

ORDINANCE NO. 033, 2013
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING AMENDMENTS TO THE CITY OF FORT COLLINS
LAND USE CODE PERTAINING TO IMPLEMENTATION OF THE
EASTSIDE AND WESTSIDE NEIGHBORHOODS CHARACTER STUDY

WHEREAS, in 2010, City staff conducted an Eastside/Westside Neighborhood Study which resulted in an ordinance being approved by the City Council which was later repealed in response to a citizen petition; and

WHEREAS, in June 2011, City staff initiated a new Eastside/Westside Neighborhood Character Study (the “Study”) after receiving direction from City Council to take a fresh look at neighborhood compatibility and character issues in the neighborhoods near downtown; and

WHEREAS, the basis of the Study is to respond to continued concerns with respect to potential impacts of building additions and new construction in the City’s oldest neighborhoods; and

WHEREAS, the Study process included extensive public outreach and the consideration of the proposed Code changes arising from the Study by the Planning and Zoning Board, the Landmark Preservation Commission, the Zoning Board of Appeals and the Building Review Board; and

WHEREAS, the direction from the Study is to amend the Land Use Code in the following particulars:

1. Expand the existing notification distance for some Zoning Board of Appeals variance requests;
2. Revise the existing Floor Area Ratio (FAR) standards using a new formula to lower the largest allowable house sizes, and adjust the method for calculating allowable floor area;
3. Adjust the method for measuring the height of a new wall along a side lot line;
4. Incorporate a new solar access standard; and
5. Incorporate new design standards with a menu of options for front and side building façade features; and

WHEREAS, the City Council has determined that the proposed changes to the Land Use Code are in the best interests of the City.

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

Section 1. That Section 2.10.2(F) of the Land Use Code is hereby amended to read as follows:

(F) **Step 6** (Notice): Section 2.2.6(A) only applies, except that “800 feet” shall be changed to “150 feet”, and for single-family houses in the NCL and NCM zone districts, eight hundred (800) feet shall be changed to five hundred (500) feet for variance requests for:

- (a) Construction that results in a two (2) story house where a one (1) story house previously existed and where there is at least one (1) lot abutting the side of the subject lot and the house on such abutting lot is one (1) story; or
- (b) Construction of a new house that is greater than two thousand five hundred (2,500) square feet; or
- (c) Construction of an addition that results in a total square footage of more than three thousand (3,000) square feet;

and "14 days" shall be changed to "7 days," everywhere they occur in Section 2.2.6.(A). Section 2.2.6(B)-(D) shall not apply.

Section 2. That Section 4.7(D) of the Land Use Code is hereby amended to read as follows:

(D) **Land Use Standards.**

(1) *Required Lot Area.* Minimum lot area shall not be less than six thousand (6,000) square feet.

(2) *Allowable Floor Area on Lots.*

(a) The allowable floor area shall be as follows:

(1) On a lot of less than five thousand (5,000) square feet, the allowable floor area for single-family dwellings and buildings accessory to single-family dwellings shall not exceed forty (40) percent of the lot area.

(2) On a lot that is between five thousand (5,000) square feet and ten thousand (10,000) square feet, the allowable floor area for single-family dwellings and buildings accessory to single-family dwellings shall not exceed twenty (20) percent of the lot area plus, one thousand (1,000) square feet. On a lot that is between six thousand (6,000) square feet and ten thousand (10,000) square feet, an additional two hundred-fifty (250) square feet shall be added for a detached accessory structure.

- (3) On a lot that is more than ten thousand (10,000) square feet, the allowable floor area for single-family dwellings and buildings accessory to single-family dwellings shall not exceed thirty (30) percent, plus two hundred-fifty (250) square feet for a detached accessory structure.
 - (4) The allowable floor area for buildings containing permitted uses other than single-family dwellings and buildings accessory to single-family dwellings shall not exceed forty (40) percent of the lot area.
- (b) For the purpose of calculating *allowable floor area*, one hundred (100) percent of the floor area of the following spaces and building elements shall be included:
- (1) The total floor area of all principal buildings as measured along the outside walls of such buildings and including each finished or unfinished floor level plus the total floor area of the ground floor of any accessory building larger than one hundred twenty (120) square feet, plus that portion of the floor area of any second story having a ceiling height of at least seven and one-half (7-1/2) feet located within such accessory building on the lot.
 - (2) Basement floor areas where any exterior basement wall is exposed by more than three (3) feet above the existing grade at the interior side lot line adjacent to the wall.
 - (3) Roofed porches, balconies and breezeways that are enclosed on more than two sides.
- (c) For the purpose of calculating *allowable floor area*, the floor area of the following spaces and building elements shall be counted at two hundred (200) percent:
- High volume spaces on the first or second floor where the distance between the floor and the ceiling or roof rafters directly above is greater than fourteen (14) feet.
- (d) For the purpose of calculating *allowable floor area*, the floor area of the following spaces and building elements shall not be included:
- The first two hundred and fifty (250) square feet of a detached accessory building, provided that it is located behind a street-fronting principal building and is separated from such principal building by at least ten (10) feet.

