

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 10

DATE: September 19, 2006

STAFF: Pete Wray

SUBJECT

Second Reading of Ordinance No. 131, 2006, Amending the Land Use Code Article 4 to Add a New Rural Lands Zone District, as Division 4.1 and Rearrange Division Numbering and to Revise Article 3 Section 3.9.2 to Allow Single Family Residential in the RUL District Within One-Quarter Mile of Interstate Highway 25.

RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

EXECUTIVE SUMMARY

Ordinance No. 131, 2006, unanimously adopted on September 5, 2006, amends the Land Use Code, Article 4, to add a new Rural Lands Zone District, Division 4.1. All proceeding Divisions will then be rearranged. This action represents a housekeeping item to rearrange the numbering of the Article 4 Districts in the Land Use Code, based on the inclusion of the new RUL District placed in the front as Division 4.1. The adjustment to the numbering of all other Divisions includes 4.1 – 4.28. As part of this amendment, three new Divisions are added as future placeholders, reserved for future use.

This Ordinance also amends the Land Use Code, Article 3 – General Development Standards to allow single-family lots within 1/4 mile of I-25, which would exempt the RUL zone from the residential restriction.

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 12 A-C

DATE: September 5, 2006

STAFF: Pete Wray

SUBJECT

Items Relating to the Creation of a New Rural Lands Zone District (RUL) in the Land Use Code.

RECOMMENDATION

Staff recommends adoption of the Resolutions and Ordinance on First Reading. At the August 17th, 2006 Planning and Zoning Board Hearing, members voted 7-0 to recommend to City Council the approval of the new Rural Lands Zoning and related amendments.

EXECUTIVE SUMMARY

- A. Resolution 2006-091 Amending the City Structure Plan Map "Land Use Designations" for a Parcel of Property Located Southwest of the Intersection of Interstate Highway 25 and County Road 36 Based on Related Actions to Create a New Rural Lands Zone District.
- B. Resolution 2006-092 Amending the Fossil Creek Reservoir Area Plan Framework Map, Land Use Table and County Zoning Map Based on Related Actions to Create a New Rural Lands Zone District.
- C. First Reading of Ordinance No. 131, 2006, Amending the Land Use Code Article 4 to Add a New Rural Lands Zone District, as Division 4.1 and Re-Arrange Division Numbering and to Revise Article 3 Section 3.9.2 to Allow Single Family Residential in the RUL District Within One-Quarter Mile of Interstate Highway 25.

The City's Land Use Code lacks a Zone District to properly implement City Plan policies for areas designated as "Rural Lands" and "Community Separator" on the City Structure Plan. The proposed RUL District is designed to fill that void. It is modeled very closely upon the County FA-1 and FA Farming zone districts, along with two other existing Larimer County Zoning Districts, Airport and Rural Estate. The RUL District reflects a limited emphasis on low density single-family residential development, residual open lands, and agricultural activities. As a result of creating a new RUL District, several amendments are needed to City Plan Elements and the Land Use Code.

Staff is recommending an amendment to the Fossil Creek Reservoir Area Plan and City Structure Plan maps. This amendment involves a change to the land use designation on a property outside the city limits located on the southwest corner of County Road 36 and I-25. This property was zoned Commercial in the County in 1995, but has been designated RUL on the City Structure Plan and Fossil Creek Reservoir Area Plan. The amendment includes changing the designation from Rural Lands to Commercial to be consistent with Larimer County zoning. Based on this change, two

sections in the Fossil Creek Reservoir Area Plan need to reflect the added commercial designation including Land Use Table 2.1 and Existing County Zoning Map.

Staff is recommending an amendment to the Land Use Code, Article 4, to add a new Rural Lands Zone District, Division 4.1. All preceding Divisions will then be re-arranged. This action represents a housekeeping item to rearrange the numbering of the Article 4 Districts in the Land Use Code based on the inclusion of the new RUL District placed in the front as Division 4.1. The adjustment to the numbering of all other Divisions includes 4.1 – 4.28. As part of this amendment, three new Divisions are added as future placeholders, reserved for future use.

