

PLANNER: Mike King

FILE NUMBER: DCA223-004(MK) **DATE INITIATED:** January 19, 2023

TOPIC: Development Code Amendment to consider spacing requirements between temporary inclement weather shelters and the central business district

COUNCIL DISTRICT: All

CENSUS TRACTS: All

PROPOSAL: Consideration of amending Chapters 51 and 51A of the Dallas Development Code, Sections 51-4.217(b)(20) and 51A-4.217(b)(11.1) "Temporary inclement weather shelter" and related sections with consideration being given to appropriate spacing requirements between temporary inclement weather shelters and the central business district.

SUMMARY: The proposed code amendments considers appropriate spacing between temporary inclement weather shelters and the central business district. The purpose of the proposed amendments is to align zoning regulations with the Master Emergency Operations Plan framework goal of providing shelter services in the event of inclement weather emergencies.

ZOAC AND STAFF RECOMMENDATION: Approval.

BACKGROUND INFORMATION:

- The following timeline outlines the events which led to the creation of Section 51A-4.217(b)(11.1), “Temporary inclement weather shelter”.
 - 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 recommend 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.
- The two items for the creation of Chapter 45 and the Development Code Amendment to add the new specific temporary inclement weather shelter use were held under advisement at the June 24 and September 23, 2020 City Council meetings.
- The items returned on November 11, 2020 and were approved with a motion to add a provision in the Dallas Development Code which reads, “Except at the Kay Bailey Hutchison Convention Center and other city-owned facilities, this accessory use may not operate within 0.5 mile of the central business district.”
- The purpose of [Chapter 45](#) within the Dallas City Code “is to establish standards for the operation of temporary shelters during times of inclement weather by entities that assure the compatibility of shelter activities with surrounding uses and provide a safe place for individuals and families to obtain temporary shelter.” Temporary inclement weather shelters may only operate during specific cold and hot weather conditions and do not include shelters used for disaster relief from extreme weather events like floods, tornados, and hurricanes.
- The Office of Emergency Management (OEM) and the Office of Homelessness Solutions (OHS) request an amendment to Sections 51-4.217(b)(20) and 51A-4.217(b)(11.1), “Temporary inclement weather shelter” for relief to the current requirement for a facility that is leased by the city within a half-mile of the CBD.
- On February 28, 2023, the Zoning Ordinance Advisory Committee (ZOAC) considered this issue and voted to recommend the proposal move to City Plan Commission (CPC).

STAFF ANALYSIS:

Temporary inclement weather shelters are currently prohibited from operating within a half-mile of the central business district (CBD), as shown in the attached map, unless they are located in the Kay Baily Hutchison Convention Center or in a city-owned facility. It has been determined that leased property is not equivalent to owned property, even though both require City Council approval. Therefore, a code amendment is required to operate a temporary inclement weather shelter within a city-leased facility within a half-mile of the CBD.

Based on the current estimates, in addition to existing city-owned facilities, one more facility is needed within a half-mile of the CBD to protect the city's unsheltered population from hot and cold conditions. During recent inclement weather events, some city-leased facilities have operated under the authority of the COVID-19 Disaster Declaration since Chapter 45 "Temporary Inclement Weather Shelter Program" does not apply to a shelter established as disaster relief. The proposed code amendment has been presented with urgency because there is concern that when the COVID-19 Disaster Declaration ends, which is expected before the Summer of 2023, services for temporary inclement weather shelters will be unavailable in city-leased facilities within a half-mile of the CBD.

An amendment to the spacing requirements to allow temporary inclement weather shelters in city-leased facilities within a half-mile of the CBD is recommended because it is consistent with the spirit and intent of the original spacing requirement and it allows the city to effectively manage crisis weather events by having resources available near unsheltered persons, emergency services, and OEM and OHS bases of operations.

