

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 26

DATE: December 21, 2004

STAFF: Ted Shepard

SUBJECT

Second Reading of Ordinance No. 198, 2004, Making Various Amendments to the City of Fort Collins Land Use Code.

RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

EXECUTIVE SUMMARY

Staff has identified a variety of proposed changes, additions and clarifications in the Fall 2004 biannual update of the Land Use Code. This Ordinance, which was adopted 4 – 3 (Nays: Councilmembers Roy, Hamrick, and Bertschy) on First Reading on December 7, 2004, makes various amendments to the Land Use Code.

BACKGROUND

During the Council's discussion of this Ordinance on First Reading, Council directed staff to add *drive-in restaurants* as a permitted use in the N-C, Neighborhood Commercial, zone district. Council further directed that this new use be accompanied by design standards, a draft of which was contained in Council's background materials on First Reading. The Ordinance does not contain the addition of the new permitted use because the design standards have not been reviewed by the Planning and Zoning Board as required by the Land Use Code. So as to not enact two pieces of legislation pertaining to one item, both the addition of the permitted use and the design standards will be processed in tandem.

In order to comply with the Land Use Code, staff will be taking the design standards to the next Planning and Zoning Board hearing on January 20, 2005 to be immediately followed by two readings of a new Ordinance before City Council in February. The new Ordinance will contain the addition of the permitted use to allow *drive-in restaurants* in the N-C zone.

By keeping the addition of the permitted use and the new design standards together in one single comprehensive Ordinance, the enabling legislation for *drive-in restaurants* is contained within one, fully-integrated piece of legislation. This schedule has been reviewed by the Sonic franchisee. They have indicated that the schedule provides a comfortable timeframe to fulfill their contractual obligations.

The attachment includes a full description of the revised design standards. These design standards have been revised after review and discussion with Sonic. Along with the addition of the permitted use, these revised design standards will form the basis of the materials to be forwarded to the Planning and Zoning Board on January 20, 2005.

Item 665 Amend Section 4.19(B)(3)[c] – Permitted Use List in the N-C, Neighborhood Commercial zone district - to add “drive-in” restaurants to the permitted use list as a Type Two use. This would have the effect of allowing restaurants, like Sonic, which have a “drive-in” feature but not a “drive-through” feature. And, add design standards.

At the City Council meeting of December 7, 2004, during consideration of First Reading of the Fall 2004 biannual Land Use Code Update, Council voted to allow *drive-in restaurants* in the Neighborhood Commercial zone. In addition, Council asked that the draft design standards be refined.

The following changes to the Code would implement the land use and the design standards:

1. **Amend Section 3.2.4 to address lighting issues:**

Explanation:

By amending Section 3.2.4, the illumination standards will apply to all canopies, not exclusively to fuel area canopies. If adopted, the standard would apply to banks, retail stores (drugstores), *drive-in* restaurants, and all commercial canopies, in addition to fuel areas. This is viewed as a comprehensive approach to controlling light spillage and does not differentiate among various users on a city-wide basis.

Code Change:

Amend Section 3.2.4(C) *Lighting Levels* to expand the applicability of the maximum allowable foot-candles under fuel canopies to apply to all canopies and not be specific to *drive-in restaurants* in the N-C zone. Amend the table as follows:

- Under-canopy fueling area (average maintained maximum) 20.0.
- Under-canopy fueling area (initial installation maximum) 26.0.

2. **Amend 4.19 Permitted Use List:**

Explanation:

Adding *drive-in restaurants* to the N-C zone would expand the area where these uses can occur. The use is being added as a Type Two meaning the public hearing for a P.D.P. will be before the Planning and Zoning Board.

Code Change:

Amend Section 4.19 as follows:

Section 4.19(B)

(3) The following uses are permitted in the N-C District, subject to Planning and Zoning Board review:

(c) Commercial/Retail Uses:

1. Supermarkets.
2. Nightclubs.
3. Bars and taverns.
4. Entertainment facilities and theaters.
- 5. Drive-in restaurants (without drive-through facilities)**

3. **Amend 4.19(E) - Development Standards - to address the canopy design issues on a zone district-wide basis (for banks, retail and fuel areas):**

Explanation:

This subsection of the N-C zone addresses the development standards for all uses within the zone district. By placing these canopy standards in subsection (E)(3), all commercial canopies in the N-C would be affected and not just the canopies for *drive-in restaurants*. As the design of convenience stores, drugstores and banks becomes more sophisticated, it is not unreasonable to expect a higher level of design, especially out in the neighborhoods.

