

CITY OF HAMMOND PLANNING DEPARTMENT P. O. BOX 2788 • HAMMOND, LOUISIANA 70404 219 East Robert Street – Hammond, Louisiana 70401 Phone (985) 277-5649 Fax (985) 277-5658

Mayor Pete Panepinto panepinto\_p@hammond.org Director of Administration Lacy Landrum landrum\_l@hammond.org

May 20, 2024

Dear City Council,

I am writing to recommend approval of TA-2024-01-00031 regarding group living and homeless shelter definitions, and other development code improvements incidental to these terms.

By defining these land uses and instituting them within the recommended zoning districts, the Council will be positioned to approve site plans received by our office along with any appropriate conditions for the establishment and operation of such facilities. In some zoning districts, conditional use status is particularly appropriate as a way of regulating land uses requiring special consideration or accommodations.

The text amendment would also address public concerns expressed at Planning and Zoning Commission meetings over the past four months by striking a balance between the rights of individuals in need of quality residential and social service facilities, and the needs of the community at large. It is my professional opinion that these changes are appropriate, and will ensure the well-being of those living in Hammond as well as those seeking to provide services for our community.

Thank you for your attention to this recommendation. After reviewing the text amendment and committee report, please do not hesitate to reach out if you require any further information or clarification which will assist you in reaching a decision.

Sincerely,

moany Edward H. Campany City Planner



# **ORDINANCE OF THE HAMMOND CITY COUNCIL**

NO.

An ordinance of the Hammond City Council amending the Unified Development Code defining group living facility, group care facility, homeless shelter, providing for inclusive zoning of each, and defining conditional uses.

**BE IT ORDAINED** by the Hammond City Council, that:

**WHEREAS**, on February 18, 2014, by Ordinance No. 14-5364, the Hammond City Council adopted the City of Hammond Louisiana Unified Development Code ("UDC"); and

**WHEREAS**, since its adoption, the UDC has played an essential role in the implementation of the comprehensive master plan for the City of Hammond; and

WHEREAS, the UDC provides for the regulation of local land uses as defined therein; and

**WHEREAS,** on January 23, 2024 the Hammond City Council voted to introduce an amendment to the glossary of the UDC regarding group living and homeless shelters; and

**WHEREAS**, this ordinance was referred to the Planning and Zoning Commission to be made more concurrent with generally accepted definitions; and

WHEREAS, defining group care facility is incidental to defining group living, and

**WHEREAS**, specifying zoning districts for each use and conditional use language is incidental to group living, group care, and homeless shelters; and

WHEREAS, public hearings on the consideration of this text amendment were held; and

**WHEREAS**, the American Planning Association's Land-Based Classification Standards do not define group living facilities, group care facilities, or homeless shelters; and

**WHEREAS**, the United States Department of Housing and Urban Development does not have a national programmatic definition or one commonly used by the local field office for the definition of these terms; and

WHEREAS, specification of these terms in the UDC should not prohibit local agencies from participation in federal programs or accessing federal resources; and

WHEREAS, group living facility and group care facility should be distinguished by the number of occupants to avoid overcrowding; and

**WHEREAS**, group living facilities are likely to need special consideration for the evacuation of those with mobility issues from upper floors of some zoning districts in the event of a fire; and

WHEREAS, group care facilities are likely to need additional or special accommodations with respect to parking; and

WHEREAS, homeless shelters are distinguishable by a temporary or transitional characteristic; and

**WHEREAS**, any transitional residential facility may locate in areas otherwise unfit for long-term residential use due to proximity to air pollution; and

WHEREAS, local continuum of care representatives had stressed the need to allow homeless shelters in CH zones in order to find adequate facilities; and

**WHEREAS**, homeless shelters are likely to need special consideration of the design of the physical environment providing for space and security consistent with a well-researched plan; and

**WHEREAS**, the Hammond City Council desires to amend the glossary of the Unified Development Code and to further refine the regulations contained therein; the same being necessary to further the health, safety, and welfare of the citizens of the State of Louisiana and of the City of Hammond.

**NOW, THEREFORE, BE IT FURTHER ORDAINED** by the Hammond City Council, that:

**SECTION 1:** All of the aforementioned "Whereas" clauses are adopted as part of this ordinance.

**SECTION 2:** Group living facility means a residential facility providing long-term room and board to a group of up to six (6) persons.

