



**FIRESTONE  
DEVELOPMENT  
CODE**

**JANUARY 20223**

# CHAPTER 1: GENERAL PROVISIONS

---

## 16.1.1 TITLE AND EFFECTIVE DATE

The Firestone Development Code may be referred to throughout this document as “this FDC.”

## 16.1.2 AUTHORITY

This FDC is enacted pursuant to the powers granted and limitations imposed on municipalities by the laws of the State of Colorado, including without limitation C.R.S. §29-20-101 *et seq.* (Local Government and Land Use Enabling Act). This FDC has been adopted by reference into the Firestone Municipal Code (Ordinance No. 976) and as amended (Ordinances No. 982, ~~and~~ 1003, and \_\_\_\_\_).

## 16.1.3 PURPOSE OF THIS TITLE

### A. General Purpose

This FDC has as its general purpose the promotion of the health, safety, and general welfare of the Town of Firestone (“Town”).

### B. Specific Purposes

The provisions of this FDC are specifically intended to:

1. Foster quality, compatible, and efficient relationships among land uses;
2. Promote a healthy and convenient distribution of population by regulating and limiting the density of development;
3. Ensure greater public safety and accessibility through quality physical design and location of land use activities;
4. Encourage the efficient use of the available land supply;
5. Promote a balanced supply of residential, commercial, industrial, institutional, and transportation land uses that are substantially compatible with adjacent land uses and that have good access to transportation networks;
6. Preserve the character and quality of the Town’s residential neighborhoods;
7. Promote a balanced, diverse supply of quality housing located in safe and livable neighborhoods;
8. Enhance the appearance, visual scale, orientation, quality, and mix of land uses of new developments;
9. Ensure that developments are substantially compatible with the Town’s Comprehensive Master Plan;
10. Promote the vitality and development of the Town’s major employment centers, town centers, and its other commercial and mixed-use districts;
11. Manage traffic congestion in the streets;
12. Ensure the provision of adequate open space for light, air, and recreation;
13. Preserve the value of buildings and land;
14. Manage the preservation of existing trees and vegetation, wetlands, floodplains, wildlife and habitat, stream corridors, scenic views, and other areas of scenic and environmental significance from adverse impacts of land development;

A. Dimensional and Density Standards

TABLE 4-1: DIMENSIONAL AND DENSITY STANDARDS – RESIDENTIAL AND COMMERCIAL DISTRICTS (Additional standards may apply. See Use-Specific Standards in Section 3.2)								
District	Max/Min Density (DU/Acre)	Minimum Lot Standards		Minimum Setbacks (ft.) <sup>②</sup>				Max Height (ft)
		Width <sup>④</sup> (ft)	Net Area <sup>③</sup> (sq ft)	Front	Street (all uses)	Interior Lot Line	Rear	
RR	1/na	100 (Flag lots: 50)	43,560	Principal: 30 Accessory: 40	30	10	Principal: 30 Accessory: 10	40
R-A	5/na	SFD: 45 Comer: 55 SFD-Alley: 35 Comer: 45 SFA: 35 Comer: 45	SFD: 4,500 SFD-Alley: 3,500 SFA: 2,000 SFA-Alley: 1,500 SF-Motor Court: 2,500 MF: 1,500 per DU	Principal SF: 14 10 for alley loaded 20 to front load garage 5 to Motor Court 2 to Garden Court Principal MF: 20 Accessory: 30	SF: 10 MF: 20	Principal SF: 5 <sup>①</sup> Principal MF: 10 <sup>①</sup> Accessory: 5 <sup>①</sup>	Principal SFD: 20 SFD-Alley : 2 Principal SFA: 15 SFA-Alley: 2 SF-Motor Court: 10 Principal MF: 20 Accessory SF: 5 Accessory MF: 10	Prin-SF: 35 SF: Motor Court: 45 Prin-MF: 45 Acc: 25
R-B	10/5	SFA-Alley: 205 Comer: 305 MF: none						
R-C	20/10							

① Zero lot line setbacks shall be permitted for attached buildings provided that the building meets the zone district interior lot line setback on the side of the building not attached.

② Multiple principal buildings on a single lot shall be separated a distance equal to the distance that would be required if they were separated by a lot line.

③ Net area is the size of the lot; not to include tracts and streets and their right-of-ways.