Code Change:

Section 4.19(E) (3) *Canopies*

- (a) Primary canopies and shade structures shall be attached to and made an integral part of the main building and shall not be free-standing.
- (b) Free-standing secondary canopies and shade structures that are detached from the building, if any, shall be designed with a pitched roof to match the primary canopy and relate to the neighborhood character.

- (c) There shall be no flat-roofed canopies.
- (d) All canopies shall be designed with a shallow-pitched roof, false mansard or parapet that matches the building. Such roofs, false mansards or parapets shall be constructed of traditional roofing materials such as shingles or cementitious, clay or concrete tiles, or standing seam metal in subdued, neutral colors in a medium value range. The colors shall be designed to relate to other buildings within the commercial center.
- (e) Canopy fascias and columns shall not be internally illuminated nor externally illuminated with neon or other lighting technique. Nor shall canopy fascias or columns be accented, striped, or painted in any color except that of the predominant building exterior color.
- (f) There shall be no advertising, messages, logos or any graphic representation displayed on the canopy fascias or columns.
- (g) Under-canopy lighting shall be fully recessed with flush-mount installation using a flat lens. There shall be no spot lighting.

4. **Amend 4.19(E) to add design standards in N-C specific to *Drive-in Restaurants*:**

Explanation:

This would be a new subsection to the N-C zone Development Standards that are specific to *drive-in restaurants* only. These standards are needed to promote the goals and objectives of creating an urban, pedestrian-friendly commercial area next to medium-to-high density areas along transit routes. Specifically, the former prohibition on individual menu boards has been removed in favor of a more performance-based standard relating to visibility from public streets.

Code Change:

Section 4.19(E)(4) *Drive-in Restaurants*

- (a) There shall be an indoor dining component that features tables and chairs and not merely a walk-up counter.
- (b) The dining room entrance shall be the main identifiable entrance as viewed from the nearest public street. There shall be a direct walkway connection(s) that ties the dining room/main entrance

back to the interior of the center with logical points of origin and destination.

- (c) Buildings shall not contain forms or components such as, but not limited to, towers, spires, arches, figures, statuettes, raised pylons, food product imitations, A-frame roofs, or other pseudo-structural elements.
- (d) Individual menu boards per car stall shall be sufficiently screened so they are not visible from public streets.
- (e) Roof design shall not consist of unusual projections or other features that are disproportionate to the balance of the building and the roof design theme of the commercial center.
- (f) Signs shall be posted in conspicuous locations requiring that idling engines shall be shut off.

ORDINANCE NO. 198, 2004
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING VARIOUS AMENDMENTS
TO THE CITY OF FORT COLLINS LAND USE CODE

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 "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 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 Land Use Code 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 that the Land Use Code is hereby amended as follows:

Section 1. That Section 2.1.3(A) of the Land Use Code is hereby amended to read as follows:

- (A) ***Applicability.*** All development proposals which include only permitted uses must be processed and approved through the following development applications: first through a project development plan (Division 2.4), then through a final plan (Division 2.5), then through a development construction permit (Division 2.6), and then through a building permit review (Division 2.7). If the applicant desires to develop in two (2) or more separate project development plan submittals, an overall development plan (Division 2.3) will also be required prior to or concurrently with the project development plan. Each successive development application for a development proposal must build upon the previously approved development application by providing additional details (through the development application submittal requirements) and by meeting additional restrictions and standards (contained in the General Development Standards of Article 3 and the District Standards of Article 4).

Permitted uses subject to administrative review or permitted uses subject to Planning and Zoning Board review listed in the applicable zone district set forth in Article 4, District Standards, shall be processed through an overall development plan, a project development plan or a final plan. If any use not listed as a permitted use in the applicable zone district is included in a development application, it may also be processed as an overall development plan, project development plan or final plan, if such proposed use has been approved, or is concurrently submitted for approval, in accordance with the requirements for an amendment to the text of this Land Use Code and/or the Zoning Map, Division 2.9, or in accordance with the requirements for the addition of a permitted use under Section 1.3.4. Development applications for permitted uses which seek to modify any standards contained in the General Development Standards in Article 3, or the District Standards in Article 4, shall be submitted by the applicant and processed as a modification of standards under Division 2.8. Hardship variances to standards contained in Article 3, General Development Standards, or Article 4, District Standards, shall be processed as hardship variances by the Zoning Board of Appeals pursuant to Division 2.10. Appeals of administrative/staff decisions shall be according to Division 2.11.

Section 2. That Section 2.10.2 of the Land Use Code is hereby amended by amending subsection (H)(2) and adding a new subsection (H)(3) to read as follows:

- (2) the proposal as submitted will promote the general purpose of the standard for which the variance is requested equally well or better than would a proposal which complies with the standard for which the variance is requested;or
- (3) the proposal as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be modified except in a nominal, inconsequential way when considered in the context of the neighborhood, and will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2.

