similar community-supporting activities (P uses such as open space, may be allowed in other zoning districts and rezoning to P is not mandatory.)</p>
<p><b>PUD</b> – See section 2.04 for the intent and applicability of planned zoning districts.</p>	
<p><b>E – Estate district.</b> The E Estate District is intended to provide for large lot residential subdivisions, permitting maximum usage of topographic features and allowing a semi-rural environment with relief from the congestion often found in urban areas. This is a legacy district that reflects areas with this zoning designation prior to adoption of this code. It is not intended to be used based on the most recent comprehensive plan. (See Appendix E)</p>	<p>Not applicable.</p>

- B. **Official Zoning Map.** The boundaries of the districts are shown on the official Zoning Districts Map on file with the Planning Department. Electronic copies and files of this map shall reference the “Official Copy” on file with the Planning Department, but any copy should be verified with the Department before materially relying on any electronic or other representative copy of the map.

**4.02 Allowed Uses**

- A. **Use Table.** In order to implement the intent of each zoning district, facilitate complementary transitions between districts, and to regulate a variety of compatible uses within zoning districts each district is permitted the uses indicated in Table 4-2. The table identifies uses as:
1. Permitted uses (■) subject to general district and building standards, and review procedures.
  2. Special uses (S) subject to the review process and criteria in Section 2.07.
  3. Other accessory or temporary uses may be permitted according to the standards of Section 4.03, Accessory Uses.
  4. Uses listed in the table, or more specific types of uses generally enabled in the table, may be subject to specific standards or limits in Section 4.04, Use-specific Standards.
  5. Uses in the table are more specifically described in Section 11.02, Description of Uses.

Table 4-2: Allowed Uses													
Uses	Zoning Districts												
■ = Permitted, subject to general district standards S = Permitted, only by special use permit discretionary review = Blank means the use is not permitted	A	R1	R1A	R2	R3	MH	P	RO	C1	C2	DT	I1	I2
<b>Residential Uses</b>													
Detached House – Rural (5+ ac)	■												
Detached House – Estate (40K)	■	■	■	■									
Detached House – Standard Lot (8K)		■	■	■	■								
Detached House – Neighborhood Lot (6.5K)			■	■	■			■					
Detached House – Small Lot (3K)				■	■	■		■					
Detached House – Compact Lot (1.5K - 3K)					■	■							
Duplex / Multi-unit House (2-4 units – 3K / unit)				■	■			■	S		S		
Established Detached Houses in Non-residential									■	■	■	■	■
Row House (3-8 units)				■	■			■					
Accessory Dwelling (see Section 4.03.B.)	■	S	S	■	■			■					
Apartment – Small Lot (3-12 unit)				■	■			■	S		S		
Apartment – Medium Lot (13-24 units)					■			■					
Apartment – Large Lot / Complexes (multiple buildings / > 24 units)					■								
Apartment – Mixed Use (3-12 units; above / behind commercial use)								■	■	■	■		
Residential Care – Group Home/Statutory	■	■	■	■	■			■					
Residential Care – Limited					■			■	■	■	■		
Residential Care – General					S			S	■	■			
Residential Care – Institutional									S	■			
<b>Agriculture Uses</b>													
Agriculture (5+ ac minimum)	■											■	■

