

ORDINANCE NO. 123, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
UPDATING CITY CODE REFERENCES TO ALIGN WITH THE
ADOPTION OF THE LAND DEVELOPMENT CODE

WHEREAS, City Council is adopting the Land Development Code pursuant to Ordinance No. 114, 2022, to replace the existing 1997 Land Use Code; and

WHEREAS, upon adoption of the Land Development Code, it will not go into effect until January 1, 2023; and

WHEREAS, the purpose of this Ordinance is to update various references in the City Code to the 1997 Land Use Code to align with the Land Development Code; and

WHEREAS, the City Council finds that the changes in this Ordinance are in the best interests of the City of Fort Collins in furthering adoption and utilization of the new Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 1-15 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 1-15. - General penalty and surcharges for misdemeanors offenses, petty offenses, traffic offenses, and traffic and civil infractions.

...

(f) Except as provided in Paragraph (4) below, any person found responsible for a violation of this Code designated as a civil infraction shall pay a civil penalty for such infraction of not more than three thousand dollars (\$3,000). Said amount shall be adjusted for inflation on January 1 of each calendar year. For the purpose of this provision, *inflation* shall mean the annual percentage change in the United States Department of Labor, Bureau of Labor Statistics, consumer price index for Denver-Boulder, all items, all urban consumers, or its successor index, plus costs, damages and expenses as follows:

...

(3) If a defendant fails to answer a citation for a civil infraction or notice to appear in court or before a Referee for such infraction, a default judgment shall enter in the amount of the civil penalty plus all costs,

expenses and damages. In the event a defendant fails to pay a civil penalty, costs, damages or expenses within thirty (30) days after the payment is due or fails to pay a default judgment, the City may pursue any legal means for collection and, in addition, may obtain an assessment lien against the property that was the subject of the violation if the Code violation is designated as a nuisance in Chapter 20, is a violation of any civil infraction contained in Chapter 5, 12, 20, 24 or 27, or is a violation of Land Use **Development** Code Section ~~3.18.16~~ **6.26.4** and was committed by an owner or tenant of the property, ~~as defined in Land Use Code Section 5.1.2.~~

...

Section 3. That Section 2-47 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 2-47. - Certain appeals to be taken to city council.

An appeal of any final decision expressly appealable to City Council under other provisions of this Code, including the Land Use **Development** Code, shall be decided by the City Council in the manner set forth in this Division.

Section 4. That Section 2-51 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 2-51. - Record on appeal.

Any appeal to the City Council shall be an appeal on the record of the hearing before the board, commission or other decision maker together with such additional evidence as may be admitted by the Council for consideration as provided in this Article. The record provided to the City Council shall include the following:

...

- (2) A verbatim transcript of such proceedings before the board, commission or other decision maker. The cost of the transcript shall be borne by the City. If a verbatim transcript of the proceedings does not exist and cannot be produced, whether due to an equipment malfunction or clerical error, or for any other reason, the decision that is the subject of the appeal will be re-heard before the decision maker after notice as required by the relevant provisions of this Code or the Land Use **Development** Code, whichever is applicable, and the appeal shall be terminated.

...

Section 5. That Section 2-108 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 2-108. - Land Conservation and Stewardship Board.

...

(b) The duties and functions of the Board shall be as follows:

...

- (4) Upon request of the City Manager or at the direction of the City Council, to advise City Council regarding any positive or negative impacts that particular plans or projects of the City or of other public or private entities may have on Natural Areas Program properties or properties that may be of interest to the Natural Areas Program. This provision shall not apply to development projects for which applications have been submitted to the City for approval under the Land Use **Development** Code; and

...

Section 6. That Section 2-174 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 2-174. - Historic Preservation Commission.

...

(c) The Commission shall also have the following additional functions:

...

- (4) To coordinate with the various other City boards, commissions and City staff members whose actions may affect the preservation of historic resources in the community; **and**
- ~~(5) To establish a committee of its members to provide advice and, if required under § 2.10.2(H) of the Land Use Code, written recommendations to the owners of eligible historic properties, and of properties located near eligible historic properties, regarding historically appropriate design and site planning for additions, alterations and new construction in the City; provided, however, that any members of such committee who provide such advice or recommendations to property owners under this provision shall refrain from participating in any subsequent decisions of the Commission related to such properties; and~~
- (5)** (6) To provide advice and written recommendations to the appropriate decision maker and/or administrative body regarding plans for properties

containing or adjacent to sites, structures, objects or districts that: (a) have been determined to be individually eligible for local landmark designation or for individual listing in the State or National Registers of Historic Places; (b) are officially designated as a local or state landmark or are listed on the National Register of Historic Places; or (c) are located within an officially designated historic district or area.

Section 7. That Section 2-176 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 2-176. - Planning and Zoning Commission.

...

(b) The Commission shall have the following functions:

...

(2) To exercise the authority vested in it by state planning and zoning laws subject to the provisions of this Section and the following additional provisions and limitations:

...

c. The procedures for development review within the City shall be as established in the Land Use **Development** Code or, if applicable, the **2022** Transitional Land Use Regulations. Accordingly, Section 31-23-215, C.R.S., shall have no force or effect in the City; and

Section 8. That Section 2-177 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 2-177. - Land Use Review Commission.

...

(b) The Commission shall have the following powers and duties:

(1) To hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcement of the regulations established by the Land Use **Development** Code or, if applicable, ~~Articles I through IV of the~~ **2022** Transitional Land Use Regulations ~~in accordance with the provisions of Division 2.10 of the Land Use Code;~~ and

(2) To authorize upon appeal in specific cases, and in accordance with the provisions of Division 6.142.9 of the Land Use Development Code, variances from the terms of Articles 3 and 4 of the Land Use Development Code or, if applicable, Chapter 29, Articles I through IV of the 2022 Transitional Land Use Regulations pursuant to Division 2.11.

Section 9. That Section 4-2 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 4-2. - Exceptions.