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 accessory buildings and structures and accessory uses that are permitted subject only to basic development review as allowed in Article 4 need to comply only with the standards contained in Article 4 for the zone district in which such uses are located and the standards contained in Division 3.8. 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(C) of the Land Use Code is hereby amended to read as follows:

(C) ***Development Standards.*** All developments shall meet the following standards:

(1) ***Safety Considerations.*** To the maximum extent feasible, pedestrians shall be separated from vehicles and bicycles.

(a) Where complete separation of pedestrians and vehicles and bicycles is not possible, potential hazards shall be minimized by the use of techniques such as special paving, raised surfaces, pavement marking, signs or striping, bollards, median refuge areas, traffic calming features, landscaping, lighting or other means to clearly delineate pedestrian areas, for both day and night use.

...

(5) ***Walkways.***

(a) **Directness and continuity.** Walkways within the site shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and shall not be located and aligned solely based on the outline of a parking lot configuration that does not provide such direct pedestrian access. Walkways shall link street

sidewalks with building entries through parking lots. Such walkways shall be raised or enhanced with a paved surface not less than six (6) feet in width. Drive aisles leading to main entrances shall have walkways on both sides of the drive aisle.

...

Section 5. That Section 3.2.4(C) of the Land Use Code is hereby amended to read as follows:

- (C) **Lighting Levels.** With the exception of lighting for public streets and private streets, all other project lighting used to illuminate buildings, parking lots, walkways, plazas or the landscape, shall be evaluated during the development review process. The following chart gives minimum and, for under-canopy fueling areas, maximum lighting levels for outdoor facilities used at night.

...

Section 6. That Section 3.2 of the Land Use Code is hereby amended by the addition of a new subsection 3.2.5 which reads as follows:

3.2.5 Trash and Recycling Enclosures

- (A) **Purpose.** The purpose of this Section is to ensure the provision of areas, compatible with surrounding land uses, for the collection, separation, storage, loading, and pickup of recyclable materials by requiring that adequate, convenient space is functionally located at multi-family residential, commercial and industrial land use sites.
- (B) **Regulations.** The following regulations shall be applied to the extent reasonably feasible:
 - (1) All new commercial or multi-family structures and all existing commercial or multi-family structures proposed to be enlarged by more than twenty-five (25) percent or where a change of use is proposed, shall provide adequate space for the collection and storage of refuse and recyclable materials.
 - (2) The amount of space provided for the collection and storage of recyclable materials shall be designed to accommodate collection and storage containers that are appropriate for the recyclable materials generated. Areas for storage of trash and recyclable materials shall be

adequate in capacity, number and distribution to serve the development project.*

- (3) Recyclable materials storage areas shall be located abutting refuse collection and storage areas.
- (4) Each trash and recycling enclosure shall be designed to allow walk-in access without having to open the main enclosure service gates.
- (5) Trash and recycling areas must be enclosed so that they are screened from public view. The enclosure shall be constructed of durable materials such as masonry and shall be compatible with the structure to which it is associated. Gates on the enclosures shall be constructed of metal or some other comparable durable material, shall be painted to match the enclosure and shall be properly maintained.
- (6) Enclosure areas shall be designed to provide adequate, safe and efficient accessibility for service vehicles.
- (7) Enclosure areas shall be constructed on a cement concrete pad.
- (8) The property owner shall supply and maintain adequate containers for recycling and waste disposal. Containers must be clearly marked for recycling.

* Please refer to "Trash and Recycling Enclosures - Design Considerations" for estimations of area needed.

Section 7. That Section 3.3.2(D) of the Land Use Code is hereby amended to read as follows:

- (D) ***Required Improvements Prior to Issuance of Building Permit.*** The following improvements shall be required prior to the issuance of a Building Permit, unless otherwise specified in the development agreement:

...

Section 8. That Section 3.4.1(E)(1)(j) of the Land Use Code is hereby deleted in its entirety:

Section 9. That the Buffer Zone Table for Fort Collins Natural Habitats and Features contained in Section 3.4.1 of the Land Use Code is amended by the deletion of "Red-tailed and Swainson's hawk nest sites" under the category of "Special Habitat Features/Resources of Special Concern" as follows:

Red-tailed and Swainson's hawk nest sites	900 feet
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Section 10. That Section 3.4.1(N) of the Land Use Code is hereby amended by the addition of a new subparagraph (5) and the renumbering of the existing subparagraph (5) as subparagraph (6) as follows:

...

