

FORT COLLINS LAND USE CODE AUDIT

JANUARY 2020

Land Use Code Audit

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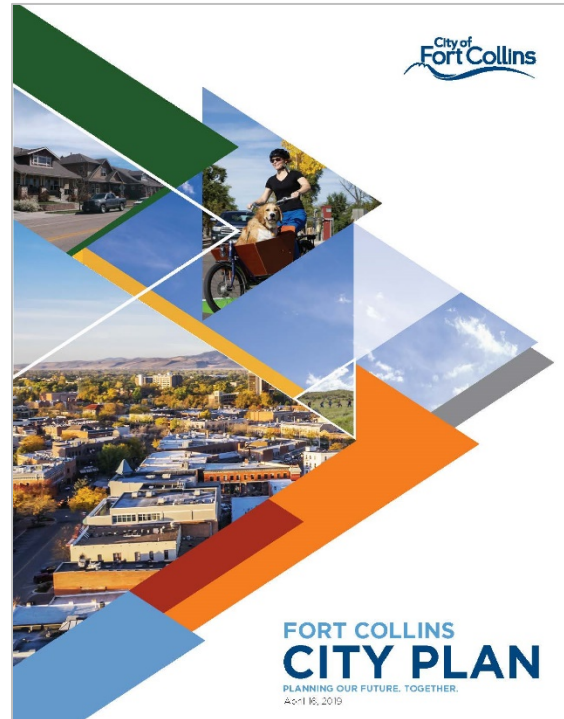
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Part 1: Introduction and Overview

About the Project

The City of Fort Collins Land Use Code (LUC) establishes the parameters for all new development and infill/redevelopment and is one of the primary tools used to support the implementation of the City's comprehensive plan—City Plan. While Fort Collins regularly updates Land Use Code standards, most changes are minor or relate to process and procedural considerations. A thorough audit of standards to ensure that local development standards are advancing the community's goals and adequately responding to shifting priorities and changes in social and market conditions has not been completed since the Land Use Code was first adopted in 1997.

The 2019 version of City Plan places new emphasis on community priorities and emerging issues to incentivize and maintain more affordable and attainable housing, diversify the types of housing available, promote mixed-use and transit-supportive development along key corridors, and address the changing dynamics of employment and industrial land. The Plan identifies implementation strategies to help achieve these goals and priorities, many of which may result in changes to Fort Collins' development standards and processes.



In the fall of 2019, the City initiated a Land Use Code Audit process to identify the strengths, weaknesses, and opportunities in the Land Use Code as they relate to City Plan policy direction. Specific objectives for the process were to:

- Identify targeted updates to the Land Use Code that support the implementation of City Plan strategies;
- Explore and document how the City Plan goals and priorities outlined above are being addressed by peer communities within their development codes; and
- Identify characteristics of contemporary development codes that could be applied to improve the usability and functionality of the Land Use Code.

This Land Use Code Audit reflects the results of discussions with City staff and stakeholders who use the Land Use Code on a regular basis—e.g., local architects, planners, and landscape architects, builders, and housing organizations—as well as Clarion's review of the current Land Use Code, understanding of code-related City Plan strategies, and experience drafting development codes for similar communities across the country.

The City does not intend to complete a major rewrite of the Land Use Code at this time. Rather, this document will serve as a guide for City staff and decision-makers as they work to implement incremental changes to the Land Use Code as resources allow.

About this Document

Following this introduction and overview, the remainder of this document is organized into three parts as follows:

Part 2: Land Use Code Audit

The Land Use Code Audit summarizes key themes that emerged from discussions with City staff and stakeholders. A brief explanation of each theme is provided along with recommended organizational and substantive updates to the Land Use Code in response. Key themes highlight the need to:

- Align Zoning Districts and Uses with Structure Plan Place Types
- Create More Opportunities for a Range of Housing Options
- Clarify and Simplify Development Standards
- Enhance the Development Review Procedures
- Create a More User-Friendly Document

Additional detail on the applicability of these recommendations to different parts of the Land Use Code are provided in Part 4.

Part 3: Priority Actions

Part 3 provides a summary of major recommendations contained in the Land Use Code Audit and identifies near-term priorities to help guide next steps.

Part 4: Annotated Outline

The Annotated Outline illustrates how the updated Land Use Code could be organized if the recommendations in the Land Use Code Audit are implemented. The Annotated Outline provides specific recommendations on how existing articles and divisions within the Land Use Code could be integrated into the proposed structure.

Part 2: Land Use Code Audit

1. Align Zoning Districts and Uses with Structure Plan Place Types

Underlying zoning was reviewed and considered as part of the City Plan update to ensure that consistency between planned land uses and zoning could be maintained to the maximum extent feasible. However, some changes to the Structure Plan map and the accompanying place type descriptions were needed to reinforce community priorities and meet the broader objectives of the Plan. These changes included updated naming conventions, numerous boundary adjustments, the consolidation of several place types and the addition of a new place type (R&D/Flex), among others.

Table 1 illustrates the general alignment between current zoning districts and the Structure Plan place types. In some instances, there is a one-to-one relationship between the current zoning districts and the corresponding Structure Plan place types (i.e., the Downtown zoning district and the Downtown place type). In other instances, there are multiple zoning districts that correspond with the purpose and intent of a particular Structure Plan place type (i.e., there are four zoning districts that correspond to the Mixed-Neighborhood place type), or multiple place types that correspond with a zoning district.

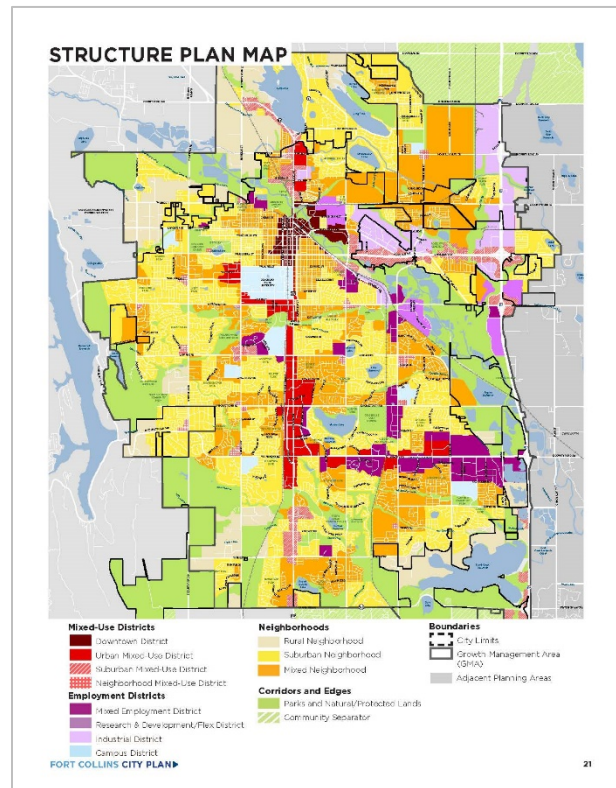


Figure 1- Structure Plan Map (City Plan, 2019)

Table 1: Current Zoning Districts and Corresponding Structure Plan Place Types

Current Zoning Districts	Corresponding Structure Plan Place Types
Residential	
Rural Lands District (RUL)	Rural Neighborhood
Residential Foothills District (RF)	
Urban Estate District (UE)	Rural Neighborhood or Suburban Neighborhood depending on development context
Low Density Residential District (RL)	Suburban Neighborhood
Low Density Mixed-Use Neighborhood District (LMN)	Suburban Neighborhood or Mixed-Neighborhood depending on development context
Neighborhood Conservation, Low Density District (NCL)	Suburban Neighborhood
Medium Density Mixed-Use Neighborhood District (MMN)	Mixed-Neighborhood
Neighborhood Conservation, Medium Density District (NCM)	
Neighborhood Conservation, Buffer District (NCB)	

Table 1: Current Zoning Districts and Corresponding Structure Plan Place Types

Current Zoning Districts	Corresponding Structure Plan Place Types
High Density Mixed-Use Neighborhood District (HMN)	
Commercial and Mixed-Use	
Downtown District (D)	Downtown
Community Commercial District (CC)	Suburban Mixed-Use
Community Commercial District – North College District (CCN)	
Community Commercial District – Poudre River District (CCR)	
Service Commercial District (CS)	
General Commercial District (CG)	Urban Mixed-Use
Neighborhood Commercial District (NC)	Neighborhood Mixed-Use
Limited Commercial District (CL)	Downtown; Suburban Mixed-Use
Employment and Industrial	
Harmony Corridor District (HC)	Mixed-Employment
Employment District (E)	
Industrial District (I)	Industrial
	R&D Flex

Recommended updates to improve alignment between the zoning districts and the Structure Plan place types—and to improve the zoning districts generally—are outlined in Table 2 and discussed in more detail in the cross-referenced sections that follow. Broadly, our recommendations are to:

Carry forward residential districts with targeted updates

The basic parameters of the residential place types are consistent with prior iterations of the Structure Plan, although targeted adjustments were made as part of the 2019 City Plan update to reinforce community priorities. Notable adjustments included: updated nomenclature to better reflect the character and intent of each place type; adjusted density ranges for the Suburban and Mixed-Neighborhood designations to support the expansion of housing options citywide; and expanded discussion of housing types for each place type.

Despite these changes, purpose statements for the City’s current lineup of residential zoning districts by and large support the policy directions established by City Plan. However, City staff and stakeholders noted that many of the standards within certain districts are not clear or are overly complex, making it challenging to implement the types of development contemplated in the purpose statements. Targeted updates to the residential districts are recommended as follows:

- Review purpose statements for clarity and consistency with relevant City Plan place types and update as needed;
- Remove repetitive and conflicting land use and development standards and distinguish district-specific from citywide standards—particularly within the Low Density Mixed-Use Neighborhood (LMN) and Medium Density Mixed-Use Neighborhood District (MMN) Districts; and

- Consider potential consolidation of the three Neighborhood Conservation Districts into a single district with subdistricts.

While it was noted that there is a large ‘gap’ in the densities allowed in the Urban Estate District and the Low Density Mixed-Use Neighborhood District, there is limited developable land that remains on the lower end of the density spectrum and the overall policy direction established by City Plan is to encourage higher-density development. As a result, the addition of another residential district to fill this ‘gap’ seems unnecessary.

Establish a clearer hierarchy of mixed-use districts

Aside from the Downtown District, the current Land Use Code includes seven commercial districts and three employment districts. Although seven of the commercial districts and two of the employment districts allow for mixed-use development, based on the nomenclature used (i.e., General Commercial, Community Commercial), it is not clear where mixed-use development is allowed (or not), and what the intended hierarchy of districts is. City staff and stakeholders also noted that achieving the pattern and intensity of development, and mix of uses, specified in individual districts has been challenging under the current Land Use Code. At a broad level, recommended updates to the mixed-use districts are intended to:

- Consider consolidation of several districts and nomenclature changes to establish a clearer hierarchy of mixed-use districts that correlates to corresponding Structure Plan place types;
- Clarify and simplify development standards;
- Remove known barriers to higher density mixed-use development and housing; and
- Increase flexibility.

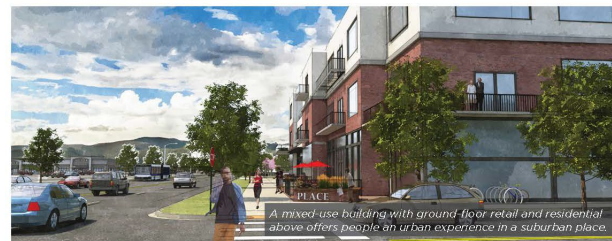


Figure 2—A clearer hierarchy of mixed-use zoning districts will assist with the implementation of the Priority Place Types outlined in City Plan.

Specific examples and recommendations are provided Table 2 and discussed in detail in Section 2 and 3 of this document.

Streamline zoning district lineup where feasible

It is not uncommon for a community’s lineup of zoning districts to grow (and grow) over time. As “quick fixes” to a code are needed, it is often perceived as simpler to create new, single-purpose base or overlay districts rather than trying to integrate a series of targeted amendments throughout the code. While the list of zoning districts in Fort Collins’ Land Use Code is relatively short when compared to other similarly sized communities, there are opportunities to consolidate and potentially eliminate existing districts.

