

December 20, 2006

Winston-Salem Council on Homelessness
930 N. Patterson Avenue
Winston-Salem, NC 27101

RE: ZONING TEXT AMENDMENT UDO-163

Dear Council:

The attached report of the Planning Board to the Forsyth County Board of Commissioners and City of Winston-Salem City Council is sent to you at the request of the Commissioners and Council Members.

When the text amendment is scheduled for public hearing, you will be notified by Jane Cole, Clerk to the County Commissioners and Renee Henderson, City Secretary, of the date on which the Commissioners and City Council will hear this petition.

Sincerely,

A. Paul Norby, FAICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office
Renee Henderson, City Secretary
Charles Wilson, 445 Marshall View Court, Winston-Salem, NC 27101
Mike Ryan, 100 Sutter's Place Court, Winston-Salem, NC 27104
Robert Vorsteg, 3620 Marlowe Avenue, Winston-Salem, NC 27106
Area Commander for the Salvation Army, 310 West Fourth Street, Winston-Salem, NC
27101
Nan Griswald, Second Harvest Food Bank, 3655 Reed Street, Winston-Salem, NC
27107
Sonia Korosky, Director of Samaritan Ministries, 1243 N. Patterson Avenue, Winston-
Salem, NC 27101

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: _____ **AGENDA ITEM NUMBER:** _____

SUBJECT:-

- A. Public Hearing on Zoning Text Amendment proposed by Winston-Salem Council on Homelessness and City of Winston-Salem staff to amend Chapters A and B of the *Unified Development Ordinances* to create new definitions and provisions for Shelters for the Homeless, Temporary Shelters, and Emergency Shelters (UDO-163).
- B. Approval of Ordinance

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

See attached staff report.

After consideration, the Planning Board recommended approval of the rezoning text amendment.

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

ACTION REQUEST FORM

DATE: December 20, 2006
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning Text Amendment proposed by Winston-Salem Council on Homelessness and City of Winston-Salem staff

SUMMARY OF INFORMATION:

Zoning Text Amendment proposed by Winston-Salem Council on Homelessness and City of Winston-Salem staff to amend Chapters A and B of the *Unified Development Ordinances* to create new definitions and provisions for Shelters for the Homeless, Temporary Shelters, and Emergency Shelters (UDO-163).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL OF PLANNING BOARD OPTION
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED

STAFF REPORT

DOCKET #: UDO-163

STAFF: Chris Murphy

REQUEST

Zoning text amendment proposed by the Winston-Salem Council on Homelessness and City-County Inspections and Planning staff to amend Chapter A, Definitions Ordinance and Chapter B, Zoning Ordinance, of the *Unified Development Ordinances* to add the Use “Shelter for the Homeless” as a permitted use and other associated changes resulting from the introduction of this new use.

BACKGROUND and ANALYSIS

The *Unified Development Ordinances* (UDO) does not contain a use for “homeless shelters.” The closest use in the UDO’s Table of Permitted Uses is either a “Group Care Facility A” or “Group Care Facility B.” All “Group Care Facility A or B” uses must be located at least 2,500 feet from other like-classified uses and can contain no more than 40 residents. All of the existing homeless shelters were established prior to the adoption of the UDO in 1995. In the prior zoning ordinance, the closest use to classify these shelters was “Motel or Hotel”. This use did not have any spacing requirements or limitations on the number of residents.

In June of this year, the Bethesda Center was issued a Building permit to expand its operation by constructing an additional building to formally house another 40 residents. Although the existing use of the property was previously classified as a “Motel or Hotel”, the Bethesda Center’s new building was classified as a “Group Care Facility A” for the issuance of this new building permit. Based on the new (and correct) interpretation that this and other similar facilities should be classified either as “Group Care Facilities A or B,” the establishment of the use at the Bethesda Center has essentially blocked further expansions by other similar agencies in the vicinity because of the 2,500 foot spacing requirement. Further expansions of the Bethesda Center or other similar facilities within 2,500 feet will require the petitioner to demonstrate the need for a “Reasonable Accommodation” through the Elected Body.

