

**COUNCIL ACTION FORM**

**SUBJECT: ZONING ORDINANCE TEXT AMENDMENT TO ALLOW FOR SUPERVISED TRANSITIONAL HOMES IN THE RL, RM, RH, UCRM, RLP, FS-RL, FS-RM, F-PRD AND S-SMD ZONING DISTRICTS**

**BACKGROUND:**

The City Council received a request on April 21<sup>st</sup> to consider initiating a Zoning Text Amendment to create a “transitional housing” use option for residential zoning districts (See Attachment A). The interested parties’ desires are to allow for a broader range of choices for meeting “transitional living” needs within existing single-family dwellings. **They would like to acquire facilities for youth or adults needing transitional housing with live-in support. Through conversations with service providers, staff anticipates that such facilities would exceed the maximum occupancies of household living category with a “family” as defined by the Zoning Ordinance and would be group living that is only allowed within a limited number of zoning districts and areas.**

If a use does not meet the definition of “Family”, the Zoning Ordinance currently has two use types under which similar housing options could be allowed based on interpretation of such uses; Group Living or Social Service Providers. Group Living and Social Service Providers are defined by the zoning code as follows:

Group Living is the “*Residential occupancy of a structure by a group of people who do not meet the Household Living definition. Size is larger than the average household size. Average length of stay is 60 days or longer. Structures generally have a common eating area for residents. Residents may receive any combination of care, training, or treatment, or none of these as long as they also reside at the site.*” **This use listing would include transitional living facilities, such as halfway houses for former offenders, as well as residences for persons with physical or mental disabilities.**

Social Service Providers are “*uses primarily engaged in providing on-site counseling, meals or shelter beds for free or at significantly below market rates*’. **These uses would include drug and counseling centers, rescue missions, shelters, temporary or permanent, and soup kitchens and food distributions centers.**

**Generally, the Zoning Ordinance allows Group Living for transitional living facilities only in the Residential High Density zone and the South Lincoln Mixed Use zone. Social Service providers are permitted in a broader range of zones within the City. However, the uses permitted under a social service provider category are limited to shelter services (temporary or permanent) or counseling centers, which does not appear to fit the needs of housing being requested by YSS and other similar agencies. At this time, staff believes the described use of a**

**supervised type of group home would fit under Transitional Living Facility under Group Living if no changes were made to the Zoning Ordinance.**

The following table has been assembled to identify zones where Group Living or Social Service Provider uses can currently be permitted and by what approval authority.

Zones	Residential Use	Residential Use	Institutional Use
	Group Living	Group Living	Social Service Providers
	Transitional Living Facilities	Residences for physically or mentally disabled *	
A	-	-	SP
RL	-	SP	SP- if Pre-existing
RM	-	-	SP
UCRM	-	SP	SP- if Pre-existing
RH	SDP-Minor	SDP-Minor	SP
FS-RL	-	-	-
FS-RM	-	-	SP
F-PRD	SDP-Major, If Pre-Existing	SDP-Major, If Pre-Existing	-
S-SMD	SDP-Minor	SDP-Minor	SDP-Minor
NC	-	-	SDP-Minor
CCN	-	-	SDP-Minor
HOC	SP	-	SP
PRC	-	-	SP
CCR	-	-	SDP-Minor
CVCN	-	-	SDP-Minor
DSC	-	-	SP
CSC	-	-	SP
CGS	-	-	SDP-Minor

\* This use classification considers a residence of more than 8 individuals. Residences of 8 or fewer occupants are classified as a "Family" and qualify as a Household living use in many zones.

SDP-Minor = Minor Site Development Plan (Administrative Approval)  
 SDP-Major = Major Site Plan (City Council Approval)  
 SP = Special Use Permit (Zoning Board of Adjustment Approval)

Based on the social service providers' interest in using one and two-family home structures rather than apartments, staff has analyzed potential sites for such uses. Within the RH and S-SMD zoning district, there are approximately 170 properties that are one or two-family structures that could be reused as Transitional Living Facilities. When factoring in the use classification of Social Service Providers, there are approximately 490 properties with one or two-family homes that would meet the described interest. There are a few additional HOC zoned properties that could also be approved for Group Living or Social Service Provider, but this does not significantly expand the opportunities. (See Attachment B)

The request from the social service providers raised the following two policy questions for the City Council to consider:

1. Whether the City Council believed that under current zoning there are enough properties in which a Transitional Living or Social Service Provider use could be established and, if not, should these uses be allowed in additional zoning districts.

