

BRUNSWICK TOWN COUNCIL

Agenda

April 8, 2019

6:30 P.M. – Special Meeting

Council Chambers

Town Hall

85 Union Street

Roll Call of Members/Acknowledgement Notice

Pledge of Allegiance

Adjustments to Agenda

PUBLIC HEARINGS

- 45. The Town Council will hear public comments on both the licensing ordinance for performance standards to regulate homeless shelters and zoning amendments regarding homeless shelters, and will take any appropriate action. (Town Manager Eldridge)**

HEARING/ACTION

These ordinances are being considered on an emergency and regular basis.

**INDIVIDUALS NEEDING AUXILIARY AIDS FOR EFFECTIVE
COMMUNICATION SHOULD CONTACT
THE TOWN MANAGER'S OFFICE AT 725-6659 (TDD 725-5521)**

To email the Town Council: towncouncil@brunswickme.org

**Brunswick Town
Council Agenda
April 8, 2019
Special Meeting
Council Notes and Suggested Motions**

PUBLIC HEARINGS

45. **Notes:** This is the Charter-required public hearing for proposed performance standards and licensing rules related to the regulation of homeless shelters in Brunswick. These ordinances are being considered on an emergency and regular basis. The concept of incorporating performance standards into zoning regulations pertaining to homeless shelters was introduced to the Shelter Task Force on June 13, 2018. Staff has prepared a list of potential performance standards, and would like the Town Council to review these and make recommendations as to which standards should be implemented in the regulation of homeless shelters, and if each recommended standard belongs as an amendment in the Brunswick Zoning Ordinance or a separate licensing ordinance. Performance standards reviewed were based on research of existing local standards and the American Planning Association (APA). The Town Council may also establish their own performance standards. A copy of the Public Hearing notice, a copy of a memo from Town Manager Eldridge and one from Matt Panfil, Director of Planning and Development, the Performance Standard Summary Table, the draft Homeless Shelter Zoning Ordinance amendments with Table, the draft Homeless Shelter Licensing Ordinance, and the Fee Schedule from Chapter 10 – Licenses and Business Regulations are included in the packet.

Suggested Motion:

Motion to adopt the Licensing ordinance for performance standards as presented.

AND

Motion to adopt the Zoning Ordinance amendments as presented.

Adjournment: Motion to adjourn the meeting.

ITEM 45
BACKUP

**Town of Brunswick
Notice of Public Hearing
Regarding Homeless Shelters**

The Town Council will hold a public hearing on Monday, April 8, 2019 at 6:30 p.m. in the Council Chambers of the Brunswick Town Hall, 85 Union Street, to consider the following:

Item 1. The Town Council will hear public comments on both the licensing ordinance for performance standards to regulate homeless shelters and zoning amendments regarding homeless shelters, and will take any appropriate action. (Town Manager Eldridge)

These ordinances are being considered on an emergency and regular basis.

The text of the proposed ordinance is too extensive to be included with this notice. Anyone having questions about the proposed ordinance or wishing to obtain copies of it should contact the Brunswick Town Clerk's or Town Manager's Office during regular office hours during regular office hours (Mon- Weds 8:30 am to 4:30 pm, Thursday 8:30 am to 6:00 pm, and Friday 8:30 am to 3:00 pm).

INDIVIDUALS NEEDING AUXILIARY AIDS FOR EFFECTIVE COMMUNICATION
PLEASE CONTACT THE TOWN MANAGER'S OFFICE AT 725-6659 (TDD 725-5521)

Frances M. Smith
Town Clerk of Brunswick, Maine

March 21, 2019

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: March 26, 2019

SUBJECT: Homeless Shelters
Zoning and Performance Standards

Attached are the proposed amendments to the Brunswick Zoning Ordinance and a draft Shelter Licensing Ordinance. Generally, the Zoning Ordinance amendments relate to location and land use issues. The Shelter Licensing Ordinance relates to operating standards and performance standards.

The zoning ordinance amendments originated with the work of the Shelter Task Force. They were then amended by the Planning Board, then further amended following the Town Council's February 7th workshop, and amended again at the Council's March 18th meeting. At the February 7th workshop, the Town Council tentatively decided to permit only apartment-style shelters in the growth residential (GR) zones. At the March 18th meeting, the Town Council voted to change the separation distance between shelters from 500 to 1,000 feet.

The draft licensing ordinance contains the performance standards that the Shelter Task Force recommended be included as zoning ordinance amendments but which the Planning Board concluded should not be included as zoning standards. Those standards, as well as others that were discussed in Town Council workshops, were incorporated into the draft licensing ordinance. As I mentioned frequently, the Shelter Licensing Ordinance was intentionally drafted in a comprehensive fashion, with the idea that it would be easier for the Town Council to remove, rather than add, items. Similarly, the Town Council could also consider whether licensing, or some other form of regulation without licensing, would be appropriate

To aid the Council in its deliberations, I have also attached a summary table that identifies the zoning amendments and licensing standards and how they were considered by the Shelter Task Force and Planning Board. For the public hearing, I am recommending that the Town Council have a combined hearing and allow speakers to comment on both the zoning amendments and licensing ordinance at the same time.

Finally, under separate cover, we have included in your packet, a copy of a memo by Matt Panfil, Director of Planning and Development, that you were provided at your March 18th meeting.

Attachments

Zoning Ordinance Amendments (DRAFT)
Shelter Licensing Ordinance (DRAFT)
Summary Table of Zoning Amendments and Performance Standards
Memo from Director of Planning and Development

ZONING AMENDMENTS

HOMELESS SHELTER ZONING ORDINANCE AMENDMENTS

Amendment 1

New Text in Bold Underline

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Chapter 1 - General Provisions
Section 1.7 - Definitions and Rules of Construction

Homeless Shelter, Apartment-Style: A facility of at least three (3) units, the primary purpose of which is to provide temporary accommodations to homeless households, established prior to arrival at the facility, free of monetary charge or at nominal cost, in apartment-style units. Accommodations are provided on a temporary basis, meaning that the facility is intended to serve as a refuge and a bridge between homelessness and residency in a suitable fixed location. Each apartment provides housing to a single established household and contains sleeping, cooking, and bathroom facilities. Such facility may also provide accessory support services such as food, hygiene, laundry, staff offices, and meeting rooms for counseling, job training, and referrals to other agencies.

Homeless Shelter, Non-Apartment-Style: A facility, the primary purpose of which is to provide temporary accommodations to homeless persons, free of monetary charge or at nominal cost, in either a dormitory-style or barracks-style arrangement. Accommodations are provided on a temporary basis, meaning that the facility is intended to serve as a refuge and a bridge between homelessness and residency in a suitable fixed location. Such facility may also provide, in addition, no more than two (2) apartment-style units intended for staff or guests with accessibility needs, accessory support services such as food, hygiene, laundry, staff offices, and meeting rooms for counseling, job training, and referrals to other agencies.

Homeless Shelter, Resource Center: A facility, the primary purpose of which is to provide temporary accommodations to homeless persons, free of monetary charge or at nominal cost, in apartments or dormitory-style or barracks-style arrangements, or any combination of such arrangements. Accommodations are provided on a temporary basis, meaning that the facility is intended to serve as a refuge and a bridge between homelessness and residency in a suitable fixed location. Such facility also provides, in addition to shelter, support services (such as food, hygiene, laundry, staff offices, and meeting rooms for counseling, job training, and referrals to other agencies) in excess of the maximum floor area percentage permitted as an accessory use.