Before the issuance of the building permit for the Bethesda Center, the Winston-Salem Rescue Mission began the paperwork for a “Reasonable Accommodation” to construct a 40-bed “New Life Center” at 718 N. Trade Street. This action was necessary to grant this new “Group Care Facility A” use at this location based on the building permit that was going to be issued to Bethesda Center on their new facility. Once the building permit was issued to Bethesda Center for their new building, the 2,500 foot spacing requirement would affect the Winston-Salem Rescue Mission site. The only current waiver of this spacing requirement is the granting of a “Reasonable Accommodation” by City Council. This Reasonable Accommodation was granted by City Council in May of 2006.

To prevent this situation from happening in the future, City Council directed staff to draft a zoning text amendment that requires all “Group Care Facility A or B” uses to be approved through an Elected Body Special Use Permit. Further, staff was directed to clarify within the use conditions for “Group Care Facility A or B” that the 2,500 feet spacing requirement between “Group Care Facility A or B” applies to those uses newly classified as “Group Care Facility A or B” and uses that, regardless of how they were classified when originally permitted, would be

classified as a “Group Care Facility A or B” if permitted today. Staff further clarified the use conditions by including the 40-resident limit contained in the “Group Care Facility A or B” definition as a new use condition.

In response to staff’s action regarding “Group Care Facility A or B”, the Winston-Salem Council on Homelessness proposed an alternative text amendment creating a new use category, “Shelter for the Homeless” and proposed their own spacing (700 feet) and resident limit (98 residents) standards. Other changes to the ordinance, including adding temporary and emergency uses related to homelessness, were also addressed by the Winston-Salem Council on Homelessness. Staff analyzed the petitioners request and has worked with the Winston-Salem Council on Homelessness to agree on all issues except the spacing and resident limit standards. As a result, staff has abandoned the changes proposed in the “Group Care Facility A and B” text amendment and instead propose, along with the Winston-Salem Council on Homelessness, the “Shelter for the Homeless” text amendment.

Staff’s proposal of the 2,500 foot spacing requirement and 40 resident limit for a “Shelter for the Homeless” use is consistent with the “Group Care Facility A or B” use that a homeless shelter would currently fall under and addresses the need to decentralize these facilities as voiced by City Council. All existing facilities serving the homeless are spaced in such a manner that they could meet the 700 foot spacing requirement proposed by the Winston-Salem Council for Homelessness. Additionally, this 700 foot spacing would allow for up to two (2) additional facilities within the “block” created by drawing straight lines between the existing facilities that would meet the proposed “Shelter for the Homeless” definition (see the map in the packet), allowing for further concentration of homeless facilities within the area. Regarding the resident limit, the Winston-Salem Council on Homelessness proposed a 98 resident limit to ensure that most (not all) of the existing facilities were conforming upon adoption. Only the Bethesda Center would exceed the 98 resident limit cap proposed by the petitioners, and thus be nonconforming. All existing facilities that would fall under the proposed “Shelter for the Homeless” definition would be nonconforming regarding the resident limit standard as proposed by staff. In order to be consistent with the intent of the original request from City Council, staff maintained the 40 resident limit set forth under “Group Care Facility A and B.” The spacing requirement and the resident limit standards may be waived through the Reasonable Accommodation provisions, if all criteria for the Reasonable Accommodation request are satisfied.

The overall impact of the proposed text amendment is minimal to the existing facilities as they currently exist. Regardless of past interpretations, the appropriate use classification for these existing facilities would become a “Shelter for the Homeless” from this point forward. Through the provisions provided in Section B.2-4.3 and Section B.6-1.2 of the proposed ordinance, existing facilities can remain, as they are, without any issues. Under the proposed provisions, any increase in intensity or expansion will trigger the existing facilities being reclassified as a “Shelter for the Homeless” and requiring compliance with the standards associated with the new use classification. Under staff’s proposal, this will also trigger the need for a “Reasonable Accommodation” request to City Council, given the proposed 2,500-foot spacing requirement and 40 resident limitation. This is the same procedure followed by the Rescue Mission in May 2006, and would be the same process needed for any of the existing facilities to expand under the current ordinance.

Staff's version of the proposed text amendment will prevent the clustering of these facilities in a concentrated area of the City/County in the future through the more concise regulations and the correct interpretation of the use classification as a "Shelter for the Homeless."

RECOMMENDATION

APPROVAL of the STAFF VERSION.

Chris Murphy presented the staff report.