The provisions of this Chapter are subject to such exceptions as may be provided in the Land Use Development Code or, if applicable, the 2022 Transitional Land Use Regulations.

Section 10. That Section 4-117 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 4-117. - Sale of chickens and ducklings; quantity restricted; keeping of chickens and ducks.

...

(b) In those zone districts where the keeping of farm animals (as that term is defined in Section 5.1.2 Article 7 of the Land Use Development Code) is not otherwise allowed, the keeping of chickens and/or ducks (poultry) shall be permitted subject to the following requirements and subject to all other applicable provisions of this Chapter.

...

Section 11. That Section 5-27 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 5-27. - Amendments and Deletions to the 2021 International Building Code.

The 2021 *International Building Code* adopted in §5-26 is hereby amended to read as follows:

3604.2 Definitions applicable to this Chapter:

Affordable Housing: Residential occupancies that meet the criteria established in the Land Use Development Code Section 5.1.2 Article 7 as affordable housing.

...

3604.5 New buildings. All new *buildings* or *buildings* undergoing a primary or partial change of occupancy or use in which more than 50% of the total building area is changing shall provide *electrical vehicle* parking spaces based on the minimum number of parking spaces as defined by the standards in the Land Use **Development** Code (~~LU~~**LDC**). A parking schedule shall be shown on the submitted plans that lists the required parking spaces and the provided EV spaces in accordance with the TABLE 3604.5.

...

Section 12. That Section 5-47 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 5-47. - Amendments and deletions to the 2021 International Property Maintenance Code.

The *2021 International Property Maintenance Code* adopted in Section 5-46 is hereby amended to read as follows:

...

4. **Section 102.3 Application of other codes** is hereby amended to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a *structure*, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Existing Building Code*, *International Energy Conservation Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Residential Code*, the *International Plumbing Code* to the extent adopted by the *Colorado Plumbing Code*, NFPA70 and all other applicable City codes. Nothing in this code shall be construed to cancel, modify or set aside any provision of the City's Land Use **Development** Code.

...

17. **Section 201.3 Terms defined in other codes** is hereby amended to read as follows:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the City Code, the Land Use **Development** Code and any other code adopted by reference in the City Code, including

the *International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, the International Plumbing Code* to the extent adopted by the *Colorado Plumbing Code, International Residential Code*, or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

...

Section 13. That Section 5-236 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 5-236. - Definitions.

For the purposes of this Article, certain terms, phrases, words and their derivatives shall be construed as expressly stated herein and as follows:

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular. Where terms are not defined in this Division and are defined in the City Code, Land Use **Development** Code, International Building Code, International Fire Code, Land Use **Development** Code, International Plumbing Code, International Mechanical Code or National Electrical Code, such terms shall have the meanings ascribed to them as stated in those codes. Where terms are not defined through the methods authorized by this Section, such terms shall have ordinarily accepted meanings such as the context implies. Whenever the words *dwelling unit, dwelling, premises, building, rooming house, rooming unit, housekeeping unit* or *story* are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

...

Section 14. That Section 5-238 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 5-238. - Applicability.

In General. The provisions of this Article shall apply to all rental housing. All rental housing shall also conform to the applicable City Land Use **Development** Code and City Building Codes, including the IPMC, as adopted and amended in §§ 5-46 and 5-47.

Section 15. That Section 5-264 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 5-264. - Certificate required for occupancy of dwelling units contained in single-family or two-family dwellings in excess of limit; conditions; revocation or suspension.

- (a) No dwelling unit contained in a single-family or two-family dwelling shall be occupied by more persons than the number of persons permitted under Section ~~3.8-165.14.1~~ of the Land Use **Development** Code unless a certificate of occupancy for an extra-occupancy rental house has been issued for such dwelling by the Building Official.

...

Section 16. That Section 5-265 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 5-265. - Posting; inspection of books and records; disclosure.

...

- (b) Whenever reasonable cause exists to believe that a violation of the Code or Land Use **Development** Code has occurred at any rental dwelling unit, the owner and property manager, if any, of said unit shall, immediately upon request, make available to the City all lease, rental payment and tenant information pertaining to the unit, together with the written disclosure statement required by Subsection (c) of this Section.
- (c) Any person selling or leasing a dwelling unit shall forthwith provide all purchasers, lessees or sublessees of such unit with a written disclosure statement, on a form provided by the City, specifying the maximum permissible occupancy of such unit under Section ~~3.8-165.14.1~~ of the Land Use **Development** Code. Such disclosure statement shall be signed and dated by all parties to the transaction immediately upon execution of any deed, contract for purchase and sale or lease pertaining to such unit. In the case of a lease, the following shall apply:

...

Section 17. That Section 7.5-17 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 7.5-17. - Definitions.

When used in this Article, the following words and terms shall have the following meanings:

Building permit shall mean the permit required for new construction and additions under Division ~~6.132.7~~ of the Land Use **Development** Code, or, if applicable, ~~Section 29-5(a)~~ **Division 2.7** of the **2022** Transitional Land Use Regulations, and the permit required for the installation of a mobile home pursuant to Subsection 18-

8(b) of this Code; provided, however, that the term *building permit*, as used herein, shall not be deemed to include permits required for the following:

...

Dwelling shall mean a building used exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multi-family dwellings, and which contains: (a) a minimum of eight hundred (800) square feet of floor area, or (b) in the case of a dwelling to be constructed on the rear portion of a lot in the ~~L-M-N, M-M-N, N-C-L, N-C-M, N-C-B, C-C-N, C-C-R, H-C or E~~ **LMN, MMN, OT, CCN, CCR, HC or E** zone districts, a minimum of four hundred (400) square feet of floor area, so long as a dwelling already exists on the front portion of such lot. The term dwelling shall not include hotels, motels, tents or other structures designed or used primarily for temporary occupancy. Any dwelling shall be deemed to be a principal building.

...