HOMELESS SHELTER ZONING ORDINANCE AMENDMENTS

Amendment 2

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Chapter 3 - Property Use Standards
Section 3.2 - Growth Area Permitted Use Table

Table 3.2: Permitted Use Table for Growth Area Zoning Districts																													
P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited A = Allowed Only as an Accessory Use																													
Land Use	CURRENT ZONE	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GC5	GA	GI	GO	GN	Supplementary Use Standards	
	1997 ZONING DISTRICT	RR	R1&8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU7	MU3 & 6	MU4, 11, 14	MU1, CC	HC1 & 2	TC1, 2, 3	RCMU	MU07	CU1&3	CU5 & 6	CU4 & 7	CU/TC	CU7	R-AR	I2, I3, RBTI	R-R&OS	BCN		
Principal Uses																													
Public, Institutional, and Civic Uses																													
Community, Cultural, and Educational Uses																													
Club or lodge		X	X	X	X	X	C	X	C	C	P	C	C	C	C	P	P	P	X	X	X	X	X	X	C	X	X		
College		X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	P	X	P	C	C	P	P	P	X	X	X	4.8.1.D(2)	
Community Center		A	X	X	C	C	C	X	C	C	P	P	C	P	P	P	P	P	P	X	P	P	C	X	C	X	X		
Day care facility, small		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
Day care facility, large		C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
<u>Homeless shelter, apartment-style</u>		C	X	X	C	C	C	C	C	C	C	C	C	C	C	C	C	X	C	X	X	3.4.1.X							
<u>Homeless shelter, non-apartment-style</u>		X	X	X	X	X	X	X	X	X	C	X	C	C	C	C	C	X	C	X	X	3.4.1.X							
<u>Homeless shelter, resource center</u>		X	X	X	X	X	X	X	X	X	C	X	C	C	C	C	C	X	C	X	X	3.4.1.X							
Hospital		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X		
Library, museum, or art gallery		X	X	X	C	C	C	X	X	C	P	C	C	P	P	P	P	C	P	P	P	P	P	X	C	X	X	4.8.1.D(2)	
Municipal facility		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
Park or conservation area		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Religious institution		X	X	X	C	C	P	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	X	P	X	X		
School		P	X	P	C	P	P	P	P	P	P	C	P	P	P	P	P	P	P	C	P	P	P	P	P	P	X		

HOMELESS SHELTER ZONING ORDINANCE AMENDMENTS

Amendment 3

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Chapter 3 - Property Use Standards
Section 3.4 - Supplementary Use Standards

X. Homeless Shelters

(1) For the purposes of calculating density:

- a. **Each single household unit within any homeless shelter, apartment-style; homeless shelter, non-apartment-style; and homeless shelter, resource center shall constitute one (1) dwelling unit; and**
- b. **Every four (4) individual residents, not housed within a separate single household unit, within a homeless shelter, non-apartment-style and homeless shelter, resource center shall be the equivalent of one (1) dwelling unit.**
- c. **The construction of a new homeless shelter, non-apartment-style, or a change in use of an existing structure or portion thereof to a homeless shelter, non-apartment-style shall require compliance with the maximum density of the underlying zoning district.**

(2) Parking should be provided in accordance with the following:

- a. **Homeless shelter, apartment-style:**
One-half (½) parking space for each unit.
- b. **Homeless shelter, non-apartment-style:**
One (1) parking space for every three (3) individual residents.
- c. **Homeless shelter, resource center:**
Parking demand shall be determined by individually calculating the demand for each separate use. Non-residential uses such as office space shall be calculated as established in Table 4.9.1.A Minimum Number of Off-Street Vehicle Parking Spaces.

Applicants may request a reduction in the number of parking spaces required, as established in Section 4.9.4.D of the zoning ordinance.

(3) Any applicant for a homeless shelter shall be required to submit the following:

- a. **Interior Floor Plans: Dimensioned with spaces labeled with the proposed used;**

(4) Any homeless shelter, non-apartment-style shall be dedicated for use by either unaccompanied minors under eighteen (18) years of age or adults, but not both.

(5) Separation Requirement:

HOMELESS SHELTER ZONING ORDINANCE AMENDMENTS

Any new homeless shelter use, as defined in Section 1.7.2, Definitions, and regulated in Table 3.2: Growth Area Permitted Use Table, may not be located within 1,000 feet (measured at the property line) of any preexisting homeless shelter use.

DRAFT

HOMELESS SHELTER ZONING ORDINANCE AMENDMENTS

Amendment 4

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Chapter 4 - Property Development Standards
Section 4.9 – Parking and Loading

4.9.1 Parking Alternatives

The Review Authority may approve alternatives to complying with the requirements in Subsection 4.9.1 in accordance with the following standards.

D. Parking Requirement Reductions

The Review Authority may allow additional reductions of the minimum vehicle parking requirements in Subsection 4.9.1. **To support a request for an** ~~on finding that the additional reduction, is justified by~~ **the Review Authority may require** a parking demand study showing reduce transportation and vehicle parking demand due to the location, characteristics, or committed operations of the particular use (e.g., type of development, proximity to transit, employee carpool/vanpool program, off-peak work schedules).

HOMELESS SHELTER ZONING ORDINANCE AMENDMENTS

Amendment 5

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Chapter 1 - General Provisions
Section 1.7 - Definitions and Rules of Construction

Boarding House: A building other than a hotel containing a shared kitchen and/or dining room, with sleeping rooms accommodating no more than two (2) persons per room (excepting minor children) that are offered for rent, with or without meals. **This definition does not include homeless shelter, apartment-style, homeless shelter, non-apartment-style, or homeless shelter, resource center.**

DRAFT

LICENSING ORDINANCE

TOWN OF BRUNSWICK
HOMELESS SHELTER LICENSING ORDINANCE
DRAFT – MARCH 18, 2019

Section 10-26 of the Town of Brunswick Code of Ordinances is hereby amended to add the following language, which shall be known and referred to as the Homeless Shelter Licensing Ordinance:

(17) *Homeless Shelters*

a. Purpose and Authority

This Ordinance is enacted pursuant to authority granted under 30-A M.R.S. § 3001. The purpose of this Ordinance is to set forth procedures and standards for the issuances of local licenses for Homeless Shelters in order to protect public health, safety and welfare.

b. Definitions

As used in this Ordinance, the terms below shall be defined as indicated. All other terms used in this Ordinance, if not defined below, shall have the same definition as set forth in the Town of Brunswick Zoning Ordinance.

Applicant shall mean a person that has submitted an application for licensure as a Homeless Shelter pursuant to this Ordinance.

Licensed Premises shall mean the premises specified in an application for a license pursuant to this Ordinance or within a license issued pursuant to this Ordinance.

Licensee shall mean a person licensed pursuant to this Ordinance.

Licensing Authority shall mean the Town Clerk or, if referral to the Town Council is required pursuant to this Ordinance, the Town Council.

Homeless Shelter shall mean a Homeless Shelter, Apartment-Style, Homeless Shelter, Non-Apartment-Style, or Homeless Shelter, Resource Center, all as defined in the Town of Brunswick Zoning Ordinance.

Owner shall mean a person whose beneficial interests in a Homeless Shelter is such that the person bears risk of loss other than as an insurer and/or has a controlling interest in a Homeless Shelter.

Person shall mean a natural person, partnership, association, company, corporation, limited liability company or organization, or a manager, agent, owner, director, servant, officer or employee thereof. “Person” does not include any governmental organization.

Premises shall mean the physical location at which a Homeless Shelter is to conduct its business.

c. License Requirement

Effective -----, 2019 a Homeless Shelter shall not begin or continue operations unless it has received and is in possession of a license issued pursuant to this Ordinance.

d. Licensing Authority

All license applications, whether new or renewal, shall be reviewed and may be approved by the Town Clerk. Application shall be made in writing using a form prepared by the Town for the purpose and must include all information required by this Ordinance and by the form. Prior to action on a license application, the Clerk shall give public notice of the application by having a sign posted in a conspicuous place on the Premises listed on the license application at least seven (7) days prior to action, and by publication in a newspaper of general circulation in the town Brunswick at least seven (7) days prior to action.

e. Review Procedures

The review procedures described below shall be the same for initial license applications as well as renewals. In reviewing license applications, the Licensing Authority and any consulting Town officials may consider the approval standards under this Ordinance as well as other applicable local, state or federal laws and, for license renewals, the Licensee's record of compliance with the same.

