



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

### **m e m o r a n d u m**

**TO:** Urbana Plan Commission

**FROM:** Lorrie Pearson, AICP, Planning Manager

**DATE:** January 15, 2016

**SUBJECT:** Plan Case 2269-T-16: An amendment to Article II, Article V, and Article VIII, of the Urbana Zoning Ordinance to establish a definition and regulations for transitional housing, Urbana Zoning Administrator, applicant.

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### **Introduction**

On November 16, 2015, the Urbana City Council passed a motion directing the Zoning Administrator to prepare an amendment to the Zoning Ordinance to establish regulations to allow transitional housing for populations experiencing homelessness in the City of Urbana. Until now, transitional housing has not existed as a use and has been categorized as a Dwelling, Home for Adjustment. Home for Adjustment can be a more intense use, but currently is the most similar use available in the Zoning Ordinance. The proposed regulations would add definitions for Dwelling, Transitional Home to Article II; add the use in Table V-1, Table of Uses; and add the use to Table VIII-7 Parking Requirement By Use.

### **Background**

The proposed text amendment would allow for transitional housing to be located in more areas within Urbana than would be allowed if classified as a Dwelling, Home for Adjustment. Another related use provided in the Zoning Ordinance is Community Living Facility. The current Home for Adjustment and Community Living Facility uses and the proposed Transitional Home use were created for different reasons and have different impacts, however, so should be distinct and allowed in different zoning districts. The discussion below provides background about each of the uses.

### **Home for Adjustment**

The Zoning Ordinance includes this definition for Dwelling, Home for Adjustment:

*Dwelling, Home for Adjustment (e.g., halfway houses, rehabilitation centers, crisis centers, etc.):*

- A. A dwelling in which persons live while receiving therapy and counseling to assist them in recovering from the effects of chemical or alcohol dependency; and
- B. A dwelling to provide emergency shelter.

The Home for Adjustment use is permitted in the R-5, R-6, R-6B medium-high to high density multiple-family residential districts, the B-2, B-3, B-3U, B-4, and B-4E business districts zoning districts. It is a special use in the R-4 medium density multiple-family, R-7 University residential, and the MOR, mixed office residential zoning districts.

The use was added to the Zoning Ordinance in 1989 at the same time that Community Living Facility was added as a use.

### **Community Living Facility**

The Zoning Ordinance contains a general definition for Community Living Facility and specific definitions for three categories of intensity. The definitions are based on State of Illinois definitions for these uses that are intended to accommodate a “service depending population,” meaning individuals with either mental and/or physical disability and who require supervision. The definitions are:

*Dwelling, Community Living Facility:* A dwelling designed to provide supervision, food, lodging, and other services to a service dependent population as herein defined, living and cooking together in a single cooperative housekeeping unit in which medical or nursing care is not a principal use. The residents of a community living facility shall consist of:

- A. A basic group of members of a service dependent population; and
- B. Additional staff persons providing supervision of service to the basic group.

*Dwelling, Community Living Facility, Category I (CLF I):* A dwelling, community living facility with a basic group limited to not more than four service dependent individuals plus a maximum of two resident (live-in) staff at any given time, subject to a higher number of staff if required to meet state or federal regulations. Said facility is intended for permanent placements, and shall not be for crisis or short term, transient placements.

*Dwelling, Community Living Facility, Category II (CLF II):* A dwelling, community living facility with a basic group limited to not more than eight service dependent individuals plus a maximum of two residents (live-in) staff at any given time, subject to a higher number of staff if required to meet state or federal regulations. Said facility is intended for permanent placements, and shall not be for crisis or short term, transient placements.

*Dwelling, Community Living Facility, Category III (CLF III):* A dwelling, community living facility with a basic group limited to not more than 15 service dependent individuals plus staff. Said facility may be used for temporary placement of service dependent individuals.

Community living facilities are permitted in different districts depending on the category. CLF I uses are permitted by-right in all residential zones, including AG and R-1, some of the business zones, and as a conditional use in the B-1 Neighborhood Business district. CLF III uses are permitted in the higher-intensity residential zones R-4 and greater, all business zones B-2 and greater, and in B-1 as a conditional use.

The Zoning Ordinance requires a Special Use Permit if a new CLF wishes to locate within 1,000 feet of another CLF in the more intense zoning districts and within 1,500 feet in the AG, R-1, R-2, and R-3 zoning districts.

### **Transitional Home**

A transitional home is also a supportive residential environment, but is not restricted to individuals with mental and/or physical disabilities and fills the gap between emergency housing and permanent housing. Residents generally live in transitional housing between six months and two years. During that time, they often receive assistance and are provided support to help them prepare to live on their own in more permanent housing. The longer-term stay allows residents more of an opportunity to become part of the neighborhood and therefore the use is compatible with lower-density residential uses if the number of residents and live-in employees is limited.

The Zoning Ordinance currently does not contain reference to this type of housing. Past practice has been to interpret this use as similar to a Home for Adjustment. The transitional home use is much different than a Home for Adjustment, however, as Home for Adjustment includes emergency shelter and does not impose a restriction on the number of residents or employees. Transitional homes, on the other hand, are intended for longer-term residents and in the proposed text amendment, would include a restriction on the number of residents and employees. On November 16, 2015, City Council directed the Zoning Administrator to propose a text amendment to permit this type of use with appropriate restrictions.

## **Discussion**

### **Proposed Regulations**

In researching the proposed text amendment, staff found that other cities have taken a variety of approaches to regulating transitional housing. According to research conducted by the American Planning Association (APA) in 2012<sup>1</sup>, some communities do not distinguish between housing for the disabled, homeless, and elderly; choosing to include those residents together under group housing regulations. Other communities address homeless shelters, allowing them in commercial and industrial zones only, while other communities allow housing for the homeless by-right in some residential and other districts. Some communities impose distance requirements. The APA indicates that if there is a trend, the trend is to allow facilities in more districts as a matter of right. It also suggests that imposing distance requirements has a negative impact on efficient service delivery to

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<sup>1</sup> American Planning Association. *Inquiry Answer Service*. "Facilities that Serve the Homeless" July 2012.

the residents. If one facility is located close to a job training center, for example, another facility cannot locate near that same job training center if large separation requirements are in place.

California has enacted a state law that requires municipalities to permit transitional homes in zoning districts where other residential uses with the same number of residents are allowed. For example, if six people are allowed to live in a dwelling unit in a particular zoning district, then a transitional home for up to six people would also be permitted in that zoning district.

Without clear example text from other communities, staff considered the national trends and the similar uses already existing in the Urbana Zoning Ordinance for guidance on drafting an appropriate definition and restrictions for the proposed use. The proposed text amendment adds a new use, Dwelling, Transitional Home, and provides two categories, much in the same way categories are provided for the Community Living Facilities (CLF) use. Category I Transitional Homes would allow up to 4 residents and one live-in staff member. Category II Transitional Homes would allow up to 8 residents and two live-in staff members.

The districts in which each category would be allowed would also be similar to the districts in which each CLF category is allowed, with slightly more restriction. The table below compares the zoning districts in which all three related uses (Home for Adjustment, CLF, and Transitional Homes) are allowed and would be allowed under this amendment.

USE	ZONING DISTRICTS																			
	R-1	R-2	R-3	R-4	R-5	R-6	R-6B	R-7	AG	B-1	B-2	B-3	B-3U	B-4	B-4E	CCD	CRE	MOR	IN-1	IN-2
<b>Home for Adjustment</b>				S	P	P	P	S			P	P	P	P	P			S		
<b>Community Living Facility, Category I</b>	P	P	P	P	P	P	P	P	P	C	P		P					P		
<b>Community Living Facility, Category II</b>		C	P	P	P	P	P	P		C	P	P	P	P	P			P		
<b>Transitional Home, Category I (proposed)</b>		C	C	P	P	P	P	C		C	P	P	P	P	P			C		
<b>Transitional Home, Category II (proposed)</b>		S	S	C	P	P	P	S		S	P	P	P	P	P			S		

P = Permitted; C = Conditional Use; S = Special Use

As the uses are similar, staff proposes the required parking be the same as what is required for Home for Adjustment and Community Living Facilities. That ratio is one space for every 4 residents and one space for each employee at the maximum staffing level at any one time.

