

DRAFT SUBJECT TO FURTHER REVIEW AND REVISION

- (N) Encouraging a wide variety of housing opportunities at various densities that are well-served by public transportation for people of all ages, abilities, and income levels to promote diversity.
- (O) Override all existing, or future contravening **contracts or restrictive private real estate** covenants that do not further the objectives of this Code, specifically regarding implementation of the City’s Housing Strategic Plan.

1.2.3 AUTHORITY

The City Council of the City of Fort Collins has the authority to adopt this Land Development Code pursuant to Article XX of the Colorado Constitution; Title 31, Article 2 of the Colorado Revised Statutes, the Charter of The City of Fort Collins, Colorado, and such other authorities and provisions as are established in the statutory and common law of the State of Colorado.

1.2.4 APPLICABILITY

The provisions of this Code shall apply to any and all development of land, as defined in Article 7 of this Code, within the municipal boundaries of the City, unless expressly and specifically exempted or provided otherwise in this Code. For example, this Code is meant to complement and not override or substitute for the requirements of Chapter 14 of the Code of the City of Fort Collins regarding landmarks. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Code.

Except as hereinafter provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein and all other applicable standards of the City or to an amount greater than the maximum requirements set forth herein and all other applicable standards of the City.

This Land Development Code establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications for overall development plans, project development plans, and final plans will be reviewed for compliance with the applicable development standards herein and all other applicable standards of the City. Building permit applications will also be reviewed for compliance with the applicable development standards and District Standards and all other applicable standards of the City and will be further reviewed for compliance with the approved final plan in which they are located.

This Land Development Code shall also apply to the use of land following development to the extent that the provisions of this Land Development Code can be reasonably and logically interpreted as having such ongoing application.

1.2.5 MINIMUM STANDARDS

The provisions of this Land Development Code are the minimum standards necessary to accomplish the purposes of this Land Development Code

DRAFT SUBJECT TO FURTHER REVIEW AND REVISIONDIVISION 1.3 LEGAL

1.3.1 RELATIONSHIP TO CODE OF THE CITY

This Land Development Code, although not a numbered Chapter of the Code of the City, is adopted by reference in Chapter 29 of the Code of the City and made part thereof, with the same legal significance as though it were a numbered Chapter. This Land Development Code may be used, as applicable, to support the implementation of the Code of the City; and the Code of the City may be used, as applicable, to support the implementation of this Land Development Code. Particularly, but without limitation, the provisions of Chapter 1 of the Code of the City are incorporated into this Land Development Code by reference.

1.3.2 CONFLICT BETWEEN LAND DEVELOPMENT CODE STANDARDS AND CONFLICT WITH OTHER LAWS

- (P) In the event of a conflict between a standard or requirement contained in Articles 2, 3, or 4 and a standard or requirement in Article 5, the standard or requirement in Article 2, 3, or 4 shall prevail to the extent of the conflict. In the event there is a conflict between standards or requirements contained in Article 2, 3, or 4, the more specific standard or requirement shall prevail to the extent of the conflict. If neither standard or requirement is more specific, the more stringent standard or requirement shall prevail to the extent of the conflict.
- (Q) In the event of conflicts not addressed in (A), if the provisions of this Land Development Code are internally conflicting or if they conflict with any other statute, code, local ordinance, resolution, regulation or other applicable Federal, State, or local law, the more specific standard, limitation or requirement shall govern or prevail to the extent of the conflict. If neither standard is more specific, then the more stringent standard, limitation or requirement shall govern or prevail to the extent of the conflict.

1.3.3 CONFLICTS WITH PRIVATE HOUSING ~~CONVENANTS~~ COVENANTS

No person shall create, cause to be created, enforce or seek to enforce any provision contained in any **contract** or restrictive covenant that has the effect of prohibiting or limiting the City's regulations to implement its housing policies, as supported by the Housing Strategic Plan, including but not limited to provisions that **are** in conflict with provisions in this Code for increased density, height and occupancy.

1.3.4 SEVERABILITY

It is the legislative intent of the City Council in adopting this Land Development Code that all provisions hereof shall be liberally construed to protect and preserve the peace, health, safety and general welfare of the inhabitants of the City. It is the further intent of the City Council that this Land Development Code shall stand, notwithstanding the invalidity of any part thereof, and that should any provision of this Land Development Code be held to be unconstitutional or invalid by a court or tribunal of competent jurisdiction, such holding shall not be construed as affecting the validity of any of the remaining provisions.