

DATE: July 16, 2013
STAFF: Ted Shepard

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

10

SUBJECT

Second Reading of Ordinance No. 092, 2013, Making Various Amendments to the Land Use Code.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on July 2, 2013, makes a variety of changes, additions and clarifications in the 2013 annual update of the Land Use Code.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - July 2, 2013
(w/o attachments)

DATE: July 2, 2013
STAFF: Ted Shepard

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

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SUBJECT

First Reading of Ordinance No. 092, 2013, Making Various Amendments to the Land Use Code.

EXECUTIVE SUMMARY

Staff has identified a variety of proposed changes, additions and clarifications in the 2013 annual update of the Land Use Code.

BACKGROUND / DISCUSSION

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 that have been identified since the last update. The proposed changes are offered in order to resolve implementation issues and to continuously improve both the overall quality and "user-friendliness" of the Code.

The proposed revisions were considered by the Planning and Zoning Board at its June 20, 2013 regular meeting. All of the proposed revisions included in the Ordinance have received unanimous approval from the Board.

FINANCIAL / ECONOMIC IMPACTS

Code revision number 933 provides for greater opportunities for Limited Indoor Recreation Establishments (under 5,000 square feet) by allowing these uses to now go into the L-M-N, Low Density Mixed-Use Neighborhood, but only if contained within a specifically defined Neighborhood Center. These uses include yoga studios, exercise clubs, dance studios, martial arts schools, and arts or crafts studios. This change allows the Land Use Code to respond to changing trends and conditions by providing for wider distribution of facilities that promote health and wellness.

ENVIRONMENTAL IMPACTS

There are no Code revisions that would have either a positive or negative an impact on the environment.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BOARD / COMMISSION RECOMMENDATION

All of the proposed changes have been discussed and refined in conjunction with the Planning and Zoning Board at various work sessions between February and June of this year. On June 20, 2013, the Planning and Zoning Board considered the proposed revisions to the Land Use Code and voted unanimously to recommend approval of all the changes.

ATTACHMENTS

1. List of Land Use Code Issues
2. Summary report of all the issues
3. Cross-reference of the issues to the Ordinance section numbers
4. Planning and Zoning Board minutes, June 20, 2013

ORDINANCE NO. 092, 2013
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING VARIOUS AMENDMENTS
TO THE CITY OF FORT COLLINS LAND USE CODE

WHEREAS, on March 18, 1997, by its adoption of Ordinance No. 051, 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, City staff and the Planning and Zoning Board have reviewed the Land Use Code and identified and explored various issues related to the Land Use Code and have made recommendations to the Council regarding such issues; 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 Section 1.2.2 of the Land Use Code is hereby amended by the addition of a new subparagraph (O) which reads in its entirety as follows:

- (O) encouraging a wide variety of housing opportunities at various densities that are well-served by public transportation for people of all ages and abilities.

Section 2. That Section 2.2.7(C) of the Land Use Code is hereby amended to read as follows:

- (C) ***Order of Proceedings at Public Hearing.*** The order of the proceedings at the public hearing shall be as follows:
 - (1) ***Director Overview.*** The Director shall provide an overview of the development application.
 - (2) ***Applicant Presentation.*** The applicant may present information in support of its application, subject to the determination of the Chair as to relevance. Copies of all writings or other exhibits that the applicant wishes the decision maker to consider must be submitted to the Director no less than five (5) working days before the public hearing.

- (3) *Staff Report Presented.* The Director shall present a narrative and/or graphic description of the development application, as well as a staff report that includes a written recommendation. This recommendation shall address each standard required to be considered by this Land Use Code prior to approval of the development application.
- (4) *Staff Response to Applicant Presentation.* The Director, the City Attorney and any other City staff member may respond to any statement made or evidence presented by the applicant.
- (5) *Public Testimony.* Members of the public may comment on the application and present evidence, subject to the determination of the Chair as to relevance.
- (6) *Applicant Response.* The applicant may respond to any testimony or evidence presented by the public.
- (7) *Staff Response to Public Testimony or Applicant Response.* The Director, the City Attorney and any other City staff member may respond to any statement made or evidence presented by the public testimony or by the applicant's response to any such public testimony.

