



## CITY OF PARK RIDGE

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DEPARTMENT OF COMMUNITY  
PRESERVATION AND DEVELOPMENT

**Date:** September 8, 2008  
**To:** Planning and Zoning Commission  
**From:** Carrie Davis, Acting Director (1)  
**Re:** Text Amendment to Consider Regulations for Temporary Overnight Shelters  
Zoning Case Number TA-08-02

### Introduction

The City of Park Ridge, applicant, proposes a text amendment to the Zoning Ordinance to allow temporary overnight shelters in the City. The amendment consists of a new definition of a shelter, a list of the zoning districts where shelters would be allowed as a special use, new use standards for shelters and new off-street parking requirements, in accordance with Section 4.8.

The Commission held a public hearing on the case at its August 25, 2008, meeting. At that meeting, the Commission asked questions of staff and heard testimony from citizens concerning the proposed text amendment. The Commission closed the public hearing and continued the case to its September 8 meeting.

Many comments were made at the August 25, which staff will attempt to summarize. The Commission asked about the language of the definition of a temporary overnight shelter, the rationale for excluding shelters from certain locations, health and safety standards and what is appropriate in zoning standards versus licensing standards, and the purview of the Commission to act on or make changes to the amendment. (2)

Citizens who voiced concerns about the amendment raised issues, including those about the wording of the definition and some of the standards, crime activity of the homeless, the need for fingerprinting and background checks for shelter guests, not allowing a shelter within a school, not allowing a shelter within 500 feet of a school, the potential of shelter guests having communicable diseases that could be spread to others, and the possibility of shelter guests having drug or alcohol problems or mental illness. (3)

Those who supported the amendment, stated that the City has an obligation to help the homeless, that the amendment should be kept as is and made as broad as possible so as not to regulate shelters out of existence. There were several comments that crime, disease and aberrant behavior occurs within many segments of society. The homeless should not be targeted for fingerprinting or background checks. (4)

### Staff Analysis – Response to the August 25, 2008, meeting

While the Commission will need to determine if any of the comments need to be incorporated into the amendment as a matter of policy, staff will provide factual responses to some of the comments to help guide the Commission in its decision-making.

Definition of a Temporary Homeless Shelter

Definitions in the Zoning Ordinance should follow standard zoning practice. Uses are defined similar to how they would be described in a dictionary. Information on how that use should be conducted or regulated should be identified in use standards. Standards, in the case of a shelter, should be in the special use standards (Section 4.6) and the generic use standards (Section 10.3).

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Difference between Zoning Ordinance Standards and Licensing Standards

Please refer to the memorandum to the Commission from the City Attorney, dated September 2, 2008. In general, zoning standards should be related to the compatibility of the proposed use with uses in the surrounding area. The Commission is charged with evaluating the use based on its potential impact on such things as noise, traffic and parking. Licensing standards would be included in the Municipal Code and are subject to review and approval by the City Council and not the Commission. Licensing standards would relate directly to the operations and qualifications of the operator of a shelter. Staff will distribute an example of licensing procedures that the City Council may want to consider for a shelter to help illustrate the difference between these standards.

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Health and Safety Standards

Health and safety standards are typically addressed only in general terms within the use standards of the Zoning Ordinance. For example, assisted living facilities (Section 10.3.A), community residences (Section 10.3.B) and day care centers (Section 10.3.D) include a standard stating that the use “shall meet all federal, state and local requirements including, but not limited to, licensing, health, safety and building code requirements.” This standard is similar to the one proposed in Section 10.30R.4 for a shelter. Specific codes are purposely not identified because they are usually too numerous and are subject to change. For example, a shelter facility would have to adhere to the International Building Code, the City’s building code in the Municipal Code, the state code regarding food establishments, the state plumbing code, approximately six different fire codes, and others. Specific health and safety standards would be more appropriately addressed in licensing standards, as they apply to the operations of a facility. The City Attorney also addresses this in his memorandum of September 2.