## Text Changes

The proposed changes are listed below. An underline is used to indicate added language. Strike-out is used to indicate ~~deleted text~~.

Staff proposes adding a definition for Dwelling, Transitional Home to Section II-3 Definitions:

*Dwelling, Transitional Home, Category I: A dwelling designed to provide housing and supportive services to an otherwise homeless population to help prepare for independent living. A Category I Transitional Home includes a maximum of four homeless individuals plus a maximum of one resident (live-in) staff at any given time. Excludes emergency shelter.*

*Dwelling, Transitional Home, Category II: A dwelling designed to provide housing and supportive services to an otherwise homeless population to help prepare for independent living. A Category II Transitional Home includes a maximum of eight homeless individuals plus a maximum of two resident (live-in) staff at any given time. Excludes emergency shelter.*

The uses would be added to Table V-1 Table of Uses:

	ZONING DISTRICTS																			
USE	R-1	R-2	R-3	R-4	R-5	R-6	R-6B	R-7	AG	B-1	B-2	B-3	B-3U	B-4	B-4E	CCD	CRE	MOR	IN-1	IN-2
Dwelling, Transitiona I Home, Category I		C	C	P	P	P	P	C		C	P	P	P	P	P			C		
Dwelling, Transitiona I Home, Category II		S	S	C	P	P	P	S		S	P	P	P	P	P			S		

P = Permitted; C = Conditional Use; S = Special Use

The use would also be added to the Residential section of Table VIII-7 Parking Requirements by Use

Use	Number of Spaces Required
Community Living Facility (any type), <del>or Home for Adjustment, or Transitional Home (any type)</del>	1 for every employee on maximum shift, and one for every 4 <u>non-employee residents</u> <del>members of the service dependant population</del>

## 2005 Comprehensive Plan

The following goals and objectives of the 2005 Urbana Comprehensive Plan are supported by this

text amendment:

**Goal 39.0 Seek to improve the quality of life for all residents through community development programs that emphasize social services, affordable housing and economic opportunity.**

*Objectives*

39.2 Implement strategies to address social issues related to housing, disabilities, poverty and community development infrastructure

39.3 Implement strategies to address chronic homelessness and to provide permanent shelter.

Allowing small-scale transitional homes would provide stable housing and support services to those in need until more permanent housing can be acquired.

**Summary of Staff Findings**

1. At the direction of the Urbana City Council, the Zoning Administrator proposes regulations to allow transitional homes which are currently interpreted as the Dwelling, Home for Adjustment use within the City.
2. The proposed amendment will modify Articles II, V, and VIII of the Urbana Zoning Ordinance to allow Dwelling, Transitional Home in the City under certain conditions.
3. The proposed amendment will establish definitions and regulations for the number of residents and staff permitted, the zoning districts in which they would be permitted, and the number of parking spaces required.
4. The proposed amendment will encourage small-scale housing opportunities for those who lack a fixed address.
5. The proposed amendment is consistent with the goals and objectives of the 2005 Urbana Comprehensive Plan.
6. The proposed amendment conforms to notification and other requirements for the Zoning Ordinances as required by the State Zoning Act (65 ILCS 5/11-13-14).

**Options**

The Plan Commission has the following options for recommendation to the Urbana City Council regarding Plan Case 2269-T-16

- a. forward this case to City Council with a recommendation for approval as presented herein;
- b. forward this case to City Council with a recommendation for approval as modified by specific suggested changes; or
- c. forward this case to City Council with a recommendation for denial.

### **Staff Recommendation**

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Plan Commission recommend **APPROVAL** of the proposed text amendment to the Zoning Ordinance as presented herein.