

AGENDA ITEM SUMMARY

July 7, 2015

City Council

STAFF

Ted Shepard, Chief Planner

SUBJECT

Second Reading of Ordinance No. 065, 2015, Making Various Amendments to the Land Use Code.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on June 2, 2015, adopts a variety of revisions, clarifications and additions to the Land Use Code that are housekeeping and routine in nature and that have been identified since the last update in December 2014.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. First Reading Agenda Item Summary, June 2, 2015 (w/o attachments) (PDF)
2. Ordinance No. 065, 2015 (PDF)

AGENDA ITEM SUMMARY

June 2, 2015

City Council

STAFF

Ted Shepard, Chief Planner

SUBJECT

First Reading of Ordinance No. 065, 2015, Making Various Amendments to the Land Use Code.

EXECUTIVE SUMMARY

The purpose of this item is to adopt a variety of revisions, clarifications and additions to the Land Use Code that are housekeeping and routine in nature and that have been identified since the last update in December 2014.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The Land Use Code was first adopted in March of 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.

CITY FINANCIAL IMPACTS

A new use, *Light Industrial - No Outside Storage*, is being added to the C-G, General Commercial zone district, in order to broaden economic opportunities and help fulfill the vision of the Midtown Plan. This addition allows the Land Use Code to respond to current trends and further enable economic activity along the South College Avenue corridor.

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 April of this year. At its May 14, 2015 meeting, the Planning and Zoning Board considered the proposed revisions on its Consent Calendar and voted unanimously to recommend Council approval of all the changes.

Seasonal Overflow Shelters – Not Included In This Ordinance:

The Board also considered, but tabled, the establishment of a new land use, *Seasonal Overflow Shelter*, and its placement into several zone districts. This item was tabled for further consideration and public outreach. The Board encouraged staff to bring this item back outside the customary biannual process in order for such shelters to be available prior to the onset of cold weather. Staff plans on addressing this issue over the next two to three months leaving sufficient time for applicants and providers to make the necessary arrangements. During this time, staff will conduct further public outreach. At this time, the proposed code revisions addressing Seasonal Overflow Shelters are expected to include the following:

- Creating two new definitions, one for *Homeless Shelters* and one for *Seasonal Overflow Shelters*.
- Creating new Supplemental Regulations and criteria by which to review Seasonal Overflow Shelters.
- Add these uses to the appropriate zone districts.

PUBLIC OUTREACH

The proposed revisions were listed on “This Week in Development Review,” the weekly online notice that is posted on the website and sent to approximately 435 subscribers. The items were then noted on the “Agenda” notice for the May Planning and Zoning Board public hearing, and then post-hearing, listed again under “Recent Outcomes.” In addition, staff has outreached to the following organizations:

- C.S.U. Assistant Vice President for Student Affairs/Dean of Students
- Early Childhood Council of Larimer County
- Fort Collins Chamber of Commerce
- Fort Collins Board of Realtors
- Fort Collins Commercial Brokers Group

ATTACHMENTS

1. Land Use Code Issues List (PDF)
2. Annotated Issue List (PDF)
3. Annotated Ordinance Index (PDF)

ORDINANCE NO. 065, 2015
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 2.11.2 of the Land Use Code is hereby amended to read as follows:

2.11.2 Administrative Appeal Review Procedures

An appeal from an administrative decision shall be processed according to, in compliance with and subject to the provisions contained in Division 2.1 and Steps 1 through 12 of the Common Development Review Procedures (Sections 2.2.1 through 2.2.12, inclusive) as follows:

...

(E) **Step 5** (Staff Report): Applicable.

(F) **Step 6** (Notice): Only Section 2.2.6(A) applies, except that "14 days" shall be changed to "7 days," everywhere it occurs in Section 2.2.6. Section 2.2.6(B)-(D) shall not apply.

...