Transportation improvements shall mean those capital improvements needed to construct arterial or collector streets as shown in the City's adopted Master Street Plan, as amended, shall include, without limitation, the following capital improvements as described in said Master Street Plan or as described in the City's adopted Bicycle Master Plan and Pedestrian Master Plan, as these plans may be hereafter amended: right-of-way acquisition; vehicle and bicycle lanes; curbs, gutters and other drainage structures; pedestrian ways; traffic control devices and signals; medians and median landscaping; and transit facilities, including, without limitation, transit stops and rolling stock, to the extent that such transit facilities are reasonably necessary to expand the City's transit system so as to provide transit services to feepayers. However, *transportation improvements* shall not include the local street portion and related capital improvements required for a developed parcel under this Code and the Land Use **Development** Code.

Section 18. That Section 7.5-19 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 7.5-19. - Imposition, computation and collection of fees.

...

(b) Notwithstanding any language to the contrary contained in this Article, development projects for which final approval of the associated Project Development Plan, as such terms are defined and described in the **2022 Transitional Land Use Regulations** ~~Land-Use Code~~, had been received prior to June 6, 2017, shall be required to pay the capital expansion fees at the rates in effect prior to June 6, 2017.

Section 19. That Section 7.5-24.1 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 7.5-24.1. - Entitlement to refund upon abandonment.

Fees collected pursuant to this Article may be refunded to the current owner of the real property for which the fee was paid in the event that the right to develop the property in accordance with the approved plan has been abandoned as provided in Section ~~2.2.10(B)~~ **6.3.10(B)(3)** of the Land Use **Development** Code. Any such refund shall be processed in accordance with the procedures described in § 7.5-25. No such refund based upon abandonment shall be made until the following conditions have been met:

...

- (2) the property is adequately fenced in accordance with the standards contained in ~~Division 3.8~~ **Article 4** of the Land Use **Development** Code in such manner as to adequately protect, in the judgment of the City Manager, public safety;

...

Section 20. That Section 7.5-25 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 7.5-25. - Procedure to obtain refund.

- (a) All applications for refund under this Article shall be submitted to the Financial Officer. Each application shall be in a form established by the Financial Officer, and shall contain the following:

...

- (3) for refunds based upon abandonment, a copy of the approval of abandonment in accordance with ~~Subsection 2.2.10(B)~~ **6.3.10(B)(3)** of the Land Use **Development** Code; and

...

Section 21. That Section 7.5-47 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 7.5-47. - Definitions.

When used in this Article, the following words and terms shall have the following meanings:

...

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 Development Code Section 5.3.6 one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in any *single-unit family* (attached or detached), *two-unit family* (attached or detached), or *multi-unit family dwelling* or *mixed-use building* containing dwelling unit(s) and nonresidential use(s), as these terms are defined in the Land Use Development Code.

...

Land development project or *project* shall mean any proposed land development project for which a development application or development application for permitted use has been filed with the City under the Land Use Development Code or any subsequent amendment to a previously approved subdivision and which, if approved, could result in the construction of new dwelling units.

Land Use Development Code shall mean the City's Land Use Development Code referenced in Code Section 29-1.

...

Section 22. That Section 7.5-48 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 7.5-48. - Land dedication or in-lieu fees imposed.

...

- (e) Notwithstanding any of the foregoing in this Section, each of the following shall be exempt from the land-dedication requirement and the in-lieu fee payment requirement in this Article:

...

- (6) Long-term care facilities or group homes as defined in the Land Use Development Code;

...

Section 23. That Section 7.5-81 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 7.5-81. - Definitions.

When used in this Article, the following words and terms shall have the following meanings:

...

Traffic-generating development, commencement of shall mean the point of approval of a site specific development (as that term is defined in Article 57 of the Land Use **Development** Code), or the issuance of a building permit, whichever occurs first after the effective date of this Division.

...

Section 24. That Section 9-2 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 9-2. - Amendments and deletions to the 2021 International Fire Code.

...

67. **Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited** is hereby amended to read as follows:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited in accordance with the City of Fort Collins Land Use **Development** Code.

68. **Section 5706.2.4.4 Locations where above-ground tanks are prohibited** is hereby amended to read as follows:

5706.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by law as the limits of districts in which such storage is prohibited in accordance with the City of Fort Collins Land Use **Development** Code.

69. **Section 5806.2 Limitations** is hereby amended to read as follows:

5806.2 Limitations. Storage of flammable *cryogenic fluids* in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited in accordance with the City of Fort Collins Land Use **Development** Code.

70. **Section 6104.2 Maximum capacity within established limits** is hereby amended to read as follows:

6104.2 Maximum capacity with established limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L) in accordance with the City of Fort Collins Land Use **Development** Code.

...

Section 25. That Section 10-30 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 10-30. - Takings determinations.

Any person who claims that his or her property has been taken by reason of the application of any provision of this Article may apply to the Utilities Executive Director for a Takings Determination using the procedural and substantive requirements and criteria set forth in Division ~~2.13~~ **6.19** of the City's Land Use **Development** Code, provided that, for the purpose of this Section, any reference therein to the Director of Community Development and Neighborhood Services shall be deemed to constitute a reference to the Utilities Executive Director and any reference to the Land Use **Development** Code therein shall be deemed to constitute a reference to this Article. Said Takings Determination Procedures shall be exhausted before the institution of any judicial proceeding against the City claiming a taking of affected property.

Section 26. That Section 12-18 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 12-18. - Collection and disposal of refuse and rubbish.

...

- (b) All refuse containers and recyclable materials that are not required to be enclosed at all times per Land Use **Development** Code ~~Section 3.2.5~~ **Division 5.11** shall be screened except on collection day, or within twelve (12) hours preceding the time of regularly scheduled collection from the premises, when they may be placed curbside as defined in §15-411 of this Code. Refuse containers and recyclable materials shall not, at any time, be placed on the sidewalk or in such a manner as to impair or obstruct pedestrian, bicycle or vehicular traffic.

...