PUBLIC HEARING

FOR:

Charles Wilson, 445 Marshall View Court, Winston-Salem, NC 27101

- I am the chair of the Homeless Council and have been so for nine years.
- I was part of the 10-year plan to eliminate homelessness. I assure you that what we propose is in no way contrary to that plan.
- Described the Homeless Council.
- Please approve this request.
- We don't want to be in non-compliance and we also don't want to have to make costly changes to our facilities.
- There is not a plan or a vision anywhere on the Council for a new shelter. We are moving toward a ten-year plan to end chronic homelessness.
- We want to move forward with replacing the Bethesda Center's present center. It's just a worn out old building. That is not a night shelter.

Mike Ryan, 100 Sutter's Place Court, Winston-Salem, NC 27104

- President of the Bethesda Board of Directors.
- We support Elected Body review. We feel that going beyond Elected Body oversight, placing four shelters in a non-compliance status would have a negative unintended consequence. As older facilities need to be modernized and other changes are needed, failure to receive a reasonable accommodation could force a substantial reduction in the number of beds and thus create the need for additional shelters.
- Siting and funding a new shelter would almost certainly cause controversy and could be impossible. Under this scenario, the tax payers would end up bearing the cost of housing and caring for this homeless population.
- Submitted article which was recently in the *Winston-Salem Journal*.
- There is a substantial difference between a Group Care Facility and a Shelter.
- Our issue with the spacing standard is simple. As Charles says, we don't want to be non-compliant. We don't want to build new shelters. We would support the 2,500-foot spacing requirement for new shelters. The problem we have is the process we would have to go through to make normal changes in our operations.
- It's a totally different issue with the cap. Every shelter in Winston-Salem is bigger than 40 beds today.
- Winston-Salem is very fortunate in how so little public money goes into the homeless.

- Homeless shelters are very hard to raise money for.
- We have 90% coverage for housing the homeless at this point.
- It costs more money to build and run two 40-bed shelters than one 80-bed shelter.
- To revert to a 40-bed limit would be a waste of space and leave half-empty buildings.
- Foot traffic is an issue when the homeless sleep one place and move to other places for food, work, or training during the day. Then you get into trespassing and panhandling concerns.
- The more shelters you have and the further apart they are, the more traffic you'll have.
- If this amendment were in effect, we would have 9 shelters, 2500 feet apart. If you drew a circle around the Bethesda Center where the next shelter could be placed, it would be in such locations as Old Salem, Hanes Park, the Coliseum, MLK east of US 52. Think of the neighborhoods that would be impacted.
- In all my reading of UDOs, I couldn't find any City that has a cap on homeless shelters. They do have spacing requirements, but not caps on the number of people who can be there.
- There are significant differences between Group Care Facilities and homeless facilities. Mr. Ryan described some of the differences and the causes of homelessness.
- The Homeless Council is working to provide overflow facilities for temporary needs which will bridge the gap as the 10-year plan takes effect.

AGAINST:

Robert Vorsteg, 3620 Marlowe Avenue, Winston-Salem, NC 27106

- Vice-President of Winston-Salem Neighborhood Alliance.
- We support and endorse the staff recommendation and the staff option.
- We feel the issues have been thoroughly reviewed by staff.

WORK SESSION

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

1. Carol Eickmeyer: What is the cap related to? Chris Murphy replied that it is related to City Council's original request which dealt with Group Care Facility A uses. The 40-bed limit and 2500 foot spacing were part of the original directive given to the Assistant City Manager by the City Council and then passed on to Planning staff. Derwick Paige, Deputy City Manager, stated that part of the issue is that the original facilities were classified as Hotel/Motel. The 40-bed limit is what the Council was looking for in relation to the Group Care Facilities A uses (what the shelters currently would be classified).
2. Carol Eickmeyer: Is it their intention to discourage homelessness by limiting the number of beds? Mr. Paige responded that it came down to an issue of warehousing. How many individuals can you have in one facility without feeling that you are warehousing them or treating these individuals poorly. When the issue came up many years ago and after extensive research, the number 40 seemed to address the concerns of the City Council, the Planning Board, and neighborhoods.