**SECTION 3:** Group living facilities are an allowed use in RM-3 zones, and a conditional use in MX-N zones.

**SECTION 4:** Group care facility means a residential facility providing room and board to a group of more than six (6) persons who are not able to care for themselves due to a disability or age, with at least one full time supervisory resident or staff, and licensed by the State of Louisiana.

**SECTION 5:** Group care facilities are allowed uses in the RM-3, MX-N, MX-C, and C-N zones, and a conditional use in Commercial Highway ("CH") zones.

**SECTION 6:** Homeless shelter means a specialized social service providing temporary housing to those without a permanent residence.

**SECTION 7:** Homeless shelters are a conditional use in Commercial Highway ("CH") zones.

**SECTION 8:** The definition of conditional use is amended as reflected in Attachment A which is attached hereto and made a part hereof and filed in the Office of the Hammond Clerk of the Council.

**SECTION 9:** The Unified Development Code is amended to reflect the provisions of this ordinance.

**SECTION 10:** All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

**SECTION 11:** This ordinance shall become effective upon the signature of the Mayor, the elapse of ten (10) days after receipt by the Mayor without signature or veto, or upon an override of a veto, whichever occurs first.

This ordinance having been submitted to a roll call vote, the vote on behalf of the Hammond City Council thereon was as follows: Kip Andrews ( ), Carlee Gonzales ( ), Devon Wells ( ), Sam DiVittorio ( ), Steve Leon ( ).

AND the above and foregoing ordinance was declared adopted on this, the \_\_\_\_ day of \_\_\_\_\_, 2024.

Kip Andrews President of Hammond City Council Pete Panepinto Mayor of the City of Hammond

Lisa Cockerham Clerk of Hammond City Council

#### UDC Glossary Redline Changes and Effect on the Allowed Use Table

TA 2024-01-00031

6.2 Allowed Use Table	Sin	gle Fa	mily	Resic	lential	Multi-Family	Mix	Commercial Indus				stria			
	RS-11	RS-8	RS-5	RS-3	RS-11.A	RM-2	RM-3	MX-CBD	MX-N	мх-с	C-N	С-Н	C-R	I-L	I-H
Residential Use Categories															
Single Family Detached House											-				
Attached House															
Row House															
Multifamily Dwelling															
Modular <u>with </u> chassis															
Modular <u>without</u> chassis															
Upper-story Residential															
Attached accessory apartment															
(no more than one per lot)					_										
Manufactured Home and/or Park														──	
Camps Group Living Facility														──	
Group Care Facility		+												├	
Nursing Home													-		
Social Services															
Homeless Shelter								_			-				
Public Use Categories															
Civic Uses		-	-												
Cemeteries/Memorial Gardens															
Parks and Open Space															
Minor Utilities															
Major Utilities															
Commerce Use Categories															
Commercial Parking															
Day Care															
Country Club															
Indoor Recreation except as listed below:															
Adult Material														1	
Adult Entertainment														1	
Sexually oriented business		1									1			1	
Hospital															
Health Clinic except as listed below:															
Mental Health Clinic															
Office														1	

**Commented [EHC1]:** Solid squares indicate as-of-right zoning.

Hollow squares indicate conditional use status.

A square with a line through it indicates the use is withdrawn from the zoning district.

Group Care Facilities – The use of a site to provide living accommodations in facilities authorized, certified, or licensed by the State to provide room, board and personal care in a facility with one (1) communal kitchen/dining facility for more than six (6) individuals not defined as a family who are unable to care for themselves due to physical disability, mental disorder or for dependent or neglected children. Typical uses include nursing homes, alcohol and drug rehabilitation facilities and intermediate care facilities. A "group home" will be similar to this definition but will include six (6) or less unrelated individuals living as a single housekeeping organization, and group care/group homes must have fulltime supervisory residents or staff.

**Group Care Facility** – a residential facility providing room and board to a group of more than six (6) persons who are not able to care for themselves due to a disability or age, with at least one full time supervisory resident or staff, and licensed by the State of Louisiana.

