

**EMERGENCY ORDINANCE NO. 110, 2020  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
SUSPENDING CERTAIN PROVISIONS OF THE CITY'S LAND USE CODE  
TO PERMIT TEMPORARY USE OF THE PROPERTY AT  
1301 BLUE SPRUCE DRIVE AS A HOMELESS SHELTER**

WHEREAS, the City of Fort Collins is threatened with serious injury and damage, consisting of widespread human and economic impact caused by the Novel Coronavirus 2019 (COVID-19); and

WHEREAS, on March 13, 2020, in order to undertake emergency measures to protect the life, health, safety and property of the citizens of the City and persons conducting business therein, and to attempt to minimize the loss of human life and the preservation of property, the City Manager, as the Director of the City's Office of Emergency Management, proclaimed a "local emergency" in accordance with Section 2-671(a)(1) of the City Code and activated the Emergency Operations Plan established pursuant to Section 2-673 of the City Code; and

WHEREAS, the prevention and management of exposure to COVID-19 and mitigation of related impacts of all kinds continue to require emergency action by the City and continued social distancing in order to reduce its transmission; and

WHEREAS, the City Council has, with the adoption of Resolution 2020-030, extended the City Manager's proclamation of local emergency; and

WHEREAS, the State of Colorado declared its first Emergency Disaster Declaration related to COVID-19 on March 11, 2020; and

WHEREAS, as part of its Sixth Amended Public Health Order dated June 5, 2020, the Colorado Department of Public Health and Environment strongly urges governments to make shelter available to people experiencing homelessness as soon as possible and to the maximum extent practicable; and

WHEREAS, this emergency ordinance is meant to further the City's emergency response related to COVID-19 consistent with the State's June 5th order by providing shelter to people experiencing homelessness as soon as possible; and

WHEREAS, because of social distancing requirements there are many nights when local shelter providers do not have enough space to house all those who may be seeking shelter; and

WHEREAS, adequate shelter space that permits social distancing will become increasingly important as fall and winter weather sets in and individuals are at risk from cold and flu viruses as well as COVID-19; and

WHEREAS, the City is intending to enter into a lease for property located at 1301 Blue Spruce Drive in Fort Collins owned by the Food Bank for Larimer County (the "Property"), which

the City would then sublease to the Fort Collins Rescue Mission to operate as an overnight shelter for persons experiencing homelessness from September 2020 through April 2021; and

WHEREAS, while a homeless shelter is a permitted use under the current zoning for the property (Industrial District), 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 Division 4.28(E) sets 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 to the Property for so long as the City is leasing it as a shelter for persons experiencing homelessness; and

WHEREAS, Article II, Section 6 of the City Charter authorizes the Council to adopt emergency ordinances, which shall be finally passed on first reading by the affirmative vote of at least five members of the Council and which shall contain a specific statement of the nature of the emergency.

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.

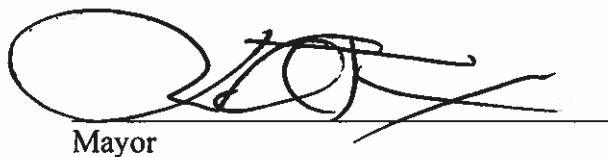
Section 2. That, with respect only to the Property and its lease by the City and use by the City's subtenant as a homeless shelter through April 30, 2021, the City Council hereby suspends the requirements of:

- LUC Division 4.28 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.

Section 4. That the City Clerk is hereby directed to cause the publication of this Emergency Ordinance in accordance with the Fort Collins City Charter.

Introduced, considered favorably by at least five (5) members of the Council of the City of Fort Collins and finally passed as an emergency ordinance and ordered published this 1st day of September, 2020.



Mayor

ATTEST:



City Clerk