(5) *Red-tailed and Swainson's Hawk Nest Sites.*

(a) No tree with an active nest shall be removed unless a permit for such removal has been obtained by the developer from the United States Fish and Wildlife Service.

(b) To the extent reasonably feasible, trees that are known to have served as nest sites shall not be removed within five (5) years of the last known nesting period. If the tree is removed, it shall be mitigated in accordance with Section 3.2.1 Landscaping and Tree Protection Standards.

(c) A temporary LOD of a four-hundred and fifty (450) foot radius shall be established for Red-tailed and Swainson's hawk active nest sites during the period from February 15 through July 15 of the first year of a multi-year development construction project.

(6) *Prairie Dog Removal.* Before the commencement of grading or other construction on the development site, any prairie dogs inhabiting portions of the site within the LOD shall be relocated or eradicated by the developer using city-approved methods as set forth in Chapter 4 of the City Code and, when applicable, using methods reviewed and approved by the Colorado Division of Wildlife.

Section 11. That Section 3.4.7 of the Land Use Code is hereby amended to read as follows:

3.4.7 Historic and Cultural Resources

(A) **Purpose.** This Section is intended to ensure that, to the maximum extent feasible: (1) historic sites, structures or objects are preserved

and incorporated into the proposed development and any undertaking that may potentially alter the characteristics of the historic property is done in a way that does not adversely affect the integrity of the historic property; and (2) new construction is designed to respect the historic character of the site and any historic properties in the surrounding neighborhood. This Section is intended to protect designated or individually eligible historic sites, structures or objects as well as sites, structures or objects in designated historic districts, whether on or adjacent to the development site.

- (B) **General Standard.** If the project contains a site, structure or object that (1) is determined to be individually eligible for local landmark designation or for individual listing in the State or National Registers of Historic Places; (2) is officially designated as a local or state landmark, or is listed on the National Register of Historic Places; or (3) is located within an officially designated historic district or area, then to the maximum extent feasible the development plan and building design shall provide for the preservation and adaptive use of the historic structure. The development plan and building design shall protect and enhance the historical and architectural value of any historic property that is (a) preserved and adaptively used on the development site or (b) is located on property adjacent to the development site and qualifies under (1), (2), or (3) above. New structures must be compatible with the historic character of any such historic property, whether on the development site or adjacent thereto.

...

- (D) **Reuse, Renovation, Alterations and Additions.**

- (1) Original materials and details, as well as distinctive form and scale, that contribute to the historic significance of the structure or neighborhood shall be preserved to the maximum extent feasible. Rehabilitation work shall not destroy the distinguishing quality or character of the structure or its environment.
- (2) The rehabilitation of structures shall be in conformance with the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (available from the Director) or other adopted design guidelines.

(E) ***Relocation or Demolition.*** A site, structure or object that is determined to be individually eligible for local landmark designation or for individual listing in the State or National Registers of Historic Places may be relocated or demolished only if, in the opinion of the decision maker, the applicant has, to the maximum extent feasible, attempted to preserve the site, structure or object in accordance with the standards of this Section, and the preservation of the site, structure, or object is not feasible.

(F) ***New Construction.***

(1) To the maximum extent feasible, the height, setback and/or width of new structures shall be similar to those of existing historic structures on any block face on which the new structure is located and on any portion of a block face across a local or collector street from the block face on which the new building is located unless, in the judgment of the decision maker, such historic structures would not be negatively impacted with respect to their historic exterior integrity and significance by reason of the new structure(s) being constructed at a dissimilar height, setback and/or width. Where building setbacks cannot be maintained, elements such as walls, columns, hedges or other screens shall be used to define the edge of the site and maintain alignment. Taller structures or portions of structures shall be located interior to the site. Structures at the ends of blocks shall be of a similar height to structures in the adjoining blocks.

(2) New structures shall be designed to be in character with such existing historic structures. Horizontal elements, such as cornices, windows, moldings and sign bands, shall be aligned with those of such existing historic structures to strengthen the visual ties among buildings. Window patterns of such existing structures (size, height, number) shall be repeated in new construction, and the pattern of the primary building entrance facing the street shall be maintained to the maximum extent feasible. See Figure 6.

...

(3) The dominant building material of such existing historic structures adjacent to or in the immediate vicinity of the proposed structure shall be used as the primary material for new construction. Variety in materials can be appropriate,

but shall maintain the existing distribution of materials in the same block.

...