**Group Living** An interim or permanent residential facility (as opposed to a lodging or medical treatment facility) that provides room and board to a group of persons who are not a "family" as that term is defined in this ordinance, whether or not the facility is operated for profit or charges for the services it offers. This use does not include:

- a. Facilities that negotiate sleeping arrangements on a daily basis;
- Dwelling units occupied exclusively by families (Note: Dwelling units occupied exclusively by families are considered to be single family, duplex, or multifamily uses, as the case may be);

c.—Any other use specifically defined in this ordinance.

**Group Living Facility** – a residential facility providing long-term room and board to a group of up to six (6) persons.

Homeless Shelter – a specialized social service providing temporary housing to those without a permanent residence.

# Attachment A.

**Conditional Use** <u>A land use listed as a conditional use in the zoning classifications or a</u> land use that alternately restricts or expands the permissible usages then available under the current zoning classification. Nothing herein shall be construed to prohibit the Council from referring a Conditional Use to the Zoning Commission for consideration. If a rezoning and an expanded conditional use are applied for simultaneously and/or are considered at the same meeting, each shall be noticed, advertised and voted upon separately.

**Restricted Conditional Use** – A conditional use, which restricts <u>allowed and conditional permissible</u> usages, may either initiate with the Zoning Commission or the City Council, and may be given final approval by the City Council by resolution or ordinance. Limitations and restrictions not otherwise specified in this Ordinance shall be construed as a Restricted Conditional Use. A Restricted Conditional Use may be imposed without prior notice to the public, and shall bind any current and future owners thereto.

**Expanded Conditional Use** - A conditional use, which expands <u>allowed and conditional permissible</u> usages, must originate with the Zoning Commission and must comply with all procedural requirements and limitations of a rezoning. An Expanded Conditional Use is a personal right and expires upon a change in ownership of the property from the person or persons originally granted the conditional use. Those uses in this ordinance specified exclusively as conditional uses shall be considered for all purposes as Expanded Conditional Uses. Approval of any expanded conditional use shall be by passage of an ordinance by the City Council. In deliberating on any application for an expanded conditional use, the Council shall not grant approval thereof unless it makes findings based upon the evidence presented to it that each case shall indicate all of the following:

1. The permit, if granted, will not cause any diminution or depreciation of property values of any surrounding property or will not alter the essential character of the locality.

2. The permit, if granted, will tend to preserve and advance the prosperity and general welfare of the neighborhood and community.

3. The granting of the expanded conditional use will not be detrimental to the public welfare or seriously affect or be injurious to other property or improvements in the neighborhood in which the property is located, in that it will not impair an adequate supply of light and air, or increase substantially the congestion in the public streets, create a traffic hazard, or affect or overburden existing drainage or sewerage systems, or endanger the public safety, nor cause serious annoyance or injury to occupants of adjoining premises by reason of emission of odors, fumes, gasses, dust, smoke, noise or vibration, light or glare or other nuisances.

Text Amendment Report 2024-01-00031

Planning Commission, Zoning Commission, and Board of Adjustments

May 9, 2024

# Abstract

Providing for definitions of group living facility, group care facility, homeless shelter, and zoning of each. The amendment affirms the distinctions between group living facility and group care facility according to maximum occupancy characteristics. The amendment defines homeless shelter.

#### Text Amendment Report

In accordance with UDC Subsection 2.3.2F, "Review Criteria," attention is called toward the following: 1) the proposed text amendment is consistent with the pertinent elements of the City of Hammond comprehensive plan and any other adopted plans; 2) the extent to which the text amendment is consistent with the remainder of this development code; 3) the extent to which the text amendment represents a new idea not considered in the existing code, or represents revisions necessitated by changing conditions over time; whether or not the text amendment revises this development code to comply with state or federal statutes or case law.

# Section 1. Consistency with Adopted Plans

The Comprehensive Master Plan does not make a direct reference to group living, group care, or homeless shelters. The adopted plans can be considered neutral with respect to this text amendment.

#### Section 2. Consistency with the Remainder of the UDC

The original ordinance that was referred to the Planning and Zoning Commission was specific to group living and homeless shelters. However, since group care facilities referenced group living in its definition, defining group care was added to the scope of this text amendment.

