



## Z-18-28: Ordinance to amend Section 16-29.001(71) Definition of Shelter

### Overview

**What:** Legislation has been drafted to amend the definition of shelter so as to allow expansion of existing shelters that do not meet certain distance requirements on condition that the expansion be approved by Special Use Permit

**Why:** On any night there are an estimated 7,000 homeless people in metro Atlanta, of that 2,000 are unsheltered and on the streets, and 1,300 are homeless families. The number of people in homeless families is on the rise, making up one-fifth of the local homeless population. Shelters are increasingly no longer transient, one night one bed facilities, but offer more comprehensive supportive services. Additionally, shelters are no longer the 500-bed dormitory style facilities but are smaller shelters that house people first and then assess their needs rather than set restrictions before someone is admitted. To assist shelter programs in the City the term “shelter” is being amended to allow expansion of existing facilities meeting the requirements 16-29.001(71)(a)(3-12) but not 16-29.007(71)(a)(1-2).

- A new shelter will continue to require a special use permit and must meet all the provisions of 16-29.001(71)
- An existing shelter may expand if they meet the provisions of 16-29.001(71)(a)(3-12) but not be required to meet 16-29.001(71)(a)(1-2) distance requirements.

City Code Sec. 16-29.001(71) defining the term “Shelter” and which reads:

(c) No existing structure lawfully devoted to a use which after the date of adoption of this ordinance would be classified as shelter and which is located in a district which permits such use as a result of the adoption of this ordinance shall be enlarged, extended (horizontal or vertical) or moved, without a special use permit issued pursuant to this section and meeting the requirements of subsection (a) above. For the purposes of this subsection, the meaning of enlarge, extend or move shall include, but shall not be limited to, alterations or additions to any structure for the purpose of increasing the number of persons to whom any services, including the quantity of sleeping facilities, whether provided as bed spaces or as separate rooms, or increasing the amount of services that are provided except for the purpose of increasing handicapped accessibility.

Is hereby amended to read:

(c) No existing structure lawfully devoted to a use which after the date of adoption of this ordinance would be classified as shelter and which is located in a district which permits such use as a result of the adoption of this ordinance shall be enlarged, extended (horizontal or vertical) or moved, without a special use permit issued pursuant to this section and meeting the requirements of subsection **(a) (3-12) above, but not (a)(1-2) above**. For the purposes of this subsection, the meaning of enlarge, extend or move shall include, but shall not be limited to, alterations or additions to any structure for the purpose of increasing the number of persons to whom any services, including the quantity of sleeping facilities, whether provided as bed spaces or as separate rooms, or increasing the amount of services that are provided except for the purpose of increasing handicapped accessibility.

**When:** The Zoning Review Board (ZRB) is scheduled to hold a public hearing in May 3 or May 10, 2018.



Z-18-28: Ordinance to amend Section 16-29.001(71) Definition of Shelter

**Current Regulations 16-29.001(71)**

- (71) Shelter: Locations that provide sleeping facilities and/or personal sanitation facilities and may include the provision of meals, medical care and/or counseling service that require daily registration for occupancy. On site supervision of residents and persons using the facilities and services made available shall be provided for the purpose of enforcement of the rules and regulations pertaining to the operation of the place of use and not for the purpose of attending to the personal care needs of the persons served with respect to the supervision of self-administered medication, or with the essential activities of daily living such as bathing, grooming, dressing and toileting.
- (a) A special use permit is required to operate a shelter. In addition to the requirements set forth in 16-25.003, a shelter shall comply with the following standards:
- 1) No such facility shall be located within 2,000 feet, as measured by section 16-29.001(16)(e), of any personal care home, assisted living facility, nursing home, rehabilitation center, supportive housing facility, or other shelter, whether publicly or privately owned and/or operated.
  - 2) Each location shall be within 1,500 feet, as measured by section 16-29.001(16)(e), of a public transportation station or transit stop.
  - 3) Where such use is allowed in any zoning district where no parking requirements for the use are specified, one parking space shall be required for each on duty staff member, whether paid or unpaid. In addition to staff parking, a space of sufficient size is required for each van, bus or other vehicle used by the facility and one additional parking space shall be provided for each 2,000 square feet of the facility.
  - 4) Each facility shall provide a bed or crib for each resident.
  - 5) Each facility shall allow restroom facilities to be available to residents at all times when residents are allowed on the property.
  - 6) The owner or operator of the facility shall maintain a minimum staffing ratio of one staff member for every 40 residents when residents are present.
  - 7) No facility shall allow either cooking or smoking in any room used for sleeping.
  - 8) In any facility where indoor smoking is permitted, smoking shall be restricted to designated areas.
  - 9) The owner or operator of the facility shall ensure that all staff members are instructed as to the location of all exits and trained in the use of fire extinguishers.
  - 10) Each facility shall have an emergency evacuation plan approved by the Atlanta Fire Department posted in a public area of the facility.
  - 11) Each facility shall have emergency exits clearly marked.
  - 12) Each facility shall provide direct pedestrian ingress and egress that does not require unauthorized use of other private property.
- (b) When the National Weather Service reports either that the temperature or wind chill is below 32 degrees Fahrenheit or that a winter weather advisory is in effect, the owner or operator of a facility shall be excused from the minimum bed or crib sleeping requirements set forth in this section.
- (c) No existing structure lawfully devoted to a use which after the date of adoption of this ordinance would be classified as shelter and which is located in a district which permits such use as a result of the adoption of this ordinance shall be enlarged, extended (horizontal or vertical) or moved, without a special use permit issued pursuant to this section and meeting the requirements of subsection (a) above. For the purposes of this subsection, the meaning of enlarge, extend or move shall include, but shall not be limited to, alterations or additions to any structure for the purpose of increasing the number of persons to whom any services, including the quantity of sleeping facilities, whether provided as bed spaces or as separate rooms, or increasing the amount of services that are provided except for the purpose of increasing handicapped accessibility.