④ Single Family lots facing a Motor Court may be reduced by 5 feet from their respective minimum lot widths.

## 16.4.2 MEASUREMENTS AND EXCEPTIONS

### A. Setbacks

#### 1. General Setback Requirements

##### a. **Required Setbacks**

Setbacks shall be unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above grade upward; provided, however, that fences, walls, trellises, poles, posts, ornaments, furniture and other customary yard accessories may be permitted in any setback subject to height limitations and requirements limiting obstruction of visibility.

- i. A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum setback requirements set forth in Table 4-1 for the zoning district in which it is located, except as otherwise established in this FDC or unless a variance has been granted.
- ii. A setback or other open space required by this FDC shall not be included as part of a setback or other open space required by this FDC for another building or structure or lot.

##### b. **Encroachments into Required Setbacks, General**

The following structures may encroach into required front, side or rear setbacks as specified in this Subsection and as permitted by building code:

##### i. **Paved Patios or Terraces**

Paved patios or terraces may encroach into any required setback, provided that no structures placed on them shall violate other requirements of this FDC.

##### ii. **Unroofed Landings, Decks and Stairs**

Unroofed landings, decks and stairs may encroach into side and rear required setbacks, provided that the floor shall not extend higher than thirty (30) inches above the finished grade level and the projection is at least five (5) feet from the lot line.

##### iii. **Covered Decks, Covered Patios, and Exterior Balconies**

Covered Decks, Covered Patios, and Exterior Balconies may encroach into a required rear setback provided these encroachments are at least ten (10) feet from the rear lot line.

##### iv. **Incidental Architectural Features**

Cornices, eaves, canopies, chimneys, bay windows, ornamental features, and other similar architectural features may encroach not more than two (2) feet into any required setback. Window well openings may encroach not more than three (3) feet into any required setback.

##### v. **Covered Porches and Roofs Over Other Exterior Approaches**

Roofs over porches, stairways, landings, terraces, or other exterior approaches to pedestrian doorways may project up to four (4) feet into a front setback. The projection shall be at least ten (10) feet from the front property line.

##### vi. **Handicap Ramps**

The Director may allow the installation of handicap access ramps in required front, side, and rear setbacks. The design and placement of the ramps shall be reviewed to ensure that:

drainage easements, open space, view corridors, pedestrian/bicycle paths, and other relevant design considerations.

**E. Lots**

1. Lot size, width, depth, shape, and orientation and minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated, and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy, and view. All lots shall conform to the applicable zoning regulations affecting the property.
2. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking, landscaping or planting area, and loading areas required by the type of use and development contemplated.
3. No single lot shall be divided by a municipal boundary line.
4. No single lot shall be divided by a zone district boundary line.
5. A lot shall not be divided by a street, alley, or other lot.
6. Each residential lot shall be provided with lot frontage on a street. Residential lots may be permitted to front on common greens, parks, auto-courts, and other common areas **located within a tract with a minimum width of thirty (30) feet and** subject to the provisions of this FDC. Non-residential lots shall be provided with lot frontage on a street or private drive.
7. Corner lots for residential use shall have extra width to accommodate the required building setback line on both street frontages.
8. Wedge-shaped lots shall not be less than thirty-five (35) feet in width at the front property line. Such lots shall conform to the minimum lot width for the district at the front setback line.
9. Side lot lines shall be at substantially right angles and radial to curved streets. Where lot lines are not at right angles to the street lines, it shall be indicated on Preliminary and Final Plats.
10. Triple frontage lots and flag lots are prohibited in residential zone districts.
11. Lot widths and minimum square footage shall conform to the requirements of Chapter 4 of this FDC.
12. Double frontage residential through lots are prohibited. To prevent such double frontage lots, a landscape tract of not less than thirty (30) feet shall be required between the rear of a lot and street right-of-way. Alley loaded lots shall not be considered double frontage lots for the purpose of this section.

**F. Blocks**

The requirements and standards set forth in Section 6.5, shall apply to all subdivisions.

**G. Streets**

All streets shall comply with the requirements and standards set forth in Section 6.5, in addition to the following:

**1. Compliance with Town Standards Required**

All new streets within a subdivision shall be constructed in accordance with the Town of Firestone Transportation Master Plan and the Standards and Specifications.

