

CITY OF SILVERTON
ORDINANCE
18-22

AN ORDINANCE OF THE SILVERTON CITY COUNCIL APPROVING AN AMENDMENT TO SILVERTON MUNICIPAL CODE; TITLE 18, DEVELOPMENT CODE AND ZONING MAP RELATING TO TRANSITIONAL SHELTER COMMUNITIES BY CREATING A DEFINITION, DETERMINING WHERE AND HOW SUCH A USE COULD LOCATE, AND DRAFTING REGULATIONS AND STANDARDS FOR APPROVAL.

WHEREAS, the City Council directed Staff to draft Code Language at the March 5, 2018 City Council meeting relating to transitional shelter communities; and

WHEREAS, the Planning Commission held a work session on March 27, 2018 to discuss possible language; and

WHEREAS, the Planning Commission held a public hearing at the May 8, 2018 meeting to accept testimony regarding the code language and continued the Hearing to the June 12, 2018 Planning Commission meeting and reviewed the proposed text amendment to Title 18, Development Code and Zoning Map, of the Silverton Municipal Code and made certain modifications to the proposed amendments; and

WHEREAS, following public testimony, the Planning Commission deliberated and voted to recommend the City Council approve the proposed Development Code amendment; and

WHEREAS, after proper legal notice, a Public Hearing before the City Council was held on July 2, 2018 and the Public Hearing was continued to August 6, 2018 and September 10, 2018 to consider the Development Code Amendment application, DC-18-01. All interested parties participated and had an opportunity to be heard. The City Council reviewed all matters presented to it including the recommendations of the Planning Commission.

NOW THEREFORE THE CITY OF SILVERTON ORDAINS AS FOLLOWS:

Section 1: Section 1.5.300 of the Silverton Development Code is amended by adding the following definition:

“Transitional Shelter Communities”. Per ORS 446.265. Accommodations that may consist of separate facilities, in the form of sleeping pods or other approved structures, for use as living units by one or more individuals or by families. The person establishing the accommodations shall provide access to water and toilet through separate or shared facilities, and may provide access to shower, laundry, cooking, telephone or other services either through separate or shared facilities. The accommodations shall provide parking facilities and walkways. Transitional housing accommodations shall be limited to persons who lack permanent shelter and cannot be placed in other low income housing.

Section 2: Section 2.2.110 of the Silverton Development Code is amended by adding the following Use Category with the new language in italics:

Section 2.2.110

Uses Use Categories (Examples of uses are in Chapter 1.6 SDC; definitions are in Chapter 1.5 SDC.)	Status of Use in District			
	Single-Family Residential (R-1)	Low Density Residential (R-5)	Multiple-Family Residential (RM-10)	Multiple-Family Residential (RM-20)
Religious institutions and houses of worship				
- Facilities lawfully established as of November 5, 2008	P	P	P	P
- New facilities	CU	CU	CU	CU
- <i>Transitional Shelter Communities</i> <i>Per the standards in SDC 2.2.200</i>	<i>CU</i>	<i>CU</i>	<i>CU</i>	<i>CU</i>

Section 3: Section 2.8.150 of the Silverton Development Code is amended by adding the following Use Category with the new language in italics:

Public District
2.8.150 Allowed uses.

Use Categories (Examples of uses are in Chapter 1.6 SDC; definitions are in Chapter 1.5 SDC.)	Public (P)
Other Categories	
Religious institutions and houses of worship	CU
- <i>Transitional Shelter Communities</i> <i>Per the standards in SDC 2.2.200.N</i>	<i>CU</i>

Section 4: Section 2.3.110 of the Silverton Development Code is amended by adding the following Use Category with the new language in italics:

Table 2.3.110 – Uses Permitted in Commercial Districts

Use Categories (Examples of uses are in Chapter 1.6 SDC; definitions are in Chapter 1.5 SDC)	Downtown Commercial (DC)	General Commercial (GC)	Downtown Commercial (DCF)
Religious institutions and houses of worship			
- Lawfully existing as of November 5, 2008	P	P	P
- New facilities	CU	CU	CU
- <i>Transitional Shelter Communities</i> <i>Per the standards in SDC 2.2.200</i>	<i>CU</i>	<i>CU</i>	<i>CU</i>

Section 5: Section 2.4.110 of the Silverton Development Code is amended by adding the following Use Category with the new language in italics:

Table 2.4.110

Uses Use Categories (Examples of uses are in Chapter 1.6 SDC; definitions are in Chapter 1.5 SDC)	Status of Use in District		
	Industrial (I)	Light Industrial (LI)	Industrial Park (IP)
<i>Institutional Categories</i>			
Religious institutions and houses of worship			
- Lawfully existing as of November 5, 2008	P	P	P
- New facilities	N	N	N
- <i>Transitional Shelter Communities</i> <i>Per the standards in SDC 2.2.200.N</i>	<i>CU</i>	<i>CU</i>	<i>CU</i>