**Table 4-2: Allowed Uses**

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	A	R1	R1A	R2	R3	MH	P	RO	C1	C2	DT	I1	I2
■ = Permitted, subject to general district standards S = Permitted, only by special use permit discretionary review = Blank means the use is not permitted													
<b>Civic Uses</b>													
Assembly – Neighborhood (< 400 capacity and < 1 acre lot)		■	■	■	■	■		■	■	■	■	■	
Assembly – Community (400 – 800 capacity or 1 – 5 acre lot)		S	S	S	S				■	■	S	■	■
Assembly – Regional (800+ capacity or 5+ acre lot)										■		■	■
Cemetery							S						
Funeral Home								S	S	■	S	■	■
Public recreation areas & facilities (see 3.02, Open & Civic Space)	■	■	■	■	■	■	■	■	■	■	■	■	■
Schools		■	■	■	■		■	■	■	■	■	■	
<b>Commercial Uses</b>													
Retail – Limited (<2K)								■	■	■	■	■	
Retail – Small (2K-10K)									■	■	■	■	
Retail – General (10K-30K)									S	■	S	■	
Retail – Large (> 30K)										■	S	■	
Retail – Outdoor Sales										S		■	■
Animal Care – Limited (<5K / limited boarding)								■	■	■	■	■	
Animal Care – Small (<5K)									S	■		■	
Animal Care – Large (5K +)										■		■	
Car Wash										S		■	■
Child Care – In-home	S	S	S	S	S	S		■	■	■	■		
Child Care – Center / Small				S	S	S		■	■	■	■	■	
Child Care – Center / Large										■		■	
Gas Station – Limited (1-8 pumps)									■	■	S	■	■
Gas Station – General (9-16 pumps)										■		■	■
Gas Station – Large (17+ pumps)										S		■	■
Lodging – Short Term Rental	S	S	S	S	S			S	S	S	S		
Lodging – B&B (up to 5 rooms)	S	S	S	S	S			■	■	■	■		
Lodging – Inn (6-40 rooms)								■	■	■	■	■	
Lodging – Motel / Hotel – Small (41 – 120 rooms)									S	■	S	■	
Lodging – Motel / Hotel – Large (120+ rooms)										■		■	
Marijuana – Medical Stores									■	■		■	■
Marijuana – Retail Stores									■	■		■	■
Medical Service – Limited (<5K)								■	■	■	■	■	
Medical Service – General (5K-15K)									■	■		■	
Medical Service – Large (> 15K)										■		■	
Personal Service– Small (< 5K)								■	■	■	■	■	
Personal Service– General (5K – 10K)									■	■		■	
Personal Service– Large (> 10K)										■		■	
Office – Small (<30K)								■	■	■	■	■	
Office – General (30K-60K)									■	■	■	■	

**Table 4-2: Allowed Uses**

Uses	Zoning Districts												
	A	R1	R1A	R2	R3	MH	P	RO	C1	C2	DT	I1	I2
■ = Permitted, subject to general district standards S = Permitted, only by special use permit discretionary review = Blank means the use is not permitted													
Office – Large (> 30K)										■		■	
Recreation / Entertainment – Indoor / Limited (< 20K)									■	■	■	■	
Recreation / Entertainment – Indoor / General (20K+)										■		■	
Recreation / Entertainment – Outdoor / Limited (< 2 ac.)	■								S	■		■	
Recreation / Entertainment – Outdoor / General (2+ ac.)	S									■		■	
Recreation / Entertainment – Shooting Range (indoor or outdoor)	S									S		S	S
Restaurant – Small (< 2K)								■	■	■	■	■	
Restaurant – General (2K - 8K)									■	■	■	■	
Restaurant – Large (> 8K)									S	■	S	■	
Vehicle/Equipment Sales – Limited (<15K s.f. lot)									S	■		■	■
Vehicle/Equipment Sales - General (15K+ s.f. lot)										■		■	■
Vehicle/Equipment Services and Repair – Limited (1 - 4 bays)									S	■	S	■	■
Vehicle/Equipment Services and Repair – General (5+ bays)										■		■	■
<b>Industrial Uses</b>													
Airport / Heliport	S											S	S
Industrial Services – Limited (up to 10 vehicle fleet)										■		■	■
Industrial Services – General (11 to 25 vehicle fleet)												■	■
Industrial Services – Heavy (26+ vehicle fleet)													■
Manufacturing – Artisan / Micro								■	■	■	■	■	■
Manufacturing – Limited										■		■	■
Manufacturing – General													■
Manufacturing – Heavy													S
Mining and Resource Extraction	S												
Oil & Gas Drilling & Exploration (See Section 4.04.I)	S	S	S	S	S	S	S	S	S	S	S	S	S
Storage and Warehousing - Indoor										S		■	■
Storage and Warehousing - Outdoor													■
Storage and Warehousing – Hazardous Materials													S
Utility - Limited	■	■	■	■	■	■	■	■	■	■	■	■	■
Utility - General	S	S	S	S	S	S	S	S	■	■	S	■	■
Utility - Heavy												S	S
Utility - Pipeline	S	S	S	S	S	S	S	S	S	S	S	S	S
Waste Management & Processing – General												S	■
Waste Management & Processing – Heavy													S
Wireless Communication Facilities	See Chapter 5, Article VI of the Fort Lupton Municipal Code												

