

AGENDA ITEM SUMMARY

October 3, 2017

City Council

STAFF

Noah Beals, Senior City Planner/Zoning
Tom Leeson, Director, Comm Dev & Neighborhood Svcs
Chris Van Hall, Legal

SUBJECT

Second Reading of Ordinance No. 129, 2017, Amending Articles 2, 3, 4 and 5 of the Land Use Code Regarding Off-Site Construction Staging.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on September 19, 2017, revises the Land Use Code to include off-site construction staging as a permitted use. This Ordinance will create a license process to establish this use and provide requirements for approval of off-site construction staging.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. First Reading Agenda Item Summary, September 19, 2017 (PDF)
2. Ordinance No. 129, 2017 (PDF)

AGENDA ITEM SUMMARY

September 19, 2017

City Council

STAFF

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SUBJECT

First Reading of Ordinance No. 129, 2017, Amending Articles 2, 3, 4 and 5 of the Land Use Code Regarding Off-Site Construction Staging.

EXECUTIVE SUMMARY

The purpose of this item is to revise the Land Use Code (LUC) to include off-site construction staging as a permitted use. This Ordinance will create a license process to establish this use and provide requirements for approval of off-site construction staging.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Infill development is usually limited in space for construction activity. It is typical to see properties within the vicinity of infill development to be used for construction staging. Vacant lots are especially susceptible to this use and may be used for multiple development projects.

The Land Use Code is silent on the ability to use property as a staging area for construction activity. This use has occurred in past, however its impacts are increasing as the amount of infill projects increase. The proposed solution is to establish Off-Site Construction Staging as a use in the Land Use Code permitted in all Zone districts through a license.

The proposed solution is to establish Off-Site Construction Staging as a use in the Land Use Code permitted in all zone districts through a license. City staff has identified and explored regulations to adequately address potential negative impacts to surrounding communities caused by off-site construction staging.

Revision Highlights

Four sections of Land Use Code will be amended:

- Article 2 - Update public Notification section
- Article 3 - Addition of new standards for the license
- Article 4 - Include Off-site construction staging use to each Zone District
- Article 5 - New definition for Off-site construction

CITY FINANCIAL IMPACTS

The City's zoning staff currently reviews applications and licenses concerning Land Use Code issues. It is anticipated that staff time for off-site construction staging will minimally increase to the current workloads. However, this will be monitored within the first year to verify the impact.

BOARD / COMMISSION RECOMMENDATION

The Planning and Zoning Board reviewed the proposed changes during its regularly scheduled meeting on August 17, 2017. The drafted Code language received unanimous vote on the consent agenda to recommend approval to City Council.

PUBLIC OUTREACH

The proposed Code language was presented to the Development Review Advisory Committee (DRAC). Staff did not receive objections from the DRAC. Questions were asked concerning length of time of the license and purpose of the Code changes.

COPY

ORDINANCE NO. 129, 2017
 OF THE COUNCIL OF THE CITY OF FORT COLLINS
 AMENDING ARTICLES 2, 3, 4 AND 5 OF THE LAND USE CODE
 REGARDING OFF-SITE CONSTRUCTION STAGING

WHEREAS, on December 2, 1997, by its adoption of Ordinance No. 190, 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, because of an increase in Citywide development, and the subsequent increase in off-site construction staging to support such development, City staff has identified and developed Land Use Code amendments to adequately address potential negative impacts to surrounding communities caused by off-site construction staging; and

WHEREAS, the Planning and Zoning Board have reviewed and recommends approval of the Land Use Code amendments regarding off-site construction staging; and

WHEREAS, the City Council has determined that the recommended Land Use Code amendments regarding off-site construction staging 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 the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That Section 2.2.6(D) of the Land Use Code is hereby amended to add a new first table entry to read as follows:

2.2.6- Step 6: Notice

...

(D) *Supplemental Notice Requirements*

	<i>Minimum Notice Radius</i>	<i>Sign Size</i>
...

Off-site construction staging	500 feet	12 square feet
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...

Section 3. That Section 2.11.1(B) of the Land Use Code is hereby amended to add a new subsection (11) which reads in its entirety as follows:

2.11.1 – Purpose and Applicability

...

