

ORDINANCE NO. 055, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REPEALING AND REENACTING SECTION 29-1 OF THE CODE OF THE CITY
OF FORT COLLINS TO ADOPT A REVISED LAND USE CODE BY REFERENCE
THAT ADVANCES ADOPTED CITY POLICY GOALS AND INCORPORATES
FOUNDATIONAL IMPROVEMENTS AND SEPARATELY CODIFY THE 1997
LAND USE CODE AS TRANSITIONAL LAND USE REGULATIONS

A. The City of Fort Collins, as a home-rule municipality, is authorized by Article XX, Section 6 of the Colorado Constitution, the provisions of state statutes, and its City Charter to develop and implement policies and ordinances regulating the development of land within the City.

B. On March 18, 1997, by adoption of Ordinance No. 51, 1997, the Council of the City of Fort Collins adopted the Land Use Code referred to in Section 29-1 of the City Code, which was subsequently amended and on December 2, 1997, by adoption of Ordinance No. 190, 1997 the City repealed the Land Use Code so adopted and reenacted the Land Use Code dated December 12, 1997 (referred to herein as the “1997 Land Use Code”).

C. Since adoption of the 1997 Land Use Code, the City Council adopted Resolution 2019-048 on April 16, 2019 (later ratified by Ordinance No. 40, 2020) adopting a major update of the comprehensive master plan for the City and its additional components and elements such as the Master Street Plan (the “2019 City Plan”).

D. On March 2, 2021, City Council adopted the Housing Strategic Plan through Ordinance No. 033, 2021, as an element of the 2019 City Plan with the stated goal that all residents have healthy stable housing they can afford and listing twenty-six housing strategies proposed for implementation to progress toward that goal.

E. On March 16, 2021, by adoption of Resolution 2021, 031, the City adopted the Our Climate Future Plan which set forth strategies and goals to address the City’s climate, waste, and energy goals and improve community equity goals and resilience.

F. The City commissioned the Land Use Code Audit dated January 2020 which made certain recommendations to align the 1997 Land Use Code with adopted City plans and policies with a focus on housing-related changes, code reorganization, and equity.

G. The repeal and reenactment to replace the 1997 Land Use Code with the revised Land Use Code by reference pursuant to this Ordinance is desirable to achieve the following goals:

1. Lay the ground work for a future comprehensive review and rewrite of the 1997 Land Use Code;

2. Reorganize the 1997 Land Use Code to make certain foundational improvements including consolidating standards, eliminating repetition, simplifying language, and increasing user-friendliness; and
3. Implement policy goals set forth in the 2019 City Plan, the Housing Strategic Plan, and the Our Climate Future Plan to improve housing supply and affordability while mitigating negative impacts to the climate.

H. City Council made two prior attempts to adopt a revised version of the 1997 Land Use Code:

1. In 2022, City Council adopted the Land Development Code to replace the 1997 Land Use Code through Ordinance No. 114, 2022. City Council subsequently adopted Ordinance No 007, 2023, to repeal Ordinance No. 114, 2022, after receiving a certified referendum petition regarding Ordinance No. 114, 2022.
2. In 2023, City Council adopted a revised version of the 1997 Land Use Code through Ordinance No. 136, 2023. City Council subsequently adopted Ordinance No. 175, 2023, to repeal Ordinance No. 136, 2023, after receiving a certified referendum petition regarding Ordinance No. 136, 2023.

I. Upon the repeal and reenactment to replace the 1997 Land Use Code becoming effective pursuant to this Ordinance, the 1997 Land Use Code shall be separately codified as the "2024 Transitional Land Use Regulations" and limited in its application to the review of pending land development applications submitted and determined to be complete and ready for review pursuant to Land Use Code Section 2.2.4 prior to the effective date of the Land Use Code as set forth in this Ordinance.

J. Pursuant to City Charter, Article II, Section 7, City Council may enact any ordinance which adopts any code by reference in whole or in part provided that before adoption of such ordinance the Council shall hold a public hearing thereon and notice of the hearing shall be published twice in the newspaper of general circulation, published in the city, one (1) of such publications to be at least eight (8) days preceding the hearing and the other at least fifteen (15) days preceding the hearing.

K. In compliance with City Charter, Article II, Section 7, the City Clerk published in the Fort Collins Coloradoan the required hearing notices on March 31, 2024, and April 7, 2024. The attached Exhibit " A " is a copy of the text of the Notice of Public Hearing that was so published and which the Council hereby finds meets the requirements of City Charter Article II, Section 7.

L. Pursuant to City Code Section 1-14, at least one copy of the revised Land Use Code shall be kept on file in the office of the City Clerk available for public inspection, and one copy shall be kept in the office of the chief enforcement officer thereof.

M. On March 21, 2024, the Planning and Zoning Commission recommended to Council on a 5-0 vote (Stackhouse absent) vote that Council adopt the revised Land Use Code with certain changes.

N. City Council has determined that the repeal and reenactment of the 1997 Land Use Code with the revised Land Use Code by reference is appropriate to accomplish the goals set forth above and is in the best interests of the residents of the City.

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

Section 1. Section 29-1 of the Code of the City of Fort Collins is hereby repealed and reenacted to read as follows:

Sec. 29-1. - Cross reference to Land Use Code

Pursuant to the authority conferred by Article II, Section 7 of the Charter, there is hereby adopted by reference the Land Use Code which shall have the same force and effect as though set forth herein. The Land Use Code may be used, as applicable, to support the implementation of the Code of the City of Fort Collins; and the Code of the City of Fort Collins may be used, as applicable, to support the implementation of the Land Use Code. One copy of the Land Use Code shall be kept on file in the office of the City Clerk and available for public inspection during regular business hours.

Section 2. The 1997 Land Use Code is hereby repealed and separately codified as the “2024 Transitional Land Use Regulations” and shall be limited in its application to the review of pending land development applications submitted prior to the effective date of the Land Use Code as set forth in this Ordinance.

Section 3. The Land Use Code shall be effective for all land development applications submitted on or after the effective date of this Ordinance.

Section 4. Penalties for Land Use Code violations are set forth in Land Use Code Section 6.26.4 which states:

6.26.4 CRIMINAL AND CIVIL LIABILITY; PENALTIES

A. Except as otherwise specified in this Land Use Code, any person (including, without limitation, the developer of, owner of, or any person possessing, occupying or trespassing upon, any property which is subject to this Code, or any agent, lessee, employee, representative, successor or assign thereof) who violates this Code or who fails to comply with any of its requirements or who fails to comply with any orders made thereunder, shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties provided in Section 1-15 of the City Code. Each day that such a violation occurs shall

constitute a separate offense. Nothing contained herein shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violations of this Land Use Code.

- B. An owner, property manager or occupant commits a civil infraction by violating any provision of Section 5.14.1 of this Land Use Code. Each day during which the limitation on the number of occupants is exceeded shall constitute a separate violation. A finding that such civil infraction has occurred shall subject the offender(s) to the penalty provisions of Section 1-15(f) of the Code of the City of Fort Collins and any or all of the following actions:
1. the imposition of a civil penalty of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00) for each violation;
 2. an order to comply with any conditions reasonably calculated to ensure compliance with the provisions of Section 5.14.1 of this Land Use Code or with the terms and conditions of any permit or certificate granted by the City;
 3. an injunction or abatement order; and/or
 4. denial, suspension or revocation of any city permit or certificate relating to the dwelling unit.

Introduced, considered favorably on first reading on April 16, 2024, and approved on second reading for final passage on May 7, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: May 17, 2024
Approving Attorney: Brad Yatabe