

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
07/21/08

ITEM NO. 4: TEXT AMENDMENT TO CHAPTER 20 DEVELOPMENT CODE (JCR)

TA-04-03-08: Consider amendments to Chapter 20 of Lawrence City Code (Land Development Code) to define and permit various homeless facilities in certain zoning districts with use standards. Initiated by City Commission April 29, 2008.

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendments [TA-04-03-08 to define and permit various homeless facilities with use standards] to Chapter 20, Development Code to the City Commission.

Reason for Request: The City Commission initiated this amendment at its April 29, 2008 meeting. The Development Code does not comprehensively address homeless facilities & services.

RELEVANT GOLDEN FACTOR:

- Conformance with the Comprehensive Land Use Plan is the relevant factor that applies to this request. Adoption of new regulatory tools, one of which is the zoning regulations, is an implementation step in Chapter 13 of HORIZON 2020, the City/County Comprehensive Land Use Plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Staff has received comment and input from the Community Commission on Homelessness (CCH) in drafting the proposed language. The CCH is a task force established by the City Commission in order to work with existing service providers and agencies to facilitate implementation of recommendations concerning homelessness in the community. An initial draft was presented to the CCH on June 3, 2008 and a final draft was presented on July 8, 2008. The draft provided to the Planning Commission reflects July 8, 2008 CCH comments and feedback.
- Staff has received comment and input from a member of the public interested in launching homeless programs for families that will consist of Homeless Day Centers and Type A Homeless Shelters.
- Staff has received comment and input from representatives of the Lawrence Community Shelter specifically regarding use standards and design standards for Type B Homeless Shelters and Homeless Day Centers.
- Staff has also received input from the Lawrence Police Department requesting that the amendment contain enforceable use and/or design standards.

KEY POINTS

- Staff has worked with the Community Commission on Homelessness, the Lawrence Community Shelter and members of the public in developing the proposed language.
- Staff has reviewed approximately 30 other communities' codes and regulations pertaining to homeless facilities and uses. Some of the communities studied include Green Bay, WI, Minneapolis and St. Cloud, MN, Oklahoma City, OK, Pasadena, Fairfield, and San Diego, CA, Portland, OR, Denver and Boulder, CO, and 6 of the other 10 (excludes Lawrence and Boulder) Big 12 Conference college towns.
- Staff received information on best practices in other communities from the American Planning

Association.

- Staff has researched best practices of Crime Prevention through Environmental Design (CPTED). This concept promotes the principle of visibility as a method in reducing crime and encourages site planning and building design which provides visibility either from within or from the street. The design standards proposed incorporate CPTED methods applicable to the proposed uses.
- Article 5 (Section 20-542) of the attached proposed language includes a staff recommendation and an alternative recommendation for staffing level standards for Homeless Day Centers and Homeless Shelter, Type B uses.

OVERVIEW OF REVISIONS PROPOSED

On April 29, 2008, the City Commission, at the request of the Lawrence Community Shelter, initiated amendments to the Development Code to permit homeless shelters in industrial zoning districts by special use permit. The Commission considered public comment and directed staff to develop language incorporating use and design standards for such facilities.

Analysis of the Development Code and comparing the Development Code to other communities' codes and regulations revealed that the Development Code does not comprehensively address the full range of homeless facilities and services necessary to address this important community issue. The language proposed by staff reflects a more comprehensive amendment than what was originally initiated by the City Commission as it defines several uses and prescribes standards for those uses (as opposed to just doing so for homeless shelters). The proposed language is reflective of best practices in other communities and having undergone considerable input from the Community Commission on Homelessness, members of the public and city staff, the proposed language is tailored to satisfy the community's specific needs.

The amendments propose creating five new uses, as follows:

- Homeless Day Center
- Homeless Shelter, Type A
- Homeless Shelter, Type B
- Homeless Workplace
- Social Service Agency

These uses will be defined in Article 17 of the Development Code. The amendments also propose adding the above-listed uses to certain zoning districts in Section 20-402, Residential District Use Table and Section 20-403, Nonresidential District Use Table and adding standards for these uses in Section 20-542 of the Development Code (new section).

The proposed language is attached.

CONFORMANCE WITH *HORIZON 2020*

Chapter 5 (Residential Land Use) promotes residential neighborhood conservation by encouraging neighborhood involvement and compatible infill development through the use of development regulations. Chapter 7 (Industrial Land Use) encourages the retention of industrially-zoned land for industrial uses. Chapter 10 (Community Facilities) encourages the development of location criteria for community facility uses.

CRITERIA FOR REVIEW & DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and

The proposed amendment corrects an error in the Development Code and meets the challenge of changing conditions. The word *homeless* is mentioned in the Development Code only three times, in reference to the *Homeless or Transient Shelter* use classification listed in the use table of the Development Code. This use is not defined (though *Transient (or Temporary Shelter)* is defined) leading to possible confusion. This is the only type of homeless facility or service that is classified or defined by the Development Code. No standards are provided for this use.

As conditions have changed, many other communities' zoning codes define several types of homeless facilities or homeless service uses and prescribe standards to such uses. Such code language helps to clearly define the various uses and set standards which apply to them. Standards also assist the governing body, neighborhoods and operators in reaching a common understanding of the basic elements for such uses.

2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).

The amendment proposes defining a day center use and two types of homeless shelters, one that is permitted only when accessory to a public, nonprofit, charitable or religious institution and is limited in the number of guests served, and a second type that may be a principal use which is permitted only by special use permit. The amendment also proposes use and design standards which provide a framework for the use(s) proposed and can serve as the basis for discussion at a public hearing (in the case of those homeless facilities and services which require special use permit approval).

Requiring a special use permit ensures a public hearing to gain entitlement for such uses thus allowing neighborhood involvement and consideration of appropriate land uses by the Planning Commission and City Commission. The proposed amendment is consistent with *Horizon 2020* and the Development Code.

ANALYSIS OF AMENDMENT

The amendment proposes eliminating one existing use classification and adding five new uses. The definitions of the existing related use classifications and those proposed are listed below. The definitions proposed are contained in Article 17 of the attached proposed language.

Status	Term
Existing	Transient (or Temporary Shelter)
Existing	Homeless or Transient Shelter
Proposed	Homeless Day Center
Proposed	Homeless Shelter, Type A
Proposed	Homeless Shelter, Type B
Proposed	Homeless Workplace
Proposed	Social Service Agency

Use standards are proposed for all of the above-listed uses except for Community Meal Programs, Homeless Workplace and Social Service Agency uses. The existing use classifications of Transient (Or Temporary Shelter) which is defined in Article 17 and Homeless or Transient Shelter use listed in the use tables of Article 4 of the Development Code are proposed to be eliminated and replaced with

Homeless Shelter, Type A and Homeless Shelter, Type B. Homeless Shelter, Type A uses are proposed to be permitted by right with use standards applying. Type A shelters are distinguished from Type B shelters by definition in terms of the number of guests sheltered and in that Type A shelters must be an accessory use whereas Type B shelters may be a principal use. Type B shelters and Homeless Day Center uses are proposed to require special use permit in all zoning districts in which they are permitted.

Alternative Language

The standards for Homeless Day Centers and Homeless Shelter, Type B uses contain standards for required staffing levels for such uses. The attached proposed language proposes both a staff recommendation and an alternative recommendation suggested by the Community Commission on Homelessness and the Lawrence Community Shelter. The research conducted by staff revealed that most other communities with standards for such facilities specify a minimum staffing level within the standards. Staff recommends that a minimum staffing level be provided in the standards whereas the CCH and Lawrence Community Shelter support a staffing level stated in the required management plan as determined through special use permit approval.

Staff believes this standard is a valuable topic for discussion by the Planning Commission and therefore posed both recommendations for the Planning Commission's consideration in Article 5 (Section 20-542) of the attached proposed language.