### 4.03 Accessory Uses

In addition to the general use and development standards applicable to all districts, permitted uses may include other accessory uses. This section provides basic performance standards for all accessory uses and some specific standards for particular accessory uses.

- A. **Accessory Uses, Generally.** All principal uses may include accessory uses. All accessory uses, and any accessory use not specifically mentioned in this section, shall be subject to the following general standards:
  - 1. The use and any structure is clearly incidental and subordinate to an allowed use and customarily associated with the allowed use.
  - 2. The use is on the same lot as an active principal use.
  - 3. The use is compatible with the general character of the area and comparable in scale and intensity to other uses in the vicinity.
  - 4. No use or structure may be constructed, maintained, or conducted in a way that produces noise, vibration, noxious odor or material, any visible light, glare, or other visible impacts that are harmful, damaging, or disturbing to the adjacent property.
  - 5. Any structures or site design elements to support the use can be screened or located to minimize impact on adjacent property or are not significantly different from what is typical for other allowed uses in the district.
  - 6. There are no unusual traffic patterns or increases in activity that impact the use and design of streets and public spaces differently than other allowed uses.
  - 7. All uses are conducted and structures are maintained in a way that is consistent with the intent and objectives of all other design and development standards applicable to the property.
  
- B. **Accessory Dwelling.** Accessory dwellings shall be accessory to a primary residential use on the lot and subject to the following additional standards:
  - 1. One accessory dwelling may be permitted per lot only when associated with a detached house or duplex/multi-unit house.
  - 2. Accessory dwelling units may be located in a detached accessory building or located within the principal building (such as an attic, basement, or rear apartment).
  - 3. The accessory dwelling shall not exceed 50 percent of the living area of the principal dwelling or 1,200 square feet, whichever is less.
  - 4. One additional parking space shall be provided on site, although this provision may be waived by the Director if the context and circumstances of each dwelling unit prove the space unnecessary.
  - 5. All buildings, including any detached accessory structure, shall meet the development and design standards for the lot in Article 5.
  - 6. The accessory dwelling shall be compatible with principal building, and whether within the principal building or in a detached structure, be clearly subordinate to the principal dwelling through the location of parking, access, building entrances, and other design features that accommodate the dwelling.
  - 7. Accessory dwellings shall require a special use permit according to the procedures and criteria in Section 2.08 in the R-1 and R-1A districts, but are permitted in the A, R-2, R-3, and R-O districts.
  - 8. A condition of the special use permit and certificate of occupancy in the R-1 and R-1A districts shall be that either the accessory dwelling unit or principal dwelling unit shall be occupied by the owner of record.
  
- C. **Home Occupation.** Home occupations may be accessory to a primary residential use on the lot and shall meet all of the following additional standards:

1. The occupation shall be limited to residents of the dwelling and no more than one non-resident employee. If the resident applicant is not the homeowner, the homeowner shall provide a notarized authorization with the permit application.
2. No more than 30% of the floor area of any one floor of the dwelling unit shall be utilized for a home occupation.
3. All activity shall be conducted within an enclosed living area, permitted accessory building, or the garage.
4. Any materials or equipment used in the home occupation shall be stored within an enclosed structure.
5. No alteration of the exterior of the building or site shall be made which changes the residential character of the building or site.
6. No traffic, services, or deliveries shall be generated by the home occupation that is abnormal to a residential neighborhood.
7. No equipment, machinery or operation shall be used in such activities that is perceptible off the premises because of noise, smoke, odor, dust, glare, radiation, electrical interference, or vibration.
8. Only up to 10 customer or patron visits per day shall be permitted and limited to between the hours of 7 a.m. and 7 p.m. All parking necessary for the use shall be confined to the garage, driveway, or street directly in front of the dwelling.
9. Signs shall be limited to 1 non-illuminated sign, no more than 2 square feet, and within at least 10 feet of the primary entrance.