- (11) The issuance, denial, modification or revocation of an Off-Site Construction Staging License under Section 3.8.35.

...

Section 4. That Article 3 of the Land Use Code is hereby amended to add a new Section 3.8.35 that reads as follows:

3.8.35 – Off-Site Construction Staging

- (A) **Applicability.** Use of any parcel for off-site construction staging shall be permitted only in accordance with the provisions of an off-site construction staging license issued pursuant to this Section 3.8.35.
- (B) **Purpose.** The purpose of requiring an off-site construction staging licensed under this Section 3.8.35 is to address the compatibility of off-site construction staging with the zone districts in which they are located, mitigate the impact off-site construction staging on adjacent parcels, the neighborhoods and environment, and ensure the health and safety of off-site construction staging.
- (C) **Location.** Subject to issuance of and compliance with an off-site construction staging license under subsection (D) below, off-site construction staging shall be permitted in specified zone districts as listed in Article 4.
- (D) **Off-site construction staging license.**
 - (1) An application for an off-site construction staging license shall be accompanied by a site and grading plan that shows the following for the site on which the off-site construction staging is to occur:
 - (a) Existing grade contours of the site and of adjoining properties;
 - (b) Locations of different activities to be located on the site;

- (c) List of materials and equipment to be stored on the site, including the means and methods to safely store any hazardous material or dangerous equipment;
 - (d) Any proposed grading necessary to stabilize the site;
 - (e) Proposed erosion control measures and storm drainage control measures to prevent wind and water erosion, drainage impacts and tracking mud onto streets;
 - (f) Flood ways and flood plains;
 - (g) Natural habitat and features;
 - (h) Fences;
 - (i) Restrooms;
 - (j) Existing trees;
 - (k) Existing easements and rights-of-way;
 - (l) Existing underground utilities;
 - (m) Other information necessary to describe the site;
 - (n) Traffic control plan reflecting means of ingress and egress to be used;
 - (o) Mitigation plan to address any adverse impacts to the site, or adjacent parcels, caused by the off-site construction staging during and after the staging; and
 - (p) Restoration and final site condition plan.
- (2) An off-site construction staging license shall be issued, with or without conditions, if the Director finds that the off-site construction staging:
- (a) is not detrimental to the public good; and
 - (b) will not cause substantial adverse impacts to the parcel on which it is located or adjacent parcels or the environment, with or without mitigation; and
 - (c) is located within a quarter (.25) of a mile of the construction or development site to be served by the off-site construction staging.

- (3) An off-site construction staging license issued hereunder shall expire eighteen (18) months after the date of issuance unless an extension is granted.
 - (a) A six (6) month extension may be granted by the Director upon a finding that the conditions specified in Section 3.8.35(D)(2), including any conditions to mitigate adverse impacts, have been and continue to be satisfied.
 - (b) The Director may further extend the license up to an additional twelve (12) months beyond the first six (6) month extension, for a maximum total of not more than thirty-six (36) months, if a neighborhood meeting for which the neighborhood is notified in compliance with Section 2.2.6(D) is conducted and the Director determines: the extension is not detrimental to the public good; and that the license conditions specified in Section 3.8.35(D)(2), including any conditions to mitigate adverse impacts, have been and continue to be satisfied.
- (4) After expiration of an off-site construction staging license, at least four (4) consecutive months shall lapse before a new license is issued for the same parcel.
- (5) The Director may modify or revoke any off-site construction staging license issued by the City for any of the following:
 - (a) After issuance of the license, the site or activities thereon are found to be out of compliance with the approved application or license, including any conditions to mitigate adverse impacts; or
 - (b) An adverse impact not previously anticipated at the time the license or license extension was issued is identified and such adverse impact cannot be adequately mitigated and/or is detrimental to the public good.

The Director shall inform the license holder in writing of the decision to modify or revoke the license and the reasons for same.

- (6) The license holder may appeal any decision denying, modifying or revoking an off-site construction staging license to the Zoning Board of Appeals pursuant to Section 2.11.
- (E) **Restoration of Site.** Within fifteen (15) days after expiration of the license, the license holder must have completed restoration of the site consistent with the approved restoration or final site condition plan included in the application.

