

HONORABLE MAYOR & CITY COUNCIL WEDNESDAY, SEPTEMBER 23, 2020

ACM: Majed Al-Ghafry

FILE NUMBER: DCA189-005

DATE INITIATED: April 17, 2019

TOPIC: Temporary Inclement Weather Shelters

CITY COUNCIL DISTRICTS: All

CENSUS TRACTS: All

PROPOSAL: Consideration of amending Sections 51-4.217 and 51A-4.217 of the Dallas Development Code to define and allow temporary inclement weather shelters as a specific accessory use.

SUMMARY: The proposal creates a new specific accessory use that allows temporary sheltering of the homeless during times of inclement weather in compliance with Chapter 45.

CPC RECOMMENDATION: Approval.

STAFF RECOMMENDATION: Approval.

BACKGROUND

- On April 17, 2019, the Office of Homeless Solutions (OHS) briefed full City Council on Inclement Weather. Direction was given to modify and refine terminology, clarify operation of temporary inclement weather shelters, and explore options to amend Chapter 51A.
- On May 2, 2019, the Citizen Homelessness Commission (CHC) convened a special called meeting to discuss inclement weather sheltering.
- On May 15, 2019, the Office of Homeless Solutions briefed full City Council on Inclement Weather. City Council supported staff recommendation to establish a new use in Chapter 51A.
- On June 20, 2019, staff gave a presentation on overview of temporary inclement weather shelter and potential code amendments to Chapter 51 and 51A to ZOAC. The committee asked questions throughout the presentation and requested the Office of Homeless Solutions provide prior Citizen Homeless Commission and City Council involvement and feedback, community feedback, and highlights on the Temporary Inclement Weather Shelter Program as being drafted for the new Chapter 45.
- On August 15, 2019, the Office of Homeless Solutions gave a presentation on the Temporary Inclement Weather Shelter Program to ZOAC. ZOAC requested that this item be delayed in returning to ZOAC until after the Citizen Homeless Commission meeting scheduled for September 12, 2019.
- On September 12, 2019, the Office of Homeless Solutions briefed the Citizen Homelessness Commission on an update of the Temporary Inclement Weather Shelter Program. The committee asked questions at the conclusion of the presentation relating to procedure and process of the program.
- On September 19, 2019, the Zoning Ordinance Advisory Committee (ZOAC) considered this issue and voted to recommended the proposal move to City Plan Commission (CPC).
- On November 21, 2019, staff briefed the City Plan Commission (CPC) on Temporary Inclement Weather Shelters.
- On December 10, 2019, the Office of Homeless Solutions was scheduled to brief the Housing and Homeless Solutions Council Committee on an update of the Temporary Inclement Weather Shelter Program. However, the committee moved to hold the item for briefing until the January committee meeting but have City Plan Commission move forward with the land use portion in Chapter 51 and Chapter 51A of the two pronged approach.

- On January 9, 2020, the City Plan Commission (CPC) considered the proposed amendment and recommended approval.
- On January 14, 2020, the Housing and Homelessness Committee was briefed by the Office of Homelessness (OHS) on “Inclement Weather Program Update, Zoning Use, and Consideration of One-Site Winter Plan” and received approval to forward the item to full City Council.

GENERAL INFORMATION AND STAFF ANALYSIS:

City Council gave direction to initiate a code amendment to allow the opportunity to provide temporary emergency shelter for the homeless during times of severe temperatures.

Addressing temporary inclement weather sheltering required taking a two-pronged approach. The first prong addressing the land use and amendments to Chapters 51 and 51A to allow for the operation of the Temporary Inclement Weather Shelter Program. The second prong creating Chapter 45 in the Dallas Development Code, The Temporary Inclement Weather Shelter Program, developed by the Office of Homeless Solutions. Chapter 45 includes, but is not limited to, the program details and regulations, operations, life safety requirements, licensing, and permitting of the program.

The intent of this new use in Chapters 51 and 51A is to allow the overnight sheltering of the homeless during times of inclement weather on a temporary basis, as an accessory use where there is an existing main use. As a specific accessory use, it would be allowed in most Planned Development Districts. Generally, when a Planned Development District is established, Section 51-4.217 or 51A-4.217 ACCESSORY USES is referenced for applicability and regulations. When specific accessory uses, as listed in that section, are not to be allowed in the Planned Development District they are listed individually in the Planned Development District as “not permitted” and the other specific accessory uses listed in Sections 51 and 51A-4.217 are allowed by default. Therefore, if code amendments are made to Chapters 51 or 51A adding new specific accessory uses after the establishment of the Planned Development District, those uses would be allowed in the Planned Development District until such time as the Planned Development District was otherwise amended. However, Planned Development Districts that list all the specific accessory uses that “are permitted” would not allow new uses that are added at a later date, such as the proposed specific accessory use Temporary Inclement Weather Shelters.

A two-pronged approach provides for the amendment to Chapters 51 and 51A to create a new specific accessory use in conjunction with the second prong. The second prong, the new Chapter 45 proposed by OHS, contains the process and procedure in which interested parties may participate, operate, and be permitted.

PROPOSAL:

The temporary inclement weather shelter is to be a specific accessory use under Sections 51-4.217 and 51A-4.217.

Temporary inclement weather shelters may only operate in conjunction with an existing Certificate of Occupancy (CO) for a main use.

As a specific accessory use, temporary inclement shelter would be allowed in most Planned Development Districts unless specified otherwise in the Planned Development District. That being the case, because most PDs list the specific accessory uses that are “not permitted”, by default the other specific accessory uses listed Chapters 51 and 51A are allowed. Therefore additional specific accessory uses being added to the Code after the establishment of the PD would be allowed.

Temporary inclement weather shelters are not permitted in Parking (P) districts because no main use allowed in a parking district would allow the accessory use temporary inclement weather shelters.

No additional off-street parking or loading is required. The main use must already provide required parking.

This use must comply with the regulations in Chapter 45, and may only operate in conjunction with a Certificate of Occupancy. This use is not allowed in conjunction with single family, duplex, townhouse, or handicapped group dwelling unit.

The area restrictions in SEC. 51-4.217(a)(3) and 51A-4.217(a)(3) will not apply to temporary inclement weather shelters. Unless specifically called out, accessory uses can only occupy five percent of the area of the lot, or floor area, containing the main use.

CPC ACTION

January 9, 2020

Motion: It was moved to recommend **approval** of amending Sections 51-4.217 and 51A-4.217 of the Dallas Development Code to allow temporary inclement weather shelters as a specific accessory use.

Maker: Murphy
Second: MacGregor
Result: Carried: 9 to 5

For: 9 - MacGregor, Johnson, Shidid, Housewright,
Schultz, Schwope, Murphy, Garcia, Rubin

Against: 5 - Hampton, Carpenter, Brinson, Blair, Jung

Absent: 0

Vacancy: 1 - District 3

Speakers: For: David Woody, 1818 Corsicana St., Dallas, TX, 75201
Brenda Snitzer, 1835 Young St., Dallas, TX, 75201

Against: None

Against (Did not speak): Michael Przekwas, 1602 Beaumont St., Dallas, TX, 75215

CPC Recommended Conditions

Sec. 51A-4.217 Accessory Uses

(b) Specific accessory uses.

(11.1) Temporary inclement weather shelter.

(A) Definition: A facility that offers shelter during times of inclement weather in compliance with Chapter 45.

(B) District restrictions: This accessory use is not permitted in Parking (P).

(C) Required off-street parking: None required.

(D) Required off-street loading: None required.

(E) Additional provisions:

(i) This use must comply with the regulations in Chapter 45.

(ii) This use may only operate in conjunction with a Certificate of Occupancy. This use is not allowed in conjunction with single family, duplex, townhouse, or handicapped group dwelling unit.

(iii) The area restrictions in Subsection (a)(3) do not apply to this use.