D. **Renewable Energy Facilities.** Small renewable energy facilities may be an accessory use to another permitted use subject to the following additional standards, and provided they meet the qualifications for a building permit in Section 18-9 of the Municipal Code. They may be permitted beyond the standards as specified below through a special use permit according to Section 2.08. Any renewable energy facility that does not meet the limits of this section or cannot qualify as an accessory special use permit shall be considered a public utility service use and only allowed as permitted in Table 4-2 as a principal use of land.

Table 4-3: Accessory Renewable Energy Facilities		
	Accessory Use by Building Permit	Accessory Use by Special Use Permit
<b>Solar</b>		
<i>Building Mounted</i>	<ul style="list-style-type: none"> <li>▪ 8" max. off and parallel with pitched roof</li> <li>▪ 3' max. off a flat roof</li> <li>▪ Any facility projecting more than 2' off a flat roof shall be screened from ground level or adjacent property by a parapet, or other architectural screen integral to the design of the building.</li> </ul>	<ul style="list-style-type: none"> <li>▪ 6' max. off a roof or building wall</li> </ul>
<i>Ground Mounted</i>	<ul style="list-style-type: none"> <li>▪ 6' high max</li> <li>▪ 10' setback min.</li> <li>▪ Screened from adjacent property and the ROW in the same manner as all other mechanical equipment.</li> </ul>	<ul style="list-style-type: none"> <li>▪ 10' max high</li> </ul>
<b>Wind</b>		
<i>Building Mounted</i>	<ul style="list-style-type: none"> <li>▪ 4' max. above roof (residential buildings)</li> <li>▪ 8' max. above roof (non-residential buildings)</li> </ul>	<ul style="list-style-type: none"> <li>▪ 12' max. above roof (residential buildings)</li> <li>▪ 20' max. above roof (non-residential buildings)</li> </ul>
<i>Ground Mounted</i>	<ul style="list-style-type: none"> <li>▪ 30' max. height (residential districts)</li> <li>▪ 45' max. height (non-residential districts)</li> </ul>	<ul style="list-style-type: none"> <li>▪ 45' max. height (residential districts)</li> <li>▪ 60' max. height (nonresidential districts)</li> </ul>

E. **Craft Food and Beverage Manufacturing.** Production, retail sale, and distribution of food and beverages, such as micro-brewery, distillery, bakery, or other on-site manufacturing, is allowed accessory to an otherwise allowed restaurant or customer service use, provided:

1. That all manufacturing areas, or any warehousing, shipping and distribution facilities are clearly subordinate to the principal use as a restaurant.
2. No byproducts are generated such as smell, waste, smoke or noise results from the manufacturing that is distinctly different or of greater intensity than the principal use or similar permitted principal uses in the district.
3. Traffic, customer, and shipping operations and activities from the manufacturing use are not distinctly different than the principal use, both in terms of intensity and hours of activity.

Otherwise such uses are only permitted as a principal manufacturing use.

**F. Outdoor Storage, Non-residential.** Accessory outdoor storage may be permitted in the non-residential districts subject to the following standards:

1. In the R-O, C-1, and DT districts, the storage area shall be located behind the front building line of the principal building.
2. The storage area shall be fully screened from residential properties or public spaces according to the standards and design requirement of Section 8.03, and no materials shall be stacked higher than the screening.
3. The storage area shall be located on the most remote section of the site or building as possible, but no closer than 20 feet to any street or right-of-way in any in all cases.
4. Storage areas shall be limited to:
  - a. No more than 200 square feet in the R-O district.
  - b. No more than 500 square feet in the C-1 or DT districts.
  - c. No more than 30% of the building footprint in the C-2 district.
  - d. No more than 100% of the building footprint in the I-1 district.
5. The storage area shall be paved per the requirements for parking lots, except a stabilized dust-free surface may be used in the I-1 and I-2 district.
6. Alternatives to these accessory use limits may only be approved through the Alternative Compliance process and criteria in Section 2.07.

