



Community Development & Neighborhood Services
Planning
281 North College Avenue
P.O. Box 580
Fort Collins, CO 80522.0580
970.221.6376
970.224.6111- fax

MEMORANDUM

Date: March 5, 2013

To: Mayor Weitkumat and City Councilmembers

Thru: Darin A. Atteberry, City Manager *DA*
Karen Cumbo, Planning, Development and Transportation Director *KC (for KC)*

From: Laurie Kadrich, Community Development and Neighborhood Services (CDNS) Director
Sherry Albertson-Clark, Interim Planning Manager *SA*
Pete Wray, Senior City Planner *PW*

Re: Item #30 *Eastside and Westside Neighborhoods Character Study* – New information for Second Reading

Staff has prepared additional information for review by Council before the hearing. The following items are described and attached to this memo:

1. Revised Ordinance 033, 2013 (Option A)

In making a final review of the proposed draft ordinances, staff discovered three areas where existing code language intended to be retained was inadvertently changed or left out. These areas are in sections that relate to the N-C-M zone district. The corrections are noted in the draft on pages 11, and 13 of Option A.

2. Building Review Board Minutes

Attached are the minutes from the February 28 Building Review Board Hearing. The Board decided not to make a motion to forward a recommendation to City Council on this item.

3. Floor Area Ratio Table

A table was distributed by Councilmember Manvel at the February 26 adjourned meeting highlighting results of the staff case study assessment relating to FAR (see attached table)

ORDINANCE NO. 033, 2013
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING AMENDMENTS TO THE CITY OF FORT COLLINS
LAND USE CODE PERTAINING TO IMPLEMENTATION OF THE
EASTSIDE AND WESTSIDE NEIGHBORHOODS CHARACTER STUDY

WHEREAS, in 2010, City staff conducted an Eastside/Westside Neighborhood Study which resulted in an ordinance being approved by the City Council which was later repealed in response to a citizen petition; and

WHEREAS, in June 2011, City staff initiated a new Eastside/Westside Neighborhood Character Study (the “Study”) after receiving direction from City Council to take a fresh look at neighborhood compatibility and character issues in the neighborhoods near downtown; and

WHEREAS, the basis of the Study is to respond to continued concerns with respect to potential impacts of building additions and new construction in the City’s oldest neighborhoods; and

WHEREAS, the Study process included extensive public outreach and the consideration of the proposed Code changes arising from the Study by the Planning and Zoning Board, the Landmark Preservation Commission, the Zoning Board of Appeals and the Building Review Board; and

WHEREAS, the direction from the Study is to amend the Land Use Code in the following particulars:

1. Expand the existing notification distance for some Zoning Board of Appeals variance requests;
2. Revise the existing Floor Area Ratio (FAR) standards using a new formula to lower the largest allowable house sizes, and adjust the method for calculating allowable floor area;
3. Adjust the method for measuring the height of a new wall along a side lot line;
4. Incorporate a new solar access standard; and
5. Incorporate new design standards with a menu of options for front and side building façade features; and

WHEREAS, the City Council has determined that the proposed changes to the Land Use Code are in the best interests of the City.

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

Section 1. That Section 2.10.2(F) of the Land Use Code is hereby amended to read as follows:

- (F) **Step 6** (Notice): Section 2.2.6(A) only applies, except that “800 feet” shall be changed to “150 feet”, and for single-family houses in the NCL and NCM zone districts, eight hundred (800) feet shall be changed to five hundred (500) feet for variance requests for:
- (a) Construction that results in a two (2) story house where a one (1) story house previously existed and where there is at least one (1) lot abutting the side of the subject lot and the house on such abutting lot is one (1) story; or
 - (b) Construction of a new house that is greater than two thousand five hundred (2,500) square feet; or
 - (c) Construction of an addition that results in a total square footage of more than three thousand (3,000) square feet;

and "14 days" shall be changed to "7 days," everywhere they occur in Section 2.2.6.(A). Section 2.2.6(B)-(D) shall not apply.

Section 2. That Section 4.7(D) of the Land Use Code is hereby amended to read as follows:

(D) Land Use Standards.

- (1) *Required Lot Area.* Minimum lot area shall not be less than six thousand (6,000) square feet.
- (2) *Allowable Floor Area on Lots.*
 - (a) The allowable floor area shall be as follows:
 - (1) On a lot of less than five thousand (5,000) square feet, the allowable floor area for single-family dwellings and buildings accessory to single-family dwellings shall not exceed forty (40) percent of the lot area.
 - (2) On a lot that is between five thousand (5,000) square feet and ten thousand (10,000) square feet, the allowable floor area for single-family dwellings and buildings accessory to single-family dwellings shall not exceed twenty (20) percent of the lot area plus, one thousand (1,000) square feet. On a lot that is between six thousand (6,000) square feet and ten thousand (10,000) square feet, an additional two hundred-fifty (250) square feet shall be added for a detached accessory structure.

- (3) On a lot that is more than ten thousand (10,000) square feet, the allowable floor area for single-family dwellings and buildings accessory to single-family dwellings shall not exceed thirty (30) percent, plus two hundred-fifty (250) square feet for a detached accessory structure.
 - (4) The allowable floor area for buildings containing permitted uses other than single-family dwellings and buildings accessory to single-family dwellings shall not exceed forty (40) percent of the lot area.
- (b) For the purpose of calculating *allowable floor area*, one hundred (100) percent of the floor area of the following spaces and building elements shall be included:
- (1) The total floor area of all principal buildings as measured along the outside walls of such buildings and including each finished or unfinished floor level plus the total floor area of the ground floor of any accessory building larger than one hundred twenty (120) square feet, plus that portion of the floor area of any second story having a ceiling height of at least seven and one-half (7-1/2) feet located within such accessory building on the lot.
 - (2) Basement floor areas where any exterior basement wall is exposed by more than three (3) feet above the existing grade at the interior side lot line adjacent to the wall.
 - (3) Roofed porches, balconies and breezeways that are enclosed on more than two sides.
- (c) For the purpose of calculating *allowable floor area*, the floor area of the following spaces and building elements shall be counted at two hundred (200) percent:
- High volume spaces on the first or second floor where the distance between the floor and the ceiling or roof rafters directly above is greater than fourteen (14) feet.
- (d) For the purpose of calculating *allowable floor area*, the floor area of the following spaces and building elements shall not be included:
- The first two hundred and fifty (250) square feet of a detached accessory building, provided that it is located behind a street-fronting principal building and is separated from such principal building by at least ten (10) feet.

- (3) *Allowable Floor Area on Rear Half of Lots.* The allowable floor area on the rear half of a lot shall not exceed twenty five (25) percent of the area of the rear fifty (50) percent of the lot.
- (4) *Residential.* Any new single-family dwelling that is proposed to be located behind a street-fronting principal building shall contain a maximum of eight hundred (800) square feet of floor area unless such new single-family dwelling contains a two-car garage, in which case it shall contain a maximum of one thousand (1,000) square feet of floor area, including the garage. Floor area shall include all floor space within the basement and first floor plus that portion of the floor area of any second story having a ceiling height of at least seven and one-half (7½) feet. A new single-family dwelling may be located in any area of the rear portion of such lot, provided that it complies with the setback requirements of this District and there is at least a ten-foot separation between structures. The building footprint for such single-family dwelling shall not exceed six hundred (600) square feet.
- (5) *Accessory Buildings With Habitable Space (or Potential Future Habitable Space).* Any accessory building with water and/or sewer service shall be considered to have habitable space. Any person applying for a building permit for such a building shall sign and record with the Larimer County Clerk and Recorder an affidavit stating that such accessory structure shall not be used as a dwelling unit. All applicable building permits issued for such buildings shall be conditioned upon this prohibition. Any such structure containing habitable space that is located behind a street-fronting principal building shall contain a maximum of six hundred (600) square feet of floor area. Floor area shall include all floor space within the basement and ground floor plus that portion of the floor area of any second story having a ceiling height of at least seven and one-half (7½) feet. Such accessory building may be located in any area of the rear portion of a lot, provided that it complies with the setback requirements of this District and there is at least a ten-foot separation between structures.
- (6) *Accessory Buildings Without Habitable Space.* Any accessory building without water and/or sewer service, which has not been declared to contain habitable space by the applicant, shall not exceed a total floor area of six hundred (600) square feet. Floor area shall include all floor space (including basement space) within the building having a ceiling height of at least seven and one-half (7½) feet.