Lastly, an amendment is needed to the Land Use Code, Article 3 – General Development Standards to allow single-family lots within 1/4 mile of I-25, which would exempt the RUL zone from the residential restriction.

BACKGROUND

AMENDMENTS

1. Amendment to the City Structure Plan Map

In early 2006 it was brought to staff's attention during discussions about the proposed RUL zoning that the adopted City Structure Plan Map and the Fossil Creek Reservoir Area Plan land use designation showing Rural Lands is inconsistent with existing County zoning of Commercial for a specific property southwest of I-25 and County Road 36. The property is outside municipal boundaries, but inside the Fort Collins Growth Management Area. The existing use is RV and Boat sales and storage. The County approved this zoning in 1995 with certain conditions to only allow this type of use.

Staff, in working with the affected property owner, is prepared to acknowledge this error and recommend an amendment to the City Structure Plan and Fossil Creek Reservoir Area Plan maps to change the land use designation from Rural Lands to Commercial.

If this property ever annexes into the City, staff will exercise the same conditions placed in the property by the County to limit the uses to the existing business operations.

2. Amendments to the Fossil Creek Reservoir Area Plan

As a follow-up to the commercial land use designation change mentioned above to the City Structure Plan map, the Fossil Creek Reservoir Area Plan also needs to be amended for this specific parcel. The Fossil Creek Reservoir Area Plan describes this area to be consistent with County zoning of FA-1 Farming. The Fossil Creek reservoir Area Plan, jointly adopted by the City and County in 1998, continues to describe this property as "Rural Lands". This particular property was not recognized for this zoning change in the County, and as a result was not designated commercial in the Fossil Creek Reservoir Area Plan. Two sections of the Plan need to be revised to reflect the added commercial designation including Land Use Table 2.1, and the Existing County Zoning Map.

3. New Rural Lands District (RUL)

The basis of the RUL District standards lies within the County's existing zoning regulations including FA-1 and FA Farming, Airport, and Rural Estate Districts. The City Structure Plan map shows three main areas for the RUL designation: the southeast area in and around the Fossil Creek Reservoir, the southwest quadrant (Southwest Enclave Area), and in the northwest edge of the GMA. The total amount of rural lands designation within the GMA is 1,511 acres.

In City Plan the intent of this designation is summarized:

"Rural lands consist of agricultural and residential lands that form our community's edge. Key rural lands will be protected as community separators. Other areas may have land uses such as clustered residential development, large lot residential and agriculture."

The proposed RUL District would restrict residential development to large lots (10 acre minimum lot size) or residential clusters (gross density 2.3 acres/unit to be clustered on a portion of the property with a requirement that 80% of the property remain as open space), except in the Resource Management Area where clusters can have a gross density of one dwelling unit per 2 acres). Subsection 4.2(B)(3)(a)(1) of the RUL District requires such Residential Cluster Developments, to the maximum extent feasible, be located at least 1/4 mile from the centerline of I-25.

Other permitted uses in the RUL District fit a rural and open space edge to the community, including golf courses, cemeteries, and agricultural uses as well as publicly purchased/conserved open space and natural areas.

No new residential is allowed within the designated Airport Critical Area of the Fort Collins/Loveland Airport.

4. Amendment to the Land Use Code Article 4 Districts

The last Division to be added to the Land Use Code Article 4 was the High Density Mixed-Use Neighborhood District (HMN). This Division was placed at the end of the list of Divisions at the time. Now, with the inclusion of another residential district, an opportunity exists to re-arrange the list to group all residential Districts together, from low density to high density classifications. This action represents a housekeeping item to rearrange the numbering of the Article 4 Districts in the Land Use Code based on the inclusion of the new RUL District placed in the front as Division 4.1. The adjustment to the numbering of all other Divisions includes 4.1 – 4.28. As part of this amendment, three new Divisions are added as future placeholders, reserved for future use. Aside from the re-arranging of each District, the only change will be to the footer notation numbering.