2. Are the current definitions appropriate to support the human service agencies' interests or should a new classification for a small group living facility as a "supervised transitional home" be created and allowed within more zoning districts throughout the City.

**City Council determined that the current ordinances of the City may not effectively address the needs of the human services agencies. Therefore, Council directed staff to initiate a text amendment to allow for a new supervised transitional home for inclusion in the Zoning Ordinance and to propose standards for such a use.**

### **TEXT AMENDMENT OPTIONS:**

In general, staff understands that the social service providers desire to operate this transitional home within a residential neighborhood where a home is used for up to three individuals or three heads of households and their dependents within a home, occupants to live in the home for up to two years, and to have on site supervision at the home. In crafting a new definition it was important to staff that the definitional lines between household living and family sizes be maintained and that a new use that could have multiple "heads of household" or individuals in the transitional living environment be distinguished from other uses in the Zoning Ordinance. The specifics of creating a definition and permitting process for such are described in greater detail below.

### **Supervised Transitional Home Definition:**

*"A small group living residential use occupying a dwelling unit as a single housekeeping unit for purposes of assisting occupants with daily living skills as a transition to a long term living environment. Such use provides permanent in-home supervision by an institutional use, non-profit, or social service agency where the in-home supervision is not included in the total number of allowed occupants for the dwelling unit. The use is not intended as transitional living facilities for former offenders, residences for persons with physical or mental disabilities, temporary shelters, or for residential uses complying with household living or family home regulations."*

The proposed text amendment will also need to add "Supervised Transitional Home" to the list of permitted uses included under the subcategory of Group Living in Article 5 of the Zoning Ordinance to recognize such use as a new Group Living housing type.

### **Zoning Districts Allowed:**

In addition to defining the use, a major component of the process is to decide where such uses may be established. Staff believes there is a relationship between the issues of permitting and size and need that will help guide the choice of where to allow this new use. **Currently, the group living uses are most frequently allowed in either medium or high density areas or commercial areas. As discussed above, there are a limited number of single-family home structures in these areas that would meet the needs for this use.**

**Staff believes that to fully meet the goals of the interested parties for the text amendment it is their desire that this proposed supervised transitional home use be permitted in a broad range of residential base zones that have a stock of single family detached homes. Therefore staff would recommend that the use be listed as an allowed use in each of the zone use tables for all residential zones, including RL, RM, RH, UCRM, RLP, FS-RL, FS-RM, F-PRD, and S-SMD. Variations of permitting or size limits could be applied by zoning district as well.**

**Occupancy Allowance:**

**Due to the needs of the providers to create a housing option which exceeds the typical occupancies of the residential “family” definition, it is recommended that the text amendment be a group living use.** This would allow the City to establish the number of persons which could occupy the dwelling unit independent of the “family” allowances of the ordinance. As described earlier, the goal of the interested parties is to be able to serve at least three “heads of households or individuals” within a supervised home. Currently, we permit family homes for disabled persons, as defined by the state, with up to 8 individual in a single-family home. A higher level of occupancy would require a different zoning district or special use permit under current standards, see table on Page 2 of this report.

One option is to look at the number of “family units” which could occupy a dwelling unit. While “family unit” is not a defined term in the Zoning Ordinance, staff would view a family unit to include any one group of people who are related by blood, marriage, adoption or other authorized custodial relationship. Therefore, a mother with kids or an individual with no dependents would each be considered one family unit. This would allow some flexibility to the agency managing the units to occupy as necessary to provide their services, but still put a general limit on occupancy of the dwelling to manage potential occupancy issues or concerns for the neighborhoods. One family unit per bedroom up to a maximum of three family units per dwelling unit, not including the permanent supervision could occupy a dwelling unit would meet the goals for operating these uses. A four bedroom house in this situation would have one supervisor and either as few as 3 individuals or 3 family units that could exceed 10 people if there were a large number of dependents in the home, although a specific cap on people would not be stated.

A second option would be to look strictly at the number of occupants in the home. In this scenario there would be a flat cap on occupancy regardless of relationships. For example, a maximum occupancy could be established as two persons per bedroom in a home or to have cap on the total number of people. A four bedroom home could then have one supervisor and a total of 8 occupants. However, with a range of individuals or groups who may be occupying the home for services and the size of the house/dwelling unit this would be difficult in saying what the maximum number of total occupants could be and could then ultimately limit the amount of people or families being assisted by the services. If occupancy was based solely on bedrooms, larger homes would then allow for greater numbers of individuals.

