

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 29

DATE: February 21, 2006

STAFF: Steve Roy
Peter Barnes

SUBJECT

First Reading of Ordinance No. 033, 2006, Amending the Effective Date of Section 8 of Ordinance No. 123, 2005, Pertaining to the Definition of "Family" as Contained in Section 5.1.2 of the Land Use Code.

RECOMMENDATION

Staff recommends adoption of this Ordinance on First Reading.

EXECUTIVE SUMMARY

This Ordinance will change the effective date of the new definition of "family" in the Land Use Code so that it coincides with the effective date of the City's new occupancy limit, which is January 1, 2007.

BACKGROUND

Council Action on November 18, 2005

On November 15, 2005, the Council adopted on Second Reading, Ordinance No. 123, 2005, (the "Ordinance") making various amendments to the City of Fort Collins Land Use Code (the "LUC") relating to residential occupancy limits. Section 6 of the Ordinance amended Section 3.8. 16(A) of the Land Use Code so as to state that, as of the effective date of the amendment, the maximum occupancy allowed per dwelling unit in a single-family, two-family, or multi-family dwelling will be either: (1) one "family" as defined in Section 5.1.2 plus one additional person or (2) two adults and their dependents, if any, plus one additional person. Pursuant to Council direction, Section 47 of the Ordinance stated that this new occupancy regulation is to go into effect January 1, 2007. All other provisions of the Ordinance took effect ten days after second reading of the Ordinance.

One of the Ordinance provisions that took effect on November 25, 2005, was Section 8 of the Ordinance. Section 8 amended the definition of "family" contained in Section 5.1.2. The new definition of "family" is essentially limited to persons who are related to one another, while the previous definition of "family" in Section 5.1.2 of the LUC included not only persons who are related but also groups of not more than three unrelated persons.

The New and Previous Definitions of "Family"

New Definition (does not contain the occupancy limit because that is contained in the regulation that will take effect January 1, 2007):

Family shall mean an individual living alone or any number of persons who are all related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, and who live together as a single housekeeping unit and share common living, sleeping, cooking and eating facilities.

Previous Definition (contains the occupancy limit within the definition):

Family shall mean an individual living alone, or either of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

- (1) any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship unless such number is otherwise specifically limited in this Land Use Code; or
- (2) any unrelated group of persons consisting of:
 - a. not more than three (3) persons; or
 - b. not more than two (2) unrelated adults and their related children, if any.

The Problem

The new definition of "family" should not have taken effect prior to the effective date of the new occupancy regulation. The effect of prematurely eliminating groups of more than three unrelated persons from the definition of "family" is that only related persons can now occupy a dwelling unit.

Staff Recommendations

City staff has brought this unintended consequence to the attention of Council. The Ordinance would retroactively change the effective date of Section 8 of Ordinance No. 123, 2005, so that both the new occupancy regulation and the change in the definition of "family" will take effect January 1, 2007.

ATTACHMENTS

- Copy of Ordinance No. 123, 2005, Making Various Amendments to the Land Use Code Relating to Residential Occupancy Limits

COPY

**ORDINANCE NO. 123, 2005
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING VARIOUS AMENDMENTS
TO THE CITY OF FORT COLLINS LAND USE CODE
RELATING TO RESIDENTIAL OCCUPANCY LIMITS**

WHEREAS, on March 18, 1997, by Ordinance No. 51, 1997, the Council of the City of Fort Collins adopted the Fort Collins Land Use Code (the "LUC"); and

WHEREAS, at the time of the adoption of the LUC, it was the understanding of staff and Council that the LUC 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 LUC remains a dynamic document capable of responding to issues identified by staff, other land use professionals and citizens of the City; and

WHEREAS, the LUC presently limits the occupancy of all dwelling units in the city to a "family" as that term is defined in the LUC; and

WHEREAS, the current occupancy regulation contained in the LUC consists of a series of defined terms, such as "family," "dwelling," "dwelling unit," etc., so that the regulation is difficult for residents of the City to find and fully understand; and

