

AGENDA ITEM SUMMARY

February 19, 2019

City Council

STAFF

Ted Shepard, Chief Planner
Brad Yatabe, Legal

SUBJECT

Second Reading of Ordinance No. 019, 2019, Making Various Amendments to the City of Fort Collins Land Use Code.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 5, 2019, adopts a variety of revisions, clarifications and additions to the Land Use Code that are generally routine in nature that have been identified since the last update in June 2018.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. First Reading Agenda Item Summary, February 5, 2019 (w/o attachments) (PDF)
2. Ordinance No. 019, 2019 (PDF)

AGENDA ITEM SUMMARY

City Council

February 5, 2019

STAFF

Ted Shepard, Chief Planner
Judy Schmidt, Legal

SUBJECT

First Reading of Ordinance No. 019, 2019, Making Various Amendments to the City of Fort Collins 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 generally routine in nature that have been identified since the last update in June 2018.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

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. While most revisions are bundled and adopted on an annual basis, other changes may occur as needed so the Land Use Code retains maximum effectiveness. The proposed changes are offered to resolve implementation issues and to continuously improve both the overall quality and user friendliness of the Code.

BOARD / COMMISSION RECOMMENDATION

At its January 17, 2019, regular hearing, the Planning and Zoning Board unanimously adopted on the consent agenda the staff recommendation that City Council approve the revisions.

PUBLIC OUTREACH

The proposed changes were listed on "This Week in Development Review," a weekly online notice that is posted on the Planning Department's website and sent to approximately 435 subscribers.

ATTACHMENTS

1. List of Issues (PDF)
2. Description of Issues (PDF)
3. Ordinance Index of Issues (PDF)

ORDINANCE NO. 019, 2019
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING VARIOUS AMENDMENTS TO THE CITY OF
FORT COLLINS LAND USE CODE

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, since its adoption, City staff and the Planning and Zoning Board have continued to review the Land Use Code and identify and explore various issues related to the Land Use Code and have now made new recommendations to the Council regarding certain issues that are ripe for updating and improvement; 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 the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 1.3.4(C)(3)(b) of the Land Use Code is hereby amended to read as follows:

1.3.4 Addition of Permitted Uses

...

(C) *Procedures and Required Findings*

...

- (b) In considering the recommendation of the Planning and Zoning Board and in determining whether a proposed use should be added, the City Clerk shall cause the hearing by the City Council to be placed on the agenda for a future City Council meeting; and the public hearing before the City Council shall be held after at least fifteen (15) days' notice of the time, date and place of such hearing and the subject matter of the hearing and the nature of the

proposed zoning change has been given by publication in a newspaper of general circulation within the City and City Council shall follow the applicable hearing procedures established by the City Council by resolution for such hearings. In determining the addition of permitted use, the City Council shall consider only the requirements set forth in subsection (c) below.

...

Section 3. That Section 2.2.3(C)(1) of the Land Use Code is hereby amended to read as follows:

2.2.3 Step 3: Development Application Submittal

...

(C) Development Application Contents.

- (1) Development Application Submittal Requirements Master List. A master list of development application submittal requirements shall be established by the Director. The master list shall, at a minimum, include a list of all information, data, explanations, analysis, testing, reports, tables, graphics, maps, documents, forms or other items reasonably necessary, desirable or convenient to (1) determine whether or not the applicant, developer and/or owner have the requisite power, authority, clear title, good standing, qualifications and ability to submit and carry out the development and/or activities requested in the development application; and (2) determine whether or not the development activities and development application address and satisfy each and every applicable general development standard, district standard or other requirement or provisions of this Land Use Code.

Section 4. That Section 2.18.3(F) of the Land Use Code is hereby amended to read as follows:

2.18.3 Basic Development Review and Minor Subdivision Review Procedures

...

- (F) **Step 6** (Notice): Applicable only for Minor Subdivisions that result in the creation of no more than one (1) additional lot.

...

Section 5. That Section 3.8.16(E) of the Land Use Code is hereby amended to read as follows:

3.8.16 Occupancy Limits; Increasing the Number of Persons Allowed

...

(E) *Increasing the Occupancy Limit.*

...

- (2) With respect to multiple-family and single family attached dwellings, the decision maker (depending on the type of review, Type 1 or Type 2) may, upon receipt of a written request from the applicant and upon a finding that all applicable criteria of this Code have been satisfied, increase the number of unrelated persons who may reside in individual dwelling units. The decision maker shall not increase said number unless satisfied that the applicant has provided sufficient additional amenities, either public or private, to sustain the activities associated with multi-family residential development, to adequately serve the occupants of the development and to protect the adjacent neighborhood. Such amenities may include, without limitation, passive open space, buffer yards, on-site management, recreational areas, plazas, courtyards, outdoor cafes, neighborhood centers, limited mixed-use restaurants, parking areas, sidewalks, bikeways, bus shelters, shuttle services or other facilities and services.

...

Section 6. That Section 3.8.28 of the Land Use Code is hereby amended to read as follows:

3.8.28 Extra Occupancy Rental House Regulations

- (A) Extra occupancy rental houses, not including multiple family and single family attached dwellings which shall be governed by Section 3.8.16(E)(2), shall conform to the occupancy limits and separation requirements specified in the following table:

...

Section 7. That section 3.8.32(D) of the Land Use Code is hereby amended to read as follow:

3.8.32 Solar Energy Systems.

...

- (D) *Standards for Small, Medium and Large-scale Solar Energy Systems.* Solar energy systems shall conform to the applicable size-based regulations as set out in this subsection (D):

- (1) Small-Scale Solar Energy Systems.
 - (a) Covering less than one-half (0.5) acre.
 - ...
- (2) *Medium-Scale Solar Energy Systems.*
 - (a) Covering between one-half (0.5) acre and five (5) acres.
 - ...
- (3) Large-Scale Solar Energy Systems.
 - (a) Covering more than five (5) acres.
 - ...

Section 8. That Section 4.5(D) of the Land Use Code is hereby amended by the addition of a new subparagraph (9) which reads in its entirety as follows:

(D) ***Land Use Standards.***

- (9) *Maximum Number of Dwelling Units Defined As Extra Occupancy Rental House.* The maximum number of dwelling units defined as Extra Occupancy Rental Houses shall be depicted on an application for a Project Development Plan and shall be limited to twenty-five (25) percent of the total number of dwelling units of said plan.

Section 9. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “Plat” which reads in its entirety as follows:

Plat shall mean (1) a map of a subdivision; (2) a map of a parcel or parcels contained within an annexation; (3) a map representing a tract of land showing the boundaries and location of individual properties and streets;

Section 10. That the definition “*Subdivision*” contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

Subdivision shall mean the platting of a lot or the division of a lot, tract or parcel of land into one (1) or more lots, plots or sites.

Introduced, considered favorably on first reading, and ordered published this 5th day of February, A.D. 2019, and to be presented for final passage on the 19th day of February, A.D. 2019.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on this 19th day of February, A.D. 2019.

Mayor

ATTEST:

City Clerk