5. Revision to Section 3.9.2 of the Land Use Code to Allow Single-Family Detached Dwellings in the RUL District to be Developed within 1/4 mile of the I-25 centerline

The Fossil Creek Reservoir Area Plan, City Plan, and the Structure Plan designate a certain area along the west side of I-25, north of the reservoir, as "Rural Lands" and these areas would be placed in the RUL District upon annexation into the City. Three land parcels in this area are entirely within one-quarter mile of I-25. The Land Use Code prohibits the development of new single-family lots

within 1/4 mile of I-25's centerline, as a result of the regional I-25 Corridor Plan. (The standard is found in Section 3.9 of the Code, which consists of development standards for the I-25 Corridor.)

Because residential use is the main development opportunity in the proposed RUL zone district, there has been concern that the standard is too restrictive for parcels such as the three noted above, which would be prevented from any further residential development. In response to the concern, this item includes proposed language for the I-25 standards in Section 3.92 which would exempt the RUL zone from the residential restriction. For any parcels which have room to cluster residential development outside of the 1/4 mile area, the RUL Zone District includes a standard to require such placement.

As noted above, a prohibition on residential development within 1/4 mile of I-25 has raised concerns about properties in this area that would be placed in the RUL zone. Because the RUL zone allows few land uses, the prohibition on residential may be an excessive limitation.

Staff's recommendation is simply to exempt the RUL Zone District from the prohibition. The three parcels which raised the issue, north of Fossil Creek Reservoir on the west side of I-25, total about 80 acres. The cluster development density of 2.29 acres per unit could theoretically result in as many as 35 units within this area. The City would have influence in locating the clusters away from I-25 through the development review process. The cluster development density, which matches current County FA-1 zoning, would be consistent with the Fossil Creek Reservoir Area Plan. Staff believes the RUL District and the cluster development option would be consistent with City Plan goals to have a rural edge to the community, and could be accommodated without undue visual impacts on I-25, or a need for sound walls to protect the homes.

PUBLIC PROCESS

On May 4, 2004, the City Plan Update was adopted by City Council. This update included a new land use designation in the Structure Plan Map called "Rural Lands". At the time, no zoning matched this land use designation, so staff was instructed to follow-up this action to create a new District.

At its June 17, 2004 meeting, the Planning and Zoning Board tabled a recommendation to the City Council on the RUL District when it was discovered there was a conflict between the low-density residential land use provisions and Section 3.9.2 of the Land Use Code which would prevent any residential development on certain properties. Three parcels in this area are entirely within the 1/4 mile distance, and the Board was concerned about an unfair reduction of development potential by preventing any further residential development on those properties within the 1/4 mile distance.

On August 19, 2004, the Planning and Zoning Board forwarded a recommendation to City Council to support the RUL, with new language in Article 3.9.2 allowing single-family residential within the 1/4 mile distance in the RUL District. Since this Hearing, staff has continued to work with affected property owners.

As a result of an extended time period, on October 20, 2005, the Planning and Zoning Board again forwarded a recommendation to City Council to support the RUL zoning. Several attempts by staff have been made to schedule a hearing with Council, however, certain property owners and their representatives have expressed a desire to continue meeting with staff to resolve outstanding issues.

Several individual property owner meetings with staff have taken place, including three public open house meetings throughout the planning process.

In particular, remaining developable parcels within the Fossil Creek Reservoir area are shown as RUL designation, within the TDU area and existing County EA-1 zoning. Staff has continued to work with the owners in this area to clarify proposed City zoning language consistency with existing County zoning standards. Staff has made some adjustments to the text to assure the standards are consistent. In addition, staff has clarified to affected owners that this new RUL zoning will not preclude entitlement through a County development review process prior to annexation in accordance with the County's existing land use requirements (i.e., this action is not intended to change the County's current land use provisions). Furthermore, for properties within the Fossil Creek Reservoir Area TDU receiving area, the City has an agreement with Larimer County to defer annexation until such time as a development has received final approval and completion of the TDU transfer in the County. Finally, a question arose about the City zoning designation for properties which may have received County approval of a residential cluster in the Resource Management Area prior to annexation. The staff clarified that they will analyze and determine at the time of annexation what the exact zoning lines should be and that either RUL or UE zoning may be appropriate for the RMA cluster depending upon the density and lot sizes within the cluster and any other relevant factors.