WHEREAS, the current occupancy regulation is also difficult to enforce, not only because violations of the regulation must be proved beyond a reasonable doubt, but also because there are no guidelines in the LUC for the finder of fact to use in deciding whether certain persons actually "occupy" a dwelling unit as opposed to simply frequenting the unit on a regular basis; and

WHEREAS, the City's inability to effectively enforce the current occupancy regulation has resulted in the overcrowding of dwelling units in the City by non-family members, leading to an increase in neighborhood disturbances, more vehicles in neighborhoods than can be reasonably and safely accommodated, a deterioration in the upkeep and appearance of residential properties, and the wholesale conversion of owner occupied housing to rental housing, all of which jeopardize the serenity, character and quality of life in such neighborhoods, making the housing therein less desirable for owner occupancy; and

WHEREAS, a property owner's ability to rent a single-family house to multiple tenants without regard to the City's occupancy regulations has enabled such property owners to command higher rents and has increased the cost of such housing to a level that may not be affordable for moderate income families seeking to purchase single-family homes for owner occupancy; and

WHEREAS, the occupancy regulation can be made more readily enforceable by converting it to a civil infraction and by adding certain indicia of occupancy to be considered by the finder of fact; and

WHEREAS, the more stringent enforcement of a revised occupancy regulation will likely increase the need for affordable rental housing in the City, which need can be appropriately addressed by the increased use of boarding and rooming houses, as defined in, and regulated by, the LUC and the City's Rental Housing Standards; and

WHEREAS, the City Council has commissioned a study of the effects of maintaining and more stringently enforcing the City's occupancy limits, entitled "*Economic and Market Study: Impact Analysis of 'Three Unrelated Persons' Ordinance Enforcement in the City of Fort Collins*" and dated January 2005, and has carefully considered the findings and conclusions contained therein; and

WHEREAS, the City Council believes it to be in the best interests of the citizens of the City to amend the LUC so as to: (1) establish a new occupancy regulation that is understandable, fair, and enforceable; and (2) revise the standards for approving boarding houses in the City so that boarding houses can better accommodate a reasonable number of tenants in those areas of the City that are suitable for higher densities; and

WHEREAS, City staff and the Planning and Zoning Board have recommended a series of amendments to the LUC to accomplish these objectives, and the City Council believes that those amendments will directly advance the interests and objectives described above; and

WHEREAS, the City Council has determined that the Land Use Code amendments which have been proposed 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 that the Land Use Code is hereby amended as follows:

Section 1. That Section 2.14.1. of the Land Use Code is hereby amended to read as follows:

2.14.1. Methods of Enforcement.

The provisions of this Land Use Code shall be enforced by the following methods:

- (1) requirement of a Building Permit;
- (2) requirement of a certificate of occupancy;
- (3) inspection and ordering removal of violations;
- (4) criminal or civil proceedings; and
- (5) injunction or abatement proceedings.

Section 2. That Section 2.14.4 of the Land Use Code is hereby amended to read as follows:

2.14.4. Criminal and Civil Liability; Penalties.

- (A) Except as otherwise specified in this Land Use Code, any person (including, without limitation, the developer of, owner of, or any person possessing, occupying or trespassing upon, any property which is subject to this Land Use Code, or any agent, lessee, employee, representative, successor or assign thereof) who violates this Land Use Code or who fails to comply with any of its requirements or who fails to comply with any orders made thereunder, shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties provided in Section 1-15 of the City Code. Each day that such a violation occurs shall constitute a separate offense. Nothing contained herein shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violations of this Land Use Code.

- (B) An owner, property manager, or occupant commits a civil infraction by violating any provision of Section 3.8.16. Each day during which the limitation on the number of occupants is exceeded shall constitute a separate violation. A finding that such civil infraction has occurred shall subject the offender(s) to any or all of the following actions:
 - (1) the imposition of a civil penalty of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1000) for each violation;
 - (2) an order to comply with any conditions reasonably calculated to ensure compliance with the provisions of Section 3.8.16 or with the terms and conditions of any permit or certificate granted by the city;
 - (3) an injunction or abatement order;
 - (4) denial, suspension, or revocation of any city permit or certificate relating to the dwelling unit.

