

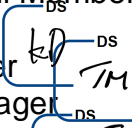





Planning, Development & Transportation
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MEMORANDUM

DATE: January 9, 2023

TO: Mayor Arndt and City Council Members

THRU: Kelly DiMartino, City Manager 
Tyler Marr, Deputy City Manager 

FROM: Anissa Hollingshead, City Clerk 
Caryn Champine, Planning, Development & Transportation Director 

RE: Reconsideration of Ordinance No. 114, 2022, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins

Introduction

On December 20, 2022, the City Clerk’s office confirmed there were sufficient signatures collected through the City’s referendum process to require that Council repeal Ordinance No. 114, 2022, or refer it to the voters for approval. The purpose of this memorandum is to outline the paths forward and identify critical decision points for Council. This information is for Council consideration at their Regular Meeting on January 17, 2023.

Bottomline

Council has two primary options to act upon January 17, 2023:

- **Option 1 - Repeal Ordinance No. 114, 2022:** With this action, the Ordinance adopting the Land Development Code (LDC), which was suspended when the City Clerk made a final determination that the petition signatures were sufficient, would be repealed. The Land Use Code (LUC) would not be superseded and would continue to regulate land use and development until Council takes further action to change or replace it. There are multiple approaches to achieve replacement and those options are also outlined in this memo for Council consideration.
- **Option 2 - Refer the Ordinance to Ballot:** If Council does not choose to repeal Ordinance No. 114, 2022, it must refer it in the form it was originally adopted to Fort Collins voters. As part of referring the ordinance to voters, Council would need to determine whether to schedule a special election for this purpose or to refer it to the next municipal election, currently scheduled to be the November 7, 2023 regular election. If a special election were called for any reason prior to the November election, the Referendum would need to appear on that special election ballot. Refer to the agenda item summary prepared by the Clerk’s Office for more details on this option.



Option 1 Repeal: Proposed Process for Follow Up Action

If the Council repeals Ordinance No. 114, City staff recommends Council give staff feedback and direction about a process for community engagement, involvement of relevant boards and commissions, and determining the scope of changes. City staff outlined the following process framework for Council consideration. While there are many variables influencing the timeline, City staff estimates the proposed process to be complete in 6 months (with a new Draft LUC ready by early Summer). In addition, City staff will need additional consultant assistance to support meeting facilitation, code drafting and testing, and external legal review. See attached graphic of proposed process.

- **Stage 1 – Listening Sessions and Information Sharing (February 2023):** City Staff would host listening sessions, office hours and other community feedback opportunities to learn more about questions, concerns, and areas of support. City staff recommends Council consider an active role such as co-hosting and provide input about what types of outreach and input events would be most useful. Staff and consultants will prepare additional materials, as needed, to improve communication and understanding. Based on common questions from the community, the focus could be on affordable housing regulations, comparison of existing and proposed procedures, education on existing codes and the development review process, comparison of potential built outcomes by zone district, and implications for utilities.
- **Stage 2 – Identify Relevant Areas of Adjustments (March 2023):** Based on feedback from the community to-date and Stage 1 above, City staff would prepare a recommended scope for adjustments in creation of a new Draft LUC (using the adopted LDC as the starting point). This scope would be confirmed at a Council Work Session and serve as the framework for subsequent stages to the process. Areas of adjustment will likely focus on (but are not limited to):
 - The name of the code document
 - The notification and review procedures for residential development
 - Where to permit housing choices and associated regulations (e.g. ADUs, duplexes, triplexes)
 - The interaction between the code and private covenants
 - Additional topics as directed by Council

Note: City staff considered whether to accelerate adoption of certain components of the Draft LUC and bring remaining sections for adoption for a second action. This would add complexity and time to this process and for customers during the interim period. We understand the importance of ensuring the City is poised for eligibility to receive funds from Proposition 123 by November 2023 (addressed in a separate memo). With the proposed 6-month timeline, we can meet that expectation and will be mindful of this goal during the process. Stage 3 would be a workable time to further address the structure of further Council actions.

- **Stage 3 – Prepare the new Draft LUC (March-May 2023):** Based on feedback in Stage 2, staff and consultants will prepare recommended changes to the new Draft LUC for consideration. The process to develop these changes would include Council Work Sessions, work sessions with applicable boards and commissions, technical review and testing of the code, and additional community engagement



efforts. Community engagement activities could include workshops, focus groups, and similar types of opportunities. This will be an iterative process until Council determines the draft code language is ready for formal consideration.

- **Stage 4 – Adoption Process (May - June 2023):** City staff will bring the new Draft LUC to City Council for adoption. This will be preceded by recommendations from Planning and Zoning Commission, Affordable Housing Board, and Historic Preservation Commission.

Option 1 Repeal: Optional Process Components for Council Consideration

The above framework can include additional components to address Council objectives, should they choose Option 1 Repeal/Replace. The following two recommendations are for Council consideration and direction on January 17.

- **Additional Component A - Monthly Council Work Session:** If desired, Council could commit monthly Work Session agenda time to offer input and adjustments to the process, concepts, and drafts. City staff would prepare topics for discussion and relevant updates for each Work Session.
- **Additional Component B – Formation of a Task Force:** Council could direct staff to form a Task Force that would meet on a set schedule during Stage 3 (March – May 2023) with facilitated conversations focused on specific code topics. Their purpose would be to explore specific topics and serve as in an advisory capacity to staff and Council. Different interests would be represented to provide a balance of perspectives based upon the scope of adjustments determined in Stage 2. A Task Force could be a small (10-15) group, recruited through an application process, and selected by the City Manager with guidance from Council.

Option 1 Repeal: Requested Council Feedback

If Council determines that Option 1 is their preferred path, City Staff is seeking feedback from Councilmembers about the following at the January 17 Regular City Council Meeting:

1. Recommended process and timeline (Stages 1-4; approx 5 months)
2. Councilmembers participating in or co-hosting Stage 1 Listening Sessions
3. Using monthly Work Session agenda time during this process (approx February-May)
4. Formation of a Task Force by the City Manager, with Council input

Attachment: Option 1 Repeal: Proposed Process

