

# AGENDA ITEM SUMMARY

November 20, 2018

City Council

## STAFF

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Ted Shepard, Chief Planner  
Judy Schmidt, Legal

## SUBJECT

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Second Reading of Ordinance No. 129, 2018, Amending Land Use Code Section 3.25 Pertaining to Trash and Recycling Enclosures for New Development.

## EXECUTIVE SUMMARY

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This Ordinance, unanimously adopted on First Reading on November 6, 2018, adopts an updated section of the Land Use Code that pertains to trash and recycling to implement current techniques and practices. This section was part of the annual update package that was approved by City Council on June 5, 2018, but was removed for further refinement and outreach.

## STAFF RECOMMENDATION

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Staff recommends adoption of the Ordinance on Second Reading.

## ATTACHMENTS

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1. First Reading Agenda Item Summary, November 6, 2018 (w/o attachments) (PDF)
2. Ordinance No. 129, 2018 (PDF)

# AGENDA ITEM SUMMARY

City Council

November 6, 2018

## STAFF

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## SUBJECT

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First Reading of Ordinance No. 129, 2018, Amending Land Use Code Section 3.25 Pertaining to Trash and Recycling Enclosures for New Development.

## EXECUTIVE SUMMARY

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The purpose of this item is to adopt an updated section of the Land Use Code that pertains to trash and recycling to implement current techniques and practices. This section was part of the annual update package that was approved by City Council on June 5, 2018, but was removed for further refinement and outreach.

## STAFF RECOMMENDATION

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Staff recommends adoption of the Ordinance on First Reading.

## BACKGROUND / DISCUSSION

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The Land Use Code was first adopted in March 1997. Subsequent revisions have been recommended on a regular basis to make changes, additions, deletions and clarifications. While most revisions are bundled and adopted on an annual basis, other individual changes may occur as needed.

In the case of trash and recycling, these revisions were included in the Spring 2018 annual update but were pulled for additional refinement and outreach primarily to address applications in the downtown area. The recommended revisions now acknowledge and account for the unique characteristics associated with downtown, particularly the operational aspects in the public alleys. These changes are designed to implement current techniques and practices. They will be applied to new, or amended, land development applications only and not to existing conditions.

## CITY FINANCIAL IMPACTS

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There are no new financial or economic impacts associated with these revisions.

## BOARD / COMMISSION RECOMMENDATION

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As noted, the proposed changes were included in the annual update package that was discussed and refined in conjunction with the Planning and Zoning Board at various work sessions between February and April of this year. At its April 19, 2018 public hearing, the Planning and Zoning Board considered the proposed revisions and voted unanimously to recommend approval to Council. After the Board's recommendation, and prior to First Reading of Ordinance No. 063, 2018, on May 15, 2018, Section 3.2.5 regarding trash and recycling enclosures was pulled from the package for additional refinement. As refined, Section 3.2.5 remains substantively consistent with the Board's April 19, 2018, recommendation.

**PUBLIC OUTREACH**

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Public outreach began earlier in the year as part of the original Spring 2018 annual update package. Since that time, additional in-depth outreach has been conducted with members of the development, business and multi-family housing communities to further refine the proposed code language.

Presentations or conversations were held with both the Northern Colorado Rental Housing Association and the North Fort Collins Business Association. Public outreach included contacting eight developers and land planning consulting firms. Five of these firms participated in detailed discussions regarding the proposed regulations including the Downtown Development Authority. Overall, the proposed Code language and reasoning behind it was understood and supported.

Finally, the proposed revisions were listed on “This Week in Development Review,” beginning on October 22, 2018. This is the weekly online notice that is posted on the Planning Department’s website and sent to approximately 435 subscribers.

**ATTACHMENTS**

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1. Land Use Code-Trash and Recycling Summary (PDF)
2. Enclosures-Examples of Problem Areas (PDF)

COPY

ORDINANCE NO. 129, 2018  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING LAND USE CODE SECTION 3.25 PERTAINING TO  
TRASH AND RECYCLING ENCLOSURES FOR NEW DEVELOPMENT

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

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

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

WHEREAS, the proposed changes to the Land Use Code pertaining to trash and recycling requirements are to ensure the health and safety of the residents of development in close proximity to oil and gas facility locations; and

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

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

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

Section 2. That Section 3.2.5 of the Land Use Code is hereby amended to read as follows:

**3.2.5 - Trash and Recycling.**

- (A) **Purpose.** The purpose of this standard is to ensure the provision of areas, compatible with surrounding land uses, for the collection, separation, storage, loading and pickup of trash, waste cooking oil, compostable and recyclable materials. This standard is supplemented by the Enclosure Design Considerations and Guidance Document issued by the Director and available from the Department.
- (B) **Applicability.** The following developments must provide adequately sized, conveniently located, and easily accessible areas to accommodate the specific trash, compostable and

recyclable materials and waste cooking oil needs of the proposed use and future uses that are likely to occupy the development:

- (1) new commercial structures;
- (2) new residential structures using a common collection system for waste disposal;
- (3) commercial structures that are proposed to be enlarged by more than twenty-five (25) percent;
- (4) residential structures using a common collection system for waste disposal that are proposed to be enlarged by more than twenty-five (25) percent;
- (5) commercial structures where a change of use is proposed; and
- (6) all newly constructed enclosures.