Section 3. That Section 4.7(E) of the Land Use Code is hereby amended to read as follows:

(E) ***Dimensional Standards.***

...

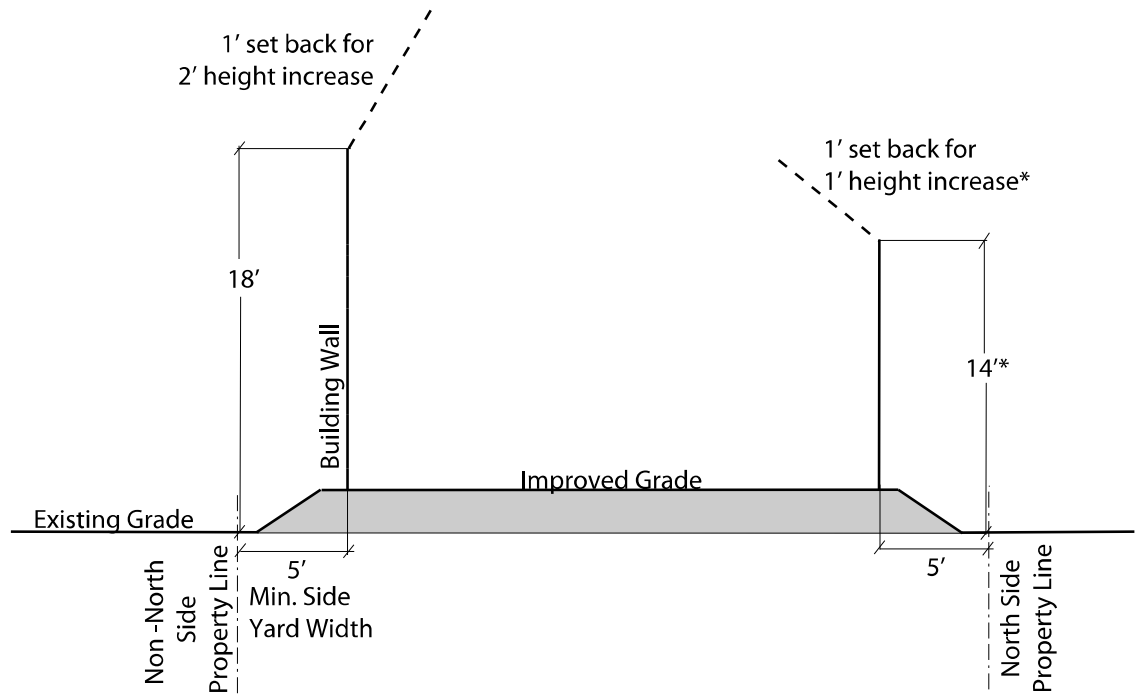
(4) *Minimum Side Yard and Maximum Wall Height.* Minimum side yard width shall be five (5) feet for all interior side yards. Whenever any portion of a building wall along a side lot line exceeds eighteen (18) feet in height, as measured from the existing grade at the interior side lot line adjacent to the wall, such portion of the building wall shall be set back from the interior side lot line an additional one (1) foot, beyond the minimum required, for each two (2) feet or fraction thereof of building wall height that exceeds eighteen (18) feet in height, except as provided in “a” below. Minimum side yard width shall be fifteen (15) feet on the street side of any corner lot. Notwithstanding the foregoing, minimum side yard width for schools and places of worship shall be twenty-five (25) feet (for both interior and street sides).

(a) *Solar Access Setbacks.* For building construction that results in:

1. a two (2) story house where a one (1) story house previously existed, or
2. a new house that is greater than two thousand five hundred (2,500) square feet, or
3. an addition that results in a total square footage of more than three thousand (3,000) square feet, and
4. construction on a lot where there is a lot abutting the north side of the subject lot and the house on such abutting lot is one (1) story,

building height shall be reduced to preserve solar access on adjacent lots such that whenever any portion of a north-facing side building wall that adjoins a lot to the north exceeds fourteen (14) feet in height, as measured from the existing grade at the interior side lot line adjacent to the wall, such portion of the building wall shall be set back from the interior side lot line an additional one (1) foot beyond the minimum required, for each one (1) foot, or fraction thereof, of building wall that exceeds fourteen (14) feet in height. For lots that are forty (40) feet or less in width, the fourteen (14) foot starting height may be increased by one (1) foot for each one (1) foot of decreased lot width up to a maximum starting height of eighteen (18) feet.

Figure XX: Minimum Side Yard Width and Maximum Building Wall Height



*Applies only to north-facing building walls adjoining a property to the north for building construction that results in a two (2) story house where a one (1) story house previously existed, or when the construction is for a new house that is greater than two thousand five hundred (2,500) square feet, or for an addition that results in a total square footage of more than three thousand (3,000) square feet, and where there is a lot abutting the north side of the subject lot and the house on such abutting lot is one (1) story.

- (5) Maximum building height shall be two (2) stories, except in the case of carriage houses, and accessory buildings containing habitable space, which shall be a maximum of one and one-half (1-1/2) stories.

Section 4. That Section 4.7(F) of the Land Use Code is hereby amended to read as follows:

(F) *Development Standards.*

(1) *Building Design.*

...

(h) *Front Façade Character.* When building construction results in:

- 1. a two (2) story house where a one (1) story house previously existed and where there is at least one (1) lot abutting the side of

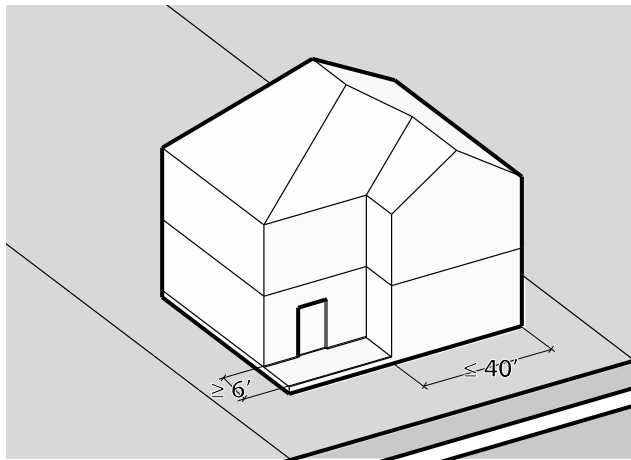
the subject lot and the house on such abutting lot is one (1) story, or

2. a new house that is greater than two thousand five hundred (2,500) square feet, or
3. a second-story addition that results in a total square footage of more than three thousand (3,000) square feet

at least one (1) front façade feature from the menu below shall be included to promote pedestrian orientation and compatibility with the character of the structures on the block face:

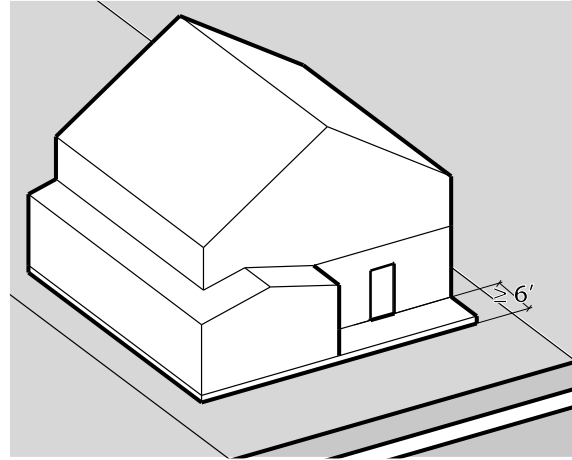
Figure XX: Menu of Design Options for Front Façade Character

Limited Two Story Façade



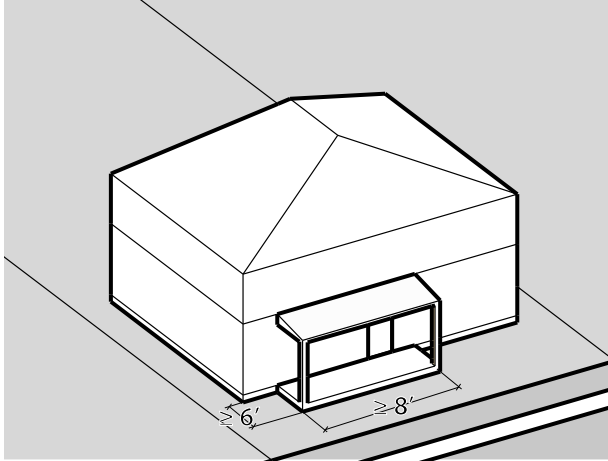
Two-story front-façade width is no more than 40', with any remaining two-story front façade set back an additional six (6) feet from the street.

One Story Element



The portion of the façade closest to the street is one-story, with any two-story façade set back an additional six (6) feet from the street.

Covered Entry Feature



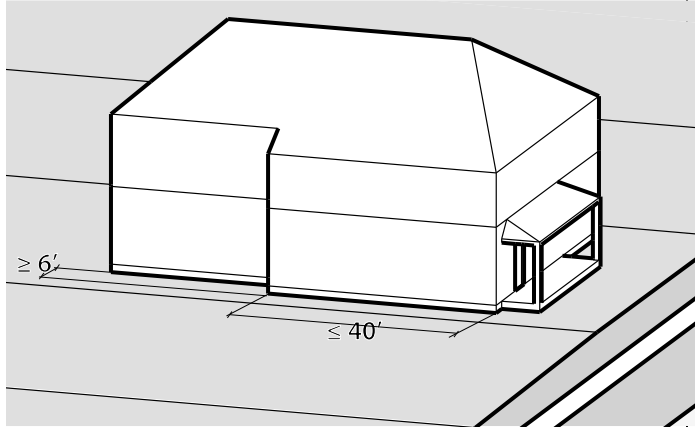
A covered entry feature such as a front porch or stoop is located on the front façade. The feature shall have a minimum depth of at least six (6) feet. (as measured from the building façade to the posts and railings) and a minimum length of eight (8) feet.

- (i) *Side Façade Character.* When building construction results in:
1. a new house that is greater than two thousand five hundred (2,500) square feet, or
 2. a second-story addition that results in a total square footage of more than three thousand (3,000) square feet

at least one (1) side façade feature from the menu below shall be included to address potential looming and privacy impacts on neighbors:

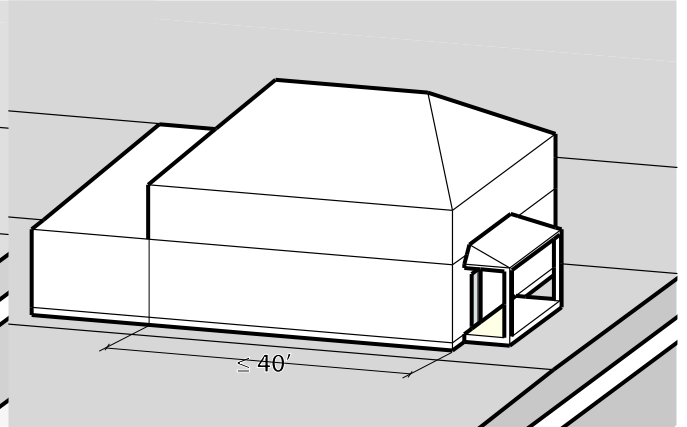
Figure XX: Menu of Design Options for Side Façade Character

Wall Offset



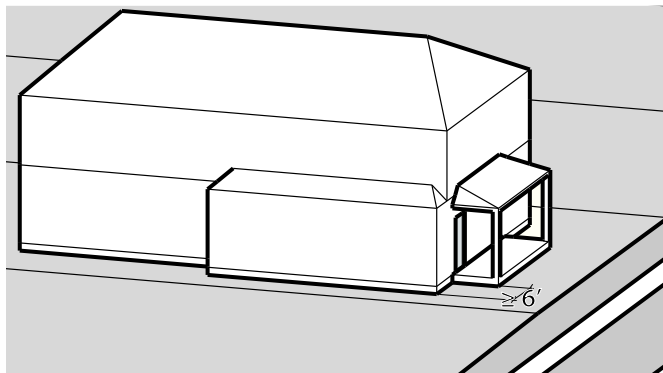
Two-story façade width at the minimum side yard is no more than forty (40) feet, with any remaining two-story façade set back an additional six (6) feet beyond the minimum required side yard.

Step Down in Height



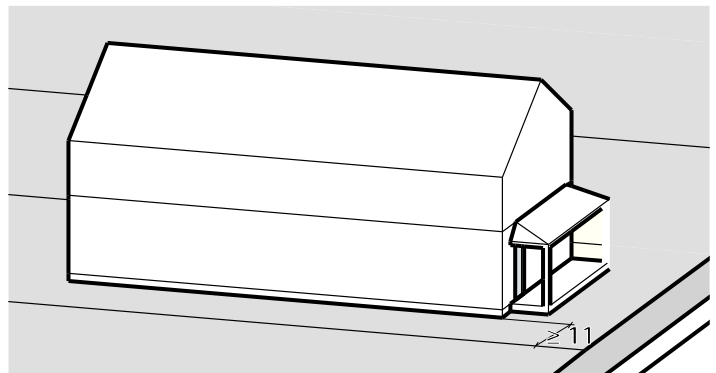
Two-story façade width at the minimum side yard is no more than forty (40) feet, with any remaining façade width at the minimum side yard reduced to one-story.

One Story Element



A one-story building element with a minimum depth of six (6) feet is located at the minimum side yard.

Additional Setback



Any two-story façade is set back an additional six (6) feet beyond the minimum required side yard.

...

Section 5. That Section 4.8(D) of the Land Use Code is hereby amended to read as follows:

(D) Land Use Standards.

- (1) *Required Lot Area.* Minimum lot area shall not be less than the following: five thousand (5,000) square feet for a single-family or two-family dwelling and six thousand (6,000) square feet for all other uses.