- (3) *Allowable Floor Area on Rear Half of Lots.* The allowable floor area on the rear half of a lot shall not exceed twenty five (25) percent of the area of the rear fifty (50) percent of the lot.
- (4) *Residential.* Any new single-family dwelling that is proposed to be located behind a street-fronting principal building shall contain a maximum of eight hundred (800) square feet of floor area unless such new single-family dwelling contains a two-car garage, in which case it shall contain a maximum of one thousand (1,000) square feet of floor area, including the garage. Floor area shall include all floor space within the basement and first floor plus that portion of the floor area of any second story having a ceiling height of at least seven and one-half (7½) feet. A new single-family dwelling may be located in any area of the rear portion of such lot, provided that it complies with the setback requirements of this District and there is at least a ten-foot separation between structures. The building footprint for such single-family dwelling shall not exceed six hundred (600) square feet.
- (5) *Accessory Buildings With Habitable Space (or Potential Future Habitable Space).* Any accessory building with water and/or sewer service shall be considered to have habitable space. Any person applying for a building permit for such a building shall sign and record with the Larimer County Clerk and Recorder an affidavit stating that such accessory structure shall not be used as a dwelling unit. All applicable building permits issued for such buildings shall be conditioned upon this prohibition. Any such structure containing habitable space that is located behind a street-fronting principal building shall contain a maximum of six hundred (600) square feet of floor area. Floor area shall include all floor space within the basement and ground floor plus that portion of the floor area of any second story having a ceiling height of at least seven and one-half (7½) feet. Such accessory building may be located in any area of the rear portion of a lot, provided that it complies with the setback requirements of this District and there is at least a ten-foot separation between structures.
- (6) *Accessory Buildings Without Habitable Space.* Any accessory building without water and/or sewer service, which has not been declared to contain habitable space by the applicant, shall not exceed a total floor area of six hundred (600) square feet. Floor area shall include all floor space (including basement space) within the building having a ceiling height of at least seven and one-half (7½) feet.

Section 3. That Section 4.7(E) of the Land Use Code is hereby amended to read as follows:

(E) ***Dimensional Standards.***

...

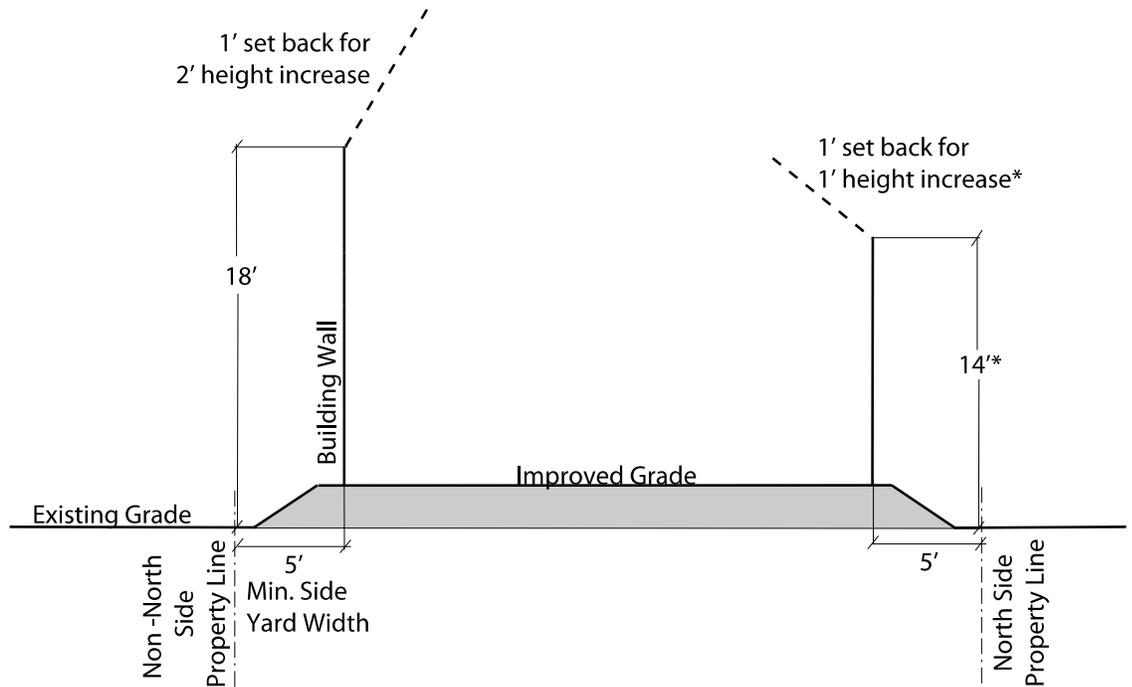
(4) *Minimum Side Yard and Maximum Wall Height.* Minimum side yard width shall be five (5) feet for all interior side yards. Whenever any portion of a building wall along a side lot line exceeds eighteen (18) feet in height, as measured from the existing grade at the interior side lot line adjacent to the wall, such portion of the building wall 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 building wall height that exceeds eighteen (18) feet in height, except as provided in “a” below. 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).