As a result of extended time between hearings and the addition of recent revisions to the proposed zoning text, staff determined it was appropriate to reschedule a hearing with the Planning and Zoning Board for a new recommendation on August 17th.

ATTACHMENTS

1. Location map showing areas designated as Rural Lands.
2. Letters from John Jensen dated March 6 and April 20, 2006.
3. Enlargement map showing commercial parcel
4. Enlargement map showing three parcels in the RUL designation that are within 1/4 mile of I-25.
5. Planning and Zoning Board Minutes from the August 17, 2006 Hearing.
6. Letter from Liley, Rogers & Martell LLC dated August 17, 2006.

COPY

ORDINANCE NO.131, 2006
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE LAND USE CODE ARTICLE 4 TO ADD A NEW
RURAL LANDS ZONE DISTRICT, AS DIVISION 4.1 AND REARRANGE
DIVISION NUMBERING AND TO REVISE ARTICLE 3 SECTION 3.9.2 TO ALLOW
SINGLE FAMILY RESIDENTIAL IN THE RUL DISTRICT WITHIN
ONE-QUARTER MILE OF INTERSTATE HIGHWAY 25

WHEREAS, on March 18, 1997, by Ordinance No. 051, 1997, the Council of the City of Fort Collins adopted 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 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, the Land Use Code lacks a zone district designation sufficient to properly implement the policies of City Plan for areas designated as "rural lands" and "community separators" on the City's Structure Plan Map; and

WHEREAS, the Council has determined that the proposed Rural Lands District (R-U-L) is in the best interest of the citizens of the City because it fills that void in the City's land use regulations by establishing a zone district which permits large lot and/or residential cluster development and other uses that are sensitive to and in keeping with a rural and open space edge to the community, including golf courses, cemeteries and agricultural uses as well as open space and natural areas;

WHEREAS, the staff of the City and the Planning and Zoning Board have reviewed the Land Use Code and identified and explored various issues related to the proposed new Rural Land Zone District and have made recommendations to the Council regarding such issues; and

WHEREAS, the Council has determined that the Land Use Code amendments which have been proposed are in the best interest 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 3.9.2 of the Land Use Code is hereby amended to read as follows:

3.9.2 Location of Single-Family Residential Lots From I-25

- (A) Development of new single-family residential lots within one thousand three hundred twenty (1,320) feet (one-quarter [$\frac{1}{4}$] mile) of the centerline of Interstate Highway 25 (I-25) shall be prohibited.

- (1) Exception: single-family detached dwellings in the Rural Lands District (RUL) shall be exempt from this standard.
- (B) In the Urban Estate zone district, development that creates new single-family residential lots located between one-quarter (¼) and one-half (½) mile from the centerline of I-25 shall utilize the clustering technique (as provided for in Section 4.1(E)(2) of this Land Use Code for the Urban Estate District) in order to concentrate densities away from I-25, maximize views and preserve landscape features or open space.

Section 2. That the Land Use Code is hereby amended by the addition of a new Division 4.1 which reads in its entirety as follows:

Division 4.1 Rural Lands District (RUL)

- (A) **Purpose.** The Rural Lands District is intended for privately owned lands that are planned as a rural edge to the community. Rural lands include but are not limited to community separators, clustered residential development, large lot residential, agriculture, natural area buffers and corridors, and other open lands of similar character and purpose.
- (B) **Permitted Uses.**
 - (1) The following uses are permitted in the R-U-L District, subject to Basic Development review, provided that such uses are located on lots that are part of an approved site-specific development plan:
 - (a) **Agricultural Uses:**
 - 1. Agricultural activities.
 - (b) **Accessory/Miscellaneous Uses:**
 - 1. Accessory buildings.
 - 2. Accessory uses.
 - 3. Farm animals.
 - (c) Any use authorized pursuant to a site specific development plan that was processed and approved either in compliance with the Zoning Code in effect on March 27, 1997, or in compliance with this Land Use Code (other than a final subdivision plat, or minor

subdivision plat, approved pursuant to Section 29-643 or 29-644 of prior law, for any nonresidential development or any multi-family dwelling containing more than four [4] dwelling units), provided that such use shall be subject to all of the use and density requirements and conditions of said site specific development plan.

