

ORDINANCE NO. 092, 2012
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CERTAIN PROVISIONS OF THE LAND USE CODE
TO AFFORD BETTER REGULATION OF MULTI-FAMILY, HIGH DENSITY
HOUSING DEVELOPMENTS

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, concerns have arisen within the community and among the members of the City Council regarding the cumulative effect of the development of multi-family housing and the potential adverse impacts of such development in areas adjacent to the development that are of a single-family residential nature; and

WHEREAS, upon the request of the City Council, City staff has developed and proposed certain revisions to the Land Use Code which are designed to assist in prompt resolution of some of the problems and impacts that are created by the proliferation of multi-family housing while, at the same time, City staff is pursuing additional measures that may be appropriate; and

WHEREAS, City Council has determined that requiring the Medium Density Mixed-Use Neighborhood Land Use and Development Standards to be applied to all multi-family projects City-wide and modifying the Neighborhood Commercial Zone District provisions to ensure that a significant commercial component is included within multi-family housing projects and requiring that all multi-family housing projects develop and present to the City an operation, management and security plan, is in the best interests of the City; and

WHEREAS, following significant public outreach and consideration by the Planning and Zoning Board, the City Council has determined that the proposed revisions 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 Division 3.8 of the Land Use Code is hereby amended by the addition of a new subsection 3.8.30 entitled "Multi-Family Dwelling Development Standards" which reads in its entirety as follows:

3.8.30 Multi-Family Dwelling Development Standards

- (A) ***Purpose/Applicability.*** The following standards apply to all multi-family developments and are intended to promote variety in building form and product, visual interest, access to parks, pedestrian-oriented streets, and compatibility with surrounding neighborhoods. Multi-family developments in the Transit-Oriented Development (TOD) Overlay Zone are exempt from subsections (B), (C), and (E) of this Section.
- (B) ***Mix of Housing Types.*** A complete range of the permitted housing types is encouraged in a neighborhood and within any individual development plan, to the extent reasonably feasible, depending on the size of the parcel. The following minimum standards are intended to promote such variety:
- (1) A minimum of two (2) housing types shall be required on any development parcel sixteen (16) acres or larger, including parcels that are part of a phased development. A minimum of three (3) housing types shall be required on any development parcels thirty (30) acres or larger.
 - (2) Lot sizes and dimensions shall be varied for different housing types to avoid monotonous streetscapes. For example, larger housing types on larger lots are encouraged on corners. Smaller lots abutting common open spaces are encouraged.
 - (3) The following list of housing types shall be used to satisfy this requirement:
 - (a) Small lot single-family detached dwellings on lots containing less than six thousand (6,000) square feet.
 - (b) Two-family dwellings.
 - (c) Single-family attached dwellings.
 - (d) Mixed-use dwelling units.
 - (e) Group homes.
 - (f) Multifamily dwellings.
 - (4) ***Lot pattern.*** The lot size and layout pattern shall be designed to allow buildings to face toward the street.
- (C) ***Access to a park, central feature or gathering place.*** At least ninety (90) percent of the dwellings in all development projects shall be located within one thousand three hundred twenty (1,320) feet (one-quarter [$\frac{1}{4}$] mile) of either a neighborhood park, a privately owned park or a central feature or gathering place that is located either within the project or within adjacent development, which distance shall be

measured along street frontage without crossing an arterial street. Such parks, central features or gathering places shall contain one (1) or more of the following uses:

- (1) Public parks, recreation areas or other open lands.
 - (2) Privately owned parks, meeting the following criteria:
 - (a) **Size.** In development projects greater than two (2) acres in gross area, such private parks must be a minimum of ten thousand (10,000) square feet. In development projects with a gross area of two (2) acres or less, such private parks must be a minimum of six (6) percent of the gross site area.
 - (b) **Location.** Such parks shall be highly visible, secure settings formed by the street layout and pattern of lots and easily observed from streets. Rear facades and rear yards of dwellings shall not abut more than two (2) sides or more than fifty (50) percent of the perimeter frontage of the park.
 - (c) **Accessibility.** All parts of such parks shall be safely and easily accessible by pedestrians, and open to the public.
 - (d) **Facilities.** Such parks shall consist of multiple-use turf areas, walking paths, plazas, pavilions, picnic tables, benches or other features for various age groups to utilize.
 - (e) **Ownership and Maintenance.** Such parks may, in the discretion of the city, be acquired by the city (through dedication or purchase), or be privately owned and maintained by the developer or property owners' association.
 - (f) **Storm Drainage.** When integrating storm drainage and detention functions to satisfy this requirement, the design of such facilities shall not result in slopes or gradients that conflict with other recreational and civic purposes of the park.
 - (3) Community facilities or neighborhood support/recreation facilities (which are permitted as an accessory use to housing). If such facility is smaller than the required minimum size for privately owned parks as required in subparagraph 2(a) above, then the facility shall be physically integrated with such park space as needed to meet the required minimum size.
- (D) **Block Requirements.** All development shall comply with the applicable standards set forth below, unless the decision maker determines that compliance with a specific element of the standard is infeasible due to unusual topographic features, existing development, safety factors or a natural area or feature:

- (1) *Block structure.* Each multi-family project shall be developed as a series of complete blocks bounded by streets (public or private). (See Figures A through F). Natural areas, irrigation ditches, high-voltage power lines, operating railroad tracks and other similar substantial physical features may form up to two (2) sides of a block.
- (2) *Block size.* All blocks shall be limited to a maximum size of seven (7) acres.
- (3) *Minimum building frontage.* Forty (40) percent of each block side or fifty (50) percent of the block faces of the total block shall consist of either building frontage, plazas or other functional open space.

(E) **Buildings.**

- (1) The portion of a building located within a radius of seventy-five (75) feet of the right-of-way of an intersection of two (2) arterial streets may contain an additional fourth story.
- (2) The portion of a building within a radius of fifty (50) feet of the right-of-way of any street intersection (except an arterial/arterial intersection) may contain an additional fourth story.
- (3) Minimum setback from street right-of-way: none.