### **Separation Distance to other Supervised Transitional Homes:**

As with other group living uses within the Zoning Ordinance, a separation distance has been established between such uses to prevent a concentration of any one type of use within residential neighborhoods. **Although this use would generally be similar to household living uses in a neighborhood, to ensure compatibility staff believes a separation distance would be appropriate to avoid over concentration in one neighborhood.** In keeping with the same separation of group living uses already established in the ordinance, 500 feet could be set as a separation required between such supervised transitional homes. This would be radial separation measured from the property boundaries. 500 feet would equal one newer suburban block length or two to three block lengths in older neighborhoods with more gridded street patterns. The 500 foot separation could also be required for distance between other group living uses or social service provider uses to address the different combination of uses that could be located within one neighborhood.

### **Parking:**

The Zoning Ordinance currently does not have an established parking ratio for some Group Living uses. The ordinance addresses a ratio for nursing and convalescent homes and a ratio for Greek houses, but does not establish a specific ratio for other transitional living facilities or social services providers. Although there is not a prescribed parking rates for all uses, the Zoning Ordinance does include regulations for front yard parking as well as stacked parking that prohibit these allowances for Group Living uses. This means that no parking in front of a building or on a single-car driveway is allowed to meet any parking requirements for Group Living. Although the proposed supervised homes would be single-family structures, the use of the front yard area for parking would be restricted in the current standards if they have required parking.

Staff does not believe that the described use would have a high demand for vehicle parking, especially with a limit of three “family units” for occupancy of any one dwelling unit. It is anticipated that not all residents would have a vehicle. It is also the intent of some social service agencies to locate homes in areas where transit options are available to the residents. With a three family unit limit, the most vehicles that would be expected would be four, one for the supervisor and up to 1 per family unit. In this case, it is anticipated that a single-family house or two-family home is the likely housing type being used for such use, and as such a single family home or two family home would have been required to provide two parking spaces per unit under current general development standards of the zoning code.

**Staff believes that utilizing existing parking on site with use of public street parking would be sufficient for smaller scale uses; however, if the occupancy of units was greater a parking requirement is probably needed to ensure appropriate integration into a neighborhood.** Staff would also note, that the separation requirement for these facilities would limit the spacing of such units so in an instance where an additional car may need to be parked, one or two additional cars on the street would not cause a large impact to the neighborhood.

If there is an interest in establishing a parking requirement, the Council could consider either establishing a requirement per bedroom or a flat number regardless of bedrooms.

If ultimately the approval process is discretionary rather than administrative, then parking could be considered on a case by case basis of a site and its surroundings. If the Council feels that additional parking should be required, options to address stacked parking or front yard allowances for group living uses may need to be reviewed due to the limits of lot sizes for existing single family or two-family structures.

### **Licensing and Inspections:**

Group Living uses such as shelters, nursing and assisted living facilities, Greek housing, and university housing are all governed under other state licensing requirements which regulate general life safety requirements for the dwellings. Any other form of group living with multiple tenants would be subject to the City's rental housing ordinance and be required to meet minimum life safety elements of the building and fire codes and register the rentals with the City.

The proposed use may not fall under other licensing requirements and would not be regulated under the City's rental housing ordinance if there is no charge of rent for occupants. Some agencies that operate the proposed use may be subject to program monitoring if they receive state or federal funds to operate the homes, but there is no assurance that would be the case in all situations as no state licensing is mandatory for the use.

Staff anticipates that single-family or two-family properties are intended for purchase by agencies or groups that want to provide for the proposed supervised group home. These structures may or may not be compliant with current minimum standards for life safety measures that are applied in the Rental Code. **To ensure some element of minimum life safety, without the need for continued inspection as is done under the rental housing code, staff would suggest establishment of minimum standards for review at the time of application for the use.** Such requirements could include proof of operable windows, means of egress, egress windows/emergency escape openings, and minimum fire protection systems addressing equipment to detect a fire, actuate an alarm, or suppress or control a fire in accordance with the International Fire Code. If this was the direction for these types of uses, the Fire Department would need to assist in finalizing some general standards for approval of such use. However, these types of requirements exceed what a single family home owner must do for purchase and use of a property and would make it similar to how a rental property is evaluated currently.

### **Approval Process:**

In zones where Group Living uses are currently allowed, the approval authority is either an administrative approval through a Minor Site Development Plan or a Special Use Permit approved by the Zoning Board of Adjustment. The Minor Site Development Plan allows the use by right. However, the Zoning Ordinance typically assumes site improvements are needed through a plan review of such improvements. The Special Use Permit requires a more case-by-case basis consideration of a project focusing on the use and its design and layout.

In this case, it is assumed that the use would be occupying either existing single-family or two-family dwellings, and therefore would not be subject to typical site plan review

improvement needs as with other uses. However, with the proposed use limitations, occupancy and separation distance standards recommended for the creation of the new group living use, there is a need for a permit of some type to verify compliance with the regulations. **Staff believes that the issues of registering a small transitional home and verifying compliance can be done administratively if objective standards are in place. Alternatively, the proposed use could be reviewed by the ZBA if there are elements of the building and occupancy or issues with compliance with such items as separation distance or parking on site that merit a case by case review to determine appropriateness of the use on a site and compatibility with its surroundings.**

### **ALTERNATIVES:**

1. Approve by Staff with an Administrative Zoning Permit.

Through an administrative approval process granting the authority for staff to approve the supervised transitional home meeting the follow requirements:

- Use meets the definition of “Supervised Transitional Home” as defined above;
- Occupancy limited to a maximum of 8 occupants per dwelling unit;
- Separation Distance of 500 feet to any other supervised transitional home;
- No additional parking above the code required parking established based on the dwelling type (two parking stall per dwelling unit for single family and two-family housing types);
- Meet minimum life safety requirements for operable windows, egress windows, and fire detection/suppression equipment prior to the approval of a permit (no ongoing licensing or inspections);
- Allow within all residential zoning districts, only within a single-family structure (attached or detached).

2. Approve by Zoning Board of Adjustment with a Special Use Permit.

For a more managed approach, a Special Use Permit approval process authorizing the authority for the Zoning Board of Adjustment to approve the supervised transitional home meeting the follow requirements:

- Use meets the definition of “Supervised Transitional Home” as defined above;
- Occupancy limited to one family unit per bedroom with no limit on the total number of occupants within a dwelling unit;(could specify a max. limit)
- Separation Distance of 500 feet to any other supervised transitional home;
- Parking evaluated as part of the Special Use Permit criteria;
- Meet minimum life safety requirements for operable windows, egress windows, and fire detection/suppression equipment prior to occupancy;
- Allow within all residential zoning districts, only within a single-family structure (attached or detached).

3. Approve the program elements recommended by the Planning and Zoning Commission.
4. Approve any other combination of standards and/or approval processes.

**Planning and Zoning Commission Recommendation:**

At the meeting of July 20, 2016, the Planning and Zoning Commission discussed the individual issues described by staff and options for a text amendment for a “Supervised Transitional Home” use. Notable parts of the discussion by the Commission included the occupancy limits in terms of total persons and house size and how well a large number of people in one house will integrate into a low density area. **The Commission eventually settled upon a maximum of 8 occupants plus a supervisor, regardless of the house size.** The Commission also discussed the locations these uses could be allowed and how concentration could be an issue. They ultimately supported allowing for the use in all zoning districts with single-family homes.

The Commission also discussed the approval process in some length noting a concern for continued review after approval and not just a onetime approval. **The Commission favored an administrative approval with clear guidelines over the special use permit case-by-case public hearing review when considering all of the factors described above.** The Commission was interested in if the use could be part of a City licensing program for potential life safety interests, since the use may not be reviewed under other state, federal, or local rental licensing requirements.

With a vote of 5-0, the Commission recommended that the City Council approve text amendments to the Zoning Ordinance that will allow for the creation of a Supervised Transitional Home as a permitted use in all residential zones, with occupancy limits of a maximum of 8 people (plus supervisor), separation requirements of 500 feet, and the establishment of a new zoning permit for the site and structure (renewed periodically after inspection).

**MANAGER’S RECOMMENDED ACTION:**

The proposed Supervised Transitional Home regulations are tailored to the needs of local social service agencies to increase opportunities for a housing service that has limited options within the current Zoning Ordinance. **In order to move ahead to accommodate this request, the City Council must first decide whether or not the expansion of this type of use with greater occupancy will negatively impact adjacent neighborhoods.** If the Council decides to address this request to expand options for Supervised Transitional Home group living, staff believes the described standards are supportive of the general amendment request of the social service agencies and provides a framework to address how such a use can be incorporated into the community.

