

TRANSITIONAL LIVING

Public Open House

August 25, 2020

DISCUSSION DRAFT TRANSITIONAL LIVING FACILITY

City Council adopted
moratorium – ends Nov. 18th

Started work in June looking at
other communities

Gained information from public
& providers in past 2 months

City created Discussion Draft in
order to get public comments



WHAT IS A TRANSITIONAL LIVING FACILITY?

Currently called “alternative to imprisonment” in the City Zoning Ordinance.

The use would be re-named to transitional living.

Housing for persons on pre-release, work-release, probationary, parole, etc. Helps individuals transition back into the community.





HOW DID THIS USE COME ABOUT?

This use was under the group homes category as a conditional use.

Prior to 2005

A new use was created for alternative to imprisonment facilities, requiring a special permit.

2005

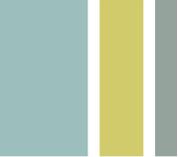
The first special permit applications were received in 2020.

2020



HOW DOES THE CITY ALLOW TRANSITIONAL LIVING TODAY?

- Allowed by special permit in the AGR and R-1 through R-8 zoning districts, and by right in the B-4 district.
- There are no specific conditions under the special permit.
- Special permits have public hearing before the Planning Commission, who votes to approve or deny.



HOW DOES THE CITY TREAT SIMILAR USES?

Transitional living falls into the Group Living category, which includes several other uses:

Children's homes	Fraternities and sororities
Domestic shelters	Group homes
Residential healthcare facilities	Dwellings for non-related persons
Dwellings for religious orders	Homeless shelters



Definition of a Family:

One or more persons immediately related by blood, marriage, or adoption and living as a single housekeeping unit in a dwelling shall constitute a family. A family may include, in addition, not more than two persons who are unrelated for the purpose of this title.

DRAFT Definition of Transitional Living:

Transitional Living Facility Transitional Living facility shall mean a facility in which more than three but less than sixteen persons who are unrelated by blood, marriage, or adoption reside under supervised alternative to imprisonment programs including, but not limited to, diversion, pre-release, work-release, parole, probationary, and residential re-entry programs or other housing.



Definition of a Group Home:

Group home a building used as any one of the following:

More than three but less than sixteen disabled persons who are unrelated by blood, marriage, or adoption reside while receiving therapy or counseling, but not nursing care;

24-hour daily care, supervision, for more than three but less than sixteen children, in lieu of the care normally by parents in own home

Disability shall mean:

A physical or mental impairment which substantially limits one or more of such person's major life activities;

A record of having an impairment; or regarded as having impairment

Disability shall not include current, illegal use of or addiction to a controlled substance as defined by state law



Group Home vs Draft Definition of Transitional Living:

Both 4 to 15 unrelated persons

Transitional Living: primarily supervised pre-release, work-release, parole, probationary housing

Group Home: primarily housing with therapy and counseling for disabled persons – which can include persons with disability who are on parole, probation, etc.

People who are in recovery from substance abuse are considered as having a disability under state and federal law



Group Home is allowed as Conditional Use:

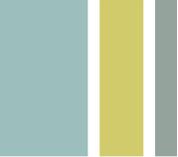
Allowed in all residential districts,

Must be licensed by the State

Spacing requirement between group homes:

2,640 feet spacing in the AG, AGR, R-1 to R-3 zoning districts

1,200 feet spacing in R-4 to R-8 zoning districts



WHY IS A TEXT AMENDMENT PROPOSED?

Transitional living fulfills a valuable need in the community.



Better guidance is needed to clarify the review process for everyone involved.



Goal: Establish conditions for transitional living that are appropriate for Lincoln.

HOW DO OTHER CITIES ADDRESS TRANSITIONAL LIVING?

OMAHA	KANSAS CITY, MO	LEXINGTON, KY
<p>Special use permit required in higher density residential, office/commercial and industrial districts. Conditional use in the mixed-use district.</p>	<p>Requires a special permit. Allowed in one higher-density residential district.</p>	<p>Allowed in agricultural, commercial, and some residential districts. Varies by district whether a permitted or conditional use.</p>
<p>Spacing: ½ mile to other transitional living facilities.</p>	<ul style="list-style-type: none"> • Spacing: 1,500 feet from other halfway houses, group living, day cares; 500 feet from schools. • Minimum lot and floor area. • Permit is valid for 2 years but may be renewed. 	<p>Spacing: Varies from 500 feet from other allowed uses, schools and daycares, to no spacing depending on the district.</p>



