

BY AUTHORITY

ORDINANCE NO. 694
SERIES OF 2005

COUNCIL BILL NO. 623
COMMITTEE OF REFERENCE:
Blueprint Denver

A BILL

For an ordinance relating to zoning, amending Article I (General) and Article III (District Regulations) of Chapter 59 (Zoning) of the Revised Municipal Code, as amended, relating to shelters for the homeless and requiring an annual report to City Council.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. Section 59-2(66), the definition of Church or religious institution, is amended and reenacted as amended by deleting the language stricken and adding the language underlined to read and be read as follows:

Sec. 59-2(66) Church or religious institution: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship. Shelters for the homeless may be operated within and by a church. Such shelter may be operated for up to ~~seventy five (75)~~ one hundred and twenty (120) days in either consecutive or nonconsecutive order per calendar year with any number of residents, or it may be operated throughout the entire year with one (1) of the following: a maximum of either eight (8) residents or any number of persons bearing to each other a relationship as defined in section 59-2(96) (Dwelling, single-unit). If such limitation is exceeded, the shelter must comply only with the spacing and density requirements of section 59-80(2)c.4. (residential care uses; spacing, density, site and other requirements), and need not comply with any other requirements of section 59-80(2) (residential care uses). Accessory buildings and/or uses may include a church-related college provided such college is regulated by the accessory use regulations of the zone district in which it is located and is a facility of a church or religious institution and which may include religious training or study.

Section 2. Section 59-82(d)(5)c. is amended and reenacted as amended by deleting the language stricken and adding the language underlined to read and be read as follows:

Sec. 59-82 (d)(5)c. Shelter for the homeless.

1. Permitted location. Shelters for the homeless shall be allowed only in the C-MU-20, R-MU-30, C-MU-30, T-MU-30, ~~R-3, R-4, R-5, B-A-1, B-3, B-A-3, B-4, B-5, B-7, B-8, MS-1, MS-2, MS-3, I-0, I-1, I-2~~ and O-1 zone districts.

2. Number of beds. The number of beds in the shelter shall not exceed two hundred

1 (200). Notwithstanding the preceding sentence, for shelters having a zoning permit as of
2 January 1, 2005 allowing two hundred (200) beds or more, the maximum number of beds in
3 the shelter shall not exceed three hundred and fifty (350). There shall be no more than nine
4 hundred and fifty (950) beds in permanent homeless shelters in any Council District.

5 3. Shelters allowed in churches or buildings owned by nonprofit corporations or
6 governmental entities.

7 i. Shelters operated within and by a church need not comply with the provisions
8 of this subsection provided the following limitation is satisfied. Such shelter may be operated
9 for up to ~~seventy-five (75)~~ one hundred and twenty (120) days in either consecutive or
10 nonconsecutive order per calendar year with any number of residents, or it may be operated
11 throughout the entire year with one (1) of the following: a maximum of eight (8) residents or any
12 number of persons bearing to each other a relationship as defined in section 59-2(96), single
13 unit dwelling. If such limitation is exceeded, the shelter must comply only with the requirements
14 of section 59-82(d)(4)a., spacing and density regulations, and need not comply with any other
15 requirements of section 59-82, residential care uses.

16 ii. Temporary shelters operated in buildings owned by nonprofit corporations or by
17 governmental entities need not comply with the provisions of this subsection provided the
18 following limitation is satisfied. The Zoning Administrator shall have the power to issue a cease
19 and desist order or otherwise close temporary shelters not meeting these limitations:

20 I. Such temporary shelter may be operated for up to one hundred and
21 twenty (120) days in either consecutive or nonconsecutive order per calendar year with a
22 maximum of one hundred (100) residents. If such limitation is exceeded, the temporary shelter
23 must comply only with the requirements of section 59-82(d)(4)a., spacing and density
24 regulations, and need not comply with any other requirements of section 59-82, residential care
25 uses.

26 II. Prior to opening a temporary shelter in buildings owned by non-profit
27 corporations or by governmental entities, the operator of the temporary shelter shall submit to
28 the Zoning Administrator evidence (A) that the Denver Department of Human Services is
29 involved in the proposed temporary shelter; (B) that a public meeting relating to opening the
30 temporary shelter was held; (C) that at least seven (7) days prior to the public meeting, notice
31 of such public meeting was given to those neighborhood organizations registered according to
32 section 12-94 whose boundaries encompass or are within seven hundred (700) feet of the
33 proposed use and to the City Council member in which the proposed temporary shelter will be

1 located, and flyers announcing the public meeting were distributed at least three (3) days prior
2 to such public meeting to all properties within three (3) blocks of the proposed temporary
3 shelter; and (D) that a Community Oversight Committee has been created, consisting of the
4 Councilmember in whose district the proposed temporary shelter is located and at least four (4)
5 persons who reside within fifteen hundred (1500) feet of the proposed temporary shelter, to
6 address neighborhood issues relating to the ongoing operations of the temporary shelter. The
7 Community Oversight Committee may encourage appropriate parties to enter into a community
8 agreement to address such issues.