Figure A
Example of Shopping Center on One Block

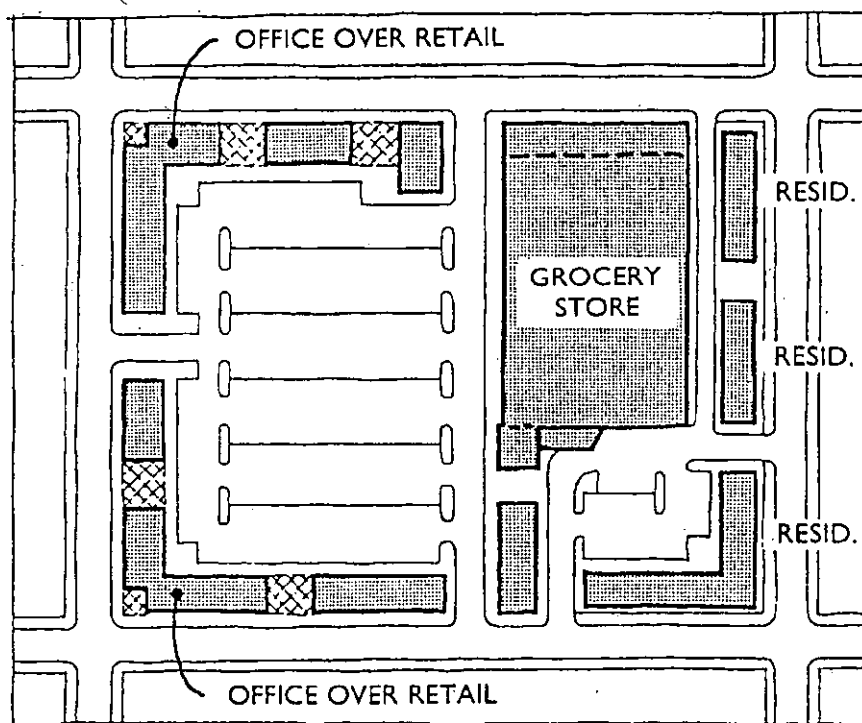


Figure B
Example of Park/Civic Block

