

ORDINANCE NO. 137, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
UPDATING CITY CODE REFERENCES TO ALIGN WITH THE
ADOPTION OF THE REVISED LAND USE CODE

WHEREAS, City Council is adopting the revised Land Use Code pursuant to Ordinance No. 136, 2023, to replace the existing Land Use Code adopted in 1997 (“1997 Land Use Code”) that will be codified separately as the Pre-2024 Transitional Land Use Regulations; and

WHEREAS, upon adoption of the Land Use Code, it will not go into effect until January 1, 2024; 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 revised Land Use 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 revised Land Use 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 is 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 Code Division 5.14 and was committed by an owner or tenant of the property.

...

Section 3. That Section 2-174 of the Code of the City of Fort Collins is 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 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 4. That Section 2-176 of the Code of the City of Fort Collins is 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 Code or, if applicable, the Pre-2024 Transitional Land Use Regulations. Accordingly, Section 31-23-215, C.R.S., shall have no force or effect in the City; and

...

Section 5. That Section 2-177 of the Code of the City of Fort Collins is hereby amended to read as follows:

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

...

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

- (1) In accordance with and as limited by Land Use Code Division 6.18, 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 Code or, if applicable, the Pre-2024 Transitional Land Use Regulations; and
- (2) To authorize upon appeal in specific cases, and in accordance with the provisions of Division 6.14 of the Land Use Code, variances from the terms of the Land Use Code or, if applicable, of the Pre-2024 Transitional Land Use Regulations.

Section 6. That Section 4-2 of the Code of the City of Fort Collins is 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 Code or, if applicable, the Pre-2024 Transitional Land Use Regulations.

Section 7. That Section 4-117 of the Code of the City of Fort Collins is 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 Article 7 of the Land Use 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 8. That Section 5-27 of the Code of the City of Fort Collins is 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:

...

51. A new **CHAPTER 36 SUSTAIANABLE BUILDING CONSTRUCTION PRACTICES** is hereby added to read as follows:

...

3604.2 Definitions applicable to this Chapter:

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

...

Section 9. That Section 5-264 of the Code of the City of Fort Collins is 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 5.14.1 of the Land Use Code unless a certificate of occupancy for an extra-occupancy rental house has been issued for such dwelling by the Building Official.

...

Section 10. That Section 5-265 of the Code of the City of Fort Collins is hereby amended to read as follows:

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

...

- (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 5.14.1 of the Land Use 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 11. That Section 7.5-17 of the Code of the City of Fort Collins is 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 6.1 of the Land Use Code, or, if applicable, Division 2.7 of the Pre-2024 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 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.

...

Section 12. That Section 7.5-19 of the Code of the City of Fort Collins is 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 Pre-2024 Transitional Land Use Regulations, 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 13. That Section 7.5-24.1 of the Code of the City of Fort Collins is 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 6.3.10(B)(3) of the Land Use 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 Article 4 of the Land Use Code in such manner as to adequately protect, in the judgment of the City Manager, public safety;

...

Section 14. That Section 7.5-25 of the Code of the City of Fort Collins is 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 Section 6.3.10(B)(3) of the Land Use Code; and

...

Section 15. That Section 7.5-47 of the Code of the City of Fort Collins is 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 Use Code Section 5.3.6 located in any *single-unit* (attached or detached), *two-unit* (attached or detached), or *multi-unit dwelling* or *building* containing dwelling unit(s) and nonresidential use(s), as these terms are defined in the Land Use Code.

...

Section 16. That Section 7.5-81 of the Code of the City of Fort Collins is 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 7 of the Land Use Code), or the issuance of a building permit, whichever occurs first after the effective date of this Division.

...

Section 17. That Section 10-30 of the Code of the City of Fort Collins is 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 6.19 of the City's Land Use 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 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 18. That Section 12-18 of the Code of the City of Fort Collins is 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 Code 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 19. That Section 14-21 of the Code of the City of Fort Collins is 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 Code Division 5.8, and (3) property owner information.

Section 20. That Section 14-23 of the Code of the City of Fort Collins is 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 Code Section 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 21. That Section 15-108 of the Code of the City of Fort Collins is 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-unit dwelling, as defined in Division 7.2 of the Land Use 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 22. That Section 15-381 of the Code of the City of Fort Collins is 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 and described in Article 6 and Article 2 of the Land Use Code: Rural Lands (RUL); Urban Estate (UE); Residential Foothills (RF); Low Density Residential (RL); Low Density Mixed-Use Neighborhood (LMN); Medium Density Mixed-Use Neighborhood (MMN); Old Town (OT); and High Density Mixed-Use Neighborhood (HMN).

Non-neighborhood zone district shall mean any zone district, as established in and described in Article 6 and Article 2 of the Land Use Code, that is not a neighborhood zone district.

...

Section 23. That Section 15-387 of the Code of the City of Fort Collins is 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 2 and Article 6 of the Land Use 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 2 and Article 6 of the Land Use Code, and they shall not vend from a private parcel or lot within any neighborhood zone district.

Section 24. That Section 15-475 of the Code of the City of Fort Collins is 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 RUL, UE, RF, RL, LMN, MMN, OT or HMN residential zone district;

(5) In a residential unit.

...