- i. The Town Clerk shall be responsible for the initial investigation of the application to ensure compliance with the requirements of this Ordinance and to obtain recommendations from other Town Officials as required.
- ii. The Licensing Authority shall have the authority to impose any conditions on a license that may be reasonably necessary to insure compliance with the requirements of this Ordinance or to address concerns about operations. Failure of any Licensee to comply with such conditions shall be considered a violation of the license and this Ordinance.
- iii. No license shall be granted by the Town Clerk until the Police Chief, Fire Chief, Health Inspector and Code Enforcement Officer have all made positive recommendations regarding the Applicant's ability to comply with this Ordinance or any other applicable Town ordinance or state or federal law enforced by such officials. The Town Clerk shall provide a copy of the license application to each official along with a form upon which the official shall note his or her findings and conclusions, as well as any recommended conditions of approval. The Town Clerk shall automatically include any conditions of approval recommended by the officials on the issued license.
- iv. If any official consulted by the Town Clerk finds that a license application should not be approved, the application shall be forwarded to the Town Council for further review. The

Town Council shall, upon review of all staff recommendations and applicable laws, make the final determination as to whether the license should be issued and/or any conditions to be attached.

- v. Licenses shall be approved only for the type(s) of Homeless Shelter(s) identified in the application. A Licensee who intends to expand the licensed Premises or convert the licensed Premises to a type of Homeless Shelter that is not specifically approved in a license must seek to obtain a new license for that use.
- vi. Any municipal official with authority to make recommendations, grant licenses or enforce this or other municipal ordinances regulating Homeless Shelters shall have authority to enter the premises of an Applicant or Licensee without notice to make inspection reasonably necessary to ensure compliance.

f. Application Submission Requirements

Each applicant for a Homeless Shelter license shall complete and file an application on the form provided by the Town Clerk, together with the applicable license fee as well as the following support materials:

- i. Attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the Homeless Shelter.
- ii. An affidavit that identifies all owners, officers, members, managers or partners of the Applicant, their ownership interests.
- iii. Evidence of all land use approvals or conditional land use approvals required to operate the Homeless Shelter, including, but not limited to building permit, conditional or special use approval, change of use permit and/or certificate of occupancy.
- iv. Evidence of all other local approvals or conditional approvals required to operate the Homeless Shelter, including any applicable food license.
- v. A description of the premises for which the license is sought, including a plan of the premises.

If the Town Clerk determines that a submitted application is not complete, he or she shall notify the applicant within ten (10) business days of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the Clerk's request, the application may be denied.

g. License Term and Renewal

Each license issued under this Ordinance shall be valid for a term of three (3) years. Applications for renewal licenses shall be submitted at least 90 days prior to expiration of the

existing term. Any Licensee who fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted. A late fee shall apply as set forth in the Master Schedule of Revenues, Charges, Fees and Fines.

h. Denial, Suspension or Revocation of a License

A license application for a Homeless Shelter shall be denied by the Licensing Authority, and an existing license may be suspended or revoked by the Town Council after notice and hearing, if the applicant, or any Owner of the applicant or Licensee:

- i. Fails to meet the requirements of this Ordinance.
- ii. Has provided false or misleading information in connection with the license application.
- iii. Is in violation of any other Town of Brunswick ordinance or state law and has failed to correct the violation within the period of time prescribed by the relevant enforcement agency.

i. Approval and Operation Requirements

In order to obtain a license pursuant to this Ordinance, the Licensee shall demonstrate to the Town Clerk and all reviewing officials that the following requirements will be met. The Licensee shall comply with all of these requirements during the term of the license:

- i. Display of License. The current License shall be displayed at all times in a conspicuous location within the Premises.
- ii. Hours of Operation. Any Homeless Shelter shall operate 24 hours per day, seven (7) days per week. On-site supervision shall be required for a homeless shelter, non-apartment-style and a homeless shelter, resource center.
- iii. Maine State Housing Authority Monitoring. Any Homeless Shelter shall participate in the MaineHousing monitoring program on an annual basis. Each annual monitoring report received over the course of the three (3) year license shall be provided to the Licensing Authority with a renewal application.
- iv. Management Plan. Any Homeless Shelter shall enact and maintain a management plan to address the following:
 - a. Communications Plan. Any Homeless Shelter shall establish and maintain a written policy and procedure regarding communication with adjacent properties and the Town of Brunswick, including the Police Department.
 - b. Emergency Response Plan. Any Homeless Shelter shall establish and maintain, in consultation with local emergency services, a written policy and procedure for addressing emergency situations.

- c. Maintenance. Any Homeless Shelter shall provide regular building and site maintenance, including litter control.
- d. Registration. Any Homeless Shelter shall establish and maintain a policy and procedure for the screening of registered sex offenders.
- e. Rules of Conduct. Any Homeless Shelter shall provide each guest with a notification of the Homeless Shelter’s rules of conduct, including a policy on the separation of individual guests and households.
- f. Transportation Plan: Any Homeless Shelter shall establish and maintain a written policy regarding the provision of transportation to and from the site for guests without a personal vehicle.
- g. Turn Away Policy. Any Homeless Shelter shall establish and maintain a written policy and procedure for denying access to the Homeless Shelter when at maximum capacity or the determination that a person is unsuited for the facility.
- v. Maximum Beds in Town. The total capacity for individual residents within all homeless shelters, non-apartment-style and/or homeless shelter, resource center in the Town shall not exceed 83.
- vi. Maximum Length of Occupancy. An individual’s stay at a homeless shelter, non-apartment-style or homeless shelter, resource center shall not exceed six (6) consecutive months.
- vii. Smoking. No smoking shall be allowed inside any homeless shelter. Any homeless shelter, if desired, shall designate outdoor smoking areas in an area designed to minimize impact on adjacent properties.
- viii. Sprinklers. Any homeless shelter shall provide a fully functional fire suppression sprinkler system approved by the Fire Chief or his/her designee.

j. Transfer of Ownership or Change of Location

Licensees issued under this Ordinance are not transferable to a new owner. Any change in ownership shall require a new license. Licenses are limited to the location for which they are issued and shall not be transferable to a different location. A Licensee who seeks to operate in a new location shall acquire a new license for that location.

k. Appeals

The following appeals may be decided by the Town Council upon a *de novo* hearing in which it will hear evidence on the application and make its own findings of fact and conclusions of law:

- A. Appeal of the Town Clerk’s denial of an application for lack of completeness.
- B. Appeal by any aggrieved party having legal standing of any decision by the Town Clerk to grant a license under this Ordinance.
- C. Appeal by the applicant of any permit granted by the Town Clerk with conditions to which the applicant/Licensee objects.

Appeals must be filed with the Town Clerk within thirty (30) days of the date of the decision subject to appeal. The Town Council shall hold the hearing on the appeal and render a decision within thirty (30) days of the date of the appeal, unless all parties consent to a delay.

Appeals of final determinations issued by the Town Council pursuant to this Ordinance shall be made to the Cumberland County Superior Court within thirty (30) days of the date of the decision being appealed.

l. Enforcement and Penalties

The operation of any Homeless Shelter without the required license or in violation of the requirements of this Ordinance shall be in violation of this Ordinance. The Brunswick Town Council or its designee shall enforce the provisions of this subsection. A violation of any provision of this subsection shall be a civil violation, and a civil penalty in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinance shall be imposed, which shall accrue to the benefit of the Town of Brunswick. Each day that a violation continues will be treated as a separate offense. The Brunswick Town Council or its designees may also seek injunctive relief, where appropriate, and shall be awarded attorney fees and costs for prosecution of violations of this section. The Brunswick Town Council may also revoke or suspend the permit after notice and hearing.

m. Severability

The provisions of this Ordinance are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

n. Other Laws

In the event of a conflict between provisions of this Ordinance and the provisions of any other applicable state or local law or regulation, the more restrictive provision shall control.