Staff has tried to outline the most critical issues and its understanding of the needs for this type of housing option to allow the City Council to give direction on the drafting of an ordinance. Alternative #1 describes a defined administrative process and standards



that works with a cap of 8 residents and a mandatory supervisor within a single home. With a cap of 8 persons, staff believes that a balance is struck between potential impacts on a neighborhood and desires of the social service providers to provide an efficient level of service to their clients. The combination of the 8 person cap and the 500-foot separation requirement also supports allowing for the use within all zoning districts of the City and not limiting them to just high density areas.

**Therefore, it is the recommendation of the City Manager that the City Council direct staff to prepare a zoning ordinance text amendment to support adding the use of a supervised transitional home to the Zoning Ordinance by incorporating Alternative #1 as described above.**

# Attachment A

## Letter

CITY MANAGER'S OFFICE

APR 21 2016

April 20<sup>th</sup>, 2016

CITY OF AMES, IOWA

To the honorable Mayor and City Council of Ames, Iowa.

We would like the City of Ames to consider initiating a text amendment that would create a "transitional housing" type of use permitted within residential zoning districts. There is a need to create such a use since most residential zoning districts restrict Group Living and Social Service Provider uses from facilities in single-family home areas and there are very few medium or high density residential zoned properties that can meet the needs of local and incoming social service providers.

Our group is currently working to provide necessary services to the community that provide transitional living arrangements to youth and adults who are fighting addiction and seeking recovery from life trauma that has left them homeless or in need of housing. All of the facilities that we are promoting have live-in supervision and would have reasonable maximum occupancies and lengths of stay.

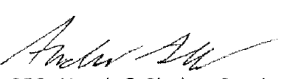
Please let me know if you have any questions. I will make myself and anyone from our group completely available to council and staff as the need arises.