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Shelter Location in Relation to a School

The text amendment proposes that shelters be allowed in certain zoning districts as a special use (Section 7.2 – Table 2, Section 8.3 – Table 4, and Section 9.2 – Table 6). Staff contemplated that a shelter would most likely be in a community type facility or place of assembly, which is where many shelters in the Chicago area are located. The proposed zoning standards require that a shelter must be at least 1,000 feet from another shelter (Section 10.3.R.1), which is typical for regulations regarding shelters in other communities.

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There were many comments about shelters be at least 500 feet from a school to protect children from sexual predators and because it would be consistent with laws regarding convicted sex offenders. Staff suggests that issues related to this type of crime activity should have no bearing on whether shelters are allowed or not in the community for several reasons. First, sex offenders exist in most communities and are not necessarily associated with shelters or the homeless. Second, it is the responsibility of law enforcement to deal with criminal activity. Zoning ordinances address land use regulations and not criminal activity. Third, convicted sex offenders are be subject to laws related to their specific crime and not local zoning laws.

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Concerns about Crime, Disease, Mental Health, and Drug and Alcohol Abuse

Several comments were made associating the homeless with crime, disease, and drug and alcohol abuse. Unfortunately, these issues exist in all communities and are not necessarily related to shelters or the homeless. Most communities have resources to deal with these issues, whether its law enforcement, or medical or social services. Staff suggests that these too are beyond the purview of a zoning ordinance

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since they do not relate to land use regulation. Staff has no reason to believe that a shelter should be restricted by these issues any more than any other use. Perhaps an appropriate comparison would be point out that the Zoning Ordinance does not restrict business or bank uses because of the potential for robberies, or to protect against customers or business owners that may have health related issues.

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**Staff Analysis – Text Amendment**

Several changes to the Zoning Ordinance would be necessary to allow temporary overnight shelters. The proposed amendment is the same as proposed in the staff memorandum of August 25, 2008.

**Section 16.3: Definitions - General Terms**

The definition of a temporary overnight shelter should be added, as no language currently exists.

**Temporary overnight shelter. A building, or portion thereof, in which sleeping accommodations are provided for no more than twelve (12) hours per twenty-four (24) hour period, for three (3) or more persons who are not related to the owner, operator, manager or other occupants thereof by blood or marriage as described in Section 12-16-1 of the Park Ridge Municipal Code. “Temporary overnight shelter” shall not be located in any hotel, motel, hospital, nursing home, community residence, rooming house, assisted living facility, independent living facility, single-family dwelling, multi-family dwelling, two-family dwelling or townhouse.**

**Section 7.2, Table 2: Residential Districts - Permitted and Special Uses**

Temporary overnight shelters should be considered special uses so that the City can evaluate the potential impact that these unique uses may have on the community. While it is not recommended that the use be allowed in a structure used for residential purposes (refer to the proposed definition), the use itself is residential in nature, which is why it is listed under “Residential Uses.” Staff anticipates that these shelters would most likely be proposed in a place of worship or other institutional type facility. Most places of worship are located in residential districts, primarily the R-2 District, but are allowed as special uses in all but the special purpose districts. Other institutional uses, such as government uses, schools or community centers are allowed only in certain districts. A shelter would be subject to the yard and bulk regulations listed in Section 7.2, Table 3 of the district in which it is proposed.

CITY OF PARK RIDGE, ILLINOIS						
TABLE 2: RESIDENTIAL DISTRICTS PERMITTED AND SPECIAL USES						
<i>P = Permitted Use S = Special Use</i>						
Use <sup>1</sup>	Residential Districts					Specific Use Standards
	R-1	R-2	R-3	R-4	R-5	
<b>RESIDENTIAL USES</b>						
Temporary Overnight Shelter	S	S	S	S	S	See Section 10.3.R

**Section 8.3, Table 4: Commercial Districts - Permitted and Special Uses**

The same rationale discussed for recommended changes to the residential districts would apply to the commercial districts.

