

ORDINANCE NO. 051, 2012  
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 its adoption of Ordinance No. 051, 1997, the City Council enacted 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 the City 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, City staff 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 City Council has determined that the recommended Land Use Code amendments 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 1.5.1 of the Land Use Code is hereby amended to read as follows:

**1.5.1 Continuation of Use**

- (A) A nonconforming use may be continued and a nonconforming building or structure may continue to be occupied or used, except as otherwise provided in this Division as long as such use complies with the following limitations:
  - (1) The hours of operation of a nonconforming use may not be extended into the hours between 10:00 pm and 7:00 am.
  - (2) The nonconforming use shall not be converted from a seasonal to a multi-seasonal operation.
  - (3) Light intensity and hours of illumination shall not be changed except in compliance with the site lighting standards contained in Section 3.2.4 of this Code.
  - (4) Any proposals for the addition of trash receptacles and/or the relocation of existing trash receptacles shall comply with the location and design standards in Sections 3.2.5 and 3.5.1(I) of this Code.

- (5) Outdoor storage areas shall not be expanded, nor shall they be relocated closer to any adjoining residential use.

Section 2. That Section 1.6.2 of the Land Use Code is hereby amended to read as follows:

#### **1.6.2 Continuation of Use**

- (A) An existing limited permitted use may be continued except as otherwise provided in this Division as long as such use complies with the following limitations:
  - (1) The hours of operation of a nonconforming use may not be extended into the hours between 10:00 pm and 7:00 am.
  - (2) The nonconforming use shall not be converted from a seasonal to a multi-seasonal operation.
  - (3) Light intensity and hours of illumination shall not be changed except in compliance with the site lighting standards contained in Section 3.2.4 of this Code.
  - (4) Any proposals for the addition of trash receptacles and/or the relocation of existing trash receptacles shall comply with the location and design standards in Sections 3.2.5 and 3.5.1(I) of this Code.
  - (5) Outdoor storage areas shall not be expanded, nor shall they be relocated closer to any adjoining residential use.

Section 3. That Section 2.1.4(C)(1) of the Land Use Code is hereby amended to read as follows:

#### **2.1.4 Effect of Development Application Approval**

...

- (C) **Criteria.** In considering whether to approve any application for abandonment pursuant to this Section, the appropriate decision maker shall be governed by the following criteria:
  - (1) The application shall not be approved if, in so approving, any portion of the property remains developed or to be developed in accordance with the previously approved development plan and, because of the abandonment, such remaining parcel of property would no longer qualify for development approval pursuant to either the standards and requirements of the most current version of this Land Use Code or, if such remaining parcel of property was not reviewed and approved under this Land Use Code, then the standards and requirements of the Transitional Land Use Regulations dated August 1997, on file in the office of the City Clerk shall apply.

...

Section 4. That Section 2.2.6(D) of the Land Use Code is hereby amended to read as follows:

(D) ***Supplemental Notice Requirements.***

	<i>Minimum Notice Radius</i>	<i>Sign Size</i>
All developments except as described below.	800 feet	12 square feet
Developments proposing more than fifty (50) and less than one hundred (100) single-family or two-family lots or dwelling units.	800 feet	12 square feet
Developments proposing more than twenty-five (25) and less than one hundred (100) multi-family dwelling units.	800 feet	12 square feet
Nonresidential developments containing more than twenty-five thousand (25,000) and less than fifty thousand (50,000) square feet of floor area.	800 feet	12 square feet
Developments proposing one hundred (100) or more single-family or two-family lots or dwelling units.	1,000 feet	12 square feet
Developments proposing one hundred (100) or more multi-family dwelling units.	1,000 feet	12 square feet
Nonresidential developments containing fifty thousand (50,000) or more square feet of floor area.	1,000 feet	12 square feet
Nonresidential developments which propose land uses or activities which, in the judgment of the Director, create community or regional impacts.	1,000 feet; plus, with respect to neighborhood meetings, publication of a notice not less than seven (7) days prior to the meeting in a newspaper of general circulation in the City.	12 square feet
Zonings and rezonings of forty (40) acres or less.	800 feet	12 square feet
Zonings and rezonings of more than forty (40) acres.	1,000 feet	12 square feet

Section 5. That Section 2.6.2(A) of the Land Use Code is hereby amended to read as follows:

**2.6.2 Applicability**

- (A) A Stockpiling Permit shall be required for stockpiling soils or similar inorganic materials upon property that is not subject to the provisions of a valid Development Construction Permit.

...

Section 6. That Section 2.9.2 of the Land Use Code is hereby amended to read as follows:

### **2.9.2. Applicability**

Any and all amendments to the text of this Land Use Code and any and all changes to the Zoning Map must be processed in accordance with this Division. Only the Council may, after recommendation of the Planning and Zoning Board, adopt an ordinance amending the text of this Land Use Code or the Zoning Map in accordance with the provisions of this Division.

Section 7. That Section 2.9.4 of the Land Use Code is hereby amended to read as follows:

### **2.9.4. Text and Map Amendment Review Procedures**

An amendment to the text of this Land Use Code or an amendment to the Zoning Map may be approved by the City Council by ordinance after receiving a recommendation from the Planning and Zoning Board. Any such proposed amendment shall be processed through a public hearing before the Planning and Zoning Board, which hearing shall be held either prior to City Council consideration of the proposed amendment or between first and second readings of the ordinance approving the amendment which will provide a recommendation to the City Council. (See Steps 1 through 12 below). The City Clerk shall cause the hearing by the City Council to be placed on the agenda for a future City Council meeting; and the public hearing before the City Council shall be held after at least fifteen (15) days' notice of the time, date and place of such hearing and the subject matter of the hearing and the nature of the proposed zoning change has been given by publication in a newspaper of general circulation within the city. On a proposal for a text amendment, the Planning and Zoning Board shall hold a hearing, which hearing shall be held either prior to City Council consideration of the proposed amendment or between first and second readings of the ordinance approving the amendment. Notice shall be given as required for ordinances pursuant to the City Charter. The City Council shall then approve, approve with conditions, or deny the amendment based on its consideration of the Staff Report, the Planning and Zoning Board recommendation and findings, and the evidence from the public hearings, and based on the amendment's compliance with the standards and conditions established in this section. (See Steps 8 and 9 below).

...

Section 8. That Section 3.2.1(J)(3)(e) of the Land Use Code is hereby amended to read as follows:

#### **(e) Sprinkler Performance Audit.**

1. A sprinkler performance audit shall be performed by a landscape irrigation auditor who is independent of the installation contractor, and who is certified by the Irrigation Association (a nonprofit industry organization dedicated to promoting efficient irrigation).

Sprinkler systems that are designed and installed without turf areas are exempt from this requirement.

2. The audit shall include measurement of distribution uniformity. Minimum acceptable distribution uniformities shall be sixty (60) percent for sprayhead zones and seventy (70) percent for rotor zones. Sprinklerheads equipped with multi-stream rotary nozzles are considered rotors.

...

Section 9. That Section 3.2.2(C)(4) of the Land Use Code is hereby amended to read as follows:

- (4) *Bicycle Facilities.* Commercial, industrial, civic, employment and multi-family residential uses shall provide bicycle facilities to meet the following standards:
  - (a) Required Types of Bicycle Parking. To meet the minimum bicycle parking requirements, the development must provide required bicycle parking for both Enclosed Bicycle Parking and Fixed Bicycle Racks.
  - (b) Bicycle Parking Space Requirements. The minimum bicycle parking requirements are set forth in the table below. For uses that are not specifically listed in the table, the number of bicycle parking spaces required shall be the number required for the most similar use listed.

Use Categories	Bicycle Parking Space Minimums	% Enclosed Bicycle Parking / % Fixed Bicycle Racks
Residential and Institutional Parking Requirements		
Multifamily Residential	1 per bedroom	60% / 40%
Fraternity and Sorority Houses	1 per bed	60% / 40%
Group Homes	No Requirement	n/a
Recreational Uses	1/2,000 sq. ft., minimum of 4	0% / 100%
Schools/Places of Worship or Assembly and Child Care Centers	1/3,000 sq. ft., minimum of 4	0% / 100%

Use Categories	Bicycle Parking Space Minimums	% Enclosed Bicycle Parking / % Fixed Bicycle Racks
Small Scale Reception Centers in the U-E, Urban Estate District	1/4,000 sq. ft., minimum of 4	0% / 100%
Extra Occupancy Rental Houses	1 per bed	0% / 100%
Non-Residential Parking Requirements		
Restaurants		
a. Fast Food	1.5/1,000 sq. ft., minimum of 4	0% / 100%
b. Standard	1/1,000 sq. ft., minimum of 4	0% / 100%
Bars, Taverns, and Nightclubs	1/500 sq. ft., minimum of 4	0% / 100%
Commercial Recreational	1/2,000 sq. ft., minimum of 4	20% / 80%
Theaters	1 / 30 seats, minimum of 4	0% / 100%
General Retail	1/4,000 sq. ft., minimum of 4	20% / 80%
Personal Business and Service Shop	1/4,000 sq. ft., minimum of 4	20% / 80%
Shopping Center	1/4,000 sq. ft., minimum of 4	20% / 80%
Medical Office	1/4,000 sq. ft., minimum of 4	20% / 80%
Financial Services	1/4,000 sq. ft., minimum of 4	20% / 80%
Grocery Store, Supermarket	1/3,000 sq. ft., minimum of 4	20% / 80%
General Office	1/4,000 sq. ft., minimum of 4	20% / 80%
Vehicle Servicing & Maintenance	4	n/a
Low Intensity Retail, Repair Service, Workshop and Custom Small Industry	4	n/a
Lodging Establishments	1 per 4 units	60% / 40%
Health Facilities	1/5000 sq. ft., minimum of 4	20% / 80%
Industrial: Employee Parking	4	n/a

- (c) **Alternative Compliance.** Upon written request by the applicant, the decision maker may approve an alternative number of bicycle parking spaces that may be substituted in whole or in part for the number that would meet the standards of this Section.

1. **Procedure.** The alternative bicycle parking plan shall be prepared and submitted in accordance with the submittal requirements for bicycle parking plans. Each such plan shall clearly identify and

discuss the modifications and alternatives proposed and the ways in which the plan will better accomplish the purposes of this Section than would a plan that complies with the standards of this Section.

2. *Review Criteria.* To approve an alternative plan, the decision maker must first find that the proposed alternative plan accomplishes the purposes of this Section equally well or better than would a plan that complies with the standards of this Section.

In reviewing a request for an alternative number of bicycle parking spaces, the decision maker must consider whether the proposed land use will likely experience a lower than normal amount of bicycle traffic. Factors to be taken into consideration in making this determination may include, but need not be limited to: (i) the nature of the proposed use; (ii) its location in relation to existing or planned bicycle facilities or infrastructure; and (iii) its proximity to natural features that make the use of bicycles for access to the project infeasible.

Section 10. That Section 3.3.3(A) of the Land Use Code is hereby amended to read as follows:

### **3.3.3 Water Hazards**

- (A) Lands which are subject to flooding or are located in a natural drainageway shall not be approved for development or redevelopment unless the following conditions are met:
  - (1) the project development plan complies with the Basin Master Drainageway Plan as applicable.
  - (2) the project development plan complies with the City's Stormwater Criteria Manual.

...

Section 11. That Section 3.4.3 of the Land Use Code is hereby amended to read as follows:

### **3.4.3 Water Quality**

The development must comply with all applicable local, state and federal water quality standards, including, but not limited to, those regulating erosion and sedimentation, storm drainage and runoff control, and the treatment of solid wastes, and hazardous substances. Projects must be designed such that all runoff draining from development sites is treated in accordance with the criteria set forth in the Stormwater Criteria Manual. Stormwater control and treatment measures may include, but are not limited to:

- grass buffers
- grass swales
- bioretention (rain garden or porous landscape detention)
- extended detention basins
- constructed wetlands ponds
- sand filters
- retention ponds
- constructed wetland channels
- permeable pavements

Section 12. That Section 3.10.5(G) of the Land Use Code is hereby amended to read as follows:

- (G) **Windows.** Standard storefront window and door systems may be used as the predominant style of fenestration for non-residential or mixed-use buildings as long as the building facade visually establishes and defines the building stories and establishes human scale and proportion. Minimum glazing on pedestrian-oriented facades of buildings shall be sixty (60) percent on the ground floor and forty (40) percent on upper floors. Projects functionally unable to comply with this requirement shall mitigate such noncompliance with ample, enhanced architectural features such as a change in massing or materials, enhanced landscaping, trellises, arcades or shallow display window cases.

Section 13. That the table contained in Section 4.16(B)(2) of the Land Use Code is hereby amended to read as follows:

...

B. INSTITUTIONAL/CIVIC/PUBLIC	<i>Old City Center</i>	<i>Canyon Avenue</i>	<i>Civic Center</i>
...			
Micro-brewery/distillery/winery	BDR	Type 2	Type 2

...

Section 14. That Section 4.17(B)(2)(c) of the Land Use Code is hereby amended by the addition of a new subparagraph 13 which reads in its entirety as follows:

13. Micro-brewery/distillery/winery.

Section 15. That Section 4.18(B)(2)(c) of the Land Use Code is hereby amended by the addition of a new subparagraph 26 which reads in its entirety as follows:

26. Micro-brewery/distillery/winery.

Section 16. That Section 4.19(B)(2)(c) of the Land Use Code is hereby amended by the addition of a new subparagraph 25 which reads in its entirety as follows:

25. Micro-brewery/distillery/winery.



Section 17. That the table contained in Section 4.21(B) of the Land Use Code is hereby amended to read as follows:

<i>Land Use</i>	<i>I-25/SH 392 (CAC)</i>	<i>General Commercial District (C-G)</i>
<b>A. RESIDENTIAL</b>		
...		
Mixed-use dwellings	Type 1	Type 1
Multi-family dwellings	Not permitted	Type 1
...		
<b>B. INSTITUTIONAL/CIVIC/PUBLIC</b>		
...		
Bars and taverns	Not permitted	Type 1
Micro-brewery/distillery/winery	Not permitted	Type 1
<b>C. COMMERCIAL/RETAIL</b>		
...		
Equipment rental establishments without outdoor storage	Not permitted	Type 1
Equipment, truck and trailer rental	Not permitted	Type 1
Exhibit hall	Not permitted	Type 2
Adult day/respite care centers	Not permitted	Type 2
Outdoor amphitheaters	Not permitted	Type 2
...		

