

ORDINANCE NO. 082, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE CODE OF THE CITY OF FORT COLLINS TO
CONFORM WITH THE REMOVAL OF RESIDENTIAL
OCCUPANCY LIMITATIONS FROM THE LAND USE CODE

A. Pursuant to Ordinance No. 055, 2024, Council adopted the revised Land Use Code by reference which went into effect on May 27, 2024.

B. The Land Use Code contains certain residential occupancy limits based upon familial relationships.

C. Colorado House Bill 24-1007, effective July 1, 2024, prohibits the City from limiting who may live together in a single dwelling based on familial relationship.

D. In order for the City to comply with House Bill 24-1007, City Code references to residential occupancy limits based on familial relationships must be amended as set forth in this Ordinance.

E. Concurrently by separate ordinance, Land Use Code references to residential occupancy limits based upon familial relationships are also being amended.

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 5-264 of the Code of the City of Fort Collins is hereby deleted in its entirety and held in reserve.

Sec. 5-264. - Reserved.

Section 2. Section 5-265 of the Code of the City of Fort Collins is hereby deleted in its entirety and held in reserve.

Sec. 5-265. - Reserved.

Section 3. Section 14-3 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 14-3. - Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section:

...

Dwelling, single-unit shall mean a dwelling containing no more than one (1) dwelling unit.

Dwelling, single-unit detached shall mean a single-unit dwelling that is not attached to any other dwelling or building by any means, including mobile homes and manufactured housing situated on a permanent foundation.

Dwelling unit shall mean habitable floor space intended for the exclusive use of a single household with a single kitchen, or including a second kitchen pursuant to Land Use Code Section 5.3.6.

...

Section 4. Section 14-6 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 14-6. - Offenses against historic resources and potentially eligible resources.

(a) Except as may be authorized pursuant to this Chapter or the provisions of the Land Use Code, no person shall damage, deface, destroy, or otherwise cause any alteration to be made to any site, structure or object that is: (1) Fifty (50) years of age or older that is not a single-unit detached dwelling; (2) An accessory building or structure fifty (50) years of age or older that is not directly associated with a single-unit detached dwelling; (3) A historic resource; or (4) Undergoing any of the processes provided for in this Chapter.

(b) Except in response to a bona fide determination of imminent danger under § 14-8 of this Article, no person shall deviate from or fail to comply with any approved plan of protection for any historic resource that is required under this Chapter or the Land Use Code.

Section 5. Section 14-8 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 14-8. - Remedying of dangerous conditions.

In any case where a properly authorized public official or employee orders the demolition of any historic resource for the purpose of remedying conditions determined by that official or employee to constitute an imminent danger, as such term is defined in the version of the *International Property Maintenance Code* adopted and amended by the City, to life, health or property, nothing contained herein shall be construed as making it unlawful for any person to comply with such order. Such official or employee shall take immediate steps to notify the Commission of the proposed issuance of such order and may include in the order any timely received requirements or recommendations of the Commission or staff. In the event that such official or employee has determined that the historic resource, with the exception of single-unit detached dwellings, and accessory buildings or structures associated with single-unit detached dwellings, that are non-designated, is

capable of being made safe by repairs and need not be demolished, the historic resource shall be repaired, or demolished, in accordance with the provisions of this Article.

Section 6. Section 15-641 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-641. - Definitions.

The following definitions shall apply to this Article:

...

Multi-unit dwelling unit shall mean a dwelling unit that is located in a structure that is zoned for multi-unit dwelling use.

...

Section 7. Section 15-644 of the Code of the City of Fort Collins is hereby amended to read as follows:

(a) The following are the minimum requirements that must be satisfied by the applicant for the issuance of a short term primary rental license.

...

(3) The dwelling unit must comply with all applicable federal, state, and local laws including, but not limited to, the Code of the City of Fort Collins and Land Use Code, and in particular, Land Use Code Section 5.9.1(K)(1)(k) which sets forth applicable parking requirements.