Section 27. That Section 14-6 of the Code of the City of Fort Collins are hereby amended to read 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 **Development** 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-family detached dwelling;
 - (2) An accessory building or structure fifty (50) years of age or older that is not directly associated with a single-family 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 **Development** Code.

Section 28. That Section 14-21 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 14-21. - Purpose.

The standards and procedures in this Article apply in whole or in part to determine the eligibility of resources for designation as landmarks or landmark districts for (1) landmark or landmark district designation pursuant to Article III, (2) the analysis of proposed development pursuant to Land Use **Development** Code ~~§ 3.4.7~~ **Division 5.8**, and (3) property owner information.

Section 29. That Section 14-23 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 14-23. - Process for determining the eligibility of sites, structures, objects and districts for designation as Fort Collins landmarks or landmark districts.

- (a) *Application.* An application for determining the eligibility of a resource or district for designation as a Fort Collins landmark or Fort Collins landmark district may be made by the owner(s) of the resource(s). A non-binding eligibility determination may be made by a development review applicant pursuant to Land Use **Development** Code ~~§ Section 3.4.7(C)(2)~~ **5.8.1(D)(2)**. Said application shall be filed with the Director. Staff may require a current intensive-level Colorado Cultural Resource Survey Form for each resource contained in an application. The applicant shall reimburse the City for the cost of having such a survey generated by a third-party expert selected by the City. Within fifteen (15) days of the filing of such application, and receipt of the intensive-level survey if required, staff shall determine whether the property or properties containing or comprising the site, structure, object or district is eligible for designation as a Fort Collins landmark or landmark district based on the information contained in the application and any additional information that may be provided by others. A determination of eligibility shall be valid for five (5) years unless (1) the Director determines that significantly changed

circumstances require a reevaluation of the prior eligibility determination, or (2) the site, structure, object or district is undergoing designation proceedings pursuant to Article 3 of this Chapter in which case, new determinations of eligibility shall occur pursuant to such Article. Staff shall promptly publish the determination in a newspaper of general circulation in the City and cause a sign to be posted on or near the property containing the resource under review stating that the property is undergoing historic review. Said sign shall be readable from a point of public access and shall state that more information may be obtained from staff.

...

Section 30. That Section 14-32 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 14-32. - Interim control of permit issuance.

CDNS shall not issue any permit for the alteration or demolition of any resource(s) on a property or properties under consideration for designation as a Fort Collins landmark or Fort Collins landmark district from the date of the receipt of an application, a Councilmember written request, or a Commission motion initiating designation, all pursuant to § 14-31, until staff rejection of an application as incomplete pursuant to § 14-31 if the rejected application is not resubmitted with all staff identified deficiencies corrected within fourteen (14) days of the rejection, staff denial of an application in its entirety pursuant to § 14-31, Commission termination of the designation process pursuant to § 14-32, or final disposition of the designation by the City Council, unless such alteration or demolition is authorized by written resolution of the Commission as not causing an adverse effect on the eligibility of the resource(s) for designation, or by written resolution of the City Council as necessary for public health, welfare or safety. Furthermore, CDNS shall not issue any permit during the period in which a staff denial pursuant to § 14-31, or a Commission authorization pursuant to this Section that no adverse effect will occur, may be appealed and until a final decision on the appeal is rendered should a notice of appeal be filed. This stay on the issuance of permits shall include any period for filing a notice of appeal to City Council from a Commission decision on an appeal of a staff determination or until City Council has made a final decision in such an appeal should a notice of appeal be filed. This Section shall not be construed as waiving any other applicable requirements for the issuance of a permit under the Fort Collins Municipal or Land Use **Development** Code. No delay on the issuance of permits pursuant to this Section shall exceed one-hundred eighty (180) days unless the Director determines that the City has followed the designation process set forth in this Article without unnecessary delay and more time is needed to complete the designation process.

Section 31. That Section 15-108 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-108. - All solicitation prohibited by posting of "No Solicitation" or "No Trespassing" sign.

- (a) No solicitor, whether commercial or noncommercial, shall enter or remain upon any private premises in the City if a "No Solicitation" or "No Trespassing" sign is posted at or near the entrance(s) to such premises. For the purposes of this provision, if an occupant of a multi-family unit dwelling, as defined in Section 5.1.2 Division 7.2 of the Land Use Development Code, wishes to prohibit door-to-door solicitation by the posting of a sign, the sign prohibiting solicitation must be posted at or near the entrance(s) to the occupant's individual dwelling.

...

Section 32. That Section 15-381 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-381. - Definitions.

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

...

Neighborhood zone district shall mean one (1) of the following zone districts, as established in Article 24 of the Land Use Development Code: Rural Lands (~~R-U-L~~RUL); Urban Estate (~~U-E~~UE); Residential Foothills (~~R-FR-F~~); Low Density Residential (~~R-L~~RRL); Low Density Mixed-Use Neighborhood (~~L-M-N~~LMN); Medium Density Mixed-Use Neighborhood (~~M-M-N~~MMN); Old Town (OT) Neighborhood Conservation, Low Density (~~N-C-L~~); Neighborhood Conservation, Medium Density (~~N-C-M~~); Neighborhood Conservation, Buffer (~~N-C-B~~); and High Density Mixed-Use Neighborhood (~~H-M-N~~HMN).

Non-neighborhood zone district shall mean any zone district, as established in Article 4 Article 2 of the Land Use Development Code, that is not a neighborhood zone district.

...

Outdoor vendor or *vendor* shall mean any person, whether as owner, agent, consignee or employee, who sells or attempts to sell, or who offers to the public free of charge, any services, goods, wares or merchandise, including, but not limited to, food or beverage, from any outdoor location, except that outdoor vendor shall not include a person who:

...

- (6) Vends from a public sidewalk within the Downtown Zone District, as defined and established in the Land Use Development Code, pursuant to a concession agreement with the City;

...

Section 33. That Section 15-384 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-384. - Contents of application.