Section 3. That Section 2.2.10(A)(1) is hereby amended by the addition of a new subparagraph (g) which reads in its entirety as follows:

- (g) in the case of a change of use of any property that was developed pursuant to a basic development review or use-by-right review under prior law, the minor amendment results in the building and parcel of ground upon which the building is located being brought into compliance, to the extent reasonably feasible, with the applicable general development standards contained in Article 3 and the applicable district standards contained in Article 4 of this Land Use Code.

Section 4. That Section 2.2.11(D)(2) of the Land Use Code is hereby amended to read as follows:

- (2) *Publication.* A "notice of approval" describing generally the type and intensity of use approved and the specific parcel or parcels affected, and stating that a vested property right has been created or extended, shall be published by the City once, not later than fourteen (14) days after the approval of any final plan or other site specific development plan in a newspaper of general circulation within the City. The period of time permitted by law for the exercise of any applicable right of referendum or judicial review shall not begin to run until the date of such publication, whether timely made within said fourteen-day period, or thereafter.

Section 5. That Section 2.2.11(D)(9) of the Land Use Code is hereby amended to read as follows:

- (9) *Post denial re-submittal delay.* Property that is the subject of an overall development plan or a project development plan that has been denied by the decision maker or denied by City Council upon appeal, or withdrawn by the applicant, shall be ineligible to serve, in whole or in part, as the subject of another overall development plan or project development plan application for a period of six (6) months from the date of the final decision of denial or the date of withdrawal (as applicable) of the plan unless the Director determines that the new plan includes substantial changes in land use, residential density and/or non-residential intensity.

Section 6. That Section 3.2.1(A) of the Land Use Code is hereby amended to read as follows:

- (A) ***Applicability.*** This Section shall apply to all development (except for development on existing lots for single-family detached dwellings) within the designated "limits of development" ("LOD") and natural area buffer zones established according to Section 3.4.1 (Natural Habitats and Features).

Section 7. That Section 3.2.2(L)(2) of the Land Use Code is hereby amended to read as follows:

- (2) *Compact Vehicle Spaces in Long-term Parking Lots and Parking Structures.* Those areas of a parking lot or parking structure that are approved as long-term parking have the option to include compact parking stalls. Such approved long-term parking areas may have up to forty (40) percent compact car stalls using the compact vehicle dimensions set forth in Table B, except when no minimum parking is required for a use pursuant to Section 3.2.2(K), in which event the number of compact car stalls allowed may be greater than forty (40) percent. No compact spaces shall be designated as handicap parking spaces.

...

Section 8. That Section 3.2.2(L)(3) of the Land Use Code is hereby amended to read as follows:

- (3) *Long-Term Parking Stalls.* As an option in long-term parking areas, all long-term parking stalls may be designated using the following stall dimensions:

...

Section 9. That Section 3.2.4(C) of the Land Use Code is hereby amended to read as follows:

- (C) **Lighting Levels.** With the exception of lighting for public streets and private streets, all other project lighting used to illuminate buildings, parking lots, walkways, plazas or the landscape shall be evaluated during the development review process. The following chart gives the average minimum and, for under-canopy fueling areas, maximum lighting levels for outdoor facilities used at night.