**2. General Street Design Considerations**

All new streets should be designed in relation to existing or planned streets, to public convenience and safety, and in relation to the proposed use of land to be served. To the

maximum extent reasonably practicable, streets shall be arranged to follow the natural contours of the site. Streets shall be extended to connect with existing streets, except where such extension is prevented by topography or other physical conditions or where the connection of streets with existing or probable future streets is deemed unnecessary by the Town for the advantageous development of adjacent properties.

**3. Private Streets**

Private streets may be permitted provided they meet all Standards and Specifications required for public streets and right-of-ways and demonstrate that private streets and right-of-ways can be perpetually maintained.

**4. Street Intersections**

- a. Arterial streets shall not be intersected by local streets.
- b. No more than two (2) streets shall intersect at one (1) point unless approved by the Town Engineer.
- c. Streets shall intersect at ninety (90) degrees, except where this may be impractical. Angles of less than ninety (90) degrees may be designed, subject to the approval of the Town Engineer.
- d. Two local streets meeting a third street from opposite sides shall meet at the same point, or their centerlines shall be offset at least one-hundred fifty (150) feet.

**5. Street Right-of-Way Widths**

Street right-of-way widths within the proposed subdivision, or boundary streets impacted by the proposed subdivision, shall follow the Town's Transportation Master Plan and Standards and Specifications.

**6. Cul-de-sacs**

All cul-de-sacs shall be designed in accordance with the Standards and Specifications of the Town and the Fire District. A cul-de-sac on a local street shall not be longer than ~~five~~seven-hundred ~~and fifty~~ (~~750~~0) feet and at the closed end shall provide a turnaround in a configuration approved by the Town Engineer and Fire District. The cul-de-sac length shall be measured from the centerline of the intersecting street to the centerline of the cul-de-sac turnaround.

**7. Street Arrangement and Connections**

- a. Local streets shall be arranged so that their use by through traffic will be discouraged. Traffic calming techniques such as use of grid patterning, diverters and curvilinear alignments are encouraged to reduce speeds and cut-through traffic. All traffic calming measures shall be approved by the Town Engineer.
- b. Where a subdivision borders the following, a minimum landscaped buffer area shall be provided as follows: thirty (30) feet adjacent to arterial streets and section line roadways, fifty (50) feet adjacent to railroad right-of-way, and one-hundred (100) feet adjacent to Interstate right-of-way. This buffer is in addition to any required right-of-way, and exclusive of any lot size requirements. No driveway access shall be permitted from the lot directly to any highway, freeway, arterial, section line roadways, or railroad right-of-way.
- c. Dead-end streets (excluding cul-de-sac or stub streets) shall not be permitted unless approved by the Board of Trustees.
- d. Visibility into residential subdivision from arterial, section line, and collector roadways shall be emphasized and coordinated with street configurations including cul-de-sacs and parallel road loops, open space, and trail corridors. The backing of lots to

necessarily appurtenant to such underground utilities) shall be placed underground whenever practicable. If placed above-ground, such equipment shall not be located in street medians or on utility poles unless no practicable alternative exists. Such equipment shall also be screened as required by the screening requirements of Subsection 6.4.G.

7. The applicant shall establish rough-cut final utility grades prior to the utility installations.

## **K. Storm Water Drainage**

### **1. General Provisions**

- a. Drainage improvements shall be designed according to Town Standards and Specifications.
- b. Drainage areas shall be left in a natural state or designed to appear natural in form unless otherwise approved by the Town.
- c. Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the State of Colorado and qualified to perform such work, and shall be shown graphically. All existing drainage features that are to be incorporated in the design shall be so identified.

### **2. Design of Drainage Systems**

- a. The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and upstream from the subdivision itself, as well as its effects on lands downstream.
- b. Native re-vegetation techniques shall be used.
- c. Storm water drainage systems shall be designed according to Town Standards and Specifications.
- d. The drainage report to be included with the Preliminary Plat submittal materials shall be subject to review by the Town and outside referral agencies.
- e. A final drainage report shall be submitted and accepted by the Town prior to Final Plat approval.

## **L. Water and Wastewater Lines**

### **1. Oversizing Water and Wastewater Lines**

Oversizing of water lines may be required by the Town beyond the needs of the subdivision development and standard Town specification. In such cases the applicant shall pay for the cost of the line. In the event oversized utilities are required and are greater than twelve (12) inches in diameter, applicants can initiate requests for oversize recovery or reimbursement following final acceptance of the water line as part of a Development Agreement. The method and time of payment shall be established in accordance with the current policies of the Town and/or agreement between the applicant and Board of Trustees.