...

(b) The following are the minimum requirements that must be satisfied by the applicant for the issuance of a short term non-primary rental license.

...

(3) The dwelling unit must comply with all applicable federal, state, and local laws including, but not limited to, the Code of the City of Fort Collins and Land Use Code, and in particular, Land Use Code Section 5.9.1(K)(1)(k) which sets forth applicable parking requirements.

...

Section 8. Section 15-646 of the Code of the City of Fort Collins is hereby amended to read as follows:

...

(b) In addition to satisfying (a) above, the applicant must satisfy the requirements set forth in § 15-644 in order to be eligible for a license. License applications submitted

pursuant to this Section on or before October 31, 2017, do not need to comply with the parking requirements in Land Use Code Section 5.9.1(K)(1)(k).

...

- (e) Should ownership of a dwelling unit licensed pursuant to § 15-646 be transferred, and such license was continuously valid until the transfer of ownership, the new owner is eligible for a license identical in scope to the previously issued license provided: (1) the new owner applies for a license within thirty (30) calendar days of the transfer of ownership; (2) the dwelling unit complies with the parking requirements in Land Use Code Section 5.9.1(K)(1)(k); and (3) any license issued pursuant to § 15-646 is continuously maintained. Should a license issued to the new owner under this Section be revoked, not be renewed, or lapse for any period of time, the new owner shall no longer be eligible for a license for such dwelling unit pursuant to this Section.

...

Section 9. Section 15-647 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-647. - Term of license and renewal.

...

(d) A short term primary or non-primary rental shall only operate in a multi-unit dwelling unit if the entire multi-unit structure meets all sanitation, mechanical, electrical, structural, and fire safety requirements applicable to an R-1 Occupancy Building.

(e) A short term primary or non-primary rental licensed prior to September 13, 2019, that operates in a multi-unit dwelling unit may continue to operate under and for the current terms of such license if it meets the requirements in § 15-648(4) and continues to comply with all other applicable requirements, and if the license has not lapsed for more than thirty (30) days.

If the owner of a short term primary or non-primary rental operating in a multi-unit dwelling unit that is licensed prior to September 13, 2019, sells or otherwise transfers the multi-unit dwelling unit, then the short term rental license shall expire at the time of sale or transfer unless the entire multi-unit structure where the multi-unit dwelling unit is located meets the R-1 Occupancy Building requirements in this § 15-647.

Section 10. Section 15-648 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-648. License regulations.

...

(3) The licensee shall comply with all applicable Code of the City of Fort Collins and Land Use Code provisions including, but not limited to, the Code of the City of Fort Collins Chapter 5, Buildings and Building Regulations, and the Code of the City of Fort Collins Chapter 20, Nuisances, Chapter 25, Taxation, and Land Use Code Section 5.9.1(K)(1)(k).

(4) The licensee shall maintain compliance with all sanitation, mechanical, electrical, structural, and fire safety requirements described in § 15-644. As a condition of renewal for the year 2020 and subsequent years, a short term primary or non-primary rental licensed in a multi-unit dwelling unit prior to September 13, 2019, may only continue to operate as a short term rental if the Building Official determines that the dwelling unit meets the following alternate minimum fire resistance and safety requirements applicable to an R-1 Occupancy, as those terms are defined by the *International Building Code*:

...

Section 11. Section 20-111 of the Code of the City of Fort Collins is hereby amended by deleting Paragraph (8) in the definition of *Nuisance activity* and holding that Paragraph number in reserve.

Sec. 20-111. – Definitions.

...

Nuisance activity means any of the following violations and nuisances occurring or existing on a property and committed by any person, including, without limitation, by an owner, lessee, agent, occupant, or trespasser:

...

(8) Reserved.

...

Introduced, considered favorably on first reading on June 18, 2024, and approved on second reading for final passage on July 2, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 12, 2024
Approving Attorney: Brad Yatabe