(H) **Step 8** (Standards): Applicable, and an appeal from an administrative decision shall be determined based upon the same standards which applied to the underlying administrative decision. Any appeal that is taken pursuant to this Division must be

taken not later than fourteen (14) days from the date that the administrative decision was made; and, except for administrative decisions which are not focused upon a specific parcel of real property (are general in nature), may be filed only by persons who possess a legal or equitable interest in the specific real property which is the subject of the decision, or who own or reside within real property any part of which is located within eight hundred (800) feet of the specific real property which is the subject of the decision.

...

Section 2. That Section 3.2.2(K)(1)(e) of the Land Use Code is hereby amended to read as follows:

...

- (e) Fraternity and Sorority Houses: For each fraternity or sorority house, there shall be two (2) parking spaces per three (3) beds. The alternative compliance provisions of Section 3.2.2(K)(1)(a)(2) may be applied to vary this standard.

...

Section 3. That Section 3.3.1(A) of the Land Use Code is hereby amended to read as follows:

3.3.1 Plat and Development Plan Standards

(A) *General Provisions.*

- (1) *Applicability.* No (1) final plat of a subdivision or (2) development plan, shall be approved and accepted by the city unless it conforms to the provisions of this Land Use Code.

...

Section 4. That Section 3.3.1(B)(1) of the Land Use Code is hereby amended to read as follows:

(B) *Lots.*

- (1) No lot in a subdivision shall have less area than required under the applicable zoning requirements of the city. Each lot must have vehicular access to a public street. Lots with both front and rear frontage on a street shall not be permitted except where necessary to provide separation from arterial streets or from incompatible land uses, or to take access from an alley.

...

Section 5. That Section 3.5.2(E)(3) of the Land Use Code is hereby amended to read as follows:

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

...

- (3) ***Side and Rear Yard Setbacks.*** The minimum side yard setback for all residential buildings and for all detached accessory buildings that are incidental to the residential building shall be five (5) feet from the property line, except for alley-accessed garages, for which the minimum setback from an alley shall be eight (8) feet. If a zero-lot-line development plan is proposed, a single six-foot minimum side yard is required. Rear yard setbacks in residential areas shall be a minimum of eight (8) feet from the rear property line, except for garages and storage sheds not exceeding eight (8) feet in height, where the minimum setback shall be zero (0) feet.

...

Section 6. That Section 3.6.5 of the Land Use Code is hereby amended to read as follows:

3.6.5 Bus Stop Design Standards

- (A) ***Purpose.*** The purpose of this Section is to ensure that new development adequately accommodates existing and planned transit service by integrating facilities designed and located appropriately for transit into the development plan.
- (B) ***General Standard.*** All development located on an existing or planned transit route shall install or construct a transit stop and other associated facilities on an easement or right-of-way dedicated to the City as prescribed by the City of Fort Collins Bus Stop Design Standards and Guidelines in effect at the time of installation, unless the Director of Community Services determines that adequate transit facilities consistent with the Bus Stop Design Standards already exist to serve the needs of the development. All development located on existing transit routes will accommodate the transit facilities by providing the same at the time of construction. All development located on planned routes will accommodate said facilities by including the same in the development plan and escrowing funds in order to enable the city or its agents to construct the transit facilities at the time transit service is provided to the development. All facilities installed or constructed shall, upon acceptance by the City, become the property of the City and shall be maintained by the City or its agent.
- (C) ***Location of Existing and Planned Transit Routes.*** For the purposes of application of this standard, the location of existing transit routes shall be defined by the Transfort Route Map in effect at the time the application is approved. The location of planned transit routes shall be defined according to the Transfort Strategic Operating Plan, as amended.