PROPOSED LANGUAGE (see attachment)

Articles 4, 5 (Section 20-542) and 17 of the Development Code are proposed to be amended. Applicable portions of these articles are attached.

The attached language includes some existing language proposed to remain to provide the reader context.

The attached language also includes some existing language proposed to be deleted. This language is shown as ~~striketrough~~

A majority of attached language consists of language proposed to be added to these articles. In the case of Articles 4 and 17, added language is identified by ***bold italic*** typeface. In the case of Article 5, all language proposed is new language and is therefore not distinguished.

Article 4. Use Table

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20-401 Use Table

The Use Table of this article lists the [Principal Uses](#) allowed within all of the [Base Districts](#) except the [UR District](#) (See Sec. **20-222(b)** for [UR District](#) use regulations). The symbols used in the Use Table are defined in the following paragraphs.

(a) [P] Permitted Uses

A "P" indicates that a use is permitted by right, subject to compliance with all other applicable local, State and Federal regulations, including the regulations of this Development Code.

(b) [S] Special Uses

An "S" indicates that a use is allowed only if reviewed and approved in accordance with the Special Use procedures of Sec. **20-1306**.

(c) [A] Accessory Uses

An "A" indicates that a use is permitted as accessory to a [Principal Use](#), subject to compliance with all other applicable local, State and Federal regulations, including the regulations of this Development Code.

(d) Uses Not Allowed

Cells containing a dash (–) indicate that the listed use is not allowed in the respective [Zoning District](#).

(e) Use-Specific Standards

Many allowed uses, whether permitted by-right or by Special Use, are subject to compliance with use-specific standards and conditions. An Asterisk (*) after the P, S, or A use code identifies the use is subject to use-specific standards and conditions. The sections in which these standards and conditions are located are identified in the far right column titled Use Specific Standard.

(f) Unlisted Uses

If an application is submitted for a use that is not listed in the use table of this section, the [Planning Director](#) is authorized to classify the new or unlisted use into an existing land use category that most closely fits the new or unlisted use, using the interpretation criteria of Sec. **20-1702(b)**. If no similar use determination can be made, the [Planning Director](#) shall initiate an amendment to the text of this Development Code to clarify where such uses will be allowed.

Text in ***bold italics*** is proposed text. Text in regular font is existing text. Text with ~~strikethrough~~ is existing text proposed to be deleted.

20-402 Residential District Use Table																	
KEY: A = Accessory P = Permitted S = Special Use * = Standard Applies – Use not allowed			RS40	RS 20	RS 10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	Use Specific Standard
PUBLIC AND CIVIC																	
Community Facilities	Community Meal Program	–	–	–	–	–	–	S	–	–	–	–	–	–	S		
	Homeless Day Center	–	–	–	–	–	–	S*	–	–	–	–	–	–	S*	20-542	
	Homeless Shelter, Type A	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	20-542	
	Homeless or Transient Shelter																
	Homeless Shelter, Type B	–	–	–	–	–	–	S*	–	–	–	–	–	–	S*	20-542	
	Homeless Workplace	–	–	–	–	–	–	A*	–	–	–	–	–	–	A*	20-542	
	Social Service Agency	–	–	–	–	–	–	P	–	–	–	–	–	–	P		