ZONING DISTRICTS

Currently
allowed in:

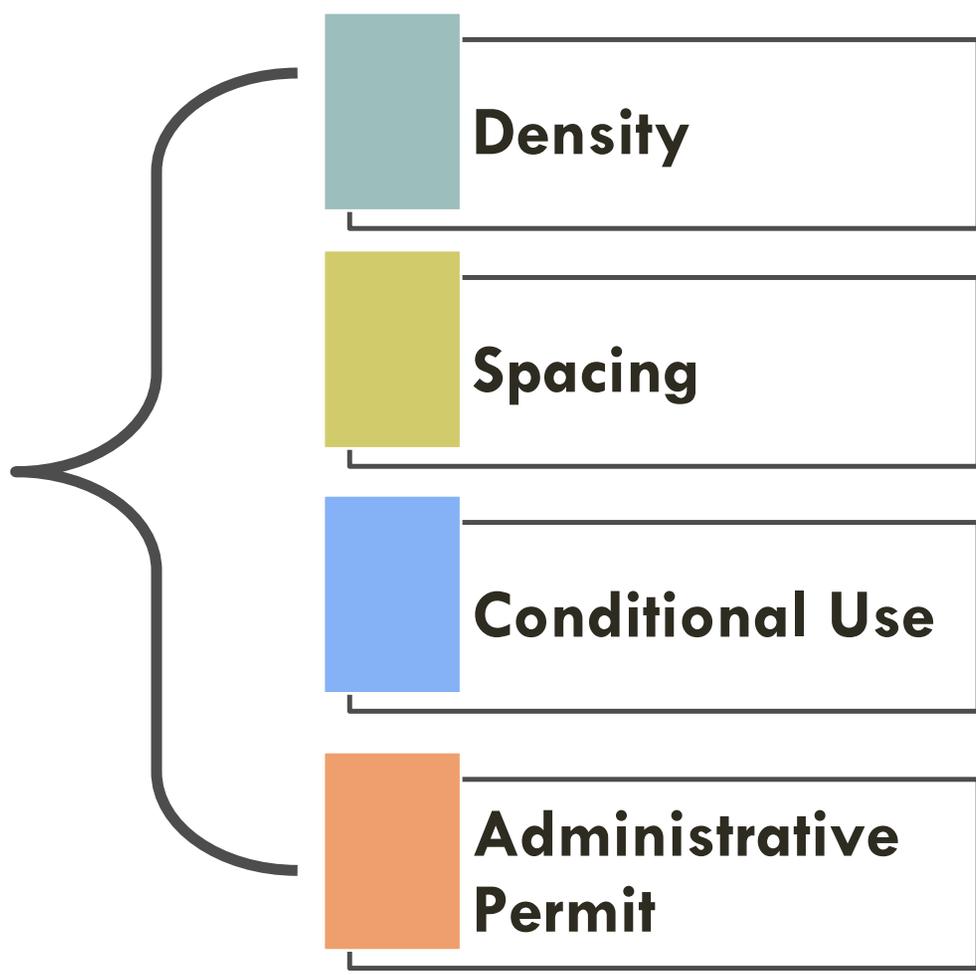
AGR, R-1
through R-8,
and B-4 districts

DRAFT to also
allow in:

O-1, O-3, R-T
and B-5 districts



ELEMENTS OF THE DISCUSSION DRAFT





SET A MAXIMUM NUMBER OF RESIDENTS

District	Max. per Dwelling	Max. per Premises
R-1 through R-4 districts	6	6
R-5 through R-8 districts	6	12
Commercial districts	N/A	15



