

To: *Planning and Zoning Commission*
From: *City of Dickinson Community Development Team*
Date: *May 8, 2024*
Re: **ZTA-001-2024 Group Living Facilities Zoning Code Text Amendment**

APPLICANT

Name: City of Dickinson Community Development
Address: 38 1st Street West
City: Dickinson ND 58601

Public Hearing	<i>May 8, 2024</i>	<i>Planning and Zoning Commission</i>
Public Hearing	<i>May 21, 2024</i>	<i>City Commission</i>
Final Consideration	<i>June 4, 2024</i>	<i>City Commission</i>

EXECUTIVE SUMMARY

City Development Services staff recommends approval of the proposed Group Living Facilities Zoning Code Text Amendment

CONTEXT

Background – *On March 21, 2023, the Dickinson City Commission directed Community Development staff to draft an amendment to the City’s Zoning Code addressing homeless shelters. Since that City Commission meeting Community Development staff have performed the following tasks to develop a group living facilities zoning ordinance amendment:*

- *Reviewed zoning ordinances within North Dakota and from other states;*
- *Met on several occasions with the Southwest Homeless Coalition, Inc. and the CHI CHNA Affordable Housing Workgroup;*
- *Provided presentations at the November 15, 2023 and April 10, 2024 Planning and Zoning Commission meetings; and*
- *Participated in a meeting on March 11, 2024, that included Community Development staff meeting that included Commissioners Baer and Odermann, City Administrator Dassinger, and Community Development staff; and*
- *Met with the City Development Review team on April 30, 2024.*

Analysis - *The primary features of the proposed amendments are as follow:*

- *A group living facility use is described as residential occupancy by a group of people who do not meet the definition of a family are found in Section 39.02.009. The group living use does not apply to the Group Care Facility and Group Home uses found in Section 39.03.005. Group Living uses include, but are not necessarily limited to, the following:*
 - *Family shelters;*
 - *Group facilities;*
 - *Unhoused facilities;*
 - *Supportive housing; and*
 - *Transitional housing.*
- *A group living facility would be allowed as a special use in the following zoning districts*
 - *High-Density Residential (R-3);*
 - *Mobile Home Residential (MH);*
 - *Limited Commercial (LC);*
 - *Community Commercial (CC);*
 - *Downtown Commercial (DC); and*
 - *General Commercial (GC).*
- *Special uses require a public hearing before the City Planning and Zoning Commission and final approval by the City Commission.*
- *As part of the Special Use Permit application process, an applicant would, at a minimum, provide the following:*
 - *A complete statement of the types of services to be provided, including a client case management plan as well as the provision of “wrap around” services;*
 - *Consent to a background investigation of the owner/operator of the facility;*
 - *A list of required licenses and/or certificates, if any;*
 - *A list of agencies expected to provide services at the facility;*
 - *The applicant's history of residency, employment, and business ownership for five years prior to the date of the application;*
 - *A copy of the facility's house rules and regulations;*
 - *A copy of the facility's on-site security plan;*
 - *A copy of the facility's on-site emergency management plan, to include contingencies for fire, tornado, and other natural disaster;*
 - *Any additional information deemed necessary by Development Services, the Planning and Zoning Commission, and/or the City Commissioner.*
- *The permit holder shall be required to conduct an annual compliance audit. The results of the compliance audit shall be made available to the Planning and Zoning Department.*

- *The permit holder shall appear annually before the Planning and Zoning Commission for special use permit renewal.*
- *The special use permit shall not be transferable.*
- *No Group Living use may be located within 300 feet of another Group Living use.*
- *All outdoor activity associated with the use shall be screened from public view and from the view of adjacent properties if located within 150 feet of a single-family residential zoning district*
- *Lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. Lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood.*
- *The permit holder shall be required to conduct an annual compliance audit. The results of the compliance audit shall be made available to the Planning and Zoning Department.*
- *The permit holder shall appear annually before the Planning and Zoning Commission for special use permit renewal.*
- *The special use permit shall not be transferable.*

Attachment A *includes the proposed zoning ordinance text amendments.*

- **PUBLIC INPUT**

As of the date of this report, City staff has not received any public comments.

- **STAFF FINDINGS-** *Staff finds the proposed Group Living Facilities text amendments consistent with the following objective of Chapter 7-Housing of the Dickinson 2035: Roadmap to the Future Comprehensive Plan:*

Objective 5: Support Southwest Homeless Coalition activities to create a homeless or transitional shelter.

Staff finds the proposed Group Living Facilities text amendments consistent with the following policy of Chapter 7-Housing of the Dickinson 2035: Roadmap to the Future Comprehensive Plan:

Policy 5.1 – Encourage the development of a homeless or transitional shelter assist the coalition in implementing the strategies contained in the coalition’s 10-year strategic plan

Staff finds the proposed Group Living Facilities text amendments consistent with the purpose of the City of Dickinson Zoning Ordinance as found in Section 39.01.003:

The purposes of the Zoning Ordinance of the City of Dickinson are to:

- a. Serve the public health, safety, and general welfare of the city and its jurisdiction.
- b. Classify property in a manner that reflects its suitability for specific uses.
- c. Provide for sound, attractive development within the city and its jurisdiction.
- d. Encourage compatibility of adjacent land uses.
- e. Protect environmentally sensitive areas.
- f. Further the objectives of the Comprehensive Development Plan of the City of Dickinson.

Based upon those finding, staff would recommend approval of this amendment.

• **Attachments:**

- A – Proposed Zoning Ordinance Text Amendments.

MOTIONS:

*****Approval*****

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the proposed Group Living Facilities zoning text amendments as being compliant with the City of Dickinson Comprehensive Plan and consistent with Chapter 39 of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

(AND) the following additional requirements (IF THE PLANNING AND ZONING COMMISSION RECOMMENDS ANY ADDITIONS AND/OR DELETIONS TO THE PROPOSED MOTION LANGUAGE):

1. _____;
2. _____.

***** Denial *****

I move the Dickinson Planning and Zoning Commission recommend Denial of the proposed Group Living Facilities zoning text amendments as NOT as being compliant with either the City of Dickinson Comprehensive Plan and not being consistent with the Dickinson Municipal Code and being contrary to interest of the public health, safety and welfare.

ATTACHMENT A –PROPOSED GROUP LIVING FACILITIES ZONING CODE TEXT AMENDMENTS