

ORDINANCE NO. 080, 2016
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLES 3, 4 AND 5 OF THE LAND USE CODE
REGARDING OUTDOOR VENDORS

WHEREAS, on July 17, 2012, the City Council adopted Ordinance No. 057, 2012, making various amendments to Articles 3, 4, and 5 of the Land Use Code to define and regulate outdoor vendors in zones throughout the City; and

WHEREAS, on July 17, 2012, the City Council concurrently adopted Ordinance No. 058, 2012, making various amendments to Article XIV of Chapter 15 of the City Code to update and expand the licensing of outdoor vendors in Fort Collins and to establish related requirements; and

WHEREAS, the 2012 Land Use Code and City Code amendments were adopted to address the growing trend and demand in Fort Collins for mobile food trucks and other outdoor vendors, and such amendments addressed the specific impacts on the community and requirements of mobile food trucks and other outdoor vendors; and

WHEREAS, instances of mobile food trucks and other outdoor vendors located semi-permanently at a fixed location on private property have been observed; and

WHEREAS, mobile food trucks and other outdoor vendors located semi-permanently at a fixed location create different impacts and have different requirements than those originally contemplated under the Land Use Code and City Code amendments made in 2012; and

WHEREAS, the current Land Use Code does not distinguish between semi-permanent outdoor vendors from more mobile outdoor vendors resulting in equal treatment of potentially unequal impacts; and

WHEREAS, the City Council finds it reasonable to further amend Articles 3, 4, and 5 of the Land Use Code to address the different impacts and requirements created by mobile food trucks and other outdoor vendors located semi-permanently at a fixed location; and

WHEREAS, in order to give private property owners who permit outdoor vendors on their properties time to adjust their future operations to the Land Use Code amendments adopted in this Ordinance, it is City Council's intent that these amendments not go into effect until January 15, 2017; and

WHEREAS, the City Council further finds that the adoption of these Land Use Code amendments is necessary for the public's health, safety and welfare.

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

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

Section 2. That Section 3.8.29 of the Land Use Code is hereby amended to read as follows:

3.8.29 - Outdoor Vendor Regulations

- (A) Outdoor vendors shall be prohibited on undeveloped lots.
- (B) Outdoor vendors shall be considered as accessory uses in the zone districts in which they are permitted, provided they are on lots that contain a principal building wherein active operations are being conducted. Outdoor vendors that qualify as accessory uses shall not be subject to change-of-use regulations which would otherwise require the properties on which they are located to be brought into compliance with the standards of this Code.
- (C) Outdoor vendors located on lots wherein active operations in the principal building have ceased shall be considered principal uses and shall be subject to change-of-use regulations requiring that the properties upon which they are located be brought into compliance with the applicable standards of this Code.
- (D) Signage for outdoor vendors shall be limited to signs placed directly onto the vehicle or cart used in connection with the business.
- (E) Outdoor vendors shall comply with all outdoor vendor regulations and standards contained in Chapter 15 of the City Code.
- (F) An outdoor vendor shall be situated on a lot in such a manner that no aspect of its operation shall impede vehicular, pedestrian or bicycle circulation.
- (G) The owner of a private parcel or lot, or owner of the principal business thereon, upon which an outdoor vendor, or outdoor vendors, vend from mobile food trucks, pushcarts, or any other vehicles, as such terms are defined in Section 15-381 of the City Code, shall not allow such outdoor vendor, or outdoor vendors, to operate on such private parcel or lot for more than three (3) consecutive calendar days, or for more than three (3) total calendar days within any calendar week, defined for purposes of this Section 3.8.29 as Sunday through Saturday, unless stationary vending is an approved use thereon.
- (H) The owner of a private parcel or lot upon which stationary vending will occur shall comply with the following additional requirements:
 - (1) Obtain an approved minor amendment to allow stationary vending on the private parcel or lot as an accessory use.

- (a) A property owner may apply for a minor amendment to allow stationary vending only for private parcels or lots within non-neighborhood zone districts. Non-neighborhood zone districts solely for purposes of eligible stationary vendor locations shall be defined as: D, RDR, CC, CCN, CCR, CG, NC, CL, HC, E, and I.
- (b) Stationary vending shall not be permitted on parcels or lots within any neighborhood zone district. Neighborhood zone districts solely for purposes of non-eligible stationary vendor locations shall be defined as: RUL, UE, RF, RL, LMN, MMN, NCL, NCM, NCB, HMN;
- (2) Stationary vending shall not be allowed to occur for more than twelve (12) hours per calendar day on the private parcel or lot for which a minor amendment has been granted to allow such use; and
- (3) After the completion of each period of vending operations, a stationary vendor shall not be allowed to leave outdoors overnight (3:00 a.m. to 7:00 a.m.) on any private parcel or lot where stationary vending is allowed any food truck, push cart, or vehicle, as such terms are defined in Section 15-381 of the City Code, from which the vendor vends.