Section 5. That Section 4.1(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subsection (5) which reads in its entirety as follows:

5. Off-site construction staging.

Section 6. That Section 4.2(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subsection (5) which reads in its entirety as follows:

5. Off-site construction staging.

Section 7. That Section 4.3(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subsection (4) which reads in its entirety as follows:

4. Off-site construction staging.

Section 8. That Section 4.4(B)(1)(b) of the Land Use Code is hereby amended by the addition of a new subsection (4) which reads in its entirety as follows:

4. Off-site construction staging.

Section 9. That Section 4.5(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subsection (4) which reads in its entirety as follows:

4. Off-site construction staging.

Section 10. That Section 4.6(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subsection (4) which reads in its entirety as follows:

4. Off-site construction staging.

Section 11. That Section 4.7(B)(1)(b) of the Land Use Code is hereby amended by the addition of a new subsection (5) which reads in its entirety as follows:

5. Off-site construction staging.

Section 12. That Section 4.8(B)(1)(d) of the Land Use Code is hereby amended by the addition of a new subsection (5) which reads in its entirety as follows:

5. Off-site construction staging.

Section 13. That Section 4.9(B)(1)(d) of the Land Use Code is hereby amended by the addition of a new subsection (5) which reads in its entirety as follows:

5. Off-site construction staging.

Section 14. That Section 4.10(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subsection (3) which reads in its entirety as follows:

3. Off-site construction staging.

Section 15. That Section 4.12(B)(1) of the Land Use Code is hereby amended to by the addition of a new subsection (c) which reads in its entirety as follows:

(c) Notwithstanding the other provisions contained in paragraphs (a) and (b) above, a property in the T District can be used for off-site staging in compliance with Section 3.8.25 of this Code.

Section 16. That Section 4.13(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subsection (4) which reads in its entirety as follows:

4. Off-site construction staging.

Section 17. That Section 4.14(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subsection (4) which reads in its entirety as follows:

4. Off-site construction staging.

Section 18. That Section 4.16(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subsection (2) which reads in its entirety as follows:

2. Off-site construction staging.

Section 19. That Section 4.17(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subsection (6) which reads in its entirety as follows:

6. Off-site construction staging.

Section 20. That Section 4.18(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subsection (6) which reads in its entirety as follows:

6. Off-site construction staging.

Section 21. That Section 4.19(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subsection (6) which reads in its entirety as follows:

6. Off-site construction staging.

Section 22. That Section 4.20(B)(1)(a) of the Land Use Code is hereby amended t by the addition of a new subsection (6) which reads in its entirety as follows:

6. Off-site construction staging.

Section 23. That Section 4.21(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subsection (2) which reads in its entirety as follows:

2. Off-site construction staging.

Section 24. That Section 4.22(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subsection (6) which reads in its entirety as follows:

6. Off-site construction staging.

Section 25. That Section 4.23(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subsection (6) which reads in its entirety as follows:

6. Off-site construction staging.

Section 26. That Section 4.24(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subsection (2) which reads in its entirety as follows:

2. Off-site construction staging.

Section 27. That Section 4.26(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subsection (6) which reads in its entirety as follows:

6. Off-site construction staging.

Section 28. That Section 4.27(B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subsection (6) which reads in its entirety as follows:

6. Off-site construction staging.

Section 29. That Section 4.28 (B)(1)(a) of the Land Use Code is hereby amended by the addition of a new subsection (6) which reads in its entirety as follows:

6. Off-site construction staging.

Section 30. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “*Off-site construction staging*” which reads in its entirety follows:

Off-site construction staging shall mean the use of land or building or portion thereof for activities commonly associated with and supportive of construction or development, when such activities are not located on the parcel, or in the building, being constructed or developed. Such activities include but are not limited to storage of construction material and equipment, parking for those working on the construction or development, temporary restrooms and construction offices.

Introduced, considered favorably on first reading, and ordered published this 19th day of September, A.D. 2017, and to be presented for final passage on the 3rd day of October, A.D. 2017.

Mayor

ATTEST:

Interim City Clerk

Passed and adopted on final reading on the 3rd day of October, A.D. 2017.

Mayor

ATTEST:

City Clerk