

**AGENDA ITEM SUMMARY**  
**FORT COLLINS CITY COUNCIL**

**ITEM NUMBER: 8**

**DATE: January 6, 2004**

**STAFF: Cameron Gloss**

**SUBJECT**

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Postponement of Second Reading of Ordinance No. 178, 2003, Imposing a Moratorium upon the Acceptance of Applications for the Approval of Development Plans and/or the Issuance of Building Permits for Dwellings Constructed on the Rear Portion of Lots Located Within the N-C-L, Neighborhood Conservation Low Density, N-C-M, Neighborhood Conservation Medium Density, and the N-C-B, Neighborhood Conservation Buffer Zone Districts, to January 20, 2004.

**RECOMMENDATION**

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Staff recommends postponement of the Ordinance on Second Reading to January 20, 2004.

**EXECUTIVE SUMMARY**

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This Ordinance, which was adopted 4-2 (Nays: Kastein and Martinez, Councilmember Bertschy was absent) on First Reading on December 16, 2003, imposes a moratorium on the acceptance of applications for the approval of development plans and/or issuance of building permits for "alley houses" or other dwellings on the rear portion of lots located within the Eastside and Westside neighborhoods. Staff is recommending that this Ordinance be postponed on Second Reading until January 20 so that the full Council will be present to consider the Ordinance.

**AGENDA ITEM SUMMARY**  
**FORT COLLINS CITY COUNCIL**

ITEM NUMBER: 30

DATE: December 16, 2003

STAFF: Cameron Gloss

**SUBJECT**

First Reading of Ordinance No. 178, 2003, Imposing a Moratorium upon the Acceptance of Applications for the Approval of Development Plans and/or the Issuance of Building Permits for Dwellings Constructed on the Rear Portion of Lots Located Within the N-C-L, Neighborhood Conservation Low Density, N-C-M, Neighborhood Conservation Medium Density, and the N-C-B, Neighborhood Conservation Buffer Zone Districts.

**RECOMMENDATION**

Staff recommends adoption of the Ordinance on First Reading.

**EXECUTIVE SUMMARY**

This ordinance would impose a moratorium on the acceptance of applications for the approval of development plans and/or issuance of building permits for "alley houses" or other dwellings on the rear portion of lots located within the Eastside and Westside neighborhoods.

Recent development applications for alley houses or other secondary dwelling units within the City's Eastside and Westside neighborhoods have raised citizen and neighborhood concerns about the appropriateness of existing Land Use Code design standards related to such development. Testimony from recent public hearings and neighborhood meetings has highlighted the following perceived problems:

- Architecture that is incompatible with the neighborhood, in terms of mass, bulk, scale, height, and character
- Increased traffic and speeding on alleys not designed as streets
- Additional noise and dust impacts with gravel surfaced alleys
- Parking spillover onto adjacent lots and alleys
- Loss of privacy in backyards
- Increased noise
- Destabilization of neighborhoods due to the increased number of rental units and a lack of reinvestment

In response to these citizen concerns and direction given by City Council, staff has developed a project to identify and comprehensively address each issue raised. The project may result in amendments to the Land Use Code, codifying certain guidelines identified in the adopted *Neighborhood Character Design Guidelines for the East Side and West Side Neighborhoods in Fort*

*Collins*, and clarification of the City's alley paving policy. Given the considerable body of work created under the previous effort, staff anticipates that the project could be completed in as a few as 3-4 months.

A moratorium on new applications for alley houses will provide the community time to take stock of the current situation and move forward in a collaborative effort between neighborhoods and the development community to arrive at an agreeable solution.

## BACKGROUND

Some of the same issues were raised ten years ago, just two years after the Eastside/Westside Neighborhood Plans were originally adopted and corresponding zoning districts created. At that time, the City responded with an emergency ordinance that resulted in the minimum lot area required for an alley house. The intent of that ordinance was to temporarily halt the construction of alley houses. Staff was also instructed to work with a consultant to prepare design standards and guidelines, reevaluate the lot area/density issue, and arrive at a permanent solution. After an extensive public process, standards and guidelines were presented to City Council for adoption in August 1995. The City Council directed staff to revise the document to simplify and clarify the text.

Two ordinances were presented to Council in February 1996. The agenda item summary contained a table that reflected an inventory of all lots in the Eastside/Westside neighborhoods. The purpose of that study was to provide Council with information about the effect that the lot area change would have on the ability to construct alley houses. The study revealed that increasing the minimum lot area requirement to 5,000-sq. ft. would reduce the number of larger lots eligible for potential alley houses by 51.3%. The ordinances contained provisions to change the lot area in the N-C-M and N-C-B zone to 5,000 sq. ft. per principal building, and 6,000 sq. ft. in the N-C-L zone, and to limit the size of an alley house to 800 sq. ft. above grade. The changes were adopted on First Reading, with the condition that additional changes be made prior to Second Reading. At Second Reading, the City Council considered the appropriateness of adding "standards" back into the "guidelines" document, but elected not to include standards in the final document.

