

ORDINANCE NO. 113, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUSPENDING CERTAIN PROVISIONS OF THE CITY’S LAND USE CODE AND
BUILDING CODE TO PERMIT TEMPORARY USE OF CITY PROPERTY AT
212 WEST MOUNTAIN AVENUE AS A HOMELESS SHELTER

WHEREAS, because of limited capacity there are many nights when local shelter providers do not have enough space to house all people experiencing homelessness who may be seeking shelter; and

WHEREAS, adequate shelter space will become increasingly important as fall and winter weather sets in and individuals are at risk from cold, flu and COVID viruses as well as severe cold; and

WHEREAS, the State of Colorado declared its first Emergency Disaster Declaration related to COVID-19 on March 11, 2020, and as part of its Seventh Amended Public Health Order 20-38 dated September 30, 2021, the Colorado Department of Public Health and Environment (CDPHE) strongly urged governments to make shelter available to people experiencing homelessness as soon as possible and to the maximum extent practicable; and

WHEREAS, the City’s Land Use Code provides a process for operation of seasonal overflow shelters from November through April, and for many years shelter operators, with financial support from the City, were able to operate a seasonal overflow shelter on privately-owned properties; and

WHEREAS, for the winter of 2020-2021 shelter providers partnered with the City to operate a seasonal shelter in space leased from the Food Bank for Larimer County, but for the winter of 2021-2022 the only suitable space that could be located was in a City-owned building at 212 West Mountain Avenue (the “City Property”); and

WHEREAS, City staff and shelter providers have been unable to locate another appropriate space to host a seasonal overflow shelter for the upcoming winter despite best efforts, so the City intends to again lease the City Property to the Fort Collins Rescue Mission to operate as an overnight shelter for persons experiencing homelessness from November 2022 through April 2023; and

WHEREAS, while a homeless shelter is a permitted use under the current zoning for the property (Downtown Zone – Civic Subdistrict), the City’s Land Use Code (“LUC”) requires review by the Planning and Zoning Board to permit the use of the Property as a homeless shelter, as such a change in use of the building is considered “development” under LUC Division 5.1.2; and

WHEREAS, LUC Article 3 and LUC Article 4, Division 4.16 set forth development standards that would also be applied to the Property as part of such a review process; and

WHEREAS, in order to provide additional shelter for persons experiencing homelessness as quickly as possible, the City Council finds it is necessary for public health, safety and welfare, and in the best interests of the City and its residents, to suspend the application of certain requirements of the LUC with respect to the Property for so long as the City is using it as a shelter for persons experiencing homelessness.

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, with respect only to the Property and its use as a homeless shelter through April 30, 2023, the City Council hereby suspends the requirements of:

- LUC Article 3 regarding general development standards;
- LUC Division 4.16 regarding development standards and the development review process for use of the property as a homeless shelter;
- LUC Division 2.2 regarding the common development review procedures for development applications; and
- LUC Division 2.4 and 2.5 requiring a project development plan (PDP) and final plan for a proposed homeless shelter on the Property.

Section 3. That all other applicable provisions of the City Code, rules and regulations, including but not limited to health and safety requirements, will continue to apply to the Property.

Introduced, considered favorably on first reading, and ordered published this 18th day of October, A.D. 2022, and to be presented for final passage on the 1st day of November, A. D. 2022.

Mayor

ATTEST:

Chief Deputy City Clerk

Passed and adopted on final reading on the 1st day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk