

## 33.285 Short Term, Mass, and Outdoor Shelters

# 285

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### 33.285.010 Purpose

This chapter provides regulations for Community Service uses that provide short term, mass, or outdoor shelter. These regulations recognize that it is in the public interest to provide shelter to people who would otherwise not receive it, and to ensure that standards of public health and safety are maintained. The regulations are intended to reduce conflicts between these and other uses. These regulations recognize that short term shelters, mass shelters, and outdoor shelters have differing impacts, and encourages providers to locate in existing structures and work with neighbors. These regulations also focus on the land use impacts of these uses.

### 33.285.020 Description

Short term shelters, mass shelters, and outdoor shelters are defined in Chapter 33.910, Definitions. These facilities are Community Service uses, and are managed by public or non-profit agencies. They may be in a variety of structures, from conventional houses to large institutional buildings, or may include a group of small accommodations.

In zones where Retail Sales and Services uses are allowed, limited, or conditional uses, the applicant may choose to classify a short term shelter as a hotel, which is included in the Retail Sales and Services category.

### 33.285.030 Where These Regulations Apply

The regulations of Sections 33.285.040 through 33.285.050 apply to short term shelters, mass shelters, and outdoor shelters in all zones.

### 33.285.040 Use Regulations

#### A. Short term shelters.

1. R, C11, and IR zones. A new short term shelter, an expansion of net building area, or an increase in the number of occupants in an existing short term shelter in R, C11, and IR zones is subject to the following regulations:
  - a. Allowed use. A new short term shelter and alterations to an existing short term shelter is allowed as follows:
    - (1) A short term shelter with up to 20 beds is an allowed used in the RF – R2.5 zones when provided on the site of an existing institutional use, excluding sites in a Parks and Open Areas use, and the standards of 33.285.050 are met.

- (2) A short term shelter with up to 30 beds is an allowed use in the RM1 – RMP, CI1, and IR zones when the standards of 33.285.050 are met.
    - (3) An alteration or expansion that does not increase the net building area of the short term shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.
  - b. Conditional use. If the short term shelter does not meet Subparagraph A.1.a, it is a conditional use and is reviewed through the following procedures. The approval criteria are in 33.815.107, Short Term, Mass, and Outdoor Shelters in R, CI1, and IR Zones. The short term shelter must also meet the standards of 33.285.050:
    - (1) If the short term shelter is provided in an existing structure, or is on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area within the past 5 years.
    - (2) All other short term shelter proposals are reviewed through a Type III procedure.
2. C, E, and CI2 zones. A short term shelter is allowed in C, E, and CI2 zones when the standards of Section 33.285.050 are met. Expansion of net building area or increase in the number of occupants in an existing short term shelter is allowed if it meets the standards in Section 33.285.050.
3. OS and I zones. A short term shelter is prohibited in OS and I zones.
4. Exemption. A short term shelter that exclusively serves victims of sexual or domestic violence is allowed by right in RM1-RMP, C, E, CI, and IR zones. In RF-R2.5 zones, a short term shelter that exclusively serves victims of sexual or domestic violence is allowed by right but is limited to a net building area of 3,500 square feet.

**B. Mass shelters.**

1. RF-R2.5, RM1, RM2, RMP, CI1, and IR zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of occupants in an existing mass shelter in RF-R2.5, RM1, RM2, RMP, CI1, and IR zones may choose to be an allowed use or a conditional use, as stated below.
  - a. Allowed use. A new mass shelter and alteration of an existing mass shelter is allowed if it meets one of the following:
    - (1) A mass shelter that meets the standards of Section 33. 285.050 is an allowed use.
    - (2) An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.

- b. Conditional use. If the mass shelter does not meet Subparagraph B.1.a, it is a conditional use as follows. The approval criteria are in Section 33.815.107, Short Term, Mass, and Outdoor Shelters in R, CI1, and IR Zones. The standards of Section 33.285.050 do not apply to a mass shelter reviewed as a conditional use.
  - (1) If the mass shelter is provided in an existing structure or is on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area within the past 5 years.
  - (2) All other mass shelters are reviewed through a Type III procedure.
2. RM3, RM4, and RX zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of occupants in an existing mass shelter in RM3, RM4, and RX zones may choose to be an allowed use or a conditional use, as stated below.
  - a. Allowed use. A new mass shelter, or alteration of an existing mass shelter, is allowed if it meets one of the following:
    - (1) A mass shelter that meets the standards of Section 33. 285.050 is an allowed use.
    - (2) An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.
  - b. Conditional use. If the mass shelter does not meet Subparagraph B.2.a, it is a conditional use as follows. Approval criteria are in Section 33.815.107, Short Term, Mass, and Outdoor Shelters in R, CI1, and IR Zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditionals uses.
    - (1) If the mass shelter is provided in an existing structure or is on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area within the past 5 years.
    - (2) All other mass shelters are reviewed through a Type III procedure.
3. C, EX, and CI2 zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of occupants in an existing mass shelter in C, EX, and CI2 zones may choose to be an allowed use or a conditional use, as stated below.
  - a. Allowed use. A new mass shelter, or alteration of an existing mass shelter is allowed if it meets one of the following:
    - (1) A mass shelters that meets the standards of Section 33. 285.050 is an allowed use.