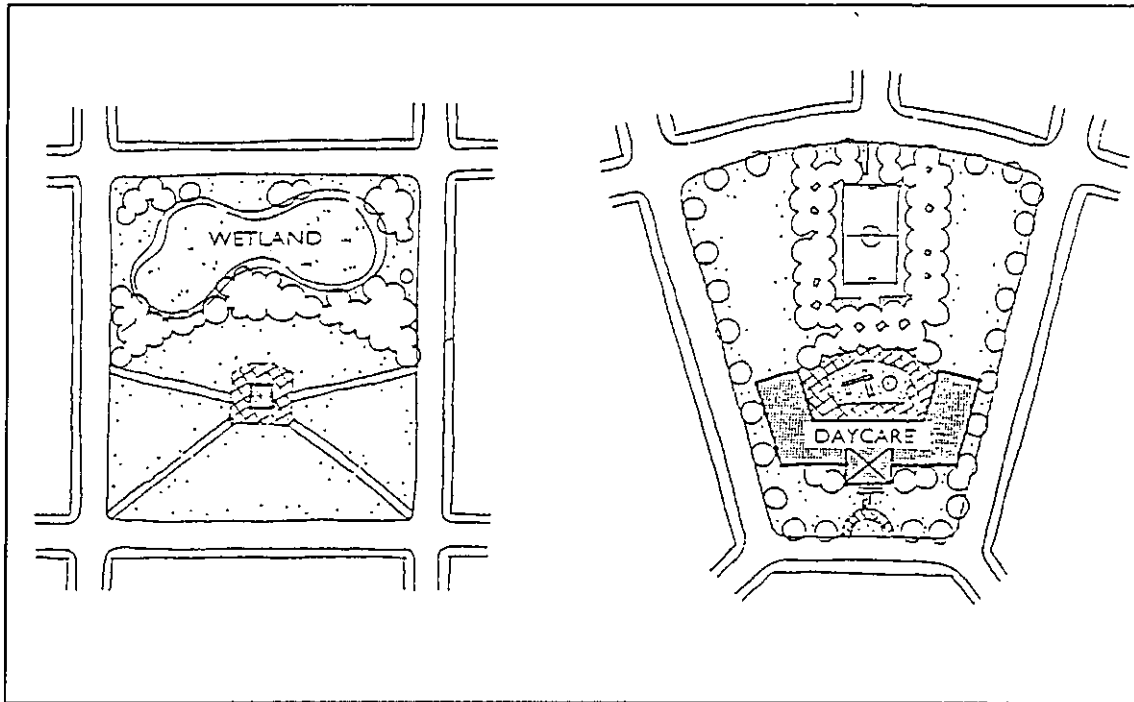


Figure C
Example of Garden Apartment Block

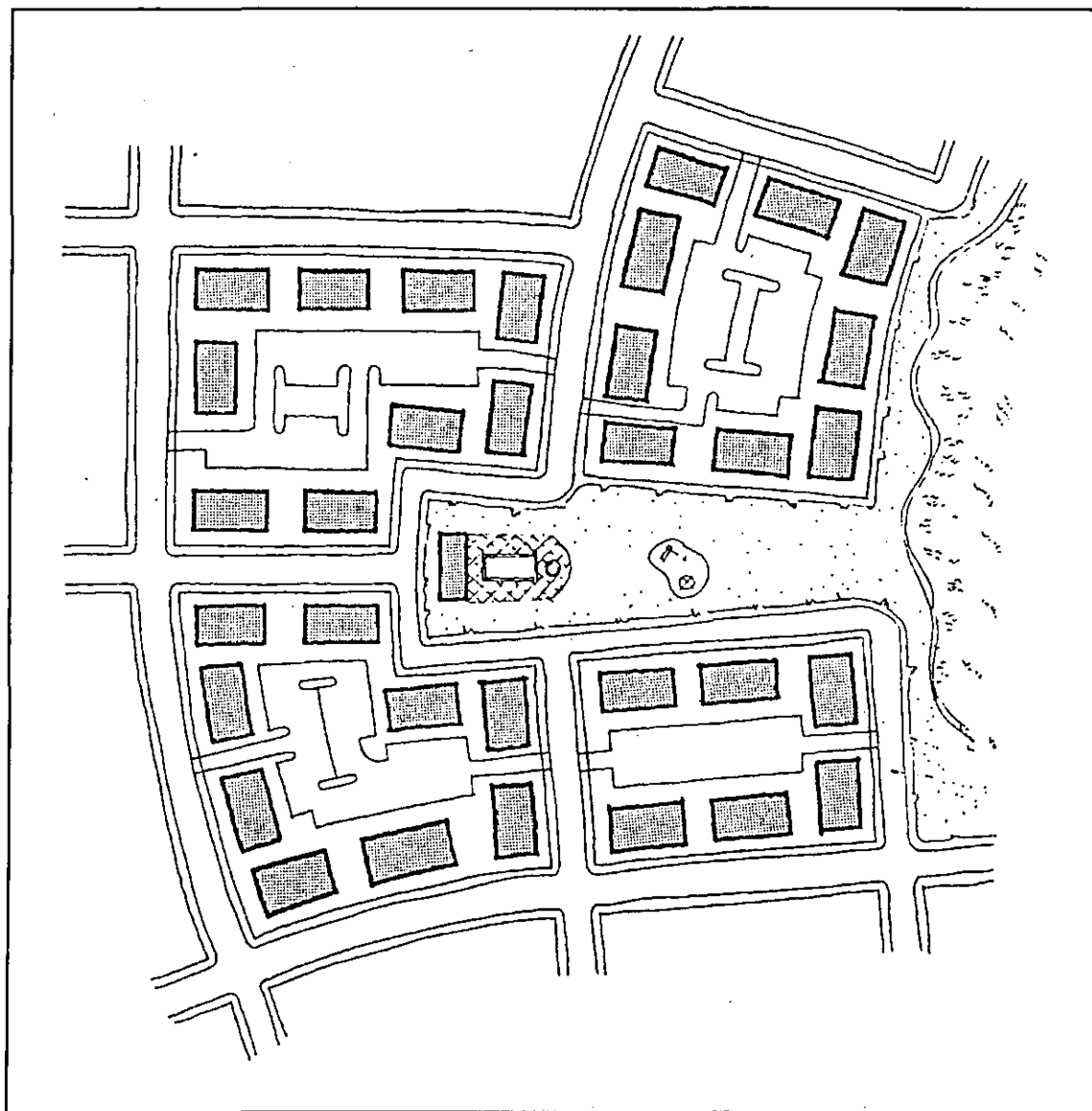


Figure D