REQUIRE SPACING TO OTHER SIMILAR USES

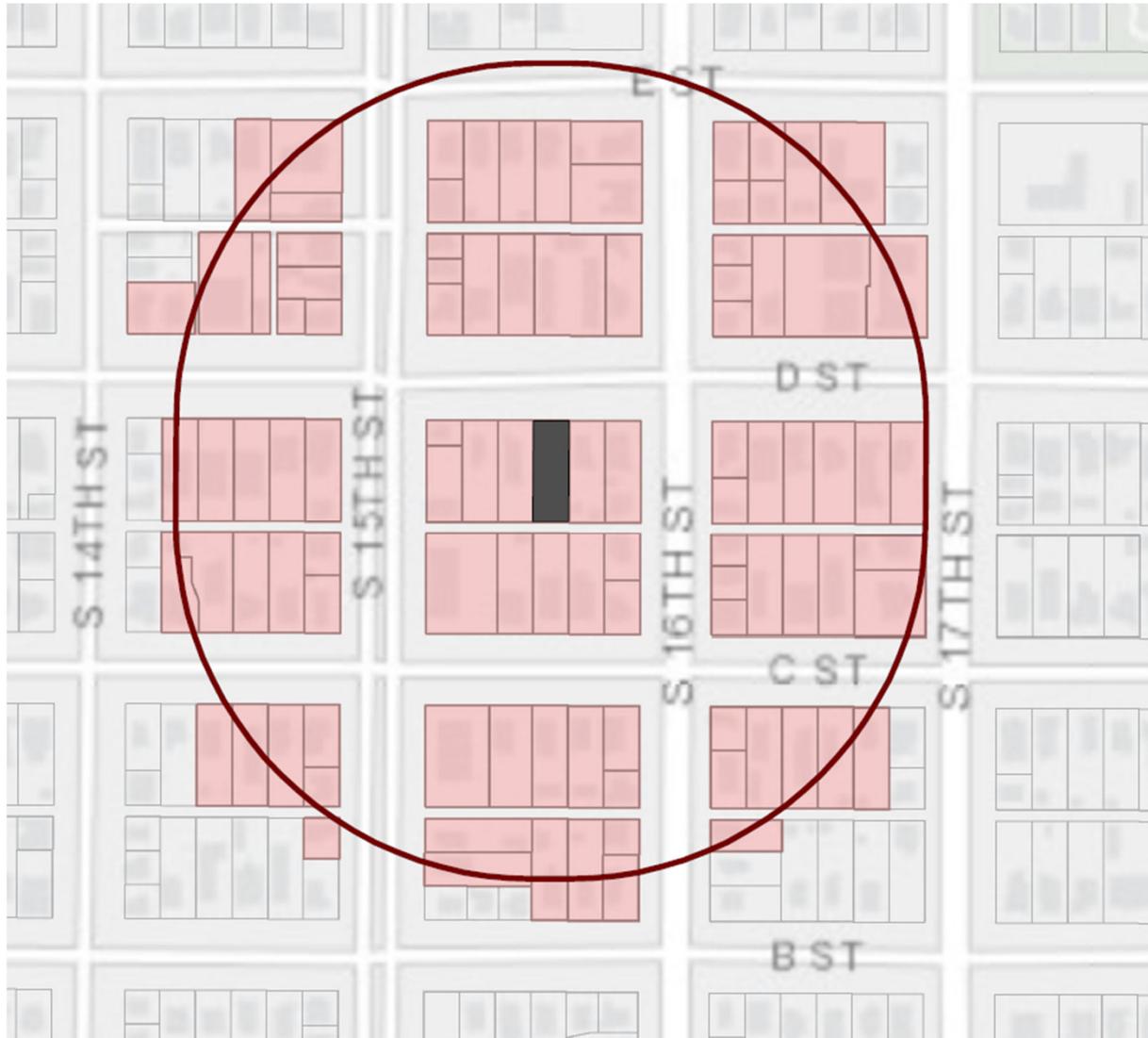
1,000 feet in the AGR and R-1 through R-4 districts.

500 feet in the R-5 through R-8, O-1, O-3, R-T, B-4 and B-5 zoning districts.

- Other transitional living
- Domestic shelters
- Homeless shelters
- Fraternities and sororities
- Group homes
- Residential healthcare facilities by special permit

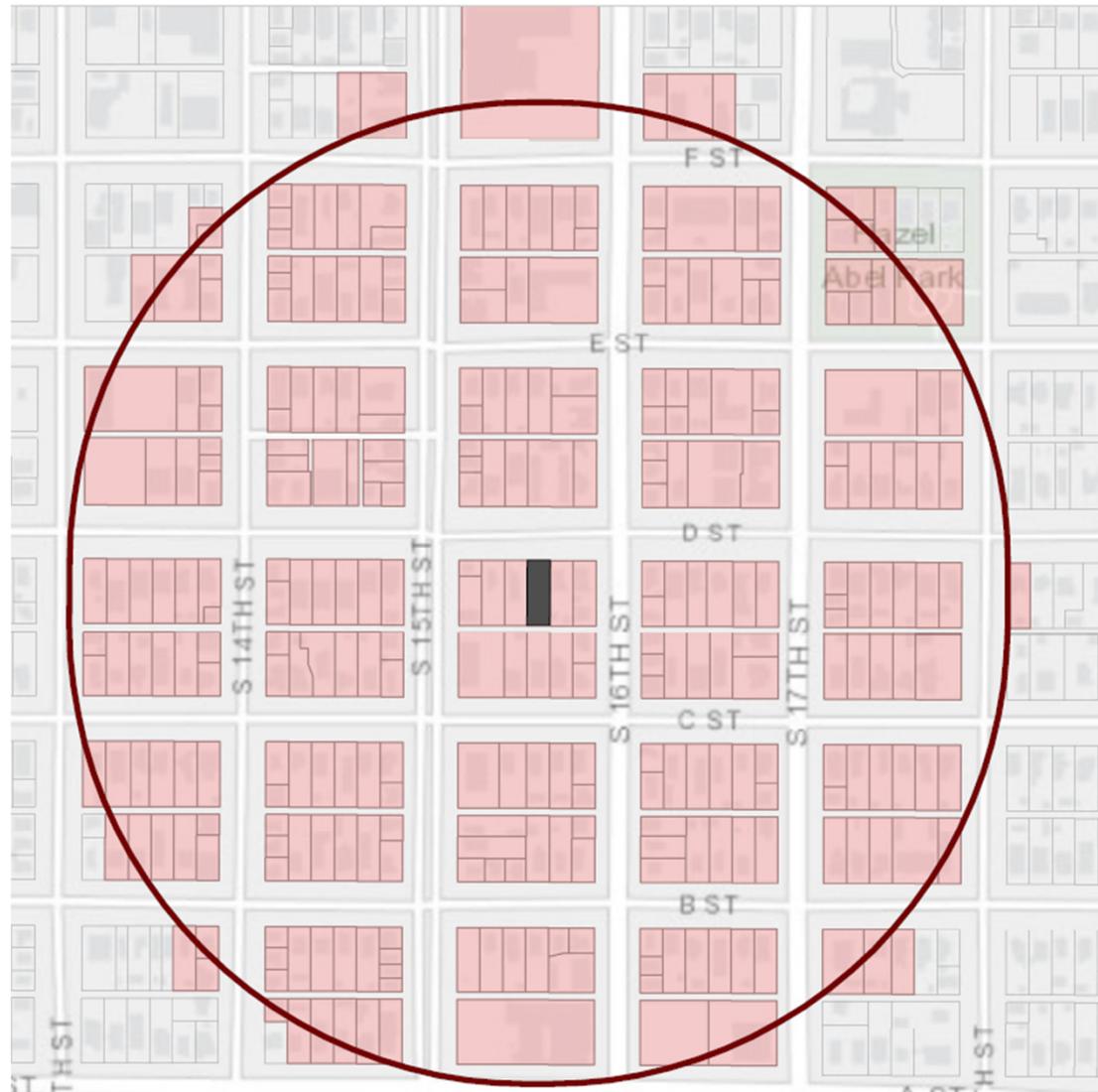


500 FT. SPACING





1,000 FT. SPACING





CHANGE THE USE FROM SPECIAL PERMITTED TO CONDITIONAL

If a facility met all conditions, the operator could apply for building permits -- no public hearing would be required

Why Conditional Use?

- The conditions should address the main concerns of neighbors (number of residents, spacing, etc.)
- Hearings could result in inconsistent approvals and would not provide a clear benefit



ADMINISTRATIVE PERMIT

- AGR and R-1 through R-8 districts
- Provides additional oversight. Approved internally by Planning Director
- Submittal would include a site and floor plans, conversion plan for how the facility could be converted to traditional housing

OTHER CONDITIONS

Design Standards: New buildings in the R-1 through R-8 districts would have to meet Neighborhood Design Standards.