(2) *Allowable Floor Area on Lots.*

(a) The allowable floor area shall be as follows:

- (1) On a lot of less than four thousand (4,000) square feet, the allowable floor area for single-family dwellings and buildings accessory to single-family dwellings shall not exceed fifty (50) percent of the lot area.
- (2) On a lot that is between four thousand (4,000) square feet and ten thousand (10,000) square feet, the allowable floor area for single-family dwellings and buildings accessory to single-family dwellings shall not exceed twenty-five (25) percent of the lot area plus one thousand (1,000) square feet. On a lot that is between six thousand (6,000) square feet and ten thousand (10,000) square feet, an additional two hundred-fifty (250) square feet shall be added for a detached accessory structure.
- (3) On a lot that is more than ten thousand (10,000) square feet, the allowable floor area for single-family dwellings and buildings accessory to single-family dwellings shall not exceed thirty-five (35) percent of the lot area, plus two hundred-fifty (250) square feet for a detached accessory structure.
- (4) The allowable floor area for buildings containing permitted uses other than single-family dwellings and buildings accessory to single-family dwellings shall not exceed forty (40) percent of the lot area.

(b) For the purpose of calculating *allowable floor area*, one hundred (100) percent of the floor area of the following spaces and building elements shall be included:

- (1) The total floor area of all principal buildings as measured along the outside walls of such buildings and including each finished or unfinished floor level plus the total floor area of the ground floor of any accessory building larger than one hundred twenty (120) square feet, plus that portion of the floor area of any second story having a ceiling height of at least seven and one-half (7-1/2) feet located within such accessory building located on the lot.
- (2) Basement floor areas where any exterior basement wall is exposed by more than three (3) feet above the existing grade at the interior side lot line adjacent to the wall.

(3) Roofed porches, balconies and breezeways that are enclosed on more than two (2) sides.

(c) For the purpose of calculating *allowable floor area*, the floor area of the following spaces and building elements shall be counted at two hundred (200) percent:

High volume spaces on the first or second floor where the distance between the floor and the ceiling or roof rafters directly above is greater than fourteen (14) feet.

(d) For the purpose of calculating *allowable floor area*, the floor area of the following spaces and building elements shall not be included:

The first two hundred and fifty (250) square feet of a detached accessory building, provided that it is located behind a street-fronting principal building and is separated from such principal building by at least ten (10) feet

(3) *Allowable Floor Area on Rear Half of Lots.* The allowable floor area on the rear half of a lot shall not exceed thirty-three (33) percent of the area of the rear fifty (50) percent of the lot.

(4) *Residential.* Any new single-family dwelling that is proposed to be located behind a street-fronting principal building shall contain a maximum of ~~eight hundred (800)~~ **one thousand (1,000)** square feet of floor area ~~unless such new single-family dwelling contains a two-car garage, in which case it shall contain a maximum of one thousand (1,000) square feet of floor area, including the garage.~~ Floor area shall include all floor space within the basement and first floor plus that portion of the floor area of any second story having a ceiling height of at least seven and one-half (7½) feet. A new single-family dwelling may be located in any area of the rear portion of such lot, provided that it complies with the setback requirements of this District and there is at least a ten-foot separation between structures. The building footprint for such single-family dwelling shall not exceed six hundred (600) square feet.

(5) *Accessory Buildings With Habitable Space (or Potential Future Habitable Space).* Any accessory building with water and/or sewer service shall be considered to have habitable space. Any person applying for a building permit for such a building shall sign and record with the Larimer County Clerk and Recorder an affidavit stating that such accessory structure shall not be used as a dwelling unit. All ~~applicable~~ building permits issued for such buildings shall be conditioned upon this prohibition. Any such structure containing habitable space that is located behind a street-fronting principal building shall contain a maximum of six hundred (600) square feet of floor area. Floor area shall include all floor space within the basement and ground floor plus that portion of the floor area of any

second story having a ceiling height of at least seven and one-half (7½) feet. Such accessory building may be located in any area of the rear portion of a lot, provided that it complies with the setback requirements of this District and there is at least a ten-foot separation between structures.

- (6) *Accessory Buildings Without Habitable Space.* Any accessory building without water and/or sewer service, which has not been declared to contain habitable space by the applicant, shall not exceed a total floor area of six hundred (600) square feet. Floor area shall include all floor space (including basement space) within the building having a ceiling height of at least seven and one-half (7½) feet.

Section 6. That Section 4.8(E) of the Land Use Code is hereby amended to read as follows:

(E) *Dimensional Standards*

...

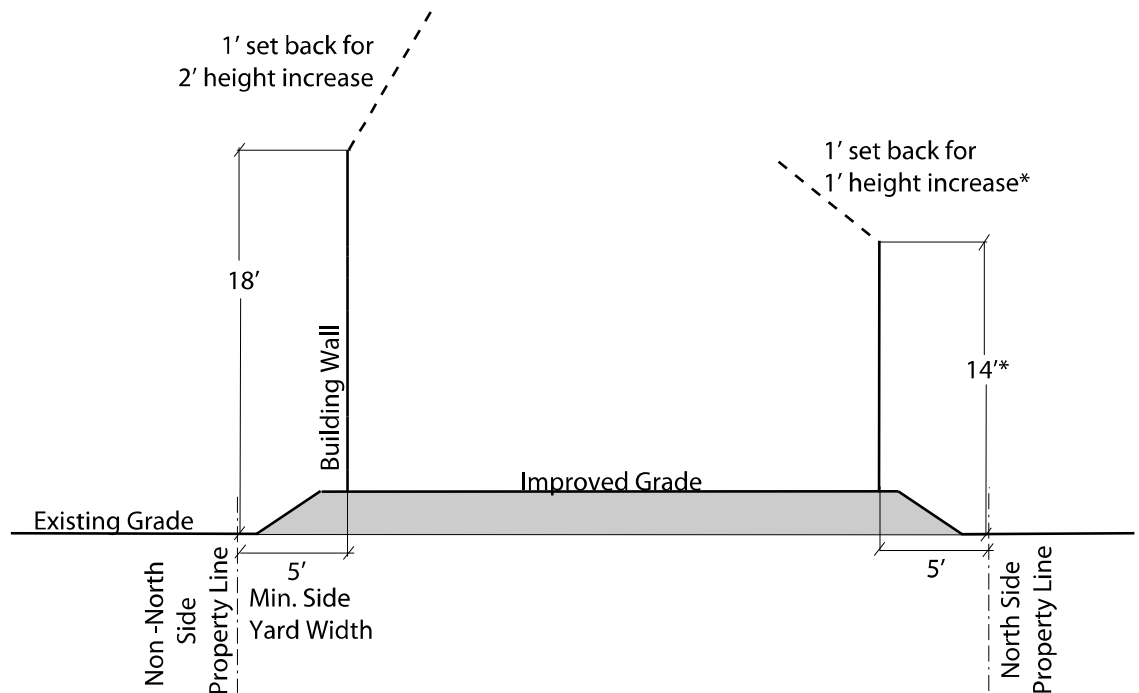
- (4) *Minimum Side Yard and Maximum Wall Height.* Minimum side yard width shall be five (5) feet for all interior side yards. Whenever any portion of a building wall along a side lot line exceeds eighteen (18) feet in height, as measured from the natural grade at the interior side lot line adjacent to the wall, such portion of the building wall shall be set back from the interior side lot line an additional one (1) foot, beyond the minimum required, for each two (2) feet or fraction thereof of building wall height that exceeds eighteen (18) feet in height, except as provided for in “a” below. Minimum side yard width shall be fifteen (15) feet on the street side of any corner lot. Notwithstanding the foregoing, minimum side yard width for schools and places of worship shall be twenty-five (25) feet (for both interior and street sides).

