

CITY OF LITTLETON, COLORADO

PB Resolution No. 18

Series, 2016

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LITTLETON, COLORADO, RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING TITLE 10 OF THE CITY CODE CONCERNING THE DEFINITIONS OF GROUP HOME FOR PERSONS WITH HANDICAPS, HANDICAP, AND ASSISTED LIVING FACILITY AND TO ADD SUPPLEMENTARY STANDARDS FOR GROUP HOMES FOR PERSONS WITH DISABILITIES

WHEREAS, the planning commission of the City of Littleton, Colorado, held a public hearing at its regular meeting of October 24, 2016, to consider a proposed ordinance concerning the definitions of group home for persons with handicaps, handicap, and assisted living facility and to add supplementary standards, more specifically described in Exhibit “A”, which is attached hereto and made a part hereof by this reference;

WHEREAS, the planning commission considered evidence and testimony concerning the proposed ordinance at said public hearing;

WHEREAS, the planning commission finds that the proposed ordinance is consistent with the city’s comprehensive plan; and

WHEREAS, the planning commission finds that the proposed ordinance is in the best interest of the city and will promote the public health, safety, and welfare of its inhabitants;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF LITTLETON, COLORADO, THAT:

Section 1: The planning commission does hereby recommend that city council approve the proposed ordinance amending title 10 of the city code concerning the definitions of group home for persons with handicaps, handicap, assisted living facility and to add supplementary standards for group homes for persons with disabilities, more specifically described in the ordinance attached hereto as Exhibit “A”.

INTRODUCED, READ AND ADOPTED at a regularly scheduled meeting of the Planning Commission of the City of Littleton, Colorado, on the 24th day of October, 2016, at 6:30 p.m. at the Littleton Center, 2255 West Berry Avenue, Littleton, Colorado by the following

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45 vote: 6-0.

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48 ATTEST: DocuSigned by:

Denise Ciernia

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Denise Ciernia

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RECORDING SECRETARY

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54 APPROVED AS TO FORM: DocuSigned by:

Brandon Dittman

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Kenneth S. Fellman Brandon M. Dittman for Kenneth S. Fellman

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ACTING CITY ATTORNEY

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DocuSigned by:

Karina Elrod

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Karina Elrod

CHAIR

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Exhibit A

(see next page)

CITY OF LITTLETON, COLORADO

ORDINANCE NO. ____

Series, 2016

INTRODUCED BY COUNCILMEMBERS:

AN ORDINANCE OF THE CITY OF LITTLETON, COLORADO, AMENDING TITLE 10 OF THE CITY CODE CONCERNING THE DEFINITIONS OF GROUP HOME FOR PERSONS WITH HANDICAPS, HANDICAP, AND ASSISTED LIVING FACILITY AND TO ADD SUPPLEMENTARY STANDARDS FOR GROUP HOMES FOR PERSONS WITH DISABILITIES

WHEREAS, the planning commission, at its regular meeting on October 24, 2016, held a public hearing and voted to recommend approval of an ordinance amending title 10 of the city code concerning the definitions of group home for persons with handicaps, handicap, and assisted living facility and to add supplementary standards for group homes for persons with disabilities;

WHEREAS, the city council finds that the proposed ordinance is consistent with the city’s comprehensive plan; and

WHEREAS, the city council finds that the proposed amendments to the city code are in the best interest of the city and will promote the public health, safety and welfare of its inhabitants;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LITTLETON, COLORADO, THAT:

Section 1: Section 2 of Chapter 1 of Title 10 is hereby amended as follows:

GROUP HOME FOR PERSONS WITH HANDICAPS DISABILITIES: A dwelling unit which is shared by four (4) or more persons with handicaps DISABILITIES living together as a single housekeeping unit., including resident staff. PROFESSIONAL STAFF MAY PROVIDE 24 HOUR SUPERVISION OR SUPPORTIVE SERVICES, AND MAY RESIDE IN THE DWELLING UNIT.

