

ORDINANCE NO. 129, 2023
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
117 NORTH MASON STREET AS A SEASONAL OVERFLOW HOMELESS SHELTER

WHEREAS, because of limited capacity of shelter space within the City 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 becomes increasingly important as fall and winter weather sets in and individuals are at risk from cold, flu, COVID viruses, frostbite as well as death due to outdoor winter conditions; and

WHEREAS, the City historically contributes coordination and funding support to help reduce or eliminate instances of people being turned away from shelter and into inclement weather conditions due to limited capacity; and

WHEREAS, the City's Land Use Code ("LUC") 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, the 117 North Mason Street location (the "Property") was used for an overflow shelter for men experiencing homelessness for the 2022-2023 winter season; and

WHEREAS, the overflow shelter at the Property was operated by the Fort Collins Rescue Mission from November 2022 through April 2023, and had the capacity to sleep up to 44 men; and

WHEREAS, both mid-season and post-season feedback was generally neutral to positive, with overall input from neighbors that the seasonal overflow shelter did not impact their day-to-day experience in this part of town; and

WHEREAS, for the upcoming 2023-2024 winter season, City staff and shelter providers have been exploring other options and recently determined it was best to continue to utilize the City-owned Property; and

WHEREAS, the City is intending to once again enter into a lease with the Fort Collins Rescue Mission for the use and operation of the Property as the seasonal overflow shelter for the 2023-2024 winter season; and

WHEREAS, the use and operation of the Property will be nearly identical to the 2022-2023 winter season, which was open from November 2022 through April 2023, between the hours of 5:00 pm to 7:00 am to serve men experiencing homelessness; and

WHEREAS, the Fort Collins Rescue Mission will continue to operate the seasonal overflow shelter and will continue to utilize a third-party security firm; and

WHEREAS, because of anticipated reductions of capacity of the year-round Fort Collins Rescue Mission shelter (located at 316 Jefferson Street), the Fort Collins Rescue Mission aims to expand the capacity from 44 to 70 men by utilizing the conference room space within the Property for the 2023-2024 season; and

WHEREAS, while a homeless shelter is a permitted use under the current zoning for the Property (Downtown Zone – Civic Subdistrict), the LUC requires review by the Planning and Zoning Commission 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, this review process generally takes months to complete; and

WHEREAS, because the use and operation of the Property as a seasonal overflow shelter is temporary in nature, and 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, 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 between November 1, 2023, and April 30, 2024, 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 the version of the LUC in effect upon the effective date of this Ordinance shall apply to the Property and its use as a homeless shelter between November 1, 2023, and April 30, 2024.

Introduced, considered favorably on first reading and ordered published this 19th day of September, 2023, and to be presented for final passage on the 3rd day of October, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 3rd day of October, 2023.

Mayor

ATTEST:

City Clerk