

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 13

DATE: October 21, 2008

STAFF: Ted Shepard

SUBJECT

Second Reading of Ordinance No. 120, 2008, Amending Section 2.9.3(B) of the Land Use Code Modifying the Procedure for Initiating a Text Amendment.

RECOMMENDATION

Staff recommends adoption of this Ordinance on Second Reading.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on October 7, 2008, amends the procedure to initiate a text amendment to the Land Use Code. The amendment deletes the ability to propose a text amendment to the Land Use Code by any resident of the city, or any owner or person having an interest in land located within the municipal boundaries of the city. Residents and owners are not prohibited from proposing text amendments. Instead of a direct application, however, a request would be subject to established City Council policy which requires that proposed changes would need to be supported by the City Manager, the Leadership Team, or three Councilmembers.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - October 7, 2008.
(w/o original attachments)

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 15

DATE: October 7, 2008

STAFF: Ted Shepard

COPY

SUBJECT

First Reading of Ordinance No. 120, 2008, Amending Section 2.9.3(B) of the Land Use Code Modifying the Procedure for Initiating a Text Amendment.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

EXECUTIVE SUMMARY

There are two sub-sections to Section 2.9.3. The first, (A), describes the procedure for amending the zoning map and the second, (B), describes the procedure for amending the text.

Presently, amending the text of the Land Use Code may be proposed by City Council, the Planning and Zoning Board, the Director, any resident of the city, or any owner or person having an interest in land located within the municipal boundaries of the city.

The change would delete the ability to propose a text amendment to the Land Use Code by any resident of the city, or any owner or person having an interest in land located within the municipal boundaries of the city.

Residents and owners are not prohibited from proposing text amendments. Instead of a direct application, however, a request would be subject to established City Council policy which requires that proposed changes would need to be supported by the City Manager, the Leadership Team, or three Councilmembers.

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BACKGROUND

Amend Section 2.9.3(B) to remove the ability of residents of the City or owners of property of land in the City to propose a text amendment to the Land Use Code.

Problem Statement

A wide variety of parties have the ability to propose a text amendment to the Land Use Code. Presently, amending the text of the Land Use Code may be proposed by City Council, the Planning

and Zoning Board, the Director, any resident of the city, or any owner or person having an interest in land located within the municipal boundaries of the city.

There is a concern that this section of the Land Use Code is inconsistent with City Council's established policy for how changes to the City Code may be proposed. Under current policy, changes to the City Code can be proposed only by the City Manager, the Leadership Team, or three Councilmembers. This policy was established pursuant to Council Resolution 2003-117 (Attachment 2). Modifying Section 2.9.3(B) would align the two codes so that the amendment processes for both would be consistent.

Proposed Solution Overview

The change would delete the ability to propose a text amendment to the Land Use Code by any resident of the city, or any owner or person having an interest in land located within the municipal boundaries of the city.

Residents and owners are not prohibited from proposing text amendments. Instead of a direct application, however, a request would be subject to established City Council policy which requires that proposed changes would need to be supported by the City Manager, the Leadership Team, or three Councilmembers.

Code Change

Section 2.9.3

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(B) *Text Amendment.* An amendment to the text of this Land Use Code may be proposed by the City Council, the Planning and Zoning Board; or the Director, ~~any resident of the city, or any owner or person having an interest in land located within the municipal boundaries of the city.~~

Planning and Zoning Board Recommendation

At the September 18, 2008 regular meeting of the Planning and Zoning Board, it voted 4-2 to approve the proposed change to Section 2.9.3(B).

ATTACHMENTS

1. Minutes from the September 18, 2008 meeting of the Planning and Zoning Board.
2. Resolution 2003-117 Repealing and Repealing Guidelines for Initiating and Developing Council Ordinances and Resolutions.

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ORDINANCE NO. 120, 2008
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 2.9.3(B) OF THE LAND USE CODE
MODIFYING THE PROCEDURE FOR INITIATING A TEXT AMENDMENT

WHEREAS, Section 2.9.3(B) of the Land Use Code ("LUC") states that text amendments may be proposed by the City Council, the Planning and Zoning Board, the Director, any resident of the City, or any owner or person having an ownership interest in land in the City; and

WHEREAS, this LUC provision does not comport with the provisions of Resolution 2003-117, which sets forth the procedure for initiating staff work on proposed new ordinances or resolutions of the City; and

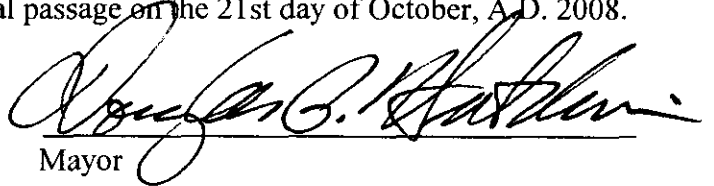
WHEREAS, City Council has determined that LUC Section 2.9.3(B) should be amended so as to state that text amendments may be proposed only by the Planning and Zoning Board or the Director, as that term "Director" is defined in the LUC; and

WHEREAS, if this amendment is approved by the City Council, changes to the LUC may still be suggested by residents of the City or members of the City Council in the manner provided in Resolution 2003-117.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows that Section 2.9.3(B) of the Land Use Code is hereby amended to read as follows:

(B) **Text Amendment.** An amendment to the text of this Land Use Code may be proposed by the Planning and Zoning Board or the Director.

Introduced and considered favorably on first reading and ordered published this 7th day of October, A.D. 2008, and to be presented for final passage on the 21st day of October, A.D. 2008.


Mayor

ATTEST:



Chief Deputy City Clerk

Passed and adopted on final reading this 21st day of October, A.D. 2008.

Mayor

ATTEST:

City Clerk