As neither group care facility or homeless shelter are specifically named in any zoning category, they have been assigned to the most suitable districts. Additionally, group living has been zoned within districts consistent with its non-single-family and low population density characteristics.

#### Section 3. Causes for Amendment

While group living and group care facilities are already defined in the UDC, it is not clear whether homeless shelters were ever contemplated as part of either term. The original definitions are roughly similar to those of retirement homes and facilities, and have an orientation toward the elderly or disabled. The new definition will allow the code to be responsive to the characteristics of each use, and represents an improvement to the existing code.

#### Section 4. Related Laws

# Louisiana Law

There are licenses administered by the Louisiana Department of Social Services ("DSS") for the regulation of "adult residential care" facilities which include both group-living and groupcare facility types by other names. A license is only issued after the applicant has written verification of zoning approval, State Fire Marshal approval, Office of Public Health approval, a licensure survey verifying substantial compliance, City Fire Department approval, if applicable, and license fee payment. Additionally, there are stipulations on the minimum facility standards. Where the profile of the facility is directed toward the care of elderly or disabled persons, a license from the DSS should be provided to the City of Hammond before signing a certificate of occupancy in order to compliment the State's mission and ensure such facilities remain in good standing.

It is not evident that homeless shelters are deliberately contemplated within the State's adult residential care regulations for minimum standards. However, as a conditional land use, the City of Hammond would be in a position to attach the pertinent health and safety conditions to homeless shelters.

Many homeless shelter operators participate in the Louisiana Balance of State Continuum of Care ("LA BOSCOC") organization. It may be a helpful informational resource for setting conditions for approval in the absence of clear state licensing.

# **Federal Law**

The question of whether or not the Fair Housing Act would be implicated in this text amendment was investigated. Our appreciation is the FHA is not, except when a group living, group care, or homeless shelter facility has a resident profile specific to those with disabilities. In these cases, special accommodations should be made for the appropriate case. An example of a special accommodation may be a variance from a rule prohibiting an elevator, when the construction of one is necessary for servicing those with mobility issues in a multi-story group care facility. An example of a special accommodation would not include abdication of the standard zoning requirements. The UDC is prepared to hear and provide variances for special accommodations on a case-by-case basis, and no procedural changes are necessitated by this text amendment. The Fair Housing Act may also be implicated if an operator within the City of Hammond were discriminating on the basis of race, color, national origin, religion, sex, familial status or disability, such as refusing to service certain populations.

Whether or not the definitions for these words would prohibit access to federal programs or funding sources was investigated and found no evidence to suggest this outcome. Absent a definition by the United States Department of Housing and Urban Development or its New Orleans Field Office, there should be significant programmatic flexibility for operators to receive funding under these definitions.

# **Case Law**

It is reasonable to assume no case law is implicated by this text amendment.

# Appendix A

Any comments received on this item in writing or which were presented with a request for inclusion in the staff report during public hearings are reproduced in this appendix.

# Comment 1

To whom this message may concern,

I am writing today to address a critical concern of mine. It has been brought to my attention that there will be a meeting this Thursday, March 14, to discuss the possibility of voting on the recommendation for the new homeless shelter. Having a homeless shelter in our area will greatly impact many lives. I have lived in Hammond all of my life and have attended college here as well. I did not begin to see homeless people on our streets until after COVID-19 and then an influx after Hurricane Ida. These two events are external causes that affected good working-class people. Our economy is struggling and families are struggling to keep up, struggling to keep their children fed and in schools. We have an opportunity to directly impact and save the lives of men, women, and children in our own community. We cannot turn our backs due to fear. We are Hammond, America. We live in the south, where our backbone should be based on hospitality and sharing love. Why not give these people a chance to get back on their feet again, to give them hope and love instead of meeting them with snarky expressions and exile? Turning needy people away when we have the means to help is cowardly and shows poor moral character. I want to be proud of the community I grew up in. This homeless shelter would be a positive addition to our community. Let the Northlake Homeless Coalition help.