CITY OF PARK RIDGE, ILLINOIS  
TABLE 4: COMMERCIAL DISTRICTS PERMITTED AND SPECIAL USES

*P = Permitted Use S = Special Use*

Use <sup>1</sup>	Commercial Districts				Specific Use Standards
	O	B-1	B-2	B-3	
<b>RESIDENTIAL USES</b>					
Temporary Overnight Shelter	S	S	S	S	See Section 10.3.R

**Section 9.2, Table 6: Special Purpose Districts – Permitted and Special Uses**

The same rationale discussed for recommended changes to the residential districts would apply to the special purpose districts. While places of worship are not allowed as either permitted or special uses in the special purpose districts, staff anticipates that these shelters could be located in an institutional type facility, such as a community center in the Open Space District or a use within the Hospital District where extensive services to the community are typically provided. Broad community services are not typical of the other special purpose districts, which is why shelters are not recommended for those districts.

CITY OF PARK RIDGE, ILLINOIS  
TABLE 6: SPECIAL PURPOSE DISTRICTS PERMITTED AND SPECIAL USES

*P = Permitted Use S = Special Use*

Use <sup>1</sup>	Special Purpose Districts						Specific Use Standards	
	OS	H			EB		S <sup>2</sup>	P
		H-CZ	H-TZ-1	H-TZ-2	EB-CZ	EB-TZ		
<b>RESIDENTIAL USES</b>								
Temporary Overnight Shelter	S	S	S	S				See Section 10.3.R

**Section 10.3: Use Standard - Generic Use Standards**

Section 10.3.R would need to be created to allow the City to evaluate whether a temporary overnight shelter is compatible with the surrounding area. These standards would be in addition to the special use standards required in Section 4.6. The remaining paragraphs of Section 10.3 would need to be re-lettered accordingly to accommodate these new provisions.

**10.3.R Temporary Overnight Shelter**

1. No temporary overnight shelter shall be located within one thousand (1,000) feet of any other temporary overnight shelter.
2. Each temporary overnight shelter shall be designed so that the entrances and exits, exterior lighting, and parking facilities will minimize traffic congestion, pedestrian hazards and adverse impacts on adjoining properties.
3. The maximum number of occupants, including staff, permitted to remain on each floor of a temporary overnight shelter shall be computed by dividing the

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square footage of each sleeping area by 80; resulting fractions shall be disregarded.

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4. All temporary overnight shelters must comply with all federal, state and local requirements, including but not limited to, licensing, health, safety and building code requirements and all applicable sections of the Park Ridge Municipal Code.

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5. In conjunction with the special use authorizing a temporary overnight shelter, the owner or operator of a temporary overnight shelter shall be required to obtain a license for the operation of a temporary overnight shelter from the City. The license shall be granted for a period of one year commencing on the date of issuance. Thereafter, the license must be renewed on an annual basis. If the owner or operator of a temporary overnight shelter changes, a new license must be applied for.

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6. The amount of noise to be generated from a temporary overnight shelter shall not be excessive.

Section 12.13, Table 9: Off-Street Parking and Loading - Required Off-Street Parking Spaces

Off-street parking requirements should be provided for temporary overnight shelters that are similar to other group type residential uses.

CITY OF PARK RIDGE, ILLINOIS TABLE 9: OFF-STREET PARKING REQUIREMENTS	
USE	PARKING REQUIREMENT
<b>RESIDENTIAL USES</b>	
Temporary Overnight Shelter	.25 per bed + 1 per 2 employees

Standards for Text Amendments

The Commission should review the nine findings of fact for text amendments listed in Section 4.8.E, Table 1 to determine if the proposed changes are appropriate.

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Staff Recommendations

Staff recommends that the Commission recommend City Council approval of the text amendment for regulations to allow temporary overnight shelters in the City, Zoning Case Number TA-08-02. In taking action on the case, the Commission shall make findings of fact regarding the standards for text amendments.