(a) *Solar Access Setbacks.* For building construction that results in:

- 1. a two (2) story house where a one (1) story house previously existed, or
- 2. a new house that is greater than two thousand five hundred (2,500) square feet, or
- 3. an addition that results in a total square footage of more than three thousand (3,000) square feet, and
- 4. construction on a lot where there is a lot abutting the north side of the subject lot and the house on such abutting lot is one (1) story

building height shall be reduced to preserve solar access on adjacent lots such that whenever any portion of a north-facing side building wall that adjoins a lot to the north exceeds fourteen (14) feet in height, as measured from the existing grade at the interior side lot line adjacent to the wall, such portion of the building wall shall be set back from the interior side lot line an additional one (1) foot beyond the minimum required, for each one (1) foot, or fraction thereof, of building wall that exceeds fourteen (14) feet in height. For lots that are forty (40) feet or less in width, the fourteen (14) foot starting height may be increased by one (1) foot for each one (1) foot of decreased lot width up to a maximum starting height of eighteen (18) feet.

Figure XX: Minimum Side Yard Width and Maximum Building Wall Height



*Applies only to north-facing building walls adjoining a property to the north for building construction that results in a two (2) story where a one (1) story previously existed, or when the construction is for a new house that is greater than two thousand five hundred (2,500) square feet, or for an addition that results in a total square footage of more than three thousand (3,000) square feet, and where there is a lot abutting the north side of the subject lot and the house on such abutting lot is one (1) story.

- (5) Maximum building height shall be two (2) stories, except ~~in the case of~~for carriage houses; and accessory buildings containing habitable space, which shall be a ~~maximum of~~limited to one and one-half (1 1/2) stories.

Section 7. That Section 4.8(F) of the Land Use Code is hereby amended to read as follows:

(F) *Development Standards*

(1) *Building Design.*

...

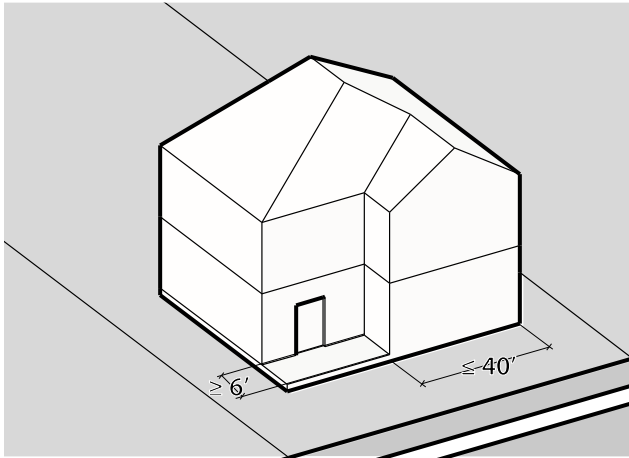
(h) *Front Façade Character.* When building construction results in:

1. a two (2) story house where a one (1) story house previously existed and where there is an abutting house on either side that is one (1) story, or
2. a new house that is greater than two thousand five hundred (2,500) square feet, or
3. a second-story addition that results in a total square footage of more than three thousand (3,000) square feet

at least one (1) front façade feature from the menu below shall be included to promote pedestrian orientation and compatibility with the character of structures on the block face:

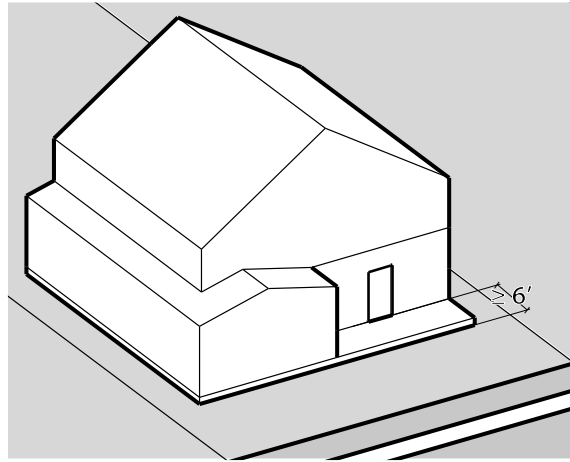
Figure XX: Menu of Design Options for Front Façade Character

Limited Two Story Façade



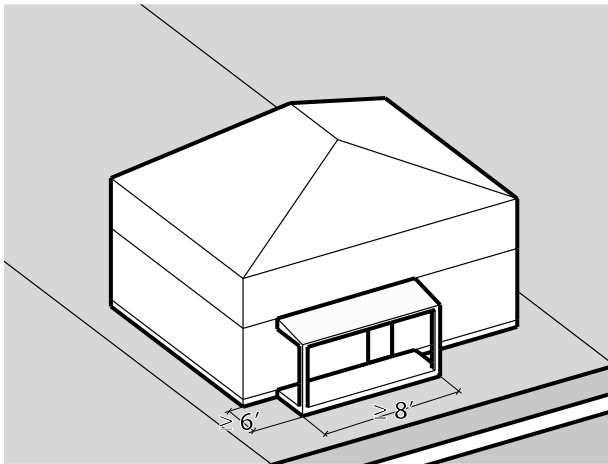
Two-story front-façade width is no more than 40', with any remaining two-story front façade set back an additional six (6) feet from the street.

One Story Element



The portion of the façade closest to the street is one-story, with any two-story façade set back an additional six (6) feet from the street.

Covered Entry Feature



A covered entry feature such as a front porch or stoop is located on the front façade. The feature shall have a minimum depth of at least six (6) feet (as measured from the building façade to the posts and railings) and a minimum length of eight (8) feet.

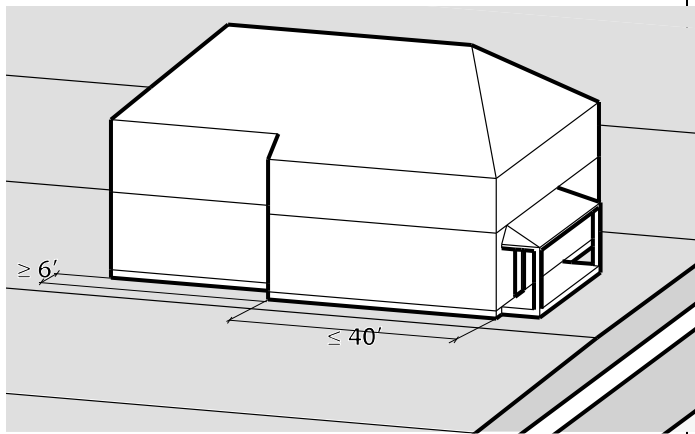
- (i) *Side Façade Character.* When building construction results in:
 - 1. a new house that is greater than two thousand five hundred (2,500) square feet, or

2. a second-story addition that results in a total square footage of more than three thousand (3,000) square feet

at least one (1) side façade feature from the menu below shall be included to address potential looming and privacy impacts on neighbors:

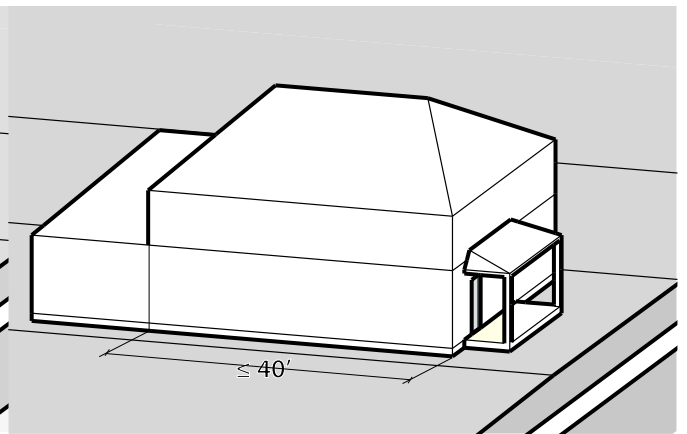
Figure XX: Menu of Design Options for Side Façade Character

Wall Offset



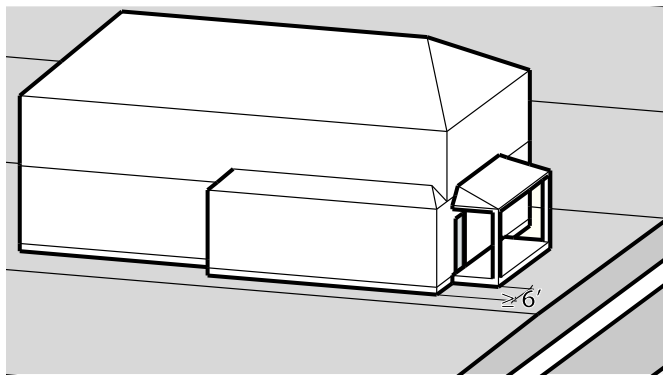
Two-story façade width at the minimum side yard is no more than forty (40) feet, with any remaining two-story façade set back an additional six (6) feet beyond the minimum required side yard.