### **2. Wastewater Line Standards**

Design standards for wastewater lines shall be in accordance with the requirements of the St. Vrain Sanitation District.

## **M. Water Courses and Ditches**

The requirements and standards in Subsection 6.2.B, shall apply to all subdivision plats.

## **N. Water Supply**

The requirements and standards in the Municipal Code apply to all subdivision applications.

**5. Standards for Tree Protection and Replacement**

**a. Tree Retention Generally**

To the maximum extent reasonably practicable, healthy trees in locations that reasonably avoid conflict with the development shall be retained.

**b. Tree Protection Before and During Construction**

As part of the required landscape plan, protection measures including but not limited to flagging, protective fencing, boring, trenching separation, and general methods shall be identified for trees designated for protection taking place prior to construction and during construction. Protection measures shall prohibit the storage of materials, vehicular traffic, grade changes, and any other activities that would impact the health of the protected tree. The protection measures shall be maintained until construction activities around the protected trees are complete.

**D. Community Gateways**

**1. Applicability**

This Section shall apply to all new development in the Town.

**2. Standards for Community Gateway Corridors**

Along the following gateway corridors, the following additional standards shall apply to protect distinct entryways into the community:

**a. Arterials and Section Line Roadways**

- i. A minimum thirty (30) foot landscaped buffer shall be maintained on either side of the arterial or section line roadway and located in a tract when adjacent to residential subdivisions and within a tract or non-exclusive landscape easement when adjacent to non-residential subdivisions. This buffer should utilize a variety of live plant material and berming to provide year-round visual interest. A minimum ten (10) foot wide sidewalk shall be incorporated as an integral component of the landscape buffer and landscape area within the right-of-way.
- ii. Single-family detached residential lots shall be set back a minimum of one-hundred fifty (150) feet from the right-of-way along Firestone Boulevard west of Colorado Boulevard.
- iii. All fencing facing the arterial or section line roadway shall be a maximum of four (4) feet in height and should have an open character, such as split rail or picket. Opaque fencing is prohibited.
- iv. Parking shall be screened to the greatest extent reasonably practicable from the arterial or section line roadway using a combination of berming, walls, fencing and landscaping with a minimum cumulative height of three (3) feet. Such berming or screening walls and fencing may be located within the landscaped buffer prescribed in this Section. Parking, internal drives or streets may not extend into the landscape buffer excepting access drives from the right-of-way running perpendicular to the arterial or section line roadway.
- v. Garages and carports may not be used as a screen or barrier between the arterial or section line roadway and a development site.



**3. Fences and Walls Permitted as Accessory Uses**

Fences and walls are permitted in the various zone districts as accessory uses in accordance with the limitations provided in this Chapter.

**4. Location**

- a. Fences and walls must be located within or on the property lines and maintained by the property owner.
- b. A fence or wall located in interior side or rear yard areas that abut an interior side property line or rear property line of another property may be located within or on the property line; except, that if the side or rear property line is adjacent to a driveway, alley or street, the site distance triangle requirements shall apply.
- c. Fences adjacent to sidewalks must be placed at least four (4) feet from the edge of the sidewalk. Gates adjacent to sidewalks shall open inward to the property.
- ~~c.~~ Fences shall be required adjacent to ditches when ditches are immediately adjacent to or in close proximity to sidewalks, trails, and other pedestrian ways. Such fences shall conform to the open space, parks, and trails fence standards.

**5. Height Restrictions**

- a. A fence located in a front yard or street side yard area shall have a maximum height of forty-two (42) inches within the front yard or street side yard setback or forward of the front face of the principal structure, whichever is greater. Such fence shall be not more than fifty (50) percent opaque. A wall located in a front yard area shall have a maximum height of three (3) feet.
- b. Fences abutting open space, parks, and trails shall be limited to four (4) feet in height and shall be not more than fifty (50) percent opaque. The finished side of the fence shall face the open space, park, or trail area.
- c. No fence in any district shall exceed six (6) feet in height; except:
  - i. Fences may be up to eight (8) feet in height in certain districts pursuant to Subsection 6.4.G.9. Outdoor Storage.
  - ii. Fences around a court (e.g., tennis, squash racquet, squash tennis or badminton) or around a publicly owned recreation area may exceed six (6) feet in height if constructed of limited solid material.

**6. Construction Standards for Fences**

- a. **Compliance with Building Code**  
Fences must be constructed to meet the adopted building code of the Town. Fences and walls shall be constructed of durable, easily maintained materials such as, but not limited to, stone or simulated stone, brick, vinyl, or wood sections. All wood fence materials shall be treated wood or wood with natural resistance to decay, or equivalent.
- b. All fences must be of durable material and kept in good repair. Fence posts and all vertical members of a fence shall be plumb.
- c. The finished side of the fence or wall shall face the adjacent street, trail, open space, park, or common area.
- d. Open fencing styles may include wire mesh attached to the interior of the fence.

**7. Restrictions Regarding Certain Materials**

- a. Fences in the LI zoning district may include up to four (4) strands of barbless wire, with the lowest strand at least six (6) feet above ground level. The barbless wire may

4. Enhance the residential streetscape and diminish the prominence of garages and parking areas;
5. Enhance public safety by preventing garages from obscuring main entrances or blocking views of the street from inside residences; and
6. Improve the compatibility of attached and multi-family residential development with the residential character of surrounding neighborhoods.

**B. Applicability**

This Section applies to development of all uses classified as “residential” in the “use category” by Chapter 3, unless otherwise indicated.

**C. Alternative Equivalent Compliance**

The alternative equivalent compliance procedure in Section 6.1 may be used to propose alternative means of complying with the intent of this Section.

**D. General Standards for All Residential Development**

**1. Mix of Housing Types**

**a. Intent**

- i. To promote a more diverse community through the provision of a variety of housing types.
- ii. To encourage developments that are not dominated by a single type of home or dwelling unit, within a narrow range of price points and densities.
- iii. To encourage “neighborhood-oriented” multi-family developments that incorporate a variety of housing types, such as a combination of duplex, townhomes, condominiums, apartments, live-work units, and single-family dwelling units in a range of sizes.

**b. Diversification Standards**

- i. Diversification Standards shall not apply to:
  - (A) All zone districts that do not allow residential uses.
  - (B) Certain zone districts that allow residential: RR and AG.
- ii. Residential development parcels, including parcels part of a phased development, shall provide a minimum mix of housing, based on the size of the development as required in Table 6.7-1 below:

TABLE 6.7-1: HOUSING DIVERSITY	
Development Parcel Size	Required Mix of Housing Type
0-40 Acres	1 housing type
41-80 Acres	2 housing types
81-160 Acres	3 housing types
161-320 Acres	4 housing types
321-640 Acres	5 housing types
641+ Acres	6 housing types

- iii. Housing types that apply to Table 6.7-1 include:

- (A) Single-Family Detached;
  - (B) Duplex;
  - (C) Single-Family Attached - Townhouse;
  - (D) Multi-Family – six (6) units or less;
  - (E) Multi-Family – Apartments (seven (7) units or more); and,
  - (F) Live-Work units.
- iv. For purposes of Housing Type, front loaded garage products versus alley or rear-loaded garage products shall be considered a unique and separate Housing Type.
  - v. For unlisted, unique or miscellaneous products such as age restricted products, patio homes, motor court products, or detached townhomes that are distinct from the housing types above may be considered for designation as unique housing types through the Preliminary Plat, Overlay Rezoning or PUD Rezoning processes.

## E. Additional Standards for Single-Family Detached and Attached Dwelling Units

### 1. Architectural Variety and Character

#### a. General Purpose

The purposes of these architectural variety and character standards are to:

- i. Encourage creativity in design and architectural interest on all sides of single-family detached and attached dwelling units that results in attractive, long-lasting neighborhoods; and

#### b. Applicability

These standards shall apply to all uses classified as “single-family detached dwelling unit” and “single-family attached dwelling unit” by Chapter 3, for all new lots, in subdivisions created under this FDC except for lots located within the RR zone district or over two (2) acres in size.

#### c. Architectural Variety

##### i. Design Standards

- (A) No model plan elevation shall be repeated directly across any street from the same model plan and elevation.
- (B) No model plan elevation shall be repeated more than once every four (4) lots on the same side of the street. For single-family attached duplex buildings, each building shall be considered an elevation.
- (C) For elevations of the same model to be considered unique for the purpose of architectural variety, elevations shall be distinct in character, style, form, and massing.
- (D) Change in paint color shall not be considered distinct for the purposes of architectural variety.