To help identify similarities and differences between districts and evaluate potential opportunities for consolidation or elimination, we assembled a comparison of current dimensional standards and other district-specific requirements.

Table 2 identifies districts that could potentially be consolidated or eliminated and provides recommended updates to further streamline individual districts and address key themes in subsequent sections. The specifics of consolidating two or more districts would vary by situation. In some instances (i.e., if E and HC were to be consolidated) subdistricts could be created to house the use- or location-specific standards or exceptions being “folded in” (similar to the new Downtown District). In other instances (i.e., where unique standards, such as the Prospect Road Streetscape Program apply), a cross-reference would suffice.

The potential benefit and feasibility of any district consolidation or elimination will need to be evaluated on a case-by-case basis. Some districts—such as the Commercial Limited (CL) or Community Commercial-Poudre River District (CCR)—are used sparingly today, meaning that the potential rezoning implications of consolidating them with another district would be minimal. Other districts, such as the Commercial General District (CG) and TOD Overlay are used more broadly and therefore consolidation or elimination would have more substantial impacts.

Table 2: Summary of Zoning District Recommendations

Current Zoning Districts	Proposed Zoning Districts	Recommended Updates
Residential Districts		
Rural Lands District (RUL)	Rural Lands District (RUL)	<ul style="list-style-type: none"> • <i>Permitted uses.</i> Add ADUs, subject to administrative review, consistent with Rural Neighborhood place type • <i>Development standards.</i> Relocate Site Design Standards for Cluster Development, as well as those for Street Connectivity and Design, to Article 3-General Development Standards (consolidating basic cluster development standards for RUL, UE, and RF while maintaining variations in percentage that must be maintained under private ownership)
Urban Estate District (UE)	Urban Estate District (UE)	
Residential Foothills District (RF)	Residential Foothills District (RF)	
Low Density Residential District (RL) ¹	Low Density Residential District (RL)	<p><i>Permitted uses.</i> Add ADUs, subject to administrative review, consistent with Rural Neighborhood place type</p>
Low Density Mixed-Use Neighborhood District (LMN)	Low Density Mixed-Use Neighborhood District (LMN)	<ul style="list-style-type: none"> • <i>Purpose statement.</i> <ul style="list-style-type: none"> - Update to align with place type narrative (i.e., emphasize the importance of access to Neighborhood Centers and mixed-use districts, rather than integration within an individual neighborhood) - Remove specific size parameters for LMN in relation to MMN and Neighborhood Commercial Centers • <i>Permitted uses.</i> <ul style="list-style-type: none"> - Update list of residential uses to reflect expansion of housing definitions - Explore potential to add ADUs, consistent with Suburban Neighborhood and Mixed Neighborhood place types • <i>Land use standards.</i> <ul style="list-style-type: none"> - Increase minimum density to 5 du/ac to align with Mixed Neighborhood place type. Revisit current exception to minimum for projects of less than 20 acres to determine whether this threshold

¹ RL is no longer used for new development but applies to many established neighborhoods.

Table 2: Summary of Zoning District Recommendations

Current Zoning Districts	Proposed Zoning Districts	Recommended Updates
		<p>should be lowered, and/or modified to address projects of less than a certain number of units. Potential updates to existing exception parameters should be evaluated with the goal of encouraging higher densities in LMN areas while still accounting for unique circumstances and sites that exist in older infill locations, most of which are currently in the county.</p> <ul style="list-style-type: none"> - Rework maximum density and phase limitations to align with 20 du/ac max, as appropriate. Currently difficult to achieve maximum densities due to site planning challenges such as utility separation. - Incorporate reference to affordable housing density bonus in new table of dimensional standards; simplify/relocate definition of what qualifies as an affordable housing project and apply citywide - Relocate mix of housing type requirements to citywide residential standards (and tailor applicability by district); include expanded list of housing types and a provide a more flexible approach (as discussed in Section 2) <ul style="list-style-type: none"> • <i>Neighborhood centers.</i> <ul style="list-style-type: none"> - Emphasize importance of multimodal access and connections more generally over rigid spacing requirements - Remove specific location and spacing requirements - Reframe standards (b) through (e) to generally acknowledge the more limited instances where this would apply; consider unit threshold vs. acreage • <i>Development standards.</i> <ul style="list-style-type: none"> - Relocate street and block requirements to citywide standards
Medium Density Mixed-Use Neighborhood District (MMN)	Medium Density Mixed-Use Neighborhood District (MMN)	<ul style="list-style-type: none"> • <i>Purpose statement.</i> <ul style="list-style-type: none"> - Update to align with place type narrative (i.e., emphasize importance of access to Neighborhood Centers, mixed-use districts, and transit rather than a commercial district or central commercial core - Eliminate LMN linkage; not functioning that way in practice • <i>Permitted uses.</i> <ul style="list-style-type: none"> - Update list of residential uses to reflect expansion of housing definitions - Explore potential to add ADUs consistent with Mixed Neighborhood place type - Replace 15% maximum on secondary uses with more robust use-specific standards for secondary uses in a neighborhood context based on intensity, scale, and other compatibility considerations. • <i>Land use standards.</i> <ul style="list-style-type: none"> - Remove exception to minimum density for projects of less than 20 acres - Simplify height incentive to allow an additional story for buildings located at major intersections or along arterials provided the portion of the building that shares a lot line or street frontage with the rest of the MMN neighborhood meets the 3-story maximum
High Density Mixed-Use Neighborhood District (HMN)	High Density Mixed-Use Neighborhood District (HMN)	<ul style="list-style-type: none"> • <i>Land use and development standards.</i> Relocate step back, building and site design standards to Article 3 and apply to multifamily citywide; none appear to be unique considerations that you wouldn't expect to apply in other contexts

Table 2: Summary of Zoning District Recommendations

Current Zoning Districts	Proposed Zoning Districts	Recommended Updates
Neighborhood Conservation, Low Density District (NCL)	Neighborhood Conservation District (NC)	<ul style="list-style-type: none"> • <i>General.</i> <ul style="list-style-type: none"> - Consider consolidating into a single Neighborhood Conservation District with three sub-districts to help streamline district line up - Would require future rezoning • <i>Permitted uses.</i> Add carriage houses to list. Standards in all three districts address carriage houses, but they are not listed as permitted uses (although accessory buildings with habitable space are). • <i>Development standards.</i> <ul style="list-style-type: none"> - Regardless of whether the districts are consolidated, relocate and consolidate residential infill standards to Article 3 as district-specific standards - Explore potential to apply some of the bulk and mass standards for infill/redevelopment and additions citywide, particularly as opportunities to expand ADUs are considered
Neighborhood Conservation, Medium Density District (NCM)		
Neighborhood Conservation, Buffer District (NCB)		
	Mobile Home Park District (MHP) (NEW DISTRICT)	<ul style="list-style-type: none"> • <i>General.</i> <ul style="list-style-type: none"> - Potential addition of a new district to support the retention of existing mobile home parks is currently being considered by policymakers - Proposed district is not intended for new mobile home parks; mobile homes allowed in other residential districts
Mixed-Use Districts		
Downtown District (D)	Downtown District (D)	No change. Extensive updates in 2019 to address building design, massing and scale, transitions, and other considerations.
Community Commercial District (CC)	Community Mixed-Use (CMU)	<ul style="list-style-type: none"> • <i>General.</i> <ul style="list-style-type: none"> - Use as a base district to consolidate with CCN and CCR - May or may not need to define subdistricts for CCN and CCR; general parameters and uses are very similar - Would require future rezoning • <i>Purpose statement.</i> <ul style="list-style-type: none"> - Update to align with Suburban-Mixed Use place type - Emphasize transitional nature of these districts; likely to remain auto-oriented in near-term, but high-density, mixed-use development is encouraged to support long-term expansion of high-frequency transit routes - Emphasize housing as a critical component (primary, not secondary use) • <i>Land use standards.</i> <ul style="list-style-type: none"> - Establish criteria to guide and evaluate land use mix in lieu of 30% maximum (See discussion in Section 3) • <i>Development standards.</i> <ul style="list-style-type: none"> - Where applicable, carry forward references to location-specific standards and guidelines
Community Commercial District – North College District (CCN)		
Community Commercial District – Poudre River District (CCR)		
Service Commercial District (CS)	Service Commercial District (CS)	Carry forward as is to support existing subarea plan linkages
Limited Commercial District (CL)	Limited Commercial District (CL)	Carry forward as is

Table 2: Summary of Zoning District Recommendations

Current Zoning Districts	Proposed Zoning Districts	Recommended Updates
General Commercial District (CG)	Mixed-Use Corridor (MUC) ²	<ul style="list-style-type: none"> • <i>General.</i> <ul style="list-style-type: none"> - Update to function as a base district version of the current TOD overlay - Would require future rezoning - Should be applied to all areas designated in City Plan as priority locations for infill and redevelopment (except areas covered by the Downtown and Employment Districts) • <i>Purpose statement.</i> <ul style="list-style-type: none"> - Update to align with Urban Mixed-Use place type - Emphasize role of high-density, mixed-use development in supporting high-frequency transit routes - Emphasize housing as a critical component (primary, not secondary use) • <i>Permitted uses.</i> <ul style="list-style-type: none"> - Update list of residential uses to reflect expansion of housing definitions - Expand allowed housing types to include different types of multifamily (not just mixed-use dwellings) - Ensure childcare centers are allowed where appropriate - Relocate use limitations for I-25/SH 392 CAC to proposed Mixed-Use Suburban district • <i>Land use standards.</i> <ul style="list-style-type: none"> - Footnote maximum height to tie to updated incentives (i.e., clearly state what actual maximum is if all incentives were applied) - Include minimum height of 3-stories within ¼ mile of existing or planned BRT stations and a minimum height of 2-stories in other areas within the district - Retool height incentives for mixed-use and housing to simplify and remove known conflicts (i.e., increased height is not achievable due to required step backs) and align with updated minimum heights - Consider tailoring stepback requirements to different contexts to provide greater flexibility (i.e., along College or Mason, could be increased to 3 or 4-stories; adjacent to neighborhoods, 2-story should be maintained) • <i>Development standards.</i> <ul style="list-style-type: none"> - Relocate cross-references to Development Standards for the I-25 Corridor and the I-25/SH 392 Corridor Activity Standards to the proposed Community Mixed-Use district (not applicable to areas designated as Urban Mixed-Use on the Structure Plan) - Incorporate site planning, streetscape, and building standards from TOD overlay (applying citywide where applicable)
Neighborhood Commercial District (NC)	Mixed-Use Neighborhood (MUN)	<ul style="list-style-type: none"> • <i>Purpose statement.</i> Update to align with Neighborhood Mixed-Use place type; emphasize stand-alone nature of NC district – generally surrounded by neighborhoods • <i>Permitted uses.</i> <ul style="list-style-type: none"> - Update list of residential uses to reflect expansion of housing definitions

² Other possible alternatives for names to more clearly convey intent: Corridor Mixed-Use, Transit-Oriented Development (since it is replacing TOD overlay) or Transit-Oriented Mixed-Use.

