

# DRAFT LANGUAGE FOR “HOMELESS FACILITIES & SERVICES AMENDMENTS”

October 8, 2008 Draft



## HOW TO READ THIS DOCUMENT

- All sections of the Development Code proposed to be amended are included in this document.
- Specific modifications recommended by the Planning Commission at their September 22, 2008 meeting are referenced with comments.
- Text in regular font is existing text.
- Text in ***bold italics*** is proposed text.
- Text with ~~strike through~~ is existing text proposed to be deleted.

## 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, Type A	–	–	–	–	–	–	P*	–	–	–	–	S*	–	P*		20-544
	Homeless Day Center, Type B	–	–	–	–	–	–	S*	–	–	–	–	–	–	S*		20-544
	Homeless Shelter, Type A	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		20-544
	Homeless or Transient Shelter																
	Homeless Shelter, Type B	–	–	–	–	–	–	S*	–	–	–	–	–	–	S*		20-544
	Homeless Workplace	–	–	–	–	–	–	A*	–	–	–	–	–	–	A*		20-544
	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	S	S	S	S	S	S	S	S	S	S	–	S	S			
	Homeless Day Center, Type A	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	–	P*	P*		20-544	
	Homeless Day Center, Type B	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	–	S*	S*		20-544	
	Homeless Shelter, Type A	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	–	A*	A*		20-544	
	Homeless or Transient Shelter Homeless Shelter, Type B	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	–	S*	S*		20-544	
	Homeless Workplace	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	–	A*	A*		20-544	
	Social Service Agency	P	P	P	P	P	P	P	P	P	P	P	–	P	P		

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#### **20-544 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 four types of Homeless Facilities and Services regulated under this section.*
  - (i) **Homeless Day Centers**  
*A building or structure operated and staffed by a public, nonprofit, charitable or religious institution that provides basic services during only daytime hours to homeless persons or to persons at risk of being homeless. Typical services may include food services, social services, 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. There are two types of Homeless Day Center uses, as follows:*
    - a. **Homeless Day Center, Type A**  
*Type A Homeless Day Centers are those that shall serve a maximum of 4 family units defined as 2 or more persons related by blood, marriage, or legal adoption with one such person being less than 18 years of age in the family unit or non-related persons otherwise living together as a family unit with at least one child less than 18 years of age.*
    - b. **Homeless Day Center, Type B**  
*Type B Homeless Day Centers are any homeless day center not meeting the definition of a Type A Homeless Day Center.*
  - (ii) **Homeless Shelter**  
*A building or structure operated and staffed by a public, nonprofit, charitable or religious institution which provides shelter to persons who are otherwise homeless. There are two types of Homeless Shelter uses, as follows:*
    - a. **Homeless Shelter, Type A**

**Comment [j1]:  
MODIFIED LANGUAGE**

Planning Commission voted to revise the definition of Type A Homeless Day Centers as shown.

*Type A Homeless Shelters* are those which provide only overnight shelter and are permitted only as an accessory use to a permitted religious assembly use and which are operated and staffed by a public, nonprofit, charitable or religious institution. *Type A Homeless Shelters* are those that shall serve a maximum of 4 family units defined as 2 or more persons related by blood, marriage, or legal adoption with one such person being less than 18 years of age in the family unit or non-related persons otherwise living together as a family unit with at least one child less than 18 years of age.

Comment [j2]:  
MODIFIED LANGUAGE

Planning Commission voted to revise the definition of Type A Homeless Shelters as shown.

b. *Homeless Shelter, Type B*

*Type B Homeless Shelters* are any homeless shelter not meeting the definition of a *Type A Homeless Shelter*. *Type B Homeless Shelters* may provide food services, social services, 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.

(iii) *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 *Type B 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 *Type B 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.

(4) *Standards for Homeless Day Centers (Type A & Type B)*

(i) *Use Standards*

The following standards shall be required.

- a. A minimum of two restrooms.
- b. 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-Specific Standards*

*Type A Homeless Shelters* are permitted as an accessory use to religious institutions in accordance with the following standards:

- a. Shall be permitted as accessory only to a *Neighborhood Religious Institution* or *Campus or Community Religious Institution*.
- b. Shall provide a minimum of 35 square feet per bed.