(a) The application shall contain the following information:

...

(12) For an application to engage in stationary vending, documentation that the owner of the private property from which the stationary vending is proposed to be conducted has received under the Land Use **Development** Code all approvals required for such vending on that property.

...

Section 34. That Section 15-384 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-385. - Review and approval.

...

(b) The Financial Officer shall also obtain the determination of the Zoning Administrator as to whether the proposed use conforms to the requirements of the Land Use **Development** Code as applied to any specified location. If the Zoning Administrator determines the proposed use is not in compliance with the requirements of the Land Use **Development** Code, the application shall not be approved.

...

Section 35. That Section 15-387 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-387. - Restrictions and operation.

...

(b) The vehicles, structures, devices and other similar items described in the license for any outdoor vendor shall not be located by the vendor in any of the following manners or places:

...

(5) Upon a public sidewalk within the Downtown Zone District, as defined and established in ~~Article 4~~ **Article 2** of the Land Use **Development** Code (except as a concessionaire of the City);

...

(p) The following additional requirements shall apply to particular types of outdoor vendor licensees, as specified:

...

(6) Stationary vendors shall only vend on private parcels of land or lots within non-neighborhood zone districts, as defined and established in ~~Article 4~~ **Article 2** of the Land Use **Development** Code, and they shall not vend from a private parcel or lot within any neighborhood zone district.

Section 36. That Section 15-472 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-472. - Requirements of application for license; payment of application fee; denial of license.

...

(b) All medical marijuana businesses shall obtain other required permits of licenses related to the operation of the medical marijuana business, including, without limitation, any development approvals or building permits required by this Code and the Land Use **Development** Code.

(c) The City may, prior to issuance of the license, perform an inspection of the proposed licensed premises to determine compliance with any applicable requirements of this Article or other provisions of this Code or the Land Use **Development** Code.

Section 37. That Section 15-475 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-475. - Location and selection criteria.

(a) No medical marijuana store shall be issued a license if, at the time of application for such license, the proposed location is:

...

(4) Within the boundaries of any ~~R-U-L, U-E, R-F, R-L, L-M-N, M-M-N, N-C-L, N-C-M, N-C-B or H-M-N~~ **RUL, UE, RF, RL, LMN, MMN, OT or HMN** residential zone district;

(5) In a residential unit, ~~except as permitted under Section 3.8.3 of the Land Use Code.~~

...

Section 38. That Section 15-477 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-477. - Signage and advertising.

All signage and advertising for a medical marijuana store shall comply with all applicable provisions of this Code and the Land Use **Development** Code.

...

(2) The prohibition set forth in Subparagraph (1)e. above shall not apply to:

a. Any sign located upon the building in which a licensed medical marijuana center is located which exists solely for the purpose of identifying the business and which otherwise complies with the Land Use **Development** Code and this Article; or

...

Section 39. That Section 15-615 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-615. - Location criteria.

(a) No applicant shall be issued a retail marijuana store license if, at the time of application for such license, such location is:

...

(4) Within the boundaries of any ~~R-U-L, U-E, R-F, R-L, L-M-N, M-M-N, N-C-L, N-C-M, N-C-B or H-M-N~~ **RUL, UE, RF, RL, LMN, MMN, OT or HMN** residential zone district;

(5) In a residential unit, ~~except as permitted under Section 3.8.3 of the Land Use Code;~~

...

Section 40. That Section 15-617 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-617. - Signage and advertising.

- (a) All signage and advertising for a retail marijuana store shall comply with all applicable provisions of this Code, the Land Use **Development** Code and state law. In addition, no advertising for marijuana or marijuana products shall be permitted on signs mounted on vehicles, hand-held or other portable signs, handbills, leaflets or other flyers directly handed to any person in a public place, left upon a motor vehicle or posted upon any public property or private property without consent of the property owner. This prohibition shall not apply to any advertisement contained within a newspaper, magazine or other periodical of general circulation within the City, or that is purely incidental to sponsorship of a charitable event by a retail marijuana establishment. Such signage and advertising must not be misleading, false or infringe upon any state or federal trademark.

...

Section 41. That Section 15-641 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-641. - Definitions.

The following definitions shall apply to this Article:

...

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 Development Code Section 5.3.6**~~one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes,~~ located in a single-**unit family (attached or detached), two-unit family (attached or detached), or multi-unit family dwelling or mixed-use building containing dwelling unit(s) and nonresidential use(s)** as such terms are defined in the Land Use **Development** Code.

...

Short term primary rental shall mean a dwelling unit that is a primary residence of which a portion is leased to one (1) party at a time for periods of less than thirty (30) consecutive days. **An accessory dwelling unit**~~carriage house,~~ as defined in the Land Use **Development** Code, that is not a primary residence is eligible to be a short term primary rental and may be licensed as a short term primary rental if it is located on a

lot containing a primary residence. A dwelling unit of a two-unit family dwelling, as defined in the Land Use Development Code, that is not a primary residence is eligible to be a short term primary rental and may be licensed as a short term primary rental if the connected dwelling unit is a primary residence and both dwelling units are located on the same lot. The term short term primary rental shall not include the rental of a dwelling unit to the former owner immediately following the transfer of ownership of such dwelling unit and prior to the former owner vacating the dwelling unit.

Section 42. That Section 15-644 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-644. - Licensing requirements.

- (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 Development Code, and in particular, Land Use Development Code § ~~3.2.2(K)(1)(k)~~ 5.9.1(K)(1)(m) which sets forth applicable parking requirements.

...

- (8) The dwelling unit must be located in a zone district that allows short term primary rentals as specified in the Land Use Development Code. Alternatively, the dwelling unit must satisfy the requirements contained in § 15-646.

...

- (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 Development Code, and in particular, Land Use Development Code § ~~3.2.2(K)(1)(k)~~ 5.9.1(K)(1)(m) which sets forth applicable parking requirements.

...

