

ORDINANCE NO. 2016-1004

INTRODUCED BY: Zoe Stieber

AN ORDINANCE OF THE CITY OF FORT LUPTON, COLORADO AMENDING CHAPTER 16, ARTICLE II, SECTIONS 16-40 THROUGH 16-43 OF THE FORT LUPTON MUNICIPAL CODE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO, AS FOLLOWS:

WHEREAS, the Fort Lupton Municipal Code currently does not permit manufacturing, storage, distribution, processing, and/or storage in the I-1 Light Industrial or I-2 Heavy Industrial Zone Districts, as a use by right; and

WHEREAS, City Council finds that certain types of manufacturing, distribution, processing, and/or storage is appropriate in the industrial zone districts to encourage jobs and revenues for the City; and

WHEREAS, City Council finds that Sections 16-42 and 16-43 of Chapter 16, Article II of the Code shall be amended to permit certain types of manufacturing, distribution, processing and/or storage uses in the City's industrial zone districts; and

WHEREAS, Sections 16-40 to 16-43 of Chapter 16, Article II of the Code are the regulations related to the commercial and industrial zone districts within the City; and

WHEREAS, the Code does not specifically permit indoor or outdoor gun ranges, either as a use by right or as a special use permit, in any of the commercial or industrial zone districts within the City; and

WHEREAS, City Council finds it necessary to allow gun ranges, public or private, within the commercial and industrial zone districts to promote recreation and tourism to the City; and

WHEREAS, City Council finds that it is appropriate for indoor gun ranges, public and private, to be permitted as a special use in the commercial zone districts within City limits, provided that any indoor gun range is granted approval through a special use review; and

WHEREAS, City Council finds that it is appropriate for outdoor gun ranges, public and private, to be permitted as a special use in the industrial zone districts within City limits, provided that any outdoor gun range is granted approval through a special use review; and

WHEREAS, City Council further finds that Sections 16-40 through 16-43 of Chapter 16, Article II of the Code shall be further amended to address some minor typographical issues and to better categorize land uses into more appropriate zone districts; and

WHEREAS, City Council deems it necessary to repeal and amend certain Sections of Chapter 16, Article II of the Fort Lupton Municipal Code; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO:

Section 1: Chapter 16, Article II, Section 16-40 of the Fort Lupton Municipal Code is hereby repealed and reenacted to read as follows:

**Sec. 16-40. C-1 General Commercial District.**

- (a) Intent. It is the intent of the C-1 General Commercial District to provide a zone for concentrated commercial activities normally found in central business districts. Such concentrated business activities develop economic strength and, with proper development standards, create a convenient, compatible pattern of land use.
- (b) Site plan. Prior to the release of building permits, a site plan for utilization of C-1 zone lots shall be required and shall conform with these zoning regulations.
- (c) More than one (1) permitted commercial building may be allowed on a zone lot in the C-1 District if so designated on an approved site plan.
- (d) Permitted uses. No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided for in this Chapter, except for the following uses:
  - 1) Baking, confectionary, dressmaking, dyeing, laundry, tailoring, upholstery, cleaning or other similar establishments.
  - 2) Banks, office buildings and studios.
  - 3) Bus stations and taxi stands.
  - 4) Churches.
  - 5) Gasoline and oil service stations, provided that all storage tanks are placed underground and merchandise is enclosed.
  - 6) Liquor-licensed premises, including distilleries, breweries and wineries.
  - 7) Medical and dental clinics.
  - 8) Membership clubs, fraternities and lodges.
  - 9) Motels and hotels.
  - 10) Personal care boarding homes, two (2) boarders or less, in existing residential structures.
  - 11) Personal offices or service shops, such as barber, shoe shine and beauty parlors.
  - 12) Printing and publishing establishments.
  - 13) Public buildings, assembly halls and auditoriums.
  - 14) Public recreation areas and facilities.
  - 15) Residential uses in existing structures or if they are provided in conjunction with a commercial use.
  - 16) Restaurants, cafes and other places serving food (including drive-ins).
  - 17) Retail business stores and shops.
  - 18) Retail cold storage locker plants; slaughtering activities, however, shall not be permitted.
  - 19) Schools, public and private.