Section 3. That Section 3.1.1 of the Land Use Code is hereby amended to read as follows:

3.1.1 Applicability

All development applications and building permit applications shall comply with the applicable standards contained in Divisions 3.1 through 3.9 inclusive, except that

single-family dwellings and boarding houses that are subject only to basic development review under article 4, as well as any accessory buildings, structures and accessory uses associated with such single-family dwellings and boarding houses, need to comply only with: (a) the standards contained in Article 4 for the zone district in which such uses are located, (b) the standards contained in Division 3.8, and (c) with respect to boarding houses, the standards contained in section 3.2.2(K)(1)(j). In addition to the foregoing, this Land Use Code shall also apply to the use of land following development to the extent that the provisions of this Land Use Code can be reasonably and logically interpreted as having such ongoing application.

Section 4. That Section 3.2.2(K)(1) 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) bedrooms plus one (1) parking space per two (2) employees.

...

(j) Boarding and Rooming Houses: For each boarding and rooming house, there shall be .75 (3/4) parking space per boarder, rounded up to the nearest whole parking space, plus one (1) additional parking space if the boarding house is owner occupied. If the lot upon which such parking spaces are to be situated has more than sixty-five (65) feet of street frontage length on any one (1) street or abuts an alley, then each such parking space shall have direct access to the abutting street or alley and shall be unobstructed by any other parking space. If such lot has less than sixty-five (65) feet of street frontage length on any one (1) street and does not abut an alley, then one (1) of the required parking spaces may be aligned in a manner that does not provide direct access to the abutting street.

Section 5. That Section 3.8.3 of the Land Use Code is hereby amended to read as follows:

3.8.3 Home Occupations

A home occupation shall be allowed as a permitted accessory use, provided that all of the following conditions are met:

...

(9) In particular, a home occupation may include, but is not limited to, the following, provided that all requirements contained herein are met:

- (a) art studio;
- (b) dressmaking or millinery work;
- (c) professional office;
- (d) office for insurance or real estate sales;
- (e) teaching.

...

Section 6. That Section 3.8.16 of the Land Use Code is hereby amended to read as follows:

3.8.16 Occupancy Limits; Increasing the Number of Persons Allowed

(A) Except as provided in subsection (B) below, or pursuant to a certificate of occupancy issued by the city to the owner of the property, the maximum occupancy allowed per dwelling unit in a single-family, two-family, or multi-family dwelling shall be:

- 1. one (1) family as defined in Section 5.1.2 and not more than one (1) additional person; or
- 2. two (2) adults and their dependents, if any, and not more than one (1) additional person.

(B) *Exceptions.* The following shall be exempt from the maximum occupancy limit established in subsection (A) of this section:

- 1. dwellings regularly inspected or licensed by the state or federal government, including but not limited to group homes; and
- 2. dwellings owned or operated by a non-profit organization incorporated under the laws of this state for the purpose of providing housing to victims of domestic violence as such is defined in C.R.S. 18-6-800.3.

- (C) A violation of this section shall be proven by a preponderance of the evidence. A person shall be liable for allowing occupancy in excess of this section if he or she knew, or through reasonable diligence should have known, that a violation of this section was occurring.
- (D) *Definitions.* The following words, terms and phrases, when used in this section shall have the meanings ascribed to them below:
- (1) "Adult" shall mean any person eighteen (18) years of age or older who is not a dependent.
 - (2) "Dependent" shall mean a person related to an adult occupying a dwelling unit by blood, marriage, adoption, guardianship or other duly authorized custodial relationship who receives financial support from said adult and who resides with said adult in the dwelling unit at least three (3) calendar months in a calendar year.
 - (3) "Occupancy" or "occupy" shall mean the use of a dwelling unit or portion thereof for living, sleeping and cooking or eating purposes. Indicia of occupancy may include, without limitation, the use of a dwelling unit as an address for any purpose, living in a dwelling unit under an implied lease or express agreement, overnight use of a dwelling unit for thirty (30) days in a calendar year, or maintaining clothes or other daily living supplies at a dwelling unit.
- (E) Increasing the occupancy limit.
- (1) With respect to single-family and two-family dwellings, the number of persons allowed under this Section may be increased by the issuance of a certificate of occupancy for use as a boarding or rooming house in zones allowing such use.
 - (2) With respect to multiple-family 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 Land Use 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 such additional open space, recreational areas, parking areas and public facilities as are necessary to adequately serve the occupants of the development and to protect the adjacent neighborhood.