20-403 Nonresidential District Use Table																
KEY: A = Accessory P = Permitted S = Special Use * = Standard Applies – Use not allowed			CN1	CN2	CO	CD	CC	CR	CS	IBP	IL	IG	OS	GPI	H	Use Specific Standard
PUBLIC AND CIVIC																
Community Facilities	Community Meal Program		<i>S</i>	<i>S</i>	S	S	S	S	S	<i>S</i>	<i>S</i>	<i>S</i>	–	S	S	
	<i>Homeless Day Center</i>		<i>S*</i>	<i>S*</i>	<i>S*</i>	<i>S*</i>	<i>S*</i>	<i>S*</i>	<i>S*</i>	<i>S*</i>	<i>S*</i>	<i>S*</i>	–	<i>S*</i>	<i>S*</i>	<i>20-542</i>
	<i>Homeless Shelter, Type A</i>		<i>A*</i>	<i>A*</i>	<i>A*</i>	<i>A*</i>	<i>A*</i>	<i>A*</i>	<i>A*</i>	<i>A*</i>	<i>A*</i>	<i>A*</i>	–	<i>A*</i>	<i>A*</i>	<i>20-542</i>
	Homeless or Transient Shelter <i>Homeless Shelter, Type B</i>		<i>S*</i>	<i>S*</i>	<i>S*</i>	<i>S*</i>	<i>S*</i>	<i>S*</i>	<i>S*</i>	<i>S*</i>	<i>S*</i>	<i>S*</i>	–	<i>S*</i>	<i>S*</i>	<i>20-542</i>
	<i>Homeless Workplace</i>		<i>A*</i>	<i>A*</i>	<i>A*</i>	<i>A*</i>	<i>A*</i>	<i>A*</i>	<i>A*</i>	<i>A*</i>	<i>A*</i>	<i>A*</i>	–	<i>A*</i>	<i>A*</i>	<i>20-542</i>
	<i>Social Service Agency</i>		<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	–	<i>P</i>	<i>P</i>	

20-542 Homeless Facilities & Services

The standards of this subsection apply to homeless facilities and services.

(1) Purpose

The purpose of this subsection is to set forth standards for the location and operation of homeless facilities or homeless service uses.

(2) Exemptions

(i) Residential Uses

Any permitted residential use listed in Section 20-402 shall be exempt from the regulations of this subsection.

(3) Description Homeless Facilities & Services

There are three types of Homeless Facilities and Services regulated under this section.

(i) Homeless Day Center

A building or structure operated and staffed by a public, nonprofit, charitable or religious institution that provides basic services during only daylight hours to homeless persons or to persons at risk of being homeless. Typical services may include food services, social services and [Social Service Agency](#) branch offices, counseling, medical services, personal hygiene, life skills training, employment training and assistance, educational assistance, mail or delivery services, telephone or computer services and storage of personal belongings.

(ii) Homeless Shelter, Type A

A building or structure operated and staffed by and accessory to a public, nonprofit, charitable or religious institution which provides overnight shelter to persons who are otherwise homeless. [Type A Homeless Shelters](#) are those that shall be occupied by a maximum of 4 [Families](#) as defined in Section 20-1701 not exceeding a 15 persons total, or by a maximum of 4 persons not related by blood or marriage.

(iii) Homeless Shelter, Type B

A building or structure operated and staffed by a public, nonprofit, charitable or religious institution which provides overnight shelter to persons who are otherwise homeless. [Type B Homeless Shelters](#) are any homeless shelter not meeting the definition of a [Type A Homeless Shelter](#).

(4) Standards for Homeless Day Centers

(i) Use Standards

[Homeless Day Centers](#) require a Special Use Permit in accordance with the procedures of Section 20-1306. The following standards shall be required.

a. A minimum of two restrooms.

b. RECOMMENDED BY STAFF: Shall, at all times, be staffed by a minimum of 2 staff persons or 1 per 15 guests, whichever is greater. At least one of the staff persons shall be a professional employed by the operator.

ALTERNATIVE: Shall be staffed in compliance with the staffing requirements of the approved management plan.

c. If not co-located with a [Type B Homeless Shelter](#), an onsite supervised indoor waiting area shall be available to guests at least 1 hour prior to

opening. If co-located with a [Type B Homeless Shelter](#) or if transportation to and from the [Homeless Day Center](#) is provided to guests by the operator(s), this standard shall not apply.

- d. All uses and activities conducted outdoors shall be shown on the site plan.

