

§ 14-16-3-13 EMERGENCY SHELTER REGULATIONS.

- (A) Applicants for permissive emergency shelters shall satisfy the Zoning Enforcement Officer and applicants for conditional emergency shelters shall satisfy the Zoning Hearing Examiner that they will meet the following standards:
- (1) The program is operated under the authority of a reputable governing board, proprietor, or government official to whom staff are responsible and who will be available to city officials, if necessary, to resolve complaints pertaining to the facility.
 - (2) The design of the facility will be compatible with the neighborhood within which it is located, including its landscaping, architecture, and client waiting areas satisfactory to generally keep clients from waiting on the public right of way.
 - (3) The facility is in compliance with health, fire, safety, sign, and parking regulations.
 - (4) The facility will have staffing, supervision, and security arrangements appropriate to the number of clients and to its hours of operations, and a program for client referrals to social services or the provision of services directly.
 - (5) The operators have a written plan for facilitating good relationships with neighboring residents and businesses, including especially a method for recording and resolving complaints by neighbors pertaining to the operations of the program. Efforts to resolve complaints and the result of such efforts shall be recorded.
 - (6) Emergency shelters shall be located a minimum of 1,500 feet from any other emergency shelter, and no more than one other emergency shelter shall be within one mile of the proposed emergency shelter.
 - (7) The total combined number of emergency shelters and community residential programs located in any Planning Information Area, as defined by the city's Planning Department, shall not exceed one for each 1,000 dwelling units within that Planning Information Area.
 - (8) The above regulations shall not apply to emergency shelters legally established prior to the effective date of this division (A) except:
 - (a) Existing emergency shelters shall be counted in respect to decisions on the location of new emergency shelters; and
 - (b) Within one year from the September 2, 1987, effective date of these amendments, existing emergency shelters shall comply with the procedures for complaints (division (5) above) and annual review (division (D)(1)(a) of this section).
- (B) The Zoning Enforcement Officer shall not deny an application for a permissive emergency shelter unless he concludes there is clear and convincing evidence that such use will be injurious to adjacent property, the neighborhood, or the community in ways specified in division (A) above. Any such denial may be appealed to the Planning Commission.
- (C) Neighborhood residents and businesses may, if written complaints are not resolved within 30 days after bringing them to the attention of the program operators, file such complaints with the Zoning Enforcement Officer for review, investigation, and possible mediation.
- (D) **Review Process.**

- (1) Operators of emergency shelters shall annually submit to the Zoning Enforcement Officer copies of their up-dated program description; up-dated listing of board members, proprietors, or responsible government officials; and up-dated neighborhood relations plan; when there are no changes since the previously filed documents, a statement to this effect is sufficient. Operators shall also have available for review, if requested, the complaint log for the previous year. The Zoning Enforcement Officer shall review this documentation, along with records of any complaints filed with the city to assure that the program continues to function in accord with its original terms of approval. This review will occur at the anniversary of the date upon which approval was originally granted, except the Zoning Enforcement Officer may allow it to occur at the time of application for license renewal if some part of the establishment is licensed by the State of New Mexico.
 - (2) If evidence indicates changes in the shelter materially in violation of the original terms of approval or major unresolved complaints attendant upon the use of the facility as an emergency shelter, the Zoning Enforcement Officer may refer the matter to the Zoning Hearing Examiner for a public hearing to determine if the approval should be terminated or its terms amended. This process shall apply whether the use is permissive or conditional. The decision of the Zoning Hearing Examiner is subject to appeal to the Planning Commission within 15 days of decision.
- (E) Notwithstanding division (D) above, if the Zoning Enforcement Officer finds clear and convincing evidence that the emergency shelter is violating the original terms of this approval, he may take action to enforce the terms of approval at any time.
- (F) **Fees.**
- (1) The Zoning Enforcement Officer shall charge a fee of \$55 for review of standards specified in division (A) of this section as to an emergency shelter hereafter established which has not been approved for the previous year.
 - (2) The Zoning Enforcement Officer shall charge a fee of \$35 for the annual review specified on division (D) of this section.

('74 Code, § 7-14-40M) (Am. Ord. 23-2001; Am. Ord. 30-2002)