

ORDINANCE NO. 114, 2022
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 THE LAND DEVELOPMENT CODE AND
SEPARATELY CODIFYING THE 1997 LAND USE CODE AS
“TRANSITIONAL LAND USE REGULATIONS”

WHEREAS, 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; and

WHEREAS, 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the City Code, which was subsequently amended and on December 2, 1997, by adoption of Ordinance No. 190, 1997 the City repealed the Land Use Code so adopted and reenacted the Land Use Code dated December 12, 1997 (referred to herein as the “1997 Land Use Code”); and

WHEREAS, 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, subarea plans (the “2019 City Plan”); and

WHEREAS, on March 2, 2021, by adoption of Ordinance No. 033, 2021, City Council adopted the Housing Strategic Plan as an element of the City’s comprehensive plan establishing a goal that all residents have healthy stable housing they can afford and listing 26 housing strategies proposed for implementation to progress toward that goal; and

WHEREAS, the City commissioned the Land Use Code Audit dated January 2020 to align the 1997 Land Use Code with adopted City plans and policies with a focus on housing-related changes, code organization, and equity; and

WHEREAS, changes to the 1997 Land Use Code to implement the 2019 City Plan and the Housing Strategic Plan goals of improving housing supply and affordability are desired; and

WHEREAS, in preparation for a future comprehensive review and rewrite (Phase Two) of the 1997 Land Use Code as contemplated in the 2019 City Plan, reorganization of the 1997 Land Use Code to consolidate standards, eliminate repetition, simplify language, and increase user-friendliness is also desired; and

WHEREAS, in light of the proposed changes to the 1997 Land Use Code, the anticipated continuing work in Phase Two, and to better describe its purpose, the code replacing the 1997 Land Use Code is known as the Land Development Code; and

WHEREAS, City staff has conducted extensive public outreach regarding the Land Development Code including conducting public meetings both remote and in person upon request while offering interpreting services during such meetings, making recordings of public meetings available, answering questions at advertised office hours and by email, maintaining a website with the latest information in the process, outreach to City boards and commissions including the Planning and Zoning Commission, Historic Preservation Commission, Transportation Board, Affordable Housing Board, Natural Resource Advisory, Youth Advisory Board, and multiple Council work sessions; and

WHEREAS, City Council has further determined that the 1997 Land Use Code shall be separately codified as the “Transitional Land Use Regulations” and limited in their 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 Development Code as set forth in this Ordinance; and

WHEREAS, the new Land Development Code, effective January 1, 2023, will replace the 1997 Land Use Code in its entirety; and

WHEREAS, 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; and

WHEREAS, in compliance with City Charter, Article II, Section 7, the City Clerk published in the *Fort Collins Coloradoan* such notice of hearing on October 2, 2022, and October 9, 2022, and

WHEREAS, 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; and

WHEREAS, pursuant to City Code Section 1- 14, at least one copy of the Land Development 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; and

WHEREAS, on September 28, the Planning and Zoning Commission on a 5-2 vote recommended that City Council adopt the Land Development Code with certain recommended changes; and

WHEREAS, City Council has determined that adoption of the new Land Development Code is appropriate to accomplish the goals set forth above and is in the best interests of the residents of the City.

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 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 Development Code

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

Section 3. That the 1997 Land Use Code is hereby repealed and separately codified as the “Transitional Land Use Regulations” and shall be limited in their 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 Development Code as set forth in this Ordinance.

Section 4. That the Land Development Code shall be effective for all land development applications submitted on or after January 1, 2023.

Section 5. That references to the Land Use Code in the Code of the City of Fort Collins and City Council and administratively adopted policy, planning, regulatory, and other documents including, but not limited to, the 2019 City Plan, the Larimer County Urban Area Street Standards, the Stormwater Criteria Manual, Dust Prevention and Control Manual shall be interpreted to refer to the appropriate provisions of the Land Development Code until conforming changes can be made.

Section 6. That penalties for Land Development Code violations are set forth in Land Development Code Section 6.26.4 which states:

6.26.4 CRIMINAL AND CIVIL LIABILITY; PENALTIES

- (A) Except as otherwise specified in this Land Development 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 Development Code.

(B) An owner, property manager or occupant commits a civil infraction by violating any provision of Section 5.14.1 of this Land Development 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 Development 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 and ordered published this 18th day of October, A.D. 2022, and to be presented for final passage on the 1st day of November, A.D. 2022.

Mayor

ATTEST:

Chief Deputy City Clerk

Passed and adopted on final reading this 1st day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk