

AGENDA ITEM

TO: Planning and Zoning Commission

THROUGH: Jennifer Cox, AICP, Director of Planning

FROM: Brandon Opiela, Senior Planner

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by City of McKinney, for Approval of the Request to Amend Chapter 146 – Zoning Regulations of the Code of Ordinances, to Modify the Definition of a Church or Rectory to Allow a Temporary Not-for-Profit Housing Shelter as an Accessory Use.

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the August 16, 2011 meeting.

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendment to the Zoning Regulations.

ITEM SUMMARY: Under the direction of the City Manager, Staff is proposing to modify the definition of a *Church or Rectory* as found in Section 146-46 (Definitions) of the City of McKinney Zoning Regulations to allow for an on-site accessory overnight housing shelter, providing housing for no more than 14 guests per night, and limiting the accessory use to a maximum of 30 nights per calendar year.

BACKGROUND INFORMATION: In September of 2009, Staff was approached by a not-for-profit organization (Family Promise of Collin County) desiring to establish a program including McKinney and the surrounding municipalities of Collin County to provide temporary lodging to homeless families (further supplementing temporary housing services currently being provided within Collin County such as the Samaritan Inn) through the use of a network of area churches willing to help support the effort. A number of churches in the area have shown interest in the program, some of which have already made the necessary preparations.

The Zoning Ordinance currently defines a *Church or Rectory* as “a place of worship and religious training including the on-site housing of ministers, rabbis, priests, nuns, and similar staff personnel. Church or rectory shall also include church-operated preschools if the church is situated on a legally conforming lot under applicable subdivision or zoning controls.”

As stated above, this definition allows for the on-site housing of ministers, rabbis, priests, nuns, and similar staff personnel, but does not authorize any person who is not an employee of the church to reside in housing that is situated on-site with the place of worship or religious training.

Other municipalities in Collin County such as Fairview, Lucas, and Allen have determined that the ordinances they have in place allow a temporary homeless shelter use by right, while Plano has recently modified (June of 2011) their zoning regulations to create a new use, "Temporary Accessory Housing Shelter", in an effort to allow the use in all zoning districts as an accessory use to religious facilities.

PROPOSED AMENDMENTS:

- Section 146-46 (Definitions) of the Zoning Regulations.
 - Staff is proposing to amend the definition of a *Church or Rectory* to read:

“Church or Rectory means a place of worship and religious training including the on-site housing of ministers, rabbis, priests, nuns, and similar staff personnel. Church or rectory shall also include church-operated preschools (if the church is situated on a legally conforming lot under applicable subdivision or zoning controls) and/or on-site accessory not-for-profit overnight housing shelter sponsored and operated by the religious entity as a part of its goals, mission or ministry providing temporary free overnight lodging for individuals having no regular home or residential address (“Guests”). The provision of temporary free overnight lodging allowed hereby shall be limited to a maximum of 30 nights per calendar year, shall provide housing for no more than 14 Guests per night, and shall require an annual permit for such accessory use issued by the Chief Building Official.”
 - The City’s Zoning Ordinance allows churches, synagogues, chapels and similar places of religious worship and instruction to be situated in most zoning districts within the City’s corporate limits, therefore the proposed on-site accessory not-for-profit overnight housing shelters will also be allowed in the respective zoning districts.
 - The proposed amendment limits the number of guests to 14 per night and a maximum of 30 nights per calendar year. Although Staff believes these limitations are appropriate, Staff is concerned that these limitations may be challenging to enforce, as the temporary shelters will most likely be in operation outside of normal business hours.

- Upon request of an annual permit for a facility to accommodate temporary housing, the Building Inspections Department will verify that the facility meets all applicable building and fire codes, prior to the issuance of a permit. It is Staff's understanding that not all existing churches will meet the requisite building and fire codes necessary to provide overnight lodging.
- Staff is of the opinion that the proposed amendment should not be specific to a particular not-for-profit organization, but should instead allow a number of religious entities the ability to participate in providing temporary housing for homeless families and individuals as a part of the goals, mission, or ministry of the religious entity.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received no comments in support of or in opposition to this request.

ATTACHMENTS:

- Proposed 146-46 (Definitions) Changes