APPENDIX B

MASTER SCHEDULE OF REVENUES, CHARGES, FEES AND FINES

Chapter 10 – Licenses and Business Regulations			
Reference	Date	Description	Amount
Sec. 10-26 (17)		Homeless shelter application	\$30.00
		Non-profit application fee	\$30.00 (may be waived by Town Council)

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SUMMARY TABLE

**Homeless Shelters
Zoning and Performance Standards
Summary Table**

Performance Standard	Shelter Task Force (STF) Recommendation	Planning Board Recommendation	Zoning Ordinance or License?	Town Council Preference
A. Building and Site Design Standards				
1 - Architectural Compatibility with Surrounding Neighborhood	No	Did Not Review. Already exists in Zoning Ordinance and subject to Planning Board review.	Zoning Ord.	
2 - Clearly Defined Building Entrances	No		Zoning Ord.	
3 - Landscape Buffers and/or Privacy Fencing	No		Zoning Ord.	
4 - Lighting Plan	No		Zoning Ord.	
5 - On-Site Waiting / Queueing Areas to Prevent Blockage of Public Right-of-Way	No		Zoning Ord.	
6 - Recreation Areas	No		Zoning Ord.	
7 - Parking Lots	No		Zoning Ord.	
8 - Sight Lines	No		Zoning Ord.	
B. Density and Size	Yes	Agreed with STF	Zoning Ord.	
C. Hours of Operation	No	Did Not Review	Licensing	
D. Location / Proximity to Essential Services	Yes, within Growth Zoning Districts	Agreed with STF	Zoning Ord.	
E. Maine State Housing Authority Monitoring	Did Not Consider	Did Not Consider	Licensing	
F. Management Plan				
1 - Communications Plan	Yes	Not in Zoning Ord.	Licensing	
2 - Emergency Response Plan	Yes	Not in Zoning Ord.	Licensing	
3 - Interior Floor Plan	Yes	Agreed with STF	Zoning Ord.	
4 - Maintenance and/or Litter Control Program	Yes	Not in Zoning Ord.	Licensing	
5 - Rules of Conduct and Registration Process for Guests	Yes	Not in Zoning Ord.	Licensing	
6 - Transportation Plan	Yes	Not in Zoning Ord.	Licensing	
7 - Turn-Away Policy	Yes	Not in Zoning Ord.	Licensing	
G. Maximum Beds in Town	No	Did Not Review	Licensing	
H. Maximum Length of Occupancy	No	Did Not Review	Licensing	
I. Minimum Separation	No	Yes, 500'	Zoning	1,000
J. Off-Street Parking	Yes	Agreed with STF	Zoning	
K. On-Site Facilities / Accessory Uses	Accessory Use Over 40% Floor Area = Resource Center	Agreed with STF	Zoning	
L. Physical Separation of Individual Residents and Households	Yes	Agreed with STF	Licensing	
M. Smoking	No	Did Not Review	Licensing	
N. Sprinklers	Did Not Review	Did Not Review	Licensing	

Town of Brunswick, Maine

DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

TO: John Eldridge
Town Manager

FROM: Matthew Panfil
Director of Planning and Development

DATE: March 18, 2019

SUBJECT: Homeless Shelter Performance Standards

I. REQUESTED ACTION

The Town Council is to review and discuss the below listed performance standards and make recommendations as to which performance standards should be implemented in the regulation of homeless shelters and if each recommended standard belongs in the Brunswick Zoning Ordinance or a separate licensing ordinance.

II. INTRODUCTION

The concept of incorporating performance standards into zoning regulations pertaining to homeless shelters was introduced to the Shelter Task Force on June 13, 2018. The performance standards reviewed were based on research of existing standards in Augusta, Bangor, Portland, Waterville, and Westbrook. Additional performance standards based on research from the American Planning Association (APA) of twenty (20) communities nationwide that recently updated their municipal code to address homeless shelters and associated uses were introduced to the Shelter Task Force on July 18, 2018.

Sections II and III include a full list, in alphabetical order, of potential performance standards resulting from this research. Each performance standard is formatted in the following manner:

- Intent;
- Shelter Task Force Recommendation;
- Planning Board Recommendation to Town Council;
- An Example of the Standard as Used by Another Community
- The Suggested Location (Zoning Ordinance or Licensing Ordinance) if the Town Council were to Recommend Implementation of the Standard

Although lengthy, the following list does not mean that the Town Council cannot establish their own standards. For example, the Town Council recently discussed requiring homeless shelters to comply with the MaineHousing monitoring program.

III. PERFORMANCE STANDARD SUMMARY TABLE

Performance Standard	Shelter Task Force (STF) Recommendation	Planning Board Recommendation	Zoning Ordinance or License?	Town Council Preference
A. Building and Site Design Standards				
1 - Architectural Compatibility with Surrounding Neighborhood	No	Did Not Review. Already exists in Zoning Ordinance and subject to Planning Board review.	Zoning Ord.	
2 - Clearly Defined Building Entrances	No		Zoning Ord.	
3 - Landscape Buffers and/or Privacy Fencing	No		Zoning Ord.	
4 - Lighting Plan	No		Zoning Ord.	
5 - On-Site Waiting / Queueing Areas to Prevent Blockage of Public Right-of-Way	No		Zoning Ord.	
6 - Recreation Areas	No		Zoning Ord.	
7 - Parking Lots	No		Zoning Ord.	
8 - Sight Lines	No		Zoning Ord.	
B. Density and Size	Yes	Agreed with STF	Zoning Ord.	
C. Hours of Operation	No	Did Not Review	Licensing	
D. Location / Proximity to Essential Services	Yes, within Growth Zoning Districts	Agreed with STF	Zoning Ord.	
E. Maine State Housing Authority Monitoring	Did Not Consider	Did Not Consider	Licensing	
F. Management Plan				
1 - Communications Plan	Yes	Not in Zoning Ord.	Licensing	
2 - Emergency Response Plan	Yes	Not in Zoning Ord.	Licensing	
3 - Interior Floor Plan	Yes	Agreed with STF	Zoning Ord.	
4 - Maintenance and/or Litter Control Program	Yes	Not in Zoning Ord.	Licensing	
5 - Rules of Conduct and Registration Process for Guests	Yes	Not in Zoning Ord.	Licensing	
6 - Transportation Plan	Yes	Not in Zoning Ord.	Licensing	
7 - Turn-Away Policy	Yes	Not in Zoning Ord.	Licensing	
G. Maximum Beds in Town	No	Did Not Review	Licensing	
H. Maximum Length of Occupancy	No	Did Not Review	Licensing	
I. Minimum Separation	No	Yes, 500'	Zoning	1,000 ¹
J. Off-Street Parking	Yes	Agreed with STF	Zoning	
K. On-Site Facilities / Accessory Uses	Accessory Use Over 40% Floor Area = Resource Center	Agreed with STF	Zoning	
L. Physical Separation of Individual Residents and Households	Yes	Agreed with STF	Licensing	
M. Smoking	No	Did Not Review	Licensing	
N. Sprinklers	Did Not Review	Did Not Review	Licensing	

¹ Per Town Council – March 18, 2019

IV. PERFORMANCE STANDARDS

A. BUILDING AND SITE DESIGN STANDARDS

Building and Site Design Standards are a combination of several performance standards pertaining to the architectural design of the building and the overall site plan. Common standards include:

1. *Architectural Compatibility with Surrounding Neighborhood*

Intent: _____

Ensure that a homeless shelter is designed to be representative of building forms and styles found within the surrounding community.