Table 2: Summary of Zoning District Recommendations

Current Zoning Districts	Proposed Zoning Districts	Recommended Updates
		<ul style="list-style-type: none"> - Ensure childcare centers are allowed where appropriate - Consider allowing smaller multi-family options (i.e., townhomes or fourplexes) through administrative review, or potentially as permitted uses • <i>Land use standards.</i> <ul style="list-style-type: none"> - Provide more flexibility for secondary residential uses to encourage mixed-use (i.e., consider raising size threshold for % residential limit to 10 acres to align w/typical size noted in City Plan, and/or allow single-use residential structures along corridor frontages) - Incentivize the adaptive reuse of existing centers by providing exceptions to certain development standards (i.e., reduce required landscaping or limit new required landscaping to areas along major corridor to reduce the need for expensive retrofits of existing parking areas), expand list of uses permitted in an adaptive reuse context • <i>Development standards.</i> Consider applying block requirements, canopy and drive-in restaurant standards citywide
Harmony Corridor District (HC)	Employment District (E)	<ul style="list-style-type: none"> • <i>General.</i> <ul style="list-style-type: none"> - Consider consolidating HC with E; the majority of land designated as Mixed-Employment on Structure Plan is located along the Harmony Corridor and the intent of the two districts is essentially the same - Rezoning would be required - Whether or not HC and E are consolidated, consider rezoning defined nodes along Harmony (depicted on the Structure Plan as Urban Mixed-Use) to the proposed Community Mixed-Use district to reinforce planned BRT nodes
Employment District (E)		<ul style="list-style-type: none"> • <i>Purpose statement.</i> <ul style="list-style-type: none"> - Update to align with Employment place type • <i>Permitted uses.</i> <ul style="list-style-type: none"> - Update list of residential uses to reflect expansion of housing definitions - Consider allowing some additional types of housing—beyond mixed-use dwellings—administratively, provided proposed development meets certain locational criteria (e.g., not located on key intersections or adjacent to future BRT stations, used as a transition to adjacent neighborhoods) - Consider excluding single-family detached dwellings (and possibly duplexes) from allowed uses to support a transition to the more transit-oriented densities supported by City Plan. For example, Townhomes can provide an effective transition in scale where the Employment District abuts a residential district. - Ensure childcare centers are allowed where appropriate - Consider eliminating specific types of shopping centers defined/described in the Harmony Corridor Plan; retail trends and favored terms like “lifestyle center” are continuously evolving – definitions in the Harmony Corridor Plan are very rigid. • <i>Land use standards.</i> <ul style="list-style-type: none"> - Apply 6-story limit along Harmony Corridor to both residential and mixed-use/non-residential buildings (currently capped at 3-stories for residential) with required transition to adjacent neighborhoods (through citywide standards) if density and housing mix are achieved - Maintain 4-story limit in other parts of the city

Table 2: Summary of Zoning District Recommendations

Current Zoning Districts	Proposed Zoning Districts	Recommended Updates
		<ul style="list-style-type: none"> - Relocate mix of housing type requirements to citywide standards (and tailor applicability by district); include expanded list of housing types and provide a more flexible approach for secondary uses (as discussed in Section 2) - Rework access to park, central feature or gathering place requirements to align with Nature in the City recommendations and apply citywide w/variations by district - Harmony Corridor Site Design –incorporate residential transition standards as part of more robust use-specific standards that would apply citywide
Nonresidential Districts		
Industrial District (I)	Industrial District (I)	<ul style="list-style-type: none"> • <i>Purpose statement.</i> Update to align with Industrial place type narrative (i.e., remove references to housing and other uses as appropriate based on updates to permitted uses) • <i>Permitted uses.</i> <ul style="list-style-type: none"> - Remove residential uses (including long-term care facilities) from list of allowed primary and accessory uses to support City Plan policy of protecting remaining industrial land for industrial uses - Consider removing golf courses bed and breakfast establishments, and potentially schools and adult day/respice care centers for the same reason, taking into account the proximity of affected Industrial Districts to districts that allow these uses and potential conflicts that could impede the operations of industrial uses - Consider reducing 25K maximum size threshold for commercial/retail uses to reinforce goal of retaining the City’s stock of smaller, existing industrial buildings • <i>Development standards.</i> <ul style="list-style-type: none"> - Move to Article 3 as district-specific standards - Convert landscaped yard requirements to use-specific standards
--	Flex-Industrial District (FID) (NEW DISTRICT)	<ul style="list-style-type: none"> • <i>Purpose.</i> Align with R&D/Flex place type narrative (i.e., blends characteristics of Employment and Industrial place types) • <i>Permitted uses.</i> <ul style="list-style-type: none"> - Similar to Industrial (with updates noted above) - No residential • <i>Development standards.</i> <ul style="list-style-type: none"> - Apply standards similar to Employment District - Allow for outdoor storage with screening
Special Purpose Districts		
Transition District (T)	Transition District (T)	No change
Public Open Lands (POL)	Public Open Lands (POL)	No change
River Conservation (RC)	River Conservation (RC)	No change

Table 2: Summary of Zoning District Recommendations

Current Zoning Districts	Proposed Zoning Districts	Recommended Updates
Overlay Districts		
Transit-Oriented Development (TOD) Overlay	Mixed-Use Corridor (MUC)	Replace with updated version of CG; see discussion above
Planned Unit Development Overlay	Carry forward with potential updates	See discussion below

Evaluate potential expansion of the PUD Overlay subject to objective standards

Fort Collins is unique in that—contrary to the many communities in Colorado and across the West that have relied almost exclusively on Planned Unit Development (PUD) or Planned Development (PD) tools—the City only recently adopted a Planned Unit Development Overlay to provide a more flexible alternative to the base districts contained in the Land Use Code. Adopted in 2018, the PUD Overlay exists as an option for properties larger than 50 acres in size and allows greater flexibility in the mix and distribution of land uses, densities, and applicable development and zone district standards. City staff and stakeholders expressed interest in exploring whether the use of this tool should be expanded to include options for smaller projects, or as an incentive for affordable housing projects.

Fort Collins is wise to tread cautiously in this area, because over-use of PUDs can have many adverse consequences. Not only are PUDs time-consuming to negotiate before approval, but they often become dated very quickly. Because local governments worry that the PUD will be “too flexible” and allow unwanted types of development, they often include too much design detail, and as tastes change those details no longer align with City values or market tastes. As a result, PUDs often require many rounds of amendments during the life of the project. The larger the area covered, the more amendments are likely to be needed, and each amendment requires investments of time by developers, staff, and elected and appointed officials. An additional downside of PUDs is that each one is unique, so each inquiry about what is permitted on your property, or your neighbor’s property, requires staff to look up an answer that is unique to that phase, neighborhood, or area. The disproportionate amount of staff time required to administer PUDs in the years and decades after they are approved and built is one of the chief complaints among communities that have over-relied on this tool. A final disadvantage is that, unless the City is very focused on what amenities or extra levels of quality it wants to achieve through PUDs, they can become a vehicle for simply “packaging variances” – i.e., a convenient way to avoid meeting basic City standards that does not in return result in a clear advantage to the City.

Of course, PUDs would not be so heavily used if there were not offsetting benefits – or at least benefits that appear to offset these disadvantages at the time of project approval. The chief advantage is almost unlimited flexibility. The availability of PUDs opens up the potential for mixes of uses, mixes of lot sizes, and the imposition of quality standards and requirements for amenities that are not available in standard zone districts. There are two basic ways to reap the benefits of all this flexibility without facing the disadvantages listed above. The first is to narrow the eligibility for consideration of a PUD application, and the second is to strengthen the criteria that must be met for the Planning and Zoning Board to recommend, and for City Council, to approve a PUD.

Examples of “narrowing the gate” to PUDs include:

- Imposing a minimum size limit (such as Fort Collins’ current 50-acre minimum);
- Requiring that the project could not be accomplished through other available zoning districts and tools;
- Requiring that the PUD only include combinations of land uses listed in the approved table of permitted uses in the zoning ordinances (rather than serving as a vehicle for a new and unanticipated land use that City Council has not determined belongs somewhere in the city);
- Prohibiting the PUD from including particular types of development that are disfavored by the City (such as Aurora’s prohibition on inclusion of three-story walkup apartments);
- Requiring that the PUD include one or more from a list of specific amenities of value to the City (such as solar orientation of a minimum percentage of buildings, including a minimum percentage of ‘solar-ready’ buildings, or including Low Impact Development stormwater systems); and/or
- Requiring that the PUD including a minimum amount of deed-restricted affordable or workforce housing tied to specific levels of Area Median Income (such as the 15% minimum requirement in Bloomington, IN).

Criteria for approval of a PUD are often tied to the inclusion of “non-negotiable” items or particularly valued benefits or amenities at levels beyond those that would be required if the project were developed under a standard zone district. Examples include:

- Requiring that the PUD include a greater level of open space, street, trail, and bicycle connectivity than would be required by standard zone districts;
- Requiring that included open space and recreational amenities be open and available to the public;
- Requiring that a greater percentage of included housing be affordable at a particular level of Area Median Income, or that the required affordable housing be affordable to a lower level of Area Median Income than would otherwise be required by the zoning ordinance;
- Requiring that areas with very small residential lots or innovative housing types (such as Tiny Homes) be limited in size and dispersed throughout the development; and/or
- Requiring that residential blocks be no larger than a maximum length, width, or perimeter length, to encourage walkable neighborhoods.

Develop a rezoning strategy

Rezoning may be required to fully achieve City Plan objectives in some areas. This includes instances where the land uses, density, and development characteristics supported by the place type designation differs from underlying zoning. In some cases, differences between the Plan and underlying zoning are significant—e.g., in transitional areas like the Mountain Vista subarea that are zoned Employment but are planned for Mixed-Residential (and intend to use the Planned Unit Development Overlay). In other cases, differences are more subtle—e.g., in areas designated with the R&D Flex place type, where the underlying Industrial zoning may be generally aligned with the employment uses envisioned, but do not fully support the more limited intensity envisioned for employment in these locations.

While some cities opt to address these issues through a legislative rezoning process—where large areas of the city are rezoned at one time—the process is time and resource intensive and can be politically challenging. Because Fort Collins intends to complete planned Land Use Code updates incrementally over the next one to three years, a legislative rezoning process is likely not feasible. As an alternative, we recommend that the City continue to work with property owners to complete the necessary rezoning

process as properties develop or redevelop over time and continue to proactively rezone or expedite the rezoning approval process for areas that can help advance citywide goals (e.g., by expanding housing options or implementing transit supportive development). The latter strategy—recently used for the former Hughes Stadium site—should be employed for areas identified as priority locations for infill and redevelopment in City Plan (See Policy LIV 2.2), or that are planned for future annexation (e.g., portions of the East Mulberry Corridor and the Mountain Vista Subarea).

2. Create More Opportunities for a Range of Housing Options

The need to expand housing options was identified as a key priority for Fort Collins as part of the 2019 City Plan update. Although the Land Use Code contains a number of requirements that are intended to support City Plan goals—e.g., requiring a mix of housing types in some districts, incentivizing affordable housing projects, concentrating highest densities adjacent to transit, and ensuring most housing units have access to services and amenities—both City staff and stakeholders noted that under Fort Collins’ current requirements projects are simply not able to achieve the diversity of housing options and density called for by the Plan. In most of the examples cited, current standards were described as overly restrictive and out of touch with market demands. While the intent behind these requirements is sound, a variety of changes are recommended to increase clarity and build in additional flexibility:

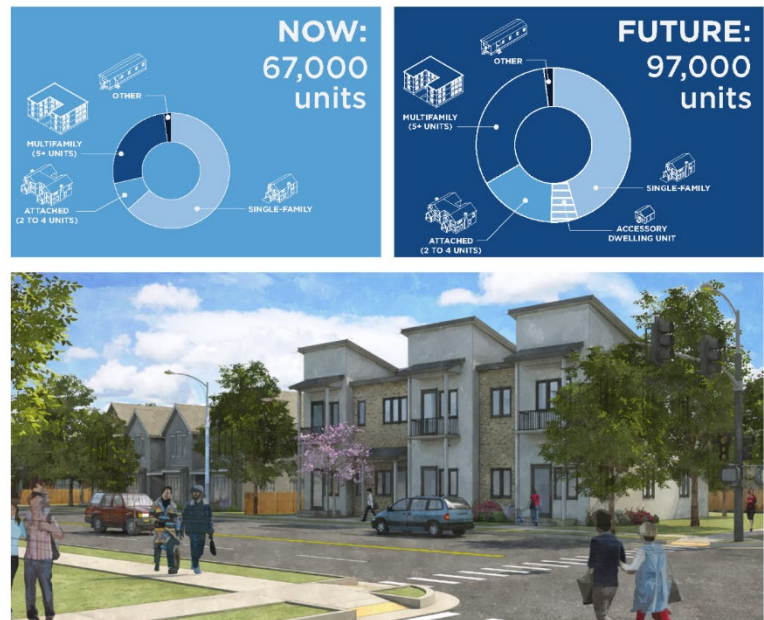


Figure 3—In order to meet housing goals established by City Plan, expanded tools for a diverse array of housing options will be required.

