



**Community Development & Neighborhood Services**

**Planning & Development Services**

281 North College Avenue

P.O. Box 580

Fort Collins, CO 80522.0580

970.221.6376

970.224.6111- fax

**MEMORANDUM**

**Date:** January 23, 2024

**To:** Mayor Arndt and City Councilmembers

**Through:** Kelly DiMartino, City Manager LD  
Tyler Marr, Deputy City Manager DS  
Caryn Champine, Director of Planning, Development, and Transportation TH DS U

**From:** Sylvia Tatman-Burruss, Sr. Policy & Project Manager DS ST

**CC:** Noah Beals, Development Review Manager  
Meaghan Overton, Housing Manager

**Re:** January 16, 2024 Work Session Summary – Land Use Code Discussion

---

At the January 16<sup>th</sup> Work Session, staff received feedback regarding potential Land Use Code revisions. The staff presentation was provided by Caryn Champine, Sylvia Tatman-Burruss, Meaghan Overton and Noah Beals. All Councilmembers were in attendance.

**Summary of Feedback**

The presentation began with a review of a timeline of comprehensive plan (City Plan) and Land Use Code updates, the most recent plan updates that affect the Land Use Code, an overview of foundational land use code elements, and 3 possible work streams.

Following the introduction, Councilmembers reviewed 9 potential code revisions. These potential revisions in 3 different Zone Districts were discussed: Residential, Low Density (RL); Neighborhood Conservation, Low Density (NCL); Neighborhood Conservation, Medium Density (NCM). Following the discussion of Zone District Alternatives, Councilmembers reviewed other Citywide Topics, including Affordable Housing and Homeowners Associations (HOAs). Councilmembers then discussed which of the code revisions would be included Work Stream number 1: Foundational Land Use Code changes.

General feedback from Councilmembers included support for Work Stream #1, removal of the 9 revisions included in the presentation, questions regarding future public engagement strategies, clarification requested for past City Plan and Land Use Code updates, and direction to bring back a Foundational Land Use Code in the spring of 2024.

**Follow ups and Clarifications**

Councilmembers asked for follow-up regarding the following topics:

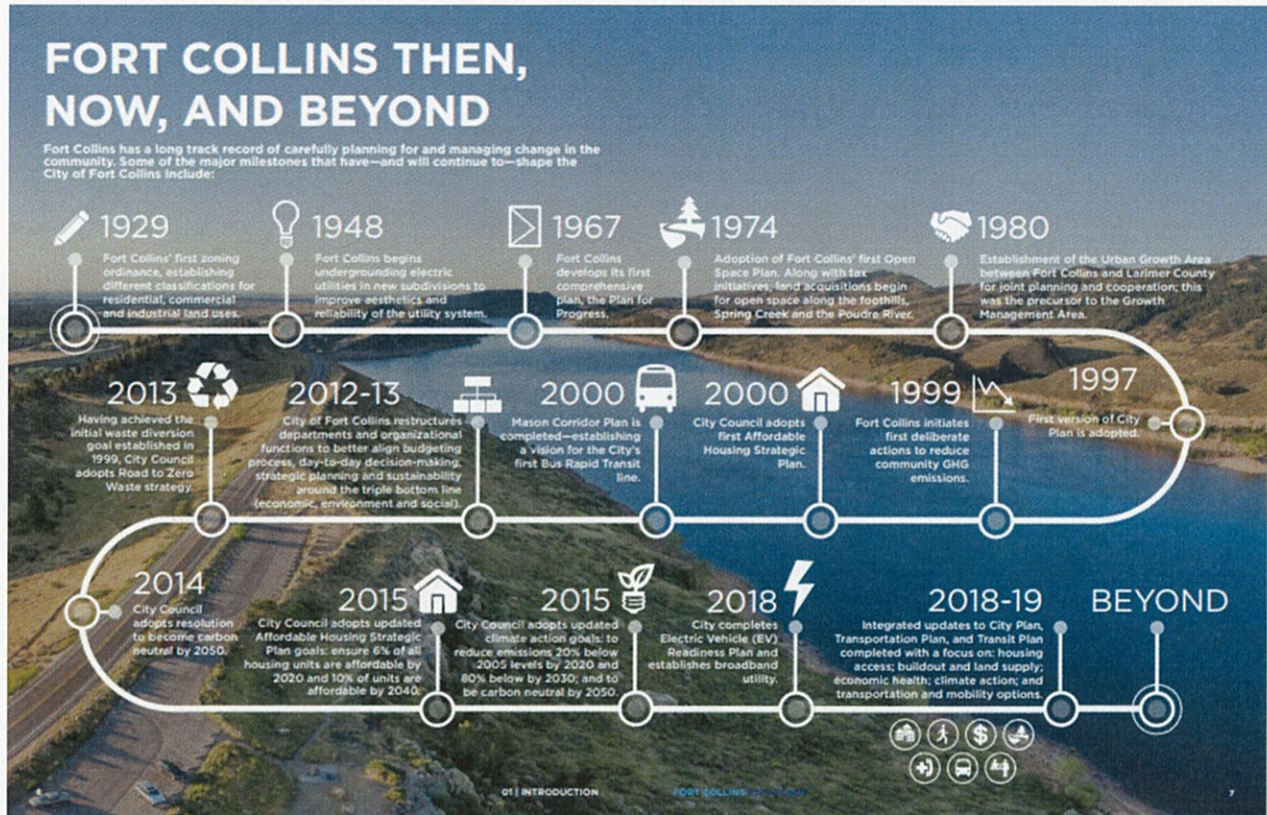
- City Plan and Land Use Code updates and revisions