- Madalyn Duncan

# Comment 2

Members of the Hammond Planning and Zoning committee:

Please support the efforts of the Northlake Homeless Coalition's project Cornerstone. As a member of the Society of St. Vincent de Paul I regularly get calls from women who are living in the parking lot of Walmart's with their children because they have been evicted for lack of rent

payment. When I receive these calls, it is the Northlake Homeless Coalition that I turn to for help. They really know what they are doing and have been very successful in finding homes for the homeless or referring them to other services. Please do not be swayed by the false rumors that homeless people will be flocking to Hammond to receive the services of Cornerstone. The homeless are already here and they should not be sleeping under trees in our parks or in parking lots. Aware that there are many in our city who are fearful, please remember that this project is the right way to handle the homeless problem. The homeless are not criminals, they are our brothers and sisters whom Jesus told us to help and love, and they deserve a chance to become productive members of our city and state.

Elizabeth Gray

#### Comment 3

GM Planning & Zoning Board;

I am responding to the upcoming meeting on Thursday, March 14 about an ordinance change that would not allow this critical housing resource; which is much needed in the community of Hammond as well as Tangipahoa to help those individuals who have been displaced for various reasons. This is a hand up project and not a handout and it would help many become selfsufficient with the various workforce resources that are committed to the project. Lastly, to implement an ordinance and make it retroactive to this facility that is already zone for multihousing type facility is not good government.

Respectfully submitted, Bishop E. Rene' Soule

902 W Coleman Avenue Hammond LA 70403

# Comment 4

Please vote in favor of the proposed homeless shelter. Hammond has several homeless people who experience intolerable weather conditions. There needs to be a place to shelter them. They will not bring crime to the area. They just need shelter. Please vote in favor of the proposed shelter. Thank you,

Mary Kane

# **Comment 5**

Please do what you can to make the homeless shelter happen! These people need our support. Children should not have to live in cars or move from house to house because of no home! Prolife means helping after children are born!

Carolyn Kane

# **Comment 6**

To Whom It May Concern

I'd like to state that I completely support a Homeless Shelter at this site. Our parish and community need this terribly. I know firsthand. I had a brother who was special needs who fell through the cracks, so to speak, time and time again. He was harmless. But, when he had a massive stroke he was alone, taking shelter in the woods. It should not be this way for any human being.

Please, support this shelter.

Kindest Regards

Deborah Baham

# Comment 7

I am emailing to show my support for the shelter in Hammond. Over the past few years as the price of housing continues to go up more and more people cannot afford housing. When this

happens, we MUST have a safe place for those people to go. It is shameful that the members of the city council are not in favor of helping those who cannot help themselves.

Lee Verret

# **Comment 8**

#### Commissioners,

This is Jeanne Voorhees, 1201 South Holly St, Hammond. I am writing to ask that the Planning and Zoning Board please NOT recommend passage of the amendment to the Zoning code that would ban Homeless Shelters from the location of the proposed Cornerstone Shelter. I have been working with homeless and vulnerable residents of Tangipahoa Parish for over 30 years. Until I retired, I served as Executive Director of the Youth Service Bureau which operated the Horizon House Runaway Shelter. I have also served as a volunteer liaison between the House of Serenity Homeless Shelter and the Tangi Food Pantry, delivering food from the Pantry to the shelter in my van every week. I realize that some people who do not normally have contact with homeless people, are fearful of them. In all the years that we operated the Runaway Shelter and I have been often in and out of the House of Serenity, I have never been afraid of the residents. They were very helpful in unloading my van and polite and appreciative of the food I was able to bring. They were people whose lives had been filled with abuse, trauma, rejection, and unmet needs.

Over the last 30 years, I have served on numerous committees and groups whose purpose was to establish a homeless shelter in the Hammond area. They have all given up because of the difficulty and complexity of the task. After all of these failed attempts, the Northlake Homeless Coalition has finally succeeded in obtaining the necessary funding to purchase a closed motelthe Baymont. The location was appropriately zoned for a shelter when they purchased the building in good faith! Now the City of Hammond is trying to retroactively change the zoning to prevent them from proceeding. The lawyers will decide if it is legal. But any child can tell you that it is wrong!

I am a Christian, as are most of you. A primary teaching of Jesus, is to help those in need- feed the hungry, visit the sick, clothe the naked, etc. Surely, we are called to minister to the needs of the homeless around us who sleep in cars and on the ground during the cold and heat and rain and storm. How can we just turn our heads?

