

ORDINANCE NO. 081, 2024
 OF THE COUNCIL OF THE CITY OF FORT COLLINS
 AMENDING THE LAND USE CODE OF THE CITY OF FORT COLLINS
 TO REMOVE RESIDENTIAL OCCUPANCY LIMITATIONS

A. Pursuant to Ordinance 055, 2024, Council adopted the revised Land Use Code by reference which went into effect on May 27, 2024.

B. The Land Use Code contains certain residential occupancy limits based upon familial relationships.

C. Colorado House Bill 24-1007, effective July 1, 2024, prohibits the City from limiting who may live together in a single dwelling based on familial relationship.

D. In order for the City to comply with House Bill 24-1007, the existing Land Use Code residential occupancy limits based upon familial relationships must be amended as set forth in this Ordinance.

E. On June 20, 2024, the Planning and Zoning Commission on a unanimous vote (6-0, Shepard absent) recommended that Council adopt the proposed changes set forth in this Ordinance.

F. Concurrently by separate ordinance, City Code references to residential occupancy limits based upon familial relationships are also being amended.

G. This Ordinance amends the Land Use Code which was adopted by reference in Ordinance 055, 2024. However, the amendments contained in this Ordinance are set forth in their entirety herein, rather than adopted by reference.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. ARTICLE 2 ZONE DISTRICTS, DIVISION 2.1 RESIDENTIAL DISTRICTS, Section 2.1.4, RL - Low Density Residential District, DEVELOPMENT STANDARDS, BUILDING ENVELOPE, Building Height Table is hereby amended to read as follows:

| BUILDING HEIGHT | |
|---|--|
| Single-Unit Dwelling or Child-Care Center | 28' max. F |
| All Other Uses | 3 Stories max. |

Section 2. ARTICLE 2 ZONE DISTRICTS, DIVISION 2.2 MIXED-USE DISTRICTS, Section 2.2.1, LMN – Low Density Mixed-Use Neighborhood District, DEVELOPMENT STANDARDS, BUILDING MASS & SCALE, BUILDING MASS table, Variation in Massing is hereby amended to read as follows:

...

Variation in Massing includes:

...

- Dividing large facades and walls into human-scaled proportions similar to the adjacent single – or two-unit dwellings.

...

Section 3. ARTICLE 2 ZONE DISTRICTS, DIVISION 2.2 MIXED-USE DISTRICTS, Section 2.2.2, MMN – Medium Density Mixed-Use Neighborhood District, DEVELOPMENT STANDARDS, BUILDING MASS & SCALE, BUILDING MASS table, Variation in Massing is hereby amended as follows:

...

Variation in Massing includes:

...

- Dividing large facades and walls into human-scaled proportions similar to the adjacent single – or two-unit dwellings.

...

Section 4. ARTICLE 2 ZONE DISTRICTS, DIVISION 2.2 MIXED-USE DISTRICTS, Section 2.2.3, HMN – High Density Mixed-Use Neighborhood District, DEVELOPMENT STANDARDS, BUILDING MASS & SCALE, Building Mass table, Variation in Massing is hereby amended to read as follows:

...

Variation in Massing includes:

...

- Dividing large facades and walls into human-scaled proportions similar to the adjacent single – or two-unit dwellings.

...

Section 5. ARTICLE 2 ZONE DISTRICTS, DIVISION 2.2 MIXED-USE DISTRICTS, Section 2.2.4, NC – Neighborhood Commercial District, DEVELOPMENT STANDARDS, BLOCK STRUCTURE is hereby amended to read as follows:

...

BLOCK STRUCTURE

Each development within this District shall be developed as a series of complete blocks bounded by public or private streets (see Section 5.3.2(E) for Multi-Unit Block Requirements). 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.

...

Section 6. ARTICLE 2 ZONE DISTRICTS, DIVISION 2.3 COMMERCIAL DISTRICTS, Section 2.3.1, CC - Community Commercial District, DEVELOPMENT STANDARDS, BLOCK STRUCTURE is hereby amended as follows:

...

BLOCK STRUCTURE

Each Community Commercial District and each development within this District shall be developed as a series of complete blocks bounded by public or private streets (see Section 5.3.2(E) for Multi-Unit Block Requirements). 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.

...

Section 7. ARTICLE 2 ZONE DISTRICTS, DIVISION 2.3 COMMERCIAL DISTRICTS, Section 2.3.6, CL - Limited Commercial District, DEVELOPMENT STANDARDS, BUILDING STANDARDS, Variation in Massing is hereby amended as follows:

...

Variation in Massing includes:

...

- Dividing large facades and walls into human-scaled proportions similar to the adjacent single- or two-unit dwellings

Section 8. ARTICLE 3 BUILDING TYPES, DIVISION 3.1 RESIDENTIAL BUILDING TYPES, Section 3.1.2 Apartment Building, MASSING is hereby amended as follows:

- Dividing large façades and walls into human-scaled proportions similar to the adjacent single- or two-unit dwellings shall not have repetitive, monotonous undifferentiated wall planes.

Section 9. ARTICLE 4 USE STANDARDS, DIVISION 4.2 TABLE OF PRIMARY USES is hereby amended to delete the references to Extra-Occupancy Houses and Group Homes to read as follows:

| RESIDENTIAL USES | RESIDENTIAL DISTRICTS | | | | | MIXED-USE DISTRICTS | | | | | COMMERCIAL DISTRICTS | | | | | DOWNTOWN DISTRICTS | | | | | EMPLOYMENT, INDUSTRIAL, OTHER | | | | | | | | | | | |
|--|-----------------------|----|----|----|------|---------------------|-----|-----|-----|------|----------------------|----|-----|-----|----|--------------------|----|----|---------|---------|-------------------------------|--------|----------|-----|----|----|----|---|---|-----|---|---|
| | RUL | UE | RF | RL | OF-A | MH | LMN | MHN | IMN | OF-B | OF-C | CC | CCN | CCR | CG | CG-CAC | CS | NC | CL (RA) | CL (OA) | HC | H, CDR | CA/C /NH | V/R | RC | CN | EC | E | I | POL | T | |
| Single Unit Dwelling | ■ | ■ | ■ | ■ | ■ | | ■ | ■ | | ■ | ■ | | | | | | | | | | | | | | | | | | | | | △ |
| Single Unit Attached Dwelling | ■ | ■ | ■ | | | | ■ | ■ | | ■ | ■ | | | | | | | | | | | | | | | | | | | | | △ |
| Two Unit Dwelling | ■ | ■ | ■ | | | | ■ | ■ | | ■ | ■ | | | | | | | | | | | | | | | | | | | | | |
| Multi-Unit Dwelling | | | | | | | ■ | ■ | | ■ | ■ | | | | | | | | | | | | | | | | | | | | | |
| Mixed-Use Dwelling Units | | | | | | | ■ | ■ | | ■ | ■ | | | | | | | | | | | | | | | | | | | | | |
| Accessory Dwelling Unit | ■ | | | | ■ | | | | | ■ | ■ | | | | | | | | | | | | | | | | | | | | | |
| Short Term Primary Rentals | | ■ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Short Term Non-Primary Rentals | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fraternity & Sorority Houses | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Manufactured Housing Community | | | | | | | ■ | ■ | | | | | | | | | | | | | | | | | | | | | | | | △ |
| Shelter for victims of domestic violence | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | △ |

Regardless of the level of review indicated in the Residential Uses table above all affordable housing developments shall be reviewed through Basic Development Review (BDR).

| | | | |
|----------------------------|----------------------------------|---|----------------------------|
| ■ Basic Development Review | ■ Type 1 (Administrative Review) | ■ Type 2 (Planning and Zoning Commission) | △ Additional Use Standards |
| ■ Minor Amendment | ■ Building Permit | ■ License | |

Section 10. ARTICLE 4 USE STANDARDS, DIVISION 4.3 ADDITIONAL USE STANDARDS, Section 4.3.1 RESIDENTIAL USES, is hereby amended by the deletion of Subparagraphs (C) and (F) and all remaining Subparagraphs renumbered as follows:

(C) Family Care Homes consist of one or more of the following:

(D) Fraternity/Sorority Houses shall mean residences housing students attending an accredited institution of higher learning within the City.

...

(E) Home Occupations

...

(F) Manufactured Housing

...

(G) Mixed Use Dwelling Unit

...