<i>Area/Activity*</i>	<i>Foot-candle</i>
Building surrounds (nonresidential)	1.0
Bikeways along roadside	
Commercial areas	0.9
Intermediate areas	0.6
Residential areas	0.2
Walkways along roadside	
Commercial areas	0.9
Intermediate areas	0.6
Residential areas	0.5
Park walkways	0.5
Pedestrian stairways	0.3
Loading and unloading platforms	5.0
Parking areas	1.0
Playgrounds	5.0
Under-canopy area (maintained maximum)	20.0
Under-canopy area (initial installation maximum)	26.0

* Illuminating Engineering Society (IES) Lighting Handbook

Section 10. That Section 3.5.2(D) of the Land Use Code is hereby amended to read as follows:

(D) **Residential Building Setbacks, Lot Width and Size.**

- (1) *Setback from Arterial Streets.* The minimum setback of every residential building and of every detached accessory building that is incidental to the residential building shall be thirty (30) feet from any arterial street right-of-way, except for those buildings regulated by Section 3.8.30 of this Land Use Code, which buildings must comply with the setback regulations set forth in Section 3.8.30.
- (2) *Setback from Nonarterial Streets.* The minimum setback of every residential building and of every detached accessory building that is incidental to the residential building shall be fifteen (15) feet from any public street right-of-way other than an arterial street right-of-way, except for those buildings regulated by Section 3.8.30 of this Land Use Code, which buildings must comply with the setback regulations set forth in Section 3.8.30. Setbacks

from garage doors to the nearest portion of any public sidewalk that intersects with the driveway shall be at least twenty (20) feet.

...

Section 11. That Section 3.7.1(B) of the Land Use Code is hereby amended to read as follows:

- (B) ***Establishment of Growth Management Area.*** The city has adopted a cooperative planning area policy in the City Plan that includes a growth management area as adopted by Intergovernmental Agreement with Larimer County.

Section 12. That Section 3.7.2(A)(3) and (4) of the Land Use Code is hereby amended to read as follows:

- (3) ***Exemption for Properties Located Within Certain Planned Subareas.*** Development located within the following planned subareas need not comply with the requirements of this subsection (A):
 - (a) Fossil Creek Reservoir Area.
 - (b) Harmony Corridor.

Section 13. That Section 3.7.2(B) of the Land Use Code is hereby amended to read as follows:

- (B) ***Developments Outside Growth Management Area.*** No development application shall be accepted or approved as part of an annexation petition if the proposed development is located outside the Growth Management Area.

Section 14. That Section 3.8.30(A) of the Land Use Code is hereby amended to read as follows:

- (A) ***Purpose/Applicability.*** The following standards apply to all multi-family developments projects that contain at least four (4) dwelling units. These standards are intended to promote variety in building form and product, visual interest, access to parks, pedestrian-oriented streets and compatibility with surrounding neighborhoods. Multi-family developments in the Transit-Oriented Development (TOD) Overlay Zone are exempt from subsections (C) and (E) of this Section.

Section 15. That Section 3.8.30(B)(3) of the Land Use Code is hereby amended to read as follows:

- (3) The following list of housing types shall be used to satisfy this requirement:
 - (a) Small lot single-family detached dwellings on lots containing less than six thousand (6,000) square feet.

- (b) Two-family dwellings.
- (c) Single-family attached dwellings.
- (d) Mixed-use dwelling units.
- (e) Group homes.
- (f) Multi-family dwellings containing three (3) to four (4) units per building.
- (g) Multi-family dwellings containing five (5) to seven (7) units per building.
- (h) Multi-family dwellings containing more than seven (7) units per building.

Section 16. That Section 3.8.30(E)(3) of the Land Use Code is hereby amended to read as follows:

(3) Minimum setback from the right-of-way along an arterial street shall be fifteen (15) feet and along a non-arterial street shall be nine (9) feet.

(a) Exceptions to the setback standards are permitted if one of the following is met:

1. Each unit side that faces the street has a porch and/or balcony that has a minimum depth of six (6) feet (as measured from the building facade to the far side posts, railings/spindles) and a minimum length of eight (8) feet. If more than one side of a unit faces the street, then only one side is required to comply.
2. An outdoor space such as a plaza, courtyard, patio or garden is located between a building and the sidewalk, provided such space shall have landscaping, low walls, fencing or railings, a tree canopy and/or other similar site improvements along the sidewalk designed for pedestrian interest, comfort and visual continuity.
3. All ground units that face a street are ADA compliant units that have street-facing porches that are directly and individually accessed from the

public sidewalk by a connecting walkway that is at least six (6) feet in width.

