

Ad Hoc Committee on Zoning Regulations for Emergency Shelters

April 2017 Discussion Draft

### **Commercial Districts**

Per the committee's discussion the following changes would be made to the uses table for the commercial districts.

Table 19.44.020-1. Permitted uses in commercial zones (in part)

Residential	D-C	CBD	RC <sup>1</sup>	NC <sup>2</sup>	GC	O/C
Residential dwellings above the first story of commercial buildings	P	P	P	P	P	
Congregate care, assisted living and continuing care facilities and nursing homes for elderly individuals; including accessory services to the above uses	SPU				SPU	SPU
Existing residences without any increase in density			P			
Transitional housing facility	SPU <sup>8</sup>					SPU
Emergency shelters for homeless persons and families <u>per LMC 19.44.110</u>	SPU <sup>8</sup>				P SPU	SPU

*Notes: SPU means a special property use permit is needed. P means the use is permitted outright. If the space is blank then the use is not permitted in that zoning district. D-C means Downtown Commerce District, CBD = Central Business District, RC = Regional Commercial District, NC = Neighborhood Commercial District, GC = General Commercial District and O/C = Office/Commercial District*

Proposed new section to Chapter 19.44 Commercial Zoning Districts

### **19.44.110 Emergency Shelters.**

A. The following standards apply to emergency shelter:

(1) Emergency shelters shall be consistent with the definition of emergency shelter as given in Chapter 19.09.

(2) Prohibited Areas. Emergency shelters shall not be allowed in the following areas:

(a) Within 325 feet of a single-family residential district such as the R-1 Residential and the Traditional Neighbor Residential districts.

(b) Within 650 1,000 feet of an established elementary or secondary school whether public or private

- (c) Within 325 feet of a public park that is 0.5 acre or more in size
- (d) Within ~~500~~ 1,000 feet of another emergency shelter

(3) The distances specified in subsection (2) of this section shall be measured as follows:

- (a) For subsection (2)(a) of this section, the distance shall be measured as the shortest straight line distance from the nearest wall of the building housing the licensed premises to the residential zoning district boundary line.
- (b) For subsections (2)(b) thru (d) of this section, the distance shall be measured as the shortest straight line distance from the property line of the emergency shelter to the property line of a use listed in subsections (2)(b) thru (d) of this section.

B. To assist the Appeal Board of Adjustment in finding the emergency shelter will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, morals and general welfare per LMC 19.12.050, the following shall be submitted with special property use application.

- (1) A written good neighbor agreement (GNA) shall be provided for the review and approval of the Appeal Board of Adjustment. At a minimum, the GNA shall address the following:
  - a) Program Description.
    - (1) Population to be housed at the emergency shelter; process and criteria for the selection of guests.
    - (2) Bed capacity for nightly guests.
    - (3) Staffing plan.
    - (4) Hours of operations, curfew; nature of any day services to be provided by the emergency shelter; how the shelter will address waiting to access services.
  - b) Safety and Security. On-site management shall be present at all times that the shelter is in operation. The shelter must maintain a security plan that is developed prior to the opening, to include the following:
    - (1) How the facility will be accessed.
    - (2) Staff control and sight vision to all doors.

(3) Security patrols of building's exterior and interior, during operating hours.

(4) Client smoking areas and policies.

(5) Emergency/evacuation plan (protocols & procedures)

(6) Incident response plan (protocols & procedures)

c) Property and Site Maintenance.

(1) Lighting. The lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood.

(2) Size and Location of Waiting/Intake Areas. Emergency shelters shall provide adequate and protected waiting space for client intake. A portion of this space may include an outdoor smoking area that is not visible from the street.

d) Community Engagement and Communication.

(1) Contact Information. The Good Neighbor Agreement for Operations will include easily accessible contact information for key staff and leadership of the emergency shelter.

(2) Community engagement plan. Recognizing communication between the owner/operator of the emergency shelter and the neighbors surrounding the shelter is important to develop and maintain positive relationships; every good neighbor agreement shall include a community engagement plan. This plan will describe how the emergency shelter will address the concerns/complaints from the neighborhood. City staff will encourage persons with complaints about shelter operations to resolve those complaints first through the community engagement plan. Encouraging citizens to use the community engagement plan does not abrogate the City's responsibility to address complaints.

(a) To assist in implementing the community engagement plan, the City recommends that the shelter establish an advisory committee consisting of business and residential neighbors, emergency shelter staff and City staff including a representative of the police department.