Roger L. Wheeler



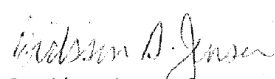
Broker Associate, Century 21 SRE

Andrew Allen




CEO, Youth & Shelter Services

Dickson Jensen



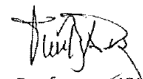
President, Jensen Group

Mike Easton



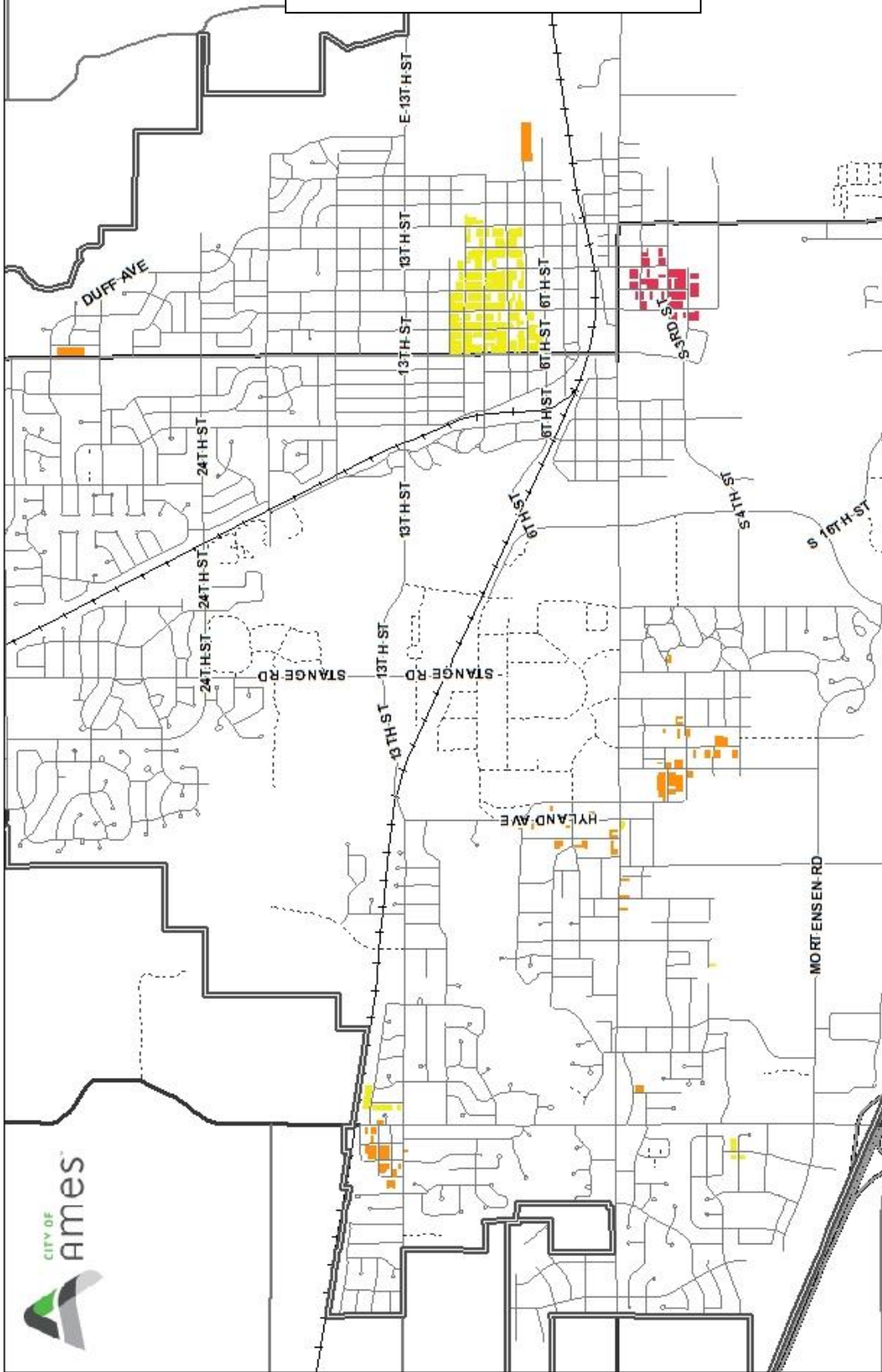
Cornerstone Church

Tim Day

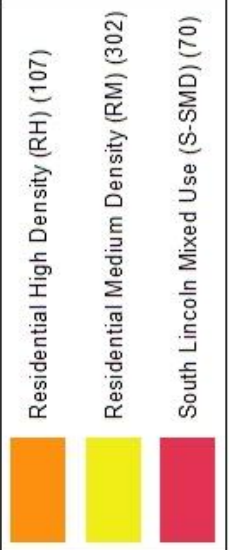


Professor, ISU

# Attachment B



## Single Family and Two-Family Properties in the RM, RH and S-SMD Zoning Districts.



## **Attachment C Land Use Policy Plan**

### Related Goals and Objectives

**Goal No. 4.** It is the goal of Ames to create a greater sense of place and connectivity, physically and psychologically, in building a neighborhood and overall community identity and spirit. It is the further goal of the community to assure a more healthy, safe, and attractive environment.

Objectives. In achieving an integrated community and more desirable environment, Ames seeks the following objectives.

- 4.A. Ames seeks to establish more integrated and compact living/activity areas (i.e. neighborhoods, villages) wherein daily living requirements and amenities are provided in a readily identifiable and accessible area. Greater emphasis is placed on the pedestrian and related activities.
- 4.B. Ames seeks to physically connect existing and new residential and commercial areas through the association of related land uses and provision of an intermodal transportation system.
- 4.C. Ames seeks to psychologically connect the various living/activity areas through closer proximity of residential areas and supporting commercial uses, common design elements, and inclusion of community amenities such as parks and schools. The connections should promote community identity.

**Goal No. 5.** It is the goal of Ames to establish a cost-effective and efficient growth pattern for development in new areas and in a limited number of existing areas for intensification. It is a further goal of the community to link the timing of development with the installation of public infrastructure including utilities, multi-modal transportation system, parks and open space.

Objectives. In defining the growth pattern and timing of development, Ames seeks the following objectives.

- 5.C. Ames seeks the continuance of development in emerging and infill areas where there is existing public infrastructure and where capacity permits.

...

**Goal No. 6.** It is the goal of Ames to increase the supply of housing and to provide a wider range of housing choices.

Objectives. In increasing housing opportunities, Ames seeks the following objectives.

- 6.C. Ames seeks to establish higher densities in existing areas where residential intensification is designated with the further objective that there shall be use and appearance compatibility among existing and new development.

...