

ORDINANCE NO. 037, 2019  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING AMENDMENTS TO THE CITY OF FORT COLLINS LAND  
USE CODE PLANNED UNIT DEVELOPMENT OVERLAY REGULATIONS

WHEREAS, on December 2, 1997, by its adoption of Ordinance No. 190, 1997, the City Council enacted the Fort Collins Land Use Code (the "Land Use Code"); and

WHEREAS, at the time of the adoption of the Land Use Code, it was the understanding of staff and the City Council that the Land Use Code would most likely be subject to future amendments, not only for the purpose of clarification and correction of errors, but also for the purpose of ensuring that the Land Use Code remains a dynamic document capable of responding to issues identified by staff, other land use professionals and citizens of the City; and

WHEREAS, in 2018, City Council adopted Land Use Code regulations regarding Planned Unit Development Overlays; and

WHEREAS, City staff has reviewed the Land Use Code Planned Unit Development Overlay regulations and identified amendments to clarify the vesting provisions and Planned Unit Development Master Plan amendment process and have made recommendations to the Council regarding such issues; and

WHEREAS, on February 21, 2019, the Planning and Zoning Board on a 4-0 vote adopted as part of its consent agenda a recommendation that Council approve the proposed changes; and

WHEREAS, the City Council has determined that the recommended Land Use Code amendments are in the best interests of the City and its citizens.

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 2.2.11 - Step 11: Lapse of the Land Use Code is hereby amended to read as follows:

**2.2.11 - Step 11: Lapse**

...

(C) ***PUD Master Plan.*** A PUD Master Plan shall be eligible for a vested property right solely with respect to uses, densities, development standards, and Engineering Standards for which variances have been granted pursuant to Section 4.29(L), as all are set forth in an approved PUD Master Plan. An approved PUD Master Plan shall be considered a site

specific development plan solely for the purpose of acquiring such vested property rights subject to the provisions set forth in this Subsection (C) and not Subsection (E) below. A PUD Master Plan shall be deemed approved upon the effective date of the ordinance approving such PUD Master Plan as a site specific development plan and, upon such approval, a vested property right shall be created pursuant to the provisions of Article 68 Title 24, C.R.S., and this Section 2.2.11.

...

(E) ***Final Plan and Plat and Other Site Specific Development Plans.***

- (1) *Approval.* With the exception of site specific development plans subject to Subsection (C) above, a site specific development plan shall be deemed approved upon the recording by the City with the Larimer County Clerk and Recorder of both the Final Plat and the Development Agreement and upon such recording, a vested property right shall be created pursuant to the provisions of Article 68 Title 24, C.R.S., and this Section 2.2.11.

...

Section 3. That Section 4.29(I) of the Land Use Code is hereby amended to read as follows:

**Division 4.29 PLANNED UNIT DEVELOPMENT (PUD) OVERLAY\***

...

(I) ***PUD Master Plan Termination and Amendment.***

...

- (2) **PUD Master Plan Amendment.** An approved PUD Master Plan may be amended pursuant to the procedures set forth in Land Use Code Section 2.2.10 in accordance with the following provisions:
  - (a) Amendments may be initiated by any of the following:
    1. The written request of all real property owners within the PUD Overlay; or
    2. The written request of the original applicant, property owner, and/or developer for the approved PUD Master Plan, or any successor or assign thereof authorized in writing by such party or parties to have the ability pursuant to this Subsection to request an amendment, provided the following conditions are met:

- a. The name or names of the original applicant, property owner, and/or developer authorized to request an amendment must be set forth in writing in the PUD Master Plan.
  - b. The authorized applicant, property owner, developer, or successor or assign, owns or otherwise has legal control of real property within the PUD Overlay; and
  - c. The right of the authorized applicant, property owner, developer, or successor or assign, to amend the PUD Master Plan without the consent of other owners of real property within the PUD Overlay has been recorded as a binding covenant or deed restriction recorded on the respective real property; or
3. The City, provided the amendment does not amend, modify, or terminate any existing vested right approved in connection with the PUD Master Plan without the permission of the beneficiary or beneficiaries of such vested right.
- (b) Except as to real property within the PUD Overlay owned or otherwise under the control of the authorized applicant, property owner, developer, or successor or assign, any approved amendment requested by the authorized applicant, property owner, developer, or successor or assign, shall not apply to any other real property within the PUD Overlay which:
1. Is already developed pursuant to the applicable PUD Master Plan;
  2. Has a valid and approved Project Development Plan or Final Plan; or
  3. Is the subject of ongoing development review at the time the authorized applicant, property owner, developer, or successor or assign amendment request is submitted to the City.

...

Section 4. That the definition "*Site specific development plan*" contained in Section 5.1.2 of the Land Use Code is hereby amended to read as follows:


*Site specific development plan* shall mean and be limited to a final plan as approved pursuant to this Land Use Code, including a plan approved pursuant to basic development review; or, under prior law in effect on the day before the effective date of this Land Use Code, any of the following: the final plan, as approved pursuant to §29-526; the final subdivision plat, as approved pursuant to §29-643; a minor subdivision plat, as approved pursuant to §29-644; final site plans in the R-M District, as provided pursuant to §29-179;

final site plans in the R-H District, as provided pursuant to §§29-205 and 29-206; cluster development plans as provided pursuant to §29-116; site plans in the I-L and I-P Districts, as provided pursuant to §29-372; site plans in the R-C District, as provided pursuant to §29-419; nonconforming use review, as provided pursuant to Chapter 29, Article III, Division 6; group home review, as provided pursuant to §29-475; a PUD Master Plan for the purpose of acquiring a vested property right with respect to uses, densities, development standards and engineering standards for which variances have been granted pursuant to Section 4.29(L); and a development agreement in connection with a PUD Master Plan which grants a vested property right for a period exceeding three (3) years. In addition, a site specific development plan shall mean a final plan or plat that was approved by Larimer County for property which, at the time of approval, was located in the county but has been subsequently annexed into the city. All references to districts or sections herein pertain to the law in effect on the day before the effective date of this Land Use Code and which is repealed by the adoption of this Land Use Code.

Introduced, considered favorably on first reading, and ordered published this 5th day of March, A.D. 2019, and to be presented for final passage on the 19th day of March, A.D. 2019.

  
Mayor

ATTEST:

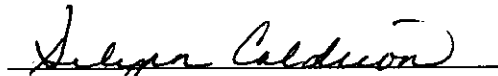
  
City Clerk



Passed and adopted on final reading on the 19th day of March, A.D. 2019.

  
Mayor

ATTEST:

  
City Clerk