Example of Townhouses and Small Lot Houses



Figure E
Example of Bungalow Block

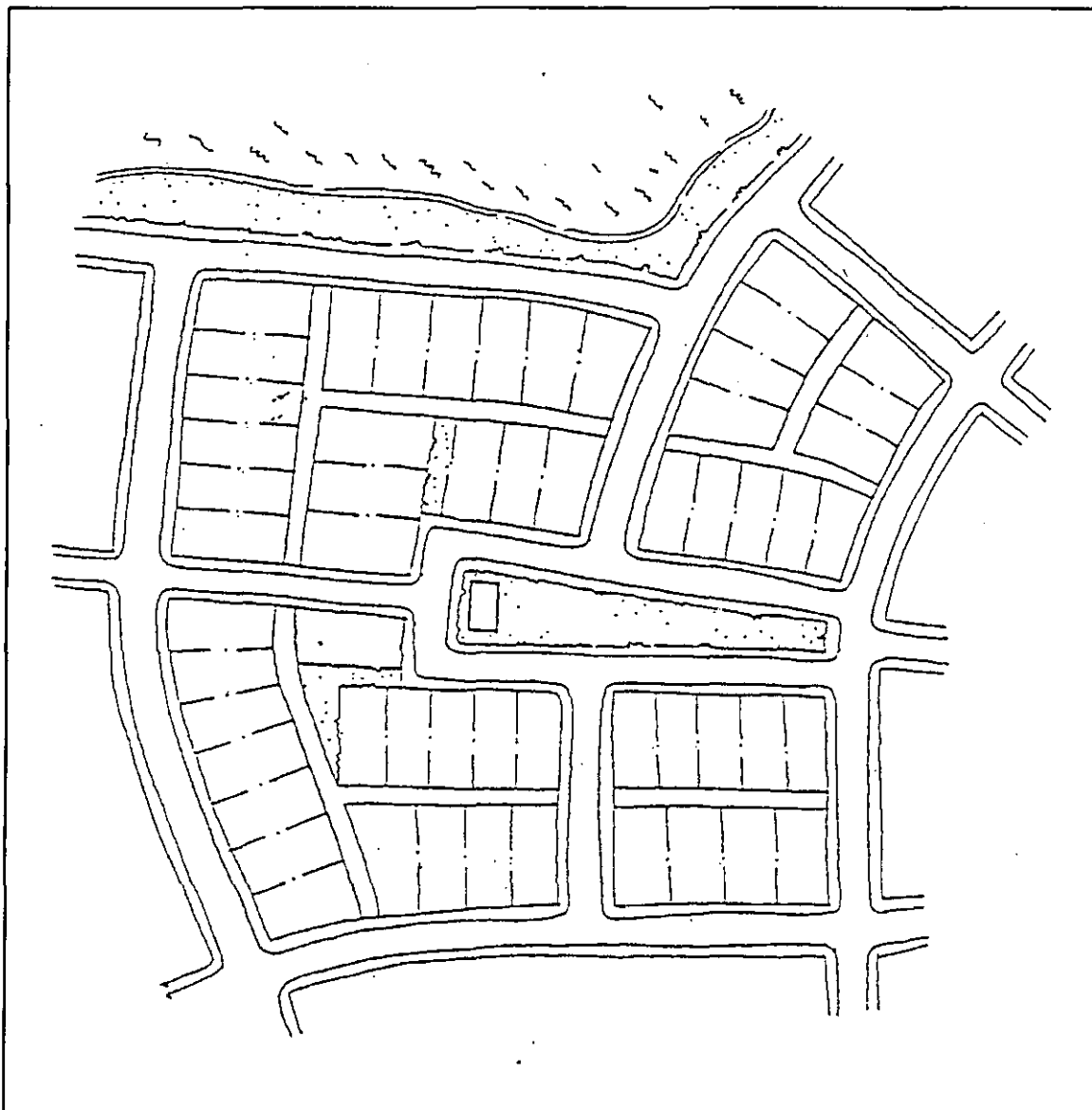
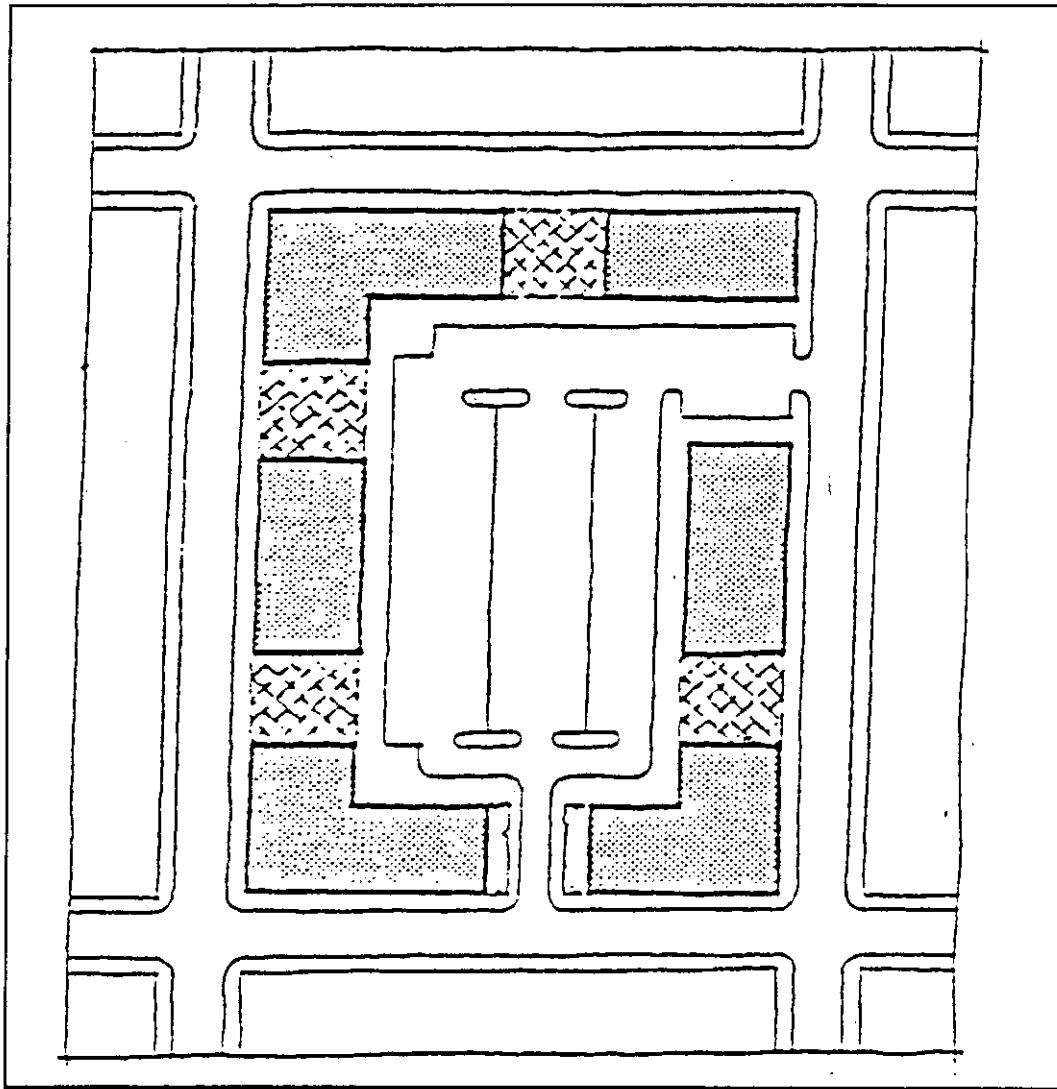