Section 12. That Sections 3.6.2(B) and (C) of the Land Use Code are hereby amended to read as follows:

- (B) Cul-de-sacs shall be permitted only if they are not more than six hundred sixty (660) feet in length and have a turnaround at the end with a diameter of at least one hundred (100) feet. Surface drainage on a cul-de-sac shall be toward the intersecting street, if possible, and if not possible a drainage easement shall be provided from the cul-de-sac. If fire sprinkler systems or other fire prevention devices are to be installed within a residential subdivision, these requirements may be modified by the City Engineer according to established administrative guidelines and upon the recommendation of the Poudre Fire Authority.
- (C) Except as provided in (B) above for cul-de-sacs, no dead-end streets shall be permitted except in cases where such streets are designed to connect with future streets on abutting land, in which case a temporary turnaround easement at the end of the street with a diameter of at least one hundred (100) feet must be dedicated and constructed. Such turnaround easement shall not be required if no lots in the subdivision are dependent upon such street for access.

Section 13. That Sections 3.6.2 of the Land Use Code is hereby amended by amending subsection (J) and adding a new subsection (M) which read as follows:

- (J) Public alleys shall be controlled by the following requirements:
 - (1) *When Allowed:* Public alleys in residential subdivisions shall be permitted only when: (a) they are necessary and desirable to continue an existing pattern or to establish a pattern of alleys that will extend over a larger development area, and (b) they are needed to allow access to residential properties having garages or other parking areas situated behind the principal structure and the principal structure is on a residential local street. Public alleys shall also be provided in commercial and industrial areas unless other provisions are made and approved for service access.
 - (2) *Design Construction Requirements.* All public alleys shall be constructed in conformance with the *Design and Construction Criteria, Standards and Specifications for Streets, Streetscapes, Sidewalks, Alleys and Other Public*

*Ways** as adopted by the City Council by ordinance or resolution, except those public alleys within the N-C-L, N-C-M and N-C-B zone districts that do not abut commercially zoned properties and that provide access only for carriage houses and habitable accessory buildings as such terms are described in Article 4. Dead-end alleys shall not be allowed.

...

(M) *Easements shall be controlled by the following requirements.*

- (1) Public and private easements shall be provided on lots for utilities, public access, stormwater drainage or other public purposes as required and approved by the City Engineer.
- (2) Pedestrian and bicycle paths shall be provided to accommodate safe and convenient pedestrian and bicycle movement throughout the subdivision and to and from existing and future adjacent neighborhoods and other development; all such pedestrian and bicycle paths shall be constructed in conformity with the *Design and Construction Criteria, Standards and Specifications for Streets, Streetscapes, Sidewalks, Alleys and Other Public Ways** as adopted by the City Council by ordinance or resolution.
- (3) The subdivider shall be responsible for adequate provisions to eliminate or control flood hazards associated with the subdivision in accordance with Chapter 10 of the City Code. Agreements concerning stormwater drainage between private parties shall be subject to city review and approval.

*Effective March 1, 2001, the *Design and Construction Criteria, Standards and Specifications* referenced above will be replaced by the *Larimer County Urban Area Street Standards*, per Ord. No. 186, 2000, adopted 1/2/01.

Section 14. That Section 3.8.7(A)(3)(d) of the Land Use Code is hereby amended to read as follows:

- (d) All existing signs with flashing, moving, blinking, chasing or other animation effects not in conformance with the provisions of this Article and located on property annexed to the city after November 28, 1971, shall be made so that

such flashing, moving, blinking, chasing or other animation effects shall cease within sixty (60) days after such annexation, and all existing portable signs, vehicle-mounted signs, banners, and pennants located on property annexed to the city after November 28, 1971, shall be removed or made to conform within sixty (60) days after such annexation.

Section 15. That Section 3.8.7(B)(1)(a) of the Land Use Code is hereby amended to read as follows:

- (a) The erection, remodeling or removal of any sign shall require a permit from the Zoning Administrator, except that no permit shall be required for the erection, remodeling or removal of any sign regulated by subsections 3.8.7(C)(1)(a), (c), (g) or (j); subsections 3.8.7(D)(2), (3) or (4); or subsection 3.8.7(L).

Section 16. That Section 3.8.7(M) of the Land Use Code is hereby amended by the addition of a new subparagraph (4) which reads as follows:

- (4) Electrical signs that contain an electronic changeable copy module must be programmed so that the displayed message does not change more frequently than once per minute and so that the message change occurs without the use of scrolling, flashing, fading or other similar effects.