Shelter Task Force Recommendation: _____

The Town of Brunswick already regulates architectural compatibility through *Section 4.11 – Architectural Compatibility* of the Brunswick Zoning Ordinance and through the staff review, Planning Board review, and/or Village Review Board (VRB) review processes. Therefore, the Shelter Task Force did not recommend the use of this performance standard.

Planning Board Recommendation: _____

As the Shelter Task Force did not recommend its use, the Planning Board did not review this performance standard.

Suggested Document Location if Recommended by Town Council: _____

Zoning Ordinance, *Section 3.4.1.X – Supplementary Use Standards, Homeless Shelters*

Example: Melbourne, FL _____

Article VI. Use Standards – Section 2, Nonresidential Uses – (W) Transitional homeless shelter

(6) Review Criteria and Findings

(e) Appearance and architectural features. The facility and its features are designed to be compatible with the general architectural theme, appearance, and representative building types of adjacent properties/uses and surrounding community.

2. *Clearly Defined Building Entrances*

Intent: _____

Serve as an additional security feature and as a complement to *Item A.5 – On-Site Waiting / Queueing Areas to Prevent Blockage of Public Right-of-Way* by providing a delineated area away from the public right-of-way.

Shelter Task Force Recommendation:

Similar to *Item A.1 – Architectural Compatibility with Surrounding Neighborhood*, the Town can regulate the design of building entrances through the staff review, Planning Board review, and VRB review processes. Therefore, the Shelter Task Force did not recommend the use of this performance standard.

Planning Board Recommendation:

As the Shelter Task Force did not recommend its use, the Planning Board did not review this performance standard.

Suggested Document Location if Recommended by Town Council:

Zoning Ordinance, *Section 3.4.1.X – Supplementary Use Standards, Homeless Shelters*

Example: Lawrence, KS

Section 20-544, Temporary Shelters

(5) Design Standards

- i. Building entrances shall be clearly defined and visible from the public right-of-way or from an occupied area of the building such as administrative offices or staffed reception areas.*

3. Landscape Buffers and/or Privacy Fencing

Intent:

Establish privacy and/or provide noise reduction between a homeless shelter and adjacent properties.

Shelter Task Force Recommendation:

The Town currently regulates landscaping requirements through *Section 4.6 – Landscaping* and *Section 4.12 – Neighborhood Protection Standards* of the Brunswick Zoning Ordinance. Similar to *Item 1 – Architectural Compatibility with Surrounding Neighborhood* and *Item 2 – Clearly Defined Building Entrances*, the Town can also regulate landscape buffers and/or privacy fencing through the staff review, Planning Board review, and VRB review processes. Therefore, the Shelter Task Force did not recommend the use of this performance standard.

Planning Board Recommendation:

As the Shelter Task Force did not recommend its use, the Planning Board did not review this performance standard.

Suggested Document Location if Recommended by Town Council:

Zoning Ordinance, *Section 3.4.1.X – Supplementary Use Standards, Homeless Shelters*

Example: Melbourne, FL

*Article VI. Use Standards – Section 2, Nonresidential Uses – (W) Transitional homeless shelter
Section 20-544, Temporary Shelters*

(5) Submittal requirements.

(d) Landscaping plan.

(1) Abutting nonresidential properties (zoned or used):

(a) Side and rear yard areas shall include a minimum:

- i. A six-foot high fence. Where adjacent property contains a soup kitchen or day shelter, the fence between the properties may be eliminated with written consent of all applicable property owners.*
- ii. A minimum ten-foot landscaped area. Notwithstanding this requirement, the required side and rear landscaped areas may be modified for existing, developed sites, based upon the location of existing structures, as determined by the community development director.*

4. Lighting Plan

Intent:

Serve as an additional security feature and to ensure that lighting does not adversely impact road safety or adjacent properties and uses.

Shelter Task Force Recommendation:

The Town currently regulates lighting requirement through *Section 4.10 – Outdoor Lighting* and *Section 4.12 – Neighborhood Protection Standards* of the Brunswick Zoning Ordinance. Also, a lighting plan showing details of all proposed lighting and the location of the lighting is required as part of an application for development review. Therefore, the Shelter Task Force did not recommend the use of this performance standard.

Planning Board Recommendation:

As the Shelter Task Force did not recommend its use, the Planning Board did not review this performance standard.

Suggested Document Location if Recommended by Town Council:

Zoning Ordinance, *Section 3.4.1.X – Supplementary Use Standards, Homeless Shelters*

Example: Lawrence, KS

(5) Design Standards

- ii. *Building entrances outdoor children/adult recreational areas and sidewalks shall be well-lit with pedestrian-scaled, low-glare lighting shielded downward.*

5. On-Site Waiting / Queuing Areas to Prevent Blockage of Public Right-of-Way

Intent:

Prevent the blockage of the public right-of-way by potential guests awaiting the opening of a homeless shelter by providing a minimum amount of space, indoor or outdoor, in which to congregate safely on-site.

Shelter Task Force Recommendation:

Although there was extensive discussion regarding this performance standard in regards to requiring a minimum size waiting area and/or designated outdoor smoking area, the Shelter Task Force did not recommend the use of this performance standard.

Planning Board Recommendation:

As the Shelter Task Force did not recommend its use, the Planning Board did not review this performance standard.

Suggested Document Location if Recommended by Town Council:

Zoning Ordinance, *Section 3.4.1.X – Supplementary Use Standards, Homeless Shelters*

Example: Boulder, CO

Section 9-6-6 Public and Institutional Uses – (b) Shelters (Day, Emergency, and Overnight)

4. Additional Requirements for Overnight Shelters

(B) Waiting Areas: No person shall allow or permit clients of a facility to queue or otherwise wait for the facility to open or to otherwise be admitted into the facility in the public right of way. The facility shall provide an indoor or outdoor waiting area in a size adequate to prevent the anticipated number of clients from queuing into or otherwise waiting in the public right of way.

6. Recreation Areas

Intent:

When implemented by other communities, the purpose of this performance standard is not to require a minimum amount of recreation space, but rather as an additional security measure to make sure that any recreation space is well-lit and clearly visible from the public right-of-way or an occupied area of the shelter such as the administrative offices.

Shelter Task Force Recommendation:

The Shelter Task Force did not recommend the use of this performance standard.

Planning Board Recommendation:

As the Shelter Task Force did not recommend its use, the Planning Board did not review this performance standard.

Suggested Document Location if Recommended by Town Council:

Zoning Ordinance, *Section 3.4.1.X – Supplementary Use Standards, Homeless Shelters*

Example: Lawrence, KS

(5) Design Standards

- iii. Outdoor children/adult recreational areas, if not clearly visible from the public right-of-way, shall be clearly visible from an occupied area of the building such as administrative offices or staffed reception areas.*

7. Parking Lots

Intent:

Distinct from a minimum parking space requirement, the purpose of this performance standard is to ensure that parking areas are located adjacent to the building and clearly visible from an occupied area of the building such as the administrative offices. When implemented by another community, parking lots were not to be obscured or otherwise buffered by landscaping.

Shelter Task Force Recommendation:

Remove parking lot landscape buffers is contrary to common planning practice and *Section 4.9.3.B – Design, Construction and Maintenance of Parking Areas, Landscaping* of the Brunswick Zoning Ordinance. Therefore, the Shelter Task Force did not recommend the use of this performance standard.

Planning Board Recommendation:

As the Shelter Task Force did not recommend its use, the Planning Board did not review this performance standard.