4. All ground units that face a street with a transit stop that fronts the building are affordable housing units, each having a street-facing stoop that directly accesses the public sidewalk by a connecting walkway.

...

Section 17. That Section 3.10.4(E) of the Land Use Code is hereby amended by the deletion of subparagraph (e) as follows:

Section 18. That Section 4.5(B)(1)(e) of the Land Use Code is hereby amended to read as follows:

(e) **Residential Uses:**

1. Shelters for victims of domestic violence for up to fifteen (15) residents.

Section 19. That Section 4.5(B)(2)(a)7 of the Land Use Code is hereby amended to read as follows:

7. Extra occupancy rental houses with four or more tenants.

Section 20. That Section 4.5(B)(2)(c)3 of the Land Use Code is hereby amended to read as follows:

3. Neighborhood centers consisting of at least two (2) of the following uses: mixed-use dwelling units; retail stores; convenience retail stores; personal and business service shops; small animal veterinary facilities; offices, financial services and clinics; community facilities; neighborhood support/ recreation facilities; schools; child care centers; limited indoor recreation establishments; and places of worship or assembly.

Section 21. That Section 4.5(D)(2)(c) of the Land Use Code is hereby amended to read as follows:

- (c) The following list of housing types shall be used to satisfy this requirement:
 1. Single-family detached dwellings with rear loaded garages.
 2. Single-family detached dwellings with front or side loaded garages.

3. Small lot single-family detached dwellings (lots containing less than four thousand [4,000] square feet or with lot frontages of forty [40] feet or less) if there is a difference of at least two thousand (2,000) square feet between the average lot size for small lot single-family detached dwellings and the average lot size for single-family detached dwellings with front or side loaded garages.
4. Two-family dwellings.
5. Single-family attached dwellings.
6. Mixed-use dwelling units.
7. Multi-family dwellings containing more three (3) to four (4) units per building.
8. Multi-family dwellings containing five (5) to seven (7) units per building.
9. Multi-family dwellings containing more than seven (7) units per building (limited to twelve [12] dwelling units per building);.
10. Mobile home parks.

Section 22. That Section 4.5(E)(4) of the Land Use Code is hereby amended to read as follows:

- (4) *Design Standards for Multi-Family Dwellings Containing More Than Eight (8) Dwelling Units and for Multi-Family Dwellings Containing between Four (4) and Eight (8) Dwelling Units When Three (3) or More Stories in Height.* Each multi-family dwelling containing more than eight (8) dwelling units and each multi-family dwelling containing between four (4) and eight (8) dwelling units, when located in a building of three (3) stories in height, shall feature a variety of massing proportions, wall plane proportions, roof proportions and other characteristics similar in scale to those of single-family detached dwelling units, so that such larger buildings can be aesthetically integrated into the low density neighborhood. The following specific standards shall also apply to such multi-family dwellings:

...

Section 23. That Section 4.9(D)(5) of the Land Use Code is hereby amended to read as follows:

- (5) *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.

Section 24. That the table contained in Section 4.21(B)(2) of the Land Use Code is hereby amended to read as follows:

<i>Land Use</i>	<i>I-25/SH 392 (CAC)</i>	<i>General Commercial District (C-G)</i>
A. RESIDENTIAL		
...
B. INSTITUTIONAL/CIVIC/PUBLIC		
...
C. COMMERCIAL/RETAIL		
...
Microbrewery/distillery/winery	Not permitted	Type 1

Section 25. That the table contained in Section 4.24(B)(2) of the Land Use Code is hereby amended to read as follows:

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

Section 26. That Section 4.26(D)(5)(a) of the Land Use Code is hereby amended to read as follows:

- (a) A minimum of two (2) housing types shall be required on any residential portion of a development plan greater than ten (10) acres but less than thirty (30) acres in size, including parcels which are part of a phased development. A minimum of three (3) housing types shall be required on any residential portion of a development plan greater than thirty (30) acres in size, including parcels which are part of a phased development. The following list of housing types shall be used to satisfy this requirement:
1. single-family detached dwellings.
 2. single-family attached dwellings.
 3. two-family dwellings.