Section 7. That the Land Use Code is hereby further amended by the addition of a new Section 3.8.28 which shall read in its entirety as follows:

3.8.28 Boarding and Rooming House Regulations

(A) Boarding and rooming houses shall conform to the occupancy limits and separation requirements specified in the following table:

Zone	Maximum number of permissible residents, excluding occupant family.	Maximum percentage of parcels per blockface that may be used for boarding houses.
L-M-N	One (1) boarder per three hundred fifty (350) square feet of habitable floor space, in addition to a minimum of four hundred (400) square feet of habitable floor space if owner occupied.	No more than twenty-five (25) percent of parcels on a block face may be approved for boarding house use.
M-M-N, H-M-N, N-C-B	One (1) boarder per three hundred fifty (350) square feet of habitable floor space, in addition to a minimum of four hundred (400) square feet of habitable floor space if owner occupied.	No limit.
D, R-D-R, C-C, C-C-N, C-C-R, C, C-N, N-C, C-L, E, I	One (1) boarder per three hundred fifty (350) square feet of habitable floor space, in addition to a minimum of four hundred (400) square feet of habitable floor space if owner occupied.	No limit.
R-L, N-C-L, R-F, U-E, N-C-M, H-C, P-O-L, R-C	n/a	Boarding houses not allowed.

- (B) In all zone districts allowing boarding houses except L-M-N, an application for boarding house use for five (5) or fewer boarders shall be subject to basic development review.
- (C) In all zone districts allowing boarding houses except L-M-N, an application for boarding house use for more than five (5) boarders shall be subject to Type 1 administrative review.
- (D) In the L-M-N zone district, an application for boarding house use for four (4) or fewer boarders shall be subject to basic developmental review.
- (E) In the L-M-N zone district, an application for boarding house use for more than four (4) boarders shall be subject to Type 1 administrative review.

Section 8. That the definition of "*Family*" contained in Section 5.1.2. of the Land Use Code is hereby amended to read as follows:

Family shall mean an individual living alone or any number of persons who are all related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, and who live together as a single housekeeping unit and share common living, sleeping, cooking and eating facilities.

Section 9. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition of "*Owner*" which shall read in its entirety as follows:

Owner shall mean any person whose name appears on the tax bill for the property or who, alone or jointly or severally with others, has legal title to any dwelling or dwelling unit, with or without actual possession thereof, or has charge, care or control of any dwelling or dwelling unit as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or assignee of rents. *Owner* shall not include any person, group of persons, company, association or corporation who holds only a security interest or easement on the real property upon which the dwelling or dwelling unit is situated.

Section 10. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition of "*Property manager*" which shall read in its entirety as follows:

Property manager shall mean any person, group of persons, company, firm or corporation charged with the care and control of rental housing as defined in Section 2-536 of the City Code who performs services with respect to such rental housing under a contract with the owner thereof or who otherwise acts as representative of an owner with respect to such rental housing.

Section 11. That Section 4.4(B)(1) of the Land Use Code is hereby amended by the addition of a new subparagraph (e) which reads in its entirety as follows:

(e) **Residential Uses:**

1. Boarding and rooming houses with four (4) or fewer boarders.

Section 12. That Section 4.4(B)(2)(a) of the Land Use Code is hereby amended by the addition of a new subparagraph 7 which reads in its entirety as follows:

(a) **Residential Uses:**

...

7. Boarding and rooming houses with more than four (4) boarders.

Section 13. That Section 4.4(B)(3)(a)3. of the Land Use Code is hereby deleted.

