Draft Changes to Title 27 - Zoning for Transitional Living Facilities

Chapter 27.02 DEFINITIONS

27.02.020 A.

~~**Alternative to Imprisonment Facility**~~**Transitional Living Facility** ~~Alternative to imprisonment~~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 ~~a~~ supervised alternative to imprisonment programs ~~of alternatives to imprisonment~~ including, but not limited to, diversion, pre-release, work-release, parole, ~~and~~ probationary, and residential re-entry programs or other housing. ~~Such facilities shall be licensed or approved by the State of Nebraska or other appropriate agency if so required.~~

27.02.090 H.

Health Care Facility, Residential Residential health care facility shall mean a building or structure that is to be used in a residential nature, licensed or approved by the state or an appropriate agency, if required. Residential health care facility could include but would not be limited to the following types of facilities: Assisted Living, Nursing Care, Memory Care, Convalescent Home, Hospice Home, Group home for 16 or more people, Transitional living facility for 16 or more people, and Intermediate Care, and may include independent living units.

Chapter 27.06 USE GROUPS

27.06.080 Group Living Use Group.

[P = use permitted by right; C = conditional use; S = special permitted use]

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5
~~Alternative to imprisonment facilities~~Transitional living facilities		~~S~~C	~~S~~C	~~S~~C	~~S~~C	~~S~~C	~~S~~C	~~S~~C	~~S~~C	~~S~~C	C		C	C				~~C~~P	C

Chapter 27.63 SPECIAL PERMITS

~~27.63.750 Alternative to Imprisonment Facility.~~

~~Alternative to imprisonment facilities may be allowed by special permit in the AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 zoning districts.~~

Chapter 27.62 CONDITIONAL USES

27.62.50 Group Living Use Group

A building or premises may be used for the following use types as a permitted conditional use in the designated zoning districts and in compliance with the conditions of approval applicable for that use type.

a. Domestic shelters are allowed in the AG, AGR, R-T and all residential zoning districts under the following conditions:
   1. The distance between the proposed use and any existing domestic shelter measured from lot line to lot line shall not be less than one mile.
   2. The maximum number of residents occupying the shelter shall not exceed one person per:
      i. 3,000 square feet of lot area in the AG, AGR and R-1 zoning districts;
      ii. 2,000 square feet of lot area in the R-2, R-3 and R-T zoning districts;
      iii. 1,000 square feet of lot area in the R-4 zoning district;
      iv. 750 square feet of lot area in the R-5, R-6, R-7 and R-8 zoning districts.

b. Group homes are allowed in the AG, AGR, R-T and all residential zoning districts under the following conditions:
   1. Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska.
   2. The distance between the proposed use and any existing group home measured from lot line to lot line is not less than:
      i. One-half mile in the AG, AGR, R-1, R-2, R-3 and R-T zoning districts;
      ii. 1,200 feet in the R-4, R-5, R-6, R-7 and R-8 zoning districts.

c. Transitional living facilities are allowed in the AGR, O-1, O-3, R-T, B-4, B-5, and all residential zoning districts under the following conditions:

   1. The maximum number of persons who may reside in the facility is as follows. For purposes of this section, a building containing more than one dwelling unit used for the purpose of transitional living shall be considered one facility.
      i. AGR and R-1 through R-4 zoning districts: Maximum 6 persons per dwelling unit; maximum 6 persons per premises.
      ii. R-5 through R-8 zoning districts: Maximum 6 persons per dwelling unit; maximum 12 persons per premises.
      iii. O-1, O-3, R-T, B-4 and B-5 zoning districts: Maximum 15 persons per premises.
   2. The distance between the proposed use and any other existing such use or any temporary shelter for the homeless, group home, domestic shelter, fraternity or sorority, or approved special permit for a residential healthcare facility measured from lot line to lot line is not less than:
      i. 1,000 feet in the AGR and R-1 through R-4 districts;
      ii. 500 feet in the R-5 through R-8, O-1, O-3, R-T, B-4, and B-5 zoning districts.
   3. Construction of new principal buildings in the R-1 through R-8 zoning districts shall meet the Neighborhood Design Standards regardless of the facility location.

4. No signs are permitted for the transitional living facility.
5. Transitional living facilities in the AGR and R-1 through R-8 zoning districts may be approved by administrative permit issued by the Planning Director. An application for an administrative permit shall include:
    i. A site plan showing the entire limits of the permit area including the facility location, parking areas, all buildings and property lines.
    ii. The proposed interior floor plan including total floor area.
    iii. A description of proposed changes to the interior or exterior of the facility, if an existing building will be modified, or a description of proposed new buildings.
    iv. In the AGR and residential districts: A conversion plan demonstrating that the facility shall be designed in such a way that it may be reasonably converted to a residential use allowed by right that is compatible with the surrounding residential area. The conversion plan shall include the following:
        a. A site plan showing the proposed building after the transitional living facility has left showing the layout for a residential use allowed by right in the zoning district.
        b. An elevation of the proposed building for any side facing a public or private street.

Chapter 27.67 PARKING

27.67.040 Parking Requirements; Special Conditions.

a. Group homes and transitional living facilities: One space per three client or employee residents, plus two spaces per three nonresident employees on the largest shift; provided, however, that no spaces shall be required for client residents who will not possess motor vehicle operator's licenses. Appropriate documentation from the group home licensing agency shall be provided evidencing the non-possession of motor vehicle operator's licenses by clients.