

Petition #: 2005-035
Petitioner: Charlotte-Mecklenburg Planning Commission

APPROVED BY CITY COUNCIL
APRIL 18, 2005

**ORDINANCE NO. _____ AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE –ZONING ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

1. CHAPTER 2, DEFINITIONS AND RULES OF CONSTRUCTION

A. PART 2, "Definitions"

1. Amend Part 2, Section 2.201, "Definitions" by adding the following definitions.

Emergency Shelter.

A shelter or facility that provides temporary housing to people and/or families during times of severe life-threatening weather conditions (including, but not limited to hurricanes, natural disasters, extreme temperatures) or other emergency conditions.

Homeless Shelter.

A facility that provides free lodging and one or more of the following supportive services for indigent individuals and/or families with no regular home or residential address, on a non-profit basis. Supportive services include, but are not limited to: provision of meals; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; assistance in recuperating from the effects of, or refraining from, the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and placement; and child care.

Accessory Shelter.

A housing shelter in an accessory building 1) located on the same site as a principal building, or 2) located on a site owned, and operated by religious, civic, fraternal, social, institutional or governmental agency providing free accessory lodging for indigent individuals and/or families with no regular

home or residential address. An accessory shelter may house no more than 15 individuals at any one time, and operates up to a maximum of two (2) days/nights per week.

2. Amend Section 2.201, “Definitions” by adding text to the definitions of “commercial rooming house” and “single room occupancy residence” that differentiate them from emergency shelters, homeless shelters, and accessory shelters. The revised definitions shall read as follows:

Commercial Rooming House.

A building containing up to ten (10) rooming units that is available for rental occupancy for periods of seven (7) days or longer. This definition does not include boarding houses, motels, hotels, private dormitories, congregate care facilities, nursing homes, family care homes, group homes, single room occupancy residents, **emergency shelters, homeless shelters, and accessory shelters.**

Single Room Occupancy (SRO) residence.

A building containing at least eleven (11), but not more than one hundred and twenty (120) rooming units, which are available for rental occupancy for periods of seven (7) days or longer. This does not include boarding houses, motels, hotels, private dormitories, congregate care facilities, nursing homes, family care homes, group homes, **emergency shelters, homeless shelters, and accessory shelters.**

2. CHAPTER 9, GENERAL DISTRICTS

A. PART 2, “Single Family Districts”

1. Section 9.203, “Uses permitted under Prescribed conditions” by adding “accessory shelter” to the list of uses permitted under prescribed conditions. The added use shall read as follows:

Accessory Shelter, subject to the regulations of 12.535.

B. PART 3, “Multi-family Districts”

1. Section 9.303, , “Uses permitted under Prescribed conditions” by adding “accessory shelter” to the list of uses permitted under prescribed conditions. The added use shall read as follows:

Accessory Shelter, subject to the regulations of 12.535.

C. PART 4, “Urban Residential Districts”

1. Section 9.403, , “Uses permitted under Prescribed conditions” by adding “accessory shelter” to the list of uses permitted under prescribed conditions.

The added use shall read as follows:

Accessory Shelter, subject to the regulations of 12.535.

D. PART 5, “Institutional Districts”

1. Section 9.503, “Uses permitted under Prescribed conditions” by adding “emergency shelter”, “accessory shelter”, and “homeless shelter” to the list of uses permitted under prescribed conditions. The added uses shall read as follows:

Emergency Shelter, subject to the regulations of 12.534.

Accessory Shelter, subject to the regulations of 12.535.

Homeless Shelter, subject to the regulations of 12.532.

E. PART 6, “ Research Districts”

1. Section 9.603, “Uses permitted under Prescribed conditions” by adding “emergency shelter”, “accessory shelter”, and “homeless shelter” to the list of uses permitted under prescribed conditions in RE1, RE-2, and RE-3 zoning districts. The added uses shall read as follows:

Emergency Shelter, subject to the regulations of 12.534 (RE1, RE-2, RE-3).

Accessory Shelter, subject to the regulations of 12.535 (RE-1, RE-2, R-3).

Homeless Shelter, subject to the regulations of 12.532 (RE-1, RE-2, RE-3)

F. PART 7, “Office Districts”

1. Section 9.703, “Uses permitted under Prescribed conditions” by adding “emergency shelter” and “accessory shelter” to the list of uses permitted under prescribed conditions. The added uses shall read as follows:

Emergency Shelter, subject to the regulations of 12.534.

Accessory Shelter, subject to the regulations of 12.535.

G. PART 8, “Business Districts”

1. Section 9.803, “Uses permitted under Prescribed conditions” by adding “emergency shelter”, “accessory shelter”, and “homeless shelter” to the list of uses permitted under prescribed conditions. The added uses shall read as follows:

Emergency Shelter, subject to the regulations of 12.534.