- (8) The dwelling unit must be located in a zone district that allows short term non-primary rentals as specified in the Land Use **Development** Code. Alternatively, the dwelling unit must satisfy the requirements contained in § 15-646.

Section 43. That Section 15-646 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-646. - Licensing of short term primary and non-primary rentals existing prior to Land Use Code restrictions.

- (a) A dwelling unit used as a short term primary or non-primary rental that is located in a zone district in which the Land Use **Development** Code prohibits such use is eligible for a license pursuant to this Article provided that such dwelling unit was actually utilized as a short term primary or non-primary rental prior to March 31, 2017, and a valid sales and use and lodging tax license was obtained prior to October 31, 2017, for such dwelling unit in accordance with Chapter 25, Art. IV, of the Code of the City of Fort Collins.
- (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 **Development** Code § ~~3.2.2(K)(1)~~ **5.9.1(K)(1)(m)**.

...

- (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 the Land Use **Development** Code Section ~~3.2.2(K)(1)(k)~~ **5.9.1(K)(1)(m)**; 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 44. That Section 15-648 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-648. - License regulations.

Upon issuance of a license pursuant to this Article, the following requirements must be met in order for the license to remain valid. Failure to comply with any of the following regulations may result in revocation, suspension, or non-renewal of the issued license pursuant to § 15-649:

...

- (3) The licensee shall comply with all applicable Code of the City of Fort Collins and Land Use **Development** 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 **Development** Code ~~3.2.2(K)(1)(k)~~ § **5.9.1(K)(1)(m)**.

...

Section 45. That Section 15-649 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 15-649. - Suspension, revocation, nonrenewal of license.

- (a) The Director may suspend, revoke, or not renew any license issued pursuant to this Article if the Director determines that any of the following have occurred:

...

- (3) Failure to comply with the terms of the license, the provisions of this Article, or any other applicable provision of federal, state, or local law including, but not limited to, the Code of the City of Fort Collins and Land Use **Development** Code.

...

Section 46. That Section 18-3 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 18-3. - Construction permit required; application; fees; issuance; appeals.

...

- (b) *Applications*. All applications for permits shall be made in writing to the Building Official and shall contain the following:

...

- (4) Complete plans and specifications of the proposed park (conforming with the requirements of this Chapter, the Land Use **Development** Code, utility design standards and street design standards as established by the City), including the following specific information:

...

Section 47. That Section 18-11 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 18-11. - Miscellaneous park requirements.

...

- (c) *Park Areas for Nonresidential Uses.* No part of any park shall be used for nonresidential purposes, except as otherwise permitted in the Land Use **Development** Code of the City and such uses that are required for the direct servicing and well-being of mobile home park residents and for the management and maintenance of the mobile home park.

...

Section 48. That Section 18-12 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 18-12. - Mobile office units.

...

- (b) *Temporary Offices.* A mobile office unit may be used to house temporary offices, provided that the following conditions are met:
 - (1) The proposed office use and location conforms to the Land Use **Development** Code.

...

Section 49. That Section 19-75 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 19-75. - Inspection.

- (a) Whenever necessary to make an inspection to enforce any of the provisions of this Article or any other section of this Code or the Land Use **Development** Code or whenever the Enforcement Officer has reasonable grounds to believe that there exists in any building or upon any premises any

condition or violation which makes such building or premises unsafe, dangerous or hazardous, the Enforcement Officer may enter such building or premises at all reasonable times to inspect it or to perform any duty imposed upon the Enforcement Officer by this Article. If such building or premises are occupied, the Enforcement Officer shall first present proper credentials and request entry. If such building or premises are unoccupied, the Enforcement Officer shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused or if no person having control of the building or premises can be located, the Enforcement Officer shall have recourse to every remedy provided by law to secure entry.

...

Section 50. That Section 20-23 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 20-23. - Maximum permissible noise levels.

- (a) A noise measured or registered in the manner provided in § 20-24 from any source at a level which is in excess of the dB(A) established for the time period and zoning districts listed in this Section is hereby declared to be a noise disturbance and is unlawful. When a noise source can be identified and its noise measured in more than one (1) zoning district, the limits of the most restrictive zoning district shall apply.

Zoning Districts

Maximum Noise [dB(A)]

Areas zoned:

...

~~Neighborhood Conservation Low Density (N-C-L)~~

~~Neighborhood Conservation Medium Density (N-C-M)~~

~~Neighborhood Conservation Buffer (N-C-B)~~

Old Town (OT)

...

Section 51. That Section 20-42 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 20-42. - Weeds, unmowed grasses, refuse and rubbish nuisances prohibited.

...

(g) Notwithstanding any other provision of this Section which may be construed to the contrary, the owner or occupant of any property that includes an area that has been established as a natural habitat or feature pursuant to ~~Subsection 3.4.1(D)~~ **Section 5.6.1(D)** of the Land Use **Development** Code, or a buffer zone for natural habitat or feature pursuant to ~~Subsection 3.4.1(E)~~ **Section 5.6.1(E)** of the Land Use **Development** Code, which area is managed and maintained in accordance with specific conditions established in a site-specific development plan or development agreement, shall not be required to mow said areas other than as required in such development plan or agreement.

...

Section 52. That Section 23-83 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 23-83. Investigation of application information; fee; permit modification and revocation.

(a) The application shall be made to the City Manager. The City Manager shall make or cause to be made an investigation of the information contained in the application and prior to the issuance of a permit. In investigating the application, the City Manager may consult with such City departments as they deem necessary to determine whether the application should be approved. The City Manager may issue the permit for such duration and upon such other terms and conditions as the City Manager determines are necessary to protect the public welfare if the following criteria are met:

...

(4) In addition to satisfying the above three criteria, the following requirements apply to the following proposed encroachments:

...

b. As a condition of the issuance of any permit for the purpose of serving food and/or beverages as referenced in Subsection 23-82(b), the permittee shall:

...

