



AGENDA ITEM SUMMARY

City Council

STAFF

Anissa Hollingshead, City Clerk
Carrie Daggett, City Attorney

SUBJECT

Reconsideration of Ordinance No. 114, 2022, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Land Development Code and Separately Codifying the 1997 Land Use Code as “2022 Transitional Land Use Regulations”, Following a Successful Referendum Petition.

EXECUTIVE SUMMARY

The purpose of this item is to provide Council with the options available for action following the presentation of a petition certified as sufficient for referendum. These options include:

• **OPTION 1: Repealing the Ordinance subject to the referendum petition;**

A. First Reading of Ordinance No. 007, 2023, Repealing Ordinance No. 114, 2022, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Land Development Code and Separately Codifying the 1997 Land Use Code as “2022 Transitional Land Use Regulations”.

If this option is approved, Council may choose to discuss next steps regarding any future shifts to the current Land Use Code.

or

• **OPTION 2A: Referring the Ordinance to a vote of the registered electors of the City. Such referral can be to the next regular or special election called for any other purpose or can be to a special election called for that specific purpose:**

B. Resolution 2023-014, Referring Ordinance No. 114, 2022, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Land Development Code and Separately Codifying the 1997 Land Use Code as “2022 Transitional Land Use Regulations” to a Vote of the Registered Electors of the City at the Next Municipal Election.

and, if desired, OPTION 2B:

C. First Reading of Ordinance No. 008, 2023, Calling a Special Municipal Election for the Purpose of Submitting to the Registered Electors a Citizen Referendum of Ordinance No. 114, 2022, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Land Development Code and Separately Codifying the 1997 Land use Code as “2022 Transitional Land Use Regulations”.

STAFF RECOMMENDATION

Staff recommends Council select from the options provided.

BACKGROUND / DISCUSSION

On December 19, 2022, a referendum petition was filed with the City Clerk seeking to repeal Ordinance No. 114, 2022, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Land Development Code and Separately Codifying the 1997 Land Use Code as “2022 Transitional Land Use Regulations”. On December 30, 2022, the City Clerk presented the Council with her certification of the determination that the referendum petition contains a sufficient number of signatures (more than the required 4,228) to require further action by the Council.

Upon presentation to the Council of a petition certified as sufficient for referendum, on December 30, 2022, the operation of the ordinance in question was automatically suspended pending repeal by the Council or final determination by the voters. If the ordinance is not repealed, Council must refer the ordinance to a vote of the registered electors of the City at the next regular election or special election scheduled for any other purpose. Alternatively, the Council may call a special election for this specific purpose. The earliest practical opportunity for a special election is June 6.

Two main options available to the Council are presented here as Option 1 and Option 2A. If Council chooses to call a special election for this purpose, Council will also need to adopt the ordinance provided as Option 2B and will need to insert the date of the special election into the body of the Ordinance calling a special election.

A memo was provided to Council on January 9 and is also being attached to this item outlining potential paths forward depending upon the option selected by Council. Critical decision points are outlined Council may wish to discuss and provide direction to staff on after selecting from the options below.

OPTION 1 – REPEAL THE ORDINANCE

If Council chooses to repeal the protested Ordinance, it can do so by adopting on First Reading Ordinance No. 007, 2023, Repealing Ordinance No. 114, 2022, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Land Development Code and Separately Codifying the 1997 Land Use Code as “2022 Transitional Land Use Regulations”.

OPTION 2A – REFER THE ORDINANCE TO FORT COLLINS VOTERS AT THE NEXT ELECTION

If Council chooses not to repeal the protested Ordinance, it must refer it to the voters of Fort Collins by resolution. Council would refer the protested Ordinance to the voters by adopting Resolution 2023-014 Referring Ordinance No. 114, 2022, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Land Development Code and Separately Codifying the 1997 Land Use Code as “2022 Transitional Land Use Regulations” to a Vote of the Registered Electors of the City at the Next Municipal Election. The Resolution directs that staff present on February 7 a resolution to set the ballot title for this question to voters.

OPTION 2B – CALL A SPECIAL ELECTION

If it is desired to call a special election at this time, that is done by ordinance in addition to the resolution referring the Ordinance to the voters. If Council intends to call a special election, the process would be started by adopting Ordinance 008, 2023, Calling a Special Election for the Purpose of Submitting to the Registered Electors a Citizen Referendum of Ordinance No. 114, 2022, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Land Development Code and Separately Codifying the 1997 Land Use Code as “2022 Transitional Land Use Regulations. At the time of second reading of this Ordinance a resolution would also be provided to set the ballot title for this question to voters.

CITY FINANCIAL IMPACTS

There will be what are likely negligible costs associated with referring Ordinance No. 114, 2022 to the next regular municipal election on November 7, 2023.

A special election is estimated to cost approximately \$400,000.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration
2. Resolution for Consideration
3. Ordinance for Consideration
4. Statement of Referendum Petition Sufficiency
5. Ordinance No. 114, 2022, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Land Development Code and Separately Codifying the 1997 Land Use Code as “2022 Transitional Land Use Regulations”.
6. January 9, 2023 Memo to City Council regarding the Reconsideration of Ordinance No. 114, 2022