- Follow-up information regarding Prop 123 and guidance from the Colorado Department of Local Affairs (DOLA).

## Updates to City Plan and the Land Use Code

The City's first comprehensive plan was adopted in 1967 and was known as the Plan for Progress. This plan was later replaced by City Plan in 1997. The 1997 version of City Plan called for updates every five years. This five-year update schedule began in 2002 and was adopted in 2004. In conjunction with an update to the Transportation Master Plan, another update to City Plan was adopted in 2011. The most recent update to City Plan was adopted in April 2019.



Before a comprehensive plan was adopted, the City adopted its first “Land Use Code” in 1929 known as the Zoning Code. This first code was 14 pages long and established 6 different zone districts. Over time, the Zoning Code received periodic updates that expanded new uses and new zone districts. Major Updates to the Zoning code were done in conjunction with adoption of the Comprehensive Plan and other adopted plans. For example, to implement the Energy Conservation Plan that called for development to conserve energy and maximize the use of renewable energy resources the City updated the Zoning code. In 1981 the City renamed the Zoning Code to The Land Development Guidance System (LDGS), which was originally 59 pages. The LDGS further expanded the number of zone districts and standards in which development could be approved. As mentioned, City Plan was adopted in 1997 and again the zoning regulations were updated. The LDGS was renamed to the Land Use Code and continued to further expand land uses and zone districts. During this time the Land Use Code received updates that provided clarification, addressed new uses, and responded to new approaches. Some of these were done in routine updates that happened twice a year. The Land Use Code grew to 27 different zone districts and approximately 180 separate uses. The current Land Use Code has seen 153 updates since its adoption in 1997.

## **Proposition 123 Compliance**

Proposition 123, which was approved by voters in a statewide election in 2022, concerns resources for the creation of deed-restricted affordable housing across the state. Affordable housing is defined in Proposition 123 as follows:

- Rental housing at or below 60% Area Median Income (AMI), or
- For-sale housing at or below 100% AMI,
- **and** which costs the household less than 30% of its monthly income.

While the law states that expedited review must take place within 90 days of a complete application, the statutory language could be open to various interpretations. Prop 123 states that expedited review is only required for "a development project for which 50% or more of the residential units in the development constitute affordable housing." A "stakeholder advisory group" has been convened to help guide further clarity for municipalities to meet the requirement for expedited review of affordable housing projects. DOLA has committed to providing guidance materials in March of this year. Staff will continue to monitor this process and update Council as final guidelines become available.

## **Next Steps**

- Staff will look to bring back Work Stream #1: Foundational Land Use Code changes in spring of 2024 upon review by the Planning and Zoning Commission.
- Staff will provide more information regarding Work Streams #2 and #3 in late spring/early summer of 2024 at a Council Work Session.
- More information will be provided regarding updates to Proposition 123 guidance when it becomes available from DOLA, expected early spring of 2024.