Step Down in Height



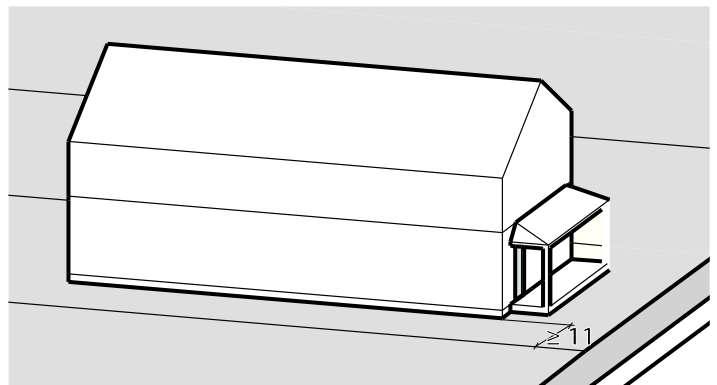
Two-story façade width at the minimum side yard is no more than forty (40) feet, with any remaining façade width at the minimum side yard reduced to one-story.

One Story Element



A one-story building element with a minimum depth of six (6) feet is located at the minimum side yard.

Additional Setback



Any two-story façade is set back an additional six (6) feet beyond the minimum required side yard.

Section 8. That the amendments provided for in this Ordinance shall apply to complete applications for development approval or for building permits that are properly filed with the City on or after May 15, 2013.

Introduced, considered favorably on first reading, and ordered published this 26th day of February, A.D. 2013, and to be presented for final passage on the 5th day of March, A.D. 2013.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 5th day of March, A.D. 2013.

Mayor

ATTEST:

City Clerk

HEARING OF THE BUILDING REVIEW BOARD

CITY OF FORT COLLINS

Held Thursday, February 28, 2013

City Council Chambers

300 West Laporte Street

Fort Collins, Colorado

In the matter of:

Eastside & Westside Neighborhoods Character Study Presentation

Meeting time: 1:00 p.m., February 28, 2013

BOARD MEMBERS PRESENT:

Alan Cram, Chair

Andrea Dunlap

Jeff Schneider, Vice Chair

Rick Reider

Torey Lenocho

Justin Montgomery

STAFF MEMBERS PRESENT:

Mike Gebo, Chief Building Official

Melanie Clark, Board support

Pete Wray, Senior City Planner and Project Manager for the Eastside & Westside Neighborhoods Character Study, provided background of the project explaining staff had received direction from City Council in 2011 to have a new and broader look at neighborhood compatibility for both the eastside and Westside neighborhoods. He further explained a previous study took place in 2010 and an ordinance had been brought forward in early 2011 with a package of Land Use Code amendments approved by Council. This ordinance was later repealed by citizen initiative. Wray noted the bulk of that package was a revision to the existing floor area ratio standards. Wray stated staff was charged with revisiting the issue and a consultant team was hired. Beginning in the spring of 2012, staff worked with a Council ad hoc committee to establish the initial goal of the new process and schedule, initiating a public process. The group identified issues and objectives, a neighborhood profile in defining the character and context of the neighborhoods, potential tools and strategies to address the recognized issues of the largest construction examples, impacts of new additions and new construction within the neighborhoods, including the size of some of the issue homes, the immediate impacts on building mass and scale, solar access, and privacy on neighboring properties.

Wray stated the group brought forward conclusions of the study process at a Council Worksession in November and there was a staff recommendation on five key strategy options to address those issues. Council supported the five key strategy options with the inclusion of an assessment of the new floor area ratio. Wray stated they were directed to proceed with implementation. Since November 2012, staff and the consultant team drafted new Land Use Code language to include in the Ordinance. They had additional public meetings in January, working group meetings with neighbors and other stake holders, public open house meetings and a series of Board and Commission hearings. Wray noted they are at the final stage of implementation with the Building Review Board being the final Board from which they are seeking a recommendation. Wray further noted that City Council adopted the ordinance on first reading with second reading taking place on March 5th. 2013. Wray explained the Land Use Code amendments included in the package would be applicable to two zoning districts within both neighborhoods. He further explained the (NCL) Neighborhood Conservation, Low Density and the Neighborhood Conservation Medium Density (NCM) zones, comprised the boundaries of the two neighborhood study areas.

Wray stated that based on direction they received from Council in November, to include a revision to the existing floor area ratio, they proceeded in developing the package of Land Use Code amendments referred to as Option A. They recently developed Option B because of continued discussion and differing opinions on whether change to the floor area ratio should be included or not. Wray believes this was helpful for the Boards to look at in the event that Option A wasn't supported. Wray explained that Option A included five new standards.

The first was to expand the existing notice area for variance requests from 150 feet to 500 feet. The majority of public support was for this type of change.

The second standard was a revision to the existing floor area ratio standards. In the NCL zone, the existing floor area ratio is .4 or 40% lot coverage and in the NCM it is .5 or 50%. So they are looking at a new reduction in the floor area ratio for both zoning districts within both neighborhoods, based on lot size on a sliding scale. As well, it would be applied differently to the zoning districts. The second part of that change was to look at an adjusted measurement method for counting floor area, large volume spaces, elevated basements, and detached accessory structures up to 250 square feet. Wray referred to the packet provided to the Board explaining there were tables that outlined the adjusted floor area comparing the existing standard based on lot size to the proposed new standard. He explained that this is an enlargement of the NCL calculation. They highlighted the new allowances for total floor area based on lot size and the same for NCM. The intent of the adjustment was to address the largest recognized construction examples in order to limit the overall size to a certain extent. Wray stated that this was a slight adjustment as they didn't want to push it too far and be overly restrictive knowing they also had a package of new design standards that would play into addressing all of the issues associated with neighborhood compatibility. Wray referred to the slides explaining that it showed a description of the average lot size and house size within the two zoning districts and the average floor area ratio which is incidentally the same for both zoning districts which is .21. He further explained that the prevailing FAR is low and well within the existing floor area ratio maximum of .4 and .5. The largest lots are being reduced down from .4 to .33, which is still well within above the average FAR for these areas. Wray referred to another chart for the Westside neighborhood in the NCL zone showing a decreased trend for larger lot sizes. He explained that the intent was to address and target the outliers, the largest construction examples, providing sufficient flexibility for most other projects to not be affected by the FAR. He noted there are similar charts for the NCM and the Eastside neighborhoods.

Wray stated that the second part of this proposed standard is a measurement method change for the side wall height at the minimum side yard setback. He noted that under the current standard it is measured from the finished grade at wall of 18 feet for the second story and the new adjustment would be measured from the existing grade of property line on the left side.