3. Group Care Facility A residents live at their facilities 24-7. Homeless shelter occupants only reside at the shelter at night and have a much larger impact on the surrounding neighborhoods as they move around during the day and back to the facility at night. For that reason, a 40-bed limit seemed reasonable.
4. In response to a question by a Board Member, @ (speaker was not at the microphone when he identified himself), area commander for the Salvation Army, 310 West Fourth Street, Winston-Salem, NC 27101. This is probably the best operated homeless network that I've ever seen. They do a fabulous job and do it in a way that causes the least amount of fan-fare. You hardly ever hear about it. What they're asking you to do is to allow them to continue doing what they're doing now so it doesn't become an issue every time someone needs to do something to their shelter. Certainly it would not be good to expand the number of shelters you have in the community. That would attract more homeless people out of the community, not less. What the homeless network is trying to do is to condense the program in such a way that they can deal with it effectively to make Winston-Salem continue to be the kind of city it is. Eliminating chronic homelessness is doable in Winston-Salem. In other cities it would be a joke. It's doable here because there are so few homeless people in this community. That's a credit to the great job these folks are doing. I'd like to urge you to approve this so they can move on with the plans they have to eliminate homelessness in ten years.
5. Clarence Lambe: Is the number of homeless falling or rising annually? Response from unidentified person in audience: It's been around 550 for the last 5 years. So the City's opinion is apparently that the shelters be spread out all over the community while the homeless providers see the need for a campus-atmosphere where all services are provided in a centralized location rather than spread out all over the community. Our choice is whether to spread them out and make the centers completely self-sufficient or whether to provide all the services in one area.
6. Clarence Lambe asked if there were any providers present who believed it was better to spread these services out? In response, Nan Griswald, Second Harvest Food Bank, 3655 Reed Street, Winston-Salem, NC 27107 stated that she didn't think any City Council person would want homeless people in their ward. I think they have a dilemma about what to do. I don't think they want it spread it out, but if it isn't spread out it ends up in one Councilman's neighborhood and that Council Member has to deal with all the problems. Every City is dealing with this. Is it the best thing for the homeless to spread them out? No. They need the services all together on a campus. Is it the best thing for this community to spread the homeless out? No, I don't think so. Buena Vista is not where the homeless are. Faith Seeds has reported that 800-1200 people who have been incarcerated come back into the community of Liberty Street, which may have originally been their home. To spread homeless people out across the community where there are

barriers to them getting the services they need is not good for them or for the City. Whatever directives came down for whatever reason, they don't seem to make sense for this community. It's not efficient. It's not effective. It'll be more money and that's not what the ten-year plan is about.

7. Chronic homelessness is people who need a lot of support services to get on their feet. Their needs include housing, food, case workers, medical assistance, training. The City has given free bus passes to participate in the program (the Second Harvest training program). We can train 20 people every ten weeks.
8. The existing four homeless shelters mentioned today would be reclassified under this new use if they met the requirements for the use.
9. Carol Eickmeyer asked why it was so expensive to get a Reasonable Accommodation. Glynis Jordan explained that Federal Law specifically requires attorneys to provide analysis as to the reasons and justifications why it couldn't be done any other way. Ms. Eickmeyer asked about the magic of the number 98 and one of the proponents stated that was the number of beds in the largest facility currently existing. Ms. Eickmeyer stated that earlier references had been made to shelters having over 100 beds. I don't want someone to not be in compliance when this is done.
10. Sonia Korosky, Director of Samaritan Ministries, 1243 N. Patterson Avenue, Winston-Salem, NC 27101, stated that every shelter has a certain number of beds and a certain number of overflow mats. So when you're doing your math you may have different numbers based on whether or not the mats have been included in that number. The mats are there until beds are available. We don't want to have to hire attorneys and pay those expensive fees if we want to improve the facilities by adding three new restrooms. We work hard to be frugal with our money.
11. Carol Eickmeyer: By going with the Homeless Council's recommendation we are creating a homeless campus and that has ramifications for the surrounding residents and neighborhoods and the economics of the surrounding areas. It would be wonderful if the Homeless Council could actually move toward a true campus concept so if there are other things that come in here, they are more clustered village to make it more manageable. We have lost a business in the neighborhood based on some of the issues that go with homelessness. It needs to be said that we are aware of it based on whatever we do because on one hand no one wants this in their back yard, but on the other hand, if we do this we are basically creating a zoning category called social services.
12. Brenda Smith: If you raise the cap but keep the short separation distance, you're really going to concentrate that combination of things. If the homeless population is stable, has been stable, and we're hopefully not going to expand it, then the rules of having the separation would not effect all the effort that's going into being somewhat successful now. If we're looking at this as handling the current

situation, (the limits on spacing) it seems the proposals are not going to ... If you keep the cap at what is currently there but say you can put another one of these within 700 feet and another at 700 feet in the future, none of us can predict what the future is going to be, but it seems an unfair burden on a particular part of the community to have to do that.