4. In order for an application for an encroachment for wireless telecommunication equipment or facilities (as those terms are defined in Article ~~57~~ of the Land Use **Development** Code) to be approved, the applicant must show to the satisfaction of the City Manager that the applicable criteria contained in Section **4.3.5 regarding Wireless Telecommunication** ~~3.8.13~~ of the Land Use **Development** Code have been met.

...

Section 53. That Section 22-99 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 22-99. - Reallocation of assessments.

- (a) In the event that any parcel of land subject to assessment under this article is **undergoes** subdivided, as defined in Article 57 of the Land Use **Development** Code, the owner(s) of all parcels constituting the original tract shall immediately propose in writing to the Financial Officer a reallocation of the assessment as to all such smaller parcels. Such proposal shall include the following information as to each parcel within the original tract:

...

Section 54. That Section 23-116 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 23-116. - Permits and licenses to enter on real property.

- (a) The City Manager is authorized to grant a permit or license for the use or occupation of any real property owned in the name of the City, provided such use or occupation:

...

- (3) cannot be authorized entirely through other administrative processes provided for in the Charter, Code or Land Use **Development** Code.

...

Section 55. That Section 23-173 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 23-173. - Applicability.

...

- (b) The following facilities are not subject to the requirements of this Article, though such facilities may be subject to separate regulation under the Fort Collins Land Use **Development** Code:

- (1) *Antennas or towers used by FCC-licensed amateur (ham) radio operators.* Such facilities shall be permitted subject to the Land Use **Development** Code.

...

Section 56. That Section 23-176 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 23-176. - Design standards.

...

(c) *Conditions.*

...

(5) Landscape and fencing requirements.

...

- d. No tree may be removed in siting a CF, unless authorized by the City Forester. To obtain authorization the applicant shall show wireless services are not technically feasible without tree removal; the applicant's plan minimizes the total number of trees to be removed, avoids removal of any tree larger than four (4) inches at four and one-half (4 ½) feet high, and replaces any tree to be removed at a ratio of 2:1; and all new trees meet the replacement size standards in ~~§ 3.2.1.(d)(4)~~ **Section 5.10.1(D)(4)** of the Land Use **Development** Code.

...

Section 57. That Section 24-1 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 24-1. - Signs on streets, sidewalks and public rights-of-way prohibited; removal; exceptions; permit.

Notwithstanding the provisions of § 17-42, the following signs shall be permitted on streets, sidewalks and other areas owned by the City:

- (1) Signs hanging above City sidewalks provided that such signs are solely connected to private property and provided that such signs are allowed under ~~Section 3.8.7~~ **Division 5.16** of the City's Land Use **Development** Code.

...

Section 58. That Section 24-42 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 24-42. - Maintenance.

...

- (c) It shall be the duty of any property owner whose property is adjacent to a pedestrian/bicycle path which was required by the City to be constructed pursuant to the provisions of ~~Articles 3 and/or~~ of the Land Use **Development** Code or, if applicable, the **2022** Transitional Land Use Regulations, to maintain the paved surface of said pedestrian/bicycle path so that the condition of the same does not endanger the public.

Section 59. That Section 24-95 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 24-95. - Obligation for construction.

...

- (c) If the City has constructed such local portion of a public street adjacent to undeveloped property or property that may be redeveloped, the City may require, at or before the time of issuance of any building permit for new development or change of use, that the owner of any benefitted adjacent property repay to the City its cost in acquiring the necessary right-of-way and constructing such local portion of such street or other related improvements. For the purpose of this provision, benefit to the adjacent property may include, among other things, the construction of improvements that will allow the adjacent property to be developed in accordance with the requirements of Section ~~3-6-4~~ **5.4.10** of the Land Use **Development** Code where, in the absence of the improvements, such development would not be allowed to proceed. The amount of reimbursement to be paid to the City under this Subsection shall be no less than the original cost of the right-of-way and improvements plus any mutually agreed-upon amount to reflect the effects of inflation, if any. These adjustments may be based on the construction cost index for Denver, Colorado, as published monthly by the Engineering News Record. (If said index shows deflation, the adjustment shall be made accordingly, but not below the original cost as submitted by the Installing Developer and approved by the City Engineer.) The *original cost of the right-of-way and improvements* shall mean the cost of right-of-way acquisition, financing, engineering, construction and any other costs actually incurred by the City which are directly attributable to the improvements.

Section 60. That Section 24-111 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 24-111. - Definitions.

...

Transportation improvements shall mean those capital improvements needed to construct arterial or collector streets in the City as shown on the City's adopted Master Street Plan, as amended, shall include, without limitation, the following capital improvements when described in said Master Street Plan or as described in the City's adopted Bicycle Master Plan and Pedestrian Master Plan, as these plans may be hereafter amended: right-of-way acquisition; vehicle and bicycle lanes; curbs, gutters and other drainage structures; pedestrian ways; traffic control devices and signals; medians and median landscaping; and transit facilities, including, without limitation, transit stops and rolling stock, to the extent that such transit facilities are reasonably necessary to expand the City's transit system so as to provide transit services to *feepayers*, as this term is defined in § 7.5-17. However, *transportation improvements* shall not include the local street portion and related capital improvements required for a developed parcel under this Code and the Land Use **Development** Code.

Section 61. That Section 26-41 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 26-41. - Definitions.

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

...

A change in use would result from:

...

- (2) the property being included in any development review process under the Land Use **Development** Code;

...

Fraternity and sorority houses shall mean the same as defined in the Land Use **Development** Code.

...

Section 62. That Section 26-94 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 26-94. - Individual service lines for each building required.

