



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

**m e m o r a n d u m**

**TO:** Bruce K. Walden, Chief Administrative Officer

**FROM:** Elizabeth H. Tyler, AICP, City Planner/Zoning Administrator

**DATE:** September 12, 2002

**SUBJECT:** An Ordinance Amending The Zoning Ordinance Of The City Of Urbana, Illinois (Addition of a Definition and Use Regulations for "Methadone Treatment Facility" - Plan Case No. 1824-T-02)

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**Description**

Under the direction of the City Council of the City of Urbana, the Zoning Administrator is submitting an amendment to the Zoning Ordinance to include a definition for “methadone treatment facility” and to add this use to the Table of Uses in the same zones and under the same provisions as shown for “Hospital or Clinic” use.

**Background**

The Champaign-Urbana Public Health District is interested in obtaining State and Federal permissions to operate a methadone treatment facility at the former H&R Block Building at 219 North Broadway in downtown Urbana. The subject site is zoned B4, Central Business. The District has signed a lease for the use of this building to house their Division of HIV/STD/TB Prevention and Management which is currently located at the District’s building at 710 North Neil Street in Champaign.

In reviewing the proposed requests, the Urbana Zoning Administrator determined that the current operations of the HIV/STD/TB Prevention and Management Division could be permitted by right in this zone as “Professional and Business Office”. With respect to the proposed future operation of a methadone treatment facility, under Section V.1.B. of the Zoning Ordinance, the Zoning Administrator determined that such a use was not defined by the Zoning Ordinance and was not encompassed by the current table of uses and would therefore require a text amendment to properly define and regulate it. The Zoning Administrator’s Interpretation was issued on May 8, 2002 and is summarized in previous case memoranda.

Pursuant to this interpretation, staff prepared the initially proposed text amendment to the Zoning Ordinance. This amendment included the addition of a definition of “methadone treatment facility” under Article II of the Zoning Ordinance, and revision to Table V-1, Table of Uses, to add a new listing under “public and quasi-public facilities” entitled “methadone treatment facility” indicating that such use is permitted by Special Use (“S”) in the B-3, B-4, and MIC zones. The amendment also included a new Section VII-10, Special Use Permits for Methadone Treatment Facilities, containing a number of conditions that should be considered in granting special use permits for such facilities.

The public hearing for the initially proposed text amendment was opened by the Plan Commission at its meeting on May 23, 2002 and continued at its meeting on July 25, 2002. At this meeting, the Plan Commission voted 4-1-1 to recommend approval of the text amendment along with minor revisions.

The currently proposed text amendment is a modification of a previous version of this Plan Case that was considered by the Plan Commission in May and July, 2002 and by the City Council on August 5, 2002. At this previous meeting, the City Council passed a motion to return the subject Plan Case to the Plan Commission for review with the following changes:

1. Amend the table of uses to add “methadone treatment facility” as a public and semi-public use that is permitted by right in all zoning districts in which “clinic” is permitted by right and as a special use in all zoning districts in which “clinic” is allowed by special use.
2. Amend Section V-10 of the Zoning Ordinance to list “methadone treatment facility” as a use permitted by right in the MIC Overlay Zoning District.

The proposed modifications are sufficiently different from the initially proposed text amendment that posting of a modified public notice and holding of an additional public hearing and review by the Urbana Plan Commission were determined to be required.

Additional pertinent background information is provided in the Memoranda to the Plan Commission dated May 20, 2002, July 22, 2002, and August 30, 2002.

## **Currently Proposed Amendment**

The proposed amendment would be to Section II-3, Definitions; Table V-1, Table of Uses; and Section V-10, Additional Regulations in the MIC District. Proposed amended language is shown underlined as follows:

### **Section II.3, Definitions**

Amend Section II.3, to add the following in the proper alphabetical location:

Methodone Treatment Facility: Methadone treatment facility means any properly licensed facility, other than a hospital, where the drug methadone is administered or dispensed to patients for the purposes of opiate addiction treatment.

The proposed definition has been modified slightly from the previously proposed version in response to comments made at the City Council meeting of August 5, 2002.