(5) Standards for Type A Homeless Shelters

(i) Use Standards

[Type A Homeless Shelters](#) are permitted as an accessory use to any permitted public, nonprofit, charitable or religious institution use in accordance with the following standards:

- a. Shall provide a minimum of 35 square feet per bed.
- b. Shall contain a minimum of two restrooms.
- c. Shall, at all times, be staffed by a minimum of 2 staff persons.
- d. Shall provide overnight accommodations beginning no earlier than 4 p.m. and concluding no later than 9 a.m.

(6) Standards for Type B Homeless Shelters

(i) Use Standards

Type B Homeless Shelters require a Special Use Permit in accordance with the procedures of Section 20-1306. In addition to the standards of Section 20-1306, the following conditions shall apply to all Special Use Permits granted for Type B Homeless Shelters:

- a. At least once every five (5) years the operator shall make a presentation to the City Commission and the Commission shall review the Special Use Permit for compliance with original conditions of approval and use standards.
- b. A minimum of 1 toilet per 15 beds.

c. RECOMMENDED BY STAFF: Shall, at all times, be staffed by a minimum of 2 staff persons or 1 per 30 guests, whichever is greater. At least one of the staff persons shall be a professional employed by the operator.

ALTERNATIVE: Shall be staffed in compliance with the staffing requirements of the approved management plan.

- d. If not co-located with a [Homeless Day Center](#), an onsite supervised indoor waiting area shall be available to guests at least 1 hour prior to opening. If co-located with a [Homeless Day Center](#) or if transportation between the [Type B Homeless Shelter](#) and [Homeless Day Center](#) is provided to guests by the operator(s), this standard shall not apply.
- e. All uses and activities conducted outdoors shall be shown on the site plan

(7) Management Plan

The operator of a [Type B Homeless Shelter](#) or [Homeless Day Center](#) shall create a management plan. The management plan shall become binding upon approval of the Special Use Permit. The management plan shall, at a minimum, address the following:

- i. Narrative description of the nature and characteristics of the use and descriptions of all services provided.
- ii. Interior floor plan showing sleeping areas, common areas, emergency exits and bathrooms.
- iii. Rules of conduct for guests.
- iv. Maintenance plan that establishes standards for regular building and site maintenance, including regular removal of litter.
- v. Communications plan that establishes how the shelter will regularly communicate with neighbors and police.
- vi. Response plan for emergencies that may occur at the site.
- vii. **ALTERNATIVE:** Adequate staffing levels given the number of guests served and the nature of the facility and population served.

(8) Design Standards

[Type B Homeless Shelters](#) and [Homeless Day Centers](#) site design shall incorporate design features that contribute to the livability and safety for guests, efficient use of space, ease of emergency access, and compatibility with nearby land uses. In furtherance of this purpose, the following design standards shall apply, to the extent practicable, to Special Use Permits granted for [Type B Homeless Shelters](#) and [Homeless Day Centers](#):

- i. Building entrances shall be clearly defined and visible from the public right-of-way or from an occupied area of the building such as administrative offices or staffed reception areas.
- ii. Building entrances, outdoor children/adult recreational areas and sidewalks shall be well-lit with pedestrian-scaled, low-glare lighting shielded downward.
- iii. Outdoor children/adult recreational areas, if not clearly visible from the public right-of-way, shall be clearly visible from an occupied area of the building such as administrative offices or staffed reception areas.
- iv. Parking areas shall be located adjacent to the building and shall be clearly visible from an occupied area of the building, such as administrative offices or staffed reception areas.
- v. The exterior of the building shall be designed to ensure that all outside areas surrounding the building are clearly visible either from public right-of-way or through the use of design features such as windows or video surveillance.
- vi. Landscaping shall be designed to not obstruct the view of sidewalks, parking areas or outdoor children/adult recreational areas.
- vii. Effort through design to minimize loitering in the vicinity of the shelter through careful site design, building design, or by providing site features or amenities on the property which attract guests to the property.

Article 17. Terminology

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20-1701 General Terms

Transient (or temporary) Shelter	Facility providing temporary housing for one (1) or more individuals who are otherwise homeless.
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20-1702 Use Categories in General

(a) Purpose

This section classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and certain other site factors. The use categories provide a systematic basis for assignment of present and future uses to [Zoning Districts](#).

