



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing

FROM: Elizabeth H. Tyler, FAICP, Community Development Director

DATE: January 28, 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.

Introduction

On November 16, 2015, the Urbana City Council approved a resolution directing the Zoning Administrator to propose an amendment to the Zoning Ordinance to establish regulations to allow transitional housing in the R-2, Single-Family Residential and higher zoning districts for populations experiencing homelessness in the City of Urbana. Until now, transitional housing has not been identified as a use in the Zoning Ordinance 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.

At their January 21, 2016 meeting, the Urbana Plan Commission held a public hearing on the proposed text amendment. The Plan Commission unanimously forwarded the case with a vote of six ayes and zero nays to the Urbana City Council with a recommendation of approval.

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 were created and the proposed Transitional Home use would be created to serve different populations at different intensities and therefore have different impacts. As a result, each should be distinct and allowed in different zoning districts. The discussion below provides background about each of these related 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, and in the B-2, B-3, B-3U, B-4, and B-4E Business zoning districts. It is allowed as 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 dependent 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, Agriculture, and R-1, Single-Family Residential, districts, some of the business zones, and as a conditional use in the B-1 Neighborhood Business district. CLF II uses are permitted in residential zones R-3, Single- and Two-Family Residential district, and above, business zones B-2 and above, and as a conditional use in R-2 and B-1 zones. CLF III uses are permitted in the higher-intensity residential zones R-4 and above, and all business zones B-2 and above, 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, which are the lowest intensity districts.

Transitional Home

Like community living facilities, a transitional home is a supportive residential environment. However, transitional homes are not restricted to individuals with mental and/or physical disabilities and often fill 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 greater 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 consider this use only under the Home for Adjustment use. The transitional home use is much different than a Home for Adjustment, however, as Home for Adjustment includes crisis centers and emergency shelters 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 2012¹, some communities do not distinguish between housing for the disabled, homeless, and elderly; choosing to include those residents together under group housing regulations. Some 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 transitional homes in more districts as a matter of right. It also suggests that imposing distance requirements has a negative impact on efficient service delivery to the residents. If one home is located close to a job training center, for example, another home 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 additional restrictions.

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, in part because no distance requirement is proposed. 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.

¹ American Planning Association. *Inquiry Answer Service*. “Facilities that Serve the Homeless” July 2012.

Use Table Comparing Similar Uses with Proposed Transitional Home Use

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
Home for Adjustment				S	P	P	P	S			P	P	P	P	P			S		
Community Living Facility, Cat. I	P	P	P	P	P	P	P	P	P	C	P		P					P		
Community Living Facility, Cat. II		C	P	P	P	P	P	P		C	P	P	P	P	P			P		
Community Living Facility, Cat. III				P	P	P	P			C	P	P	P	P	P			P		
Transitional Home, Cat. I		C	C	P	P	P	P	C		C	P	P	P	P	P			C		
Transitional Home, Cat. II		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 for transitional homes be the same as that 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:

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
Dwelling, Transitional Home, Category I		C	C	P	P	P	P	C		C	P	P	P	P	P			C		
Dwelling, Transitional 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), or Home for Adjustment, <u>or Transitional Home (any type)</u>	1 for every employee on maximum shift, and one for every 4 <u>non-employee residents</u> members of the service dependent population

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

Summary of Findings

1. At the direction of the Urbana City Council, the Zoning Administrator proposes to amend the Zoning Ordinance to allow transitional homes which are currently interpreted as falling within 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 Urbana City Council has the following options regarding Plan Case 2269-T-16:

- a. Approve the proposed Zoning Ordinance text amendment as presented herein;
- b. Approve the proposed Zoning Ordinance text amendment with specific suggested changes; or
- c. Deny the proposed Zoning Ordinance amendment.

Staff Recommendation

At their January 21, 2016 meeting, the Urbana Plan Commission voted with six ayes and zero nays to forward Plan Case 2269-T-16 to the Urbana City Council with a recommendation for **APPROVAL** for the proposed text amendment regarding home occupations. Staff concurs with this recommendation.