Suggested Document Location if Recommended by Town Council:

Zoning Ordinance, *Section 3.4.1.X – Supplementary Use Standards, Homeless Shelters*

Example: Lawrence, KS

(5) Design Standards

- iv. Parking areas shall be located adjacent to the building and shall be clearly visible from an occupied area of the building, such as administrative offices or staffed reception areas.*

8. *Sight Lines*

Intent:

Design the building in such a manner that there are always direct sight lines from the management and/or office area into all sleeping areas.

Shelter Task Force Recommendation:

If a high level of supervision of sleeping areas is truly desired, electronic surveillance equipment could be used in lieu of physical sight lines. The Shelter Task Force did not recommend the use of this performance standard.

Planning Board Recommendation:

As the Shelter Task Force did not recommend its use, the Planning Board did not review this performance standard.

Suggested Document Location if Recommended by Town Council:

Zoning Ordinance, *Section 3.4.1.X – Supplementary Use Standards, Homeless Shelters*

Example: Portland, ME

§ 14.474 Conditional Uses – (c) Conditions for conditional uses – 3. Use Specific Standards

- a. Emergency shelters are subject to the following conditions, in addition to the provisions of § 14-474 (c) 2.*
 - ii. The facility shall be designed with a centralized shelter operations office on each level providing sight lines to sleeping areas.*

B. DENSITY AND SIZE

Intent:

Regulate how large a homeless shelter can be and how many people it can accommodate. There are three (3) basic methods to regulating density and size for homeless shelters:

1. *Utilize Existing Regulations.*

In this approach, the overall size of the shelter is limited by the dimensional standards of the zoning district in which the homeless shelter is located. The capacity is limited by building and life-safety codes, and not associated with density as established by the Brunswick Zoning Ordinance. A weakness of this approach is that it is hard to predict the number of guests that may be accommodated by a homeless shelter.

2. *Universal Maximum Capacity*

The concept of this approach is to simply establish a hard cap on the number of guests any

homeless shelter could accommodate. A weakness of this approach is that it is not context-sensitive. It does not account for lot size or permitted density in the underlying zoning district. A maximum capacity of 30 guests on a five-acre lot has a different land use impact than a 30 guests housed on a half-acre lot.

3. *Connect Capacity to Zoning Density*

This approach ties maximum capacity to the established density of the underlying zoning district in two ways:

- a. *Homeless shelter, apartment-style* units are treated the same as for-rent apartment units; one (1) *homeless shelter, apartment-style* unit = one (1) dwelling unit.
- b. In order to determine the capacity of guests in a *homeless shelter, non-apartment-style* an equivalency value of guests to a dwelling unit needs to be established. Staff's research showed a range anywhere from three (3) to ten (10) guests being the equivalent of one (1) dwelling unit. Staff identified the value four (4) by researching the average size of households that use *homeless shelter, apartment-style* units. The data was taken from the existing Tedford homeless shelter on Federal Street, the City of Portland's family shelter, and from the Department of Housing and Urban Development (HUD) annual homeless assessment report. Depending on the year, the average household size ranged from 2.7 to 3.9.

A weakness of this approach is that a large lot in a zoning district with high maximum density could result in a shelter of significant capacity. For example, a *homeless shelter, non-apartment-style* located on three (3) acres of land in the Growth Mixed Use 7 (GM7) District (maximum density of 24 dwelling units per acre) would provide capacity for 288 guests.

Shelter Task Force Recommendation:

Option 1: The Shelter Task Force did not recommend Option 1.

Option 2: The Shelter Task Force discussed this idea in detail, but were unsure as how to properly establish a maximum capacity that would not lead to either underutilization of space or overcrowding.

Option 3: The Shelter Task Force recommended the use of Option 3 to determine the overall maximum capacity of a homeless shelter.

Planning Board Recommendation:

The Planning Board concurred with the Shelter Task Force regarding the use of Option 3, and also discussed combining Option 2 and Option 3. Like the Shelter Task Force, the Planning Board ultimately could not identify an acceptable maximum capacity number for use in Option 2.

Suggested Document Location if Recommended by Town Council:

Zoning Ordinance, *Section 3.4.1.X.1 – Supplementary Use Standards, Homeless Shelters*

Example: Boulder, CO

Section 9-6-6 Public and Institutional Uses – (b) Shelters (Day, Emergency, and Overnight)

4. *Additional Requirements for Overnight Shelters*

(D) Maximum Occupancy:

- (i) Residential Districts: For any zoning district that is classified as a residential zoning district pursuant to Section 9-5-2, "Zoning Districts," B.R.C. 1981, the maximum number of residents of the facility shall not exceed four persons for each dwelling unit that would otherwise be permitted based on the lot area or open space on the site.*

C. HOURS OF OPERATION

Intent:

To require a homeless shelter to be able to accommodate potential guests during the day.

Shelter Task Force Recommendation:

There was a stated belief that when a homeless shelter closes at a certain time each day, the shelter guests may have no to limited access to daytime amenities which may be a detriment to the homeless' health when sick or during poor weather. There was also a concern that providing no daytime amenities could result in increased instances of loitering, panhandling, etc.

The Shelter Task Force discussed different potential regulations such as:

1. Require a shelter to be open all day. The Brunswick Zoning Ordinance only regulates hours of operation within *Section 4.12.2.B – Neighborhood Protection Standards, Specific Standards*, which limits the hours of operation for nonresidential uses adjacent to Growth Residential zoning district single- or two-family dwelling uses to 7:00 AM to 11:00 PM. The Shelter Task Force agreed that it may be too onerous to require homeless shelters to operate 24 hours a day.
2. Require, at minimum, a shelter provide 24-hour access to an employee who can answer questions, etc. The Shelter Task Force agreed that this should be part of a management plan.
3. Allow a shelter to contract with different facilities (ex: day shelters) for the provision of accommodations when the shelter is closed to guests. The Shelter Task did not recommend the use of this performance standard.

Planning Board Recommendation:

As the Shelter Task Force did not recommend hours of operation standards beyond requiring a homeless shelter to have someone available for contact at all times, the Planning Board did not review this performance standard.

Suggested Document Location if Recommended by Town Council:

Licensing.

Example: Rochester, NY

Section 120-208 Definitions.

Homeless Residential Facility: A residential facility operated by a provider, other than a residential care facility, which provides temporary accommodations to more than four homeless persons in a non-dormitory-style setting. For the purpose of this definition, "provider" shall mean a government agency or private nonprofit organization which provides, or contracts with recognized community organizations to provide, emergency or temporary shelter for the homeless. The homeless residential facility shall operate 24 hours a day, seven days a week. Twenty-four-hour supervision shall be required for homeless residential facilities.

D. LOCATION / PROXIMITY TO ESSENTIAL SERVICES

Intent:

Ensure that homeless shelters are within close proximity to public transportation and/or essential services as many homeless do not have access to a personal vehicle.

Shelter Task Force Recommendation:

The Shelter Task Force made an early decision in regards to location of homeless shelters by deciding that shelters shall only be permitted within the Growth Area Zoning Districts, thus eliminating all Rural Zoning Districts. The Shelter Task Force discussed several other specific standards used by other communities such as a maximum distance from public transportation stops or having a certain number of essential services within a walkable distance. A mapping exercise and further discussion resulted in the conclusion that public transportation stops and routes are flexible based on demand and that aside from the downtown core, the Town of Brunswick's essential services were spread apart in a way that was difficult to reliably use this standard.

Beyond recommending that homeless shelters must be located within the Growth Area Zoning Districts, the Shelter Task Force made no other recommendations regarding the use of this performance standard.

Planning Board Recommendation:

The Planning Board discussed the possibility of allowing homeless shelters in the Rural Zoning Districts and also reintroduced the idea of a standard tied to the proximity to essential services, but ultimately concurred with the Shelter Task Force.