(a) *Solar Access Setbacks.* For building construction that results in:

1. a two (2) story house where a one (1) story house previously existed, or
2. a new house that is greater than two thousand five hundred (2,500) square feet, or
3. an addition that results in a total square footage of more than three thousand (3,000) square feet, and
4. construction on a lot where there is a lot abutting the north side of the subject lot and the house on such abutting lot is one (1) story,

building height shall be reduced to preserve solar access on adjacent lots such that whenever any portion of a north-facing side building wall that adjoins a lot to the north exceeds fourteen (14) feet in height, as measured from the existing grade at the interior side lot line adjacent to the wall, such portion of the building wall shall be set back from the interior side lot line an additional one (1) foot beyond the minimum required, for each one (1) foot, or fraction thereof, of building wall that exceeds fourteen (14) feet in height. For lots that are forty (40) feet or less in width, the fourteen (14) foot starting height may be increased by one (1) foot for each one (1) foot of decreased lot width up to a maximum starting height of eighteen (18) feet.

Figure XX: Minimum Side Yard Width and Maximum Building Wall Height



*Applies only to north-facing building walls adjoining a property to the north for building construction that results in a two (2) story house where a one (1) story house previously existed, or when the construction is for a new house that is greater than two thousand five hundred (2,500) square feet, or for an addition that results in a total square footage of more than three thousand (3,000) square feet, and where there is a lot abutting the north side of the subject lot and the house on such abutting lot is one (1) story.

- (5) Maximum building height shall be two (2) stories, except in the case of carriage houses, and accessory buildings containing habitable space, which shall be a maximum of one and one-half (1-1/2) stories.

Section 4. That Section 4.7(F) of the Land Use Code is hereby amended to read as follows:

(F) *Development Standards.*

(1) *Building Design.*

...

(h) *Front Façade Character.* When building construction results in:

- 1. a two (2) story house where a one (1) story house previously existed and where there is at least one (1) lot abutting the side of

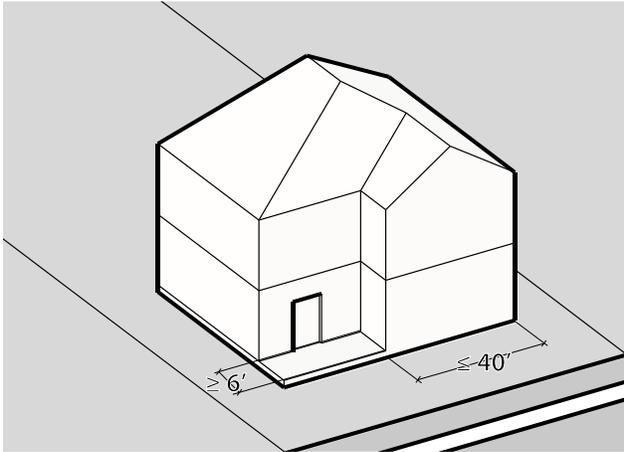
the subject lot and the house on such abutting lot is one (1) story,
or

2. a new house that is greater than two thousand five hundred (2,500) square feet, or
3. a second-story addition that results in a total square footage of more than three thousand (3,000) square feet

at least one (1) front façade feature from the menu below shall be included to promote pedestrian orientation and compatibility with the character of the structures on the block face:

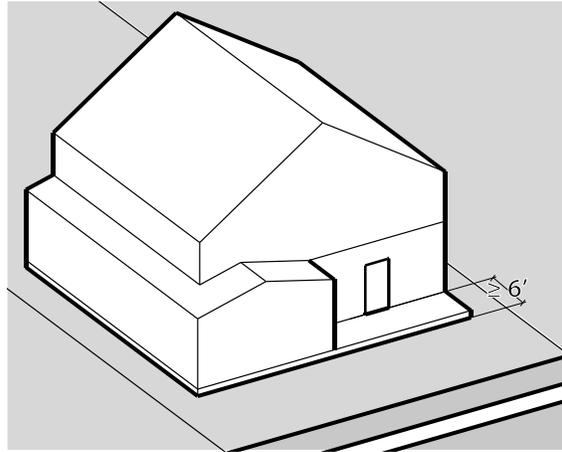
Figure XX: Menu of Design Options for Front Façade Character