- (2) An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.
  - b. Conditional use. If the mass shelter does not meet the Subparagraph B.3a, it is a conditional use, as follows. Approval criteria are in Section 33.815.140, Mass and Outdoor Shelters in the C, CI2, E, and I zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.
    - (1) If the mass shelter is provided within an existing structure, or on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area within the past 5 years.
    - (2) All other mass shelters are reviewed through a Type III procedure.
4. EG zones. Generally, a mass shelter in EG zones is a conditional use, reviewed through the following procedures. Certain alterations to an existing mass shelter may be allowed if they meet Subparagraph B.4.b. Approval criteria are in Section 33.815.140, Mass and Outdoor Shelters in the C, CI2, E, and I Zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.
  - a. The following procedures apply to new mass shelter and alterations to an existing mass shelter that do not meet Subparagraph B.4.b:
    - (1) If the mass shelter is provided within an existing structure, or on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had any increase in net building area within the past 5 years.
    - (2) All other mass shelters are reviewed through a Type III procedure.
  - b. Existing mass shelters. An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.
5. OS and I zones. Mass shelters in OS and I zones are prohibited.
6. Exemption. A mass shelter that exclusively serves victims of sexual or domestic violence is allowed by right in RM1 – RMP, C, E, CI, and IR zones. In RF-R2.5 zones, a mass shelter that exclusively serves victims of sexual or domestic violence is allowed by right but is limited to a net building area of 3,500 square feet.

**C. Outdoor shelters.**

1. OS zones. Outdoor shelters are prohibited in the OS zone.
2. R, CI1, and IR zones. A new outdoor shelter, and an alteration or expansion of an existing outdoor shelter in R, CI1, and IR zones is subject to the following regulations:

- a. Allowed use. A new outdoor shelter, or an alteration to an existing outdoor shelter is allowed if it meets one of the following:
    - (1) An outdoor shelter with up to 20 individual shelters is an allowed use in the RF through R2.5 zones when provided on the site of an existing institutional use, excluding sites in a Parks and Open Areas use, and the standards of 33.285.050 are met.
    - (2) An outdoor shelter with up to 30 individual shelters is an allowed use in the RM1, RM2, RMP, CI1, and IR zones when the standards of 33.285.050 are met.
    - (3) An outdoor shelter with up to 60 individual shelters is an allowed use in the RM3, RM4, and RX zones when the standards of 33.285.050 are met.
    - (4) An alteration or expansion that does not increase the net building area or site area of the outdoor shelter by more than 10 percent is allowed if there is no increase in the number of individual shelters and if the alteration or expansion complies with all conditions of approval.
  - b. Prohibited use. Outdoor shelters with more than 20 individual shelters are prohibited in the RF through R2.5 zones.
  - c. Conditional use. If the outdoor shelter does not meet Subparagraph C.2.a, and it is not prohibited, it is a conditional use and is reviewed through the following procedures. The approval criteria are in 33.815.107, Short Term, Mass, and Outdoor Shelters in R, CI1, and IR Zones. The outdoor shelter must also meet the standards of 33.285.050:
    - (1) If the outdoor shelter is on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure.
    - (2) All other outdoor shelters are reviewed through a Type III procedure.
3. C, EX, and CI2 zones. A new outdoor shelter, and an alteration or expansion of an existing outdoor shelter in C, EX, and CI2 zones is subject to the following regulations:
- a. Allowed use. A new outdoor shelter, or an alteration or expansion of an existing outdoor shelter is allowed if it meets one of the following:
    - (1) An outdoor shelter with up to 60 individual shelters is an allowed use if it meets the standards of Section 33.285.050.
    - (2) An alteration or expansion that does not increase the net building area or site area of the outdoor shelter by more than 10 percent is allowed if there is no increase in the number of individual shelters and if the alteration or expansion complies with all conditions of approval and the standards of Section 33.285.050.
  - b. Conditional use. If the outdoor shelter does not meet Subparagraph C.3.a., it is a conditional use and is reviewed through the following procedures. The approval criteria are in Section 33.815.140, Mass and Outdoor Shelters in the C, CI2, E and I Zones. The outdoor shelter must also meet the standards of 33.285.050.

