

A RESOLUTION BY COUNCILMEMBER ANDREA L. BOONE TO REQUEST THAT THE LOCATION OF ANY EMERGENCY WARMING CENTER, OPERATED BY THE CITY OF ATLANTA, NOT BE LOCATED WITHIN 1000 FEET OF ANY PUBLIC, PRIVATE OR PAROCHIAL SCHOOL; TO PROVIDE THAT FOR THE PURPOSES OF THIS REQUEST, A SCHOOL SHALL NOT INCLUDE ANY POST-SECONDARY INSTITUTION; AND FOR OTHER PURPOSES.

WHEREAS, a shelter is defined in the Atlanta Zoning Code at Section 16-29.001(71) as a location that provides

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

; and

WHEREAS, pursuant to Ordinance 08-O-1251, adopted by the Atlanta City Council on June 1, 2009 and approved by the Mayor on June 9, 2009, the Atlanta Zoning Code was amended to require a special use permit to operate a shelter and to apply certain distance limitations thereto; and

WHEREAS, pursuant to Ordinance 10-O-1238, adopted by the Atlanta City Council on February 21, 2011 and approved by operation of law on March 2, 2011 the Atlanta Zoning Code was amended to clarify that these distance limitations apply equally to any city-owned or operated shelter facility or supportive housing facility as it does to any private facility; and

WHEREAS, in requiring a special use permit for the operation of a shelter as defined in the Atlanta Zoning Code, the location of any shelter must be decided by the council after public notice and hearing and recommendation by the zoning review board; and

WHEREAS, the City of Atlanta operates emergency warming centers which open in City facilities which are open when temperatures reach 40 degrees and lower; and

WHEREAS, the City of Atlanta emergency warming centers do not meet the definition of a Shelter in the Atlanta Zoning Code and are not subject to requirement that there be a special use permit for the operation therefor; and

WHEREAS, because a special use permit is not required for the operation of City of Atlanta emergency warming centers the Atlanta City Council does not have an opportunity to decide the location thereof after public notice and hearing and recommendation by the zoning review board; and

WHEREAS, due to receipt of concerns from the public and affected communities concerning the location of City of Atlanta emergency warming centers near public and private schools, it is the desire of the Atlanta City Council to request that the location of any emergency warming center operated by the City of Atlanta not be located within 1000 feet of any public, private, or parochial school; and

WHEREAS, for the purposes of this request, a school shall not include any post-secondary educational institution.

ELMS # 37029

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Atlanta City Council hereby requests that the location of any emergency warming center operated by the City of Atlanta not be located within 1000 feet of any public, private, or parochial school.

BE IT FURTHER RESOLVED, that for the purposes of this request, a school shall not include any post-secondary institution.

BE IT FINALLY RESOLVED, that all resolutions or parts of resolutions in conflict herewith are hereby waived to the extent of the conflict.