Wray explained that the next standard is looking at a solar access standard based on a certain size project. He further explained there's a threshold, and where one story is being changed to a two story and where there is a neighboring property to the north of the side wall. They were not addressing east/west shading aspects. This is for neighboring properties to the north to reduce the sidewall height from eighteen feet to fourteen feet providing some flexibility for some elevated finished floors for steps up to front porch and such. Wray clarified that this is different than coming up with a more restrictive full solar access ordinance where there are several aspects that could be included in a solar ordinance which the City doesn't have right now. Some of those aspects or considerations include the exact measurement of shading on a neighboring property, building or yard. He is taking into account mature vegetation and trees, the shape of a lot, slope of grade, a lot of different things that could be factored into a solar ordinance. Wray reiterated they are recommending a simple standard to just look at the sidewall height for those that

would have neighboring properties to the north. Wray referred to a slide showing an illustration looking at the winter solstice, sun angle and generally where the shading would occur if a neighboring home is on the minimum of five foot side yard setback and with different roof pitches.

Wray stated that the next standard addresses front and side building façade articulation with a menu of options being provided to address building massing and scale and reduce the looming effect of long building walls. Wray explained that typically average building wall lengths are between thirty and thirty five feet and they are providing anything greater than forty feet. He noted that this gives a little extra provision for either having a setback or a step down to articulate the building façade wall design. Lastly they looked at a series of case studies in the neighborhoods and compared the existing standards to the proposed package of new amendments.

Wray stated that Option B is the same as Option A; however, it does not include the reduction in the floor area ratio formula.

Schneider stated that some of the questions he had are non-relevant, as this has already been approved on first reading by City Council. He asked when the ordinance is proposed to be put into effect, assuming Council would again choose Option A at the second reading.

Wray answered that if Council adopts the ordinance on second reading and still chooses Option A, it would normally take effect ten days after the hearing. He explained they have included in both options A and B under section 8, a provision to allow a two month delay for application of the ordinance. He further explained they heard from several builders and owners that were in various stages of design who recommended allowing additional time to work through the processes to submit and staff responded in providing that. He noted that Council supported this provision on first reading.

Lenoch asked if the current solar access study to date took into account that east and west facing homes would be subject to different rules than north or south facing homes. He explained that this is all based on side walls and because the City already has the requirement that a certain percentage of the home be built on the front or back half of the lot, he believes they are creating some sort of scenario where homes will have different possible valuations relative to the solar access, because they are a south or east facing home and the effect of the winter solstice sun and the effect on its neighbors.

Wray stated they didn't look at an assessment of impacts on valuation. He explained that the standard simply limits the sidewall height where there is a neighboring property to the north that typically is applicable to homes that are on north/south streets where the sidewall height is adjacent to a property to the north. He further explained that it wouldn't affect east/west considerations or homes on an east/west aligned street. Wray reiterated they are not measuring a specific degree of shading and they looked at the winter solstice as the worst case scenario for maximum shading for a certain time of the year. Wray noted there had been a lot of questions on why they didn't consider impacts of mature

trees and other considerations. Wray believes that could go into a solar ordinance but the standard just focused on limiting the sidewall height.

Wray further noted they heard a lot from neighbors that solar access was one of the most important issues, including anything from the amount of shading on a building, sidewall, property, or yard within these neighborhoods.

Lenoch asked if staff was confident and happy with the fact that the study takes into account that this sidewall only effects fifty percent of the homes in the Eastside/Westside neighborhoods assuming that half the homes are on north/south streets and half the homes are on east/west streets.

Wray stated that it depends on the amount of new additions or new construction. He explained that eighteen cases were looked at in their case studies and of the eighteen there were eleven that had these conditions where the project was over a certain size, went to two stories, there was a neighboring property to the north, some of the homes were at a different lot alignment going on those type of streets, or they weren't impacted by the design or FAR standards.

Lenoch stated that he is concerned about the number of people that will be going in front of the Building Review Board or the Zoning Board of Appeals if something like this goes through.

Barnes clarified, with regards to Lenocho's question, about fifty percent of the lots being affected stating that is not necessarily true. He stated that as Wray alluded to briefly, there are thresholds that have to be met before the solar access kicks in. He explained that no matter what happens if the house to the north is a two story house then there are no solar access regulations. Therefore, it is already not possible to say that fifty percent of the lots, because that would assume then that every house is a one story house and we know that is not the case. He further explained the proposed construction has to result in a second story or an addition that brings the total square footage of the house to three thousand square feet or a new house that is twenty five hundred square feet. Barnes reiterated that there are a lot of thresholds that have to be met before the solar access regulation would kick in, and if the house to the north is a two story house or even a one and a half story house, it would not apply.

Schneider asked for clarification if an existing home would have to comply with the solar standard if it were a two story home with a ranch style to the north, but they added a one story addition out the back.

Barnes stated they would be looking at the new part of the addition and the additional impact being made. He explained the City can't make someone lower the height of the existing two story house. He further explained that it is possible to do a one story addition with wall heights that are taller than fourteen feet.

Cram shared his frustration with a comment that had been made that the Building Review Board was really not an important part of the decision process and therefore they were bypassed until they asked for a presentation. Cram explained the Building Review Board is deeply involved and charged with responsibility for building structures and is also the appeal process Board for people who wish to appeal their building permits.

Cram stated that he has heard the numbers, but the majority of the streets in the old, east/west portions of town are east/west so he takes umbrage with their assessment of how many homes would be affected. He further stated they did not look at what the orientation of the existing roof lines were regardless of whether the house is north, south, east or west, because it depends on the slope of the roof. He further stated they did not and acknowledged they did not take into consideration existing sheltering from trees that exist in the area and that is the area that has the biggest trees.

Cram expressed frustration and felt the solar piece is just an attempt to come in the back door with a solar recommendation. He believes if there is going to be a solar ordinance then they need to deal with a solar ordinance, so it can be dealt with equally throughout town and not just in two particularly chosen neighborhoods.

Cram stated that City Council has this attitude about wanting infill and a lot of people are not going to come into Fort Collins if in fact the houses are small.

Reider asked what "Elevated Basement" meant.

Barnes explained if you elevate your basement wall by more than three feet above the grade along a side lot line the basement will count as floor area and currently basements do not count as floor areas. Barnes read the section of the ordinance that pertains to the definition of an elevated basement stating "*Basement floor areas where any exterior basement wall is exposed by more than three feet above the existing grade at the interior side lot line adjacent to the wall.*"

Schneider asked if the three feet will be an average.

Barnes stated it is not average.

Schneider asked if the square footage would have to be part of a calculation of an addition if the side lot line were 3 feet one inch.

Barnes stated that it would or that it may be an appropriate case to take to the Zoning Board of Appeals. He explained that the Land Use Code cannot address every potential situation. He further explained that topographical situations are grounds for variances.

Reider stated that a lot of homes in Old Town rely upon basements for mechanical, sometimes a spare bedroom, storage, etc. He asked if in the floodway which occupies a lot of the Westside neighborhood in particular and some of the Eastside, if there would be any consideration for increased FAR for those lots that cannot have a basement. He

further asked if they would be faced with the same FAR as any other home regardless of whether there are in the floodway or not.

Wray confirmed this. He stated that the proposed changes to the FAR would apply to both zoning districts in both neighborhoods. He explained that if the basement is not counted, there would be an additional allowance for building square footage or accessory structures for those properties.

Reider asked what large volume spaces were and how they are determined.