C. The City recognizes that different types of shelters will have different impacts on the neighborhood. As such, the approved good neighbor agreement is binding as long as the

emergency shelter is operating even if the management of the emergency shelter has changed. A conversion from one type of shelter to another or a substantial change to the existing good neighbor agreement may require a new special property use permit as determined by the Community Development Director. If the emergency shelter is found to be in violation of the approved plans, conditions of approval, or the terms of the permit or good neighbor agreement, and the owner has failed to correct the violation after proper notice thereof; then the Appeal Board of Adjustment may revoke the special property use permit per 19.12.130.

## **Residential District**

### Chapter 19.20 Residential Zoning Districts

The following would be added to the permitted use table:

Table 19.20.020-1 Permitted Uses in Residential Districts					
Use	Zoning District				
	R-1	R-2	R-3	R-4	TNR
Homeless Shelter Group Homes per LMC				SPU	
19.22.050					

*Note: SPU means a special property use permit is needed. If the space is blank then the use is not permitted in that zoning district.*

A new section would be added to Chapter 19.22 Supplemental Residential Zoning Standards

#### **19.22.050 Homeless shelter group home**

Homeless shelter group homes shall adhere to the following standards:

(1) Definition. Homeless shelter group home is a facility offering lodging and/or emergency shelter to homeless individuals or families for up to 90 days. These group homes are intended to provide residential facilities in a home-like drug and alcohol free environment with 24 hour supervision. The number of clients is limited to two per bedroom plus an additional two (e.g. a 3 bedroom facility could have up to 8 clients) with no more than 10 clients allowed in any one group home. These facilities shall be available to clients 24 hours a day.

(2) Homeless shelter group homes shall be subject to the standards and approval criteria as provided in LMC Section 19.44.110 Emergency Shelters except for the following:

- (a) The definition given in Subsection 19.22.050(1) applies; and
- (b) Homeless shelter group homes who only serve youth who have not yet reached the age of 18 are not subject to buffers given in Subsections 19.44.110(2)(a-c); and
- (c) Homeless shelter group homes shall not house registered sex offenders; and

(d) The Good Neighbor Agreement, required by LMC 19.44.110(B), shall include procedures ensuring that the shelter residents are free of alcohol and non-prescribed drugs.

*End of discussion draft*

**NOTES:**

Under the above discussion draft, emergency shelters proposed to be located in the General Commercial (GC), Office Commercial (O/C) District or R-4 Residential District would need to get a special property use permit. The existing criteria for reviewing a special property use permit follows:

**LMC 19.12.050**

(3) No such special property use permit shall be granted by the board unless it finds:

- (a) That the use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, morals and general welfare;
- (b) In making such determination the board shall be guided by the following considerations and standards:
  - (i) That the use will not be detrimental to the character and use of adjoining buildings and those in the vicinity,
  - (ii) That the use will not create a hazard in the immediate area either for pedestrian or vehicular traffic,
  - (iii) That adequate ingress and egress will be available for fire and other vehicular emergency equipment,
  - (iv) That adequate off-street parking will be provided to prevent congestion of public streets.

Below is the Longview Municipal Code language regarding the revocation of a special property use permit.

**19.12.130 Special property use permits – Revocation – Records.**

In addition to all other penalties prescribed in this title, whenever, in the opinion of the building official, any person granted a permit for a special property use fails to comply with all of the terms, conditions, or limitations of such permit and of the decision of the board authorizing the granting of such permit, he shall issue an order, in writing, requiring that all further work on the premises or use thereof be stopped until the violation has been corrected. If the violation is not corrected or if the work on the premises or use thereof is stopped or suspended until such violation is corrected, the

building official shall give written notice to the owner or occupant of the premises deemed in violation that the building official will apply to the board for an order revoking the permit for the special property use. Such written notice shall specify the time, the date and place when the building official will appear before the board to request such revocation and shall advise the owner or occupant of the premise deemed to be in violation that such owner or occupant is at liberty to appear and be heard with respect to the request of the building official for such revocation. Such notice shall be mailed to the owner or occupant of the premises deemed in violation, by certified mail with a return receipt requested, at least five days prior to the date specified in such notice as being the date of the hearing. At the hearing the board shall have the power to sustain or overrule the order of the building official and to revoke the permit granted for such special property use. The affirmative vote of a majority of the entire board shall be necessary before the order of the building official shall be declared to be overruled.

Emergency shelters are defined in the zoning code as follows:

**19.09.223 Emergency shelter.**

“Emergency shelter” means congregate facilities providing housing to shelter families and individuals offered on an emergency basis for a period not to exceed 90 days continuously. Shelters may offer meals, lodging and associated services on site, aimed at helping people move towards self-sufficiency.

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