Section 6: Section 2.2.200.N of the Silverton Development Code is created by adding the following:

SDC.2.2.200 N - Transitional Shelter Communities. Transitional shelter communities shall comply with the following standards:

- A. Transitional shelter communities are allowed on land that is currently in use as a Religious institution or place of worship per SDC 1.6.490.
- B. Shelter Unit Type: Shelter units shall be stick-built structures or prefabricated structures but may not have fabric walls or roofs (e.g., tents, yurts, and membrane structures). Shelter units may not be vehicles, residential trailers, or manufactured dwellings. Each shelter unit shall be detached from any other shelter unit. Design of the units shall be compatible with the surrounding area.
- C. Maximum Building Floor Space: The maximum building floor space for each shelter unit is 200 square feet.
- D. Maximum number of units: The maximum number of units per parcel is one for every 10,000 square feet of area of the site the units are to be located on, rounded to the nearest whole number, or four units, whichever is less.
- E. Maximum number of sites. Only two sites in the City are allowed to be operated as a Transitional Shelter Community at any one time.
- F. Length of Stay is limited to 18 months for each participant.
- G. Bathrooms and Kitchens: Bathrooms and kitchens are prohibited in the shelter units. Instead, common permanent bathroom facilities available all hours of all days shall be provided for the residents and kitchen facilities may be provided to residents.
- H. Utilities: Water service, sanitary sewer service, natural gas service, propane heaters, and generators are prohibited in the shelter units but are permitted in common facilities. Adequate trash and recycling service is to be provided in the vicinity of the use.
- I. Storage: No outdoor storage is permitted, excluding bicycles. Residents shall be provided with enclosed, secure storage facilities for their belongings.
- J. Fencing: The transitional shelter community shall be adequately fenced from abutting properties (does not include adjacent properties) with sight-obscuring fencing a minimum of six feet in height.
- K. Minimum Rear and Side Yard Depth: The minimum rear and side yard depth is five feet, except that if the rear or side yard abuts a Residential District, the minimum shall be 20 feet from the abutting lot line.
- L. Minimum Structure Separation: Structures shall be separated from one another by a minimum of six feet.
- M. Conditional Use: Transitional shelter communities shall be reviewed as a Conditional Use, however no fee shall be charged for such review.

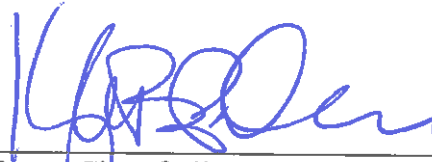
- N. Periodic Review and Renewal. Transitional shelter communities shall require periodic review and renewal. The first periodic review and renewal shall be conducted six months from occupancy and shall follow the Conditional Use review procedure. If renewal is approved, periodic review and renewal shall be conducted annually from that point, following the Conditional Use review procedure.
- O. Financial security (bonds, petitions, cash, etc.) to ensure the removal of the improvements should approval not be renewed shall be provided to the City prior to occupancy.
- P. The person in charge (owner-occupant, tenant, lessee or person other than an owner who has possession and/or control of the property) shall provide Local Contact Information, name and telephone number, to all property owners and residents within 500 feet of the site on an annual basis. The local contact person must be available to accept and immediately respond to telephone calls during business hours. Any change in local contact person must be reported to the City and property owners and residents within 500 feet of the site at least seven days prior to the date the change takes effect.
- Q. An operations, security, and case management plan for the transitional shelter community shall be submitted to the city at the time of application for review and approval.
- R. Code of Conduct. The managing agency shall provide to all residents of the transitional shelter community a code of conduct for living at the transitional shelter community, including information regarding the Noise Disturbance standards of SMC 8.04.055, the Chronic Nuisance Property standards of SMC 8.06, and the Periodic Review and Renewal timetable. A copy of the code of conduct shall be submitted to the city at the time of application for review and approval.
- S. Priority should be given to individuals that have been living within or near Silverton for the past year.
- T. Occupancy shall be limited to one person per shelter unit.

Section 7: A full copy of all text amendments and findings of fact can be found in file DC-18-01, located in the Community Development Department at City Hall.

Section 8: This ordinance shall be reviewed by the City Council within 18 months after occupancy has been granted for the first Transitional Shelter Community.

Section 9: This ordinance shall be effective upon and from 30 days of adoption.

Ordinance adopted by the City Council of the City of Silverton, this 1st day of October, 2018.



Mayor, City of Silverton
Kyle Palmer

ATTEST:



City Manager/Recorder, City of Silverton
Christy S. Wurster