**Table V-1, Table of Uses**

Amend Table V-1 to include a new row entitled “methadone treatment facility” to be shown as follows:

Please note that uses permitted in the MIC zone are not specifically indicated in the table, but are addressed in Section V-10 (below).

<i>Principal Uses</i>	CRE	AG	R-1	R-2	R-3	R-4	R-5	R-6	R-6B	R-7	B-1	B-2	B-3	B-3U	B-4	B-4E	I N	M O R	O P
<i>Public and Quasi-Public Facilities (cont.)</i>																			
Public Fairgrounds		S																	
Hospital or Clinic		S					S	P					P	P	P	P			P
University or College	P												P	P	P	P			P
<u>Methodone Treatment Facility</u>		<u>S</u>					<u>S</u>	<u>P</u>					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>

**Methadone Treatment Facilities in the MIC Zone**

Amend Section V-10, Additional Regulation in the MIC District, as follows:

All development regulations of the B-4E zoning district shall apply to said properties with the following exceptions or additions:

- A. The following uses are permitted by right in this Overlay Zoning District: medical related uses, drugstore, day care center, hospital or clinic, ambulance service, medical carrier service, home for the aged; nursing home; fitness center; guest house for patient families/support members; ~~and~~ health care-related business or professional medical office building; and methadone treatment facility.

## **Summary of Findings**

1. The proposed amendment would assist in the administration and enforcement of the Zoning Ordinance.
2. The proposed amendment would assist in maintaining a complete, accurate, and up-to-date Table of Uses.
3. The proposed amendment considers methadone treatment facility in a manner that is completely consistent with the use designation of “hospital or clinic”.
4. The proposed amendment accommodates a necessary use that may be considered objectionable by some or unduly stigmatized by others.
5. The proposed amendment would allow methadone treatment facilities to be located in a number of business, mixed use, and residential zones.

## **Options**

The City Council has the following options in this case:

- a. approve the proposed text amendment to the Zoning Ordinance, as presented herein; or
- b. approve the proposed text amendment to the Zoning Ordinance, as modified by specific suggested changes; or
- c. deny the proposed text amendment to the Zoning Ordinance.

## **Recommendation**

At their meeting on September 5, 2002, the Plan Commission recommended by a vote of 4-1 that the proposed text amendment be denied. Plan Commission members expressed concerns with the number and types of zoning districts in which methadone treatment facilities would be permitted and with the lack of parking and other regulations. Some Plan Commission members felt that methadone treatment facilities should be addressed separately by the Zoning Ordinance, while other Plan Commission members felt that such facilities should be defined as a part of “clinic”. Some Plan Commissioners suggested that performance standards for clinics could be established by the Zoning Ordinance. Plan Commissioner concerns are set forth in the draft minutes attached to this memorandum.

Staff concurs with the Plan Commission recommendation that the proposed text amendment be denied. As modified, the proposed text amendment would allow “methadone treatment facilities” to be located in a total of nine zoning districts – Agriculture (by special use), Medium High Density

Multiple Family Residential (by special use), High Density Multiple Family Residential, General Business, General Business – University, Central Business, Central Business – Expansion, Office Park, and Medical Institutional Campus. Staff does not believe that “methadone treatment facilities” are appropriate to the Agriculture, Residential, or General Business – University zones and are of questionable fit in the Central Business – Expansion and Office Park zones, as indicated by Section IV-2, Purpose of Districts, of the Zoning Ordinance. Research by staff into the regulation of “methadone treatment facilities” in other communities shows that such uses are generally allowed by right or by special use in business and medical zones only. A review of hospital and clinic uses existing in the City show that they are located within the B-3 and MIC zones.

Staff believes that exact replication of “methadone treatment facilities” in the same zoning designations and under the same conditions as those shown for “hospital or clinic” is neither necessary nor desirable from a zoning administration standpoint. The current regulations of the Urbana Zoning Ordinance are problematic in that they make no distinction between the uses of “hospital” and of “clinic” and they provide no definition for “clinic” use. The current regulations are also problematic in that they appear to be overly permissive in allowance of “hospital or clinic” uses in a variety of zones whose purposes are not consistent with such uses. By using the current regulations of the Zoning Ordinance as a mandatory yardstick, staff believes that the proposed amendment compounds an unsatisfactory approach. Staff recommends that additional research be conducted into a subsequent text amendment to the Zoning Ordinance to define “clinic” use, to separate this use from “hospital”, and to provide more appropriate restrictions on the permitted locations of “clinics” and “hospitals” within the City of Urbana.