13. Arnold King: You're reading my mind because I've already come up with a third option, a Planning Board option. I was going to suggest 1,000 feet. That would allow only one more here. 100 beds at 1,000 feet.
14. Sonia Korosky stated that the 700 feet was her recommendation because Samaritan Ministries is basically 750 feet from Salvation Army and I don't want to pay an attorney for an accommodation fee so while we were talking about it, I asked them to put 700 feet so we're safe. Arnold King: They could stay, right? Chris Murphy stated that under the similar situation, neither Samaritan Ministries or Salvation Army would have to have a Reasonable Accommodation. However, for expansion, they would have to get a Reasonable Accommodation.
15. Wesley Curtis: I agree with Carol. As I read this, I understand the City and it's position. I don't like the idea of creating a City of Homeless People. I think the homeless or these organizations should not bear the burden of that. We as a community should say we don't like having all of that in one location. We should say that if it grows, whatever we have to do to make that fair and dispersed among us, we should be willing to do that.
16. Clarence Lambe: I think there probably was an elected body's intent to either disperse it or to stop the growth. That's probably what the practical effect is going to be. There's probably not going to be expansion if we do it off the staff version.
17. Wesley Curtis: What I would prefer is the staff's version with the cap being changed to 100. The existing facilities stay as they are. If there are any new or future developments, we know they have to be dispersed.
18. Ronnie Grubbs: All the existing facilities would have to get an Elected Body permit and a Reasonable Accommodation if they did anything to their facility. You can say that existing homeless shelters at the time of adoption of this ordinance are exempt from the spacing requirements but not the other requirements of this ordinance.
19. Clarence Lambe: The cost of providing these facilities will increase significantly by adoption of this text amendment. If we err, we go with the suggestions of the providers who are currently doing the work.

MOTION: Carol Eickmeyer moved approval of a variation of UDO-163 that includes a cap of 100 beds, a spacing requirement of 2500 feet, and the exemption of the existing shelters from the requirement of reasonable accommodation for their remodeling purposes for spacing. Wording referring to Group Home A and Group Home B in the use conditions would be eliminated from the amendment.

SECOND: Wesley Curtis

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

UDO-163
AN ORDINANCE AMENDING
CHAPTER A, DEFINITIONS, AND CHAPTER B, ZONING
ORDINANCE, OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO ADD DEFINITIONS AND VARIOUS PROVISIONS FOR SHELTERS

Be it resolved, 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 A - Definitions Ordinance; Article II - Definitions” is hereby amended as follows:

GROUP CARE FACILITY A. A transitional housing facility for forty (40) or fewer residents, licensed by the State of North Carolina or operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services while persons receive therapy and/or counseling primarily for one or more of the following purposes:

- (A) To assist them to recuperate from the effects of or refrain from the use of drugs or alcohol;
- (B) To provide ~~emergency and temporary~~ shelter and support for persons in distress such as runaway children and battered individuals; and,
- (C) To provide shelter and support for older adults and persons who are handicapped. A Group Care Facility A shall not serve primarily as an alternative to incarceration. Such facilities may have accessory uses conducted on the premises, including but not limited to, schooling of residents, training programs in occupational fields, and production of goods and crafts to be sold off-premises.

None of the above shall include the uses “Emergency Shelters, Shelters for the Homeless or Temporary Shelters” as defined in Section A.2.

GROUP CARE FACILITY B (CORRECTIONAL GROUP CARE FACILITY). A transitional housing facility for forty (40) or fewer residents, licensed by the State of North Carolina or operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services while persons receive therapy or counseling to assist them to adjust to society as an alternative to incarceration but not including “Emergency Shelters, Shelters for the Homeless or Temporary Shelters” as defined in Section A.2. Such facilities may have accessory uses conducted on the premises, including but not limited to, schooling of residents, training programs in occupational fields, and production of goods and crafts to be sold off premises.