Section 18. That Section 4.22(B)(2)(c) of the Land Use Code is hereby amended by the addition of a new subparagraph 42 which reads in its entirety as follows:

42. Micro-brewery/distillery/winery.

Section 19. That Section 4.23(B)(3)(c) of the Land Use Code is hereby amended by the addition of a new subparagraph 7 which reads in its entirety as follows:

7. Micro-brewery/distillery/winery.

Section 20. That that table contained in Section 4.24(B)(2) of the Land Use Code is hereby amended to read as follows:

<i>Land Use</i>	<i>Riverside Area</i>	<i>All Other Areas</i>
<b>B. INSTITUTIONAL/CIVIC/PUBLIC</b>		
...		
Micro-brewery/distillery/winery	Type 1	Type 1

...

Section 21. That Section 4.27(B)(2)(c) of the Land Use Code is hereby amended by the addition of a new subparagraph 13 which reads in its entirety as follows:

13. Micro-brewery/distillery/winery.

Section 22. That Section 4.28(B)(3)(b) of the Land Use Code is hereby amended by the addition of a new subparagraph 17 which reads in its entirety as follows:

17. Micro-brewery/distillery/winery.

Section 23. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “*Bicycle parking, enclosed*” which reads in its entirety as follows:

*Bicycle parking, enclosed* shall mean bicycle storage in lockers, a room or other space within a parking structure or other building, including, without limitation, a shed or carport. All types of enclosed bicycle storage must be easily accessible to entrances and walkways, secure, lighted and protected from the weather. Each storage space shall provide a minimum of six (6) square feet in area. The storage space shall not impede fire exits or be located so that parked bicycles interfere with public access.

Section 24. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “*Bicycle parking, fixed*” which reads in its entirety as follows:

*Bicycle parking, fixed* shall mean bicycle parking that allows the bicycle frame and both wheels to be securely locked to the parking structure. The structure shall be of permanent construction such as heavy gauge tubular steel with angle bars permanently attached to the pavement foundation. Fixed bicycle parking facilities shall be at least two (2) feet in width and five and one-half (5½) feet in length, with additional back-out or maneuvering space of at least five (5) feet.

Section 25. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “*Micro-brewery*” which reads in its entirety as follows:

*Micro-brewery* shall mean a facility that produces no more than fifteen thousand (15,000) barrels per year of fermented malt beverages on site and shall include a taproom in which guests/customers may sample the product.

Section. 26. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “*Micro-distillery*” which reads in its entirety as follows:

*Micro-distillery* shall mean a facility that produces no more than fifteen thousand (15,000) gallons per year of spirituous beverages on site and shall include a tasting room in which guests/customers may sample the product.

Section 27. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “*Micro-winery*” which reads in its entirety as follows:

*Micro-winery* shall mean a facility that produces no more than one hundred thousand (100,000) gallons per year of vinous beverages on site and shall include a tasting room in which guests/customers may sample the product.

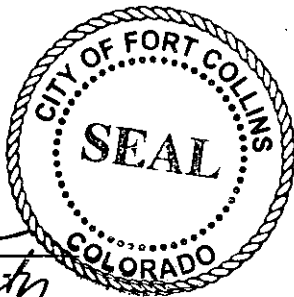
Section 28. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition "*Stockpiling*" which reads in its entirety as follows:

*Stockpiling* shall mean the act by which soil or similar inorganic material to be used in connection with anticipated development on such parcel of property is deposited on such property. The stockpiling of material is intended to be temporary in terms of the appearance, shape and grade of the material. Stockpiling shall not include activities such as the grading, leveling, or compaction of the deposited material or the surrounding ground. *Stockpiling* shall also not include residential landscaping activities.

Introduced, considered favorably on first reading, and ordered published this 5th day of June, A.D. 2012, and to be presented for final passage on the 17th day of July, A.D. 2012.

ATTEST:


  
Interim City Clerk




  
Mayor

Passed and adopted on final reading on the 17th day of July, A.D. 2012.

ATTEST:

  
City Clerk



  
Mayor