(H) Multi-Unit Dwelling Unit

...

(I) Single Unit Detached Dwelling

...

(J) Single Unit Attached Dwelling

...

(K) Shelter for victims of Domestic Violence

...

(L) Short Term Rentals

...

(M) Two Unit Dwelling

...

(N) Secondary Uses

...

Section 11. ARTICLE 4 USE STANDARDS, DIVISION 4.3 ADDITIONAL USE STANDARDS, Section 4.3.5 ACCESSORY/MISCELLANEOUS USES, subparagraph (H)(1)(b) Wireless Communication is hereby amended to read as follows:

(H) WIRELESS COMMUNICATION

(1) **Applicability and Exemptions.** The provisions of this Section shall apply to any Wireless Communications Facility (WCF) within the City. The requirements set forth in this Section shall not apply to:

...

(b) **Television or radio antennas.** Those antennas, including over the air reception devices, located on single unit dwellings or duplexes, not exceeding one (1) meter in diameter and less than five (5) feet above the highest point of the existing principal structure, or for ground mounted antennas, the requirement that the height be no more than the distance from its base to the property line or the maximum height specified for accessory structures for that zone district, whichever is less. The Director has the authority to approve modifications to the height restriction related to over the air reception device antennas and antenna structures, if in the reasonable discretion of the City, modifications are necessary to comply with federal law.

...

Section 12. ARTICLE 5 General Development and Site Design, TABLE OF CONTENTS, DIVISION 5.14 OCCUPANCY LIMITS is hereby amended to read as follows:

DIVISION 5.14 RESERVED

Section 13. ARTICLE 5 General Development and Site Design, DIVISION 5.2 AFFORDABLE HOUSING, Section 5.2.1 AFFORDABLE HOUSING is hereby amended to read as follows:

5.2.1 AFFORDABLE HOUSING

...

(B) **Applicability.** This Section shall apply to the following development projects:

...

- (3) Section 5.2 does not apply to dormitories, medical facilities, hotels, motels, shelters, tents, short-term rentals or other structures designed or used primarily for temporary occupancy and/or group living.

...

Section 14. Use Categories “Group Homes” and “Extra Occupancy” contained in the table in ARTICLE 5 General Development and Site Design, DIVISION 5.9 BUILDING PLACEMENT AND SITE DESIGN, Section 5.9.1(C)(4)(c) are hereby deleted.

Section 15. ARTICLE 5 General Development and Site Design, DIVISION 5.9 BUILDING PLACEMENT AND SITE DESIGN, Section 5.9.1(D)(2) is hereby amended to read as follows:

5.9.1 ACCESS, CIRCULATION AND PARKING

...

(D) **Access and Parking Lot Requirements.** All vehicular use areas in any proposed development shall be designed to be safe efficient, convenient and attractive, considering use by all modes of transportation that will use the system, (including, without limitation, cars, trucks, buses, bicycles and emergency vehicles).

...

- (2) **Access.** Unobstructed vehicular access to and from a public street shall be provided for all off-street parking spaces. Vehicular access shall be provided in such manner as to protect the safety of persons using such access or traveling in the public street from which such access is obtained and, in such manner, as to protect the traffic-carrying capacity of the public street from which such access is obtained. Notwithstanding the forgoing required off-street parking for an ADU use is allowed one (1) tandem space to count towards minimum parking requirement.

...

Section 16. ARTICLE 5 General Development and Site Design, DIVISION 5.9 BUILDING PLACEMENT AND SITE DESIGN, Section 5.9.1(K)(1) is hereby amended by the deletion of subparagraph (h) **Group Homes** and subparagraph (l) **Extra Occupancy** and all subparagraphs being renumbered accordingly:

5.9.1 ACCESS, CIRCULATION AND PARKING

...

(K) Parking Lots – Required of Off-Street Spaces for Type of Use.

(1) Residential and Institutional Parking Requirements. Residential and institutional uses shall provide a *minimum* number of parking spaces as defined by the standards below:

...

(h) Recreational Uses.

...

(i) Schools, Places of Worship or Assembly and Child Care Centers.

...

(j) Small Scale Reception Centers in the UE, Urban Estate District.

...

(k) Short Term non-primary rentals and short term primary rentals.

...

Section 17. ARTICLE 5 General Development and Site Design, DIVISION 5.14 OCCUPANCY LIMITS is hereby deleted in its entirety and replaced with the following:

DIVISION 5.14 RESERVED

Section 18. ARTICLE 5 General Development and Site Design, DIVISION 5.16 SIGNS, Section 15.16.2 PERMANENT SIGNS, Section 5.16.2(D) Projecting Signs is hereby amended to read as follows:

DIVISION 5.16 SIGNS

...

15.16.2 PERMANENT SIGNS

...

(D) **Projecting Signs.** Projecting signs include awning signs, marquee signs, under-canopy signs, and fin signs. Projecting signs are allowed according to the standards in Table (D), Projecting Signs. Projecting signs shall not extend into the public right-of-way, except that the City may grant a revocable license to allow projecting signs to encroach into the right-of-way.

| Table (D) Projecting Signs | | | | | | |
|--------------------------------|---|---|---|---|---|---|
| Type of Sign Standards | Sign District | | | | | |
| | Outside of Residential Neighborhood Sign District ¹ | | | | | |
| | Downtown | Commerical/Industrial | Mixed-Use | Multi-Unit | Single-Unit | Within Residential Neighborhood Sign District ¹ |
| ... | | | | | | |
| Fin Signs (Primary) | | | | | | |
| Max. # | 1 per street frontage per nonresidential mixed-use, or multi-unit building. | 1 per street frontage per nonresidential mixed-use, or multi-unit building. | 1 per street frontage per nonresidential mixed-use, or multi-unit building. | 1 per street frontage per nonresidential mixed-use, or multi-unit building. | 1 per street frontage per nonresidential mixed-use, or multi-unit building. | 1 per street frontage per nonresidential mixed-use, or multi-unit building. |
| Subject to Sign Area Allowance | Yes. | Yes. | Yes, but only for nonresidential, mixed-use, or multi-unit buildings. | Yes, but only for nonresidential, mixed-use, or multi-unit buildings. | Yes, but only for nonresidential, mixed-use, or multi-unit buildings. | Yes. |
| ... | | | | | | |

...

Section 19. Article 5 General Development and Site Design, DIVISION 5.16 SIGNS, Section 15.16.2 PERMANENT SIGNS, Section 5.16.2(G) Freestanding Permanent Signs is hereby amended to read as follows:

DIVISION 5.16 SIGNS

...

15.16.2 PERMANENT SIGNS

...

(G) **Freestanding Permanent Signs.** Detached permanent signs are allowed according to the standards in Table (G)(1), Freestanding Permanent Signs.

| Table (G)(1) Freestanding Permanent Signs | | | | | | |
|--|--|--|--|--|--|--|
| | Sign District | | | | | |
| | Outside of Residential Neighborhood Sign District ¹ | | | | | |
| Type of Sign Standards | Downtown | Commercial/Industrial | Mixed-Use | Multi-Unit | Single-Unit | Within Residential Neighborhood Sign District ¹ |
| Primary Detached Signs | | | | | | |
| Max. # | 1 per frontage ¹ | 1 per frontage ¹ | 1 per frontage for nonresidential, mixed-use, or multi-unit property. ¹ | 1 per site for nonresidential, mixed-use, or multi-unit uses ¹ ; 1 per site for single-unit detached or duplex if the lot fronts on an arterial; 2 per public vehicular entry into residential subdivision or multi-unit site (one single face sign on each side of entry). | 1 per site for nonresidential, mixed-use, or multi-unit uses ¹ ; 1 per site for single-unit detached or duplex if the lot fronts on an arterial; 2 per public vehicular entry into residential subdivision or multi-unit site (one single face sign on each side of entry). | 1 per site for nonresidential, mixed-use, or multi-unit uses ¹ ; 2 per public vehicular entry into residential subdivision or multi-unit site (one single face sign on each side of entry). |
| ... | | | | | | |
| Secondary Detached Signs | | | | | | |
| Max. # | 1 per vehicular access point to nonresidential, mixed-use, or multi-unit property. | 1 per vehicular access point to nonresidential, mixed-use, or multi-unit property. | 1 per vehicular access point to nonresidential, mixed-use, or multi-unit property. | 1 per vehicular access point to nonresidential, mixed-use, or multi-unit property. | 1 per vehicular access point to nonresidential, mixed-use, or multi-unit property. | 1 per vehicular access point to nonresidential, mixed-use, or multi-unit property. |
| ... | | | | | | |

...

