

Zoning for Emergency Shelters

Appeal Board of
Adjustment

June 12, 2018

Zoning for Emergency Shelters

LMC 19.09.223 Emergency shelter

- Congregate facilities providing housing to shelter families and individuals
 - Emergency basis not to exceed 90 days continuous
 - May provide meals, lodging, associated services
 - Help people move towards self-sufficiency

Zoning

Allowed in the following zoning districts upon receiving a special property use permit:

- General Commercial District *
- Office/Commercial District

*excluding GC district areas generally west of 18th Avenue and Pacific way and generally south of Nichols Boulevard or south of Tennant Way

Zoning for Emergency Shelters

Special Property Use Permit Approval:

Appeal Board of Adjustment

- Approval process requires a public hearing
- Appeals go to Superior Court

- **Zoning Map**

Zoning for Emergency Shelters

- **Buffers**
 - 325 feet from single family residential districts
 - 325 feet from public park that is 0.5 acres in size
 - 1,000 feet from elementary or secondary school or daycare or preschool serving more than 12 children
 - 1,000 feet from another emergency shelter
- **Map** showing buffers

Zoning for Small Shelters

- Proposed: **Homeless shelter group home**
- Defined: facility offering lodging and/or emergency shelter to homeless individuals or families for up to 90 days
 - residential facilities in a home-like non-prescribed drug and alcohol free environment with 24 hour supervision
 - number of clients is limited to two per bedroom plus an additional two with no more than 10 clients allowed in any one group home
 - available to clients 24 hours a day
- Additional restriction: Shall not house registered sex offenders

Zoning for Small Shelters

- **Homeless shelter group home**
- Allowed in R-4 Residential District
- Subject to the same buffers as emergency shelters:
 - 325 feet from single family residential districts
 - 325 feet from public park that is 0.5 acres in size
 - 1,000 feet from elementary or secondary school
 - 1,000 feet from another emergency shelter
- Exception to Buffers – Homeless shelter group homes serving youth under the age of 20 are only subject to the 1,000 foot buffer from another shelter
- **Map**

Zoning for Emergency Shelters

Special Property Use permit approval criteria - standard

The ABA must find:

- That the use will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, morals and general welfare.

The ABA shall be guided by the following:

- The use will not be detrimental to the character and use of adjoining buildings and those in the vicinity,
- The use will not create a hazard in the immediate area either for pedestrian or vehicular traffic,
- Adequate ingress and egress will be available for fire and other vehicular emergency equipment,
- Adequate off-street parking will be provided to prevent congestion of public streets.

GOOD NEIGHBOR AGREEMENT

To assist the Appeal Board of Adjustment in making a decision a written Good Neighbor Agreement (GNA) shall be submitted with the application for a special property use permit.

REQUIRED CONTENTS OF A GNA

- Program description
 - Population to be housed including selection criteria
 - Bed capacity for nightly guests
 - Staffing plan
 - Hours of operation, curfew, nature of day services, address waiting times for clients
 - Procedures for ensuring residents are alcohol and illicit drug free
- Safety & security
 - Facility access
 - Staff control & sight vision to all doors
 - Security patrols
 - Client smoking areas and policies
- Property and site maintenance
 - Lighting for outdoor areas
 - Size & location of waiting/intake areas

REQUIRED CONTENTS OF A GNA

- Community engagement and communication
 - Contact information for emergency shelter key staff & leadership
 - Community engagement plan
 - Describes how shelter will address concerns/complaints
 - An advisory committee is recommended consisting of:
 - Business & residential neighbors
 - Emergency shelter staff
 - City staff (e.g. police)
 - City staff will encourage persons use the community engagement plan first
 - City has ultimate responsibility for addressing complaints

Good Neighbor Agreement

- Good Neighbor Agreement is binding
 - A new special use permit shall be required if the shelter:
 - Converts from one type of shelter to another
 - There is a substantial change to the GNA
 - City's Community Development Director determines whether a new special property use permit is needed
 - Appeal Board of Adjustment shall revoke special property use permit if the owner has failed to correct violations

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Questions