Limited Two Story Façade



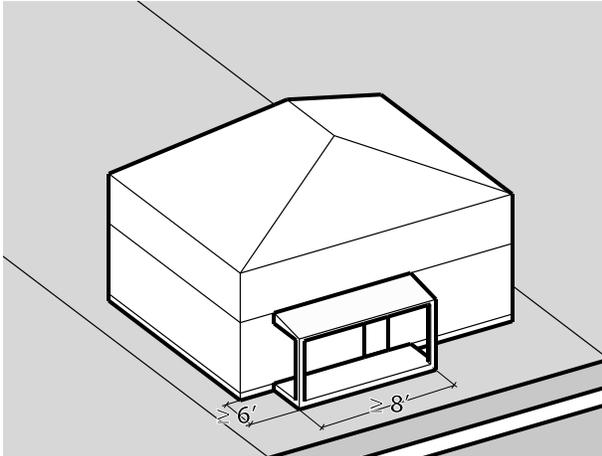
Two-story front-façade width is no more than 40', with any remaining two-story front façade set back an additional six (6) feet from the street.

One Story Element



The portion of the façade closest to the street is one-story, with any two-story façade set back an additional six (6) feet from the street.

Covered Entry Feature



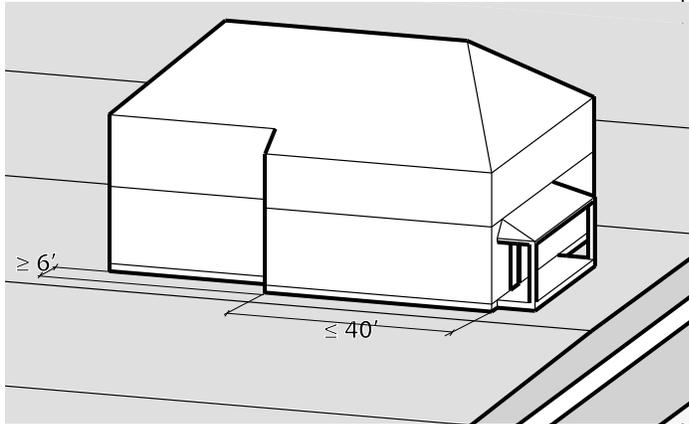
A covered entry feature such as a front porch or stoop is located on the front façade. The feature shall have a minimum depth of at least six (6) feet. (as measured from the building façade to the posts and railings) and a minimum length of eight (8) feet.

- (i) *Side Façade Character.* When building construction results in:
1. a new house that is greater than two thousand five hundred (2,500) square feet, or
 2. a second-story addition that results in a total square footage of more than three thousand (3,000) square feet

at least one (1) side façade feature from the menu below shall be included to address potential looming and privacy impacts on neighbors:

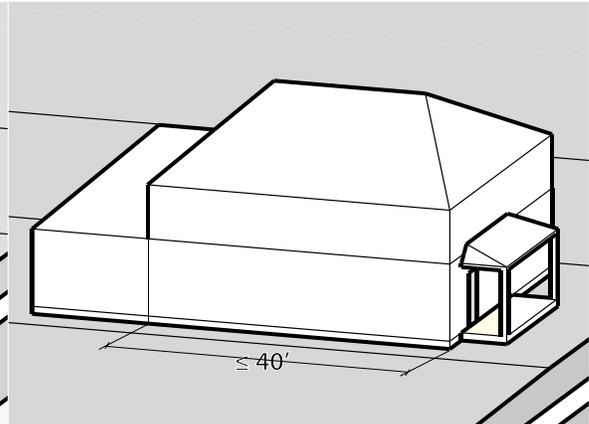
Figure XX: Menu of Design Options for Side Façade Character

Wall Offset



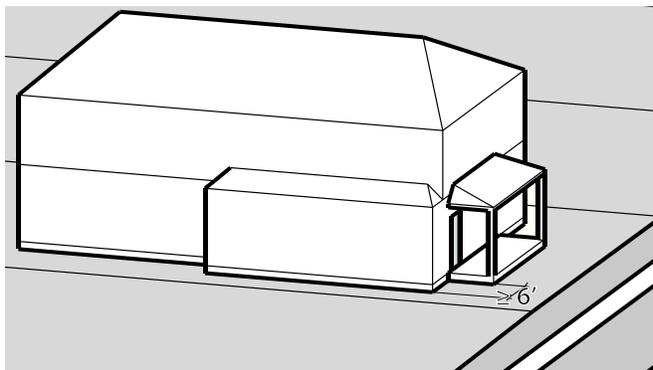
Two-story façade width at the minimum side yard is no more than forty (40) feet, with any remaining two-story façade set back an additional six (6) feet beyond the minimum required side yard.