- (a) Each property shall be served by its own service line, and no connection with the water utility shall be made by extending the service line from one (1) property to another property. Each building shall be served by a separate service line; however, the Utilities Executive Director may require that a building be served by more than one (1) service line. Separate service lines and meters for irrigation purposes shall be required for all properties, except for: (1) single-family residences; (2) duplex residences; and (3) properties where the annual use for irrigation under the water budget chart under the Land Use **Development Code** §~~3.2.1(E)(3)(b)(4)~~ **Section 5.10.1(E)(3)(b)** is less than 30,000 gallons per year. For purposes of this Section, the term *building* means a structure standing alone, excluding fences and covered walkways. A separate accessory structure is a separate building. To qualify as one (1) building, all portions, additions or extensions must be connected by an attachment that is an enclosed part of the building and usable by the occupants.
- (b) Notwithstanding the provisions of Subsection (a) of this Section, the Utilities Executive Director may, after review and approval of the related plans and specifications, authorize the service of more than one (1) building by a single service line, provided that each of the following requirements is met:

...

- (3) If the service is for residential use, only one (1) of the buildings may be used as a residential dwelling unless the buildings are located on a single platted lot and one (1) of the buildings is an **accessory dwelling unit**~~carriage house~~. For purposes of this Section, the term **accessory dwelling unit**~~carriage—house~~ shall have the same meaning as in the Land Use **Development Code**.

...

- (c) Notwithstanding the provisions of Subsection (a) above, the Utilities Executive Director may, after review and approval of the related plans and specifications, authorize the service of more than one (1) property by a single, common, private water service line, provided that:
- (1) The properties to be served by the line must be single-~~unit~~**family** attached dwellings on separate platted lots as defined in the Land Use **Development Code**.

...

Section 63. That Section 26-120 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 26-120. - Water plant investment fees.

...

(e) Notwithstanding the provisions of Subsections (a) and (c) of this Section the Utilities Executive Director may waive payment of the WPIF if the Utilities Executive Director determines that the requested connection will not adversely affect the capacity of the water utility to treat and deliver water for its users, and that if at least one of the following sets of requirements applies. Under either set of requirements, the Utilities Executive Director shall have the authority to discontinue the temporary water service if the capacity of the water utility to treat and deliver water to its users is adversely affected.

(1) The applicant is a customer of the water utility and shall only use the water connection as a source of irrigation water for the establishment of new native vegetation. For the purposes of this requirement, native vegetation shall be as defined in the City's Land-Use **Development** Code or, if native vegetation is no longer defined in the City's Land Use **Development** Code, the Utilities Executive Director shall determine whether the vegetation to be irrigated is native vegetation for the purposes of this Subsection (e) following consultation with relevant City departments. The approved period of such connection shall not exceed three (3) calendar years from the date of approval, provided that for the purposes of this provision, the first calendar year shall be from the date of installation through December 31. The applicant shall physically separate and abandon the water connection from the City's water distribution system at the end of the approved period of such connection and shall, before any such connection is made, escrow funds with the Utility to complete such disconnection and abandonment, with the amount of the funds to be determined by the Utilities Executive Director based on the estimated direct costs to complete such disconnection and abandonment plus fifteen (15) percent for indirect costs.

...

Section 64. That Section 26-149 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 26-149. - Water supply requirement (WSR); nonresidential service.

...

(b) The minimum WSR shall be calculated using the table in this subsection. The Utilities Executive Director shall determine the type of use to be used based on all relevant information and the common meaning of the listed uses. If various portions of a property are used for separate uses, the WSR for the various portions of the property shall be calculated separately and aggregated to determine the WSR for the entire property. The WSR for any use not addressed by the table shall be calculated pursuant to Subsection (c).

Use	WSR Calculation
...	...
Irrigation	Pursuant to water budget chart, Land Use Development Code § 3.2.1(E)(3)(b)(1) Section 5.10.1(E)(3)(b).
...	...

...

Section 65. That Section 26-206 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 26-206. - Definitions.

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

...

Fraternity and sorority houses shall mean the same as defined in the Land Use **Development** Code.

...

Section 66. That Section 26-256 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 26-256. - Individual service lines for each building required.

...

(b) Notwithstanding the provisions of Subsection (a) of this Section, the Utilities Executive Director may, after review and approval of the related plans and specifications, authorize the service of more than one (1) building by a single service line, provided that each of the following requirements is met:

...

(3) If the service is for residential use, only one (1) of the buildings may be used as a residential dwelling unless the buildings are located on a single platted lot and one (1) of the buildings is an **accessory dwelling unit** ~~carriage house~~. For purposes of this Section, the term **accessory dwelling unit** ~~carriage house~~ shall have the same meaning as in the Land Use **Development** Code;

...

(c) Notwithstanding the provisions of Subsection (a) above, the Utilities Executive Director may, after review and approval of the related plans and specifications, authorize the service of more than one (1) property by a single, common, private sewer service line, provided that:

- (1) The properties to be served by the line must be single-unit family attached dwellings on separate platted lots as defined in the Land Use Development Code.

...

Section 67. That Section 26-464 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 26-464. - Residential energy service, schedule R.

...

(b) *Applicability.* This schedule applies to residential customers for all domestic uses in single-family dwellings, individually metered apartments and home occupations as defined in Article 57 of the Land Use Development Code. This schedule may also be applied to existing master metered residential buildings served under this schedule prior to January 1, 1980. Master metering is not available for new or remodeled residential buildings with more than one (1) dwelling unit unless authorized by the Utilities Executive Director. This schedule does not apply to auxiliary or standby service.

...

Section 68. That Section 26-465 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 26-465. - All-electric residential service, schedule RE.

...

(b) *Applicability.* This schedule applies to residential customers qualifying under subsection (a) who opt not to receive services under schedule R, for all domestic uses in single-family private dwellings, individually metered apartments and home occupations as defined in Article 57 of the Land Use Development Code.

...

Section 69. That Section 26-466 of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 26-466. - General service, schedule GS.

...

(b) *Applicability.*

...

(2) This schedule does not apply to single-family, individually metered residential units unless:

...

b. The unit is not eligible for a Home Occupation License as specified in Article 34 of the Land Use Development Code.

...

Section 70. That the changes in this Ordinance shall not go into effect until the Land Development Code goes into effect.

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on this 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk