

ORDINANCE NO. 2, 1997  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING SECTIONS 29-43 AND 29-44 OF THE CODE OF THE CITY  
REGARDING AMENDMENTS TO THE ZONING DISTRICT MAP

WHEREAS, Section 29-43(e) requires, in connection with the zoning of land within the City, that advance notice be given at least seven (7) days prior to consideration of such zoning ordinance by the City Council by publication in a newspaper of general circulation within the City; and

WHEREAS, the State zoning law for statutory cities requires the giving of at least fifteen (15) days advance notice by publication; and

WHEREAS, the City Council has determined that it is in the best interests of the citizens of the City that the longer period of notification be given for the consideration of ordinances for the zoning of land and that Section 29-43(e) should be amended to require the giving of at least fifteen (15) days advance notice by publication; and

WHEREAS, such notice requirement exceeds the requirements imposed by Colorado law and in the case of large area rezonings, results in the undue expense to the City; and

WHEREAS, Section 29-44 of the Code of the City establishes certain procedures to be applied by the Planning and Zoning Board in its consideration of a zoning change and its making of recommendations to the City Council; and

WHEREAS, the City has embarked upon the development of a new comprehensive plan as it relates to land use and development to be known as the "City Plan"; and

WHEREAS, City Plan will be implemented through a new "Land Use Code" and will involve the rezoning of most or all lands located within the corporate limits of the City; and

WHEREAS, Section 29-44 as it is presently constituted requires the mailing of written notice to all property owners and owners of property adjacent to any area proposed for rezoning without making any distinction between large area rezonings and small area rezonings; and

WHEREAS, the City Council has determined that it would not be in the best interests of the citizens of the City to embark upon such a massive mailing effort as would be required under the present code for the implementation of the City Plan; and

WHEREAS, the Council has further determined that the Code should be amended to provide a distinction between large and small area rezonings and to amend the Code regarding the giving of written notice, notice by posting and notice by publication for Planning and Zoning Board consideration of both types of rezonings.

*FAILED*

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS, as follows:

Section 1. That Section 29-43(e) of the Code of the City is hereby amended to read as follows:

**Sec. 29-43. Amendments to Zoning District Map.**

(e) Upon completion of any hearing by the Planning and Zoning Board on an application to rezone any parcel of land or upon consideration of initial zoning in the case of lands being annexed to the city, the City Clerk shall cause the hearing by the City Council to be placed on the agenda for a future City Council meeting and shall give notice of such hearing. The public hearing before the City Council shall be held after at least fifteen (15) days notice of the time and place of such hearing shall have been given by publication in a newspaper of general circulation within the city.

Section 2. That Section 29-44 of the Code of the City be amended to read as follows:

**Sec. 29-44. Special procedures for amendments.**

Before submitting a report and recommendation on any proposed amendment to the Zoning District Map of the city, the Planning and Zoning Board shall hold a public hearing on the proposed amendment in accordance with the following requirements:

(1) The public hearing before the Planning and Zoning Board shall be held after at least seven (7) days notice of the time and place for such hearing shall have been given by publication in a newspaper of general circulation within the city;

(2) If a proposed amendment to the Zoning District Map involves the zoning or rezoning of no more than six hundred forty (640) acres of land, the Planning and Zoning Board shall send written notice of the time and place of such hearing at least seven (7) days prior to the hearing date to all property owners of most recent tax record within the area proposed for rezoning and to the property owners of most recent tax records within five hundred (500) feet of any point on the perimeter of the area proposed for rezoning. Failure to mail such notice to every property owner due to clerical omissions shall not affect the validity of any hearing or determination of the Planning and Zoning Board.

Introduced, considered favorably on first reading, and ordered published this 7th day of January, A.D. 1997, and to be presented for final passage on the 21st day of January, A.D. 1997.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading this 21st day of January, A.D. 1997.

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Mayor

ATTEST:

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City Clerk