Define a range of options between two-family and multi-family housing

One of the primary opportunities for moderate density housing options is within the Mixed-Neighborhood place type. In these locations, the Structure Plan supports duplexes, triplexes, townhomes, and attached and detached accessory dwelling units, in addition to detached single-family and small-scale multi-family. While the construction of multi-family units has increased in recent years, Fort Collins—along with many other communities—continues to see a very limited number of dwelling units constructed in the “middle range” of the spectrum. Although the Land Use Code does define a range of attached and detached dwelling unit types and support a mix of housing options in this range, they are not explicitly defined. Existing definitions should be updated, and new definitions added to more clearly emphasize the full spectrum of housing types desired. We recommend reframing defined terms as indicated in Table 3.



Table 3: Recommended Updates to Defined Housing Terms

Defined Housing Terms		Notes
Current	Proposed	
--	Accessory dwelling unit	New definition to address broader range of accessory dwelling unit configurations and locations (beyond “carriage house”). See discussion below.
Carriage House	Carriage House	Limited to detached dwelling units located behind the primary dwelling.
--	Co-housing	New definition to address multiple (often smaller) single-family detached dwellings on a single lot, usually sharing common facilities such as a community kitchen or child-care facility.
Dwelling	Dwelling	No change
Dwelling, mixed-use	--	Consider eliminating. Most codes do not define “dwelling units in a mixed-use building” as a separate use. Instead, multi-family is listed as an allowed use in mixed-use districts and addressed through use-specific standards that encourage a mix of uses. The current definition for mixed-use already addresses residential as one of several uses that may be included as part of a mixed-use building or development.
Dwelling, multi-family	Dwelling, triplex	Currently, multi-family is defined as a dwelling containing three or more dwelling units. Most codes define multi-family as five or more units to more clearly define smaller multi-family building forms like the triplex and fourplex.
	Dwelling, fourplex	
	Dwelling, multi-family	
Dwelling, single-family	Dwelling, single-family detached	Combine current definitions
Dwelling, single-family detached		
Dwelling, single-family attached	Dwelling, single-family attached	No change
--	Dwelling, cottage development	Some codes include a definition for <i>cottage developments</i> to provide opportunities for groups of five or more attached or detached single-family dwellings with shared access, parking, and common spaces. While not exclusively used for this purpose, this definition often includes a reference to factory built small single-family detached dwellings containing less than 500 square feet (often referred to as Tiny Homes). Where Tiny Homes are addressed, references to required compliance with building/manufactured housing construction codes, installation standards, and utility connections are also included. This definition would be distinct from “Mobile Home Park.”
Dwelling, two-family	Dwelling, duplex	Combine current definitions
Dwelling, two-family detached		
Dwelling, unit	Dwelling, unit	No change
--	Dwelling, live-work	Term is not currently defined. Staff noted the need for specifications on the amount of non-residential uses allowed, for example:

Defined Housing Terms		Notes
Current	Proposed	
		<p>“A dwelling unit designed to accommodate both residential and non-residential uses in different areas of the unit, and in which the portion of the unit designed for non-residential use does not exceed 50% of the gross floor area of the unit. (Youngstown, OH)” or</p> <p>“A residential dwelling unit that includes working space accessible from the living area, reserved for and regularly used by one or more residents of the dwelling unit, but does not include “home based businesses.” Working space may exceed 25% of gross floor area...” (Winnepeg, MB)</p>
Group home	Group home	No change to definition. However, it appears that group homes currently require Planning and Zoning Board review in some districts (e.g., the MMN district), while multi-family dwellings of 50 du or 75 or less bedrooms can be approved administratively. To avoid challenges under the federal Fair Housing Act, small group living facilities (8 or fewer) must generally be permitted where single-family homes are allowed (and should generally be by-right if single family homes are by-right). Similarly, large group living facilities (over 8) must generally be allowed where multi-family dwellings with similar or larger occupancy are allowed (and by-right if the multi-family is by-right). All districts should be reviewed and updated as necessary.
Mobile home	Mobile home	No change
Mobile home park	Mobile home park	No change
	Student housing complex	Term not currently defined. Stakeholders noted the need to distinguish from other multi-family, for example: “A multi-family dwelling designed primarily as housing for undergraduate or post-graduate students, including all multi-family dwellings that include units with more than three bedrooms and more than two bathrooms.” (Columbia, MO)

Clarify definition of and opportunities for accessory dwelling units

City Plan provides policy support for the expansion of accessory dwelling units in all three residential place types and illustrates opportunities for the integration of both attached and detached accessory dwelling units. While the Land Use Code does not specifically define *accessory dwelling units*—and specifically states that accessory buildings are *not* dwelling units—they are permitted under the *carriage house* definition:

“a single-family detached dwelling unit, typically without street frontage, that is located behind a separate, principal dwelling on the same lot, which fronts on the street. A carriage house is accessed from an alley, side street or the existing driveway.”



Figure 4—Accessory dwelling units are currently allowed in Fort Collins on a very limited basis through the ‘carriage house’ definition.

Accessory buildings containing habitable space are listed as a permitted use only in the Neighborhood Conservation Low Density (NCL), Neighborhood Conservation Medium Density (NCM), and Neighborhood Conservation Buffer (NCB) zone districts. As a result, opportunities for carriage houses are limited to the Old Town Neighborhoods west and east of Downtown Fort Collins and north of Prospect Avenue. However, based on field observation and permit trends for accessory structures with habitable space, City staff noted that there are likely many illegal carriage houses (in the form of accessory buildings with undeclared habitable floor space) across the city.

To support the legal expansion of this housing option, we recommend that a new definition for *accessory dwelling units* be added to achieve the following:

- Opportunities for both detached (i.e., carriage house) and attached (i.e., basement apartment) units (for example, Arvada, CO, adopted an ADU ordinance in 2007 that defines three separate categories of ADUs);
- Provide more flexibility on the location of and access to accessory dwelling units (for example, on larger lots with no alley, it may be viable to have an accessory dwelling unit (attached or detached) that is located in the side yard versus the rear yard); and
- Opportunities for dwelling units that are accessory to uses other than single-family detached dwellings (for example, the Steamboat Springs, CO, incentivizes accessory dwelling units above common, detached garages for multifamily developments by allowing more lot coverage).

Although it is an option (as described above) to carry forward the carriage house definition as-is as a specific type of accessory dwelling unit, we recommend that Fort Collins also consider the option of incorporating carriage house characteristics as part of the accessory dwelling unit definition and eliminating *carriage house* as a defined use altogether. A broader discussion with the community will help inform the City about where accessory dwelling units are feasible and would be supported by residents, as well as possible strategies to compel owners of existing illegal units to legalize them.

Remove barriers to allowed densities

City staff and stakeholders both noted that development standards in some districts (e.g., LMN, TOD Overlay) make efforts to achieve minimum densities—and in some cases maximum densities—challenging. Some of the specific examples cited included: limits on the number of units per multifamily building, square footage thresholds for secondary or non-residential buildings, and height limitations that restrict the ability to maximize compact sites using tuck-under parking. As districts and development standards are recalibrated, known and perceived barriers should be removed. Many communities include a “testing” phase as part of their code update specifically for this reason. While a proposed standard or incentive may make sense in concept as it is being drafted, it is often difficult to know whether it is properly calibrated until an actual project comes forward. This step typically involves conducting a “mock” review of previously approved projects that fit the intent of a particular district, but that may have required exceptions or other variations from current standards. If calibrated properly, the district is ready for further review. If not, additional refinements may be needed.

Incentivize affordable housing projects

The current Land Use Code includes regulatory incentives designed to encourage the construction of affordable housing projects in several districts. For example, in the LMN District, the maximum density is 12 du/ac for affordable housing projects that meet certain criteria and 9 du/ac for all other development. Another example is within the TOD Overlay Zone, where mixed-use developments that dedicate a

percentage of their overall residential units to affordable units are eligible for three additional stories above the base height. While the concept of incentivizing affordable housing is broadly supported, several stakeholders noted that in their current form they are difficult—if not impossible—to achieve. Recommendations to address this issue and further incentivize affordable housing include:

- Removing known barriers where possible, such as limitations on the total number of units or square footage per multi-family building (potentially in conjunction with minimum/maximum bedroom standards to address student considerations);
- Clarifying and simplifying development standards—as discussed in Section 3, below—and build in more flexibility for affordable housing projects where possible;
- Recalibrating density and height incentives with updated development standards and expanding the number of districts where they are offered;
- Exploring further reductions to parking requirements in mixed-use districts;
- Consider establishing baseline lot coverage maximums³ where they do not exist today (using current setbacks as a starting point) and offering increased lot coverage above those maximums for affordable housing projects;
- Consider eliminating maximum densities in certain districts (likely in conjunction with adding more detailed dimensional standards, at least in residential districts); and
- Simplifying and consistently applying a net density as the standard rule for measuring density (i.e., eliminating the numerous variations on gross density, net density, and average density that exist today).

In conjunction with the recommendations outlined above, and ongoing discussions regarding the City’s affordable housing strategy, all definitions for affordable housing in the current Land Use Code should be reviewed for consistency and updated as needed. While the terms ‘affordable housing project,’ ‘affordable housing unit for rent,’ and ‘affordable housing unit for sale’ are defined in Article 5, different variations on the median income parameters are used in different parts of the Land Use Code. For example, in the LMN District, an affordable housing project is defined as having units affordable to households earning 60 percent or less of the median income, while in Article 5, an affordable housing project is defined as having units affordable to households earning 80 percent or less of the median income.

3. Clarify and Simplify Development Standards

Consolidate like standards and definitions and make them more broadly applicable

Article 3, General Development Standards, incorporates a variety of citywide and location-specific development standards. However, development standards are also included in Article 4, addressing topics such as: height, setbacks, density, use transitions, mix of housing types, neighborhood parks, neighborhood centers, and a host of other land use, site, and building design considerations. As discussed in prior sections, City staff and stakeholders noted that the scattered and inconsistent structure of these standards makes them challenging to use and has led to inconsistencies over time. To help address these issues, we recommend that into these, or similar, categories:

³ Most communities have lot coverage maximums or impervious surface coverage maximums in their zoning districts—typically in the range of 35 to 50% for residential districts. Currently, Fort Collins does not specify a maximum in any district, but rather limits overall density through required setbacks.

- **Building regulations/dimensional standards.** Regulations governing the size, shape, and location of lots and the buildings on them (e.g., all height, setback, density, and other dimensional standards for each district) should be consolidated in a simple table or in two or three tables corresponding to residential, mixed-use, and non-residential zone districts for ease of use; and
- **Development standards.** Standards currently located within individual districts in Article 4 should generally be relocated to Article 3 and applied citywide. Divisions within Article 3 should be evaluated and updated, using the Annotated Outline in Part 4 as a general guide. Although each community approaches it a bit differently, the development standards article is typically broken into numerous sub-topics based on need and staff preference. While divisions or sections for topics like site and building design, landscaping, and connectivity are typical, it's not uncommon for communities to break out development standards by specific the type of development—residential, mixed-use, non-residential—rather than the type of standard, or to come up with a hybrid approach. Regardless of the approach selected, the overarching goal should be to balance the need to create a structure that is intuitive and that minimizes the need for repetition.

This recommendation also applies to use-specific standards, discussed in Section 6, as well as measurements and exceptions—or standards that pertain to the measurement of height, allowable floor area, and other generally applicable language—discussed as part of the Annotated Outline in Part 4.

Increase flexibility

City staff and stakeholders expressed a general desire to maintain the overall intent behind the current standards in the Land Use Code, but to make them more flexible, and to ensure they reflect distinctions between infill/redevelopment and greenfield development contexts. Examples of standards that were perceived as being overly rigid and adding to the cost and complexity of projects included: specific percentage limitations on secondary uses found in the E and LLM districts, connecting walkway standards, and required façade details, among others. The desire for more flexibility is a common complaint when it comes to development standards and can reasonably be addressed. However, any effort to introduce more flexibility should be balanced with the need to maintain some degree of predictability as to what the outcome of a given standard will be. If standards are *too* flexible, the administration of those standards will be subject to the interpretation of the person reviewing an application on any given day. This can put undue pressure on City staff and lead to potential frustration from applicants and residents about the inconsistent application of the standards.