- c. *Shall contain a minimum of two restrooms.*
- d. *Shall, at all times, be staffed by a minimum of 2 staff persons.*
- e. *Shall provide overnight accommodations beginning no earlier than 4 p.m. and concluding no later than 9 a.m.*
- f. *Shall be limited to operating a maximum of 15 nights per quarter.*

Comment [j3]:  
NEW LANGUAGE

Planning Commission voted to add this standard.

**(ii) Management Plan**

*The operator of a **Type A Homeless Shelter** shall create a management plan. The management plan shall become binding upon the issuance of a registration permit by the **Planning Director**. The management plan shall, at a minimum, address the following:*

- (a) *Narrative description of the nature and characteristics of the **Type A Homeless Shelter**.*
- (b) *Rules of conduct for guests.*
- (c) *Communications plan that establishes a regular pattern of communication with neighbors or the Registered Neighborhood Association.*
- (d) *Response plan for emergencies that may occur at the site.*

**(iii) Management Plan, Appeals**

*The action of the Planning Director in approving any management plan by registering and permitting a Type A Homeless Shelter may be appealed by any person aggrieved to the City Commission. All other administrative decisions may be appealed as per the provisions of Section 20-1311 of this Chapter.*

Comment [j4]:  
NEW LANGUAGE

Planning Commission voted that the administrative decision by the Planning Director in approving a Management Plan for Type A Homeless Shelters be appealable to the City Commissions.

Appeals of all other administrative decisions are appealable to the Board of Zoning Appeals as per Section 20-1311 of the Development Code.

**(iv) Type A Homeless Shelter Permit**

**a. Purpose**

*Permits for **Type A Homeless Shelters** shall be obtained, prior to their establishment, from the **Planning Director**. The permit requirements are intended to ensure:*

- 1. *That the applicant has conducted neighborhood notice as per the procedures of 20-544(5)(iv)(b);*
- 2. *That the applicant has prepared a management plan and is aware of the provisions of this Development Code governing **Type A Homeless Shelters**;*
- 3. *That the City has all information necessary to evaluate whether the proposal initially meets, and continues to meet, Development Code regulations; and*
- 4. *That the distribution and location of **Type A Homeless Shelters** is known.*

**b. Neighborhood Notice & Meeting**

*The purpose of this requirement is to notify the **Registered Neighborhood Association** and **Landowners** of the establishment of a **Type A Homeless Shelter** and to arrange a neighborhood meeting prior to the establishment of a **Type A Homeless Shelter**. Notification shall consist of the following:*

1. *The applicant shall arrange a neighborhood meeting and conduct notification by:*
  - i. *Obtaining, from the Douglas County Clerk, a certified property ownership list of all owners of property within 200 feet of the subject site;*
  - ii. *Mailing written notice of the meeting to all owners of property on the certified property ownership list and to any **Registered Neighborhood Associations** whose boundaries include the site of the proposed **Type A Homeless Shelter**; and*
  - iii. *Sending the written notice of the meeting at least 14 calendar days prior to the meeting. The written notice shall consist of the following:*

***Notice of Proposed **Type A Homeless Shelter*****

*This letter is being sent to **Landowners**, or a **Registered Neighborhood Association**, near the site of a proposed **Type A Homeless Shelter**. The shelter will be operated by [insert operator name] and located at [insert religious institution].*

*The City of Lawrence Land Development Code permits **Type A Homeless Shelters** as an accessory use to religious institutions with use-specific standards and management plan standards which govern the operation of the shelter. The Land Development Code also requires public notification, a neighborhood meeting and registration of the **Type A Homeless Shelter** prior to the establishment of the shelter.*

*A neighborhood meeting has been scheduled on [insert date] at [insert location] at [insert time]. During the meeting, the use-specific standards and management plan that govern the operation of the **Type A Homeless Shelter** will be discussed.*

*For information about the proposed **Type A Homeless Shelter** please contact the [insert operator name] at (xxx) xxx-xxxx and [insert religious institution contact] at (xxx) xxx-xxxx.*

*For information about **Type A Homeless Shelters** in general and the standards which govern them, please contact the City of Lawrence Planning & Development Services Department at (785) 832-XXXX.*