ZOAC RECOMMENDED AMENDMENTS:

Section 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 the P(A) district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

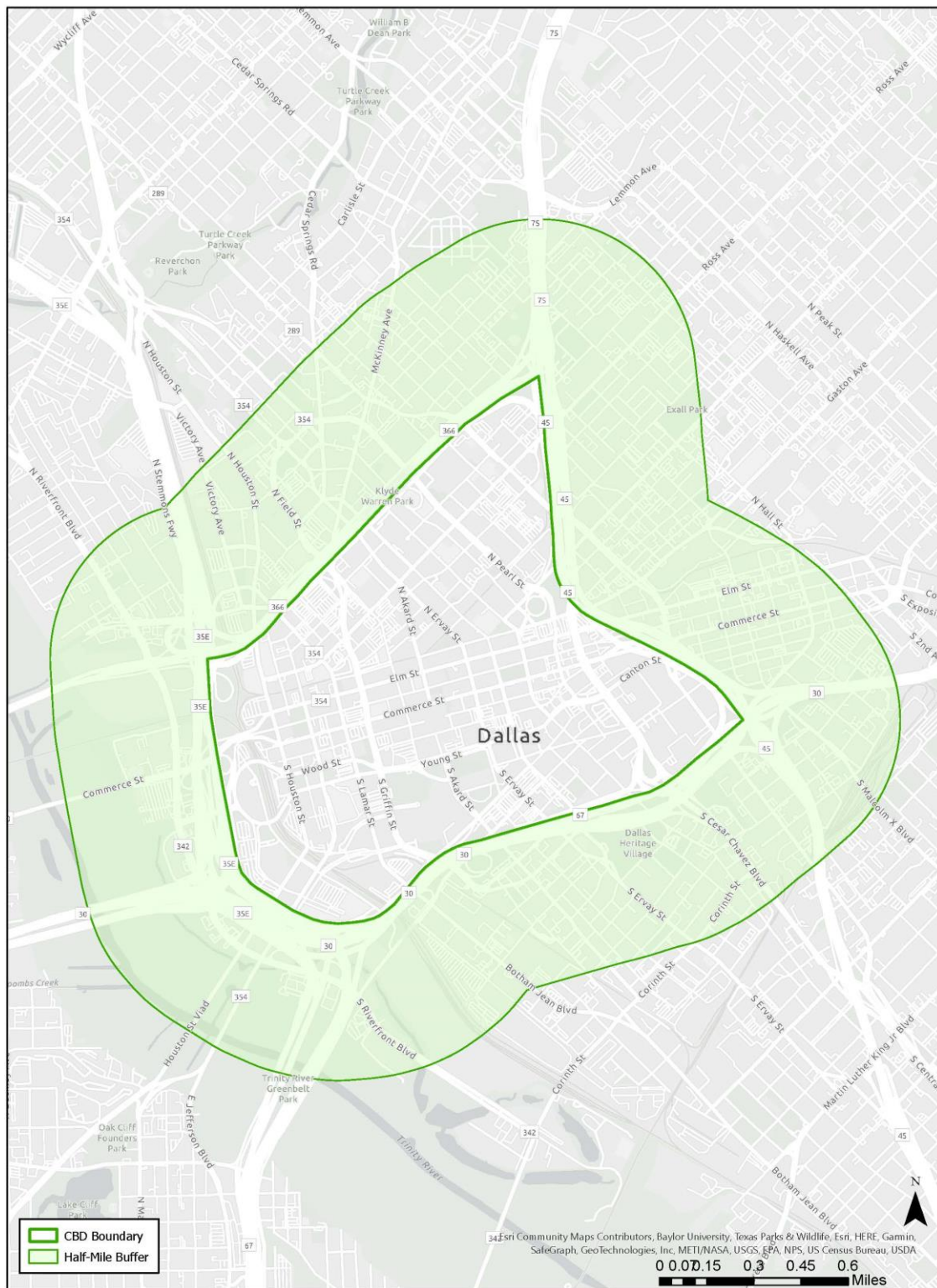
(E) Additional provisions:

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

(ii) This use may only operate in conjunction with a valid certificate of occupancy for a permitted main use. This use is not allowed in conjunction with single family, duplex, townhouse, or handicapped group dwelling unit.

(iii) Except at the Kay Bailey Hutchison Convention Center and other city-owned **or leased** facilities, this accessory use may not operate within 0.5 mile of the central business district.

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



Central Business District
and Surrounding 0.5 mile



Prepared By:
City of Dallas Development Services, GIS Division
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City of Dallas Development Services
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