Section 17. That Section 3.8.18(A)(1)(a) of the Land Use Code is hereby amended to read as follows:

- (a) any interest in land which has been deeded or dedicated to any governmental agency for public use prior to the date of approval of the development plan, provided, however, that this exception shall not apply to any such acquisition of an interest in land solely for open space, parkland or stormwater purposes; and

Section 18. That Section 4.4(D)(4) of the Land Use Code is hereby amended to read as follows:

- (4) *Other Nonresidential Development.* Permitted nonresidential uses that are not part of a neighborhood center shall not be approved in any development project until the requirements for a neighborhood center in subsection (3) above have been met. When approving

such use, the decision maker may impose conditions regarding such things as off-street parking, hours of operation, and number of employees in order to ensure that the use will be compatible with the neighborhood. This limitation shall not apply to uses permitted along East Vine Drive under subsection (5) below.

Section 19. That Section 4.6(E)(4) of the Land Use Code is hereby amended to read as follows:

- (4) Minimum side yard width shall be five (5) feet for all interior side yards. Whenever any portion of a wall or building exceeds eighteen (18) feet in height, such portion of the wall or building shall be set back from the interior side lot line an additional one (1) foot, beyond the minimum required, for each two (2) feet or fraction thereof of wall or building height that exceeds eighteen (18) feet in height. Minimum side yard width shall be fifteen (15) feet on the street side of any corner lot. Notwithstanding the foregoing, minimum side yard width for schools and places of worship shall be twenty-five (25) feet (for both interior and street sides).

Section 20. That Section 4.6(F) of the Land Use Code is hereby amended by the addition of a new subparagraph (7) which reads as follows:

- (7) *Subdividing of existing lots.* No existing lot may be further subdivided in such manner as to create a new lot in the rear portion of the existing lot.

Section 21. That Section 4.7(E)(1) of the Land Use Code is hereby amended to read as follows:

- (1) Minimum lot width shall be forty (40) feet for single-family and two-family dwellings, except that when more than one (1) such dwelling is constructed on the same lot side-by-side along the street front, the minimum lot width shall be forty (40) feet for each such dwelling. The minimum lot width for all other uses shall be fifty (50) feet.

Section 22. That Section 4.7(F) of the Land Use Code is hereby amended by the addition of a new subparagraph (7) which reads as follows:

- (7) *Subdividing of existing lots.* No existing lot may be further subdivided in such manner as to create a new lot in the rear portion of the existing lot.

Section 23. That Section 4.8(D)(6)(a) of the Land Use Code is hereby amended to read as follows:

- (a) Minimum lot width shall be forty (40) feet for single-family or two-family dwellings, except that when more than one (1) such dwelling is constructed on the same lot side-by-side along the street front, the minimum lot width shall be forty (40) feet for each such dwelling. The minimum lot width for lands located within the West Central Neighborhood Plan Subarea and south of University Avenue shall be eighty-five (85) feet.

Section 24. That Section 4.8(E) of the Land Use Code is hereby amended by the addition of a new subparagraph (7) which reads as follows:

- (7) *Subdividing of existing lots.* No existing lot may be further subdivided in such manner as to create a new lot in the rear portion of the existing lot.

Section 25. That Section 4.14(E)(2)(d) of the Land Use Code is hereby amended to read as follows:

- (d) Building Height. All buildings shall have a minimum height of twenty (20) feet, measured to the dominant roof line of a flat-roofed building, or the mean height between the eave and ridge on a sloped-roof building. In the case of a complex roof with different co-dominant portions, the measurement shall apply to the highest portion. All buildings shall be limited to five (5) stories.

Section 26. That Section 4.15(B)(2)(c) of the Land Use Code is hereby amended by the addition of a new subparagraph 24 which reads as follows:

24. Indoor kennel.

Section 27. That Section 4.17(B)(2)(c) of the Land Use Code is hereby amended by the addition of a new subparagraph 28 which reads as follows:

28. Indoor kennel.

Section 28. That Section 4.18(B)(2)(c) of the Land Use Code is hereby amended by the addition of a new subparagraph 41 which reads as follows:

41. Indoor kennel.

Section 29. That Section 4.19(E)(2)(d) of the Land Use Code is hereby amended to read as follows:

(d) Building Height. All buildings shall have a minimum height of twenty (20) feet, measured to the dominant roof line of a flat-roofed building, or the mean height between the eave and ridge on a sloped-roof building. In the case of a complex roof with different co-dominant portions, the measurement shall apply to the highest portion. All buildings shall be limited to five (5) stories.

Section 30. That Section 4.20(B)(2)(c) of the Land Use Code is hereby amended by the addition of a new subparagraph 12 which reads as follows:

12. Indoor kennel.

Section 31. That Section 4.21(B)(2)(c) of the Land Use Code is hereby amended by the addition of a new subparagraph 8 which reads as follows:

8. Indoor kennel if in a community or regional shopping center.

Section 32. That Section 4.23(B)(2)(c) of the Land Use Code is hereby amended by the addition of new subparagraphs 22 and 23 which reads as follows:

22. Indoor kennel.

23. Funeral homes.

Section 33. That the definition "*Community facility*" contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

Community facility shall mean a publicly owned or publicly leased facility or office building which is primarily intended to serve the recreational, educational, cultural, administrative or entertainment needs of the community as a whole.