2. *At the time of application submittal, the applicant shall submit, as evidence that proper notification was conducted, the following documentation:*
  - i. *A copy of the certified property ownership list;*
  - ii. *A copy of the mailed written notice;*
  - iii. *A certificate of mailing which demonstrates that written notice was mailed at least 14 days prior to the meeting;*
  - iv. *A summary of the neighborhood meeting; and*
  - v. *A signed statement verifying that notice requirements have been met and that the applicant made a reasonable attempt to meet with the neighborhood.*

c. *Registration Procedure*

*Type A Homeless Shelters* are required to register for a permit with the *Planning Director* prior to their establishment. At the time of registration, the applicant shall submit the following:

1. *An application for a Type A Homeless Shelter permit and application review fee, if applicable;*
2. *A copy of the certified property ownership list;*
3. *A copy of the mailed written notice;*
4. *A certificate of mailing which demonstrates that written notice was mailed at least 14 days prior to the meeting;*
5. *A summary of the neighborhood meeting;*
6. *A signed statement verifying that notice requirements have been met and that the applicant made a reasonable attempt to meet with the neighborhood;*
7. *A management plan satisfying the specifications of Section 20-544(5)(ii);*
8. *An affidavit pledging compliance with the management plan and use-specific standards.*

*Type A Homeless Shelter* permits will be issued by the *Planning Director*. The permit is tied to the operator, religious institution to which the *Type A Homeless Shelter* is accessory, and to the *Lot* occupied by the religious institution. Permits are not transferable to other *Lots* or to other operators.

d. *Expiration & Renewal*

1. *Type A Homeless Shelter* permits shall be valid through July 1 of the year following the first 12 months of operation at which time the applicant may request renewal of the permit.
2. *If renewed, the permit shall be valid through July 1 of the subsequent year.*
3. *It is the responsibility of the applicant to renew the permit in order to continue operation of the Type A Homeless Shelter.*
4. *A request to renew the permit shall be processed as a new application.*

e. *Revocation*

*A **Type A Homeless Shelter** permit may be revoked for failure to comply with the regulations of this section, through the procedures identified in Sec. 20-1605(e). When a **Type A Homeless Shelter** permit has been revoked, a new **Type A Homeless Shelter** permit will not be issued to the applicant or religious institution for 2 years.*

**(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 standards 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. *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**, **Type A Homeless Day Center**, or **Type B Homeless Day Center** shall create a management plan. The management plan shall become binding upon approval of the Special Use Permit or site plan. 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. *Adequate staffing levels given the number of guests served and the nature of the facility and population served.*

**(8) Design Standards**

*Type B Homeless Shelter, Type A Homeless Day Center, or Type B Homeless Day Center 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, Type A Homeless Day Center, and Type B Homeless Day Center:*

- 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 a specific location on the property.*

## Article 17. Terminology

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#### 20-1701 General Terms

<del>Transient (or temporary) Shelter</del>	<del>Facility providing temporary housing for one (1) or more individuals who are otherwise homeless.</del>
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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, Type A**

*A building or structure operated and staffed by a public, nonprofit, charitable or religious institution that provides basic services during only daytime 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. **Type A Homeless Day Centers** are those that shall serve a maximum of 4 family units defined as 2 or more persons related by blood, marriage, or legal adoption with one such person being less than 18 years of age in the family unit or non-related persons otherwise living together as a family unit with at least one child less than 18 years of age.*

Comment [j5]:  
MODIFIED LANGUAGE

Planning Commission voted to revise the definition of Type A Homeless Day Centers as shown.

(3) **Homeless Day Center, Type B**

*A building or structure operated and staffed by a public, nonprofit, charitable or religious institution that provides basic services during only daytime 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. *Type B Homeless Day Centers* are any homeless day center not meeting the definition of a *Type A Homeless Day Center*.

(4) *Homeless Shelter, Type A*

A building or structure operated and staffed by a public, nonprofit, charitable or religious institution which provides only overnight shelter to persons who are otherwise homeless. *Type A Homeless Shelters* are those that shall serve a maximum of 4 family units defined as 2 or more persons related by blood, marriage, or legal adoption with one such person being less than 18 years of age in the family unit or non-related persons otherwise living together as a family unit with at least one child less than 18 years of age.

Comment [j6]:  
MODIFIED LANGUAGE

Planning Commission voted to revise the definition of Type A Homeless Shelters as shown.

(5) *Homeless Shelter, Type B*

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

(6) *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.

(7) *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.