Section 3. That Section 4.16(B)(2) of the Land Use Code is hereby amended to read as follows:

...

(B) *Permitted Uses.*

...

(2) The following uses are permitted in the subdistricts of the Downtown District, subject to Basic Development Review (BDR), Minor Amendment (MA), administrative (Type 1) Review or Planning and Zoning Board (Type 2) Review as specifically identified on the chart below:

<i>Land Use</i>	<i>Old City Center</i>	<i>Canyon Avenue</i>	<i>Civic Center</i>
A. RESIDENTIAL			

...
E. ACCESSORY - MISCELLANEOUS			
...			
Outdoor vendor (excluding stationary vendors)	BDR	BDR	BDR
Stationary vendor	MA	MA	MA
...

Section 4. That Section 4.17(B)(1) of the Land Use Code is hereby amended to read as follows:

Division 4.17 - River Downtown Redevelopment District (R-D-R)

...

(B) Permitted Uses.

(1) The following uses are permitted in the R-D-R District, subject to basic development review provided that such uses are located on lots that are part of an approved site-specific development plan, except that a stationary vendor use must be approved as a minor amendment:

(a) Accessory/Miscellaneous Uses:

1. Accessory buildings.
2. Accessory uses.
3. Outdoor vendor.
4. Stationary vendor.
5. Urban agriculture.

...

Section 5. That Section 4.18(B)(1) of the Land Use Code is hereby amended to read as follows:

Division 4.18 - Community Commercial District (C-C)

...

(B) *Permitted Uses.*

(1) The following uses are permitted in the R-D-R District, subject to basic development review provided that such uses are located on lots that are part of an approved site-specific development plan, except that a stationary vendor use must be approved as a minor amendment:

(a) *Accessory/Miscellaneous Uses:*

1. Accessory buildings.
2. Accessory uses.
3. Outdoor vendor.
4. Stationary vendor.
5. Urban agriculture.

...

Section 6. That Section 4.19(B)(1) of the Land Use Code is hereby amended to read as follows:

Division 4.19 - Community Commercial - North College District (C-C-N)

...

(B) *Permitted Uses.*

(1) The following uses are permitted in the R-D-R District, subject to basic development review provided that such uses are located on lots that are part of an approved site-specific development plan, except that a stationary vendor use must be approved as a minor amendment:

(a) *Accessory/Miscellaneous Uses:*

1. Accessory buildings.
2. Accessory uses.
3. Outdoor vendor.
4. Stationary vendor.
5. Urban agriculture.

Section 7. That Section 4.20(B)(1) of the Code of the City of Fort Collins is hereby amended to read as follows:

Division 4.20 - Community Commercial - Poudre River District (C-C-R)

...

(B) *Permitted Uses.*

- (1) The following uses are permitted in the R-D-R District, subject to basic development review provided that such uses are located on lots that are part of an approved site-specific development plan, except that a stationary vendor use must be approved as a minor amendment:

(a) *Accessory/Miscellaneous Uses:*

1. Accessory buildings.
2. Accessory uses.
3. Outdoor vendor.
4. Stationary vendor.
5. Urban agriculture.

...

Section 8. That the table contained in Section 4.21(B)(2) of the Land Use Code is hereby amended to read as follows:

(B) *Permitted Uses.*

...

- (2) The following uses are permitted in subdistricts of the C-G District, subject to Basic Development Review (BDR), Minor Amendment (MA),

Administrative (Type 1) Review or Planning and Zoning Board (Type 2) Review as specifically identified on the chart below:

<i>Land Use</i>	<i>I-25/SH 392 (CAC)</i>	<i>General Commercial District (C-G)</i>
...		
E. ACCESSORY - MISC.		
Wireless telecommunication equipment (not freestanding monopoles)	Type 2	Type 1
Wireless telecommunication facilities	Not permitted	Type 1
Satellite dish antennas greater than 39" in diameter	Not permitted	Type 1
Accessory buildings	BDR	BDR
Accessory uses	BDR	BDR
Outdoor vendor (excluding stationary vendors)	BDR	BDR
Stationary vendor	MA	MA

Section 9. That Section 4.22(B)(1) of the Land Use Code is hereby amended to read as follows:

Division 4.22 - Service Commercial District (C-S)

...