Section 14. That Section 4.5(B)(1) of the Land Use Code is hereby amended by the addition of a new subparagraph (e) which reads in its entirety as follows:

(e) **Residential Uses:**

1. Boarding and rooming houses with five (5) or fewer boarders.

Section 15. That Section 4.5(B)(2)(a)7 of the Land Use Code is hereby amended to read as follows:

(a) **Residential Uses:**

...

7. Boarding and rooming houses with more than five (5) boarders.

Section 16. That Section 4.8(B)(1)(a)4 of the Land Use Code is hereby amended to read as follows:

(a) **Residential Uses:**

...

4. Boarding and rooming houses with five (5) or fewer boarders.

Section 17. That Section 4.8(B)(2)(a) is hereby amended by the addition of a new subparagraph 7 which reads in its entirety as follows:

(a) Residential:

...

7. Boarding and rooming houses with more than five (5) boarders.

Section 18. That Section 4.12(B)(2) of the Land Use Code is hereby amended to read as follows:

(B) Permitted Uses.

- (2) The following uses are permitted in the subdistricts of the Downtown District, subject to Basic Development Review (BP), administrative (Type 1) Review or Planning and Zoning Board (Type 2) Review as specifically identified on the chart below:

Land Use	Old City Center	Canyon Avenue	Civic Center
...			
Boarding and rooming houses with more than five (5) boarders	Type 1	Type 1	Type 1
Boarding and rooming houses with five (5) or fewer boarders	BP	BP	BP
...			

...

Section 19. That Section 4.13(B)(1) of the Land Use Code is hereby amended by the addition of a new subparagraph (e) which reads in its entirety as follows:

(e) **Residential Uses:**

1. Boarding and rooming houses with five (5) or fewer boarders.

Section 20. That Section 4.13(B)(2)(a) of the Land Use Code is hereby amended by the addition of a new subparagraph 7 which reads in its entirety as follows:

(a) **Residential Uses:**

...

7. Boarding and rooming houses with five (5) or fewer boarders.

Section 21. That Section 4.13(B)(3)(a) of the Land Use Code is hereby amended to read as follows:

(a) **Residential Uses:**

1. Group homes other than those in 2(a) above.

Section 22. That Section 4.14(B)(1) of the Land Use Code is hereby amended by the addition of a new subparagraph (e) which reads in its entirety as follows:

(e) **Residential Uses:**

1. Boarding and rooming houses with five (5) or fewer boarders.

Section 23. That Section 4.14(B)(2)(a)5 of the Land Use Code is hereby amended to read as follows:

(a) **Residential Uses:**

...

5. Boarding and rooming houses with more than five (5) boarders.

Section 24. That Section 4.15(B)(1) of the Land Use Code is hereby amended by the addition of a new subparagraph (e) which reads in its entirety as follows:

(e) Residential Uses:

1. Boarding and rooming houses with five (5) or fewer boarders.

Section 25. That Section 4.15(B)(2)(a)6 of the Land Use Code is hereby amended to read as follows:

(a) Residential Uses:

...

6. Boarding and rooming houses with more than five (5) boarders.

Section 26. That Section 4.16(B)(1) of the Land Use Code is hereby amended by the addition of a new subparagraph (e) which reads in its entirety as follows:

(e) Residential Uses:

1. Boarding and rooming houses with five (5) or fewer boarders.

Section 27. That Section 4.16(B)(2)(a) of the Land Use Code is hereby amended by the addition of a new subparagraph 6 which reads in its entirety as follows:

(a) Residential Uses:

...

6. Boarding and rooming houses with more than five (5) boarders.

Section 28. That Section 4.16(B)(3)(a) of the Land Use Code is hereby amended to read as follows:

(a) Residential Uses:

1. Single-family detached houses located on lots containing no more than six-thousand (6,000) square feet.
2. Fraternity and sorority houses.

Section 29. That Section 4.17(B)(1) of the Land Use Code is hereby amended by the addition of a new subparagraph (e) which reads in its entirety as follows:

(e) **Residential Uses:**

1. Boarding and rooming houses with five (5) or fewer boarders.

Section 30. That Section 4.17(2)(a)5 of the Land Use Code is hereby amended to read as follows;

(a) **Residential Uses:**

...

