

Temporary Inclement Weather Shelters

Staff: Nathan Warren

Request:

Consideration of amending Chapters 51 and 51A of the Dallas Development Code to define and establish regulations for inclement weather shelters.

Background:

- On April 17, 2019, the Office of Homeless Solutions 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.

Purpose:

To allow the opportunity to provide temporary emergency shelter for the homeless during times of severe temperatures.

General Information/Staff Analysis:

The number of unsheltered homeless has increased by 9% from 2018 to 2019 and emergency shelter beds are at full capacity. Currently code only allows for an overnight general purpose shelter [Section 51A-4.205(2.1)(A)(ii)] defined as an emergency lodging facility (as opposed to a residential or medical treatment facility) that provides room and board to more than four persons who are not related by blood, marriage, or adoption to the head of the household or the owner or operator of the facility, and that negotiates sleeping arrangements on a daily basis, whether or not the facility is operated for profit or charges for the services it offers.

- Overnight general purpose shelter is allowed with an SUP in LO(A), MO(A), GO(A), CR, RR, CS, LI, IR, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH), and multiple commercial districts if there are 20 overnight guests or less.
- Overnight general purpose shelter is allowed with an SUP in GO(A), CS, LI, IR, and central area districts if there are more than 20 overnight guests.
- The maximum number of overnight guests permitted in an overnight general purpose shelter is 20 in LO(A), MO(A), CR, RR, MU-2, MU-3, and multiple commercial districts.

- The maximum number of overnight guests permitted in an overnight general purpose shelter is 200 in all other cases.
- Overnight general purpose shelters must be spaced at least 1,000 feet away from a church, a public or private elementary or secondary school, any residential use listed in Section 51A-4.209 except a “college dormitory, fraternity, or sorority house”, any residential district, historic overlay district, or public park, and any other overnight general purpose shelter.

Proposal

Inclement weather shelters will differ from overnight general purpose shelters as they will only be operational in times of inclement weather. These times are defined as when temperatures are forecasted to be below 36 degrees Fahrenheit from December 1, to March 1, and when temperatures are forecasted to be above 100 degrees Fahrenheit during the day with evening temperatures above 80 degrees Fahrenheit from June 1, to September 1.

This use must comply with the regulations of the Chapter that is being drafted by the Office of Homeless Solutions. A temporary certificate of occupancy will be required to operate this use. These temporary certificates of occupancy will be valid until the end of the current inclement weather period if issued during an inclement weather period, or until the end of the next inclement weather period if the temporary certificate occupancy is issued outside of an inclement weather period. This use may only operate during an inclement weather period. Moreover, this use can only operate when temperatures are forecasted to be below 36 degrees Fahrenheit from December 1, to March 1, and when temperatures are forecasted to be above 100 degrees Fahrenheit during the day with evening temperatures above 80 degrees Fahrenheit from June 1, to September 1. This use is only permitted to operate during qualifying times of inclement weather. The official forecasted temperature will be determined by the Office of Homeless Solutions.

Additionally, one bed must be provided per overnight guest. The maximum number of overnight guests permitted under this use is 20. This use must be spaced at least 1,000 feet away from another temporary inclement weather shelter and any other overnight general purpose shelter. This provision is to prevent the concentration of these shelters. The application of this use must adhere to and follow all fire and building codes.

This use is to be allowed by right in all districts, except Parking (P). However, in residential districts, temporary inclement weather shelters are only permitted in conjunction with a Certificate of Occupancy for a nonresidential use. This requirement ensures that this use is not allowed in exclusively residential areas while allowing this use to exist in a structure that functions as a nonresidential use in residential district. For example, the nonresidential use church in a residential district would be eligible to operate as a temporary inclement weather shelter whereas the residential use multifamily in a residential district would not be eligible to operate as a temporary inclement weather shelter. This use will not be allowed in Planned Development Districts who do not have a base in a Chapter 51A base zoning district.

Draft Recommendation:

Sec. 51A-4.205 Lodging Uses

(2.2) Temporary inclement weather shelter

(A) Definitions: In these use regulations:

(i) BED means a piece of furniture, mat, cushion, or other device on or in which a person may lie and sleep.

(ii) INCLEMENT WEATHER means times when temperatures are forecasted to be below 36 degrees Fahrenheit, or when temperatures are forecasted to be above 100 degrees Fahrenheit during the day with evening temperatures above 80 degrees Fahrenheit.

(iii) INCLEMENT WEATHER PERIOD means from December 1, to March 1, or from June 1, to September 1.

(iv) TEMPORARY INCLEMENT WEATHER SHELTER means an overnight general purpose shelter as defined in Section 51A-205(2.1) that operates during times of inclement weather in an inclement weather period.

(v) THIS USE means a temporary inclement weather shelter as defined in this paragraph.

(B) Districts permitted:

(i) By right in nonresidential districts, except Parking (P).

(ii) By right in residential districts in conjunction with a Certificate of Occupancy for a nonresidential use.

(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 of the Temporary Shelters Program in Chapter ___ of the Dallas City Code.

(ii) After compliance with Chapter ___ has been established, this use must obtain a temporary certificate of occupancy for a temporary inclement weather shelter that expires at the end of the current, or next inclement weather period; whichever is first.

(iii) This use may only operate during:

(aa) an inclement weather period.

(bb) qualifying times of inclement weather in compliance with Chapter ___.

(iv) The maximum number of overnight guests permitted under this use is 20.

(v) One bed per overnight guest must be provided.

- (vi) This use must be spaced at least 1,000 feet away from:
 - (aa) another temporary inclement weather shelter; and
 - (bb) any other overnight general purpose shelter.