



AGENDA ITEM SUMMARY

City Council

STAFF

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Paul Sizemore, Director of CDNS
Caryn Champine, Director of PDT
Brad Yatabe, Senior Assistant City Attorney

SUBJECT

Items Related to the Adoption of a New Land Use Code.

EXECUTIVE SUMMARY

A. Second Reading of Ordinance No. 136, 2023, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Revised Land Use Code and Separately Codifying the 1997 Land Use Code as the “Pre-2024 Transitional Land Use Regulations.”

B. Second Reading of Ordinance No. 137, 2023, Updating City Code References to Align With the Adoption of the Revised Land Use Code.

C. Second Reading of Ordinance No. 138, 2023, Amending the Zoning Map of the City of Fort Collins to Rename All Neighborhood Conservation Low Density, Neighborhood Conservation Medium Density, and Neighborhood Conservation Buffer Zone Districts to the Old Town Zone District In Conjunction With the Adoption of the Land Use Code.

These Ordinances, adopted on October 3, 2023, by a vote of 5-2 (Nays: Ohlson, Gutowsky), amend the City’s Land Use Code. The Land Use Code (LUC) Phase 1 Update implements policy direction in City Plan, the Housing Strategic Plan, and the Our Climate Future Plan. Changes are intended to address one or more of the following Guiding Principles:

1. Increase overall housing capacity and calibrate market-feasible incentives for affordable housing.
2. Enable more affordability, especially near high frequency transit and priority growth areas.
3. Allow more diverse housing choices that fit in the existing context and priority place types.
4. Make the Code easier to use and understand.
5. Improve predictability of the development review process, especially for housing.

If adopted by Council, staff recommend that the proposed Code changes take effect on January 1, 2024.

In addition to changes to the Land Use Code, updates to City Code references to the revised Land Use Code are proposed.

Finally, because the revised Land Use Code renames the Neighborhood Conservation Low Density, Neighborhood Conservation Medium Density, and Neighborhood Conservation Buffer zone districts to the Old Town zone district with corresponding subdistricts A, B, and C, updates to the zoning map to reflect the name changes are proposed. This change only affects the name of the zone districts and no changes to the boundaries are proposed.

STAFF RECOMMENDATION

Staff recommend adoption of the Ordinances on Second Reading.

BACKGROUND / DISCUSSION

At the October 3rd, 2023, regular meeting, Council approved all ordinances on first reading. With regards to Ordinance No. 136, 2023, regarding adoption of the Land Use Code, Council directed staff to remove Item 1 from the “Items for Council Discussion” from the Land Use Code, disallowing new duplexes from being built in the Residential, Low Density Zone District (RL). The other items have been included in the Draft Land Use Code. See the table below for reference:

Items for Council Discussion	
1. In RL, Allow duplexes under one of the following site-specific conditions: <ul style="list-style-type: none">• 100ft wide lots• Duplex integrates an existing structure• Duplex includes one unit of deed-restricted affordable housing• Lot located within 1/4 mile of current or future high-frequency transit	<i>Amended - removed from draft LUC at First Reading</i>
2. In OT-A (NCL), allow three units on lots 6,000 sf or larger under one the following site-specific conditions: <ul style="list-style-type: none">• Combination of a duplex + ADU• Triplex integrates an existing structure• Triplex includes one deed-restricted affordable housing unit• A 3-unit Cottage Court includes one deed-restricted affordable housing unit	
3. In OT-B (NCM), allow six units on lots 6,000sf or larger under the following site-specific condition: <ul style="list-style-type: none">• Approved building types that both integrate with the existing structure and includes a deed restricted affordable housing unit.	
4. In OT-B (NCM), allow six units on lots 9,000sf or larger with under the following site-specific condition: <ul style="list-style-type: none">• A six-unit Cottage Court includes one deed-restricted affordable housing unit	
5. Allow a Private Covenant/HOA to regulate site placement of all structures (additional setbacks, separation requirements)	
6. Require properties with a new ADU to have a resident manager.	
7. Did Council intend for the Short Term Rental prohibition for and ADU include the primary house?	

See attached First Reading Agenda Item Summary for additional information regarding background, financial impacts, board/commission/committee recommendation, and public outreach.

REQUESTED INFORMATION

Additional materials were requested at First Reading of the Land Use Code at a Regular Meeting on October 3, 2023, and are included as attachments listed below.

Information Regarding City of Boulder and Golden ADU Owner-Occupancy Policies

1. The City of Boulder has had an owner-occupancy requirement in association with ADUs since at least 2014 which is the oldest version of their land use code available online. There also seem to be references to owner-occupancy requirements where two kitchens are allowed in a detached dwelling unit as early as the year 2000.
2. The City of Golden has had an owner-occupancy requirement in association with ADUs since at least 2015 which is the oldest version of their land use code available online. It appears that the owner-occupancy requirement has been in place since at least 2010.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance A for Consideration – Adopt the Revised Land Use Code
2. Exhibit A to Ordinance A
3. Exhibit B to Ordinance A
4. Exhibit C to Ordinance A
5. Exhibit D to Ordinance A
6. Exhibit E to Ordinance A
7. Exhibit F to Ordinance A
8. Exhibit G to Ordinance A
9. Ordinance B for Consideration – Making Conforming Changes to Land Use Code References Contained in City Code
10. Ordinance C for Consideration – Renaming the Neighborhood Conservation Low Density, Neighborhood Conservation Medium Density, and Neighborhood Conservation Buffer Zone Districts to the Old Town Zone District
11. Exhibit A to Ordinance C
12. Exhibit B to Ordinance C
13. Table of Relevant Code Changes
14. Memorandum Regarding “Fee in Lieu” for Affordable Housing
15. Accessory Dwelling Unit (ADU) Information from Front Range Municipalities and Counties
16. First Reading Agenda Item Summary, October 3, 2023
17. Presentation