

ORDINANCE NO. 136, 2023  
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 REVISED LAND USE CODE AND  
SEPARATELY CODIFYING THE 1997 LAND USE CODE AS THE  
“PRE-2024 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 Fort Collins City Council 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the City Code, which was subsequently amended and on December 2, 1997, by adoption of Ordinance No. 190, 1997, the City repealed the Land Use Code so adopted and reenacted the Land Use Code dated December 12, 1997 (referred to herein as the “1997 Land Use Code”); and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 and 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 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 future comprehensive review and rewrite, and to better describe its purpose, the code replacing the 1997 Land Use Code is known as the Land Use Code; and

WHEREAS, City Council adopted a prior version of the Land Use Code known as the Land Development Code on second reading of Ordinance No. 114, 2022; and

WHEREAS, City Council repealed Ordinance No. 114, 2022, through Ordinance No. 007, 2023, after receiving a certified referendum petition regarding Ordinance No. 114, 2022; and

WHEREAS, City staff conducted extensive public outreach regarding the Land Use Code in response to issues raised by community members including mailing a City wide postcard, conducting public meetings both remote and in person upon request while offering interpreting services during such meetings, hosting a deliberative forum and a separate open house, making recordings of public meetings available, conducting neighborhood specific walking tours, answering questions in person 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, and multiple Council work sessions; and

WHEREAS, based upon the additional public outreach and City Council feedback, City staff has drafted a revised version of the Land Use Code; and

WHEREAS, on September 27, 2023, the Planning and Zoning Commission on a 4-1 vote (Haefele Nay) recommended that City Council adopt the Land Use Code as presented by City staff; and

WHEREAS, the Land Use Code, effective January 1, 2024, will replace the 1997 Land Use Code in its entirety; and

WHEREAS, City Council has determined that the 1997 Land Use Code shall be separately codified as the “Pre-2024 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 Use Code adopted pursuant to this Ordinance; and

WHEREAS, City Council has determined that adoption of the Land Use 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 Use Code**

The Land Use Code, as adopted by Ordinance No. 136, 2023, shall be codified separately from the Code of the City of Fort Collins and, although not a numbered Chapter of the Code of the City of

Fort Collins, is a part of the Code of the City of Fort Collins with the same legal significance as though it were a numbered Chapter. The Land Use Code may be used, as applicable, to support the implementation of the Code of the City of Fort Collins, and the Code of the City of Fort Collins may be used, as applicable, to support the implementation of the Land Use Code.

Section 3. That the Land Use Code attached hereto and incorporated herein by this reference as Exhibits “A” through Exhibit “G”, with each exhibit corresponding to a separate Land Use Code Article 1 through Article 7 respectively, is hereby adopted and shall be codified separately from the Code of the City of Fort Collins.

Section 4. That the 1997 Land Use Code is hereby repealed and separately codified as the “Pre-2024 Transitional Land Use Regulations” and shall be limited in its application to the review of pending land development applications submitted and determined to be complete and ready for review pursuant to the Pre-2024 Transitional Land Use Regulations Section 2.2.4 prior to the effective date of the Land Use Code as set forth in this Ordinance.

Section 5. That the Land Use Code shall be effective for all land development applications submitted on or after January 1, 2024.

Section 6. That after the Land Use Code effective date, all references to the Land Use Code in the Code of the City of Fort Collins and City Council 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 Use Code until conforming changes can be made.

Section 7. That the water adequacy determination provisions that City Council adopted through Ordinance No. 117, 2023, on second reading on September 19, 2023, shall be incorporated into the Land Use Code with appropriate renumbering of sections and references as follows:

- a. Amendments to 1997 Land Use Code Section 3.7.3 shall be incorporated into Land Use Code Section 5.7.3;
- b. New Division 3.13 added to the 1997 Land Use Code shall be incorporated into Land Use Code Article 5 as Division 5.17; and
- c. New definitions added to 1997 Land Use Code Article 5 shall be incorporated alphabetically into Land Use Code Article 7.

Section 8. That the oil and gas buffer code language that City Council adopted through Ordinance No. 116, 2023, on second reading on September 19, 2023, shall be incorporated into the Land Use Code with appropriate renumbering of sections and references as follows:

- a. Amendments to 1997 Land Use Code Section 3.8.26 shall be incorporated into Land Use Code Section 5.10.2;
- b. New Section 3.8.36 added to the 1997 Land Use Code shall be incorporated into Land Use Code Article 5 as Section 5.10.3; and
- c. New definitions added to 1997 Land Use Code Article 5 shall be incorporated alphabetically into Land Use Code Article 7.

Section 9. That in relation to the incorporation of the provisions described in Section 7 and Section 8, all necessary renumbering of internal Land Use Code references shall be made.

Introduced, considered favorably on first reading and ordered published this 3rd day of October, 2023, and to be presented for final passage on the 17th day of October, 2023.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading this 17th day of October, 2023.

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Mayor

ATTEST:

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City Clerk