##### ii. Tracking

- (A) It shall be the responsibility of the developer to maintain a record of home model variety for every development parcel.
- (B) It shall be the responsibility of the developer to disclose these architectural variety standards to potential homebuyers. Failure on

**c. Three Car or More Garage Orientation**

The additional bay of any three (3) car or more garage shall:

- i. Have a different orientation from the first two (2);
- ii. Shall be off-set by at least two (2) feet from the first two (2) garages when having the same orientation; or
- iii. Shall be tandem to the first two (2).

**4. Minimum Front Porch**

Each home shall include a covered front porch. The front porch shall be a minimum size of fifty (50) square feet in floor area excluding the area required to access the front door and shall have a minimum depth of five (5) feet. For unique products or specific architectural style that may not accommodate a front porch, Alternative Equivalent Compliance and justification shall be provided.

**5. Townhomes**

- a. No more than six (6) townhome dwelling units may be attached in any single row or building cluster.
- b. Within each townhome building, individual dwelling units shall be differentiated through two (2) or more of the following methods:
  - i. Use of distinct variations in materials between individual dwelling units;
  - ii. Use of distinct variations in architectural style or features, such as a porch or similar feature, between individual dwelling units;
  - iii. Use of distinct variations in roof form;
  - iv. Variation in garage orientations; or
  - v. A variation in the plane of the front facade to provide a minimum three (3) foot variation between individual dwelling units.

**6. Motor Court Designs**

- a. Residential housing products oriented around a Motor Court shall have the following additional requirements:
  - i. The motor court, which includes the driveway on the shared tract and the private garage aprons on private lots, shall consist of colored pavers installed in decorative pattern;
  - ii. Each residential lot shall be provided with lot frontage on the motor court which provides access to a public street;
  - iii. Dwellings in the middle and rear of the motor court shall be oriented towards the motor court with both the primary pedestrian door and garage facing the motor court;
  - iv. Dwellings on street side lots shall have the primary pedestrian door facing the street and the garage door shall face the motor court;
  - v. The width of a two-car garage shall not exceed 67% of the width of the elevation;
  - vi. Front doors shall be located within 8' of the face of the garage door and porches shall project past the face of the garage by at least two (2) feet;

- vii. A front porch that is a minimum of fifty (50) square feet and five (5) feet in depth inclusive of the front stoop is required on all models not adjacent to the street;
- viii. Street side models shall include a wrap-around porch that extends a minimum of twelve (12) feet wide on the side with a minimum depth of five (5) feet. The porch shall be a minimum of 100 square feet inclusive of the front stoop;
- ix. Windows are required in the garage door;
- x. No more than two (2) of the same model are permitted within a single motor court; and,
- xi. If two (2) of the same model do exist within the same motor court, they shall be of different elevations.

## F. Additional Standards for Multi-family Residential

### 1. Building Design and Character

#### a. **General Purpose**

The purposes of these building design and character standards are to establish an approach to multi-family development that encourages creativity in design of buildings or dwelling units that results in attractive, long-lasting multi-family neighborhoods.

#### b. **Application**

These standards shall apply to all multi-family residential development within the Town. Multi-family development shall include multi-family buildings of six (6) units or less, and apartments.

#### c. **Building Orientation**

##### i. *Intent*

To create an integrated neighborhood appearance for multi-family developments that establishes a pattern that is integrated with adjacent uses instead of segregated as a separate sub-community.

##### ii. *Design Standards*

(A) The primary entrance and facade of individual buildings within a multi-family development shall be oriented, in the following order, towards:

(1) Primary internal or perimeter streets, or

(2) Common open space, such as interior courtyards, parks, or on-site natural areas or features with a clearly defined and easily accessible pedestrian circulation system. or

(3) Other similar but unique features integrated into the design.

(B) Primary entrances and facades shall be integrated into the on-site pedestrian network and emphasized through entryway design.

#### d. **Architectural Character**

##### i. *Intent*

(A) To improve the appearance of multi-family developments through the incorporation of architectural detailing, facade articulation, and other features designed to provide a more distinct character and pedestrian scale for multi-family buildings of all sizes.

- (B) Lots must be combined so that no lot is created as a non-conforming lot, and no existing non-conforming lot remains.
  - (C) The amendment does not attempt to remove recorded covenants or restrictions; and
- viii. Add one (1) lot line between two (2) adjacent lots if, at the Director's discretion, the lot line does not alter the character of the subdivision nor adversely affect the functions of transportation, utilities, drainage, and other services and providers.

## 16.7.7 MINOR MODIFICATIONS

### A. Purpose and Scope

This Section sets forth the required review and approval procedures for "Minor Modifications," which are adjustments to certain provisions of this Code otherwise applicable to a property pursuant to the procedures in this Section. Minor Modifications may authorize minor changes to pending applications, or to approved plans and permits, and relief from specified standards as stated in this Section. Minor Modifications are intended to relieve unnecessary hardship in complying with the strict letter of this FDC or with overriding Federal law, and to promote context-sensitive development, which are minor deviations from otherwise applicable standards that may be approved by the Board of Trustees or the Director. Minor Modifications are to be used when the small size of the modification requested, and the unlikelihood of any adverse effects on nearby properties or the neighborhood, make it unnecessary to complete a formal Variance process. Minor Modifications are not intended to relieve specific cases of financial hardship, nor to allow circumventing the intent of this FDC and its standards.

### B. Applicability

#### 1. Administrative Adjustments to Relieve Unnecessary Hardship

As part of the review and approval of any procedure set forth in this Chapter, the Board of Trustees or the Director may approve adjustments of up to a maximum of ten (10) percent from the following general development and zoning district standards, including Design Overlay (DO-) and Planned Unit Development (PUD) District standards, provided that the applicable approval criteria listed [below in Section 16.7.7.C.2.](#) are met.

- a. Minimum lot area requirements;
- b. Setback, building, and height requirements;
- c. Subdivision design and improvement standards set forth in Section 5.4; and
- d. Quantitative development standards set forth in Chapter 6 (e.g., number of parking spaces);

#### 2. Minor Modifications to Ensure Compliance with Federal Law

##### a. *Compliance with Federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA)*

- i. The [Board of Trustees or the](#) Director may grant Minor Modifications to any use, building form, or design standard stated in Chapters 3, 4, and 6 of this FDC in order to eliminate a substantial burden on religious exercise as guaranteed by the RLUIPA, as amended.
- ii. In no circumstance shall the [Board of Trustees or the](#) Director approve an adjustment that allows a religious assembly use, or any uses/structures/activities accessory to it, in a zone district where this FDC prohibits such use or accessory use/structure/activity.

- iii. In granting an administrative adjustment, the Board of Trustees or the Director may require conditions that will secure substantially the objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties, including but not limited to additional landscaping or screening.

**b. Reasonable Accommodations under Federal Fair Housing Act (FFHA)**

- i. The Board of Trustees or the Director may grant administrative adjustments to provide reasonable accommodations under the FFHA. In the application for an administrative adjustment under this subsection, the applicant shall identify the type of housing being provided and cite the specific provisions of the FFHA that require reasonable accommodations be made for such housing. The Board of Trustees or the Director may grant the following types of administrative adjustments to assure reasonable accommodations required by law:

- (A) Modify any minimum distance or spacing requirements, building setback, height, open space or building coverage, or landscaping requirement by no more than ten (10) percent; or
- (B) Reduce any off-street parking requirement by no more than one (1) space.
- (C) The Board of Trustees or the Director may approve a type of reasonable accommodation different from that requested by the applicant if the Director concludes that a different form of accommodation would satisfy the requirements of the FFHA with fewer adverse impacts on adjacent areas. The decision of the Director shall be accompanied by written findings of fact as to the applicability of the FFHA, the need for reasonable accommodations, and the authority for any reasonable accommodations approved. Requests for types of accommodation that are not listed above may only be approved through a Variance or Official Map Amendment (Rezoning) process.

**C. Procedures as Modified**

**1. Step 8 (Decision and Findings)**

The following additional procedures shall apply:

**a. Minor Modifications Approved by Director of Planning & Development**

The Director may initiate or approve a Minor Modification permitted under this Section on an application prior to approval if the request for such administrative adjustment is submitted concurrently with any other required development application.

**b. Minor Modifications Approved by the Board of Trustees**

The Board of Trustees may initiate or approve a Minor Modification permitted under this Section on an application during consideration and approval of a development application if the request for such administrative adjustment is submitted concurrently with any other required development application.