**G. Outdoor Display and Service Areas.** Outdoor display and service areas accessory to an allowed commercial use, such as sidewalk seating and dining or sidewalk sales are allowed subject to the following conditions:

1. Outdoor display and areas shall be located on the same lot as the principal use or along the street frontage immediately abutting the use in the case of street front buildings.
2. The area shall be limited to no more than 30% of the ground floor area of the principal use.
3. Display and service areas shall not be arranged where they interfere with pedestrian movements or building access, or with clear vision areas. At least 5 feet clear or at least 50% of the width any sidewalk, whichever is greater, shall remain clear and unobstructed by any display or service areas located on a sidewalk.
4. The area may be located in parking areas, provided it does not interfere with adequate parking and circulation of the entire site. The permanence of any structures shall be considered in evaluating the impact on adequate parking needs for the site.
5. The area shall be screened from view along any property line abutting a residential use or district according to Section 8.03.
6. A site plan shall be provided for any outside display or service area more than 400 square feet, lasting more than seven consecutive days, or more than four separate occurrences per year. A site plan shall show the location, area, and dimensions of the display area, and specifications for all lighting, fencing, screening, or temporary or permanent structures.
7. In reviewing the site plan, conditions or performance standards to mitigate excess noise, visual, or operational impacts may be added by the Director to address specific sites or contexts.

8. Any outdoor display area more than 1,000 square feet or that does not meet the conditions of this sub-section may only be approved through the special use permit procedures and criteria in Section 2.08.
- H. **Accessory Drive-Through.** Drive-through or drive-up service accessory to an allowed commercial use is permitted subject to the following standards, provided it is not otherwise prohibited by a specific plan or design standard for a particular area.
1. The service area shall not substantially expand the traffic or vehicle circulation otherwise necessary for the site. In general, the service area shall use the same entrance and exit from the site as the principal use, unless a more remote or discrete service off an alley or secondary street better meets these criteria.
  2. Avoid potential pedestrian/vehicle conflicts on the site and along the streetscape. No access shall be provided on any street designed to walkable street standards in Section 3.01. (MU/Retail Pedestrian, Avenue, or Boulevard street types). Use of alleys, internal access, and the rear of buildings for drive-through services is required to preserve the streetscape design and development patterns of these areas.
  3. Service areas and windows shall be located on the most remote wall possible, considering adjacencies to public-streetscapes, residential property, or other sensitive land use and urban design characteristics of the context. Additional screening or buffers may be required beyond the standards of Section 8.03 in order to ensure compatibility.
  4. No service area or pick up window shall be located within 100 feet of any residentially zoned property, except as authorized by a special use permit in this sub-section, and provided additional screening, buffers, and site design parameters demonstrate that noise and visibility is mitigated.
  5. Adequate stacking spaces for automobiles shall be provided to eliminate any impact on public streets. Circulation, stacking and other access issues shall be designed in a manner that has the least impact on pedestrians entering the principal building both from public streets and from internal streets or parking areas. Any stacking area or drive-through circulation lanes between the public streetscape and building shall require enhanced landscape beyond the standards of Section 8.03.
  6. Signs, speakers, or lighting elements shall not be visible or audible from the public right-of-way or adjacent residential property. Additional screening or buffers may be required beyond the standards of Section 8.03.
  7. Any drive through facility in the DT or R-O district shall require a special use permit subject to the procedures and criteria in Section 2.08.
  8. The Director may require any other drive-through service area that does not clearly meet these standards and criteria to be reviewed subject to the procedures and criteria for special use permits in Section 2.08.
- I. **Recycling Collection Point.** Small recycling collection areas or similar drop-off kiosks may be accessory use to an existing commercial or industrial land use, limited to the following:
1. Facilities shall not be located within 100 feet of any residential zoning district.
  2. Permeant or temporary structures are limited to no more than 300 square feet and shall be setback at least 10 feet from any public right-of-way.
  3. Facilities shall permit adequate circulation and access for drop off of materials, and for the periodic removal of materials by larger vehicles.
  4. The facility shall be placed on asphalt or concrete and shall not impact any landscaping or landscaped areas.
  5. Facilities shall be placed on a more remote portion of the site, appropriately screened from adjacent property or rights-of-ways, and otherwise located in a manner to limit adverse impacts on adjacent property and the public streetscape.
  6. The facility shall accept only non-perishable recyclable waste, or may be a collection point for donation of reusable, non-perishable household items such as books or clothing.