Section 7. That Section 3.8.25 of the Land Use Code is hereby amended to read as follows:

3.8.25 Permitted Uses: Abandonment Period/Reconstruction of Permitted Uses

- (A) If, after June 25, 1999 (the effective date of the ordinance adopting this Section), active operations are not carried on in a permitted use during a period of twelve (12) consecutive months, the building, other structure or tract of land where such permitted use previously existed shall thereafter be re-occupied and used only after the building or other structure, as well as the tract of land upon which such building or other structure is located, have, to the extent reasonably feasible, been brought into compliance with the applicable general development standards contained in Article 3 and the applicable district standards contained in Article 4 of this Code as determined by the Director. This requirement shall not apply to any permitted use conducted in a building that was less than ten (10) years old at the time that active operations ceased. Intent to resume active operations shall not affect the foregoing.
- (B) A building or structure containing a permitted use which has been damaged by fire or other accidental cause or natural catastrophe may be reconstructed to its previous condition, provided that such work is started within twelve (12) months of the date of the occurrence of such damage. In the event such work is started later than twelve (12) months from the date of the occurrence, then the building or structure may be reconstructed, provided that, to the extent reasonably feasible, such reconstruction complies with the applicable standards of Article 3 and Article 4 of this Code as determined by the Director.
- (C) Any determination of the Director under this Section shall constitute a building permit decision and as such shall be appealable as a building permit under Section 2.11(B)(9).

Section 8. That Section 3.8.30(F)(1) of the Land Use Code is hereby amended to read as follows:

(F) ***Design Standards for Multi-Family Dwellings.***

- (1) ***Orientation and Buffer Yards.*** Buffer yards along the property line of abutting property containing single- and two-family dwellings shall be twenty-five (25) feet. This provision shall not apply to structures within the Neighborhood Conservation Buffer (NCB) district and the Neighborhood Conservation Medium Density (NCM) district.

Section 9. That Section 4.5(B)(3)(d) of the Land Use Code is hereby amended to read as follows:

- (d) **Industrial Uses** (provided they are located within five hundred [500] feet of East Vine Drive):

1. Workshops and custom small industry.
2. Light industrial (production, assembly, packaging).

Section 10. That Section 4.5(B)(3) of the Land Use Code is hereby amended to read as follows:

...

(e) **Industrial Uses:**

1. Small scale and medium scale solar energy systems.

(f) **Accessory/Miscellaneous Uses:**

1. Wireless telecommunication equipment.

Section 11. That the table contained in Section 4.21(B)(2) of the Land Use is hereby amended to read as follows:

...

D. INDUSTRIAL USES		
...
Light industrial – no outside storage	Not permitted	Type 2

...

Section 12. That the definition of “*Child Care Center*” contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

Child care center shall mean a facility, by whatever name known, which is maintained for the whole or part of a day for the care of seven (7) or more children under the age of sixteen (16) years who are not related to the owner, operator or manager, whether such facility is operated with or without compensation for such care and with or without stated educational purposes, except that a child care center shall not include any of the following five (5) types of family child care homes as defined by the State of Colorado: regular family child care home, three under two family child care home, infant/toddler home, ~~or~~ experienced family child care provider home or large family child care home. The term includes, but is not limited to, facilities commonly known as day care centers, day nurseries, nursery schools, preschools, play groups, day camps, summer camps, centers for developmentally disabled children and those facilities which give twenty-four-hour-per-day care for dependent and neglected children. Child care centers are also those facilities for children under the age of six (6) years with stated educational purposes which are operated in conjunction with a public, private or parochial college or a private or parochial school, except that the term shall not apply to a kindergarten maintained in

connection with a public, private or parochial elementary school system of at least six (6) grades.

Section 13. That the definition of “*Development plan*” contained in Section 5.1.2 of the Land Use is hereby amended to read as follows:

Development plan shall mean an application submitted to the City for approval of a permitted use which depicts the details of a proposed development. *Development plan* includes an overall development plan, a project development plan, a final plan, and/or an amendment of any such plan.

Section 14. That the definition of “*Dwelling*” contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

Dwelling shall mean a building used exclusively for residential occupancy and for permitted accessory uses, including single-family dwellings, two-family dwellings and multi-family dwellings. The term *dwelling* shall not include hotels, motels, tents or other structures designed or used primarily for temporary occupancy. Any dwelling shall be deemed to be a principal building.

Introduced, considered favorably on first reading, and ordered published this 2nd day of June, A.D. 2015, and to be presented for final passage on the 7th day of July, A.D. 2015.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 7th day of July, A.D. 2015.

Mayor

ATTEST:

City Clerk