In conclusion, staff recommends that the proposed amendments to Articles II and V be adopted, but that the proposed amendments to Table V-1 either be denied, be adopted in the form that was recommended as part of the original plan case, or be postponed until such time as an additional text amendment can be prepared that defines the use “clinic” and provides further analysis and recommendation as to the proper zones and conditions under which “hospitals” and “clinics” are allowed as distinct and separate uses. Appropriate allowances for “methadone treatment facility” can then be assessed and potentially be made consistent with the use allowances for “clinic”.

Attachment:

1. Draft Ordinance
2. Draft Minutes from Urbana Plan Commission meeting of September 5, 2002

Cc: Dave King, C-U Public Health District	Jack Waaler, City Attorney
Anna Merritt, Chair of Zoning Board of Appeals	Laurie Bonnett, Urbana Business Association
John Dorsey, Downtown Neighborhood Association	Blake Weaver, Attorney
Fred Grosser, Attorney	Ray Timpone, Property Owner
Rich Niemann, Sr., Neimann Foods	Dave Taylor, Neimann Foods
Andrew Kwon	Jim Meadows, WILL
Dr. John Peterson	

ORDINANCE NO. 2002-08-083

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS**

(Addition of a Definition and Use Regulations for "Methadone Treatment Facility" - Plan Case No. 1824-T-02)

WHEREAS, the City Council of the City of Urbana, Illinois, adopted Ordinance No. 9293-124 on June 21, 1993 consisting of a comprehensive amendment to the 1979 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and

WHEREAS, under the direction of the City Council of the City of Urbana, the Urbana Zoning Administrator has submitted a petition to amend Section II.3 of the Zoning Ordinance to add a definition for "methadone treatment facility"; to add "methadone treatment facility" to Table V-1, Table of Uses under "public and quasi-public facilities", allowing it by right in the R-6, B-3, B-3U, B-4, B-4E, and OP zones and by special use in the AG and R-5 zones; and to amend Section V-10, Additional Regulations in the MIC District to allow methadone treatment facility by right; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case No. 1824-T-02; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing to consider the proposed amendment on September 5, 2002; and

WHEREAS, the Urbana Plan Commission voted 4 ayes and 1 nay to forward the proposed amendment set forth in Plan Case No. 1824-T-02 to the Urbana City Council with a recommendation for denial; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interests of the City of Urbana to amend the text of the Urbana Zoning Ordinance as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. Section II.3, Definitions, is hereby amended to add the following in the proper alphabetical location:

*Methadone Treatment Facility:* Methadone treatment facility means any properly licensed facility, other than a hospital, where the drug methadone is administered or dispensed to patients for the purposes of opiate addiction treatment.

Section 2. Table V-1, Table of Uses, is hereby amended to add "methadone treatment facility" as a public and quasi-public use that is permitted by right in the R-6, B-3, B-3U, B-4, B-4E, and OP zones and by special use in the AG and R-5 zones.

Section 3. Section V-10, Additional Regulation in the MIC District, is hereby amended to read as follows:

All development regulations of the B-4E zoning district shall apply to said properties with the following exceptions or additions:

- A. The following uses are permitted by right in this Overlay Zoning District: medical related uses, drugstore, day care center, hospital or clinic, ambulance service, medical carrier service, home for the

aged; nursing home; fitness center; guest house for patient families/support members; health care-related business or professional medical office building; and methadone treatment facility.

Section 4. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

AYES:

NAYS:

ABSTAINS:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Tod Satterthwaite, Mayor



**CERTIFICATE OF PUBLICATION IN PAMPHLET FORM**

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2002, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (Addition of a Definition and Use Regulations for "Methadone Treatment Facility" - Plan Case No. 1824-T-02)", which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. \_\_\_\_\_ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2002, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

(SEAL)

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Phyllis D. Clark, City Clerk