

DATE: March 20, 2012
STAFF: Jon Haukaas
Roger Buffington

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

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SUBJECT

Second Reading of Ordinance No. 019, 2012, Amending Chapter 26 of the City Code to Revise the Manner in Which Carriage Houses May Obtain Water and Sewer Service.

EXECUTIVE SUMMARY

The City's Land Use Code allows carriage houses to be constructed at the rear of lots in certain zoning districts. The City Code currently requires that such buildings have separate water and sewer services connecting to City water mains and sanitary sewers. This requirement frequently stops the carriage house projects due to construction constraints and cost considerations. This Ordinance, unanimously adopted on First Reading on March 6, 2012, provides an option to connect the water and sewer services to the primary residence at the front of the lot with certain limitations.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - March 6, 2012
(w/o attachments)

DATE: March 6, 2012
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 Roger Buffington

AGENDA ITEM SUMMARY
 FORT COLLINS CITY COUNCIL

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SUBJECT

First Reading of Ordinance No. 019, 2012, Amending Chapter 26 of the City Code to Revise the Manner in Which Carriage Houses May Obtain Water and Sewer Service.

EXECUTIVE SUMMARY

The City's Land Use Code allows carriage houses to be constructed at the rear of lots in certain zoning districts. The City Code currently requires that such buildings have separate water and sewer services connecting to City water mains and sanitary sewers. This requirement frequently stops the carriage house projects due to construction constraints and cost considerations. The proposed change in the City Code would provide an option to connect the water and sewer services to the primary residence at the front of the lot with certain limitations.

BACKGROUND / DISCUSSION

The Land Use Code defines a carriage house as follows:

Carriage house shall mean a single-family detached dwelling, typically without street frontage, that is located behind a separate, principal dwelling on the same lot, which fronts on the street.

The City Code presently requires that each building have separate water and sewer services; however, the Code does allow the Utilities Executive Director to authorize more than one building connect to water and sewer services if the following three conditions are met:

1. The combined water use of the buildings shall not exceed the capacity of the service line.
2. If the service is for residential use, only one of the buildings may be used as a residential dwelling.
3. If the buildings are served by one service line, the buildings shall be under single ownership and no subsequent division of ownership or subdivision of the property, upon which the buildings are located, shall be permitted until separate service lines have been installed to each building.

For carriage houses, the second condition has been problematic in that it requires the carriage house to connect to the City water mains and sanitary sewers typically in the street in front of the principal dwelling. In the older parts of the city, mature trees and landscaping often make it very difficult, if not impossible, to install service lines around the principal dwelling. For newer areas of the city, the narrow lot widths make it impossible to place these services between the houses due to the presence of gas and electric services, window wells, air conditioning units, landscaping and fences.

In addition to the obstacles encountered in construction, the extension of the services to the public mains in the street involves cutting the pavement and trenching into the street right-of-way. These trenches affect the integrity of the street paving and impact future street maintenance costs for the City. Property owners who have considered building carriage houses find the added costs associated with street cuts often stop the project.

In order to overcome the construction hurdles and address the impacts to streets and related project costs, it is proposed that Chapter 26 of the City Code be revised to provide the Utilities Executive Director the flexibility to approve the connection of the carriage house water and sewer services to the principal dwelling under the conditions listed below and included in the proposed ordinance:

1. The combined water use of the buildings shall not exceed the capacity of the service lines.
2. If the buildings are served by one service line, the buildings shall be under one ownership, and no subsequent division of ownership or subdivision of the property upon which the buildings are located shall be permitted until separate service lines have been installed to each building.

3. If the service is for residential use, only one of the buildings shall be used as a residential dwelling unless the buildings are located on a single platted lot and one of the buildings is a carriage house. The term carriage house shall have the same meaning as in the Land Use Code.
4. Plant investment fees, raw water requirements and any other applicable charges required in connection with the additional building to which service is to be provided shall be remitted in accordance with Chapter 26 of the City Code. For a carriage house, the additional plant investment fees and raw water requirements, as well as monthly meter rates and any other water-related charges shall be determined based on the addition of a new dwelling unit on the property.
5. A written covenant or other document signed by the owner of the property to be served and incorporating these requirements and limitations as a condition of service to said property, in a form provided by the Executive Director, shall be submitted to the Executive Director as a condition of approval and shall be duly recorded at the office of the County Clerk and Recorder.

FINANCIAL / ECONOMIC IMPACTS

The proposed changes to the City Code would provide an option for water and sewer service for carriage houses that may make it feasible for a property owner to proceed with a project. The City would collect plant investment fees and water rights for the additional dwelling unit.

In addition, this option would allow carriage houses to obtain water and sewer service without having to disturb the street pavement and install utility trenches in the street right-of-way. This would help to maintain the overall condition of the street pavement in those areas and, thereby, avoid higher street maintenance costs in the future.

ENVIRONMENTAL IMPACTS

This revision to the City Code would help to maintain the longevity of the street improvements in neighborhoods by reducing pavement repair operations that result from street cuts and trenching in the street right-of-way.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BOARD / COMMISSION RECOMMENDATION

At its February 16, 2012 meeting, the Water Board recommended approval of the changes to City Code which would allow the Utilities Executive Director to approve the water and sewer services for carriage houses to connect to the principal dwelling on the property.

PUBLIC OUTREACH

During the past few years, Water Utilities has collected comments and input from developers, property owners and contractors through the Current Planning Department's conceptual review process and through various contacts for information regarding water and sewer service for carriage house projects. In several instances, property owners were interested in constructing carriage houses but found the construction difficulties and the additional costs associated with connecting water and sewer services to the City mains in the street caused the projects to be impractical.