4. multi-family dwellings containing three (3) to four (4) units per building.
5. multi-family dwellings containing five (5) to seven (7) units per building.
46. multi-family dwellings containing more than seven (7) units per building.
7. group homes.
8. mixed-use dwellings.

Section 27. That Section 4.27(D)(2)(m) of the Land Use Code is hereby amended to read as follows:

- (m) Minor public facilities.

...

Section 28. That Section 4.27(D)(6)(a) of the Land Use Code is hereby amended to read as follows:

- (a) A minimum of two (2) housing types shall be required on any residential portion of a development plan greater than ten (10) acres but less than thirty (30) acres in size, including parcels which are part of a phased development. A minimum of three (3) housing types shall be required on any residential portion of a development plan greater than thirty (30) acres in size, including parcels which are part of a phased development. The following list of housing types shall be used to satisfy this requirement:
 1. single-family detached dwellings located on lots containing no more than six thousand (6,000) square feet.
 2. single-family attached dwellings.
 3. two-family dwellings.
 4. multi-family dwellings containing three (3) to four (4) units per building.
 5. multi-family dwellings containing five (5) to seven (7) units per building.
 6. multi-family dwellings containing more than seven (7) units per building.

7. group homes.
8. mixed-use dwellings.
9. mobile home parks.

Section 29. That the definition “*Development*” contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

...

(2) *Development* shall not include:

...

- (b) work by the City or any public utility for the purpose of restoring or stabilizing the ecology of a site, or for the purpose of inspecting, repairing, renewing or constructing, on public easements or rights-of-way, any mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks or the like; provided, however, that this exemption shall not include work by the City or a public utility in constructing or enlarging mass transit or railroad depots or terminals or any similar traffic-generating activity;

...

Section 30. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “*Disabled person*” which reads in its entirety as follows:

Disabled person shall mean any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. A *physical or mental impairment* shall mean hearing, mobility and visual impairment, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex, and mental retardation that substantially limit one or more major life activities. *Major life activities* shall mean walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and/or caring for oneself.

Section 31. That the definition “*Dwelling, mixed-use*” contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

Dwelling, mixed-use shall mean a dwelling that is located in the same building as a nonresidential use (but not including an accessory use).

Section 32. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “*Existing limited permitted use*” which reads in its entirety as follows:

Existing limited permitted use shall mean any use that was permitted for a specific parcel of property pursuant to the zone district regulations in effect for such parcel on March 27, 1997, which is not specifically listed as a permitted use under the zone district regulations of the zone district of this Code in which the parcel of property is located, and which physically existed upon such parcel on March 27, 1997. Such use is permitted in the various zone districts established in Division 4 under the limitation that such use shall constitute a permitted use only on such parcels of property.

Section 33. That the definition “*Mixed use*” contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

Mixed use shall mean the development of a lot, tract or parcel of land, building or structure with two (2) or more different uses, including, but not limited to, residential, office, retail, public uses, personal service or entertainment designed, planned and constructed as a unit.

Section 34. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “*Vehicle*” which reads in its entirety as follows:

Vehicle shall mean a truck, bus, van, railroad car, automobile, tractor, trailer, motor home, recreational vehicle, semi-tractor or any other motorized transportation device, regardless of whether it is in operating condition.

Introduced, considered favorably on first reading, and ordered published this 2nd day of July, A.D. 2013, and to be presented for final passage on the 16th day of July, A.D. 2013.

Mayor

ATTEST:

Interim City Clerk

Passed and adopted on final reading on the 16th day of July, A.D. 2013.

Mayor

ATTEST:

City Clerk