



LAND USE CODE

DRAFT
SUBJECT TO REVIEW AND REVISION



ARTICLE 1

GENERAL PURPOSE and PROVISIONS

DRAFT
SUBJECT TO REVIEW AND REVISION

TABLE OF CONTENTS

DIVISION 1.1 ORGANIZATION OF LAND USE CODE

DIVISION 1.2 TITLE, PURPOSE, AND AUTHORITY

1.2.1 Title

1.2.2 Purpose

1.2.3 Authority

1.2.4 Applicability

1.2.5 Minimum standards

DIVISION 1.3 LEGAL

1.3.1 Relationship to code of the City

1.3.2 Conflict between Land Use Code standards and Conflict with other laws

1.3.3 Conflicts with private housing covenants

1.3.4 Severability

DRAFT
SUBJECT TO REVIEW AND REVISION

ARTICLE 1

GENERAL PURPOSE and PROVISIONS

DIVISION 1.1 ORGANIZATION OF LAND USE CODE

The City of Fort Collins Land Use Code is organized into seven (7) Articles as follows:

Article 1: General Purpose and Provisions

Article 2: Zone Districts

Article 3: Building Types

Article 4: Use Standards

Article 5: General Development and Site Design

Article 6: Administration and Procedures

Article 7: Rules of Measurement and Definition

The General Purpose and Provisions contained in **Article 1** address the organization of this Land Use Code (“LUC” or “Code”); its title, purpose and authority and the relationship to the Code of the City of Fort Collins.

All zone districts within the City of Fort Collins and their respective list of permitted uses, prohibited uses, and development standards for particular uses are described in **Articles 2 and 4**. These zone districts directly relate to the Zoning Map and Zone Districts established in Article 6.

Articles 3 and 5 establish standards that apply to all types of development applications unless otherwise indicated. Collectively, these articles are known as the general development standards and address standards for environmental and historic resource protection (see also, Code of the City of Fort Collins Chapter 14), site, building, and infrastructure design, compact urban growth, and transportation and circulation.

Article 6, Administration and Procedures, guides the reader through the procedural and decision-making process by providing divisions pertaining to general procedural requirements and a twelve-step common development review process, as well as providing a separate division for each type of development application and other land use requests; rules for interpretation; rules for nonconformities; amendments to the text of this Code and/or Zoning Map, enforcement mechanisms, and guidelines and regulations for areas and activities of state interest.

Definitions of terms and measurements used throughout this LUC are included in **Article 7** although definitions specific to areas and activities of state interest are contained in Article 6.

This method of organization, which distinguishes and separates general provisions, administration, general development standards, district standards and definitions, use-specific standards, and sign standards is intended to provide a user-friendly and easily accessible LUC. This is accomplished by consolidating most city regulations addressing land use and development, standardizing the regulatory format, providing common development review procedures, and clarifying standards and definitions.

For an overview on how to use this LUC when applying for a development application or other request, see Section 6.2.2, Overview of Development Review Procedures.

DIVISION 1.2 TITLE, PURPOSE, AND AUTHORITY

1.2.1 TITLE

The provisions contained herein shall be known, cited and referred to as the "City of Fort Collins Land Use Code," the "Land Use Code," the "LUC," or as referenced in the Land Use Code, the "Code."

1.2.2 PURPOSE

The purpose of this Code is to improve and protect the public health, safety, and welfare by:

- (A) Ensuring that all growth and development which occurs is consistent with this Code, City Plan and its adopted elements, including, but not limited to, the Structure Plan, Principles and Policies and associated sub-area plans.
- (B) Implementing the vision of the Housing Strategic Plan that everyone in Fort Collins has healthy, stable housing they can afford.
- (C) Supporting *Our Climate Future* goals to reduce energy consumption and greenhouse gas emissions, provide renewable electricity, and achieving zero waste.
- (D) Encouraging innovations in land development and renewal.
- (E) Fostering the safe, efficient, and economic use of the land, the city's transportation infrastructure, and other public facilities and services.
- (F) Facilitating and ensuring the provision of adequate public facilities and services such as transportation (streets, bicycle routes, sidewalks and mass transit), water, wastewater, storm drainage, fire and emergency services, police, electricity, open space, recreation, and public parks.
- (G) Avoiding the inappropriate development of lands and providing for adequate drainage and reduction of flood damage.
- (H) Encouraging patterns of land use which decrease trip length of automobile travel and encourage trip consolidation.
- (I) Increasing public access to mass transit, sidewalks, trails, bicycle routes and other alternative modes of transportation.
- (J) Minimizing the adverse environmental impacts of development.
- (K) Improving the design, quality and character of new development.
- (L) Fostering a more rational pattern of relationship among residential, business and industrial uses for the mutual benefit of all.
- (M) Encouraging the development of vacant properties within established areas.

- (N) Encouraging a wide variety of housing opportunities at various densities that are well-served by public transportation for people of all ages, abilities, and income levels to promote diversity.

1.2.3 AUTHORITY

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

1.2.4 APPLICABILITY

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

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

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

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

1.2.5 MINIMUM STANDARDS

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

DIVISION 1.3 LEGAL

1.3.1 RELATIONSHIP TO CODE OF THE CITY

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

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

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

1.3.3 CONFLICTS WITH PRIVATE HOUSING COVENANTS

No person shall create, cause to be created, enforce or seek to enforce any provision contained in any contract or restrictive covenant that prohibits or has the effect of prohibiting the number and/or type of dwelling units permitted on a lot when such number and/or type of dwelling unit(s) would otherwise be permitted by the City's zoning regulations. A Homeowner's Association may enforce private covenants which reasonably regulate external aesthetics including, but not limited to, site placement/setbacks, color, window placement, height, and materials with the intent of furthering compatibility with the existing neighborhood.

No person shall create, cause to be created, enforce or seek to enforce any provision contained in any contract or restrictive covenant that prohibits or has the effect of prohibiting subdivision of property when such subdivision would otherwise be permitted by the City's zoning regulations.

1.3.4 SEVERABILITY

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