

EMERGENCY ORDINANCE NO. 126, 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  
1709 WEST ELIZABETH STREET AS A DAY 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, adequate day shelter space that permits social distancing will become increasingly important as winter weather sets in and individuals are at risk from cold and flu viruses as well as COVID-19; 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, as soon as possible, day shelter during inclement weather to people experiencing homelessness; and

WHEREAS, Westminster Presbyterian Church, located at 1709 West Elizabeth Street (the "Church Property"), had agreed to provide space for Homeward Alliance to operate an inclement weather day shelter starting as soon as possible, through no later than April 30, 2021; and

WHEREAS, the Church Property is in a low density residential (R-L) zone district, and day shelters are not an expressly permitted use in the R-L zone districts; therefore Section 1.3.4 of

the City's Land Use Code ("LUC") requires the property owner to apply to the City for an addition of a permitted use, which would be subject to City Council approval following review and a recommendation by the Planning and Zoning Board; 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 Church Property for so long as, and only to the extent that, it is being used as an inclement weather day 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 to the Church Property, and only to its use as an inclement weather day shelter, the City Council hereby temporarily suspends the requirements of LUC Sections 1.3.4 and 4.4 regarding the procedures and required findings for adding a permitted use in the R-L zone district to allow use of the Church Property as a day shelter. This suspension shall be effective until May 31, 2021, or until use of the Church Property as a day shelter is fully discontinued for the season, whichever comes first.

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 27th day of October, 2020.

  
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Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