(d) Any use which is not hereafter listed as a permitted use in this zone district but which was permitted for a specific parcel of property pursuant to the zone district regulations in effect for such parcel on March 27, 1997; and which physically existed upon such parcel on March 27, 1997; provided, however, that such existing use shall constitute a permitted use only on such parcel of property.

(2) The following uses are permitted in the R-U-L District subject to administrative review:

(a) **Residential Uses:**

1. Single-family detached dwellings on lots containing at least ten (10) acres.

(b) **Institutional/Public/Civic Uses:**

1. Public facilities.

2. Parks, recreation and open lands, except neighborhood parks as defined by the Parks and Recreation Policy Plan.

(c) **Industrial Uses:**

1. Composting facilities.

(d) **Agricultural Uses:**

1. Animal boarding.

(3) The following land uses are permitted in the R-U-L District subject to review by the Planning and Zoning Board:

(a) **Residential Uses:**

1. Single-family detached dwellings in Residential Cluster Developments, except that such Residential Cluster Developments shall, to the maximum extent feasible, be located at least one-thousand three hundred twenty (1,320)

feet (one-quarter [1/4] mile) from the centerline of Interstate Highway 25 (I-25).

2. Group homes.

(b) **Institutional/Civic/Public Uses:**

1. Golf Courses.
2. Riding Academies.
3. Cemeteries.

(c) **Industrial Uses:**

1. Resource extraction processes and sales, except that such uses shall not be permitted in natural area protection buffers.

(d) **Accessory Uses:**

1. Wireless Telecommunication Equipment provided that they are not located within one thousand three hundred twenty (1,320) feet (one-quarter [1/4] mile) of the centerline of either I-25 or Carpenter Road.

(C) ***Prohibited Uses.*** All uses that are not (1) expressly allowed as permitted uses in this Section or (2) determined to be permitted by the Director pursuant to Section 1.3.4 of this Land Use Code shall be prohibited.

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

(1) ***Residential Density.***

- (a) Single-Family Detached maximum residential density shall be one (1) dwelling unit per ten (10) acres.
- (b) Residential Cluster Development density shall be based on one (1) dwelling unit per one hundred thousand (100,000) square feet measured on the entire site.
- (c) Resource Management Area, density of residential cluster development shall be calculated as follows: The total acres of subject parcel, less any area that is within a one hundred (100) year floodway or covered by a body of water, multiplied by 0.5, equivalent to one (1) dwelling unit per two (2) acres.

- (2) *Airport Critical Area – No Residential Use.* No residential use shall be permitted within the designated Airport Critical Area.
- (3) *Dimensional Standards.*
 - (a) A setback area of at least eighty (80) feet shall be provided along arterial streets, measured from the right-of-way.
 - (b) Single-family detached dwellings on lots containing at least ten (10) acres:
 - 1. Minimum lot width shall be two hundred (200) feet.
 - 2. Minimum depth of the front yard shall be sixty (60) feet.
 - 3. Minimum depth of the rear yard shall be fifty (50) feet.
 - 4. Minimum side yard shall be fifty (50) feet.
 - (c) Single-family detached dwellings in Residential Cluster Developments:
 - 1. Minimum lot width shall be sixty (60) feet.
 - 2. Minimum depth of the rear yard shall be fifteen (15) feet.
 - (d) Maximum building height for single-family detached dwellings shall be three (3) stories.

(E) *Development Standards.*

- (1) *Street Connectivity and Design.* The following standards shall apply to all development in the Rural Lands District:
 - (a) Development in this District shall be exempt from the standards contained in Section 3.6.3, Street Pattern and Connectivity Standards.
 - (b) The layout and design of any new streets shall emphasize characteristics and views of the open landscape. To the maximum extent feasible, streets shall be designed to minimize the amount of site disturbance caused by roadway and associated grading required for their construction by utilizing special street design characteristics such as divided lanes, landscape islands and landscape solutions to drainage instead of standard curb and gutter (so that storm water runoff is directed into open swales and

ditches). Local and residential access roads shall be designed without curbs and gutters unless deemed necessary for health and safety by the City Engineer.