SHELTER, EMERGENCY. A facility operated by a local, state or federal agency or by the American Red Cross providing, without charge, temporary sleeping accommodations, with or without meals, for individuals and/or families displaced from their place of residence as a result of sudden natural or man-made catastrophes including, but not limited to, earthquakes, fires, floods, tornados, hurricanes, and chemical spills/releases. Such natural or man-made catastrophes must be designated by the local, state or federal official in charge or by the American Red Cross.

SHELTER FOR THE HOMELESS. A facility, operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes and operating year-round, which provides lodging and support services for indigent individuals without a residence. The support services may include, but are not limited to, a community kitchen; assistance in obtaining permanent housing; transitional housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; nutritional counseling; employment counseling; job training and placement; drug and/or alcohol recovery counseling; and child care.

SHELTER, TEMPORARY. A facility which provides, without charge, temporary lodging due to severe weather conditions for individuals without a residence.

Section 2. “Chapter B – Zoning Ordinance; Article II – Zoning Districts, Official Zoning Maps, and Uses” is hereby amended by adding the use “Shelter for the Homeless” to the table and clarifying how to handle uses permitted under a different zoning ordinance. The changes are as follows:

2-4 PERMITTED USES

2-4.1 TABLE B.2.6

(Please see revised Table B.2.6, Permitted Uses, on the following page)

**Table B.2.6
PERMITTED USES**

Use Type	YR	AG	RS40	RS30	RS20	RS15	RS12	RS9	R7	RSQ	RM5	RM8	RM12	RM18	RMU	MH	NO	LO	CPO	GO	NB	PB	LB	NSB	HB	GB	CB	MRB-S ⁴ (W)	LI	CPI	GI	CI	IP	C	MU-S	CONDS
INSTITUTIONAL AND PUBLIC USES																																				
Shelter for the Homeless																	<u>E</u>				<u>E</u>				<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>		<u>E</u>					<u>70.1</u>	

Z = Permit From Zoning Officer A = Board of Adjustment Special Use Permit
P – Planning Board Review E – Elected Body Special Use Permit
The number in the **CONDS** column references the subsection of Section 2-5 (i.e., 23 refers to Section 2-5.23)
This Table should be used in conjunction with Sections 2-4.1 through 2-4.6.

¹ See Section B.2-1.3(E)(3)
² See Section B.2-1.3(G)(3)
³ See Section B.2-5.67
⁴ Per Section B.2-1.3(L), Major Retail & Business District (MRB-S)

2-4.3 NEW OR UNLISTED USES OF SIMILAR NATURE AND EXPANSION OF USES CLASSIFIED IN PREVIOUS ZONING ORDINANCES

When a proposed use is not listed in Table B.2.6, the Director of Inspections shall classify the use with that use in the Table most similar and enforce the requirements of the similar listed use.

Except when the provisions for nonconforming situations in Section B.5 apply, whenever a use that was classified under a previous zoning ordinance is increased in intensity or expanded, the Director of Inspections shall classify the entire zoning lot to the most similar current use in Table B.2.6.

Section 3. “Chapter B, Zoning Ordinance; Article II – Zoning Districts, Official Zoning Maps, and Uses” is hereby amended by adding new use conditions for the use “Shelter for the Homeless” as follows (**STAFF and APPLICANT options are part of this section**):

2-5 USE CONDITIONS

2-5.70.1 SHELTER FOR THE HOMELESS

(A) Heated Building Square Footage

A minimum of fifty (50) square feet of heated building space shall be provided per resident.

(B) Spacing Requirement (STAFF OPTION)

A Shelter for the Homeless may not be located within a distance of **two thousand five hundred (2,500) feet** from any other Shelter for the Homeless use, or from any use which, though not classified as a Shelter for the Homeless under this Ordinance, would, if it were reclassified, be classified as a Shelter for the Homeless. All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed Shelter for the Homeless is to be located to the nearest point of the lot line of another Shelter for the Homeless use.

OR

(B) Spacing Requirement (APPLICANT OPTION)

A Shelter for the Homeless may not be located within a distance of **seven hundred (700) feet** from any other Shelter for the Homeless use, or from any use which, though not classified as a Shelter for the Homeless under this Ordinance, would, if it were reclassified, be classified as a Shelter for the Homeless. All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed Shelter for the Homeless is to be located to the nearest point of the lot line of another Shelter for the Homeless.

