



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Bruce K. Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, City Planner/Zoning Administrator

DATE: August 1, 2002

SUBJECT: An Ordinance Amending The Zoning Ordinance Of The City Of Urbana, Illinois
(Addition of a Definition and Specific Use Regulations for "Methadone Treatment Facility" -
Plan Case No. 1824-T-02)

Description

The Zoning Administrator is requesting an amendment to the Zoning Ordinance to include a definition for “methadone treatment facility”, to add this use to the Table of Uses in appropriate zones, and to identify specific conditions that may be applied to such a use. Detailed information regarding the proposed text amendment is provided in the Memoranda to the Plan Commission dated May 20, 2002 and July 22, 2002.

Background

The Champaign-Urbana Public Health District is interested in obtaining State and Federal permissions to operate a methadone treatment facility at the former H&R Block Building at 219 North Broadway in downtown Urbana. The subject site is zoned B4, Central Business. The District has signed a lease for the use of this building to house their Division of HIV/STD/TB Prevention and Management which is currently located at the District’s building at 710 North Neil Street in Champaign.

In reviewing the proposed requests, the Urbana Zoning Administrator determined that the current operations of the HIV/STD/TB Prevention and Management Division could be permitted by right in this zone as “Professional and Business Office”. With respect to the proposed future operation of a methadone treatment facility, under Section V.1.B. of the Zoning Ordinance, the Zoning Administrator determined that such a use was not defined by the Zoning Ordinance and was not encompassed by the current table of uses and would therefore require a text amendment to properly define and regulate it. This determination was based upon common planning and zoning treatment

of “methadone treatment facilities” in other communities, other specific research provided by the American Planning Association’s Planning Advisory Service, and visits and interviews with other planning and zoning professionals in Illinois who have dealt with this specific use. Determination that such use should be added to the Table of Uses was also made in the interest of maintaining a complete, accurate, and up-to-date Table of Uses, as has been the customary practice of the City. The Zoning Administrator’s Interpretation was issued on May 8, 2002 and has been previously provided to Councilmembers.

Pursuant to this interpretation, staff initiated the proposed text amendment to the Zoning Ordinance . The public hearing for the proposed text amendment was opened by the Plan Commission at its meeting on May 23, 2002. At this meeting, the Plan Commission continued the public hearing until such time as the appeal deadline for a Zoning Administrator’s opinion pertaining to the case had elapsed. The allowable time for appeal elapsed one month ago, no appeal was filed, and the Plan Commission continued consideration of the case at its meeting on July 25, 2002.

At the July 25, 2002 meeting, several individuals spoke in opposition to the text amendment, to the location of a methadone treatment facility in downtown Urbana, and to the concept of methadone treatment in general. Draft minutes of the Plan Commission meeting and copies of correspondence submitted at this meeting are attached.

In discussing the proposed amendment, Plan Commissioners suggested wording changes to make it clear that proper licensing by the State and Federal government would be required. These suggested wording changes are reflected in the attached Draft Ordinance. One Commissioner stated that he did not think the level of conditions proposed for this specific use were equitable when compared with the relative lack of conditions for other uses, such as daycare centers. He did not think a methadone treatment facility was different from a clinic. Other Commissioners stated that they thought that it was important to review methadone treatment facilities as set forth by the text amendment in order to provide site-specific review and to protect the interests of the public.

Proposed Amendment

The proposed amendment would be to Section II-3, Definitions; Table V-1, Table of Uses; Section V-10, Additional Regulations in the MIC District; and to a new section VII-10, Special Use Permits for Methadone Treatment Facilities. Proposed amended language is shown underlined as follows:

Section II.3, Definitions

Amend Section II.3, to add the following in the proper alphabetical location:

Methadone Treatment Facility: Methadone treatment facility means any facility that has been properly licensed by the Federal government and the State of Illinois, other

than a hospital, where the addictive narcotic drug methadone is administered or

dispensed to patients.

Table V-1, Table of Uses

Amend V-1, Table of Uses, to add a new listing under “public and quasi-public facilities” entitled “methadone treatment facility” indicating that such use is permitted by Special Use (“S”) in the B-3, B-4, and MIC zones. Please note that uses permitted in the MIC zone are not specifically indicated in the table, but are addressed in Section V-10 (below). Also, as indicated by the Definition above, a methadone treatment facility that is part of a hospital (i.e., accessory to a hospital) would be allowable in the zones where this use is permitted.