- (2) *Residential Development Configuration.* Residential development may be configured as lots containing at least ten (10) acres, or as a Residential Cluster Development, at the option of the applicant, except in the Fossil Creek Reservoir Resource Management Area where clustering shall be required.
- (3) *Site Design for Residential Cluster Development.* Property in the Rural Lands District may be developed in clusters, subject to approval by the Planning and Zoning Board. In a cluster development, lot sizes may be reduced in order to cluster the dwellings together on twenty (20) percent of the property, with the remainder of the property permanently preserved as private open space.
 - (a) At least eighty (80) percent of the residual gross land area of the proposed development shall remain under private ownership, as private open space protected by restrictive covenants for the benefit of the city, and/or by maintaining existing dwellings and any outbuildings, protected by restrictive covenants binding upon either: (1) existing residential owners; (2) the residential homeowners association if it owns such property; or (3) a nonprofit organization acceptable to the city, if it owns such property. The development plan shall include such restrictive provisions protected by restrictive covenants for the benefit of the city, proposed uses, and maintenance provisions as necessary to ensure the continuation of the private open space uses intended. The city may also require that the developer commit in the Development Agreement to maintain the open space.
 - (b) Only the uses specifically permitted in subsection (B) above shall be allowed in the cluster development. For the residual open land, existing dwellings and/or outbuildings relating to agricultural use are allowed to remain and, if included, may be applied toward the total allowed residential density in the development.
 - (c) The design of the cluster development shall be appropriate for the site, as demonstrated by meeting the following criteria:
 1. The preservation of significant natural resources, wildlife habitat, natural areas and features such as drainage swales, rock outcroppings and slopes, native vegetation, open lands or agricultural property through maintenance of large, contiguous blocks of land and other techniques. Residual

land shall be designed to achieve the maximum amount of contiguous open space possible, while avoiding the creation of small, isolated and unusable areas.

2. The provision of additional amenities such as trails, common areas or access to public recreational areas and open space. Residual lands shall not include any street rights-of-way or parking areas.
3. The protection of adjacent residential development through landscaping, screening, fencing, buffering or similar measures.
4. The layout of lots to conform to terrain and minimize grading and filling, including the preservation of natural features such as drainage swales, rock outcroppings and slopes.
5. The indication of any areas where farm animals will be allowed, including any mitigation features needed to buffer these areas from surrounding uses.

Section 3. That the existing Divisions 4.1 through 4.8 in the Land Use Code are now renumbered as Division 4.2 through Division 4.9.

Section 4. That Division 4.24 - High Density Mixed-Use Neighborhood District (H-M-N) of the Land Use Code is now Division 4.10.

Section 5. That the remaining Divisions in the Land Use Code are hereby renumbered as follows:

Division 4.11	Reserved
Division 4.12	Transition District (T)
Division 4.13	Public Open Lands District (P-O-L)
Division 4.14	River Conservation District (R-C)
Division 4.15	Reserved
Division 4.16	Downtown District (D)
Division 4.17	River Downtown Redevelopment District (R-D-R)
Division 4.18	Community Commercial District (C-C)
Division 4.19	Community Commercial - North College District (C-C-N)
Division 4.20	Community Commercial - Poudre River District (C-C-R)
Division 4.21	Commercial District (C)
Division 4.22	Commercial - North College District (C-N)
Division 4.23	Neighborhood Commercial District (N-C)
Division 4.24	Limited Commercial District (C-L)
Division 4.25	Reserved

Division 4.26 Harmony Corridor District (H-C)
Division 4.27 Employment District (E)
Division 4.28 Industrial District (I)

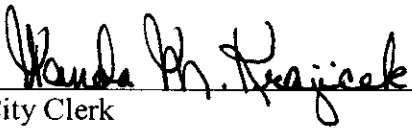
Section 6. That all cross-references in the Land Use Code to Division 4 shall be renumbered accordingly.

Introduced, considered favorably on first reading, and ordered published this 5th day of September, A.D. 2006, and to be presented for final passage on the 19th day of September, A.D. 2006.



Mayor

ATTEST:



City Clerk

Passed and adopted on final reading on the 19th day of September, A.D. 2006.

Mayor

ATTEST:

City Clerk