

(Posted March 16, 2012)

**NEW ITEM
FOR MARCH 20 CITY COUNCIL AGENDA
ITEM 22 - OTHER BUSINESS**

ORDINANCE NO. 025, 2012
OF THE COUNCIL OF THE CITY OF FORT COLLINS
TEMPORARILY SUSPENDING THE DEADLINE FOR HEARING
TWO PENDING APPEALS TO THE CITY COUNCIL
UNDER CHAPTER 2 OF THE CITY CODE TO ALLOW FOR A
REVIEW AND POSSIBLE AMENDMENT OF THE PROCESS
FOR DETERMINATIONS OF ELIGIBILITY
UNDER CHAPTER 14 OF THE CITY CODE

has been added to the March 20, 2012 Fort Collins City Council meeting, under "Other Business". No Agenda Item Summary is available at this time.

Ordinance may be found online at <http://www.fcgov.com/cityclerk/agendas.php>

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WHEREAS, on March 1, 2012, two appeals to the City Council from February 16, 2012, decisions of the Planning and Zoning Board were filed (the "Appeals"); and

WHEREAS, each of the Appeals relates to requests for modification under the Land Use Code that are directly related to determinations of eligibility for designation as a Fort Collins landmark that have been made pursuant to Section 14-72 of the City Code; and

WHEREAS, the process for determination of eligibility under Section 14-72 does not include an opportunity for review of the determination; and

WHEREAS, City staff has identified certain process improvements that would allow for a direct review of eligibility determinations on their merits; and

WHEREAS, each of the appellants in the pending Appeals has agreed to a delay in the appeal process for six months in order to allow for the consideration by the Council of new procedures that would allow for such process improvements; and

WHEREAS, the appellants are the project applicants, and any other parties-in-interest who may be interested in participating in the appeals would receive notice and have a full opportunity to participate in the appeals, should they go forward at the end of the stay period; and

WHEREAS, accordingly no parties would be prejudiced by the stay of the pending appeals; and

WHEREAS, City Code Section 2-54, as it was in effect at the time of the filing of the Appeals, required that the City Clerk schedule a date for a hearing on an appeal no less than thirty nor more than sixty days after the filing of the appeals; and

WHEREAS, in light of the foregoing, staff has requested that the Council temporarily suspend the operation of the deadline for the hearing on the Appeals, as described herein.

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

Section 1. That the City Council hereby finds that staying the Appeals for a six- month period of time in order to allow for the consideration of new procedures for determinations of eligibility under Section 14-72 of the City Code is in the best interests of the citizens of Fort Collins, is desirable and has been consented to by the appellants in the Appeals, and will not prejudice any parties-in-interest in connection with the Appeals.

Section 2. That in light of the foregoing, the City Council hereby temporarily suspends the application and enforcement of the scheduling requirements of Section 2-54 of the City Code for a period of six months.

Section 3. That the City Manager is hereby directed to prepare amendments to Chapter 14 of the City Code that will establish additional procedural requirements and safeguards for the landmark eligibility determination process and for other related processes in Chapter 14, which amendments shall include a process for formal review of all eligibility determinations.

Introduced, considered favorably on first reading, and ordered published this 20th day of March, A.D. 2012, and to be presented for final passage on the 3rd day of April, A.D. 2012.

Mayor

ATTEST:

Interim City Clerk

Passed and adopted on final reading on the 3rd day of April, A.D. 2012.

Mayor

ATTEST:

Interim City Clerk

WITHDRAWN