



# TRANSITIONAL LIVING

## Summary of Revisions to the Draft Changes

Thank you to everyone who participated in the open house meeting on transitional living and submitted comments. It is clear that while this proposal addresses the topic from a land use perspective, it is also a human issue that invokes strong feelings and very real concerns.

We received many good and useful comments over the past several weeks. Based on that information, the Planning Department made several changes to the draft. The following is a summary of the changes that were made, as well as those that were considered, and the reasoning for each.

The revised changes can be viewed on the transitional living website at [lincoln.ne.gov/city/plan/dev/transitional/index.htm](http://lincoln.ne.gov/city/plan/dev/transitional/index.htm) OR [lincoln.ne.gov](http://lincoln.ne.gov) (keyword: transitional living).

Additional documents for the text amendment are available at <https://app.lincoln.ne.gov/asp/city/pats/default.aspx> (type the application number TX20006 in the search bar).

### Changes in the Revised Draft

- **Definition of “Transitional Living Facility”.**
  - The reference to the word “supervised” was deleted from the definition, in favor of adding the term “affiliated” in reference to the alternative to imprisonment programs. This stresses that the facilities must be affiliated with some type of larger program or organization.
  - The prior maximum cap of 15 persons for this land use was deleted. Previously, it was proposed that facilities of more than 15 persons would be considered a residential healthcare facility. Instead, it is proposed that facilities over 15 persons would still be considered transitional living. It is now proposed that in commercial zoning districts only, there would be no zoning cap on number of residents. The zoning cap on number of residents sets the maximum potential number of persons and is separate from the number of persons who could be accommodated in a given facility under building and fire codes. The maximum densities proposed in residential zoning districts were not changed.

- **Definition of “Residential Healthcare Facility”.** Changes to this definition were eliminated, considering the changes described above where facilities of over 15 persons would still be considered transitional living rather than a healthcare facility. Many transitional living facilities will not provide formal treatment programs, so it was decided that larger facilities should not be classified as healthcare facilities.
  
- **Density.** The cap on maximum number of residents was removed for commercial districts only, to allow for the establishment of larger transitional living facilities. The maximum densities proposed in residential zoning districts were not changed and are proposed to be lower to reduce impacts on neighborhoods.
  
- **Spacing.** The spacing requirement was removed in those zoning districts that require approval of a Use Permit prior to development (O-3 and B-5 districts). A Use Permit involves obtaining approval for site, grading, utility and similar plans through the Planning Commission or City Council. In Use Permit districts, the appropriateness of a proposed transitional living and spacing can be reviewed as part of the Use Permit process. Although the R-T Residential Transition district is also a Use Permit District, the spacing requirement was retained in R-T because group living uses (currently, group homes and domestic shelters) do not require a Use Permit.
  
- **Zoning Districts.** The transitional living use was added to the AG Agricultural District. Transitional living would be permitted as a conditional use in all of the same zoning districts where group homes are allowed.
  
- **Administrative Permit (AG, AGR and Residential Zoning Districts)**
  - A condition was added that would require submission and approval of a maximum stated number of residents and employees.
  - A condition was added requiring` the provider/operator name and contact information. The provider would also be required to provide updated contact information to the City if it were to change. This would be public information that could be shared upon request.
  - A condition was added requiring the Planning Director to notify all property owners within 200 feet of an approved administrative permit for a transitional living facility within 10 days of approval.
  - Conditions for revocation of the administrative permit were added; namely, for failure to operate in accordance with the applicable conditions, or for violating the law.

## Other Changes That Were Considered

- **Density.** The allowed density was not reduced below 6 persons for a single family dwelling in a residential district. Transitional Living is a type of group living use, and group living uses are intended to permit residential densities above what would be allowed under the zoning definition of a “family”. With the proposed conditions regulating other aspects of land use for transitional living, the proposed density is appropriate.
- **Programming and Internal Operations.** A topic brought up frequently during the public process involves setting standards for programming, supervision, and staffing. Because these are not zoning issues, they are not addressed in the proposed changes. There are existing ways to address a variety of concerns that might be raised. For example, concerns about the condition of the building or legality of the land use can be directed to the Building & Safety Department. Concerns about a lack of programming or supervision can be directed to the State or other entity overseeing the facility or operator. Noise and parking complaints can be directed to the Health Department and Police Department, respectively.
- **Time limit for approval and preventing approvals from running with the land.** Administrative permits, like special permits, are tied to the property and not to a specific operator. The operator or landowner could change over time. If a new operator wants to take over running an existing approved transitional living facility, they would be required to meet the same conditions under which the facility was first approved. To help address neighbor concerns, a requirement was added to the administrative permit that the City be notified and given updated contact information whenever there is a change.
- **It was suggested to restrict transitional living to commercial areas on the basis that it should be considered a commercial use.** Transitional living is a type of housing, which is a residential use, and it should be allowed in residential areas under appropriate conditions like other types of group living facilities.
- **Setback to parks, schools and daycares.** The spacing outlined in the draft text is focused on ensuring that similar types of group living uses do not overwhelm an area in terms of the land uses impacts they could create, such as density and parking. Because parks, schools and daycares are not similar types of facilities to transitional living, they were not included in the spacing. The spacing is intended to avoid clustering of similar uses, and not to provide a “setback.” The standard setback in most residential districts to neighboring properties and residents is 5 or 10 feet. Therefore, there is not a need to create additional setbacks to schools, parks or daycares from this residential use.