We recommend a combination of strategies to try to strike a balance between flexibility and predictability:

- ***Allow broader flexibility for permitted secondary uses rather than precise minimum or maximums where possible.*** While limitations on secondary uses (e.g., residential or retail) in certain mixed-use districts were established by Fort Collins—and many other communities—with good intentions, they have proven to be problematic in practice due to market fluctuations, phasing, and increasing fragmentation of ownership or changes in ownership over time. Establishing a more flexible range, with the option to go outside of that range if certain criteria are met is one approach that may be used in combination with the use of incentives (e.g., additional height or density) in exchange for providing the desired mix of uses in certain districts. Other communities have opted to eliminate the use of percentages altogether, and instead address the integration of secondary uses in different contexts through the expansion of use-specific standards and locational criteria.
- ***Retool design standards where needed.*** Fort Collins' building and site design standards are on par with the types of expectations set by similar communities and have generally yielded the level of

quality that the community expects. However, City staff and stakeholders noted that, in some cases, they may be working in conflict with other community goals (e.g., affordable housing, density). Targeted updates should be considered, with a primary focus on standards that have resulted in frequent requests for amendments. In addition, while some existing standards are already structured to include menus of options as a way to provide flexibility, the use of this tool could be expanded. The City may also wish to explore potential exemptions on some building design standards for affordable housing projects with enforceable restrictions on the income of occupants.

- **Standardize and potentially expand alternative compliance procedures.** The Land Use Code includes a variety of exceptions or modifications to certain standards but lacks a standardized approach and process. Alternative compliance procedures should be clarified and consolidated in conjunction with updates to the design and development standards. This topic is discussed in more detail in Section 5.

Recalibrate incentives to reflect current market conditions

Many communities, including Fort Collins, use incentives (e.g., additional density or height, reduced parking, reduced landscaping, or other types of bonus incentives) to encourage desired development patterns in certain locations. Typically, the most effective incentives are those that offer the potential to reduce development costs and/or increase the development yield of a site in terms of the number of dwelling units or total square footage that may be built. In the current Land Use Code, these types of incentives are used specifically to encourage affordable housing and higher-density and mixed-use development in the LMN District and TOD Overlay Zone. However, as noted in the affordable housing discussion above, several stakeholders remarked that in their current form the incentives are not providing the intended benefit and, in some cases, can't be achieved when combined with other requirements. The use of incentives needs to be reviewed in the context of other updates to the code that may serve as incentives in and of themselves (e.g., retooling parking requirements) and tested against actual real estate market costs to ensure they provide the intended benefit and a true financial incentive for the developer. In general, updated incentives should be aligned with the priority locations for infill and redevelopment (as defined in Policy LIV 2.2).

Align Design Manual with updated development standards

As a supplement to the Land Use Code, the City maintains a separate, non-regulatory design manual that includes examples and explanations of selected standards. As updates to the Land Use Code are made, corresponding updates to the design manual should also be made.

4. Enhance the Development Review Procedures

Article 2, *Administration*, includes the standards for evaluating and approving various development applications within the city. Division 2.1 summarizes the overall general development procedures. Division 2.2 provides a set of standardized common development review procedures that may or may not apply to specific application types. The remaining divisions in Article 2 describe the specific application review procedures, ranging from overall development plans to permitting procedures to appeals and variances. We heard generally from staff and stakeholders that the procedures are working well; however, there are several areas that could be improved, as described below.

Clarify the Amendment Procedures

Clarify Distinctions between Minor and Major

The common review procedures in Division 2.2 make fairly clear the common 11 steps that may apply to a particular application prior to submitting an application, during the evaluation process, and post decision.

Step 10 addresses amendments and changes of use. This step makes the distinction between minor amendments and major amendments by establishing criteria for eligibility of a “minor amendment.” Anything not meeting the criteria for a “minor amendment” are deemed to be “major amendments.” This type of distinction is common among communities. Minor amendments may be approved administratively, provided such amendments would result in a plan or specific permit that still complies with the code “to the extent reasonably feasible.” It is that qualifier that should be further clarified. The term “extent reasonably feasible” is currently defined as:

“Under the circumstances, reasonable efforts have been undertaken to comply with the regulation, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance with the regulation.”

This criterion leaves the Director with a lot of discretion for what may qualify as minor versus major. There are more specific thresholds for eligibility for minor amendments, including limits on the number of dwelling units increased, adjustments of square footage, and changes to the use mix ratios. Many of the criteria thresholds for minor amendments are tied to changes that would not “change the character of the project or development.” These again are highly subjective, perhaps resulting in justification for unnecessary appeals. We recommend including examples where possible of how such amendments would result in a change of character. For example, include the percentage increase or decrease in square footage that would be considered a major amendment (e.g., more than 10-15%). There are also several other scenarios that should be clarified for when a change might warrant a major amendment, including but not limited to:

- What level of shifting land uses (e.g., residential dwelling units or commercial square footage) among phases or parcels would be appropriate?
- How much parking can be increased or decreased?
- How much landscaping or open space could be reduced or increased?
- Can overall building design be amended?
- Can internal circulation be amended?

Cross-Reference other Amendment Provisions

Although most of the amendment procedures are addressed in Step 10 of the common review procedures, there are additional amendment-related provisions in Step 11, *Lapse*. For example, amendments to PUD Master Plans are addressed in 2.2.11(C)(5), and for Final Plans, Plats, and other Site Specific Development Plans in 2.2.11(E)(5) and (6). These sections should be cross-referenced in the current Section 2.2.10, Step 10.

Micro Amendments

We understand that staff also processes amendments administratively that do not rise to the level of even a minor amendment. Examples may include changing the location of a door on a specific elevation or changing a tree species for another acceptable replacement. These types of “micro-amendments” are also common in other communities but are rarely codified. Often the need for a micro-amendment would come to light during construction, when changes in the field warrant alternative approaches. Codifying a procedure to allow field changes and other minor revisions should be approached cautiously, with narrow gates of entry. It is important that staff use such a tool judiciously, and not establish precedent of on-the-fly amendments.

Consider standardizing the Alternative Compliance Procedures

Article 3, General Development Standards, provides the site development quality standards required for most development projects including landscaping, parking, access, lighting, building design, and fencing and walls. Several, but not all, of these development standards include provisions for “alternative compliance” that allow applicants to propose alternative plans that still meet the intent of the regulations.

In some cases, such as landscaping, bicycle facilities, parking, solar access, lighting, and air quality, the alternative compliance procedures follow a similar structure with a procedure, review criteria, and considerations for the decision makers. Other sections, such as those addressing lot widths, garage doors, and build-to line standards include different organization and structure and approval authority. For example, alternatives are allowed for build-to line standards, but are identified as “exceptions to the build-to line standards.” Staff should consider a standardized alternative compliance procedure that clearly identifies each of the standards within the code that are eligible, and the criteria to which they are subject to. Such standardized procedure could be located in Article 2, Administration, or at the beginning of Article 3, General Development Standards. As an example, the [City of Glenwood Springs Development Code](#) (Section 070.040.080(c)(1)) includes a separate procedure for Alternative Equivalent Compliance that clearly states which standards are eligible for alternatives and the procedure and criteria for approval.

Improve the PUD Procedures

As discussed earlier in this document, both the standards for PUDs and the procedures for evaluating and approving PUDs should be revisited as part of the City’s targeted code updates. Additionally, the process for amending existing PUDs should be clarified as mentioned in the prior section.

Review appeal parameters

We heard from stakeholders that the current appeals procedures could be clarified and tightened. We also heard that the fees for an appeal application are relatively low, which should be considered with future fee updates.

Enhance transparency

Include a Summary of Review Procedures

The land use regulations should clearly describe the procedures by which applications for development projects are accepted, considered, and acted upon by local officials. Although the City has provided clear common review procedures in Division 2.2, it is not immediately clear how the various application types relate to each other. We recommend including a summary table of review procedures near the beginning of Article 3 that indicates how the various applications are processed in Fort Collins, including whether preliminary design meetings or neighborhood meetings are required, who reviews and provides recommendations, and who is the final decision-making authority on the application. This summary table is an example of a non-substantive code edit that provides a lot of value in terms of clarity and transparency in the process. An example from another community is provided below.

**Table 8.1
Summary Table of Review Procedures**

KEY: R= Review and Recommendation D= Review and Decision A= Appeal ✓ = Required <> =Public Hearing Required

Procedure	Code Reference	Notice			Pre-Application Meeting	Review and Decision-Making Bodies				
		Published	Written	Posted		Staff	Historic Prsvtn Comm.	Planning & Zoning Comm.	City Council	Board of Adjustment
Development Permits										
Development Review	Minor	8.4				✓	D [1]		< A >	
	Major	8.4	✓	✓	✓	✓	R	< R > [3]	< D >	< A >
Conditional Use Permit		8.4.B	✓	✓	✓	✓	R	< R > [3]	< D >	< A >
Single-Family Residential Review		8.4.C					D			< A >
Temporary Use Permit		8.4.D				✓ [2]	D			< A >
Subdivision Procedures										
Preliminary Plat		8.5.A	✓	✓	✓	✓	R		< R >	< D >
Final Plat		8.5.B					R			< D >
Land Division or Combination		8.5.C					D			< A >
Reversion to Acreage		8.5.E	✓	✓	✓	✓	R		< R >	< D >
Ordinance Amendments										
Rezoning		8.6.A	✓	✓	✓	✓	R	< R > [3]	< R >	< D >
Rezoning to Planned Development (PD)		8.6.B	✓	✓	✓	✓	R		< R >	< D >
Code Amendment (Text)		8.6.C	✓			✓ [4]	R		< R >	< D >
Historic Preservation Procedures										
Historic Landmark Designation		8.7.A	✓	✓	✓	✓	R	< D >		< A >
Historic District Designation		8.7.C	✓	✓	✓	✓	R	< R >	< R >	< D >
Certificate of Appropriateness		8.7.D	✓	✓	✓		R	< D >		< A >
Certificate of No Effect		8.7.D					D [5]			
Flexibility and Relief										
Variance		8.8.A	✓	✓	✓	✓	R			< D >
Minor Modification		8.8.B						<i>As required for associated application</i>		
CFA Alternative Standards Request		8.8.C		✓		✓		<i>Director makes decision prior to submittal of subject development application</i>		
Appeal		8.8.D	✓	✓	✓			<i>As indicated in table above</i>		
Special Exception		8.8.E	✓	✓	✓		R			< D >

Figure 5- Sample summary of procedures table from another community.

Strengthen Review Criteria

Throughout the development review procedures in Article 2, the City should redraft and strengthen the approval criteria to be more objective and clearer. More objective criteria will result in an improved level of predictability in the process for neighborhoods and developers and will also lead to more efficient decision making and public hearings. For example, one of the criteria for rezoning applications is to consider “whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.” In that example, one may ask “what is logical and orderly, or conversely, what constitutes illogical and disorderly development patterns?” We recommend developing clear and objective criteria for all development application types by providing examples of compliance where possible. A

refined version of that criterion might be “the extent to which proposed development patterns are consistent with the comprehensive plan and master streets plan” or something similar.

6. Create a More User-Friendly Document

City staff and stakeholders expressed frustration with the organization and bulk of the Land Use Code. Primary complaints were that the Land Use Code contains redundant—and often conflicting—language, is poorly organized, and is generally challenging to use. This section provides recommendations to improve the overall organization, format, and user-friendliness of the Land Use Code.

Reorganize the Land Use Code

In order to fully assess what’s in the current Land Use Code it must be “pulled apart” and put back together in a more intuitive way. City staff will initiate a process to reorganize the Land Use Code later this year. The reorganization process will make it easier to identify overlaps between related sections, determine what content should be retained and carried forward (or is no longer relevant), and where gaps exist. Completing this step up-front will make future amendments to the Land Use Code easier and more consistent. We typically recommend that substantive changes *not* be made as part of a code reorganization effort to keep the need for stakeholder and community input, and potential controversy, to a minimum. However, some communities do choose to make targeted amendments at the same time.

In general, effective land use regulations should be organized to place frequently used information where it can be easily referenced and to remove repetition by consolidating related information. While most older development codes contain *too many* freestanding chapters and articles and must be collapsed into a more compact organization, the opposite is true of Fort Collins’ Land Use Code. The current Land Use Code is organized into only five articles. Within each article there are anywhere from ten to 30 divisions. Because similar content is scattered throughout the code—it is impossible for a user to ensure they have identified all of the relevant provisions without searching for terms or scanning through the entire code. For example, it is generally assumed that all dimensional standards (i.e., setbacks, height, lot standards) will be included as part of individual zoning districts. While this is generally true in the Fort Collins’ Land Use Code, there are additional dimensional standards included in Article 3: General Development Standards.