Section 25. That Section 15-615 of the Code of the City of Fort Collins is 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 RUL, UE, RF, RL, LMN, MMN, OT or HMN residential zone district;

(5) In a residential unit;

...

Section 26. That Section 15-641 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-641. - Definitions.

The following definitions shall apply to this Article:

...

Dwelling unit shall mean habitable floor space intended for the exclusive use of a single household with a single kitchen, or including a second kitchen pursuant to Land Use Code Section 5.3.6, located in a single-unit (attached or detached), two-unit (attached or detached), or multi-unit dwelling or building containing dwelling unit(s) and nonresidential use(s) as such terms are defined in the Land Use 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, as defined in the Land Use 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 dwelling, as defined in the Land Use 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 27. That Section 15-644 of the Code of the City of Fort Collins is 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 Code, and in particular, Land Use Code Section 5.9.1(K)(1)(m) which sets forth applicable parking requirements.

...

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

...

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

...

Section 28. That Section 15-646 of the Code of the City of Fort Collins is 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.

...

- (b) In addition to satisfying (a) above, the applicant must satisfy the requirements set forth in § 15-644 in order to be eligible for a license. License applications submitted pursuant to this Section on or before October 31, 2017, do not need to comply with the parking requirements in Land Use Code Section 5.9.1(K)(1)(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 Code Section 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 29. That Section 15-648 of the Code of the City of Fort Collins is 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 Code provisions including, but not limited to, the Code of the City of Fort Collins Chapter 5, Buildings and Building Regulations, and the Code of the City of Fort Collins Chapter 20, Nuisances, Chapter 25, Taxation, and Land Use Code Section 5.9.1(K)(1)(m).

...

Section 30. That Section 20-23 of the Code of the City of Fort Collins is 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:

...

Old Town (OT)

...

Section 31. That Section 20-42 of the Code of the City of Fort Collins is 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 Section 5.6.1(D) of the Land Use Code, or a buffer zone for natural habitat or feature pursuant to Section 5.6.1(E) of the Land Use 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 32. That Section 20-111 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 20-111. Definitions.

Unless the context clearly requires otherwise, the following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

...

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

...

- (8) Dwelling unit occupancy limits - Section 5.14.1 of the Fort Collins Land Use Code.

...

Section 33. That Section 22-99 of the Code of the City of Fort Collins is 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 undergoes subdivision, as defined in Article 7 of the Land Use 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 34. That Section 23-83 of the Code of the City of Fort Collins is 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 a wireless communication facility (as defined in Article 7 of the Land Use 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(H) of the Land Use Code have been met.

...

Section 35. That Section 23-176 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-176. - Design standards.

...

(c) *Conditions.*

...

(5) Landscape requirements.

...

- d. No tree may be removed in siting a SCF, 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 Section 5.10.1(D) of the Land Use Code.

...

Section 36. That Section 24-1 of the Code of the City of Fort Collins is 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 Division 5.16 of the City's Land Use Code.

...

Section 37. That Section 24-42 of the Code of the City of Fort Collins is 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 the Land Use Code or, if applicable, the Pre-2024 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 38. That Section 24-95 of the Code of the City of Fort Collins is 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 5.4.10 of the Land Use 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 39. That Section 26-94 of the Code of the City of Fort Collins is 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 Code 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. For purposes of this Section, the term accessory dwelling unit shall have the same meaning as in the Land Use Code.

- (4) Plant investment fees, water supply requirements and any other applicable charges required in connection with the additional building to which service is to be provided shall be remitted as provided in this Article. For an accessory dwelling unit, additional plant investment fees and water supply requirements, as well as monthly meter rates and any other water-related charges, shall be determined based on the addition of a new dwelling unit on the property; and

...

- (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-family attached dwellings on separate platted lots as the term lot is defined in the Land Use Code.

...

Section 40. That Section 26-149 of the Code of the City of Fort Collins is 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).

<i>Use</i>	<i>WSR Calculation</i>
...	...
Irrigation	Pursuant to water budget chart, Land Use Code Section 5.10.1(E)(3)(b)
...	...

...

Section 41. That Section 26-256 of the Code of the City of Fort Collins is 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. For purposes of this Section, the term accessory dwelling unit shall have the same meaning as in the Land Use Code;

(4) Plant investment fees and any other applicable charges required in connection with the additional building to which service is to be provided shall be remitted as provided in this Article. For an accessory dwelling unit, additional plant investment fees, as well as monthly meter rates and any other water-related charges, shall be determined based on the addition of a new dwelling unit on the property; and

...

(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-family attached dwellings on separate platted lots as the term lot is defined in the Land Use Code.

...

Section 42. That Section 26-464 of the Code of the City of Fort Collins is 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 7 of the Land Use 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 43. That Section 26-465 of the Code of the City of Fort Collins is 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 7 of the Land Use Code.

...

Section 44. That Section 26-466 of the Code of the City of Fort Collins is 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 4 of the Land Use Code.

...

Section 45. That the changes in this Ordinance No. 137, 2023, shall not go into effect until the revised Land Use Code goes into effect.

Section 46. That Ordinance No. 123, 2022, Updating City Code References to Align with the Adoption of the Land Development Code, is hereby rescinded and shall be of no further force or effect.

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.

Mayor

ATTEST:

City Clerk

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

Mayor

ATTEST:

City Clerk