Figure F
Example of Office Block



- (F) *Design standards for multi-family dwellings.*
- (1) *Orientation and setbacks.* Setbacks from the property line of abutting property containing single- and two-family dwellings shall be twenty-five (25) feet.
 - (2) *Variation among repeated buildings.* For any development containing at least three (3) and not more five (5) buildings (excluding clubhouses/leasing offices), there shall be at least two (2) distinctly different building designs. For any such development containing more than five (5) buildings (excluding clubhouses/ leasing offices), there shall be at least three (3) distinctly different building designs. For all developments, there shall be no more than two (2) similar buildings placed

next to each other along a street, street-like private drive or major walkway spine. Buildings shall be considered similar unless they vary significantly in footprint size and shape, architectural elevations and entrance features, within a coordinated overall theme of roof forms, massing proportions and other characteristics. To meet this standard, such variation shall not consist solely of different combinations of the same building features.

- (3) *Variation of color.* Each multi-family building shall feature a palette of muted colors, earth tone colors, natural colors found in surrounding landscape or colors consistent with the adjacent neighborhood. For a multiple structure development containing at least forty (40) and not more than fifty-six (56) dwelling units, there shall be at least two (2) distinct color schemes used on structures throughout the development. For any such development containing more than fifty-six (56) dwelling units, there shall be at least three (3) distinct color schemes used on structures throughout the development. For all developments, there shall be no more than two (2) similarly colored structures placed next to each other along a street or major walkway spine.
- (4) *Entrances.* Entrances shall be made clearly visible from the streets and public areas through the use of architectural elements and landscaping.
- (5) *Roofs.* Roof lines may be either sloped, flat or curved, but must include at least two (2) of the following elements:
 - (a) The primary roof line shall be articulated through a variation or terracing in height, detailing and/or change in massing.
 - (b) Secondary roofs shall transition over entrances, porches, garages, dormers, towers or other architectural projections.
 - (c) Offsets in roof planes shall be a minimum of two (2) feet in the vertical plane.
 - (d) Termination at the top of flat roof parapets shall be articulated by design details and/or changes in materials and color.
 - (e) Rooftop equipment shall be hidden from view by incorporating equipment screens of compatible design and materials.
- (6) *Facades and walls.* Each multi-family dwelling shall be articulated with projections, recesses, covered doorways, balconies, covered box or bay windows and/or other similar features, dividing large facades and walls into human-scaled proportions similar to the adjacent single- or two-family dwellings, and shall not have repetitive, undifferentiated wall planes. Building facades shall be articulated with horizontal and/or vertical elements that break up blank walls of forty (40) feet or longer.