While the organization of the core components of the code is generally fairly similar in modern codes, there is no single “right” approach. Some communities may have a single article containing development standards and others may have several (e.g., one each for residential, non-residential, and mixed-use). This decision is typically driven in part by preference and in part by the amount of material contained in each article. For example, Fort Collins’ sign standards are currently located as a subsection of Division 3.8 – Supplementary Regulations. Because the sign regulations are such an important (and bulky) section, we recommend pulling it into a standalone article. Alternatively, signs could be included within development standards; the same is true for other bulky sections, such as wireless regulations and oil and gas. Table X below outlines a possible reorganization strategy as a starting point for discussion. More detailed recommendations for how the current Land Use Code would be reorganized is provided in Part 4: Annotated Outline.

Table 4: Possible Reorganization of Land Use Code Articles

Current Organization	Possible Reorganization
Article 1: General Provisions	Article 1: General Provisions
Article 2: Administration	Article 2: Zoning Districts
Article 3: General Development Standards	Article 3: Use Regulations
Article 4: Districts	Article 4: Development Standards
Article 5: Terms and Definitions	Article 5: Historic Preservation
	Article 6: Subdivision Standards
	Article 7: Signs
	Article 8: Administration and Procedures
	Article 9: Terms and Definitions

Enhance use regulations

The current Land Use Code itemizes each allowable use in numbered lists for every district in Article 4 – Districts. Uses are frequently duplicated between districts stretching the article to 140 pages in length. For example, the C-C Community Commercial District lists 60 individual allowed uses, with an additional 20 allowed subject to review by the Planning and Zoning Board. The uses are not listed alphabetically but are grouped by type. This approach adds unnecessary repetition and length and makes it extremely cumbersome to compare allowable uses across zoning districts.

Modern zoning ordinances typically include a table of allowed uses, with rows representing land use categories and specific use types, and columns representing the zoning districts. This format allows quick comparison of the allowable uses in each zoning district and eliminates the potential for inconsistencies over time as uses are updated. An excerpt from a use table from another community is shown below.

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an * = use-specific standards apply
Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential								Mixed-Use								Non-Residential		Use-Specific Standards
	RE	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	PO	
RESIDENTIAL USES																			
Household Living																			
Dwelling, single-family (detached)	P	P	P	P	P	P*	P*	P	P	P	P*	P*	P*			P*			20.03.030(b)(1)
Dwelling, single-family (attached)			P*	P*	P*	P*	P*		P*	P*	P*				P*				20.03.030(b)(2)
Dwelling, duplex	C	C*	C*	C*	P*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(3)
Dwelling, triplex		C*	C*	C*	P*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(4)
Dwelling, fourplex					C*	P*	P*		P*	P*	P*	P*			P*				20.03.030(b)(4)
Dwelling, multifamily					C*	P	P		P	P*	P*	P	P*	C	P*				20.03.030(b)(5)
Dwelling, live/work					C*	P*	P*			P*	P*	P*			P*				20.03.030(b)(6)
Dwelling, cottage development		C*	C*	C*	C*	C*	C*		C*										20.03.030(b)(7)
Dwelling, mobile home									P*										20.03.030(b)(8)
Manufactured home park									P*										20.03.030(b)(9)
Group Living																			
Assisted living facility					C	P	P			C	P	P		P	P	P			
Continuing care retirement facility					C	P	P			C	P	P		P	P	P			
Fraternity or sorority house									P					P					
Group care home, FHAA small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*		P*			20.03.030(b)(10)
Group care facility, FHAA large					P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(10)
Nursing or convalescent home					C	P	P			C	P	P	P	P	P	P			
Opioid rehabilitation home, small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*		P*			20.03.030(b)(10)
Opioid rehabilitation home, large					P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(10)
Residential rooming house					P*	P*		P	P*	P	P	C*							20.03.030(b)(11)
Student housing or dormitory					C*	P*		P	C*	P*	P*		P*	C*					20.03.030(b)(12)
Supportive housing, small							C			C	C	C		C	C	C			
Supportive housing, large											C	C		C	C	C			
PUBLIC, INSTITUTIONAL, AND CIVIC USES																			
Community and Cultural Facilities																			
Art gallery, museum, or library					C*	C	C			P	P	P		P	P				20.03.030(c)(1)
Cemetery or mausoleum														P					

Figure 6- Sample consolidated use table excerpt from another community.

Fort Collins has an “unofficial” version of a consolidated use table available on City’s website as a reference tool. While has not been updated since 2014, this table will serve as a helpful jumping off point for City staff as part of the Land Use Code reorganization process. The table and associated use regulations should be updated to:

- **Establish a hierarchy of uses.** We recommend categorizing individual use types within a logical system of larger use categories. In the example table above, the specific use type of “assisted living facility” falls within the category of “residential” and the subcategory of “group living.” Standards in

the Land Use Code can then simply refer to a category of uses and, by definition, include all of the uses within that category rather than listing them individually. Uses within the same category typically have similar land use impacts, and thus creating well-defined categories allows the elimination of many specific use types, as well as accommodating potential future uses not in existence today. As part of this process, any unnecessary or antiquated use types should be removed.

- **Consolidate use-specific standards.** Use-specific standards typically address how certain uses must operate (e.g., size limitations, specific parking requirements, separation requirements, additional buffering standards). Currently, there are use-specific standards scattered throughout the Land Use Code. Some appear within individual districts, while many are located within Article 3- Division 3.8 – Supplemental Standards. As a general rule, use-specific standards should be referenced in the consolidated use table and located immediately following the use table.
- **Define all uses.** Both use categories and specific use types should be defined. Definitions should be updated and supplemented to address new uses, and existing definitions should be reviewed to ensure they are appropriate, used consistently, and avoid conflict with other documents. For example, the LLM district offers a density bonus for affordable housing projects as defined within that district. However, Article 5 includes a different definition for “affordable housing project.” Likewise, any regulatory standards embedded in the definitions (other than minimum or maximum size limits that are inherent in the definition and do not vary by district or area – such as a maximum size for Tiny Homes) should be relocated into the main body of the Land Use Code.

Reconcile duplications and inconsistencies

As noted previously, there are numerous examples of slightly different versions of standards and other provisions are scattered throughout the code. For example, the UE, RF, and RUL districts all contain site design standards for residential cluster development. As existing content is reorganized to group like material, duplicative information should be eliminated, and inconsistencies addressed.

Simplify language

In updating the Land Use Code, City staff should look for every opportunity to provide greater clarity, including removal of legal and planning jargon in favor of plain language. For example, simply eliminating the current practice of including both the spelled out and numerical version of each number (e.g., fifteen (15) feet) as part of the code reorganization process would greatly improve clarity.

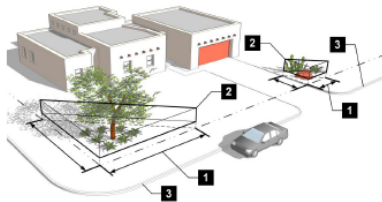
Establish a more intuitive page layout

The current page layout of the Land Use Code is inconsistent. In some instances, the first item in a list is indented from the introductory paragraph, and in others, it is left justified. Additionally, the numbering system is applied inconsistently, with some instances using parentheses and others not. For example, Section 1.2.2, Purpose, has an introductory paragraph, followed by a numbered list (A) through (O). Conversely, Section 1.5.1, Continuation of Use, has an introductory paragraph, and then a numbered list with (1) through (5). Both lists are at the same hierarchy but are numbered differently. It is also challenging to discern where some provisions live within the larger Land Use Code hierarchy. Improving the page layout and document styles can enhance the reader’s ability to intuitively understand the context in which a particular provision is located. An improved page layout may include more dynamic headers and footers, showing articles, divisions, and sections on each page; consistent formatting and numbering system; clearer hierarchy of titles and subtitles and headings; and consistent nesting of text.

F. Visibility Triangles

- (1) On all lots or parcels of land on which a front setback is required, no obstruction that will obscure the view of motor vehicle drivers shall be placed within the triangular area formed by joining points measured 30 feet along the property line from the intersection of two streets, or by joining points measured 10 feet back along a driveway and lot line from the point of intersection of the driveway and lot line. On a site-specific basis; as an alternative, the City Engineer may apply AASHTO standards based on a site-specific evaluation of intersection visibility. (See Figure 5-1.)
- (2) Within the area of the triangle there shall be no sight-obscuring or partly obscuring wall, fence, sign, or foliage higher than 36 inches above curb grade or, in the case of trees, foliage lower than six feet.
- (3) Vertical measurement shall be made from the top of the curb on the street adjacent to the nearest street of the triangle or, if no curb exists, from the edge of the nearest traveled way.

Figure 5-1: Visibility Triangle



G. Cross-Access between Adjacent Uses

- (1) All non-residential development shall be designed to allow for cross-access to adjacent properties to encourage shared parking and shared access points on public or private streets, even if no current connection exists (in order to enable future connections). This may be established by one or more of the following:
 - a. Connecting streets and drives;
 - b. Coordinating parking structure and parking lot entrances;
 - c. Common service/delivery areas;
 - d. Legally shared parking structures and parking lots;
 - e. Linkages between parking lots and parking structures; or

- f. Providing shared driveways for two adjacent lots from public rights-of-way to minimize curb cuts.
- (2) When cross-access is deemed impractical by the Director and/or City Engineer on the basis of topography, the presence of natural features, or vehicular or pedestrian safety factors, this requirement may be waived provided that appropriate bicycle and pedestrian connections are provided between adjacent developments or land uses.
- (3) Cross-access and maintenance agreements associated with such interconnections shall be provided, if necessary, with the associated subdivision or development application.

H. Pedestrian and Bicycle Circulation

(1) Sidewalks

- a. Unless exempted in paragraph b below, sidewalks shall be installed on both sides of all arterials, collector streets, and local streets, including cul-de-sacs, and within and along the frontage of all new development or redevelopment.
- b. Sidewalks are not required for:
 1. Existing local streets in single-family residential zoning districts unless called for in an applicable CFA Plan; and
 2. Steep-slope areas where sidewalks on one side of the street may be approved to reduce excessive slope disturbance, adverse impacts on natural resources, and potential soil erosion and drainage problems.

(2) On-Site Pedestrian Walkways

All development shall provide an on-site system of pedestrian walkways that meets the following standards:

a. Areas to Connect

On-site pedestrian walkways shall provide direct access and connections to and between:

1. The primary entrance or entrances to each building, including pad site buildings;
2. Any sidewalks, walkways, or multi-use paths on adjacent properties that extend to the boundaries shared with the development;
3. Any parking areas intended to serve the development;
4. Any sidewalk system along the perimeter streets adjacent to the development;
5. Any public transit station areas, transit stops, park and ride facilities, or other transit facilities on-site or along an adjacent street;
6. Any adjacent residential neighborhoods (planned or existing); and
7. Any adjacent or on-site public park, trail system, open space, greenway, or other public or civic use or amenity.

b. Walkway Design

Required on-site pedestrian walkways shall be a minimum width of five feet; however, the Director and/or City Engineer may require a wider walkway based on site characteristics

Figure 7- Sample page layout from another community. The headings clearly define a hierarchy, and the headers include the article, section, and subsection in which these standards are located. Graphics help convey the applicability of the development standards.

Add more graphics to the Land Use Code

Modern zoning codes include more graphics, tables, flowcharts, and illustrations than older codes. Visual aids help guide the reader's understanding of otherwise complex provisions and make the document more interesting and aesthetically pleasing. Although this is a lower priority than addressing the current structural challenges within the Land Use Code, the City should consider programming for graphic updates in the future. Examples of how graphics and other visual aids are particularly helpful include:

- **Zoning districts.** Include a visual depiction of the basic lot and building dimensional standards.
- **Use regulations.** As discussed, include a table of allowed uses for quick comparison among zoning districts.
- **Development standards.** Depict complex measurements and examples of site design and layout or building design, and tables for parking and landscaping requirements.
- **Procedures.** Include flowcharts for common review procedures and for each application type.