5. Boarding and rooming houses with more than five (5) boarders.

Section 31. That Section 4.18(B)(1) of the Land Use Code is hereby amended by the addition of a new subparagraph (e) which reads in its entirety as follows:

(e) **Residential Uses:**

1. Boarding and rooming houses with five (5) or fewer boarders.*

Section 32. That Section 4.18(B)(2)(a)6 of the Land Use Code is hereby amended to read as follows:

(a) **Residential Uses:**

...

6. Boarding and rooming houses with more than five (5) boarders.*

*Not allowed within two hundred (200) feet of North College Avenue.

Section 33. That Section 4.19(B)(1) of the Land Use Code is hereby amended by the addition of a new subparagraph (e) which reads in its entirety as follows:

(e) **Residential Uses:**

1. Boarding and rooming houses with five (5) or fewer boarders.

Section 34. That Section 4.19(B)(2)(a) of the Land Use Code is hereby amended by the addition of a new subparagraph 5. which reads in its entirety as follows:

(a) **Residential Uses:**

...

5. Boarding and rooming houses with more than five (5) boarders.

Section 35. That Section 4.19(B)(3)(a) of the Land Use Code is hereby amended to read as follows:

(a) **Residential Uses:**

1. Multi-family dwellings.

Section 36. That Section 4.20(B)(1)(a)5 of the Land Use Code is hereby amended to read as follows:

(a) **Residential Uses:**

...

5. Boarding and rooming houses with five (5) or fewer boarders.

Section 37. That Section 4.20(B)(2)(a) of the Land Use Code is hereby amended to read as follows:

(a) **Residential Uses:**

1. Mixed-use dwelling units.
2. Boarding and rooming houses with more than five (5) boarders.

Section 38. That Section 4.22(B)(1) of the Land Use Code is hereby amended by the addition of a new subparagraph (e) which reads in its entirety as follows:

(e) **Residential Uses:**

1. Boarding and rooming houses with five (5) or fewer boarders.

Section 39. That Section 4.22(B)(2)(a) of the Land Use Code is hereby amended to read as follows:

(a) **Residential Uses:**

1. Mixed-use dwelling units.
2. Boarding and rooming houses with more than five (5) boarders.

Section 40. That Section 4.22(B)(3)(a)7. of the Land Use Code is hereby deleted.

Section 41. That Section 4.23(B)(1) of the Land Use Code is hereby amended by the addition of a new subparagraph (e) which reads in its entirety as follows:

(e) **Residential Uses:**

1. Boarding and rooming houses with five (5) or fewer boarders.

Section 42. That Section 4.23(B)(2)(a) of the Land Use Code is hereby amended to read as follows:

(a) **Residential Uses:**

1. Mixed-use dwelling units constructed above nonresidential uses, provided that the aggregate floor area of all mixed-use dwelling units does not exceed the aggregate floor area of all nonresidential uses in the building.
2. Boarding and rooming houses with more than five (5) boarders.

Section 43. That Section 4.23(B)(3)(a) of the Land Use Code is hereby deleted and all subsequent subparagraphs renumbered accordingly.

Section 44. That Section 4.24(B)(1) of the Land Use Code is hereby amended by the addition of a new subparagraph (e) which reads in its entirety as follows:

(e) **Residential Uses:**

1. Boarding and rooming houses with five (5) or fewer boarders.

Section 45. That Section 4.24(B)(2)(a)4 of the Land Use Code is hereby amended to read as follows:

(a) **Residential Uses:**

...

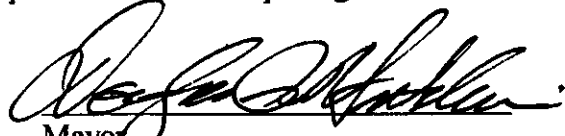
4. Boarding and rooming houses with more than five (5) boarders.