- 20) Small wind energy systems are permitted, provided that they meet the qualifications for a building permit set forth in Section 18-9 of this Code.
  - 21) Theaters (excluding drive-in theaters and amusement houses).
- (e) Special uses. The following are allowed subject to the special use review and approval procedures of this Chapter:
- 1) Auto, truck, boat, trailer and farm equipment sales, services and repairs.
  - 2) Auto wash facilities.
  - 3) Child care centers.
  - 4) Funeral homes.
  - 5) Indoor gun ranges, public or private.
  - 6) Outdoor commercial recreation facilities.
  - 7) Plant nurseries.
  - 8) Public utility facilities.
  - 9) Retail uses which require limited manufacturing or processing of items to be sold.
  - 10) Veterinary clinics and hospitals.
- (f) Height. No building hereafter erected or structurally altered shall exceed sixty (60) feet in height.
- (g) Rear yard setback. The setback shall be zero (0) feet if adjacent to a public thoroughfare and ten (10) feet if not adjacent to a public thoroughfare.
- (h) Side yard setback. No side yard setback shall be required.
- (i) Corner setback. All buildings and structures shall have a minimum setback of ten (10) feet from the property line. All sides of a lot which abut a street shall be treated as frontage and front setback requirements shall apply. Nothing herein shall preclude construction of buildings in line with existing structures.
- (j) Front yard setback. There is no required front yard setback in the C-1 District.

Section 2: Chapter 16, Article II, Section 16-41 of the Fort Lupton Municipal Code is hereby repealed and reenacted to read as follows:

**Sec. 16-41. C-2 Heavy Commercial District.**

- (a) Intent. 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.
- (b) Site plan. Prior to the release of building permits, a site plan for utilization of C-2 zone lots shall be required and shall conform with these zoning regulations.
- (c) More than one (1) permitted commercial building may be allowed on a zone lot in the C-2 District if so designated on an approved site plan.
- (d) Permitted uses. No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided for in this Chapter, except for the following uses:
  - 1) Permitted uses allowed in the C-1 General Commercial District.
  - 2) Auto, truck, boat, trailer and farm equipment sales, services and repairs.
  - 3) Funeral homes.

- 4) Outdoor commercial recreation facilities.
  - 5) Plant nurseries.
  - 6) Retail uses which require limited manufacturing or processing of items to be sold.
  - 7) Veterinary clinics and hospitals.
- (e) Special uses. The following are allowed subject to the special use review and approval procedures of this Chapter:
- 1) Auto wash facilities.
  - 2) Building supply yards.
  - 3) Child care centers.
  - 4) Indoor gun ranges, public or private.
  - 5) Public utility facilities.
  - 6) Scientific research facilities.
- (f) Height. No building hereafter erected or structurally altered shall exceed sixty (60) feet in height.
- (g) Rear yard setback. The setback shall be zero (0) feet if adjacent to a public thoroughfare and ten (10) feet if not adjacent to a public thoroughfare.
- (h) Side yard setback. No side yard setback shall be required.
- (i) Corner setback. All buildings and structures shall have a minimum setback of twenty-five (25) feet from the property line. All sides of a lot which abut a street shall be treated as frontage, and front setback requirements shall apply. Nothing herein shall preclude construction of buildings in line with existing structures.
- (j) Front yard setback. All buildings and structures shall have a minimum setback of twenty-five (25) feet from the property line. All sides of a lot which abut a street shall be treated as frontage, and front setbacks requirements shall apply. Nothing herein shall preclude construction of buildings in line with existing structures.

Section 3: Chapter 16, Article II, Section 16-42 of the Fort Lupton Municipal Code is hereby repealed and reenacted to read as follows:

**Sec. 16-42. I-1 Light Industrial District.**

- (a) Intent. The I-1 Light Industrial District is intended to provide for the location and development of manufacturing and industrial uses which generate limited amounts of noise, fumes, dust, vibrations and traffic, or which are designed in such a fashion that such factors are contained and all storage screened from adjacent residential areas.
- (b) Site plan. Prior to the release of building permits, a site plan for utilization of I-1 zone lots shall be required and shall conform with these zoning regulations. The following additional documentation shall be required for I-1 zone lot site plans:
  - 1) A landscape plan, conforming to the City's landscaping regulations.
  - 2) Documentation on mitigation procedures for vibration, heat, glare and fumes.
  - 3) Description of planned screening for any outdoor storage.
  - 4) Documentation of waste disposal measures.
- (c) More than one (1) permitted industrial, manufacturing or commercial building may be allowed on a zone lot in the I-1 District if so designated on an approved site plan.

(d) Permitted uses. No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provide for in this Chapter, except for the following uses:

- 1) Auto, truck, boat, trailer and farm equipment sales, services and repairs.
- 2) Auto wash facilities.
- 3) Baking, confectionary, dressmaking, dyeing, laundry, tailoring, upholstery, cleaning or other similar establishments.
- 4) Banks, office buildings and studios.
- 5) Building supply yards.
- 6) Bus stations and taxi stands.
- 7) Churches.
- 8) Funeral homes.
- 9) Gasoline and oil service stations, provided that all storage tanks are placed underground and merchandise is enclosed.
- 10) Manufacturing, fabrication, processing, distribution or assembly facilities; provided that all limitations of external effects required under these regulations are met.
- 11) Liquor-licensed premises, including distilleries, breweries and wineries.
- 12) Manufacturing, assembling and distribution plants.
- 13) Medical and dental clinics.
- 14) Membership clubs, fraternities and lodges.
- 15) Motels and hotels.
- 16) Outdoor commercial recreation facilities.
- 17) Personal care boarding homes, two (2) boarders or less, in existing residential structures.
- 18) Personal offices or service shops, such as barber, shoe shine and beauty parlors.
- 19) Plant nurseries.
- 20) Printing and publishing establishments.
- 21) Product distribution and storage facilities.
- 22) Public buildings, assembly halls and auditoriums.
- 23) Public recreation areas and facilities.
- 24) Residential uses in existing structures or if they are provided in conjunction with a commercial use.
- 25) Restaurants, cafes and other places serving food (including drive-ins).
- 26) Retail business stores and shops.
- 27) Retail cold storage locker plants.
- 28) Retail uses which require limited manufacturing or processing of items to be sold.
- 29) Schools, public and private.
- 30) Scientific research facilities.
- 31) Small wind energy systems are permitted, provided that they meet the qualifications for a building permit set forth in Section 18-9 of this Code.

- 32) Storage and warehousing facilities, indoor and outdoor, however no selling of merchandise or other tangible goods or services from any unit is permitted; provided that all outside storage is screened in accordance with these regulations.
- 33) Theaters (excluding drive-in theaters and amusement houses).
- 34) Veterinary clinics and hospitals.
- (e) Special uses. All special uses shall be required to conduct an environmental assessment of the proposed use when applicable and shall develop an environmental impact statement pursuant to all local, state and federal regulations where applicable. The following are allowed subject to the special use review and approval procedures of this Chapter:
- 1) Aboveground storage tanks for liquefied petroleum gas, subject to all state and local codes and approval of the Fire Marshal and Building Official.
  - 2) Child care centers.
  - 3) Indoor gun ranges, public or private.
  - 4) Outdoor gun ranges, public or private.
  - 5) Public utility facilities.
- (f) Limitations on external effects of uses. Every use in the I-1 District shall be made to comply with the following limitations:
- 1) The manufacture, fabrication, processing, distribution and/or assembly of any product or chemical which is itself by process of manufacture or in its completed stage is noxious, constitutes a fire hazard, or is dangerous for any reason, thereby requiring substantial development precautions is prohibited.
  - 2) Dust, fumes, odors, refuse matter, smoke, vapor, light and vibration shall be minimal and entirely confined to the premises of the lot upon which the use is located.
  - 3) All outside storage must be screened and screening height, location and materials shall be in accordance with these regulations.
  - 4) The volume of sound inherently and recurrently generated by the operations of the use shall not exceed the following conditions as measured from any point of the boundary line of the zone lot on which the use is located:

<i>District</i>	<i>7:00 a.m. to 7:00 p.m.</i>	<i>7:00 p.m. to 7:00 a.m.</i>
I-1 abutting residential	70 dBa	60 dBa
I-1 abutting commercial	80 dBa	65 dBa
I-1 abutting industrial	90 dBa	70 dBa

- (g) Height. No building hereafter erected or structurally altered shall exceed sixty (60) feet in height.
- (h) Rear yard setback. The setback shall be zero (0) feet if adjacent to a public thoroughfare and ten (10) feet if not adjacent to a public right-of-way.
- (i) Side yard setback. No side yard setback shall be required.
- (j) Corner setback. Twenty-five (25) feet. All sides of a lot which abut a street shall be treated as frontage, and front setback requirements shall apply. Nothing herein shall preclude construction of buildings in line with existing structures.
- (k) Front yard setback. Twenty-five (25) feet. All sides of a lot which abut a street shall be treated as frontage, and front setback requirements shall apply. Nothing herein shall preclude construction of buildings in line with existing structures.

Section 4: Chapter 16, Article II, Section 16-43 of the Fort Lupton Municipal Code is hereby repealed and reenacted to read as follows:

**Sec. 16-43. I-2 Heavy Industrial District.**

- (a) Intent. It is the intent of the I-2 Heavy Industrial District to encourage employment opportunities within the City by permitting the manufacturing, assembly and distribution of basic goods, and industrial uses that do not pose significant off-site impacts. Other uses that pose significant off-site impacts may be located in this District provided that those impacts are mitigated in accordance with these regulations and as determined necessary by City staff and City Council to ensure the public health, safety, and general welfare.
- (b) Site plan. Prior to the release of building permits, a site plan for utilization of I-2 zone lots shall be required and shall conform with these zoning regulations. The following additional documentation shall be required for I-2 zone lot site plans:
  - 1) A landscape plan, conforming to the City's landscaping regulations.
  - 2) Documentation on mitigation procedures for vibration, heat, glare and fumes.
  - 3) Description of planned screening for any outdoor storage.
  - 4) Documentation of waste disposal measures.
- (c) More than one (1) permitted industrial, manufacturing or commercial building may be allowed on a zone lot in the I-2 District if so designated on an approved site plan.
- (d) Permitted uses. No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided for in this Chapter, except for the following uses:
  - 1) Permitted uses allowed in the I-1 Light Industrial District.
- (e) Special uses. All special uses shall be required to conduct an environmental assessment of the proposed use when applicable and shall develop an environmental impact statement pursuant to all local, state and federal regulations where applicable. The following are allowed subject to the special use review and approval procedures of this Chapter:

- 1) Aboveground storage tanks for liquefied petroleum gas, subject to all state and local codes and approval of the Fire Marshal and Building Official.
  - 2) Auto wrecking, junking or salvage yards. Such uses shall be screened from view.
  - 3) Child care centers.
  - 4) Explosives, manufacture or storage.
  - 5) Indoor gun ranges, public or private.
  - 6) Outdoor gun ranges, public or private.
  - 7) Petroleum refining or processing.
  - 8) Processing, disposal, storage or manufacture of any chemical or any other product which in itself by process of manufacture or in its completed stage is noxious, constitutes a fire hazard or is dangerous for any reason, thereby requiring substantial development precautions.
  - 9) Public utility facilities.
- (f) Limitations on external effects of uses. Every use in the I-2 District shall be made to comply with the following limitations:
- 1) Vibration generated. Every use shall be operated so that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on any boundary line of the zone lot on which the use is located.
  - 2) Emission of heat, glare, radiation and fumes. Every use shall be so operated that it does not emit any obnoxious or dangerous degree of heat, glare, radiation or fumes beyond any boundary line of the zone district in which the use is located.
  - 3) Outdoor storage and waste disposal.
    - a. All outdoor storage facilities for fuel, raw materials and products shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent property.
    - b. No materials or waste shall be deposited upon a zone lot in such a form or manner that they may be transferred off the zone lot by natural causes or forces.
    - c. All materials or waste which might cause fumes or dust, which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.
  - 4) Noise. Every use in the I-2 District shall be so operated that the volume of sound inherently and recurrently generated does not exceed the following conditions as measured from any point of the boundary line of the zone lot on which the use is located:

<i>District</i>	<i>7:00 a.m. to 7:00 p.m.</i>	<i>7:00 p.m. to 7:00 a.m.</i>
I-2 abutting residential	70 dBa	60 dBa
I-2 abutting commercial	80 dBa	65 dBa
I-2 abutting industrial	90 dBa	70 dBa

- (g) Height. No building hereafter erected or structurally altered shall exceed sixty (60) feet in height.
- (h) Rear yard setback. If adjacent to a residential zone, the setback shall be equal to three (3) times the height of the building, but in no case less than two hundred (200) feet; if not adjacent to a residential zone, fifty (50) feet.
- (i) Side yard setback. If adjacent to a residential zone, the setback shall be equal to three (3) times the height of the building, but in no case less than two hundred (200) feet; if not adjacent to a residential zone, fifty (50) feet.
- (j) Corner setback. All buildings and structures shall have a minimum setback of twenty-five (25) feet from the property line. All sides of the lot which abut a street shall be treated as frontage, and front setback requirements shall apply. Nothing herein shall preclude the construction of buildings in line with existing structures.
- (k) Front yard setback. All buildings and structures shall have a minimum setback of twenty-five (25) feet from the property line. All sides of the lot which abut a street shall be treated as frontage, and front setback requirements shall apply. Nothing herein shall preclude the construction of buildings in line with existing structures.

Section 5: SEVERABILITY. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The City Council hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

Section 6. REPEALER. All ordinances or resolutions, or parts thereof, in conflict with this ordinance or any part hereof are hereby repealed to the extent of such inconsistency or conflict. The repeal or modification of any provision of any prior ordinance by this ordinance shall not release, extinguish, alter, modify or change in whole or in part, any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining force for the purpose of sustaining any

judgment, decree or order which can be rendered, entered or made such actions, suits, proceedings or prosecutions.

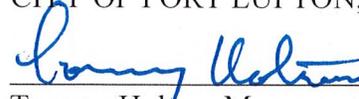
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**PUBLISHED** in the Fort Lupton Press the 24<sup>th</sup> day of August 2016.

**FINALLY READ BY TITLE ONLY, PASSED AND ORDERED FINALLY PUBLISHED** by title only this 6<sup>th</sup> day of September 2016.

**EFFECTIVE** (after publication) the 14<sup>th</sup> day of October 2016.

CITY OF FORT LUPTON, COLORADO



Tommy Holton, Mayor

ATTEST:



Nanette Fornof, MMC  
City Clerk

Approved as to form:



Andy Ausmus, City Attorney