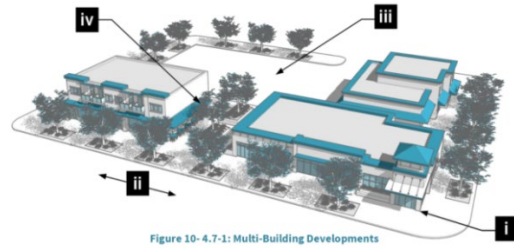
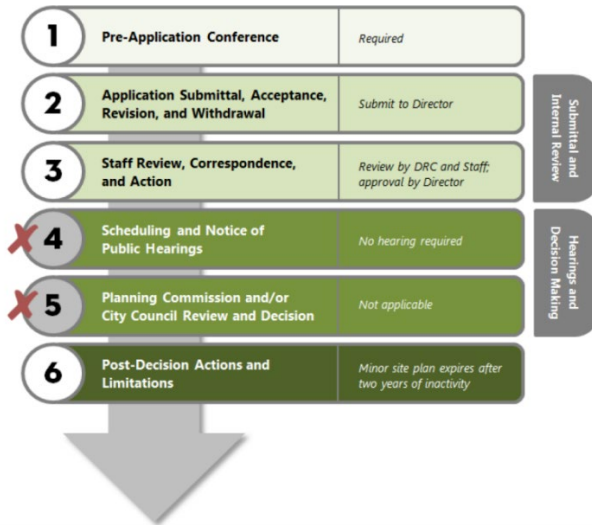


Figure 10- 4.7-1: Multi-Building Developments



Figure 8- Sample graphics from other codes include, clockwise from left: a flowchart for a minor site plan procedure; building orientation standards (keyed to standards i through iv); and a directional sign.

Part 3: Priority Actions

This section describes our recommendations for how the City might approach targeted Land Use Code updates to maximize resources. In addition to the specific recommendations provided in earlier sections of this report, this section offers guidance for next steps. These options are provided for discussion purposes; any combination of approaches may be appropriate depending on timing and available resources.

Option 1 – Reorganize existing Land Use Code

Under this first option, we recommend reorganizing the Land Use Code as outlined in Part 4: Annotated Outline. Reorganizing the existing content of the Land Use Code will highlight inconsistencies and overlapping standards and will offer a clearer look at what is working well and what needs improving. This approach should include updates to and codification of the City’s table of allowed uses. Because this approach would not likely involve many substantive edits to the content, these improvements should be without controversy and will not require substantial public outreach. The City should develop a clear message and protocols for what are considered substantive edits versus non-substantive edits. Edits that would typically qualify as non-substantive, and therefore would not require significant programmed outreach may include:

- Clarification of existing language – replace legalese with common terminology
- Inclusion of new tables summarizing existing standards and/or procedures (e.g., new table of allowed uses, or required parking ratios)
- Relocation of text to more intuitive location within the ordinance
- Corrections of known errors within the ordinance
- Consolidation or removal of repetition or conflicting standards
- Renumbering or reformatting existing text
- Adding graphics or illustrations to accompany and support text

Although a code reorganization effort is often viewed as a fairly routine technical exercise, the process of reorganizing the Land Use Code will be a major effort that will require significant coordination among City staff, additional research, and potentially policy-level discussions with the City’s key decision-makers. While most communities do not establish a formal committee for a code reorganization project, seemingly simple word changes made for internal consistency can have substantive impacts on possible development. As a result, we would recommend having a small group of four or five reviewers, including at least one citizen and one business interest, available to review proposed changes and help make judgment calls about whether a specific ‘clean up’ change should be included in the reorganization.

Option 2 – Reorganize the Land Use Code, and include targeted updates

Under this second option, we recommend completing the reorganization as outlined in Option 1 but include targeted updates during the reorganization process. This approach would include both non-substantive edits and substantive edits to existing content and any new content as recommended earlier in this report. During the reorganization of the Land Use Code, the City should prioritize substantive edits depending on complexity, level of outreach required, and available resources. Below we provide an initial list of priority updates to consider, in an order that would maximize staff resources on an efficient timeline.

Step 1 - Update procedures

The updates to the procedures recommended earlier in this report are relatively minor yet would go a long way in enhancing the overall transparency of doing business in Fort Collins. Edits would include improvements to the development application requirements and clarifying approaches toward approvals of amendments and modifications. Because these changes would mostly involve tweaking existing standards, we believe this could be a “quick win” with the development community, the appointed and elected officials, and the community at large.

Step 2 - Update districts and uses

We recommend updating both zoning districts and uses concurrently because of their intuitive relationship, i.e., “what can you do on your property, and where can you do it?” Changes to uses and districts are often most relevant to the general public and garner the most feedback. Many of the concepts addressed during this batch of edits may require more substantial vetting than others. The current lineup of zoning districts should be revised as recommended earlier in this report to more closely align with the Structure Plan and to eliminate or consolidate unnecessary districts. The remaining standards within each zoning district (after reorganizing based on recommendations in Part 4) should be minimal – a purpose statement, lot and building standards (currently “land use standards”), and perhaps a new graphic depicting the overall character of that district and applicable lot and building standards. This step would also include drafting new districts, which would upon adoption be available for future rezoning efforts. The City may incentivize rezoning to available districts or may elect to rezone properties legislatively, or a combination of strategies as presented outlined in Part 2.

As districts are revised, the City should also revisit the use-specific standards applicable to the new lineup of districts and revise the table of allowed uses. When the table of allowed uses is codified, we recommend revisiting each use and each zoning district, considering the following:

- Could uses that are currently prohibited be allowed either by right or with advisory review if additional use-specific standards were established?
- Could uses that currently require advisory review be allowed by right if additional use-specific standards were established?
- Should any uses that are currently permitted by right be prohibited or require additional scrutiny?

As part of this second step, the City should remove or loosen barriers to housing variety as described earlier. Additional housing use types should be introduced and defined, and any use-specific standards established as necessary. For example, if the term “accessory dwelling unit” is added as a permitted use type, the standards related to that use will also need to be vetted concurrently with the discussion about where and to what degree they are appropriate (although there is good policy guidance in the City Plan as a jumping off point).

Step 3 - Update development standards

Following discussions on the procedures and the districts and uses, the City should revisit the current development standards as recommended earlier in this report to provide more flexibility, to standardize the approach to evaluating alternatives, to recalibrate available incentives, and to align the design manual (and other engineering standards) more closely with the Land Use Code. This step will require substantial coordination with other City departments and external stakeholders, and therefore additional time should be built into the process. Some of the issues related to development standards might be addressed as the City revises the districts and uses (such as development standards applicable to various housing types);

however, others could be treated as a standalone effort because they can be updated without impacting other sections of the Land Use Code (e.g., parking ratios, sign amendments, stormwater improvements, street design).

Under either approach (option 1 or 2), the City can determine the specific content, and order by which to edit the content, to take full advantage of other City efforts to maximize available resources.

Part 4: Annotated Outline

As discussed earlier in this document, we recommend substantial reorganization of the current Land Use Code, moving from the current five articles to nine articles. A high-level summary is provided below, with additional details for each article following.

Table X: Possible Reorganization of Land Use Code Articles

Current Organization	Possible Reorganization
Article 1: General Provisions	Article 1: General Provisions
Article 2: Administration	Article 2: Zoning Districts
Article 3: General Development Standards	Article 3: Use Regulations
Article 4: Districts	Article 4: Development Standards
Article 5: Terms and Definitions	Article 5: Historic Preservation
	Article 6: Subdivision Standards
	Article 7: Signs
	Article 8: Administration and Procedures
	Article 9: Terms and Definitions

Article 1 – General Provisions

This article will consolidate the general information materials related to the overall establishment of the LUC, including legal authority, purpose, and applicability. It will also include the provisions for nonconformities and enforcement of the LUC.

Integrating Current LUC Provisions

Article 1 – General Provisions

- Division 1.1 – Organization of the Land Use Code
- Division 1.2 – Title, Purpose, and Authority
- Division 1.4 – Interpretations (except 1.4.9)
- Division 1.5 – Nonconforming Uses and Structures
- Division 1.6 – Existing Limited Permitted Uses
- Division 1.7 – Legal

Article 2 – Zoning Districts

The zoning districts article will establish the base zoning districts, overlay districts, and will include the revised standards for PDs. Each district should be structured similarly, containing the purpose and the land use standards and applicable development standards. The permitted use regulations will be relocated to the new Article 3. Following the districts, a section for measurements and exceptions should be included to describe how district dimensional requirements are measured for various scenarios. The following table indicates which sections of the current Land Use Code would be incorporated into different parts of this new article.

Integrating Current LUC Provisions

Article 1 – General Provisions

- Division 1.3 – Zoning Map and Zone Districts

Integrating Current LUC Provisions

Article 2 – General Development Standards (Division 3.8, Supplementary Regulations)

- 3.8.8 – Lots
- 3.8.9 – Yards
- 3.8.17 – Building Height
- 3.8.18 – Residential Density Calculations
- 3.8.19 – Setback Regulations

Article 3 – General Development Standards (other divisions)

Division 3.10 – Development Standards for the Transit-Oriented Development Overlay

Article 4 – Districts

Entire article, except that permitted uses will be relocated to Article 3

Article 3 – Use Regulations

This new article will include the new proposed table of allowed uses as described earlier in this document, and then followed by use-specific standards (standards that apply to some uses, but not all – and sometimes depending on the district). This article will also include the standards for accessory and temporary uses.

Integrating Current LUC Provisions

Article 3 – General Development Standards (Division 3.8, Supplementary Regulations)

- 3.8.1 – Accessory Buildings, Structures, and Uses
- 3.8.2 – Family-Care Homes
- 3.8.3 – Home Occupations
- 3.8.4 – Child Care Center Regulations
- 3.8.5 – Small Animal Veterinary Clinic and Hospital Regulations
- 3.8.6 – Group Home Regulations and Shelters for Victims of Domestic Violence
- 3.8.12 – Adult-Oriented Uses
- 3.8.13 – Wireless Telecommunication
- 3.8.14 – Preemption Uses
- 3.8.16 – Occupancy Limits; Increasing the Number of Persons Allowed
- 3.8.20 – Expansions and Enlargements of Existing Buildings
- 3.8.22 – Dog Day-Care Facility Regulations
- 3.8.23 – Mobile Home Park Regulations
- 3.8.25 – Permitted Uses: Abandonment Period/Reconstruction of Permitted Uses
- 3.8.28 – Extra Occupancy Rental House Regulations
- 3.8.29 – Outdoor Vendor Regulations
- 3.8.31 – Urban Agriculture
- 3.8.33 – Seasonal Overflow Shelters
- 3.8.34 – Short-Term Rentals

Article 4 - Districts

Permitted uses from each zoning district

Article 4 – Development Standards

The development standards article will likely be one of the lengthier articles given that it will include most of the development quality standards for the City. We recommend organizing this article from the “ground up,” addressing overall site design requirements (e.g., grading and access and connectivity), followed by specific site improvements (e.g., parking and landscaping) and building design, then followed by operational and maintenance provisions.

Integrating Current LUC Provisions

Article 3 – General Development Standards (except Division 3.8)

Division 3.1 – General Provisions

Division 3.2 – Site Planning and Design Standards (except for 3.6.2 and 3.6.3 which will be relocated to subdivisions)

Division 3.3 – Engineering Standards (except for 3.3.1 and 3.3.2 which will be relocated to subdivisions)

Division 3.4 – Environmental, Natural Area, Recreational, and Cultural Resources (except that 3.4.7 may be relocated to standalone Historic Preservation Article)

Division 3.5 – Building Standards

Division 3.6 – Transportation and Circulation

Division 3.7 – Compact Urban Growth Standards

Division 3.8 – Supplementary Regulations (partial - see below)

Division 3.9 – Development Standards for the I-25 Corridor

Division 3.11 – Development Standards for the South College Gateway Area

Division 3.8 – Supplementary Regulations

3.8.10 – Single-Family and Two-Family Parking Requirements

3.8.11 – Fences and Walls

3.8.15 – Housing Model Variety

3.8.21 – Soil Amendments

3.8.24 – Composting

3.8.26 – Buffering for Residential and High Occupancy Building Units

3.8.30 – Multi-Family and Single-Family Attached Dwelling Development Standards

3.8.35 – Off-Site Construction Staging

Article 4 – Districts

Development standards from individual districts, as identified in Table 2

Article 5 – Historic Preservation

This article will include the standards for preserving the City’s historic and cultural resources and can include standards from the City Code Chapter 14, Landmark Preservation. Alternatively, this article can be folded into a section within Article 4 – Development Standards. Procedures related to historic and landmark preservation can be included in this standalone article, or for consistency can be relocated to Article 8 – Administration and Procedures. In general, consolidation of all procedures into Article 8 will make the Land Use Code more intuitive for users and promote continued internal consistency over time.