Section 46. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition "*Habitable floor space*" which reads in its entirety as follows:

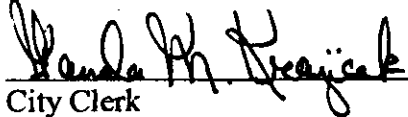
Habitable floor space shall mean the space in a building approved for living, sleeping, eating, cooking, bathing, and personal hygiene. Crawl spaces, storage, laundry rooms, utility spaces and similar areas are not considered habitable spaces.

Section 47. That Section 3.8.16 of the Land Use Code will go into effect January 1, 2007, and all other provisions of this Ordinance will go into effect ten (10) days after second reading of this Ordinance.

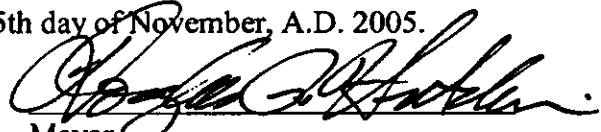
Introduced and considered favorably on first reading and ordered published in summary form this 18th day of October, A.D. 2005, and to be presented for final passage on the 15th day of November, A.D., 2005.


Mayor

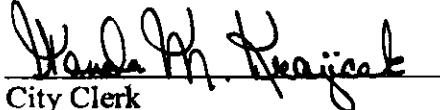
ATTEST:


City Clerk

Passed and adopted on final reading this 15th day of November, A.D. 2005.


Mayor

ATTEST:


City Clerk

ORDINANCE NO. 033, 2006
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE EFFECTIVE DATE OF SECTION 8 OF
ORDINANCE NO. 123, 2005, PERTAINING TO THE DEFINITION
OF "FAMILY" AS CONTAINED IN SECTION 5.1.2 OF THE LAND USE CODE

WHEREAS, on November 15, 2005, the City Council adopted on second reading Ordinance No. 123, 2005, (the "Ordinance") making various amendments to the City of Fort Collins Land Use Code (the "LUC") relating to residential occupancy limits; and

WHEREAS, Section 6 of the Ordinance amended Section 3.8. 16(A) of the Land Use Code so as to state that the maximum occupancy allowed per dwelling unit in a single-family, two-family, or multi-family dwelling is either one "family" as defined in Section 5.1.2 and not more than one additional person or two adults and their dependents, if any, and not more than one additional person; and

WHEREAS, pursuant to Council direction, Section 47 of the Ordinance stated that this new occupancy limit would go into effect January 1, 2007; and

WHEREAS, all other provisions of the Ordinance took effect ten days after second reading of the Ordinance; and

WHEREAS, Section 8 of the Ordinance (one of the provisions of the Ordinance that took effect on November 25, 2005), amended the definition of "family" contained in Section 5.1.2 so as to limit a "family" to an individual living alone or any number of persons who are all related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship and who live together as a single housekeeping unit and share common living, sleeping, cooking and eating facilities; and

WHEREAS, the previous definition of "family" in Section 5.1.2 of the LUC included not only persons who are related but also groups of not more than three unrelated persons; and

WHEREAS, the new definition of "family" should not have taken effect prior to the effective date of the new occupancy regulation; and

WHEREAS, the effect of prematurely eliminating groups of more than three unrelated persons from the definition of "family" is that only related persons can now occupy dwelling units; and

WHEREAS, City staff has brought this unintended consequence to the attention of the Council; and

WHEREAS, Council wishes to retroactively change the effective date of Section 8 of the Ordinance so that both the new occupancy regulation and the change in the definition of "family" will take effect January 1, 2007.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 47 of Ordinance No. 123, 2005, is hereby amended to read in its entirety as follows:

Section 47. That Section 6 of this Ordinance, amending Section 3.8.16 of the Land Use Code, and Section 8 of the Ordinance, amending the definition of "family" contained in Section 5.1.2 of the Land Use Code, shall take effect January 1, 2007, and all other provisions of this ordinance shall take effect ten (10) days after second reading of this Ordinance.

Introduced, considered favorably on first reading, and ordered published this 21st day of February, A.D. 2006, and to be presented for final passage on the 7th day of March, A.D. 2006.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 7th day of March, A.D. 2006.

Mayor

ATTEST:

City Clerk