Step Down in Height



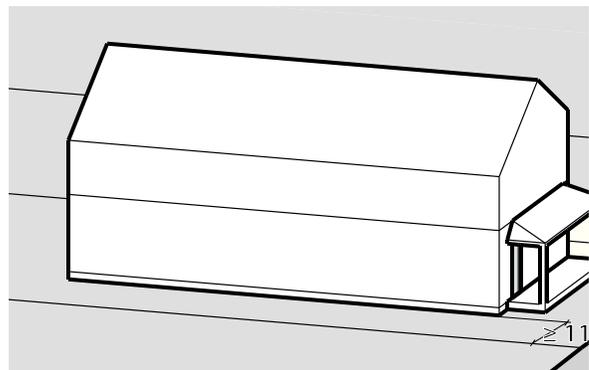
Two-story façade width at the minimum side yard is no more than forty (40) feet, with any remaining façade width at the minimum side yard reduced to one-story.

One Story Element



A one-story building element with a minimum depth of six (6) feet is located at the minimum side yard.

Additional Setback



Any two-story façade is set back an additional six (6) feet beyond the minimum required side yard.

...

Section 5. That Section 4.8(D) of the Land Use Code is hereby amended to read as follows:

(D) Land Use Standards.

- (1) *Required Lot Area.* Minimum lot area shall not be less than the following: five thousand (5,000) square feet for a single-family or two-family dwelling and six thousand (6,000) square feet for all other uses.

(2) *Allowable Floor Area on Lots.*

(a) The allowable floor area shall be as follows:

- (1) On a lot of less than four thousand (4,000) square feet, the allowable floor area for single-family dwellings and buildings accessory to single-family dwellings shall not exceed fifty (50) percent of the lot area.
- (2) On a lot that is between four thousand (4,000) square feet and ten thousand (10,000) square feet, the allowable floor area for single-family dwellings and buildings accessory to single-family dwellings shall not exceed twenty-five (25) percent of the lot area plus one thousand (1,000) square feet. On a lot that is between six thousand (6,000) square feet and ten thousand (10,000) square feet, an additional two hundred-fifty (250) square feet shall be added for a detached accessory structure.
- (3) On a lot that is more than ten thousand (10,000) square feet, the allowable floor area for single-family dwellings and buildings accessory to single-family dwellings shall not exceed thirty-five (35) percent of the lot area, plus two hundred-fifty (250) square feet for a detached accessory structure.
- (4) The allowable floor area for buildings containing permitted uses other than single-family dwellings and buildings accessory to single-family dwellings shall not exceed forty (40) percent of the lot area.

(b) For the purpose of calculating *allowable floor area*, one hundred (100) percent of the floor area of the following spaces and building elements shall be included:

- (1) The total floor area of all principal buildings as measured along the outside walls of such buildings and including each finished or unfinished floor level plus the total floor area of the ground floor of any accessory building larger than one hundred twenty (120) square feet, plus that portion of the floor area of any second story having a ceiling height of at least seven and one-half (7-1/2) feet located within such accessory building located on the lot.
- (2) Basement floor areas where any exterior basement wall is exposed by more than three (3) feet above the existing grade at the interior side lot line adjacent to the wall.

(3) Roofed porches, balconies and breezeways that are enclosed on more than two (2) sides.

(c) For the purpose of calculating *allowable floor area*, the floor area of the following spaces and building elements shall be counted at two hundred (200) percent:

High volume spaces on the first or second floor where the distance between the floor and the ceiling or roof rafters directly above is greater than fourteen (14) feet.

(d) For the purpose of calculating *allowable floor area*, the floor area of the following spaces and building elements shall not be included:

The first two hundred and fifty (250) square feet of a detached accessory building, provided that it is located behind a street-fronting principal building and is separated from such principal building by at least ten (10) feet

(3) *Allowable Floor Area on Rear Half of Lots.* The allowable floor area on the rear half of a lot shall not exceed thirty-three (33) percent of the area of the rear fifty (50) percent of the lot.

(4) *Residential.* Any new single-family dwelling that is proposed to be located behind a street-fronting principal building shall contain a maximum of one thousand (1,000) square feet of floor. Floor area shall include all floor space within the basement and first floor plus that portion of the floor area of any second story having a ceiling height of at least seven and one-half (7½) feet. A new single-family dwelling may be located in any area of the rear portion of such lot, provided that it complies with the setback requirements of this District and there is at least a ten-foot separation between structures. The building footprint for such single-family dwelling shall not exceed six hundred (600) square feet.