Integrating Current LUC Provisions

Article 3 – General Development Standards

Section 3.4.7 – Historic and Cultural Resources

Article 6 – Subdivision Standards

This article will include the standards for designing and providing public improvement for new subdivisions in Fort Collins. Standards that would apply to both subdivisions and redevelopment would be located in Article 4 – Development Standards. The subdivision procedures will be located with other procedures in the new Article 8 – Administration and Procedures.

Integrating Current LUC Provisions

Article 3 – General Development Standards

- 3.3.1 – Plat and Development Plan Standards
- 3.3.2 – Development Improvements
- 3.6.2 – Streets, Streetscapes, Alleys, and Easements
- 3.6.3 – Streep Pattern and Connectivity Standards

Article 7 – Signs

This article will include the sign standards currently located in the supplemental regulations, Section 3.8.7. The procedures for sign permits should be relocated to the new Article 8 – Administration and Procedures if possible, for the reasons stated above.

Integrating Current LUC Provisions

Article 3 – General Development Standards

Section 3.8.7 - Signs

Article 8 – Administration and Procedures

This article will describe the review and approval procedures for development applications in Fort Collins and will reflect the proposed revisions earlier in this document. This new article will be more user-friendly, will establish more objective criteria, and should result in a more predictable process. Flowcharts for each set of procedures will make the City’s administration of the Land Use Code much more understandable to citizens, existing businesses, and potential investors in Fort Collins’ future development and redevelopment.

Integrating Current LUC Provisions

Article 2 – Administration

Entire article

Article 9 – Terms and Definitions

This article will carry forward the current definitions from Article 5. This article may also include general rules of language construction currently located within Article 1, and definitions that are currently scattered throughout Article 4. As noted earlier, each use listed in the new allowed use table should be defined, and the revisions to current definitions discussed above should be incorporated.

Integrating Current LUC Provisions

Article 1 – General Provisions

1.4.9 – Rules of construction for text

Article 3 – General Development Standards

3.8.16 – Occupancy limits, increasing the number of persons allowed

Article 5 – Terms and Definitions

Entire article

Appendix: Best Practices

This appendix provides an overview of best practices and example codes in three areas: expanding housing options, incentivizing accessory dwelling units, and recalibrating mixed-use districts.

Expanding Housing Options

Communities across the country are taking steps to expand opportunities for what is commonly referred to as “missing middle housing”—or in simple terms, housing types between duplexes on one end and multifamily apartments on the other. Allowing the construction of these new types of housing in the zoning code is a critical piece of the housing diversity and affordability puzzle. However, because many communities, like Fort Collins, are quickly approaching buildout, it is equally—if not more important—to allow the conversion of existing buildings to include both missing middle housing and accessory dwelling units. Ensuring that a community’s zoning code supports the expansion of housing options through new construction, infill and redevelopment, and adaptive reuse—ensures that incremental progress in expanding the housing supply can be made on all fronts, even as land supply, market demand, and community preferences change over time. While the mechanics of allowing a broader range of housing types in a code is straight-forward, the political and neighborhood dynamics associated with this process can be extremely challenging. As such, each community’s approach varies. Some recently updated codes that have addressed these issues include:

- **Aurora, Colorado**, decided to add three new defined land uses – cottage houses, co-housing, and live-work structures. While the first two are likely to be accomplished through new construction, live-work uses can be achieved through building conversions in some zone districts. (Adopted, August 2019)
- **Bloomington, Indiana**, is also considering adding duplex and triplex dwellings to its list of Conditional land uses in some existing single-family zoning districts. Because of intense pressures for student housing and fears that duplexes and triplexes may have several bedrooms filled with lots students, these new uses would be subject to maximum bedroom and occupancy limits designed to preserve most new or converted units for workforce housing. (Currently under review, anticipated to be adopted in December 2019)
- **Henrico County, Virginia**, is considering a wide variety of housing alternatives, including pocket neighborhoods, mansion apartments, live-work units, ECHO (Elder Cottage Housing Opportunity) units, accessory dwelling units, and reductions in minimum lot sizes and/or setbacks for single-family homes in some zone districts.
- **Longmont, Colorado**, has adopted zoning regulations that add duplex, triplex, and fourplex housing structures to the list of available housing options in some existing zone districts. (2018)
- **Reno, Nevada**, is considering adding duplex, fourplex, and live-work to the list of available housing options in some existing zoning districts. (Currently under review, anticipated to be adopted in Summer 2020)

Other communities are going —or may soon be required to—go even further. Last year, the City of Minneapolis approved a 2040 Plan that recommended the elimination of single-family zoning citywide. Updates to the zoning code to implement that plan are currently under consideration and are expected to go into effect next year. In July, Oregon became the first state to pass a bill that requires cities with more than 10,000 people to allow duplexes in areas zoned for single-family houses. In the Portland metropolitan area, cities and counties will be required to allow missing middle housing options. These updates are required to be implemented over the next two years.

Additional Resources

Earlier this year, the National Association of Home Builders released a report titled Diversifying Housing Options with Smaller Lots and Smaller Homes. This report provides insights on specific dimensional considerations for different types of housing and highlights sample codes and projects. However, many of the examples are project-specific and would not be applicable citywide.

Incentivizing Accessory Dwelling Units

While expanding allowances for ADUs is one of many ways a community can encourage the expansion of housing options, ADUs typically make up a very small percentage of the overall housing supply. Some of the types of incentives used to encourage the construction of ADUs include:

- Allowing water meters between the primary structure and ADU to be shared (Thornton, Longmont, Golden, Boulder, and Arvada, CO; Portland, OR)
- Offering a reduced monthly rate for water and sewer for ADUs (Ridgway, CO)
- Reducing or eliminating on-site parking requirements (Denver, CO; Portland, OR)
- Allowances to build an ADU before the primary structure has been built (Ridgway, CO)
- ADU up to 20% larger than otherwise allowed may be approved if located within the principal structure (Golden, CO)
- Allowing additional lot coverage and/or square footage (in a finished basement) above district maximum for ADUs that are one-story in height (Lafayette, CO)

Some communities have also pursued non-regulatory strategies, such as establishing partnerships with local banks to establish a supportive lending environment for property owners. This strategy is playing out in communities as diverse as Los Angeles, CA, Portland, OR, and Ridgway, CO.

Recalibrating Mixed-Use Districts

The table below provides a comparison of mixed-use districts in communities with Bus Rapid Transit corridors or other high-frequency bus corridors similar to the College Avenue, Mason Street, and Harmony Road corridors in Fort Collins. While there are many examples of high-frequency bus corridors in the United States, most are located in cities that are much larger than Fort Collins (e.g. Los Angeles, Las Vegas). While every effort was made to include examples from cities with a population size and market similar to Fort Collins (e.g., Eugene, OR and Reno, NV), other examples were selected to reflect the range of approaches being taken in mixed-use districts around the country to support high-frequency bus service. Districts were reviewed with a focus on specifications related to density and height, mixed-use requirements or limitations on secondary uses, and incentives or other unique parameters.

City/District(s)	Density		Height		Mixed-Use Requirements	Incentives/Other Notes
	Min.	Max.	Min.	Max.		
Cleveland, OH						
Midtown Mixed-Use District (MMUD)	None	None	None	60'	<ul style="list-style-type: none"> • Use permissions vary by subdistrict 	<ul style="list-style-type: none"> • MMUD-1 standards may be used depending on frontage and providing parking internally • Exceptions to minimum height

City/District(s)	Density		Height		Mixed-Use Requirements	Incentives/Other Notes
	Min.	Max.	Min.	Max.		
						<p>allowed for existing buildings</p> <ul style="list-style-type: none"> Maximum parking is 120% of minimum
Euclid Corridor Development Sub-Area (MMUD-1)	None	None	3 occupiable stories	115'	<ul style="list-style-type: none"> Residential projects must have 60% of ground floor as retail, daycare, or similar use Additional uses permitted when part of a mixed-use project (at least 50% other uses) 	<ul style="list-style-type: none"> Minimum parking reduced 50% Maximum parking is original minimum
Portland, OR⁴						
Commercial Mixed Use 2 (CM2)	1 unit per 1,450 sf of site area	2.5 to 1 base 4:1 FAR with bonus	None	45' base 55' to 75' w/bonus for inclusionary housing, affordable commercial space, or PD with other requirements (varies based on location)	<ul style="list-style-type: none"> Generally addressed through intent and incentives, although industrial uses are limited to 15K sf in CM2 and CM3 	<ul style="list-style-type: none"> Allows for transfer of FAR from sites that contain a historic resource to another site within the same neighborhood or two miles of the transfer site Require step-down in height w/in 25' of residential zone (based on height of adjacent district); don't apply w/in 100' of a transit street Bonus, base, and step-down heights may be increased by 5' when % of ground floor has high ceilings
Commercial Mixed Use 3 (CM3)	1 unit per 1,000 sf of site area	3:1 base 4:1 FAR with bonus	None	75' base 120' with bonus (same as noted under CM2) - requires additional review		

⁴ Minimum density applies to new development when at least one dwelling unit is proposed.

City/District(s)	Density		Height		Mixed-Use Requirements	Incentives/Other Notes
	Min.	Max.	Min.	Max.		
Commercial Employment (CE)	None	2.5:1 base 4:1 FAR with bonus	None	45'		
Reno, NV						
Mixed-Use Urban (MU)	0.75:1 FAR and 18 du/acre (abutting) 0.25:1 FAR (supporting)	None	None	Discretionary review for more than 85'	Addressed through intent only	<ul style="list-style-type: none"> Minimum density exception to support adaptive reuse or historic preservation Reduced parking rates in MU, MU-MC, and MU-RES districts Parking reduced when provided on-street or in shared facility
Mixed-Use Midtown Commercial (MU-MC)	0.5:1 FAR	None	None	Site plan review for more than 75' /5 stories within block of corridor 35' /2 stories elsewhere	Addressed through intent only	<ul style="list-style-type: none"> Parking reduced for affordable housing
Mixed Employment (ME)	None	None	None	55' / 4 stories	None	None
Rochester, MN						
Transit-Oriented Development Interim Overlay District	None	2:1 FAR (only non-residential) 3:1 FAR (only residential) 4:1 FAR (mixed-use)	None	60'	<ul style="list-style-type: none"> Mixed-use not required Walkability protected by prohibiting parking, storage, utility uses on ground floor 	<ul style="list-style-type: none"> Increased density for residential (50%) and mixed-use (100%) Minimum parking reduced 30% in overlay; maximum parking is original minimum
Eugene, OR						
Transit Oriented Development Overlay Zone	0.65 FAR (outside of Downtown Core) 2.0 FAR (within	None	Base district determines	Base district determines	50% of street-facing ground floor street frontage developed for office	<ul style="list-style-type: none"> Several parking exempt areas (not all overlap with TOD Overlay) At or below grade parking within the building footprint may be credited to satisfy minimum floor area

City/District(s)	Density		Height		Mixed-Use Requirements	Incentives/Other Notes
	Min.	Max.	Min.	Max.		
	Downtown Core)					
C-1	Based on overlay	None	None	35'	Commercial uses required along 80% of the street frontage and 80% of the ground floor area must be dedicated to commercial uses for mixed-use residential developments.	Height within 50' of a residential zone may not exceed the maximum permitted in the abutting district.
C-2	Based on overlay	None	None	120'	Commercial uses required along 60% of the street frontage and 20% of the ground floor area must be dedicated to commercial uses for mixed-use residential developments.	Height within 50' of a residential zone may not exceed the maximum permitted in the abutting district.