- (1) If the outdoor shelter is on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure.
  - (2) All other outdoor shelters are reviewed through a Type III procedure.
4. EG and I zones. Generally, outdoor shelters in EG and I zones are a conditional use, reviewed through the following procedures. Certain alterations to existing outdoor shelters may be allowed if they meet Subparagraph C.4.b. Approval criteria are in Section 33.815.140, Mass and Outdoor Shelters in the C, C12, E, and I Zones. The outdoor shelter must also meet the standards of 33.285.050.
  - a. The following procedures apply to new outdoor shelters and alterations of outdoor shelters that do not meet Subparagraph C.4.b:
    - (1) If the outdoor shelter is on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure.
    - (2) All other outdoor shelters are reviewed through a Type III procedure.
  - b. Existing outdoor shelters. An alteration or expansion that does not increase the net building or site area of the outdoor shelter by more than 10 percent is allowed if there is no increase in the number of individual shelters and if the alteration or expansion complies with all conditions of approval.

### **33.285.050 Standards**

#### **A. Short term shelters.**

1. Existing structures and additions to existing structures. A short term shelter provided in an existing structure is subject to the development standards for residential development in the base zone, overlay zone, or plan district, unless superseded by standards in this subsection. Sites that do not meet the development standards at the time of application are subject to the regulations of Section 33.258.070, Nonconforming Development.
2. New structures. A short term shelter provided in a new structure is subject to the development standards for residential development in the base zone, overlay zone, or plan district, unless superseded by standards in this subsection.
3. Hours of operation. The short term shelter must be open 24 hours a day.
4. Reservation/referral. Lodging must be provided on a reservation or referral basis so that clients will not be required or allowed to queue for services.
5. Parking. No motor vehicle parking is required.

#### **B. Mass shelters.**

1. Maximum occupancy. Mass shelters may have up to one shelter bed per 35 square feet of floor area. Adjustments to this standard are prohibited.

2. Density. Table 285-1 sets out the maximum number of shelter beds allowed within a facility. If the site has split zoning, the smaller number applies. Adjustments to this standard are prohibited.

<b>Table 285-1 Maximum Number of Shelter Beds for Mass Shelters</b>	
<b>Zone of Site</b>	<b>Maximum Number of Shelter Beds</b>
EX, CX, CM3, and CE	200
CM2 and CI2	140
RX, RM3, and RM4	60
RM1, RM2, RMP, CI1, IR, CR, CM1	30
RF-R2.5 [1]	20

Notes:

[1] The mass shelter must be operated on the site of an existing institutional use, excluding sites in a Parks and Open Areas use.

3. Outdoor activities. All functions associated with the shelter, except for children's play areas, outdoor recreation areas, parking, and outdoor waiting must take place within the building proposed to house the shelter. Outdoor waiting for clients, if any, may not be in the public right-of-way, must be physically separated from the public right-of-way, and must be large enough to accommodate the expected number of clients.
  4. Hours of operation. To limit outdoor waiting, the facility must be open for at least 8 hours every day between 7:00 AM and 7:00 PM.
  5. Supervision. On-site supervision must be provided at all times.
  6. Toilets. At least one toilet must be provided for every 15 shelter beds.
  7. Development standards. The development standards for residential development in the base zone, overlay zone, or plan district apply to mass shelters, unless superseded by standards in this subsection.
  8. Parking. No motor vehicle parking is required.
- C. Outdoor shelters.** Outdoor shelters are exempt from development standards in base zones, overlay zones, and plan districts. Outdoor shelters are subject to the following standards:
1. An outdoor shelter is prohibited in the following:
    - a. Environmental overlay zones;
    - b. Pleasant Valley Natural Resource overlay zone;
    - c. River Natural overlay zones;
    - d. River Environmental overlay zones;
    - e. Scenic overlay zones;
    - f. Within and riverward of the greenway setback;

- g. Within and riverward of the river setback; and
    - h. The special flood hazard area.
  2. Minimum and maximum site size.
    - a. The minimum required site size for an outdoor shelter is 3,000 square feet. Institutional uses are exempt from this standard. Adjustments are prohibited.
    - b. In I zones, the maximum size for an outdoor shelter is 2 acres. Adjustments are prohibited.
  3. The facility must operate 24 hours a day.
  4. The facility must have a designated supervisor.
  5. Development associated with the outdoor shelter, other than screening required by Paragraph C.6., must be setback at least 5 feet all lot lines.
  6. The outdoor shelter must be screened from the street and any adjacent properties. Screening from the street must comply with at least the L2 or F1 standards of Chapter 33.248, Landscaping and Screening, with the exception that a fence can be a minimum of 3-feet high. Screening from adjacent properties must comply with at least the L3 or F1 standards of Chapter 33.248, Landscaping and Screening.
  7. The maximum height for structures associated with the outdoor shelter is 20 feet.
  8. No motor vehicle parking is required.
  9. An outdoor shelter located in the South Subdistrict of the Johnson Creek Basin plan district is subject to the development standards in section 33.537.140.
  10. An outdoor shelter located in a River overlay zone, the Columbia South Shore plan district, or the Portland International Airport plan district is subject to the respective archeological resource protection standards of the overlay zones or plan districts.

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