(C) ***General Standards.***

- (1) Areas for the collection and storage of trash, waste cooking oil, and compostable, recyclable and other materials (linen service containers, returnable crates and pallets, and other similar containers) must be enclosed so that they are screened from public view. Enclosures must be constructed of durable materials such as masonry and shall be compatible with the structure to which it is associated.
- (2) Areas for the collection and storage of trash, waste cooking oil, and compostable, recyclable and other materials must be adequate in size, number and location to readily serve the reasonably anticipated needs of the development's occupants.
- (3) Development plans must include labeled drawings of all proposed enclosures, internal trash and recycling rooms, staging areas and the like and include all proposed dumpsters, containers, bins and other receptacles and label the capacity of each. Proposed recycling capacity must be at least fifty (50) percent of the proposed trash capacity.
- (4) To provide equal access for trash, compostable and recyclable materials, space allotted for the collection and storage of compostable/recyclable materials must be adequate in size and provided everywhere space for trash is provided in a functional manner.
- (5) Areas for the collection and storage of trash, waste cooking oil, and compostable, recyclable and other materials must be designed to allow walk-in access for pedestrians separate from the service opening that is at least thirty-two (32) inches wide and provides unobstructed and convenient access to all dumpsters, containers, bins, and other receptacles. Where possible, pedestrian entrances are encouraged to provide door-less entry unless reasonable circumstances (preventing illicit activities/usage, regulated waste streams, and the like) are demonstrated that would necessitate doors. If doors are used, they must provide safe and efficient access.

- (6) Areas for the collection and storage of trash, waste cooking oil, and compostable, recyclable and other materials must provide a service opening that is at least ten (10) feet for haulers to efficiently maneuver dumpsters, containers, bins and other receptacles unless an alternative and functional method is demonstrated on the plan. Enclosures must provide service gates unless an alternative and functional method is demonstrated on the plans that adequately screen the enclosure from view. Service gates must be constructed of metal or other comparable durable material, and must be finished to complement the enclosure. Service gates must be free of obstructions that would prevent them from opening fully, must have a method to be secured by hardware in both closed and fully open positions, and must be properly maintained so they may be operated easily and smoothly.
- (7) Areas for the collection and storage of trash, waste cooking oil, and compostable, recyclable and other materials, must include bollards, angle-iron, curbing, metal framing or other effective method to protect the interior walls of the enclosure from being damaged by dumpsters, containers, bins, and other receptacles.
- (8) Areas for the collection and storage of trash, waste cooking oil, and compostable, recyclable and other materials must be designed to provide adequate, safe and efficient accessibility for haulers and service vehicles, including but not limited to front-load, rear-load, side-load, and roll off trucks and trucks used to pump waste cooking oil. Development plans must label the route the hauler will take to service the development and must comply with necessary turning radii, width, and height restrictions for the type of collection vehicles that will service the development.
- (9) To ensure wheeled service dumpsters, containers, bins and other receptacles can be rolled smoothly and to prevent damage to the surfaces they will be wheeled over, enclosures must be situated on a service pad that extends beyond the service gates at their fully open position at least the width of the widest proposed dumpster, container, bin and other receptacles plus an additional two (2) feet. If the truck access point is separated from the storage location, a serviceable route that is free of obstructions must be provided and shall not exceed a maximum grade of five (5) percent in the direction of travel and two (2) percent cross slope. Areas for the collection and storage of trash, waste cooking oil, and compostable, recyclable and other materials, service pads and serviceable routes must be constructed of cement concrete. For offsite conditions such as existing public alleyways, this standard will only apply to the extent reasonably feasible.
- (10) To provide equal access to trash and recyclable materials, multi-story buildings utilizing trash chutes must include a recycling chute of the same size or larger than the trash chute. Anywhere a trash chute is provided a recycling chute must also be provided adjacent to it. Chutes must be appropriately labeled “Landfill” and “Recycle” as appropriate.
- (11) Where proposed uses and future uses that are likely to occupy the development will generate waste cooking oil, internal waste cooking oil collection systems are

encouraged. All areas used to store waste cooking oil must include measures to prevent spills and contamination of the stormwater system. Waste cooking oil containers must be secured in place, enclosed separately, or separated from other containers with bollards or another physical barrier. To prevent rain water from carrying residual waste cooking oil into the stormwater system, all areas used to store waste cooking oil must include a roof unless an alternative and functional method is demonstrated on the plans.

Introduced, considered favorably on first reading, and ordered published this 6th day of November, A.D. 2018, and to be presented for final passage on the 20th day of November, A.D. 2018.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading on this 20th day of November, A.D. 2018.

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Mayor

ATTEST:

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City Clerk