(b) Classification Considerations

- (1)** Uses are assigned to the use category that most closely describes the nature of the [Principal Use](#), based on the "Characteristics" description of each use category. Developments may have more than one [Principal Use](#) (see paragraph **(3)**, below).
- (2)** The following factors are considered to determine what use category the use is in, and whether the activities constitute [Principal Uses](#) or [Accessory Uses](#):
 - a.** The description of each activity in relationship to the characteristics of each use category;
 - b.** The relative amount of site or floor space and equipment devoted to each activity;
 - c.** Relative amounts of sales from each activity;
 - d.** The customer type for each activity;
 - e.** The relative number of employees in each activity;
 - f.** Hours of operation;
 - g.** Classification of the use in the North American Industry Classification System (NAICS);
 - h.** [Building](#) and site arrangement;

- i. Number and type of vehicles used with each activity;
- j. The relative number of vehicle trips generated by each activity;
- k. Signs;
- l. How the use advertises itself; and
- m. Whether each individual activity would be likely to be found independent of the other activities on the site.

(3) Developments with Multiple **Principal Uses**

When all **Principal Uses** of a development fall within one use category, then the development is assigned to that use category. When the **Principal Uses** of a development fall within different use categories, each **Principal Use** is classified in the applicable category and is subject to the regulations for that category.

20-1717 **Community Facilities**

~~Uses of a public, nonprofit, or charitable nature providing ongoing education, training, counseling, **Day Care**, or utility service to the general public on a regular basis.~~

Community Facilities are uses of a public, civic, charitable or nonprofit nature, not including recreational uses, which provide a variety of services to the general public on a regular basis including but not limited to educational, technical or vocational training, day care, cultural, civic or social services, or utility services.

(1) **Community Meal Program**

~~A building or structure~~ **A program** operated and staffed by a public, nonprofit, charitable or religious institution that provides scheduled meals on a regular basis.

(2) **Homeless Day Center**

A building or structure operated and staffed by a public, nonprofit, charitable or religious institution that provides basic services during only daylight hours to homeless persons or to persons at risk of being homeless. Typical services may include food services, social services and **Social Service Agency** branch offices, counseling, medical services, personal hygiene, life skills training, employment training and assistance, educational assistance, mail or delivery services, telephone or computer services and storage of personal belongings.

(3) **Homeless Shelter, Type A**

A building or structure operated and staffed by and accessory to a public, nonprofit, charitable or religious institution which provides overnight shelter to persons who are otherwise homeless. **Type A Homeless Shelters** are those that shall be occupied by a maximum of 4 **Families** as defined in Section 20-1701 not exceeding a 15 persons total, or by a maximum of 4 persons not related by blood or marriage.

(4) **Homeless Shelter, Type B**

A building or structure operated and staffed by a public, nonprofit, charitable or religious institution which provides overnight shelter to persons who are otherwise homeless. **Type B Homeless Shelters** are any homeless shelter not meeting the definition of a **Type A Homeless Shelter**.

(5) Homeless Workplace

*A building or structure operated by a public, nonprofit, charitable or religious institution which provides a place of work to homeless persons and is accessory to a **Type B Homeless Shelter** or **Homeless Day Center**. A **Homeless Workplace** may consist of any use permitted by the zoning district in which it is located. Any place of work for homeless persons which is not accessory to a **Homeless Day Center** or **Type B Homeless Shelter** shall not be considered a **Homeless Workplace** and shall be subject to the regulations of the district in which it is located.*

(6) Social Service Agency

*A service operated by a government, public, civic, nonprofit or charitable organization providing services undertaken to advance the welfare of citizens in need which typically includes supporting office uses. Typical uses include employment counseling, life skills training, counseling, food banks, and blood banks. **Social Service Agencies** shall not include homeless shelters, group homes or commercial uses such as medical, professional, financial or real estate offices.*