(B) *Permitted Uses.*

- (1) The following uses are permitted in the R-D-R District, subject to basic development review provided that such uses are located on lots that are part of an approved site-specific development plan, except that a stationary vendor use must be approved as a minor amendment:

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

1. Accessory buildings.
2. Accessory uses.
3. Outdoor vendor.
4. Stationary vendor.
5. Urban agriculture.

...

Section 10. That Section 4.23(B)(1) of the Land Use Code is hereby amended to read as follows:

Division 4.23 - Neighborhood Commercial District (N-C)

...

(B) *Permitted Uses.*

- (1) The following uses are permitted in the R-D-R District, subject to basic development review provided that such uses are located on lots that are part of an approved site-specific development plan, except that a stationary vendor use must be approved as a minor amendment:

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

1. Accessory buildings.
2. Accessory uses.
3. Outdoor vendor.
4. Stationary vendor.
5. Urban agriculture.

...

Section 11. That the table contained in Section 4.24(B)(2) of the Land Use Code is hereby amended to read as follows:

(B) Permitted Uses.

...

- (2) The following uses are permitted in subdistricts of the C-L District, subject to Basic Development Review (BDR), Minor Amendment (MA), Administrative (Type 1) Review or Planning and Zoning Board (Type 2) Review as specifically identified on the chart below:

<i>Land Use</i>	<i>Riverside Area</i>	<i>All Other Areas</i>
...		
E. ACCESSORY - MISC.		
Wireless telecommunication equipment	Type 1	Type 1
Wireless telecommunication facilities	Type 1	Type 1
Satellite dish antennas greater than thirty-nine (39) inches in diameter	BDR	BDR
Outdoor vendor (excluding stationary vendors)	BDR	BDR
Stationary vendor	MA	MA
Accessory uses	BDR	BDR
Accessory buildings	BDR	BDR

Section 12. That Section 4.26 of the Land Use Code is hereby amended to read as follows:

Division 4.26 - Harmony Corridor District (H-C)

...

(B) Permitted Uses.

- (1) The following uses are permitted in the R-D-R District, subject to basic development review provided that such uses are located on lots that are part of an approved site-specific development plan, except that a stationary vendor use must be approved as a minor amendment:

(a) Accessory/Miscellaneous Uses:

1. Accessory buildings.
2. Accessory uses.
3. Outdoor vendor.
4. Stationary vendor.
5. Urban agriculture.

...

Section 13. That Section 4.27(B)(1) of the Land Use Code is hereby amended to read as follows:

Division 4.27 - Employment District (E)

(B) Permitted Uses.

- (1) The following uses are permitted in the R-D-R District, subject to basic development review provided that such uses are located on lots that are part of an approved site-specific development plan, except that a stationary vendor use must be approved as a minor amendment:

(a) Accessory/Miscellaneous Uses:

1. Accessory buildings.
2. Accessory uses.
3. Outdoor vendor.
4. Stationary vendor.

5. Urban agriculture.

...

Section 14. That Section 4.28(B)(1) of the Land Use Code is hereby amended to read as follows:

Division 4.28 - Industrial District (I)

...

(B) Permitted Uses.

- (1) The following uses are permitted in the R-D-R District, subject to basic development review provided that such uses are located on lots that are part of an approved site-specific development plan, except that a stationary vendor use must be approved as a minor amendment:

(a) Accessory/Miscellaneous Uses:

1. Accessory buildings.
2. Accessory uses.
3. Outdoor vendor.
4. Stationary vendor.
5. Urban agriculture.

...

Section 15. That Section 5.1 of the Land Use Code is hereby amended by the addition of two new definitions, “*Stationary vendor*” and “*Stationary vending*”, which read in their entirety as follows:

Stationary vendor shall mean an outdoor vendor who is licensed under Article XIV, Chapter 15 of the City Code to engage in stationary vending.

Stationary vending shall mean one (1) or more outdoor vendors vending on the same private parcel of land or lot for more than three (3) consecutive calendar days, or for more than three (3) calendar days within any calendar week, defined for purposes of this definition as Sunday through Saturday, and when vending, do so from a mobile food truck, pushcart, or any other vehicle as such terms are defined in Section 15-381 of the City Code.

Section 16. That the amendments to Articles 3, 4 and 5 of the Land Use Code set forth in Sections 2 through 14 of this Ordinance shall become effective on January 15, 2017.

Introduced, considered favorably on first reading, and ordered published this 21st day of June, A.D. 2016, and to be presented for final passage on the 15th day of November, A.D. 2016.





Mayor

ATTEST:



City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2016.



Mayor

ATTEST:



Chief Deputy City Clerk