Facade articulation may be accomplished by offsetting the floor plan, recessing or projection of design elements, change in materials and/or change in contrasting colors. Projections shall fall within setback requirements.

- (7) *Colors and materials.* Colors of non-masonry materials shall be varied from structure to structure to differentiate between buildings and provide variety and individuality. Colors and materials shall be integrated to visually reduce the scale of the buildings by contrasting trim, by contrasting shades or by distinguishing one (1) section or architectural element from another. Bright colors, if used, shall be reserved for accent and trim.

Section 2. That Division 4.6(D) and (E) of the Land Use Code is hereby amended to read as follows:

DIVISION 4.6 MEDIUM DENSITY MIXED-USE NEIGHBORHOOD DISTRICT (M-M-N)

(D) *Land Use Standards.*

- (1) *Density.* Residential developments in the Medium Density Mixed-Use Neighborhood District shall have an overall minimum average density of twelve (12) dwelling units per net acre of residential land except that residential developments (whether approved pursuant to overall development plans or project development plans) containing twenty (20) acres or less shall have an overall minimum average density of seven (7) dwelling units per net acre of residential land. The requirements of this paragraph shall not apply to mixed-use dwellings in multistory mixed-use buildings.
 - (a) The minimum residential density of any phase in a multiple-phase development plan shall be seven (7) dwelling units per net acre of residential land.
- (2) *Secondary Uses.* All residential uses, parks and recreational facilities and community facilities are considered the primary uses of this zone district. All other permitted uses are considered secondary uses in this zone district and, for projects containing ten (10) or more acres, together shall occupy no more than fifteen (15) percent of the total gross area of any development plan. If the project contains less than ten (10) acres, the development plan must demonstrate how it contributes to the overall mix of land uses within the surrounding area, but shall not be required to provide a mix of land uses within the development.
- (3) *Building height.* Buildings shall be limited to a maximum of three (3) stories.

Section 3. That Section 4.23(D)(2) of the Land Use Code is hereby amended to read as follows:

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

- (1) *District Boundaries/Edges.* Land use boundaries and density changes in the Neighborhood Commercial District shall occur at mid-block locations to the maximum extent feasible, rather than at streets (so that similar buildings face each other).
- (2) *Secondary Uses.* All residential permitted uses, except mixed use dwellings in multistory mixed use buildings, shall be considered secondary uses in this zone district and, for projects containing five (5) or more acres, together shall occupy no more than thirty (30) percent of the total gross area of any development plan. If the project contains less than five (5) acres, the development plan must demonstrate how it contributes to the overall mix of land uses within the surrounding area, but shall not be required to provide a mix of land uses within the development.

Introduced, considered favorably on first reading, and ordered published this 4th day of September, A.D. 2012, and to be presented for final passage on the 18th day of September, A.D. 2012.

ATTEST:

Wanda Nelson
City Clerk

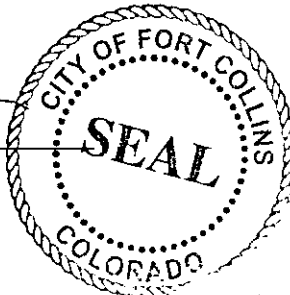


Karen Weickert
Mayor

Passed and adopted on final reading on the 18th day of September, A.D. 2012.

ATTEST:

Wanda Nelson
City Clerk



Karen Weickert
Mayor