7. No processing or other power-driven mechanical devices or facilities are permitted.
8. Containers shall be constructed and maintained with durable waterproof and rustproof material, covered when the site is not attended, and shall have sufficient capacity according to a collection schedule. All material shall be stored in the unit and shall not be left outside of the unit when unattended.
9. The facility shall be maintained in a clean and sanitary manner, free of litter and any other undesirable materials.
10. Containers shall be clearly marked to identify the type of material that may be deposited. The facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the containers.

#### 4.04 Use-Specific Standards

The following uses may have impacts different than those generally enabled in the zoning districts, and have standards specific to the uses. These standards shall be met whether the use is a generally permitted use, accessory use, or a special use according to Table 4-2. The uses in this section may include more specific types or formats of the uses generally enabled in Table 4-2.

- A. **Residential Care.** In districts where residential care is a permitted or special use, they shall meet the following conditions to ensure they are integrated into neighborhoods, have a non-institutional nature, and maintain the residential character of neighborhoods.
  1. *Residential Care – Group Home / Statutory.*
    - a. Group homes shall meet all of the residential design standards applicable in the particular district, and any alterations to support the group living shall be done in a discrete way in accordance with those standards.
    - b. No group home shall be located less than 750 feet from another existing group home, except that the Director may waive the is requirement if separated by a restricted access highway, community scale park, or other large open space or barrier.
  2. *Residential Care – Limited and General.* When Residential Care – Limited or General uses are located in residential districts, they shall meet the following:
    - a. The use shall be located on a collector street or higher, or otherwise located as a transition between the neighborhoods and non-residential uses.
    - b. The building and site shall meet all residential design standards so that the use, building, and site is compatible with the neighborhood in terms of scale and intensity of activity.
    - c. Any facilities necessary to serve the residents, guests, or to support the staff, that are non-residential in nature shall be located on the most discrete portions of the site and building, and otherwise designed and screened to mitigate impacts on adjacent property.
  
- B. **Manufactured Homes.** In any district where a detached house is permitted, a manufactured home shall be permitted subject to the same restrictions, setbacks, use, and residential design standards as any other dwelling unit of similar density and use. Using engineering calculations or tests, following commonly accepted engineering practices, all components and subsystems of manufactured homes must perform to meet health, safety and functional requirements to the same extent as required for other dwelling units of similar density and use by the applicable building and fire codes adopted by the City. This distinguishes manufactured homes as a construction technique rather than a building type. Manufactured homes are subject to the following additional standards, except where permitted as part of a Manufactured or Small-Format Housing Community in the M-H district.

1. Minimum size shall be 20 feet in width and 600 square feet of floor space on the main level above grade.
2. Must be installed on an engineered permanent foundation with drawings engineered and stamped by a state-licensed engineer.
3. Must have brick, wood, or cosmetically equivalent exterior siding that is compatible with the surrounding neighborhood. Pictures, samples and/or detailed description of intended exterior siding must accompany the building permit application.
4. Evidence must be supplied to the City with the building permit application that the manufacturer has met or exceeds all minimum UBC, UPC, UMC and NEC standards for residential construction as per the currently adopted Municipal Code.
5. All manufactured homes shall have a gable roof with a minimum pitch of 4 inches of vertical rise for every 12 inches of horizontal run. These gabled roofs must be engineered and built to withstand a snow load of 30 pounds per square foot, and the entire home must be able to withstand wind shears of 85 miles per hour.