Barnes stated that this is a loop hole in the current code. He explained that right now only the floor area of each floor level or each story is counted. He gave examples of homes with large two story atriums and vaulted ceilings that get counted as only one level. He further explained that if you have an area where the ceiling height exceeds fourteen feet, then that portion that exceeds fourteen feet will be counted twice, because it's really affecting the height of the structure. He noted that with the bulk and mass is where you get the looming issue over abutting properties.

Reider asked if the sidewall abutted to the neighbor's rear property line if the same standards would apply.

Wray stated it would be the same as it pertains to the main building and accessory structures if they meet the threshold. Wray confirmed with Reider that it is simply how far back you are from the property line.

Schneider stated that all of the mailings went to property owners of the areas, which he understood, but thought it should be important to notify the industry or design professionals that are working in it. He asked why there wasn't any outreach to the professional industries.

Wray apologized for the oversight during the process stating that they really focused on community engagement from the area property owners and tenants. He noted they also included other interests and stake holders, which included builders, developers, and realtors. He explained that their notification included the study area for both of the neighborhoods as well as public information and notification on websites, through media and email distribution.

Reider stated that he remembered two years ago spending a lot of time attending many different meetings on the Eastside/Westside. He thought it came to a vote or consensus where the vast majority of the citizens impacted, which would have included himself with all the property he owns there, were opposed to any changes and so nothing happened. He asked why this is back so quickly if so many people were opposed to it just two years ago.

Wray stated they received direction from City Council.

Reider stated it bothers him that if just a couple of people for personal reasons or political reasons go against, what he believes to be the vast majority of the public that he heard from in all of those meetings. Reider asked if it was true that the vast majority of the public a few years ago were opposed to this, but a member or two of City Council has really pushed this thing through.

Wray stated that the previous effort was really a focus on just building size and the change to the FAR. He explained with this effort, they were asked to have a broader look at not only building size but design compatibility and that is the reason why they came up with a different package of Land Use Code amendments that includes new design standards. He further explained that their recommendation in November identified in the strategy report had floor area ratio as a viable tool to consider, which wasn't included based on the direction received at that time. Wray stated for this study they were to come up with mutually agreeable solutions and there were definitely mixed opinions in the previous effort with that and also through this process in looking at potential changes to the floor area ratio. He reiterated that at the November 27th work session, Council asked them to include a change to the floor area ratio with the other five recommended strategy options.

Reider asked Wray if he thought all the impacted parties were in favor of this, or if it was simply something that Council is dealing with. He asked if Wray has heard from a lot of neighbors in eastside/westside who are giving thanks and stating that this is a terrific thing. Reider stated that he appreciates what Wray and Barnes do and he knows they are working at the direction of Council.

Reider stated that he wasn't able to connect what he witnessed two years ago with what he witnessed during the most recent presentation. He was questioning how it came about.

Barnes stated that he thought Wray answered how it came about with regards to Reider's last question about whether everybody was in favor of this. Barnes stated that based on the last Council session when it got adjourned and the amount of public input on both sides that there was no consensus.

Schneider asked if the FAR is more or less restrictive when compared to other zoning districts.

Barnes stated that it is more restrictive. He clarified that there is already an existing FAR in the NCL and NCM zones that is more restrictive than the other zones. As well, there are other regulations in the NCL and NCM zones that are more restrictive than other zones, so by their very nature, those zoning districts have more restrictive regulations. Barnes noted that he didn't believe other zones have a FAR. He explained that the RL zone does low density residential where there's a three to one lot area to floor area ratio and the lot area has to be three times larger than the floor area, but in those zones they don't count the garage, and they don't count the basement in any circumstances.

Schneider asked why they are changing things for these zones when they don't take into account other aspects in those zones that require the three to one ratio.

Barnes stated that it is not changing. He explained that the current NCL and NCM regulations have been in place with regards to the size limitation on houses since 1991 and the NCL up until 2006 was more restrictive than it is now. He noted that it was a .33 and then was changed to .4 and the proposal now is basically to go back to what it was from 1991 until 2006.

Schneider clarified that his question was purely in those other areas where they don't take in account the garages or the basements why they don't use that same model for these two zoning districts.

Barnes reiterated they were added in 1991 and have been in place for 20 years. He explained the NCL, NCM and the NCB zones were enacted and implemented in 1991. At that time regulations were put in place, noting that if you spell out NCL, Neighborhood Conservation Low Density was to conserve the character and the established pattern.

Schneider stated one thing he heard change is the height of the sidewall for basement calculations, where it's not in place now.

Barnes stated that is in response to citizen concerns and they don't hear those concerns in other neighborhoods.

Schneider noted that part of this was to help promote the design assistance program.

Wray explained there were two other strategy options that were supported that aren't included in the potential Land Use Code changes. He stated that there was a lot of support for the promotion of the existing design assistance program that really hasn't been used much since 2011. He noted that would be an ongoing administrative action that staff is already working on further promoting. Wray explained that the other was to develop new design guidelines for these neighborhoods which, was also well supported from the neighborhoods, and outside interest. However, it's not budgeted or in current work programs. They are suggesting staff take a look at these in 2014 when we look at the neighborhood plan updates, concurrent with that process. So it is on future action identification.

Schneider noted that with a design assistance program and trying to help promote the program a list of preferred contractors and designers is being handed out. He further noted that one of the contractors on the list had his license revoked by the Building Review Board last year.

Wray stated that presently the program is promoted through the Landmark Preservation Commission, Historic Resources staff.

Schneider asked how the design assistance program interacts with Historic Preservation or Landmark Preservation Commission and whether they have to approve the design.

Wray stated that it's a voluntary design assistance program with money that Council put aside and established in 2011 to provide funding to support having architects assist in the design of additions or new construction.

Schneider asked if the design aspect of the ordinance would hinder Historic Preservation or if there were any concerns about the character of Historic Preservation with some of the design elements.

Barnes stated that Karen McWilliams, Historic Preservation Manager, has been involved in the process attending the workshops and being involved with the ordinance drafting and are aware of all of this. As well, the LPC has heard and made their recommendation to City Council. He reiterated that the design assistance is voluntary. Barnes explained that it's not, whether someone does it or doesn't, regardless of what they are recommended they still have to comply with the regulations which are design standards.

Cram stated that he didn't believe a motion was appropriate since City Council had already acted. The rest of the Board agreed.

Cram reiterated that he sincerely hoped this kind of an overlook or sidestep of the Building Review Board does not happen again. He explained that anytime there are changes to the building regulations in this City, that this is the Building Review Board. He asked that staff please look at the Board's requirements and what they are responsible for because, they are responsible for these things. He stated that the Board will hear appeals to these and have heard appeals to these kinds of issues about flood plain, how high the building is and so on and so forth.

Address	Zone	Total Sq ft	Old Allowed	Extra	NewFAR impact
805 Smith	NCM	3625*	4750	1125	-391
420 E Laurel	NCM	2329	2603	274	-28
312 E Myrtle	NCM	2960	4750	1790	0
520 Edwards	NCM	2655	2831	176	-239
280 Circle	NCL	2758	4428	1670	0
1401 Whedbee	NCL	2425	3059	634	0
1535 Peterson	NCL	3124	3635	511	-57
425 Wood	NCM	4013	4301	288	-613
321 Wood	NCM	3251	4265	1014	0
309 Sherwood	NCM	3653	4750	1097	-28
223 Park	NCM	3030	4250	1220	0
404 Park	NCM	2815	3400	585	0
620 Park	NCM	3096	4493	1397	0
122 S Whitcomb	NCM	3994	4750	756	-369
129 N Whitcomb	NCM	3822	4898	1076	-123
301 S Sherwood	NCM	1838	2375	537	0
730 W Mountain	NCL	3536	2351	-1185	-1360
821 W Mountain	NCL	2898	2842	-56	-227