OR

(B) Spacing Requirement (PLANNING BOARD OPTION)

A new Shelter for the Homeless may not be located within a distance of **two thousand five hundred (2,500) feet** from any other Shelter for the Homeless use, or from any use which, though not classified as a Shelter for the Homeless under this Ordinance, would, if it were reclassified, be classified as a Shelter for the Homeless. All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed Shelter for the Homeless is to be located to the nearest point of the lot line of

another Shelter for the Homeless. All Shelters for the Homeless, or facilities that would be classified as a Shelter for the Homeless if it were reclassified today, existing as of the effective date of this ordinance shall be exempt from this **two thousand five hundred (2,500) foot** spacing requirement for the purposes of expansion or intensification of the use. These existing Shelters for the Homeless must comply with all of the provisions of Section B.2-5.70.1 and obtain a Special Use Permit from the Elected Body for such expansion or intensification of the use.

(C) Operation

- (1) The Shelter for the Homeless facility shall be contained within a building owned and/or operated by a government agency or nonprofit organization.
- (2) The Shelter for the Homeless facility operator(s) shall provide continuous, on-site supervision by an employee and/or volunteer during all hours of operation.

(D) Prohibition on Retail Sales

No retail sales shall take place in the facility.

(E) Maximum Occupancy (STAFF OPTION)

A Shelter for the Homeless may house no more than **forty (40)** residents.

OR

(E) Maximum Occupancy (APPLICANT OPTION)

A Shelter for the Homeless may house no more than **ninety-eight (98)** residents.

OR

(E) Maximum Occupancy (PLANNING BOARD OPTION)

A Shelter for the Homeless may house no more than **one-hundred (100)** residents.

Section 4. “Chapter B, Zoning Ordinance; Article II – Zoning Districts, Official Zoning Maps, and Uses” is hereby amended by adding a new accessory use for “Shelter, Emergency” under Section 2-6.5 as follows:

2-6 ACCESSORY USES

2-6.5 OTHER ACCESSORY USES

(E) Social Services on Church Campuses

~~Homeless shelters~~ Shelters for the homeless, soup kitchens, and other social services conducted by a church or religious institution on its primary campus ~~as permitted~~ are permitted as accessory uses. Such accessory uses are exempt from the Use Conditions of Section B 2-5.70.1.

(G) Shelter, Emergency

Section 5. “Chapter B, Zoning Ordinance; Article II – Zoning Districts, Official Zoning Maps, and Uses” is hereby amended by adding a new accessory use for “Shelter, Temporary” under Section 2-7 as follows:

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, and may be extended an additional thirty (30) days twice at the discretion of the Director of Inspections, not to exceed a total of 90 consecutive days for the Shelter, Temporary use.

Section 6. “Chapter B, Zoning Ordinance; Article III – Other Development Standards” is hereby amended by adding “Shelter for the Homeless” to Table 3.8, “Parking Requirements”:

3-3 PARKING, STACKING AND LOADING AREAS

**Table B.3.8
PARKING REQUIREMENTS**

PRINCIPAL USES	MINIMUM REQUIREMENTS	NOTES
RESIDENTIAL USES		
<u>Shelter for the Homeless</u>	<u>1 space per resident staff member plus 2 spaces per every 3 employees/volunteers on largest shift</u>	

Section 7. “Chapter B, Zoning Ordinance; Article VI – Administration and Amendments” is hereby amended by adding the following:

6-1 ADMINISTRATION

6-1.2 DIRECTOR OF INSPECTIONS

To ensure compliance with the provisions of this Ordinance, the Director of Inspections shall:

(A) Issue Permits

Issue the following documents:

(1) Zoning Permit

(a) When Required. A zoning permit shall be obtained from the Director of Inspections prior to the following:

(i) Building or Structure. The construction, reconstruction, erection, enlargement, relocation, or structural alteration of any building or structure or part thereof, including any principal use permitted in Table B.2.6, Section B.2-6, Section B.3-2, or any other use or improvement which requires a permit.

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.
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- (ii) Change of Use. Any change of use of any building or land.
- (iii) Changes in Classification of Uses from Previous Zoning Ordinances. Except when the provisions for nonconforming situations in Section B.5 apply, whenever a use that was classified under a previous zoning ordinance is increased in intensity or expanded, the Director of Inspections shall classify the entire zoning lot to the most similar current use in Table B.2.6.

Section 8. This ordinance shall become effective upon adoption.