Suggested Document Location if Recommended by Town Council:

Brunswick Zoning Ordinance, *Table 3.2: Permitted Use Table for Growth Area Zoning Districts*

Example: Portland, ME

§ 14.474 Conditional Uses – (c) Conditions for conditional uses – 3. Use Specific Standards

a. Emergency shelters are subject to the following conditions, in addition to the provisions of § 14-474 (c) 2.

iv. Adequate access to and from METRO service shall be provided. The facility shall be within a ¼ mile of a METRO line, or shall be within a ½ mile of a METRO line and provide adequate indoor space to permit all shelter guests day shelter, as well as implement strategies to help residents utilize transit.

E. MAINE STATE HOUSING AUTHORITY MONITORING

Intent:

Require homeless shelters to participate in the Maine State Housing Authority Monitoring Program and submit monitoring reports on an annual basis.

Shelter Task Force Recommendation:

The Shelter Task Force did not review this performance standard. The standard was suggested post-Shelter Task Force meetings at the Town Council level.

Planning Board Recommendation:

As the Shelter Task Force did not review this recommendation, neither did the Planning Board.

Suggested Document Location if Recommended by Town Council:

Licensing.

Example:

As this performance standard is unique to the Town of Brunswick, there are no known examples.

F. MANAGEMENT PLAN

Like Item 1, a Management Plan is a combination of several performance standards with varying usage in other communities. Common standards include:

1. Communications Plan

Intent:

Require a homeless shelter to establish policies for how they will communicate with neighbors and/or municipal government, including police.

Shelter Task Force Recommendation:

The Shelter Task Force recommended that this performance standard be a part of the application requirements for a potential homeless shelter.

Planning Board Recommendation:

The Planning Board determined that this performance standard may be acceptable, but does not belong in the Brunswick Zoning Ordinance.

Suggested Document Location if Recommended by Town Council:

Licensing.

Example: Lawrence, KS

Section 20-544 Temporary Shelters

(4) Management Plan: The operator of a Temporary Shelter shall create a management plan. The management plan shall become binding upon approval of the Special Use Permit or site plan. The management plan shall, at a minimum, address the following:

- v. Communications plan that establishes how the shelter will regularly communicate with neighbors and police.*

2. Emergency Response Plan

Intent:

Require a homeless shelter to consult with local emergency services to establish a plan for various emergency situations.

Shelter Task Force Recommendation:

The Shelter Task Force recommended that this performance standard be a part of the application requirements for a potential homeless shelter.

Planning Board Recommendation:

The Planning Board determined that this performance standard may be acceptable, but does not belong in the Brunswick Zoning Ordinance.

Suggested Document Location if Recommended by Town Council:

Licensing.

Example: Lawrence, KS

Section 20-544 Temporary Shelters

(4) Management Plan: The operator of a Temporary Shelter shall create a management plan. The management plan shall become binding upon approval of the Special Use Permit or site plan. The management plan shall, at a minimum, address the following:

vi. Response plan for emergencies that may occur at the site.

3. Interior Floor Plan

Intent:

Require an applicant for a homeless shelter to depict sleeping areas and anticipated maximum occupancies, common areas, emergency exits, restroom facilities, etc.

Shelter Task Force Recommendation:

The Shelter Task Force recommended that this performance standard be a part of the application requirements for a potential homeless shelter.

Planning Board Recommendation:

The Planning Board concurred with the Shelter Task Force.

Suggested Document Location if Recommended by Town Council:

Zoning Ordinance, *Section 3.4.1.X.3 – Supplementary Use Standards, Homeless Shelters*

Example: Lawrence, KS

Section 20-544 Temporary Shelters

(4) Management Plan: The operator of a Temporary Shelter shall create a management plan. The management plan shall become binding upon approval of the Special Use Permit or site plan. The management plan shall, at a minimum, address the following:

ii. Interior floor plan showing sleeping areas, common areas, emergency exits and bathrooms.

4. Maintenance and/or Litter Control Program

Intent:

Establish standards for regular building and site maintenance and/or provide a minimum number of trash receptacles and conduct regularly scheduled on-site litter patrols.

Shelter Task Force Recommendation:

The Shelter Task Force recommended that this performance standard be a part of the application requirements for a potential homeless shelter.

Planning Board Recommendation:

The Planning Board determined that this performance standard may be acceptable, but does not belong in the Brunswick Zoning Ordinance.

Suggested Document Location if Recommended by Town Council:

Licensing.

Example: Rochester, NY

Section 120-141 Homeless Shelters.

- D. *All homeless shelter applications shall, as part of the special permit, provide the following:*
 - ii. *A litter control program must include at least two trash receptacles on site for customer use, located next to walkways. At a minimum, the program must also address daily on-site litter pickup, customer awareness activities, and off-site litter pickups.*

5. Rules of Conduct and Registration Process for Guests

Intent:

Require sex offender screening and establish a policy for the separation of *homeless shelter, apartment-style* and *homeless shelter, non-apartment-style* residents.

Shelter Task Force Recommendation:

The Shelter Task Force recommended that this performance standard be a part of the application requirements for a potential homeless shelter.

Planning Board Recommendation:

The Planning Board determined that this performance standard may be acceptable, but does not belong in the Brunswick Zoning Ordinance,

Suggested Document Location if Recommended by Town Council:

Licensing.

Example: Melbourne, FL

Article VI. Use Standards – Section 2, Nonresidential Uses – (W) Transitional homeless shelter

(5) Submittal requirements.

- c. *Management and security plan.*

(2) Rules of conduct and registration system for guests, including proper

placement of signage stating rules.

6. Transportation Plan

Intent: _____

Either as a component of *Item D – Location / Proximity to Essential Services* or as a component of a management plan, require a shelter to provide their own transportation services if not located within a specific distance (ex: one-quarter mile) of public transportation.

Shelter Task Force Recommendation: _____

The Shelter Task Force recommended that this performance standard be a part of the application requirements for a potential homeless shelter.

Planning Board Recommendation: _____

The Planning Board determined that this performance standard may be acceptable, but does not belong in the Brunswick Zoning Ordinance

Suggested Document Location if Recommended by Town Council: _____

Licensing.

Example: _____

The idea of a transportation plan as a component of a Management Plan is not based on any other community, but was an idea brought forth by the Shelter Task Force in lieu of making Item D – Location / Proximity to Essential Services a requirement.

7. Turn-Away Policy

Intent: _____

Require a homeless shelter, upon reaching maximum capacity, to be able to refer, and possibly provide transportation to another facility with available accommodations.

Shelter Task Force Recommendation: _____

The Shelter Task Force recommended that this performance standard be a part of the application requirements for a potential homeless shelter.

Planning Board Recommendation: _____

The Planning Board determined that this performance standard may be acceptable, but does not belong in the Brunswick Zoning Ordinance

Suggested Document Location if Recommended by Town Council: _____

Licensing.

Example:

The idea of a “turn-away policy” as a component of a Management Plan is not based on any other community, but was mentioned as an existing practice of the Tedford Shelter in Town.

G. MAXIMUM BEDS IN TOWN:

Intent:

Limit the number of beds available throughout the entire Town for individual residents to be correlated to the average percentage of homeless adults in the State of Maine while providing sufficient beds to serve the immediately adjacent communities.

Shelter Task Force Recommendation:

The Shelter Task Force did not recommend this performance standard.

Planning Board Recommendation:

As the Shelter Task Force did not recommend establishing a maximum number of beds for individual residents throughout the Town, the Planning Board did not review this performance standard.

Suggested Document Location if Recommended by Town Council:

Licensing.

Example:

Although there are examples of communities establishing a maximum number of beds per homeless shelter, none of the communities reviewed established a maximum number of beds for the entire community.

H. MAXIMUM LENGTH OF OCCUPANCY

Intent:

Prevent homeless shelters from becoming permanent housing for the homeless.

Shelter Task Force Recommendation:

The Shelter Task Force believed such a standard would be difficult to enforce as it would require staff to continually monitor a shelter’s registration log. Therefore, the Shelter Task Force did not recommend the use of this performance standard.

