

DEFINITION

Homeless Shelter: A facility, the primary purpose of which is to provide temporary accommodations to homeless persons, free of monetary charge or at nominal cost, in a dormitory-style, or barracks-style arrangements, or a 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.

Town of Farmington Zoning Ordinance Table of Uses 11-8.9.D.

Homeless Shelter Addition to the Table of Uses in ***Bold Italics***

Use/Structure	General Purpose District	Residential Light Comm. District	Village Comm. Dist.	Village Business District including Village Business Hist. Dist.	Village Residential District	Residential District	Farm & Forest District
<i>EDUCATIONAL, INSTITUTIONAL, PUBLIC Homeless Shelter</i>	<i>Y*</i>	<i>Y*</i>	<i>Y*</i>	<i>Y*</i>	<i>Y*</i>	<i>Y*</i>	<i>Y*</i>

Key:

Y* = Permitted, subject to land use standards and Planning Board approval.

**TOWN OF FARMINGTON
HOMELESS SHELTER PERFORMANCE STANDARDS**

M. Homeless Shelter:

1. **Purpose:** It is the purpose of these performance standards to allow for and regulate the operation of Homeless Shelters in order to protect the public health, safety, and welfare of the community and not adversely impact the abutters by its existence.
2. **Non-conformance:** See Article 11-8.10
3. **Definitions:**

Applicant: Shall mean a person that has submitted an application for licensure as a Homeless Shelter pursuant to these standards.

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Licensed Premises: Shall mean the premises specified in an application for a license pursuant to these Standards or within a license issued pursuant to these Standards.

Licensee: Shall mean a person licensed by the Board of Selectmen pursuant to these Standards.

Licensing Authority: Shall mean the Board of Selectmen.

Owner: Shall mean a person who's 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, trust partnership, association, company, corporation, limited liability company or organization, or a manager, agent, owner, director, servant, officer, trustee, 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.

4. **Standards:** A Homeless Shelter is allowable in all zone districts with Planning Board Approval and Board of Selectmen licensing. All provisions of the Zoning Ordinance pertaining to the applicable zone shall be met. In addition, all the following standards shall apply:
 - a. The maximum number of Homeless Shelter beds allowed in the Town of Farmington is thirty-two (32) excluding facilities exclusively devoted to domestic violence survivors.
 - b. All Homeless Shelters shall operate such that residents are permitted to occupy the shelter twenty-four (24) hours per day, seven (7) days per week, fifty-two (52) weeks per year.
 - c. All Homeless Shelters shall not allow alcohol, marijuana, drugs or other non-prescribed medication use on the premise.
 - d. All Homeless Shelters shall not allow convicted sex offenders.
 - e. No-barrier Homeless Shelters shall have twenty-four (24) hours per day, seven (7) days per week, fifty-two (52) weeks per year on-site supervision.
 - f. All Homeless Shelters shall provide information and referrals onsite for life skills and assistance in finding permanent housing.
 - g. There shall be adequate off-street parking on the premises for staff and client use.
 - h. There shall be a designated outside gathering and smoking area that doesn't generate any nuisance consisting of offensive noise or odors.
 - i. All Homeless Shelter clients are prohibited from sleeping outside on shelter property.
 - j. A Homeless Shelter shall submit a management plan including, but not limited to, compliance with Maine State Housing Authority (MSHA) requirements for emergency shelters.
5. **Application Submission Requirements:**
 - a. Each applicant for a Homeless Shelter license shall complete and file an application on the form provided by the Code Office, together with all applicable application fees and the following support materials:

- 1) Attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement, trust declaration, or articles of association that govern the entity that will own and/or operate the Homeless Shelter.
 - 2) An affidavit that identifies all owners, officers, members, managers, beneficial owners, trustees, or partners of the Applicant, their ownership interests.
 - 3) Evidence of all State approvals required to operate the Homeless Shelter, including, but not limited to, any applicable food license.
 - 4) A description of the premises for which the license is sought, including a plan of the premises.
- 6. Licenses and Permits Required:** No person shall establish a Homeless Shelter without first being approved, authorized, certified, permitted or licensed by, but not limited to, the Town of Farmington, and the Maine State Fire Marshal's Office (FMO).
- 7. Approvals Required:** Site Review approval by the Farmington Planning Board
- a. The Planning Board shall have the authority to impose any conditions on an application that may be reasonably necessary to ensure compliance with the requirements of these Standards.
- 8. Licenses Required:** Homeless Shelter licenses are issued by the Farmington Board of Selectmen.
- a. All Homeless Shelter licenses, whether new or renewal, shall be approved only for the type(s) of shelter(s) identified in the application.
 - b. Each license issued by the Licensing Authority under these Standards shall be valid for a term of five (5) years.
 - c. Applications for renewal licenses shall be submitted at least ninety (90) days prior to expiration of the existing term.
 - d. A Licensee who intends to expand the number of beds of a licensed Premises shall notify the Town. A Licensee who intends to convert the licensed Premises to a type of Homeless Shelter that was not approved in a license shall notify the Town.
 - e. A license application and renewal for a Homeless Shelter may be denied by the Licensing Authority, and an existing license may be suspended or revoked by the Licensing Authority after notice and hearing, if the Applicant, or any Owner of the Applicant or Licensee:

- 1) Substantially fails to meet the requirements of these Standards, or
- 2) Has provided material false or material misleading information in connection with the application for the license, or
- 3) Is in violation of any other Town of Farmington ordinance, State law, or federal law regulation, and has failed to correct the violation within the period of time prescribed by the relevant enforcement agency.