

Emergency Shelter Regulations Committee
Recommendation Regarding Emergency Shelter Zoning Regulations

Per the committee's recommendation 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	RC1	NC2	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 ⁸					SPU
Emergency shelters for homeless persons and families <u>per LMC 19.44.110</u>	SPU ⁸				P SPU	SPU SPU

Notes:

The changes to the emergency shelters row includes:

- adding a reference to a new section
- eliminating the “SPU” in the Downtown Commerce (D-C) District to make emergency shelter not permitted in that zoning district
- adding a “SPU” for special property use to the Office/Commercial (O/C) District.
- changing the “P” for permitted in the General Commercial (GC) District to “SPU” for special property use.

The Office/Commercial District is located south of Florida Street, west of 9th Avenue, north of Douglas Street and east of 15th Avenue except most of the Peace Health Campus is also included in that district

The proposed new section LMC 19.44.110 (shown above in the last row of the table) is provided below and would be added at the end of Chapter 19.44 Commercial Zoning Districts.

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 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 1,500 feet of another emergency shelter

(e) Any area zoned General Commercial that is located generally west of 26th Avenue, Nichols Boulevard and Pacific Way.

(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 management plan shall be provided for the review and approval of the Appeal Board of Adjustment. At a minimum, the management plan shall address the following:

a. The specific nature of the emergency shelter, its intended occupants, and the onsite services that are provided;

b. Its potential impact on nearby land uses and proposed methods to mitigate those impacts;

c. Identification of the project management or agency to whom support staff are responsible and who will be available to resolve concerns pertaining to the facility; and

d. Identification of staffing, supervision and security arrangements appropriate to the facility.

C. The approved management plan is binding as long as the emergency shelter is operating even if the management of the emergency shelter has changed. Substantial changes to the management plan 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 approvals, or the terms of the permit or management plan, 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.

Notes:

Under the above recommendation, emergency shelters proposed to be located in the General Commercial (GC) or Office Commercial (O/C) 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.

The 650 foot buffer area was derived from the average length of blocks near the downtown core. Using the City's mapping system; I measured a sample of typical blocks along their longest side and they ranged from 603 to 668 feet in length. The average length of the six samples was 652 feet.

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.

Date of recommendation: April 13, 2016