

ACTION REQUEST FORM

DATE: November 19, 2014
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, Director of Planning and Development Services

COUNCIL ACTION REQUEST:

Request for Public Hearing on UDO Text Amendment proposed by City-County Planning and Development Services staff

SUMMARY OF INFORMATION:

UDO Text Amendment proposed by City-County Planning and Development Services staff to amend Chapter B of the *Unified Development Ordinances* to revise Temporary Shelter regulations (UDO-252).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED

UDO-252
AN ORDINANCE AMENDING
CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO REVISE TEMPORARY SHELTER REGULATIONS

Be it ordained by the City Council of the City of Winston-Salem, North Carolina, that the *Unified Development Ordinances (UDO)* is hereby amended as follows:

Section 1. Chapter B - Zoning Ordinance, Article II - Zoning Districts, Official Zoning Maps and Uses is amended as follows:

Chapter B – Zoning Ordinance
Article II – Zoning Districts, Official Zoning Maps and Uses

2-7 Temporary Uses

2-7.2 TEMPORARY USES PERMITTED

(L) Shelter, Temporary

The use of permanent structures to provide temporary housing during life threatening weather conditions, for which the duration of any zoning permit issued by the Director of Inspections for such temporary use shall not exceed ~~thirty (30) consecutive days~~ the period specified in the North Carolina Building Code for such use and may be extended an additional ~~thirty (30) days~~ twice at the discretion of the Director of Inspections, not to exceed a total of ninety (90) consecutive days for the Shelter, Temporary use.

Section 2. This ordinance shall be effective upon adoption.

STAFF REPORT

DOCKET # UDO-252
STAFF: Kirk Ericson

REQUEST

This text amendment is proposed by City/County Planning and Development Services staff to amend chapter B of the *Unified Development Ordinances* to revise current temporary shelter regulations. The text amendment was requested at the October 6, 2014 City Council meeting.

BACKGROUND

The Winston-Salem/Forsyth County Council on Services for the Homeless has sponsored a winter overflow shelter for homeless persons for a number of years. The Council plans to do so this winter from approximately December 1, 2014 to March 31, 2015 (a period of 120 days), with the option of being open additional days if required by inclement weather.

The North Carolina Building Code allows temporary overflow shelter to be provided for a maximum of 150 calendar days within any 365 day time period. However, current UDO regulations specify that such a temporary use shall not exceed thirty (30) consecutive days, which may be extended an additional thirty (30) days twice at the discretion of the Director of Inspections, not to exceed a total of ninety (90) consecutive days.

ANALYSIS

To make our UDO consistent with the North Carolina Building Code, UDO-252 proposes that the time period a temporary shelter use is open shall not exceed the time period allowed in the North Carolina Building Code for such a use. This change would allow overflow shelters to remain open for a maximum of 150 calendar days within any 365 day time span under the current state building code requirements. By referencing the North Carolina Building Code requirements rather than specifying a particular time limit for this use, the UDO will continue to reflect the NC Building Code requirements even if the time limit in the NC Building Code changes in the future.

Staff believes the proposed ordinance change will benefit the homeless population in Winston-Salem and Forsyth County and recommends approval of the ordinance.

RECOMMENDATION

APPROVAL

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-252
NOVEMBER 13, 2014**

Kirk Ericson presented the staff report.

PUBLIC HEARING

FOR:

Richard Cassidy, 2323 Sunnyside Avenue, Winston-Salem, NC 27127

- I serve on the Winston-Salem/Forsyth County Homeless Council.
- I also help oversee the overflow shelter.
- We are seeking this because currently we can only house 20 people per structure.
- The only reason we're doing this is so our brothers and sisters in humanity don't freeze.
- I'm grateful that you want to approve this and thank you deeply, from the bottom of my heart.

AGAINST: None

WORK SESSION

During discussion by the Planning Board, the following points were made:

Allan Younger asked why there was currently a limit of 90 days for operation of a temporary shelter. Staff indicated that the regulation was in the 1994 ordinance and was consistent with the way most temporary uses are handled.

Melynda Dunigan stated that Homeless Shelters have certain regulations like spacing requirements and maximum occupancy. Would any of these requirements apply to temporary shelters? Staff responded that they would not apply. The concept of a Temporary Shelter use came about because there were some very expensive building code requirements for establishing a Homeless Shelter within a church which wished to help the homeless during crisis times. Several entities worked with the building code council and Bucky Frye from Inspections staff to create the provision of temporary shelters with alternative provisions such as a fire watch. This would be two or three persons who stay up all night and monitor the facility. In case of a problem, the residents could be alerted and moved out quickly and safely.

Melynda Dunigan: Are there limitations as to which zoning districts they would be allowed in?
Chris Murphy replied that typically the homeless population is going to be located in and near the downtown area because that is where the services meeting their needs are located. There is no regulation in the UDO as to the types of districts in which temporary shelters can be located. However in the building code there are some limitations which would have to be met. For instance a temporary shelter could not be in a warehouse.

Melynda Dunigan: Can a church have a homeless shelter as an accessory use rather than a temporary use? After checking the ordinance, staff answered that a church can only operate a shelter as a temporary use.

Paul Mullican: Thank you to whomever brought this up. I really do appreciate it. It's one of the most humane things I've had the opportunity to vote on in several years.

MOTION: Clarence Lambe moved approval of the text amendment.

SECOND: Paul Mullican

VOTE:

FOR: Unanimous

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning and Development Services