<i>Principal Uses</i>	CRE	AG	R-1	R-2	R-3	R-4	R-5	R-6	R-6B	R-7	B-1	B-2	B-3	B-3U	B-4	B-4E	I N	M O R	O P
<i>Public and Quasi-Public Facilities (cont.)</i>																			
Public Fairgrounds		S																	
Hospital or Clinic		S					S	P					P	P	P	P			P
University or College	P												P	P	P	P			P
<u>Methadone Treatment Facility</u>													<u>S</u>		<u>S</u>				

Methadone Treatment Facilities in the MIC Zone

Amend Section V-10, Additional Regulation in the MIC District, as follows:

All development regulations of the B-4E zoning district shall apply to said properties with the following exceptions or additions:

- A. The following uses are permitted by right in this Overlay Zoning District: medical related uses, drugstore, day care center, hospital or clinic, ambulance service, medical carrier service, home for the aged; nursing home; fitness center; guest house for patient families/support members; and health care-related business or professional medical office building.
- B. The following use is permitted by special use in this Overlay Zoning District: methadone treatment facility, subject to the provisions of Sections VII- 6 and VII-10.

[Reletter the remainder of this section accordingly]

Regulation of Methadone Treatment Facilities

Add a new Section VII-10, Special Use Permits for Methadone Treatment Facilities, to read as follows:

Methadone Treatment Facilities are permitted by special use in the B-3, B-4, and MIC zones. In addition to the standards and procedures set forth in Section VII-6, conditions that will be considered for Special Use Permits for such facilities include, but are not limited, to the following:

1. Methadone Treatment Facilities shall be properly licensed by the Center for Substance Abuse Treatment and other relevant State and Federal agencies.
2. The Special Use Permit shall reflect and be consistent with any operational and capacity limitations placed upon the facility by the State and Federal licenses.
3. Sufficient parking may be required for methadone treatment facilities recognizing that treatment hours are limited in scope and demand may be relatively high and increase over time.
4. Sufficient indoor waiting areas and restroom facilities may be required for methadone treatment facilities recognizing that treatment hours are limited in scope and demand may be relatively high and increase over time.
5. Limits on patient load may be defined by the Special Use Permit depending upon the physical capacity of the subject site, the waiting area, and parking provisions, and subject to the parameters set by State and Federal licensing. Increases to permitted patient load may require an amendment to the Special Use Permit.
6. Limits on hours of operation may be defined by the Special Use Permit depending upon the physical capacity of the subject site, the waiting area, and parking provisions, and subject to the parameters set by State and Federal licensing. Increases or changes to permitted hours of operation may require an amendment to the Special Use Permit.
7. Minimum distances and/or physical buffering requirements from sensitive uses, such as schools, daycare facilities, single-family residences, and churches may be required.

Summary of Findings

1. The proposed amendment would assist in the administration and enforcement of the Zoning Ordinance.
2. The proposed amendment would assist in maintaining a complete, accurate, and up-to-date Table of Uses.

3. The proposed amendment is consistent with commonly conducted and accepted zoning and planning practice pertaining to methadone treatment facilities.
4. The proposed amendment provides for reasonable accommodation of a necessary use that may be considered objectionable by some or unduly stigmatized by others.
5. The proposed amendment would allow methadone treatment facilities to be located in those zones which are business or medical in purpose and character and would not allow such facilities in those zones which promote residential, mixed, or transitional uses.
6. The proposed amendment sets forth specific conditions pertaining to methadone treatment facilities that are designed to protect the public health, safety, and welfare of the City.

Options

The City Council has the following options in this case:

- a. approve the proposed text amendment to the Zoning Ordinance, as presented herein; or
- b. approve the proposed text amendment to the Zoning Ordinance, as modified by specific suggested changes; or
- c. deny the proposed text amendment to the Zoning Ordinance.

Recommendation

At their meeting on July 25, 2002, the Plan Commission voted 4-1-1 to recommend approval of the proposed text amendment, as presented herein. Staff concurs with this recommendation.