**C. Lodging – Short Term Rental.** In districts where lodging – short term rental is a permitted or special use, it shall meet the following standards.

1. The building is the principal residence of an occupant, and the short-term rental is run as an accessory business use for the occupant. There are no limits on the number of days that a portion of the residence may be used as a short-term rental, but the occupant must be in residence for at least 9 months of the year. This establishes two scenarios for short term rentals:
  - a. A portion of the residence is rented while the occupant is in residence.
  - b. A portion or all of the residence is rented while the occupant is not in residence, but this period is limited to no more than 3 months.
2. The use as a short-term rental requires a business license for the specific property, and all local fees and taxes shall be paid through this license.
3. The resident occupant shall be the applicant for any special use permit and business license, and is responsible for mitigation of all potential impacts on the neighborhood, including noise or other nuisance violations. If the resident occupant is not the property owner, the property owner shall also provide a notarized authorization with the permit application, and shall be similarly responsible for mitigation and compliance with any special use permit conditions and business license.
4. All occupancy requirements for the dwelling and lot from this code and the building code shall be met.
5. No alteration of the exterior of the building or site shall be made which changes the residential character of the building or site.
6. No traffic, services, or deliveries shall be generated by the home occupation that is abnormal to a residential neighborhood.

**D. Lodging – Bed & Breakfast.** In districts where lodging – bed & breakfast is a permitted or special use, it shall meet the following standards.

1. Except when located in the A district or non-residential districts, the use is in or within ¼ mile of the DT district or other mixed-use center, such that guests may experience the convenience of nearby retail, office, entertainment, and recreation amenities;
2. The applicant shall occupy a residence on the site and must demonstrate a sufficient ability for site maintenance and property management; If the resident occupant is not the homeowner, the homeowner shall provide a notarized authorization with the permit application.
3. There shall be no more than 5 guest rooms;
4. One off-street parking space shall be provided per guest room on site, although this provision may be waived by the Director if the context and circumstances of each dwelling unit prove the space unnecessary. However all parking and access shall be sited to meet all frontage design and site design standards applicable in the district.

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- E. **Marijuana Uses.** In districts where Marijuana – Medical Stores or Marijuana – Retail Stores are permitted uses, all uses shall also comply with all business licensing requirements, standards and location limitations in Chapter 6, Article XII of the Municipal Code.
  
  - F. **Recreation and Entertainment – Outdoor.** In districts where recreation and entertainment – outdoor is a permitted or special use, it shall meet the following conditions:
    - 1. For sites that do not include a principal building, accessory buildings shall be setback at least 50 feet from the front lot line and any adjacent residential district and 20 feet from any adjacent non-residential district. Any principal or accessory building shall meet the building development and design standards of the particular district.
    - 2. Any accessory building or structure shall be setback from any property line a distance of at least the same as its height and no more than 50 feet tall.
    - 3. Hours of operation shall not extend beyond midnight in non-residential areas and 10:00 p.m. in areas within 500 feet of residential zoning districts.
    - 4. Any use proposing building locations, building or structure heights, or hours of operation different from these standards shall require a special use permit according to the procedures and criteria in Section 2.08.
  
  - G. **Storage & Warehousing - Outdoor.** In districts where storage and warehousing - outdoor is a permitted or special use, it shall meet the following standards (See Section 4.03 for accessory outdoor storage standards):
    - 1. Storage areas shall either be located behind the principal building, or screened from view from the streetscape, public spaces, or any adjacent residential property with a fence, landscape buffer, or combination of these elements requirements of Section 8.03.
    - 2. Except for property abutting other I-2 uses, outdoor storage shall be screened from view of adjacent property by any combinations of buildings, fences or landscape buffers to be not visible at eye level from adjacent property.
    - 3. Alternatives to these accessory use limits may only be approved through the Alternative Compliance process and criteria in Section 2.07
  
  - H. **Agriculture.** In districts where agriculture is a permitted or special use, it shall meet the following standards
    - 1. Keeping of horses for private use shall require at least 20,000 square feet of lot for each animal.
    - 2. Keeping of livestock for farm or personal uses shall require lots of 5 acres or more.
    - 3. Keeping of livestock for commercial uses shall require a special use permit. Feed lots are specifically prohibited in all cases.
    - 4. All accessory buildings for agriculture purposes shall meet the standards for accessory buildings in Section 5.02.C.
  
