

ORDINANCE NO. 21- 7

AN ORDINANCE AMENDING THE ZONING ORDINANCE TO
ADD A HOMELESS SHELTER OVERLAY ZONE

WHEREAS, the New Lexington Village Council has established by ordinances an established Planning and Zoning Code as codified in Chapters 1103 through 1189;

WHEREAS, the Village Council desires to amend previous ordinances; and

WHEREAS, the amendment will promote, protect, and preserve the public health, safety, comfort, prosperity, and general welfare of the citizens of the Village.

THEREFORE, the Council of the Village of New Lexington, Ohio enacts the following:

Section 1.

The Village hereby amends the Planning and Zoning Code to add Chapter 1167.

1167.01 PURPOSE.

The purpose of this chapter is to promote the public health, safety, and welfare through the regulation of homeless shelters. It is the intent of this chapter to regulate homeless shelters, as defined herein, in such a manner as to provide for development and operational standards to ensure appropriate emergency housing and services for local special needs populations are met.

1167.02 DEFINITIONS.

As used in this chapter:

- (a) "Homeless Person" shall mean an individual who, or family which, lacks a fixed, regular and/or adequate nighttime residence.
- (b) "Homeless Shelter" shall mean emergency housing with minimal supportive services for homeless persons that is intended for occupancy of three (3) months or less each year by a homeless person.
- (c) "Homeless Shelter Overlay Zone" shall mean those areas identified under Section 1167.03 of this Chapter entitled "Location" which identifies portions of Zoning Districts within which a homeless shelter can be considered.
- (d) "Habitable room" shall mean any room that meets adopted building code requirements for a habitable room, as modified, including minimum room proportions, minimum egress requirements, and minimum standards for lighting, ventilation, electricity, and public safety requirements.
- (e) "Mass shelter" shall mean a type of homeless shelter that shelters multiple people of the same gender who are unrelated. In a women's shelter, this could also include a single mother with children. Mass shelters are supervised at all hours that the residents are present.
- (f) "Family shelter" shall mean a single-family dwelling that shelters a family whose members are biologically related, whether by birth or adoption.

1167.03 LOCATION.

Homeless shelter overlay zone.

(a) Purpose. It is the intent of this Section to provide for development and operational standards to ensure appropriate emergency housing and services for local special needs populations are met. This Section establishes a homeless shelter overlay zone that shall be subject to the regulations set forth for the underlying zoning districts as well as the regulations and requirements of this Section. This Section identifies acceptable areas within which a homeless shelter may be established in compliance with the standards contained in this Section. In the event of conflict between the regulations and standards of the homeless shelter overlay zone and those of the underlying zoning district, the more stringent shall apply.

(b) *Location.* The Village will consider applications for a special use permit for a homeless shelter in those portions of Zoning Districts Industrial, Central Business, and Commercial.

(c) *Permit requirements.*

(1) A special land use permit, as provided for in this Section, is required. Once a special land use application has been accepted as complete, the Administrative Director or designee shall refer the application to the Planning Commission. The Administrative Director or designee shall refer the complete permit application to Village departments and any other agencies deemed appropriate by said Administrative Director or designee.

(2) The special land use application shall meet all of the following standards:

- a. The application shall be for a "Homeless Shelter" as defined in this Section.
- b. The property must be located within the homeless shelter overlay zone.
- c. Homeless shelters shall comply with all applicable federal and Ohio statutory requirements.
- d. Homeless shelters shall comply with all applicable Uniform Building and Fire Codes, including maximum occupancy restrictions.

(d) *Community Need, Development and Operational Standards.* In addition to the application requirements set forth in subsection (c) above, homeless shelters shall comply with all community need, development and operational standards provided in this Section.

(1) *Community Need Standards.* Any application for an emergency homeless shelter must demonstrate that the shelter is needed to take care of the homeless needs that exist within the greater New Lexington area.

(2) *Development Standards.*

a. *Location and Separation.*

1. Homeless shelters shall be located in a homeless shelter overlay zone.
2. All homeless shelters must be situated no less than five hundred (500) feet from any other homeless shelter.

b. *Physical Characteristics.*

1. The maximum number of beds shall be eight (8).
2. Smoke detectors, approved by the Village Fire Chief, must be provided in all sleeping and food preparation areas.
3. The facility shall provide:

- Adequate private living space. Single bed bedrooms shall have a minimum of 80 square feet and multiple bed bedrooms shall have a minimum of 48 square feet per bed.
- Adequate bathroom facilities. Single family shelters shall have a minimum of one full bathroom and mass shelters shall provide a minimum of two full bathrooms.
- A shared/communal area for socializing.
- Secure storage areas for its intended residents.
- Laundry facilities.
- Bicycle rack.
- A designated location should be provided for waste receptacles and such receptacles shall be screened from view.

4. The size of an emergency facility shall be in character with the surrounding buildings in the neighborhood.

5. Homeless shelters shall not be permitted within a commercial multi-tenant shopping center.

(3). Operational and Design Standards.

- a. If located within one thousand (1,000) feet of a residential zoning district, all outdoor activity shall be screened from public view and from the view of adjacent properties.
- b. If the shelter plans to offer drug or alcohol abuse counseling to residents of the shelter, the applicant shall advise the Village on any state licensing that may be required and demonstrate compliance as appropriate.
- c. Lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. Lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood.
- d. Adequate management, support staff and security must be present during the hours of operation of the facility. A minimum of one (1) supervisory level staff member must be present on the site during hours of operation. Management staff must make best efforts to ensure that loitering does not occur on the

property during off-hours and must ensure that clients are not creating a nuisance to the neighborhood.

- e. The shelter shall have set hours of operation and the hours shall be posted in a publicly visible and accessible location.
- f. Homeless shelters shall require that its residents participate in wrap-a-round services which involve individual case management.
- g. The intake process for new residents should be handled from an internal office within the homeless shelter.

(e). *Management Policies.* An applicant for a homeless shelter, as part of the application process, shall prepare and file with the Village its management policies as they relate to the following:

- (1). A resident identification process;
- (2). Timing and placement of outdoor activities;
- (3). Standards governing expulsions;
- (4). Hours of operation and standard lights-out;
- (5). Policies regarding safety and security and to include emergencies;
- (6). Smoking policy to include identification of areas where smoking is to be permitted;
- (7). Volunteer and donation procedures; and
- (8). Communications with the Village and the neighborhood.

(f). *Shelter Approval.* The Village may deny a homeless shelter proposed in the homeless shelter overlay zone if it makes findings that:

- (1). The proposed homeless shelter fails to meet one or more of the required standards of this Section or other applicable state or federal law.
- (2). The homeless shelter would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development of the emergency shelter financially infeasible. As used in this subsection, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

If an application is denied, the reasons for that denial should be recorded in the motion to deny. If an application is approved with conditions, the conditions shall be included in the motion to approve.

Section 2.

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 3.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

Section 4.

This Ordinance shall take effect 9-15-21 (30) days after its adoption.

PASSED: 8-16-21



PRESIDENT OF COUNCIL

APPROVED:



MAYOR



ATTEST: CLERK of COUNCIL