**b.c. Noted on Approving Documents**

Any approved Minor Modifications shall be specified on the approved plat, development plan, approval letter or approving document for which the modifications were sought.



**ed. Conditions of Approval**

The Board of Trustees or the Director may attach any condition to approval to a Minor Modification reasonably necessary to protect the health, safety and welfare of the community, to secure substantially the objectives of the modified standard, and to minimize adverse impacts on adjacent properties.

**2. Step 9 (Approval Criteria)**

The Board of Trustees or the Director may approve the Minor Modification only upon finding that at least one of the following Approval Criteria is met:

- a. The adjustment is necessary to satisfy the federal requirements for reasonable accommodation of housing for protected groups under the Federal Fair Housing Act as provided in Section 7.7.B.2.B; or
- b. The adjustment is necessary to eliminate a substantial burden on religious exercise as guaranteed by the federal Religious Land Use and Institutionalized Persons Act of 2000 as provided in Section 7.7.B.2.A.; or
- c. All of the following criteria have been met:
  - i. The requested modification is generally consistent with the Town's Comprehensive Master Plan and the stated purpose of this FDC;
  - ii. The requested adjustment is consistent with the stated intent and purpose of the applicable zone district or approved PUD District Plan, if applicable;
  - iii. The requested modification meets all other applicable building and safety codes;
  - iv. The requested modification does not encroach into an easement;
  - v. The requested modification will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated.

**16.7.8 VARIANCES**

**A. Purpose and Scope**

The Variance process is intended to provide limited relief from the requirements of this FDC in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise permitted under this FDC. It is not intended that Variances be granted merely to remove inconveniences or financial burdens that the requirements of this FDC may impose on property owners in general. Rather, it is intended to provide relief where the requirements of this FDC render the land difficult or impossible to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the Variance is requested. State and/or Federal laws or requirements may not be varied by the Town.

**B. Limitations**

1. No variance shall be granted to permit a use of land not otherwise permitted in the applicable zone district.
2. No variance shall be granted to increase to the size or height of signs by more than ten (10) percent above the requirements and limitations of this FDC.
3. No variance in lot width or lot area shall be granted if the requested variance is associated with a request to subdivide a lot or parcel of property into two (2) or more lots. Any such



**Condominium**

A single dwelling unit in a multiple dwelling unit structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

**Container (cargo container, shipping container, or truck trailer body)**

A standardized, reusable vessel that is or appears to be: (1) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, or (2) designed for or capable of being mounted or moved on a rail car, or (3) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

**Contractor's Shop or Storage Yard**

A building or part of a building or land area for the construction or storage of materials, equipment, tools, products, and vehicles.

**Convenience Store**

A retail establishment with a floor area of less than five-thousand (5,000) square feet, which sells a limited line of groceries and household items, gasoline, or beer and wine generally intended for the convenience of the neighborhood, but not including an automobile service station.

**Correctional Facility**

A facility for the purpose of incarcerating and rehabilitating offenders.

**County Clerk and Recorder**

Weld County Clerk and Recorder.

**Court Yards**

Open, unoccupied spaces that are wholly or partially enclosed.

**Crosswalk or Walkway**

A right-of-way dedicated to public use and designed to facilitate pedestrian traffic.

**Cultural Facility**

A cultural facility displays or preserves objects of interest or provides facilities for one (1) or more of the arts or sciences. Accessory uses may include parking, offices, storage areas, and gift shops. Specific use types include, but are not limited to: **Botanical Garden; Library; Museum; or Zoo.**

**Deck**

An uncovered platform constructed of wood or similar synthetic material.

**Dedication**

A grant of land or the right to use land, by the owner of that land, to the public, involving a transfer of property rights and an acceptance of the dedicated property by the Town.

**Density, Net**

The total number of dwelling units per acre of the total land area to be developed excluding rights-of-way, common areas, parks, open space, and recreational, civic, commercial, and other nonresidential uses.

**Density, Gross**

The total number of dwelling units per gross acre of the total land area to be developed theoretically permitted on a particular parcel based upon its size and zoning designation while not taking into account the portions of unbuildable land.

**Dental or Medical Office, Clinic, or Laboratory**

A facility for a group of one (1) or more dentists or physicians for the examination and treatment of human outpatients, provided that patients are not kept overnight except under emergency conditions.