Attachments: 1. Draft Ordinance
 2. Draft Excerpt of Minutes from Plan Commission meeting of July 25, 2002

Cc: Dave King, C-U Public Health District
 Jack Waaler, City Attorney
 Anna Merritt, Chair of Zoning Board of Appeals
 Laurie Bonnett, Urbana Business Association
 John Dorsey, Downtown Neighborhood Association
 Blake Weaver, Attorney
 Fred Grosser, Attorney
 Ray Timpone, Property Owner
 Rich Niemann, Sr., Neimann Foods

ORDINANCE NO. 2002-08-083

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS

(Addition of a Definition and Specific Use Regulations for "Methadone Treatment Facility" - Plan Case No. 1824-T-02)

WHEREAS, the City Council of the City of Urbana, Illinois, adopted Ordinance No. 9293-124 on June 21, 1993 consisting of a comprehensive amendment to the 1979 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend Section II.3 of the Zoning Ordinance to add a definition for "methadone treatment facility"; to add "methadone treatment facility" to Table V-1, Table of Uses under "public and quasi-public facilities", allowing it by special use in the B-3 and B-4 zones; to amend Section V-10, Additional Regulations in the MIC District to allow methadone treatment facility by special use; and to add a new section VII-10, Special Use Permits for Methadone Treatment Facilities; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case No. 1824-T-02; 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 to consider the proposed amendment on May 23, 2002 and continued said hearing on July 25, 2002; and

WHEREAS, the Urbana Plan Commission voted 4 ayes, 1 nay, and 1 abstention to forward the proposed amendment set forth in Plan Case No. 1824-T-02 to the Urbana City Council with a recommendation for approval; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interests of the City of Urbana to amend the text of the Urbana Zoning Ordinance as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. Section II.3, Definitions, is hereby amended to add the following in the proper alphabetical location:

Methadone Treatment Facility: Methadone treatment facility means any facility that has been properly licensed by the Federal government and the State of Illinois, other than a hospital, where the addictive narcotic drug methadone is administered or dispensed to patients.

Section 2. Table V-1, Table of Uses, is hereby amended to add "methadone treatment facility" as a public and quasi-public use that is permitted by special use in the B-3 and B-4 zones.

Section 3. Section V-10, Additional Regulation in the MIC District, is hereby amended to add the following additional item:

B. The following use is permitted by special use in this Overlay Zoning District: methadone treatment facility, subject to the provisions of Sections VII-6 and VII-10.

Section 4. A new Section VII-10, Special Use Permits for Methadone Treatment Facilities is hereby added:

Methadone Treatment Facilities are permitted by special use in the B-3, B-4, and MIC zones. In addition to the standards and procedures set forth in Section VII-6, conditions that will be considered for Special Use Permits for such facilities include, but are not limited, to the following:

1. Methadone Treatment Facilities shall be properly licensed by the Center for Substance Abuse Treatment and other relevant State and Federal agencies.
2. The Special Use Permit shall reflect and be consistent with any operational and capacity limitations placed upon the facility by the State and Federal licenses.
3. Sufficient parking may be required for methadone treatment facilities recognizing that treatment hours are limited in scope and demand may be relatively high and increase over time.
4. Sufficient indoor waiting areas and restroom facilities may be required for methadone treatment facilities recognizing that treatment hours are limited in scope and demand may be relatively high and increase over time.

5. Limits on patient load may be defined by the Special Use Permit depending upon the physical capacity of the subject site, the waiting area, and parking provisions, and subject to the parameters set by State and Federal licensing. Increases to permitted patient load may require an amendment to the Special Use Permit.

6. Limits on hours of operation may be defined by the Special Use Permit depending upon the physical capacity of the subject site, the waiting area, and parking provisions, and subject to the parameters set by State and Federal licensing. Increases or changes to permitted hours of operation may require an amendment to the Special Use Permit.

7. Minimum distances and/or physical buffering requirements from sensitive uses, such as schools, daycare facilities, single-family residences, and churches may be required.

Section 5. 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).

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

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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

Tod Satterthwaite, 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 _____, 2002, 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 (Addition of a Definition and Specific Use Regulations for "Methadone Treatment Facility" - Plan Case No. 1824-T-02)", which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2002, 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 _____, 2002.

(SEAL)

Phyllis D. Clark, City Clerk