(5) *Accessory Buildings With Habitable Space (or Potential Future Habitable Space).* Any accessory building with water and/or sewer service shall be considered to have habitable space. Any person applying for a building permit for such a building shall sign and record with the Larimer County Clerk and Recorder an affidavit stating that such accessory structure shall not be used as a dwelling unit. All applicable building permits issued for such buildings shall be conditioned upon this prohibition. Any such structure containing habitable space that is located behind a street-fronting principal building shall contain a maximum of six hundred (600) square feet of floor area. Floor area shall include all floor space within the basement and ground floor plus that portion of the floor area of any second story having a ceiling height of at least seven and one-half (7½) feet. Such accessory building may be located in any area of the rear portion of a lot,

provided that it complies with the setback requirements of this District and there is at least a ten-foot separation between structures.

- (6) *Accessory Buildings Without Habitable Space.* Any accessory building without water and/or sewer service, which has not been declared to contain habitable space by the applicant, shall not exceed a total floor area of six hundred (600) square feet. Floor area shall include all floor space (including basement space) within the building having a ceiling height of at least seven and one-half (7½) feet.

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

(E) ***Dimensional Standards***

...

- (4) *Minimum Side Yard and Maximum Wall Height.* Minimum side yard width shall be five (5) feet for all interior side yards. Whenever any portion of a building wall along a side lot line exceeds eighteen (18) feet in height, as measured from the natural grade at the interior side lot line adjacent to the wall, such portion of the building wall 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 building wall height that exceeds eighteen (18) feet in height, except as provided for in “a” below. 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).

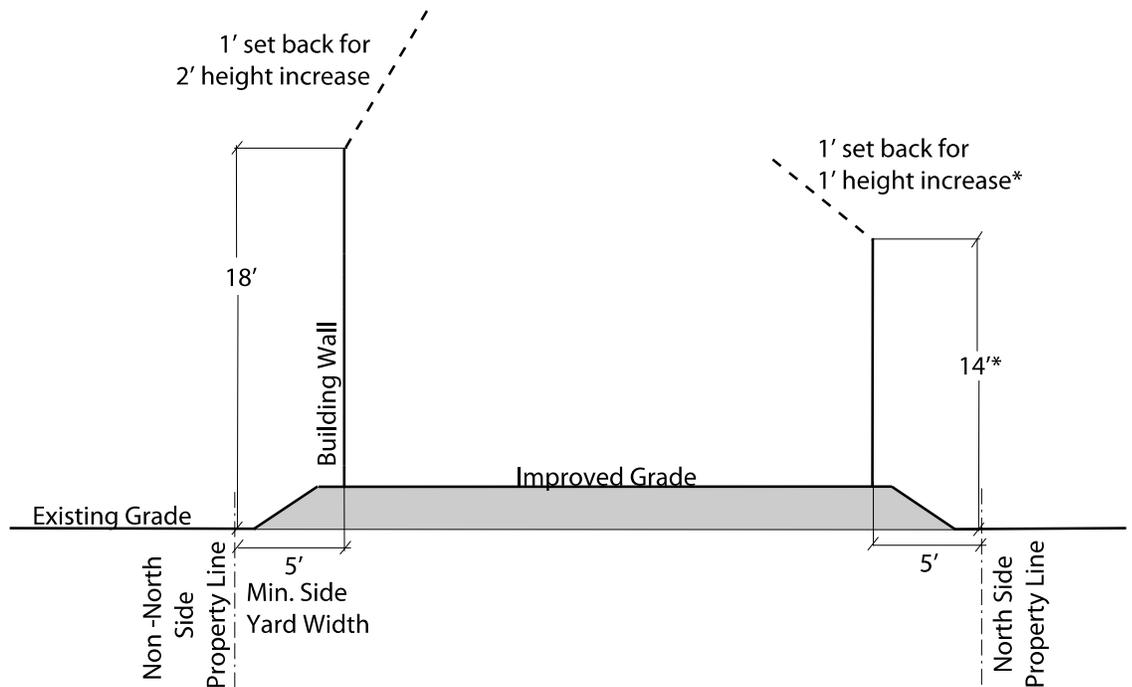
(a) *Solar Access Setbacks.* For building construction that results in:

1. a two (2) story house where a one (1) story house previously existed, or
2. a new house that is greater than two thousand five hundred (2,500) square feet, or
3. an addition that results in a total square footage of more than three thousand (3,000) square feet, and
4. construction on a lot where there is a lot abutting the north side of the subject lot and the house on such abutting lot is one (1) story

building height shall be reduced to preserve solar access on adjacent lots such that whenever any portion of a north-facing side building wall that adjoins a lot to the north exceeds fourteen (14) feet in height, as measured

from the existing grade at the interior side lot line adjacent to the wall, such portion of the building wall shall be set back from the interior side lot line an additional one (1) foot beyond the minimum required, for each one (1) foot, or fraction thereof, of building wall that exceeds fourteen (14) feet in height. For lots that are forty (40) feet or less in width, the fourteen (14) foot starting height may be increased by one (1) foot for each one (1) foot of decreased lot width up to a maximum starting height of eighteen (18) feet.