Accessory Shelter, subject to the regulations of 12.535.

Homeless Shelter (B-2, B-D, and BP only) subject to the regulations of 12.532.

H. PART 8.5, “Mixed-Use Development Districts”

1. Section 9.8503, “Uses permitted under Prescribed conditions” by adding “emergency shelter”, “accessory shelter”, and “homeless shelter” to the list of uses permitted under prescribed conditions. The added uses shall read as follows:

Emergency Shelter, subject to the regulations of 12.534.

Accessory Shelter, subject to the regulations of 12.535.

Homeless Shelter, subject to the regulations of 12.532.

I. PART 9, “Uptown Mixed-Use District”

1. Section 9.903, “Uses permitted under Prescribed conditions” by adding “emergency shelter”, “accessory shelter”, and “homeless shelter” to the list of uses permitted under prescribed conditions. The added uses shall read as follows:

Emergency Shelter, subject to the regulations of 12.534.

Accessory Shelter, subject to the regulations of 12.535.

Homeless Shelter, subject to the regulations of 12.532.

J. PART 10, “Urban Industrial District”

1. Section 9.1003, “Uses permitted under Prescribed conditions” by adding “emergency shelter”, “accessory shelter”, and “homeless shelter” to the list of uses permitted under prescribed conditions. The added uses shall read as follows:

Emergency Shelter, subject to the regulations of 12.534.

Accessory Shelter, subject to the regulations of 12.535.

Homeless Shelter, subject to the regulations of 12.532.

K. PART 11, “Industrial Districts”

1. Section 9.1103, “Uses permitted under prescribed conditions” by adding “emergency shelter”, “accessory shelter”, and “homeless shelter” to the list of uses permitted under prescribed conditions. The added uses shall read as follows:

Emergency Shelter, subject to the regulations of 12.534

Accessory Shelter, subject to the regulations of 12.535.

Homeless Shelter (I-1 only), subject to the regulations of 12.532.

L. PART 12, “Transit Oriented Development Districts”

Section 9.1206, “Uses permitted under Prescribed Conditions” ” by adding “emergency shelter” to the list of uses permitted under prescribed conditions. The added use shall read as follows:

Emergency Shelter, subject to the regulations of 12.534

3. CHAPTER 12, DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

A. PART 5, “Special Requirements for Certain Uses”

1. Add a new Section 12.532 titled “Homeless Shelters” to read as follows:

Section 12.532. Homeless Shelters.

This ordinance provides for the location of homeless shelters in a wide variety of non-residential zoning districts: INST, RE-1, RE-2, RE-3, B-2, B-D, B-P, UMUD, MUDD, U-I, and I-1. However, the public has an interest in assuring that a concentration of homeless shelters be minimized. Accordingly, homeless shelters are subject to the following additional requirements:

- (a) Location: New homeless shelters must be separated from existing homeless shelters by a distance of 800’ measured in a straight line from the closest edges of the buildings occupied by homeless shelters from the closest property lines of the homeless shelters.
- (b) Buffers: A Class B buffer shall be provided along all property lines abutting residentially zoned and/or used property.
- (c) The property shall have a minimum size of two (acres).

2. Add a new Section 12.534 titled, “Emergency Shelters” to read as follows:

Section 12.534. Emergency Shelters.

Emergency shelters are permitted in all Business districts (B-1, B-2, B-3, BP, and B-D), all Institutional zoning districts (INST), all Research districts (RE-1, RE-2, RE-3), all Office districts (O-1, O-2, and O-3), MUDD, UMUD, all Industrial districts (U-I, I-1, I-2), and all TOD districts (TOD-R, TOD-E and TOD-M) subject to the following requirements:

- (a) The facility operator shall provide continuous on-site supervision by an employee(s) and/or volunteer(s) during hours of operation.
- (b) The shelter shall be accessed by a major thoroughfare.
- (c) The shelter may only provide temporary housing to people and/or families during times of severe life-threatening weather conditions (including, but not limited to hurricanes, natural disasters, extreme temperatures) or other emergency conditions.

3. Add a new Section 12.535 titled, "Emergency Shelters and Accessory Shelters" to read as follows:

Section 12.535. Accessory Shelters.

Accessory shelters are permitted in all zoning districts subject to the following requirements:

- (a) The facility operator shall provide continuous on-site supervision by an employee(s) and/or volunteer(s) during hours of operation.
- (b) The shelter shall be accessed by a major thoroughfare.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

City Attorney

I, _____, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the ____ day of _____, 2005, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, Page(s)_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the _____ day of _____, 2005.
