

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 10

DATE: July 15, 2008

STAFF: Cameron Gloss

SUBJECT

Second Reading of Ordinance No. 079, 2008, Amending Section 4.5(b) of the Land Use Code of the City Pertaining to Shelters for Victims of Domestic Violence.

RECOMMENDATION

Staff recommends adoption of this Ordinance on Second Reading.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on July 1, 2008, amends the permitted use list of the Low Density Mixed-use Neighborhood (L-M-N) to cap the number of residents in a Shelter for Victims of Domestic Violence allowed as a Basic Development Review at 15 clients. The Ordinance also adds Shelters for Victims of Domestic Violence to be allowed as a Type Two Review but with an unlimited number of clients.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - July 1, 2008.
(w/o original attachments)

AGENDA ITEM SUMMARY FORT COLLINS CITY COUNCIL

ITEM NUMBER: 25

DATE: July 1, 2008

STAFF: Cameron Gloss

COPY

SUBJECT

First Reading of Ordinance No. 079, 2008, Amending Section 4.5(b) of the Land Use Code of the City Pertaining to Shelters for Victims of Domestic Violence.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

The Planning and Zoning Board recommends approval of the proposed change.

EXECUTIVE SUMMARY

COPY

This Ordinance will amend the permitted use list of the Low Density Mixed-use Neighborhood (L-M-N) to cap the number of residents in a Shelter for Victims of Domestic Violence allowed as a Basic Development Review at 15 clients. Also, the Ordinance will add Shelters for Victims of Domestic Violence allowed as a Type Two Review but with an unlimited number of clients.

BACKGROUND

In the Fall 2006, social service professionals asked that a new land use category be created for "Shelters for Victims of Domestic Violence" so as to be distinct from "Group Homes." Further, the revision included processing this newly defined use as Basic Development Review versus a Type One or Type Two review for the sole purpose of not having a public hearing with its requisite public notification.

The concept was that multiple shelters needed to be more geographically dispersed throughout the community. And, as each new shelter opened, its location needed to be kept confidential for security purposes. These revisions were adopted.

COPY

Since the Fall 2006, however, two factors have led to an evolution of how best to place shelters in the City. First, a former large nursing home has been offered to Crossroads Safehouse. The size of this facility would allow Crossroads to serve a significantly larger population (approximately 50 clients) than allowed by the existing facility. Second, security is now viewed to be based on securing the building itself versus keeping the building's location secret. Instead of several small-scale shelters with discreet locations, one large, secure shelter would create an efficient level of service even though its location would be of public record.

The regulations governing Large Group Homes and Shelters for Victims of Domestic Violence in the L-M-N zone cap the maximum allowable number of clients at 15. Since this standard is a General Development Standard (Article Three) and not a Permitted Use Standard (Article Four) it is able to be modified.

The potential building is in the L-M-N zone. As land use permitted by a *Basic Development Review*, any request for more than 15 clients could only be granted by the Zoning Board of Appeals which has limited ability to consider land use issues. If the land use were shifted to *Type Two Review*, Shelters for Victims of Domestic Violence would be considered a permitted use, subject to review by the Planning and Zoning Board.

This distinction is important. The only conceivable justification for granting a modification to increase the number of clients from 15 to approximately 50 would be if the modification were found to:

"...substantially alleviate an existing, defined, and described problem of city-wide concern or would result in a substantial benefit to the city by reason of the fact that the proposed project would substantially address an important community need ..."

Only the Planning and Zoning Board is authorized to use this criterion for granting a modification. The only path for consideration by the Planning and Zoning Board is as a Type Two Review.

Since the Zoning Board of Appeals is not authorized to use the aforementioned criterion, processing a modification as part of Basic Development Review would result in the inability of the Zoning Board of Appeals to make a finding favorable to the applicant.

Under either scenario, the minimum separation requirement of 1,000 feet, as defined by the supplemental regulations in Section 3.8.6, would still apply.

The proposed solution is to amend the L-M-N zone permitted use list so that "Shelters for Victims of Domestic Violence" are still allowed as a Basic Development Review but not to exceed 15 clients. Then the use will also be added as a Type Two Review permitted use for more than 15 clients.

Thus Crossroads Safehouse, as a *Shelter for Victims of Domestic Violence for more than 15 residents*, would be a Type Two Permitted Use, subject to review by the Planning and Zoning Board, including public notification, neighborhood meeting and public hearing. The only criteria of Section 3.8.6 that would apply would be the separation of 1,000 feet from a similar facility but not the maximum allowable number of 15 residents.

ATTACHMENTS

1. Draft minutes from the June 19, 2008 Planning and Zoning Board meeting.

ORDINANCE NO. 079, 2008
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 4.5(B) OF THE LAND USE CODE
OF THE CITY PERTAINING TO SHELTERS FOR VICTIMS OF DOMESTIC VIOLENCE

WHEREAS, domestic violence is a matter of grave concern to the community and to the City Council; and

WHEREAS, the Council has determined that the City's present procedure of approving shelters for victims of domestic violence without a public hearing before the Planning and Zoning Board should apply only to those shelters that contain a maximum of fifteen residents, and that there should be a hearing before the Planning and Zoning Board for the approval of any such shelters that contain more than fifteen residents; and

WHEREAS, the Council has further determined that such an amendment to the Land Use Code would afford a much needed mechanism for the approval of large capacity shelters for victims of domestic violence while still protecting the needs of the surrounding neighborhoods to comment upon the impact of such shelters.

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

Section 1. That Section 4.5(B)(1)(e) of the Land Use Code is hereby amended to read as follows:

(e) **Residential Uses:**

1. Extra occupancy rental houses with four (4) or fewer tenants.
2. Shelters for victims of domestic violence for up to fifteen (15) residents.

Section 2. That Section 4.5(B)(3)(a) of the Land Use Code is hereby amended to read as follows:

(a) **Residential Uses:**

1. Mobile home parks.
2. Group homes, other than allowed in subparagraph (2)(a)5 above.

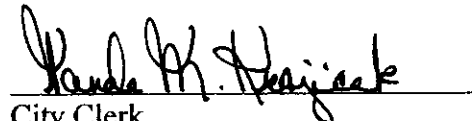
3. Multi-family dwellings containing more than eight (8) units per building.
4. Shelters for victims of domestic violence for more than fifteen (15) residents.

Introduced, considered favorably on first reading, and ordered published this 1st day of July, A.D. 2008, and to be presented for final passage on the 15th day of July, A.D. 2008.



Mayor

ATTEST:



City Clerk

Passed and adopted on final reading on the 15th day of July, A.D. 2008.

Mayor

ATTEST:

City Clerk