Figure XX: Minimum Side Yard Width and Maximum Building Wall Height



*Applies only to north-facing building walls adjoining a property to the north for building construction that results in a two (2) story where a one (1) story previously existed, or when the construction is for a new house that is greater than two thousand five hundred (2,500) square feet, or for an addition that results in a total square footage of more than three thousand (3,000) square feet, and where there is a lot abutting the north side of the subject lot and the house on such abutting lot is one (1) story.

- (5) Maximum building height shall be two (2) stories, except for carriage houses, and accessory buildings containing habitable space, which shall be limited to one and one-half (1 1/2) stories.

Section 7. That Section 4.8(F) of the Land Use Code is hereby amended to read as follows:

(F) *Development Standards*

(1) *Building Design.*

...

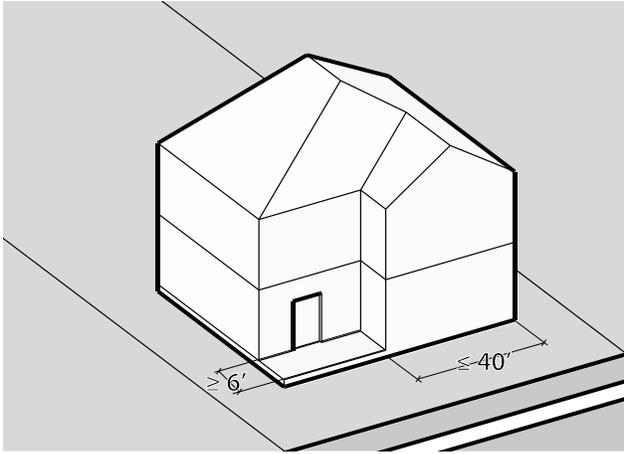
(h) *Front Façade Character.* When building construction results in:

1. a two (2) story house where a one (1) story house previously existed and where there is an abutting house on either side that is one (1) story, or
2. a new house that is greater than two thousand five hundred (2,500) square feet, or
3. a second-story addition that results in a total square footage of more than three thousand (3,000) square feet

at least one (1) front façade feature from the menu below shall be included to promote pedestrian orientation and compatibility with the character of structures on the block face:

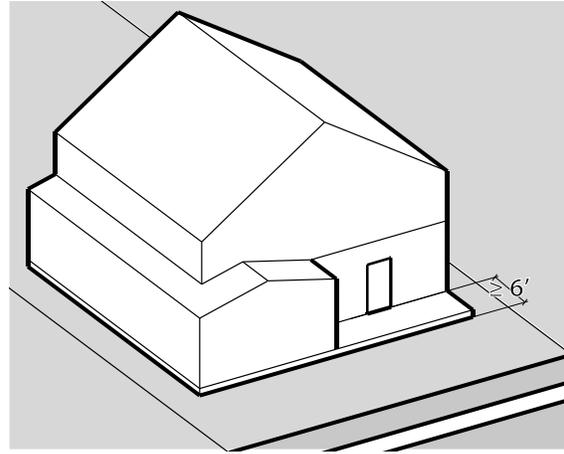
Figure XX: Menu of Design Options for Front Façade Character

Limited Two Story Façade



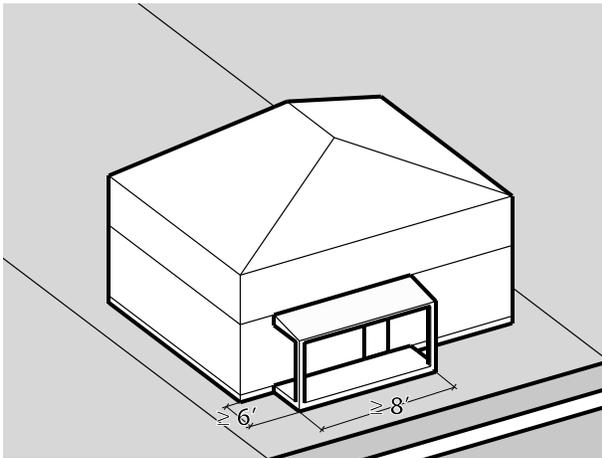
Two-story front-façade width is no more than 40', with any remaining two-story front façade set back an additional six (6) feet from the street.

One Story Element



The portion of the façade closest to the street is one-story, with any two-story façade set back an additional six (6) feet from the street.

Covered Entry Feature



A covered entry feature such as a front porch or stoop is located on the front façade. The feature shall have a minimum depth of at least six (6) feet (as measured from the building façade to the posts and railings) and a minimum length of eight (8) feet.