Handicap DISABILITY: A physical or mental impairment which substantially limits one or more of a person's major life activities, OR A RECORD OF HAVING SUCH IMPAIRMENT, OR BEING REGARDED AS HAVING SUCH IMPAIRMENT, NOT TO INCLUDE CURRENT, ILLEGAL USE OF OR ADDICTION TO A CONTROLLED SUBSTANCE and as further defined in the federal fair housing act amendments of 1988.

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1 LIVING FACILITY, ASSISTED: State licensed rental properties that provide the same services
 2 as an independent living facility, as defined in this section, but also provide, in a majority of the
 3 units, supportive care from trained employees to residents who are unable to live independently
 4 and require assistance with activities of daily living including BUT NOT LIMITED TO,
 5 management of medications, bathing, dressing, toileting, ambulating and eating. ~~These properties
 6 may have some skilled nursing beds, but the majority of the units are licensed for assisted living.
 7 A facility that specializes in the care of residents with Alzheimer's or other forms of dementia
 8 shall be considered an assisted living facility.~~

9
 10 **Section 2:** Subcategory 3.51 of Section 2 of Chapter 3 of Title 10 is hereby
 11 amended as follows: 3.51 Group home for ~~handicapped~~ PERSONS WITH DISABILITIES

12
 13 **Section 3:** Chapter 4 of Title 10 is hereby amended with the addition of a new
 14 Section 17:

15
 16 **10-4-17 GROUP HOMES FOR PERSONS WITH DISABILITIES.** GROUP HOMES FOR
 17 PERSONS WITH DISABILITIES ARE SUBJECT TO THE FOLLOWING STANDARDS:

- 18
 19 1. THE HOME MUST REGISTER WITH THE CITY BEFORE BEING OPERATED AS
 20 A GROUP HOME.
 21 2. THE HOME MUST PROVIDE THE CITY WITH A COPY OF ITS STATE LICENSE
 22 FOR OPERATION.
 23 3. NO MORE THAN ONE COOKING FACILITY (KITCHEN) IS ALLOWED WITHIN
 24 THE HOME.
 25 4. THE MAXIMUM NUMBER OF PERSONS WITH DISABILITIES THAT MAY
 26 RESIDE IN THE HOME IS EIGHT (8) OR THE MAXIMUM NUMBER LICENSED BY THE
 27 STATE, WHICHEVER IS FEWER.
 28 5. THE MAXIMUM NUMBER OF PERSONS WITH DISABILITIES THAT MAY
 29 RESIDE IN THE HOME IS EIGHT (8) OR UP TO TWELVE (12) IF THE PROVISIONS
 30 BELOW ARE MET. HOWEVER, IN NO INSTANCE MAY THE NUMBER OF PERSONS
 31 WITH DISABILITIES IN THE HOME EXCEED THE NUMBER LICENSED BY THE
 32 STATE.
 33 A. THE HOME IS COMPATIBLE WITH THE CHARACTER OF THE
 34 NEIGHBORHOOD IN TERMS OF THE ARCHITECTURAL DESIGN, SCALE, FORM AND
 35 LOCATION OF THE HOME ON THE SITE.
 36 B. THE PRIMARY ACCESS TO THE HOME IS LOCATED OFF OF A CITY
 37 DESIGNATED MAJOR ARTERIAL STREET.
 38 C. THE HOME IS LICENSED FOR SUCH NUMBER BY THE STATE.

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 40 **Section 4:** Severability. If any part, section, subsection, sentence, clause or
 41 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the
 42 validity of the remaining sections of this ordinance. The City Council hereby declares that it
 43 would have passed this ordinance, including each part, section, subsection, sentence, clause or
 44 phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences,
 45 clauses or phrases may be declared invalid.

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Section 5: Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the ____ day of _____, 2016, passed on first reading by a vote of ____ FOR and ____ AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the __ day of _____, 2016, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of _____ FOR and _____ AGAINST on the ____ day of _____, 2016 and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:

Wendy Heffner
CITY CLERK

Bruce O. Beckman
MAYOR

APPROVED AS TO FORM:

Kenneth S. Fellman
ACTING CITY ATTORNEY