Thank you for listening,

Jeanne

#### **Comment 9**

Dear Zoning Board Members,

I am writing this letter in support of the establishment of a Homeless Shelter at the currently proposed location. Sadly, Hammond has a significant population of unhoused people. Many of them are the working poor; they have jobs but do not earn enough income to support traditional housing. Some have shelter, but no water or power. Some sleep any place they can find quiet and isolation.

My church recently launched a shower ministry and we have become intimately familiar with local citizens who do not have access to shower facilities. They have repeatedly used our church's shower facilities and have behaved honorably, compliantly, and with gratitude. Some are working jobs full time, some are families, some are in between job opportunities. All, however, are humans needing support from their community. I hope that the leaders in Hammond will recognize that these humans are not our enemies, they are simply in need of a clean, safe, temporary place to lay their heads.

The proposed location is not adjacent to a neighborhood, school, church or municipal office building. It is on the outer edge of our city. The facility is not intended for permanent housing. There is a need to be filled, and this location seems to be a logical one. Having unhoused people sheltered is in everyone's best interest.

I hope that each of you will respond with compassion, empathy, good will, and sound reason by endorsing zoning that supports development of this facility in the currently proposed location. Like it or not, homeless people reside in our community. Ignoring their existence will not make them cease to exist. As a citizen, I would rather have them in a place that keeps them clean and secure than have them sleeping on sidewalks or in the woods. I appeal to you to endorse the proposed site with the same level of grace that my church's shower guests have displayed towards our willingness to help them during a difficult time. By helping them, we help the entire community.

Thank you for your genuine consideration of my sentiments.

Sincerely,

Donna Gay Anderson

107 North Spruce Street

Hammond, Louisiana 70401

#### **Comment 10**

My name is Robert Duncan and I have lived in Hammond since 1967. To my knowledge, I have never missed voting in a local or national election. More importantly, I loved Hammond when it was a small town and I love it now that it is a prosperous city. I have raised my family here and am blessed that my children, grandchildren and great grandchildren have all decided to remain in Hammond and love it as much as I do.

It's my understanding that on March 14 you will be meeting to decide on a zoning recommendation regarding a homeless shelter in Hammond. I will be out of town on this date so I am writing to urge you to support this much needed resource in our community. I do not believe in mixing religion and politics..... but in this case let me urge you to consider what Jesus would like you to do.

Thank you so much for your consideration in this very important matter.

Robert Duncan

229 Wildwood Dr.

Hammond, LA 70401

#### Comment 11

To whom it may concern,

I would like to offer my comment on a matter you will consider tomorrow. A proposed zoning change that would not allow the building of a homeless shelter, which to my understanding has already been approved for grant money. I cannot make it to Hammond by 5 as I work in Metairie. But I live in Ponchatoula, and I believe our parish would benefit from this homeless shelter. I am asking you to vote against changing the zoning to disallow this project.

PLEASE VOTE TO RECOMMEND NO CHANGE IN THE ZONING LAW.

Thank you for your consideration, and I'm asking you to think about how you would explain your choice when you're standing before your creator. Don't turn your back on those who need help.

David Noe, 70454

# Comment 12

Dear Planning and Zoning Team:

Please accept my support of the Home for People who need a helping hand in Hammond. I live in the area of the proposed Home.

There are people living in the woods near my home under stressful circumstances which prevent them from stable lives, regular employment, a clean & healthy living environment, a sense of a chance in life, any daily comfort or security, etc. It could be any of us, given unfortunate choices, events, health conditions or misfortune. It would be beneficial to help these people into temporary, stable living circumstances so they have a chance to turn their lives around. Among other advantages, the proposed home will provide many local jobs for residents. Hopefully, the platform will turn some lives around producing more productive local citizens. A helping home may also provide an opportunity for mental health intervention.

There by the grace of God go I.

Sigrid Bonner

# Comment 13

Dear Planning and Zoning Committee:

My husband Hunter McAllister and I strongly support keeping the zoning as it is and allowing plans for establishing a homeless center on this site to go forward.

I have worked with the homeless through the Shower Ministry sponsored by the Presbyterian church. The homeless people I have met are grateful, kind, and helpful without being asked. They pose no threat to anyone. They just need shelter.

Sincerely,

Carole McAllister

522 Oak Hollow Dr

Hammond, LA 70401