Prepared by:

Lorrie Pearson, AICP
Planning Manager

Attachment:

Exhibit A: Urbana Plan Commission Draft Minutes From January 21, 2016 Meeting

ORDINANCE NO. 2016-02-008

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (Revising Article II, Article V, and Article VIII to establish definitions and use provisions for "Dwelling, Transitional Home"/ Plan Commission Case No. 2269-T-16)

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance #9293-124 on June 21, 1993 which adopted the 1993 Comprehensive Amendment to replace the 1979 Comprehensive Amendment to the 1950 Zoning Ordinance of the City of Urbana which is also known as the Urbana Zoning Ordinance; and,

WHEREAS, transitional home uses are not listed in the Urbana Zoning Ordinance and are not distinguished as principal or accessory uses; and

WHEREAS, the Zoning Administrator is proposing to amend the Urbana Zoning Ordinance in order to establish definitions and use provisions for "Dwelling, Transitional Home" as a principal use; and

WHEREAS, said text amendment is consistent with the goals and objectives of the Urbana Comprehensive Plan; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing on this application at their January 21, 2016, meeting; and

WHEREAS, the Urbana Plan Commission on January 21, 2016, voted 6 ayes to 0 nays to recommend approval of the proposed Zoning Ordinance amendment as presented;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that the Urbana Zoning Ordinance shall be amended as follows:

Section 1. That Section II-3, Definitions, of Urbana Zoning Ordinance is hereby amended to add the following new 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.

Section 2. That Table V-1, Table of Uses, of the Urbana Zoning Ordinance is hereby amended to include the following new uses as follows:

Table V-1. Table of Uses

Principal Uses	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
<i>Residential</i>																				
Dwelling, Transitional Home, Category I		C	C	P	P	P	P	C		C	P	P	P	P	P			C		
Dwelling, Transitional Home, Category II		S	S	C	P	P	P	S		S	P	P	P	P	P			S		

Section 3. That Table VIII-7, Parking Requirements by Use, of the Urbana Zoning Ordinance is hereby amended to include "Transitional Home" as follows:

Table VIII-7. Parking Requirements by Use

Use	Number of Spaces Required
Community Living Facility (any type), Home for Adjustment, or Transitional Home	1 for every employee on maximum shift, and one for every 4 non-employee residents

Section 4. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the _____ day of _____, 2016.

PASSED by the City Council this _____ day of _____, 2016.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2016.

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ____ day of _____, 2016, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (Revising Article II, Article V, and Article VIII to establish definitions and use provisions for "Dwelling, Transitional Home"/ Plan Commission Case No. 2269-T-16)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____, including all of its attachments, was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ____ day of _____, 2016, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this ____ day of _____, 2016.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: January 21, 2016

TIME: 7:30 P.M.

PLACE: Urbana City Building
Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Barry Ackerson, Andrew Fell, Lew Hopkins, Christopher Stohr, David Trail, Daniel Turner

MEMBERS EXCUSED: Maria Byndom, Tyler Fitch, Dannie Otto

STAFF PRESENT: Lorrie Pearson, Planning Manager; Christopher Marx, Planner I; Teri Andel, Administrative Assistant II

OTHERS PRESENT: None

NEW PUBLIC HEARINGS

Plan Case No. 2269-T-16: A request by the Urbana Zoning Administrator to amend Article II, Article V, and Article VIII of the Urbana Zoning Ordinance to establish a definition and regulations for transitional housing.

Acting Chair Hopkins opened the item. Lorrie Pearson, Planning Manager, presented the case. She noted the Council direction to bring forward the amendment, compared existing related uses to the proposed use of Dwelling, Transitional Home, where each are permitted, and the parking requirement. She summarized the staff findings, read the options of the Plan Commission and presented City staff's recommendation for approval.

Mr. Ackerson asked why the Transitional Home would be more restricted than a Community Living Facility. Ms. Pearson replied that Community Living Facilities are specifically defined by the state to serve a specific population. A Transitional Home would not have the same restrictions.

Mr. Stohr asked if the home at the northwest corner of Vine and Washington is a transitional home. Ms. Pearson indicated she would need to look into it. Mr. Hopkins suggested it could be a Community Living Facility.

Mr. Trail inquired about single-family homes, the R-1 zoning district, and if the amendment would be a way to regulate a homeowner having a family live with them temporarily. Ms. Pearson explained that Council requested that the text amendment be proposed after a rezoning and special use permit for a transitional home came before them. Mr. Ackerson and Mr. Hopkins explained that the intent was to allow transitional homes operated by agencies and not to impact homeowners.

Mr. Ackerson asked if staff consulted with any homeless service providers. Ms. Pearson responded that the Grants Management Division staff did solicit input from some service providers and once their questions were answered, no further comment was provided.

Mr. Trail suggested that the use should also be allowed in the R-1 zoning district, where many appropriately-sized homes may be available for this type of use. Mr. Ackerson agreed, but expressed concern that expanding the scope could jeopardize the amendment being approved. Ms. Pearson pointed out that while some Community Living Facilities are allowed in the R-1 zone, there is separation requirement imposed for the second facility to locate within a certain distance from the first facility.

With no further discussion, Mr. Fell moved that the Plan Commission forward the case to City Council with a recommendation for approval. Mr. Turner seconded the motion. Roll call was taken and the motion passed by unanimous vote.