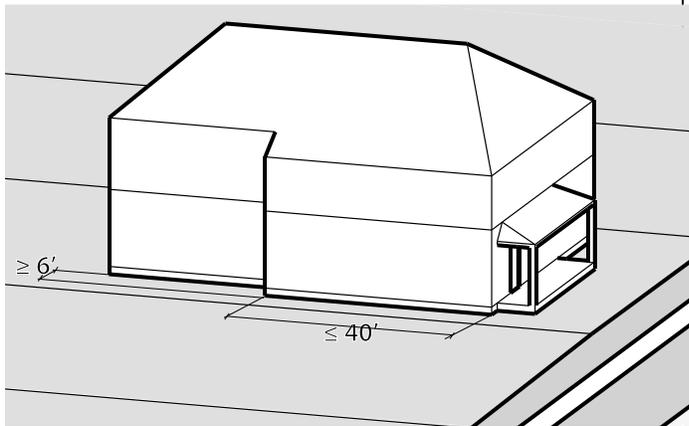
- (i) *Side Façade Character.* When building construction results in:
 - 1. a new house that is greater than two thousand five hundred (2,500) square feet, or

2. a second-story addition that results in a total square footage of more than three thousand (3,000) square feet

at least one (1) side façade feature from the menu below shall be included to address potential looming and privacy impacts on neighbors:

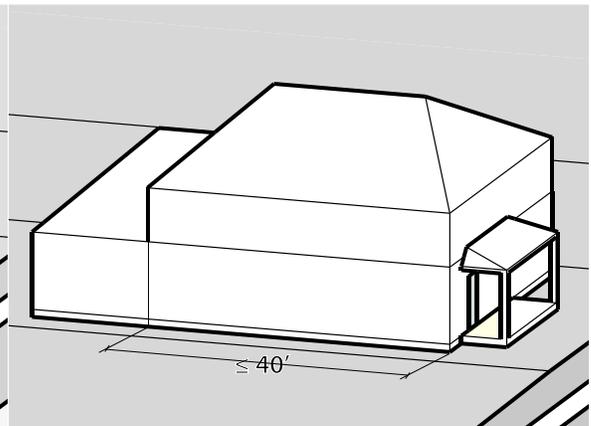
Figure XX: Menu of Design Options for Side Façade Character

Wall Offset



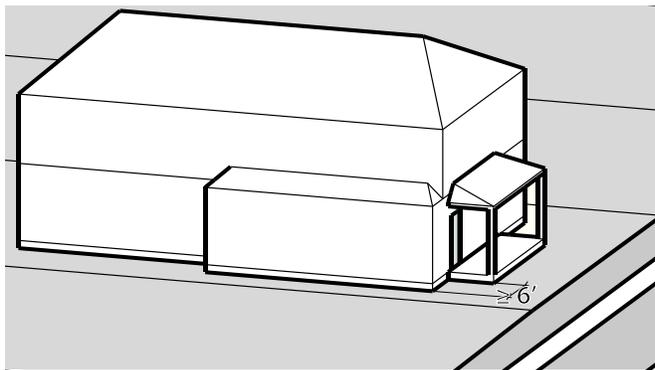
Two-story façade width at the minimum side yard is no more than forty (40) feet, with any remaining two-story façade set back an additional six (6) feet beyond the minimum required side yard.

Step Down in Height



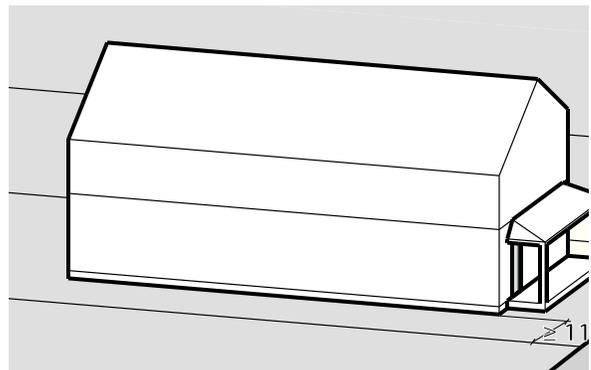
Two-story façade width at the minimum side yard is no more than forty (40) feet, with any remaining façade width at the minimum side yard reduced to one-story.

One Story Element



A one-story building element with a minimum depth of six (6) feet is located at the minimum side yard.

Additional Setback



Any two-story façade is set back an additional six (6) feet beyond the minimum required side yard.

Section 8. That the amendments provided for in this Ordinance shall apply to complete applications for development approval or for building permits that are properly filed with the City on or after May 15, 2013.

Introduced, considered favorably on first reading, and ordered published this 26th day of February, A.D. 2013, and to be presented for final passage on the 5th day of March, A.D. 2013.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 5th day of March, A.D. 2013.

Mayor

ATTEST:

City Clerk