9 4. Spacing required from a school. Proposed shelters for the homeless shall be
10 located more than five hundred (500) feet from a school meeting all the requirements of the
11 compulsory education laws of the state.

12 5. Applications for a permit for a shelter shall contain information addressing the
13 following matters:

- 14 i. Maximum resident capacity;
- 15 ii. Characteristics of the client group;
- 16 iii. Accessibility of the site to other services and facilities which are needed by
17 residents of the proposed shelters;
- 18 iv. General hours of operation;
- 19 v. Services provided;
- 20 vi. The adequacy of off-street parking to serve the staff and residents, such as
21 parking to be located either on the site and/or nearby sites;
- 22 vii. If a new building is to be constructed, the compatibility of its proposed
23 architectural characteristics and site design to the surrounding neighborhood;
- 24 viii. The availability of restroom facilities serving the shelter residents while the
25 shelter is closed including, but not limited to, restroom facilities provided by the city;
- 26 ix. The placement and supervision of waiting areas so that the operation of the
27 shelter should not normally create obstructions or problems in the use of adjacent public rights-
28 of-way;
- 29 x. Evidence that the proposed shelter for the homeless will comply with the
30 limitations on external effects as established for uses by right in the district in which it is to be
31 located; and
- 32 xi. Other characteristics of the operation which the applicant may deem to be of
33 significance.

1 6. No permit shall be approved unless the zoning administrator finds that the proposed
2 shelter will not substantially or permanently injure the appropriate use of conforming residential
3 properties located within five hundred (500) feet of the proposed use. Evidence of such injury
4 shall clearly establish the anticipated specific problems attributed to residents of the proposed
5 shelter for the homeless while in or around the shelter as distinct from the general problems
6 attributed to persons using or passing through the subject area.

7 7. Except for an increase in the number of beds up to three hundred and fifty (350),
8 purſuant to section 59-82(d)(5)c.2., and notwithstanding the restriction of section 59-82(e)(4)
9 and 59-82(e)(5) below, the permanent increase in the number of shelter residents or in the
10 amount of floor area of such shelter exceeding ten (10) percent shall require the approval of a
11 use permit according to the procedure established in section 59-82(d). In reviewing requests
12 for such increases, the review committee and the zoning administrator shall consider the
13 matters listed in section 59-82(d).

14 8. The zoning administrator has the authority to suspend the terms of this section 59-
15 82(d)(5)c. in emergency, life threatening situations as defined by rules and regulations
16 promulgated by the zoning administrator.

17 9. All structures occupied by a homeless shelter shall comply with all Denver Building
18 Code, Zoning Code and other regulations.

19 **Section 3.** In order to review the effectiveness of the changes to the zoning code relating
20 to homeless shelters in helping implement the Ten Year Plan to End Homelessness found in
21 City Clerk File No. 05-585, the zoning administrator, in conjunction with the Department of
22 Human Services, shall submit an annual report to the appropriate City Council Committee
23 detailing the following:

- 24 1. Number of shelter beds on the report date;
- 25 2. Number of new shelter beds created since the last report;
- 26 3. Number of new shelter beds located in MS and MU Zone Districts;
- 27 4. Number of temporary shelter beds created since the last report; and
- 28 5. Description of whether those temporary shelter beds were located in churches, or
29 are located in buildings owned by governmental entities or non-profit corporations.

30 COMMITTEE APPROVAL DATE: 8/10/05 MAYOR-COUNCIL DATE: 8/23/05
31 PASSED BY THE COUNCIL September 26 2005
32 Germany E. G... - PRESIDENT
33 APPROVED: John H. Huber - MAYOR 9/27 2005

1
2
3
4
5
6
7
8
9
10
11
12
13
14

ATTEST: [Signature]

- CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL Sept. 2, 2005; Sept. 30, 2005

PREPARED BY: KAREN A. AVILES, ASSISTANT CITY ATTORNEY; August 24, 2005

Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

Cole Finegan, City Attorney

BY: [Signature], Asst City Attorney

DATE: 24 Aug 05