ATTACHMENTS

1. Water Board minutes, February 16, 2012

ORDINANCE NO. 019, 2012
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT COLLINS
TO REVISE THE MANNER IN WHICH CARRIAGE HOUSES MAY OBTAIN
WATER AND SEWER SERVICE

WHEREAS, the City Code currently requires separate water and wastewater service lines for each and every residence served by the City's Utilities; and

WHEREAS, in order to promote infill development and eliminate barriers to the development of carriage houses as accessory residences in appropriate zone districts as allowed under the City's Land Use Code, staff has proposed a limited exception to the requirement for separate service lines; and

WHEREAS, the Water Board considered proposed revisions to Chapter 26 of the City Code at its February 16, 2012, meeting and recommended approval of the proposed changes; and

WHEREAS, the City Council desires to enact the proposed changes, as set forth herein.

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

Section 1. That Section 26-94 of the Code of the city of Fort Collins is hereby amended to read as follows:

Sec. 26-94. Individual service lines for each building required.

(a) Each property shall be served by its own service line, and no connection with the water utility shall be made by extending the service line from one (1) property to another property. Each building shall be served by a separate service line; however, the Utilities Executive Director may require that a building be served by more than one (1) service line. For purposes of this Section, the term *building* means a structure standing alone, excluding fences and covered walkways. A separate accessory structure is a separate building. To qualify as one (1) building, all portions, additions or extensions must be connected by an attachment that is an enclosed part of the building and usable by the occupants.

(b) Notwithstanding the provisions of Subsection (a) of this Section, the Utilities Executive Director may, after review and approval of the related plans and specifications, authorize the service of more than one (1) building by a single service line, provided each of the following requirements is met:

(1) The combined water use of the buildings shall not exceed the capacity of the service line and meter;

- (2) If the buildings are served by one (1) service line, the buildings shall be under single ownership; and no subsequent division of ownership, or subdivision of the property upon which the buildings are located, shall be permitted until separate service lines have been installed to each building;
- (3) If the service is for residential use, only one (1) of the buildings may be used as a residential dwelling unless the buildings are located on a single platted lot and one of the buildings is a carriage house. For purposes of this Section, the term *carriage house* shall have the same meaning as in the Land Use Code;
- (4) Plant investment fees, raw water requirements, and any other applicable charges required in connection with the additional building to which service is to be provided, shall be remitted as provided in this article. For a carriage house, additional plant investment fees and raw water requirements, as well as monthly meter rates and any other water-related charges, shall be determined based on the addition of a new dwelling unit on the property; and
- (5) A written covenant or other document signed by the owner of the property to be served and incorporating the requirements and limitations of this Section as a condition of service to said property, in a form provided by the Executive Director, shall be submitted to the Executive Director as a condition of approval, and shall be duly recorded at the office of the County Clerk and Recorder.

If the Utilities Executive Director should determine that the foregoing criteria have been met, a written permit shall be granted, which permit shall contain a listing of the foregoing requirements as a condition of continued service hereunder and specific reference to Subsection (a) of this Section requiring individual service lines for each building.

Section 2. That Section 26-256 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-256. Individual service lines for each building required.

(a) Each property shall be served by its own service line, and no connection shall be made by extending the service line from one (1) property to another property. Each building shall be served by a separate service line; however, the Utilities Executive Director may require that a building be served by more than one (1) service line. For purposes of this Section, the term *building* means a structure standing alone, excluding fences and covered walkways. A separate accessory structure is a separate building. To qualify as one (1) building, all portions, additions or extensions must be connected by an attachment that is an enclosed part of the building and usable by the occupants.

(b) Notwithstanding the provisions of Subsection (a) of this Section, the Utilities Executive Director may, after review and approval of the related plans and specifications, authorize the service of more than one (1) building by a single service line, provided each of the following requirements is met:

- (1) The combined wastewater flow from the buildings shall not exceed the capacity of the service line;
- (2) If the buildings are served by one (1) service line, the buildings shall be under single ownership; and no subsequent division of ownership, or subdivision of the property upon which the buildings are located, shall be permitted until separate service lines have been installed to each building;
- (3) If the service is for residential use, only one (1) of the buildings may be used as a residential dwelling unless the buildings are located on a single platted lot and one of the buildings is a carriage house. For purposes of this Section, the term *carriage house* shall have the same meaning as in the Land Use Code;
- (4) Plant investment fees, and any other applicable charges required in connection with the additional building to which service is to be provided, shall be remitted as provided in this article. For a carriage house, additional plant investment fees, as well as monthly meter rates and any other wastewater-related charges, shall be determined based on the addition of a new dwelling unit on the property; and
- (5) A written covenant or other document signed by the owner of the property to be served and incorporating the requirements and limitations of this Section as a condition of service to said property, in a form provided by the Executive Director, shall be submitted to the Executive Director as a condition of approval, and shall be duly recorded at the office of the County Clerk and Recorder.

If the Utilities Executive Director should determine that the foregoing criteria have been met, a written permit shall be granted, which permit shall contain a listing of the foregoing requirements as a condition of continued service hereunder and specific reference to Subsection (a) of this Section requiring individual service lines for each building, shall be signed by the Utilities Executive Director, and shall be duly recorded at the office of the County Clerk and Recorder.

Introduced, considered favorably on first reading, and ordered published this 6th day of March, A.D. 2012, and to be presented for final passage on the 20th day of March, A.D. 2012.

Mayor

ATTEST:

Interim City Clerk

Passed and adopted on final reading on the 20th day of March, A.D. 2012.

Mayor

ATTEST:

Interim City Clerk