ORDINANCE NO. 178, 2003  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
IMPOSING A MORATORIUM UPON THE ACCEPTANCE OF APPLICATIONS  
FOR THE APPROVAL OF DEVELOPMENT PLANS AND/OR THE ISSUANCE  
OF BUILDING PERMITS FOR DWELLINGS CONSTRUCTED ON THE REAR  
PORTION OF LOTS LOCATED WITHIN THE N-C-L, NEIGHBORHOOD  
CONSERVATION LOW DENSITY, N-C-M, NEIGHBORHOOD  
CONSERVATION MEDIUM DENSITY, AND THE N-C-B, NEIGHBORHOOD  
CONSERVATION BUFFER ZONE DISTRICTS

WHEREAS, on March 1, 1986, and July 18, 1989, respectively, the Council adopted the Eastside Neighborhood Plan and the Westside Neighborhood Plan (the "Plans"), which Plans presently constitute elements of the City's Comprehensive Plan; and

WHEREAS, in implementing the Plans, the Council adopted Ordinance No. 113, 1991 on October 15, 1991, which ordinance established the following zoning districts: N-C-L, Neighborhood Conservation Low Density, the N-C-M Neighborhood Conservation Medium Density, and the N-C-B, Neighborhood Conservation Buffer, and the Zoning Districts (the "N-C-L, N-C-M and N-C-B Zones"); and

WHEREAS, the N-C-L, N-C-M and N-C-B Zones allow the construction of secondary residential structures on the rear portion of lots in the City if lot area minimum requirements are met; and

WHEREAS, on February 20, 1996, the Council adopted Ordinance No. 13, 1996, adopting the "Standards and Guidelines for Historic Properties" and the "Neighborhood Character Design Guidelines for the Eastside and Westside Neighborhoods in Fort Collins"; and

WHEREAS, on that same date, the Council also adopted Ordinance No. 14, 1996, amending Chapter 29 of the Code of the City of Fort Collins so as to incorporate into the zoning code certain changes for the purpose of promoting and implementing the objectives of the Eastside and Westside Neighborhood Plans, as well as Ordinance No. 15, 1996, amending Chapter 14 of the Code of the City of Fort Collins so as to authorize the establishment of an administrative procedure for the designation of landmarks and landmark districts and to provide the Landmark Preservation Commission with additional review criteria; and

WHEREAS, certain circumstances have arisen with regard to the construction of secondary residential structures in sensitive areas of the Eastside and Westside Neighborhoods, which circumstances have created a clear and present danger and threat to the welfare of the citizens of the City if the City were to continue approving development plans and/or issuing building permits for such secondary residential structures before additional design standards are established and adopted for implementation; and

WHEREAS, the Council has determined that in order to protect the public welfare and to preserve important characteristics of the Eastside and Westside Neighborhoods, a moratorium should be imposed upon the acceptance of applications for the approval of development plans and/or the issuance of building permits for secondary residential structures in the N-C-L, N-C-M and N-C-B Zones, during the pendency of which moratorium the staff of the City shall develop and present to the City Council for implementation certain legislative changes which may include, but need not be limited to: (a) additional "design standards" for secondary residential structures in the N-C-L, N-C-M and N-C-B Zones; and (b) appropriate regulations to limit the size of secondary residential structures constructed in the N-C-M zone; and

WHEREAS the Council has determined that said moratorium shall continue in effect until the 30th day of June, 2004, or until said design standards and additional regulations are adopted by the City Council for implementation of the Plans, whichever shall first occur.

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

Section 1. That the recitals contained in this Ordinance are hereby adopted and incorporated as findings of fact of the Council of the City of Fort Collins.

Section 2. That a moratorium is hereby imposed upon the acceptance of applications for the approval of development plans and/or the issuance of building permits for dwellings constructed on the rear portion of lots ("secondary residential structures") contained in the N-C-L, N-C-M and N-C-B Zones.

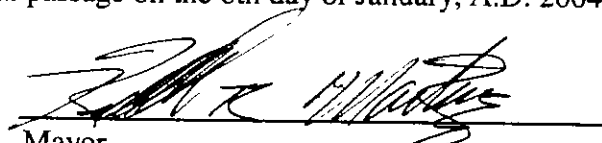
Section 3. That, during the term of the aforementioned moratorium, the City Manager is hereby directed to analyze the following issues and, in consultation with the City Attorney, develop for Council consideration such additional design standards and other regulations as may be necessary and appropriate to address said issues:

- Architecture that is incompatible with the neighborhood, in terms of mass, bulk, scale, height, and character;
- Increased traffic and speeding on alleys not designed as streets;
- Additional noise and dust impacts with gravel surfaced alleys;
- Parking spillover onto adjacent lots and alleys;
- Loss of privacy in backyards;
- Increased noise; and
- Destabilization of neighborhoods due to the increased number of rental units and a lack of reinvestment.

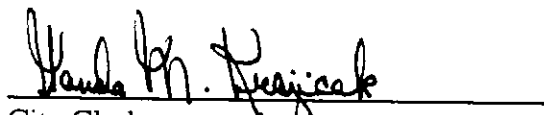
Section 4. That said moratorium shall not apply to the issuance of building permits for construction which does not involve structural additions or exterior alterations to existing secondary residential structures nor to development plans (and associated building permits) which possess a vested property right under Section 24-68-101, et seq. of the Colorado Revised Statutes.

Section 5. That said moratorium shall continue in effect until the 30th day of June, 2004, or until the above referenced design standards and additional regulations are adopted by the City Council for implementation of the Plans, whichever shall first occur.

Introduced and considered favorably on first reading and ordered published this 16th day of December, A.D. 2003, and to be presented for final passage on the 6th day of January, A.D. 2004.

  
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Mayor

ATTEST:

  
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City Clerk

Passed and adopted on final reading this 6th day of January, A.D. 2004.

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Mayor

ATTEST:

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City Clerk