



MEMORANDUM

To: Mayor and City Council

From: Mindi Hurley, Director of Community Development

Date: April 9, 2024

Reference: Public Hearing: Consideration of text change amendments to the Code of Ordinances, Chapter 12 – “Zoning”, Article 30 “S or SUP, Special Use Permits” of the code of ordinances by amending section 12-30-5 “SF-ED” Single Family Estate District of said Chapter and Article by amending uses to include a “Charity House or Transitional Housing”; amending Section 12-30-6 Single Family-18 (SF-18), Single Family-12 (SF-12), Single Family-9 (SF-9) and Single-Family-7 (SF-7) to include a “Charity House or Transitional Housing”; amending Section 12-30-13A, “H” Historic, of said Chapter and Article to add “Charity House or Transitional Housing” as a use when part of a Single-Family Residential Development or Mixed-Use Development, except when a part of Live-Work Units; and to amend Article 42 “Special Definitions” to add a definition of “Charity House or Transitional Housing”; and authorizing the Mayor to sign.

**2040: Future-Oriented Approach to Residential Development/
Enhance the Unique Community Oasis Experience**

Introduction:

This public hearing is presented for Council consideration of text amendments to include Charity Houses in the Zoning Ordinance. Staff received an inquiry as to where “Charity Houses” are allowed. This use is not currently listed in the ordinance and in consultation with the City Attorney, Staff is recommending defining and allowing for this use within single family structures provided a special use permit is obtained. This is similar to the ordinance for lodging houses or short-term rentals that was approved in 2023.

Background:

The proposed definition reads:

Charity House or Transitional Housing: Shall mean short or long-term temporary occupancy of a single-family residential structure, uncompensated or de minimis fee, for person(s) that are sick, very poor, homeless or have special needs or disabled. This definition does not include assisted living, group homes, half-way house or other type of temporary house licensed under state law or defined in the Code of Ordinances.

The proposed districts where a charity house could potentially be permitted with a Special Use Permit (SUP) include the Estate District, Single Family Districts, and the Historic District. These areas have single-family detached units, not attached. This provides their respective neighbors with some separation

from the transient nature of the charity house uses. Also, where potentially allowed within a mixed-use development, a separation of uses from the ground floor to the upper floor(s) is required by code.

The proposed changes provide a clear definition of charity houses and where they would be allowed provided a Special Use Permit (SUP) is obtained. The SUP process allows for more public involvement, requires notification of property owners within 200-ft of the property in question, a courtesy notice for property owners within 800-ft of the property in question and a public hearing at the Planning and Zoning Commission Meeting and at the City Council Meeting.

The redlined ordinance changes and draft ordinance are attached for your review.

Benefit to the Community:

By defining and allowing for Charity Houses and Transitional Housing with a Special Use Permit, it provides the opportunity for this new housing type if approved within the specific districts outlined above after a public hearing and notification of the surrounding properties within 200 feet as required by state law and 800 feet as a courtesy.

Legal Review:

The City Attorney has reviewed the proposed ordinance changes.

Fiscal Impact:

N/A

Recommendation:

The Planning and Zoning Commission unanimously recommended approval of the proposed text amendments.

Attachments:

1. PZ Staff Report
2. Ordinance Changes (redlined)
3. Ordinance