Section 20. Article 6, ADMINISTRATION and PROCEDURE, DIVISION 6.3 COMMON DEVELOPMENT REVIEW PROCEDURES FOR DEVELOPMENT APPLICATIONS, Section 6.3.6 STEP 6: NOTICE, subparagraph (D) Supplemental Notice Requirements is hereby amended to read as follows:

DIVISION 6.3 COMMON DEVELOPMENT REVIEW PROCEDURES FOR DEVELOPMENT APPLICATIONS

...

6.3.6 STEP 6: NOTICE

...

(D) **Supplemental Notice Requirements.** The following table indicates the required notice radius for a mailed notice and posted sign size for development applications.

| <i>Development Project</i> | <i>Minimum Notice Radius</i> | <i>Sign Size</i> |
|---|------------------------------|------------------|
| ... | | |
| Developments proposing more than fifty (50) and less than one hundred (100) single unit or two-unit lots or dwelling units. | 800 feet | 12 square feet |
| Developments proposing more than twenty-five (25) and less than one hundred (100) multi-unit dwelling units. | 800 feet | 12 square feet |
| ... | | |
| Developments proposing one hundred (100) or more single-unit or two-unit lots or dwelling units. | 1,000 feet | 12 square feet |
| Developments proposing one hundred (100) or more multi-unit dwelling units. | 1,000 feet | 12 square feet |
| ... | | |

...

Section 21. Article 6, ADMINISTRATION and PROCEDURE, DIVISION 6.22 EXPANSIONS AND ENLARGEMENTS OF EXISTING BUILDINGS, Section 6.22.1(C) Expansions and Enlargements of Single-Family Dwellings, Two-Family Dwellings and Accessory Buildings is hereby amended to read as follows:

DIVISION 6.22 EXPANSIONS AND ENLARGEMENTS OF EXISTING BUILDINGS

6.22.1 EXPANSIONS AND ENLARGEMENTS OF EXISTING BUILDINGS

...

(C) Expansions and Enlargements of Single-Unit Dwellings, Two-Unit Dwellings and Accessory Buildings. Any proposal for the enlargement or expansion of a single-unit dwelling, two-unit dwelling or accessory building shall be subject to Building Permit review in accordance with standards of this code.

Section 22. ARTICLE 7 RULES OF MEASUREMENT and DEFINITIONS, DIVISION 7.2 DEFINITION, SECTION 7.2.2 DEFINITIONS is hereby amended by the deletion of the definitions of “*Extra occupancy*”, “*Family*”, and “*Group home*”.

Section 23. ARTICLE 7 RULES OF MEASUREMENT and DEFINITIONS, DIVISION 7.2 DEFINITION, SECTION 7.2.2 DEFINITIONS is hereby amended to read as follows:

...

DIVISION 7.2 DEFINITION

...

SECTION 7.2.2. DEFINITIONS.

...

Occupant shall mean a person who occupies habitable space in a dwelling unit or any portion thereof.

...

Site specific development plan shall mean and be limited to a final plan as approved pursuant to this Land Use Code, including a plan approved pursuant to basic development review; or, under prior law in effect on the day before the effective date of this Land Use Code, any of the following: the final plan; the final subdivision plat; a minor subdivision plat; cluster development plans; a PUD Comprehensive Plan for the purpose of acquiring a vested property right with respect to uses, densities, development standards and engineering standards for which variances have been granted pursuant to Section 2.6.3(K); and a development agreement in connection with a PUD Comprehensive Plan that grants a vested property right for a period exceeding three (3) years, in addition, a site specific development plan shall mean a final plan or plat that was approved by Larimer County for property that, at the time of approval, was located in the county but has been subsequently annexed into the city. All references to districts or sections herein pertain to the law in effect on the day before the effective date of this Land Use Code and which is repealed by the adoption of this Land Use Code.

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Introduced, considered favorably on first reading on June 18, 2024, and approved on second reading for final passage on July 2, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 12, 2024
Approving Attorney: Brad Yatabe