## Annotations re: Carrie Davis September 8, 2008, Memorandum

1. Who contributed information to this memorandum? If more than one person did so, each of those persons should be identified, along with their specific contributions (i.e., to what paragraph(s) did they contribute information, opinions or conclusions?) Did St. Paul of the Cross pro-PADS parishioner/attorney Jack Owens, St. Mary's Episcopal pro-PADS parishioner/attorney Paul Keller, and/or any pro-PADS attorney from the Catholic Archdiocese of Chicago provide information or opinions to this memorandum?
2. What specific facts and documentation are now properly "of record" and able to be considered by City Staff, and now by the Commission, in making their respective decisions and recommendations? Staff's "attempt to summarize" public hearing testimony is unacceptably susceptible to abuse and plain error. Is there a transcript of the "testimony"; and, if so, why isn't it part of Acting Director Davis' report? The public has a right to know exactly what "evidence" Staff, and now the Commission, are using to make their recommendations.
3. "Concerns" are not facts. Were these "concerns" supported by "testimony" and facts, rather than mere opinion? If so, those should be specifically identified.
4. "[T]he City has an obligation to help the homeless" is not "testimony" or fact, but opinion. So is "that the amendment should be kept as is and made as broad as possible so as not to regulate shelters out of existence" and "[t]he homeless should not be targeted for fingerprinting or background checks." If any of these opinions were considered by Staff in making its recommendations on this Text Amendment, then this Text Amendment is flawed already and should be rejected by the Commission on that basis alone.
5. What is "standard zoning practice"? What "dictionary" definitions are being used?
6. Where is the City Attorney's September 2, 2008, "memorandum"?
7. What are the factual and/or legal bases for the opinion/conclusion: "Licensing standards would be included in the Municipal Code and are subject to review and approval by the City Council and not the Commission."
8. What are the factual and/or legal bases for the opinion/conclusion: "Licensing standards would relate directly to the operations and qualifications of the operator of the shelter"?
9. Who/what is the source of this "example"?
10. What are the factual and/or legal bases for the opinion/conclusion: "Specific codes are purposely not identified because they are usually too numerous and are subject to change"?
11. What are the factual and/or legal bases for the opinion/conclusion: "Specific health and safety standards would be more appropriately addressed in licensing standards, as they apply to the operations of a facility"? Once again, where is the City Attorney's September 2 memorandum?

12. Identify each member of "Staff" who "contemplated that a shelter would most likely be in a community type facility or place of assembly." What specific data was considered by Staff in this regard?
13. What "other communities" were studied? Did "Staff" actually review the "regulations" of these "other communities"; and, if so, why aren't those part of this memorandum?
14. This is a red herring issue, because such a 500-foot restriction does not address "whether shelters are allowed or not in the community" but, instead, addresses only *where* those shelters should be located. Additionally, what issues "should have no bearing on whether shelters are allowed or not" is a policy matter that Staff is neither legally authorized nor especially qualified to determine, as the determination of "policy" is for the elected members of the City Council, not un-elected, appointed bureaucrats.
15. What is the evidence that sex offenders "exist in most communities and are not necessarily associated with shelters or the homeless"? And whether that is true or not, what is the legal basis for Staff's opinion/conclusion that such a consideration "should have no bearing" on the criteria for a special use permit governing homeless shelters?
16. This is another red herring issue, because the fact that someone is a convicted sex offender does not mean he/she is engaging in "criminal activity" that becomes "the responsibility of law enforcement."
17. What is the legal basis for the opinion/conclusion that "convicted sex offenders cannot/should not be subject to local zoning laws?"
18. What is the evidence that crime, disease, alcohol abuse and drug abuse "are not necessarily related to shelters or the homeless"? Hasn't PADS already admitted that a substantial majority of its "clients" have mental illness and/or abuse alcohol and/or drugs (all three of which are considered forms of "disease")?
19. What is the legal basis for Staff's opinion/conclusion that crime and disease are "beyond the purview of a zoning ordinance since they do not relate to land use regulation"? sex offenders "exist in most communities and are not necessarily associated with shelters or the homeless"? And whether that is true or not, what is the legal basis for Staff's opinion/conclusion that such a consideration "should have no bearing" on the criteria for a special use permit governing homeless shelters?
20. If PADS has, indeed, admitted that many of its "clients" have mental health, alcohol and drug problems, then Staff surely does have "reason to believe that a shelter should be restricted by these issues any more than any other use."
21. Yet another red herring issue, as we are unaware of a bank needing a special use permit to operate in Park Ridge. And, frankly, this "comparison" is so ridiculous that it raises serious doubts about the competence of the author(s) of this memorandum.
22. What are the factual and/or legal bases of this 1,000 foot standard?
23. What are the factual and/or legal bases of this calculation?
24. What local "licensing" requirements would apply to a PADS shelter?