Planning Board Recommendation:

As the Shelter Task Force did not recommend maximum length of occupancy requirements, the Planning Board did not review this performance standard.

Suggested Document Location if Recommended by Town Council: _____

Licensing.

Example: Roseville, CA _____

Section 19.38.030, Emergency Shelter Development and Management Standards

C. Length of Occupancy. Any single resident's stay shall not exceed six consecutive months.

I. MINIMUM SEPARATION:

Intent: _____

Promote neighborhood compatibility and prevent the clustering of similar uses which may exceed the carrying capacity of a neighborhood for such services.

Shelter Task Force Recommendation: _____

The Shelter Task Force reviewed examples of this performance standard ranging from a 250' – 1,500' minimum separation requirement. In addition to a minimum separation from other homeless shelters, the Shelter Task Force also discussed a minimum separation from other uses such as daycares and schools. The Shelter Task Force did not recommend the use of this performance standard.

Planning Board Recommendation: _____

The Planning Board disagreed with the Shelter Task Force and recommended a minimum 500' (measured at the property line) separation from any preexisting homeless shelter use. An open question remains as to whether or not the 500' separation applies to shelters only within the Town's boundaries, or any shelter or similar facility regardless of municipal boundaries.

Suggested Document Location if Recommended by Town Council: _____

Zoning Ordinance, Section 3.4.1.X.5 – Supplementary Use Standards, Homeless Shelters

Example: Westbrook, ME _____

Chapter II, General Provisions – Section 201, Definitions.

Boarding Home for Sheltered Care, Performance Standards:

- 1. The minimum distance between any two such facilities shall be 1,500 feet, measured from the closest property line to closest property line in an offset.*

Example: Roseville, CA _____

Section 19.38.030, Emergency Shelter Development and Management Standards

D. *Length of Occupancy. Any single resident's stay shall not exceed six consecutive months.*

J. OFF-STREET PARKING:

Intent: _____

Take into account the reduced parking demand for homeless shelters as it was estimated that approximately 50% of households and 25-33% of individual guests require parking. When implemented as a performance standard in other communities, minimum off-street parking requirements ranged from one (1) space for every (3) guests to one (1) parking space for every six (6) guests.

Shelter Task Force Recommendation: _____

The Shelter Task Force recommended:

1. One (1) parking space for every two (2) units of a *homeless shelter, apartment-style*;
2. One (1) parking space for every three (3) potential individual residents of a *homeless shelter, non-apartment-style*; and
3. Parking demand for a *homeless shelter, resource center* be determined by individually calculating the demand for each separate use. Non-residential uses such as office space are to be calculated as established in *Table 4.9.1.A – Minimum Number of Off-Street Vehicle Parking Spaces* in the Brunswick Zoning Ordinance.

Planning Board Recommendation: _____

The Planning Board concurred in its recommendation to the Town Council, but also added its own revision to *Section 4.9.4.D – Parking Alternatives, Parking Requirement Reductions* to allow for the Planning Board to determine if a parking study is necessary to support an applicant's request for an additional parking reduction.

Suggested Document Location if Recommended by Town Council: _____

Zoning Ordinance, *Section 3.4.1.X.2 – Supplementary Use Standards, Homeless Shelters*

Example: Bangor, ME _____

§ 165.72 Required Number of Spaces

D. *Group home, halfway house, community living facility or emergency shelter: one space for each six clients to be housed, plus one space for each staff person to be on premises during the peak shift.*

K. ON-SITE FACILITIES / ACCESORY USES

Intent: _____

Allow or prohibit accessory services such as food services, hygiene services, counseling, life skills training, educational and employment assistance, etc. When permitted, the performance standard is often refined to establish a maximum percentage of floor area of a homeless shelter dedicated to such accessory uses.

Shelter Task Force Recommendation:

Accessory uses are currently defined in *Section 1.7.2 – Definitions* as, “a use customarily incidental and subordinate to the principal use or building, and that occupies no more than 40 percent of the floor area of all structures on a lot.” The Shelter Task Force determined that any homeless shelter where incidental and subordinate uses such as offices, conference rooms, classrooms, etc. exceed 40 percent of the total floor area should be defined as a *homeless shelter, resource center* and therefore a separate use in *Table 3.2: Permitted Use Table for Growth Area Zoning Districts*.

Planning Board Recommendation:

The Planning Board concurred in its recommendation to the Town Council.

Suggested Document Location if Recommended by Town Council:

Zoning Ordinance, *Section 3.4.1.X – Supplementary Use Standards, Homeless Shelters*

Example: Portland, ME

§ 14.474 Conditional Uses – (c) Conditions for conditional uses – 3. Use Specific Standards

- a. *Emergency shelters are subject to the following conditions, in addition to the provisions of § 14-474 (c) 2.*
 - v. *The facility shall provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, housing assistance, or other programs.*
- b. *Suitable laundry, kitchen, pantry, bicycle storage, and secure storage facilities for shelter stayers shall be provided on-site.*

L. PHYSICAL SEPARATION OF INDIVIDUAL RESIDENTS AND HOUSEHOLDS

Intent:

Ensure that individual guests are housed separately from households. This separation can be achieved by either requiring each type of use to be housed in an entirely separate structure or provide a physical barrier that prevents interaction between the two (2) uses.

Shelter Task Force Recommendation:

The Shelter Task Force did not adopt a physical separation requirement, but did establish a provision (recommended *Section 3.4.X.4*) that requires a *homeless shelter, non-apartment-style* to be dedicated for use by either unaccompanied minors under 18 years of age (and therefore subject to state regulations) or adult individual residents, but not both.

Planning Board Recommendation: _____

The Planning Board concurred in its recommendation to the Town Council.

Suggested Document Location if Recommended by Town Council: _____

Zoning Ordinance, *Section 3.4.1.X.4 – Supplementary Use Standards, Homeless Shelters*

Example: Rochester, NY _____

Section 120-140, Homeless Residential Facilities.

Homeless residential facilities shall be subject to the following requirements:

- A. Families with children shall be sheltered in space other than an open dormitory style shelter.*

M. SMOKING

Intent: _____

Prevent smoking, or designate specific smoking areas, in order to minimize the potential negative impact on adjacent properties.

Shelter Task Force Recommendation: _____

The Shelter Task Force discussed this performance standard at length, but did not recommend any smoking regulations.

Planning Board Recommendation: _____

The Planning Board did not review this performance standard.

Suggested Document Location if Recommended by Town Council: _____

Licensing.

Example: Oak Lawn, IL _____

Chapter 16 – Temporary Overnight Shelters, §16-22 – Prohibited Items

No person shall use smoking materials in any temporary overnight shelter. No owner, operator, or manager shall knowingly allow a shelter occupant to bring weapons, alcohol, or unprescribed drugs into the shelter.

N. SPRINKLER SYSTEMS

Intent: _____

Provide maximum life safety protections for homeless shelters.

Shelter Task Force Recommendation: _____

The Shelter Task Force did not review this performance standard.

Planning Board Recommendation: _____

The Planning Board did not review this performance standard.

Suggested Document Location if Recommended by Town Council: _____

Licensing.

Example: Phillipsburg, NJ _____

Chapter 347 – Homeless Shelters, Section 8 – Definitions; permitted accessory uses; standards for compliance

C. All homeless shelters shall comply with the following standards:

- 11. Each homeless shelter shall be inspected at least once a year by the Town Building Department and shall comply with all code requirements applicable to multifamily dwellings and must include a fully functional fire suppression sprinkler system approved by the Town.*

V. ATTACHMENTS

- A. Maine Communities Homeless Shelter Regulations
- B. Communities Outside of Maine Homeless Shelter Regulations
- C. Communities with Homeless Shelter Licensing