

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 17

DATE: June 3, 2008

STAFF: Helen Migchelbrink
Tracy Dyer

SUBJECT

First Reading of Ordinance No. 064, 2008, Amending Sections 23-83 and 24-2 of the City Code Pertaining to Awnings and Canopies over Sidewalks.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

EXECUTIVE SUMMARY

Staff has been approached by a local business seeking permission to install a retractable shade and rain awning over its permitted eating area encroachment to accommodate patrons during periods of inclement weather. Current City Code language precludes the issuance of an encroachment permit to allow the installation of the awning. The amendments to City Code will allow an encroachment permit to be issued in this instance as well as for other businesses who seek to place awnings over permitted patio encroachments.

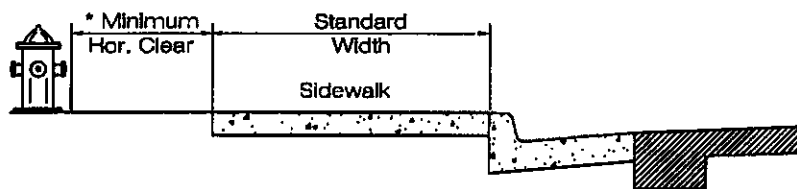
BACKGROUND

Outdoor eating areas which encroach into the public right of way have become increasingly popular in the downtown area. All of these outdoor eating areas are allowed by the City via encroachment permits. Business owners may seek to make these seating areas more viable during rainstorms or intensely hot, sunny days by installing retractable awnings. Current Code language restricts the length and height of the awnings to eight (8) feet extended from the building line and six and one-half (6 1/2) feet in height from the sidewalk. The amendment of City Code Section 23-83 is being proposed to allow awnings to cover the entire seating area. The amendment allows for awnings and canopies to extend to the vertical line of an established, permitted railing or fence with a minimum vertical clearance of seven (7) feet within the fencing or railing area that would not cause harm or obstruct the general traveling pedestrians with the City's rights-of-way.

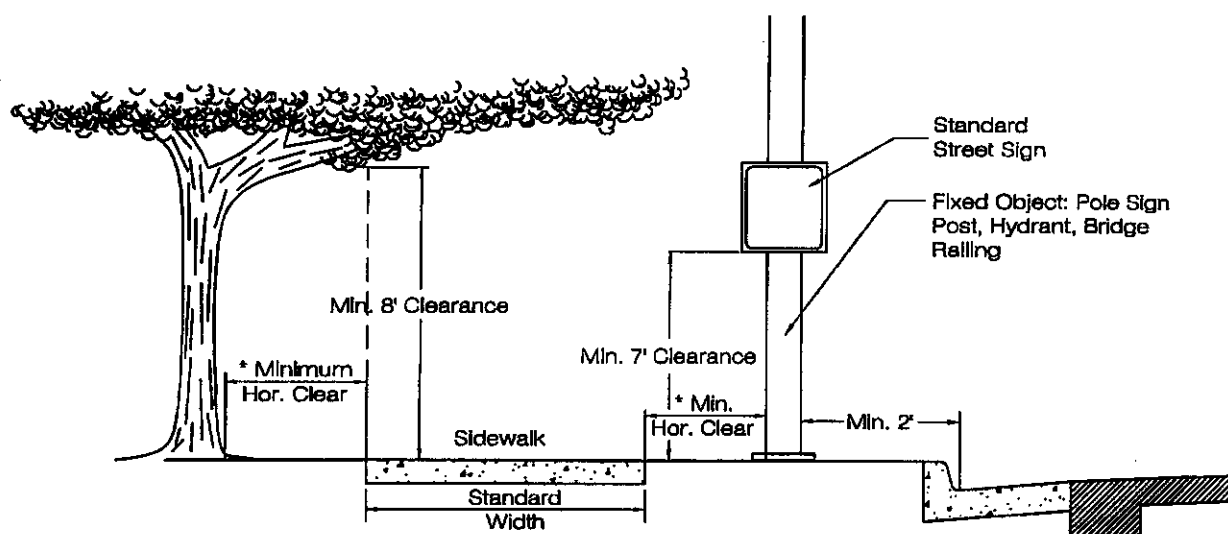
The revision to City Code Section 24-2 is being proposed to correct a safety issue and to bring the Code into alliance with similar language in the Land Use Code and The Larimer County Urban Area Street Standards. Current height restrictions of 6.5 feet do not sufficiently address the reasonably safe overhead clearance for pedestrians. The recommended amendment will increase the height to eight (8) feet and will also bring the City Code in compliance with current construction standards and Land Use Code language.