25. Why aren't the owner **and** operator required to obtain this license? Shouldn't both St. Paul of the Cross **and** PADS be held accountable for the shelter, insofar as PADS is supposed to be providing the screening of "clients" who will be accommodated at St. Paul?
  
26. According to the Section 4.8.E of the City's Zoning Ordinance, the Commission is supposed to consider the nine factors identified with an "X" under the "Text Amendments" column of Table 1, in making its Text Amendment recommendation to the City Council; and the City Council is supposed to consider these same nine factors in deciding whether to approve a proposed Text Amendment.



TABLE 1: STANDARDS FOR ZONING AMENDMENTS		
Standards	Map Amendments	Text Amendments
The existing use and zoning of nearby property.	X	
The extent to which property values of the subject property are diminished by the existing zoning.	X	
The extent to which the proposed amendment promotes the public health, safety, comfort, convenience and general welfare of the City.	X	X
The relative gain to the public, as compared to the hardship imposed upon the applicant.	X	X
The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one (1) or more of the uses permitted under the existing zoning classification.	X	
The length of time that the property in question has been vacant, as presently zoned, considered in the context of development in the area where the property is located.	X	
The evidence, or lack of evidence, of community need for the use proposed by the applicant.	X	
The consistency of the proposed amendment with the Comprehensive Plan.	X	X
The consistency of the proposed amendment with the intent and general regulations of this Ordinance.		X
Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.		X
That the proposed amendment will benefit the residents of the City as a whole, and not just the applicant, property owner(s), neighbors of any property under consideration, or other special interest groups, and the extent to which the proposed use would be in the public interest and would not serve solely the interest of the applicant.	X	X
Whether the proposed amendment provides a more workable way to achieve the intent and purposes of this Ordinance and the Comprehensive Plan.		X
The extent to which the proposed amendment creates nonconformities.	X	X
The trend of development, if any, in the general area of the property in question.	X	
Whether adequate public facilities are available including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines, or are reasonably capable of being provided prior to the development of the uses, which would be permitted on the subject property if the amendment were adopted.	X	
The extent to which the proposed amendment is consistent with the overall structure and organization of this Ordinance.		X

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**F. Limitations on Denials**

No application for an amendment which has been denied by the City Council or Planning and Zoning Commission shall be reconsidered for a period of one (1) year from that date of denial.

**4.9 ZONING CERTIFICATE**

**A. Purpose**

The purpose of a zoning certificate is to promote Ordinance compliance by establishing a procedure for the City to certify that an application complies with all standards of the Ordinance.

## **Annotations Re: Table 1 of Section 4.8.E**

27. The Staff recommendation provides no facts to show how its recommended Text Amendment re homeless shelters “promotes the public health, safety, comfort, convenience and general welfare of the City.”
28. The Staff recommendation provides no facts establishing a comparison of these two factors.
29. The Staff recommendation provides no facts to show how a homeless shelter is consistent with the City’s “Comprehensive Plan.”
30. The Staff recommendation provides no facts to show how this Text Amendment is consistent with the intent and general regulations of our Zoning Ordinance.
31. The benefit of this Text Amendment – and the homeless shelter(s) that will be enabled by it – to “the residents of the City as a whole” appears to have been completely ignored by Staff while, on the other hand, in substance the skeletal, slipshod Text Amendment proposed by Staff appears to advance the interests solely of that special interest group of proponents and supporters of the PADS shelter.
32. Another factor that appears to have been ignored by Staff.
33. Yet another factor that appears to have been ignored by Staff.
34. And yet another factor that appears to have been ignored by Staff.