  - I. **Oil & Gas.** In districts where oil and gas is a permitted or special use, it shall meet the following standards:
    - 1. *Oil & Gas Facility Plan.* Oil & Gas uses shall require a plan clearly showing all planned and reasonably anticipated areas of work, equipment, storage, roads, and circulation, and all areas used to buffer and screen impacts from this work. The plan shall show the anticipated full extent of operations and any changes to any approved plans shall require an amendment according to the same process and criteria of the initial approved plan.
    - 2. *Setbacks.* All oil and gas facility plans shall have the appropriate setbacks from adjacent property, structures, and uses. In general, this shall include the following:
      - a. All new oil and gas facilities and accessory structures shall have setbacks that meet all rules and regulations of the Colorado Oil & Gas Conservation Commission.
      - b. Any new building intended for occupancy public assembly or similar place of public gathering (such as a church, school or auditorium) shall be setback at

- least 300 feet from an existing wellhead or any other accessory structure or facility.
- c. Any other new residential, commercial, or industrial building or structure shall be setback 150 feet from an existing well head or any other accessory structure of facility.
- d. Any building or structure shall be setback at least 50 feet from plugged and abandoned wells.
- 3. **Impact Mitigation.** In addition to all other criteria of site plan and special use permit approvals, the plan shall mitigate potential negative impacts by addressing the following topics, or the City may require additional conditions to address these topics:
  - a. Screening with landscape and/or screening structures, as specified in this code and any additional screening or other impact mitigation that is necessary due to a particular context or relationship to adjacent sites and streets.
  - b. Operations and the frequency or likelihood of large vehicles and equipment using surrounding roads.
  - c. Plans for mitigation, de-commissioning, restoration, and future uses of the property in a way that integrates with surrounding development or long-range plans.
  - d. Public health and safety, and in particular compliance with all state statutes and the rules, regulations, and permitting of the Colorado Oil & Gas Conservation Commission including abandonment and plugging, seismic operations, reclamation, well protection, fencing and signs.
  - e. Clear ownership and responsibilities for all aspects of the operations, including property management, financial capacity or bonding, impact mitigation, and insurance.
  - f. Any other requirements deemed necessary by the Planning Department to ensure the public health, safety, and welfare.
  - g. Higher mitigation standards may be required where oil and gas is being proposed adjacent to residential or other potentially incompatible uses.

#### 4.05 District Performance Standards

All principal and accessory uses in non-residential districts shall be operated in a manner that meets the performance standards in Table 4-3, Non-residential District Performance Standards.

	RO, C-1, , & any use abutting R- districts	C-2 & DT	I-1	I-2
Noise levels during business hours (7AM-10PM)	65db	70db	75db	90db
Noise levels during quiet hours (10PM – 7AM)	45db	60db	65db	70db
No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.	☑	☑		
No smoke or particulate matter shall be produced that is a number I or darker on the Ringelmann chart	☑	☑	☑	
Dust, fly ash, radiation, gases, heat, glare or other effects shall not be produced which are obviously injurious or damaging to humans or property beyond the property line;	☑	☑	☑	☑
Vibration or concussion which is perceptible without instruments at the property line shall be prohibited	☑	☑	☑	
Lighting measured at the property line adjacent to right-of-way	1.0 FC	1.5 FC	1.0 FC	1.0 FC
Lighting measured at the property line adjacent to residential uses	0.1 FC	0.5 FC	0.1 FC	0.1 FC
Lighting measured at the property line adjacent to the same or more intense zoning districts	1.5 FC	2.0 FC	2.0 FC	2.0 FC