ATTACHMENTS

1. Vertical and Horizontal Clearances for Sidewalks.



ATTACHED SIDEWALK SECTION



DETACHED SIDEWALK SECTION

NOTE:

1. All above ground utilities or other features must be a minimum of 2' from sidewalk.

* The minimum horizontal clearance may be reduced by the Local Entity Engineer to zero feet in locations such as downtown, special pedestrian plazas and bridges, where bicycle traffic is restricted. In such locations the minimum clear path equal to the standard sidewalk width for the street classification shall be clear of all obstructions.

Objects & Materials	Minimum Horizontal Clearance
Trees	2.5'
Shrubs, Hedges	2'
Fences & Walls	2'
Solid Fixed Objects	1'
Movable Solid Objects	1'
Gravel, Rocks, or Material that may slough or land on the sidewalk	2'

VERTICAL & HORIZONTAL CLEARANCES FOR SIDEWALKS

**LARIMER COUNTY
URBAN AREA
STREET STANDARDS**

**DESIGN
FIGURE**

**REVISION NO: 1
DATE: 03/01/02**

**FIGURE
16-1**

ORDINANCE NO. 064, 2008
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTIONS 23-83 AND 24-2 OF THE CITY CODE
PERTAINING TO AWNINGS AND CANOPIES OVER SIDEWALKS

WHEREAS, portions of City rights-of-way have been historically used by the business community for the display of products and services and for the service and consumption of food and beverages, pursuant to encroachment permits issued by the City; and

WHEREAS, railings or fencing have been approved by the City in certain such locations; and

WHEREAS, the Council has determined that awnings or canopies over areas which are enclosed by fencing or railings and used for the serving of food and/or beverages for consumption within the encroachment areas would not have a detrimental impact upon the pedestrian public since such areas are enclosed and not used by sidewalk pedestrians; and

WHEREAS, the Council has determined that it is in the best interest of the City that the Code be amended to allow for awnings or canopies over fenced patio and outdoor eating areas.

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

Section 1. That Section 23-83 of the Code of the City of Fort Collins is hereby amended by the addition of a new subparagraph (f) to read as follows:

Sec. 23-83. Investigation of application information; fee; permit modification and revocation.

...

(f) If the encroachment is for an awning or canopy over an area proposed for the serving of food and/or beverages for consumption within the encroachment area as an extension, accessory or complement to an adjoining business, and the encroachment area is enclosed by a patio railing/fence which has been installed and is in place, then such area of encroachment may be covered by an awning or canopy exceeding the extension limits contained in Section 24-2 and may be at a height of not less than seven (7) feet from the bottom of the curtain to the sidewalk. No such awning or canopy may be permitted to extend beyond the encroachment area enclosed by railings/fencing. Signage on such awnings or canopies shall be subject to the regulations set forth in Section 3.8.7 of the Land Use Code.

Section 2. That Section 24-2 of the Code of the City is hereby amended to read as follows:

Sec. 24-2. Awnings over sidewalks.

Except for awnings and canopies that may be authorized pursuant to Section 23-83(f), ~~No awning or canopy shall be erected or continued so as to project over any sidewalk at a height of less than six and one-half (6½) feet from the bottom of the curtain to the sidewalk or that shall extend more than eight (8) feet over the sidewalk from the inside line.~~ **eight (8) feet** from the bottom of the curtain to the sidewalk or that shall extend more than eight (8) feet over the sidewalk from the inside line.

Introduced, considered favorably on first reading, and ordered published this 3rd day of June, A.D. 2008, and to be presented for final passage on the 1st day of July, A.D. 2008.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 1st day of July, A.D. 2008.

Mayor

ATTEST:

City Clerk