Section 34. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition "*Health club*" which reads as follows:

Health club shall mean an establishment that is open only to members and guests and that provides facilities for at least three (3) of the following: aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and that also includes amenities such as spas, saunas, showers and lockers.

Section 35. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition "*Indoor kennel*" which reads as follows:

Indoor kennel shall mean an establishment in which twenty-four (24) hour care and boarding is provided for household dogs or cats within a soundproof building (or buildings) that contains exercise facilities, separate ventilation systems for dogs and cats if they are boarded in the same building, and wherein other services such as grooming and training are offered.

Section 36. That the Figure describing "Infill Area" contained in Section 5.1.2 of the Land Use Code is hereby changed to appear as shown on Exhibit "A" attached hereto.

Section 37. That the definition of "*Limited indoor recreation use*" contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:

Limited indoor recreation use shall mean facilities established primarily for such activities as exercise or athletic facilities; and amusement or recreational services, such as billiard or pool parlors, pinball/video arcades, dance studios, martial art schools, arts or crafts studios; or exercise clubs, but not including bowling alleys or establishments which have large-scale gymnasium-type facilities for such activities as tennis, basketball or competitive swimming. This definition is intended to restrict the type of recreational use allowed to those small-scale facilities containing no more than five thousand (5,000) square feet that would be compatible with typical buildings and uses in the zone district in which this use is allowed.

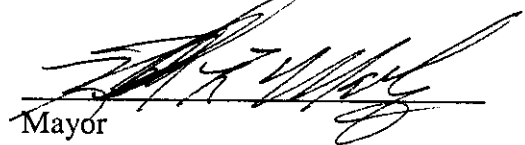
Section 38. That the definition of "*Long-term care facility*" contained in Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new subparagraph (4) which reads as follows:

- (4) *Independent living facility* shall mean a single-family, two-family and/or multi-family dwelling which is located within a development that contains one (1) or more of the facilities described in (1) through (3) above, wherein the residents of such dwellings have access to the common amenities and services available to residents of the facilities described in (1) through (3) above and wherein independent living facilities occupy no more than twenty-five (25) percent of the total gross area of a long-term care development.

Section 39. That the definition "*Sign, flush wall*" contained in Section 5.1.2 of the Land Use Code is hereby amended as follows:

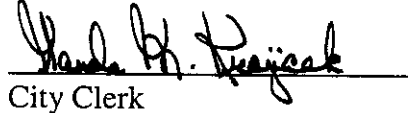
Sign, flush wall shall mean any sign attached to, painted on or erected against the wall of a building in such a manner that the sign face is parallel to the plane of the wall and is wholly supported by the wall. Banner, canvas or other similar flexible material may be used for this type of sign only if the material is securely attached to a rigid structure in a manner which prevents the material from moving, sagging or wrinkling; and the rigid structure is attached directly to the building fascia. Any sign made of banner, canvas or other similar flexible material that is not attached to a rigid structure in this manner is not a flush wall sign and shall be subject to the banner regulations contained in Section 3.8.7(N) of this Land Use Code.

Introduced and considered favorably on first reading and ordered published this 7th day of December, A.D. 2004, and to be presented for final passage on the 21st day of December, A.D., 2004.



Mayor

ATTEST:



City Clerk

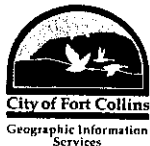
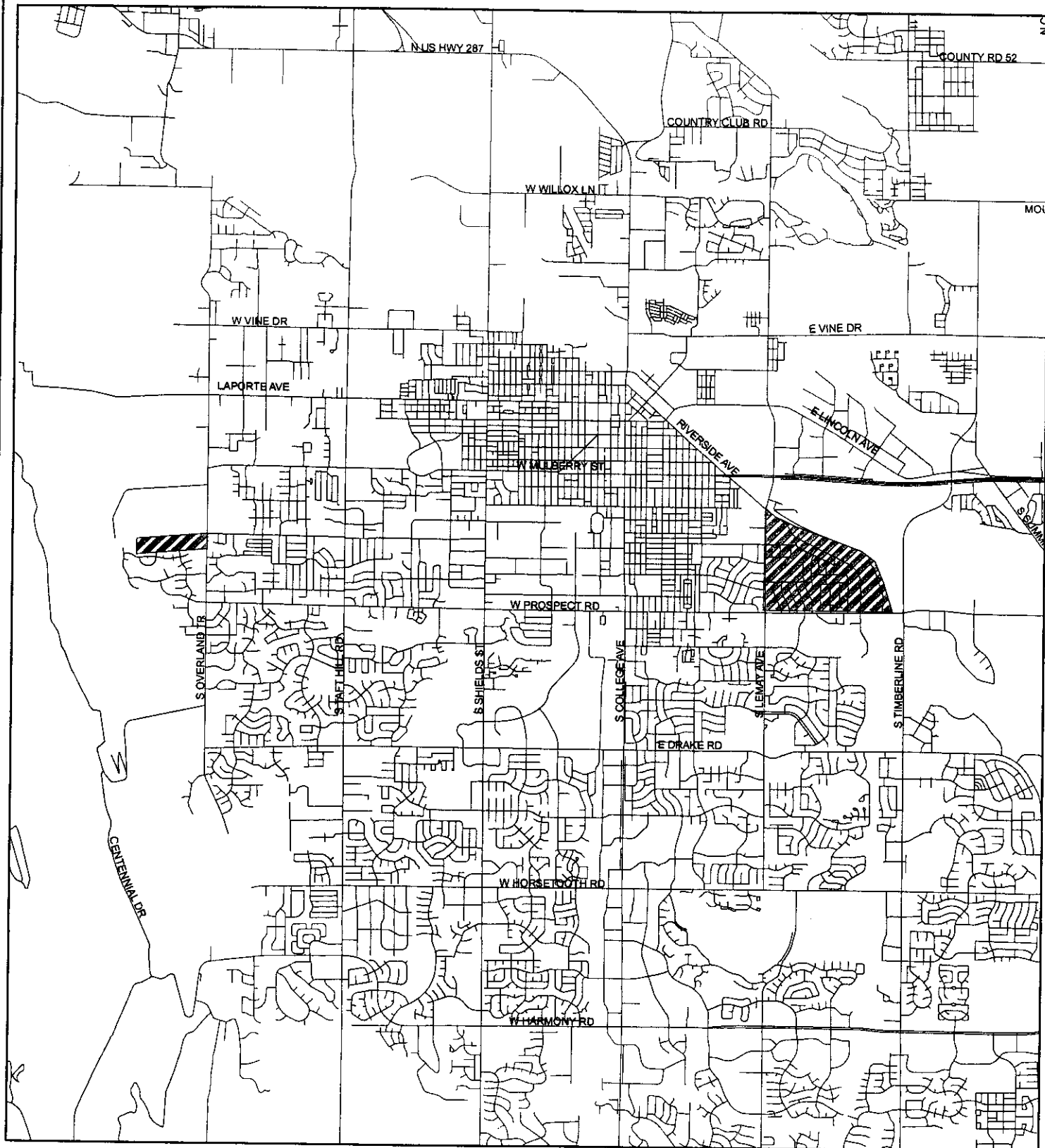
Passed and adopted on final reading this 21st day of December, A.D. 2004.

Mayor

ATTEST:

City Clerk

Proposed Expansion of the Infill Area



Legend
Infill Area
Existing Infill Area
Proposed Expansion Area



AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 36

DATE: December 7, 2004

STAFF: Ted Shepard

SUBJECT

First Reading of Ordinance No. 198, 2004, Making Various Amendments to the City of Fort Collins Land Use Code.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

EXECUTIVE SUMMARY

Staff has identified a variety of proposed changes, additions and clarifications in the Fall biannual update of the Land Use Code. On November 18, 2004, the Planning and Zoning Board considered the proposed changes and took specific action on five individual items. These actions are summarized in the attached memo. Outside of these five specific items, the Board voted 6 - 0 to recommend approval of the balance of the proposed changes to City Council.

BACKGROUND

The Land Use Code was first adopted in March of 1997. Subsequent revisions have been recommended on a biannual basis to make changes, additions, deletions and clarifications that have been identified in the preceding six months. The proposed changes are offered in order to resolve implementation issues and to continuously improve both the overall quality and "user-friendliness" of the Code.

Attachments include a summary of the Planning and Zoning Board's action and a summary of all the issues as well as the proposed Ordinance itself.

In addition, the attachments provided by the private party that seeks to add the *Drive-in Restaurants* to the Neighborhood Center zone district are included. Also provided are draft design standards for *Drive-in Restaurants* if they are to be allowed in the N-C zone district. Should City Council decide to enact these design standards, refinements will need to be made between First and Second Readings of the Ordinance.