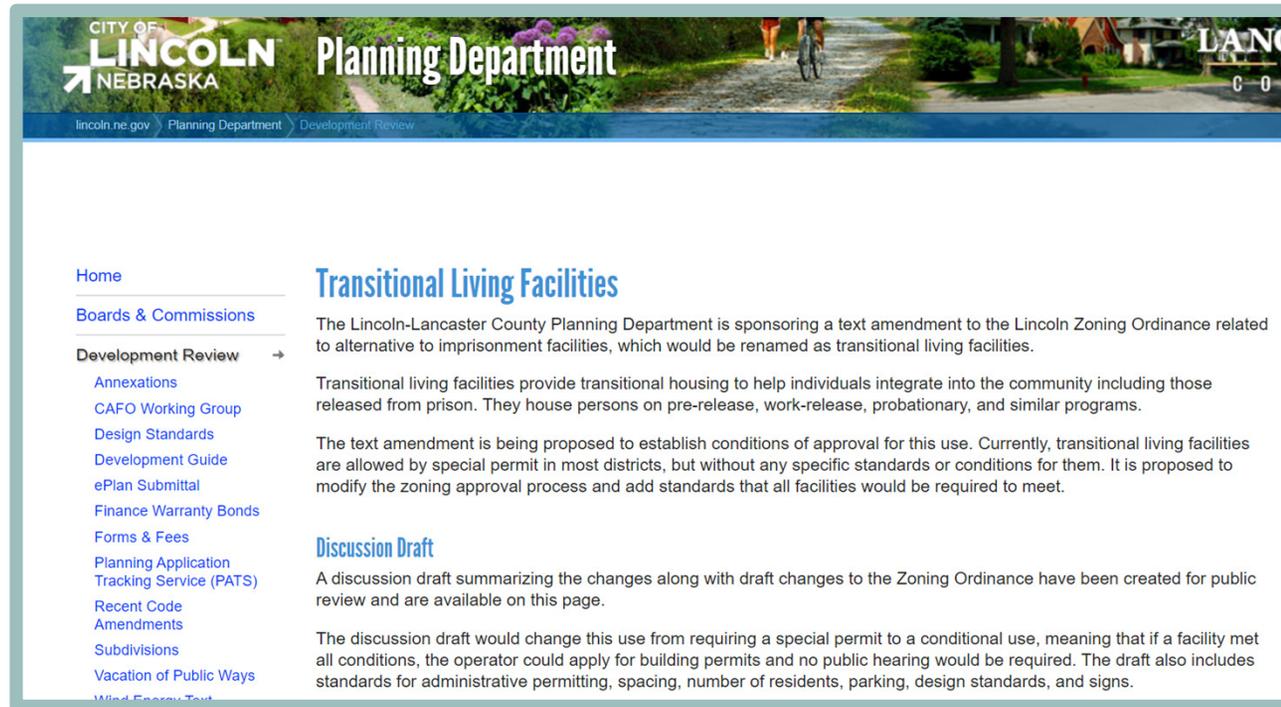
Parking: 1 space per 3 client or employee residents, plus 2 spaces per three nonresident employees. No spaces required for residents without a driver's license.

Signs: Prohibited.

WEBSITE

www.lincoln.ne.gov (keyword: transitional living)

- View draft text changes
- More information and background
- Submit comments to the Planning Department
- Contact:
rjones@lincoln.ne.gov



The screenshot shows the website for the City of Lincoln, Nebraska, Planning Department. The header includes the city logo and the text "CITY OF LINCOLN NEBRASKA Planning Department". Below the header is a navigation bar with links for "lincoln.ne.gov", "Planning Department", and "Development Review". The main content area features a sidebar with a "Development Review" menu containing links to "Annexations", "CAFO Working Group", "Design Standards", "Development Guide", "ePlan Submittal", "Finance Warranty Bonds", "Forms & Fees", "Planning Application Tracking Service (PATS)", "Recent Code Amendments", "Subdivisions", "Vacation of Public Ways", and "Wind Energy Text". The main content area is titled "Transitional Living Facilities" and contains three paragraphs of text. The first paragraph states that the Lincoln-Lancaster County Planning Department is sponsoring a text amendment to the Lincoln Zoning Ordinance related to alternative to imprisonment facilities, which would be renamed as transitional living facilities. The second paragraph explains that transitional living facilities provide transitional housing to help individuals integrate into the community, including those released from prison. The third paragraph describes the text amendment, which is being proposed to establish conditions of approval for this use. A "Discussion Draft" section follows, stating that a discussion draft summarizing the changes along with draft changes to the Zoning Ordinance have been created for public review and are available on this page. The final paragraph explains that the discussion draft would change this use from requiring a special permit to a conditional use, meaning that if a facility met all conditions, the operator could apply for building permits and no public hearing would be required. The draft also includes standards for administrative permitting, spacing, number of residents, parking, design standards, and signs.



NEXT STEPS

Comment period on draft through September 15th

September 14th – Mayor’s Neighborhood Roundtable

September 30th – Planning Commission hearing

October 19th – City Council hearing (tentative)



QUESTIONS OR COMMENTS