

# Memo

To: Plan Commission, Village Board

Fr: Trevor Fuller, Planning and Zoning Administrator

Re: ACTION RE: AMENDMENT TO CHAPTER 475 OF THE VILLAGE ORDINANCES

Date: 22 June 2018

The Micah Center is a resource center serving the St. John the Evangelist Homeless Shelter in the City of Green Bay. Currently, the St. John Homeless Shelter operates in the winter months (November 1<sup>st</sup> to April 30<sup>th</sup>) and provides a full spectrum of services through the Micah Center during this time.

This spring the Micah Center adopted the C.O.T.S. program (Churches Offering Temporary Shelter). This program partners with area churches to provide shelter for homeless individuals on a temporary and rotating basis (typically 1-2 weeks per location).

This proposed use is currently not an allowed use in the village. The attached ordinance amendment includes the proposed changes that would allow for this type of use. A permit would be required to ensure the necessary building and fire requirements are met, as well as to guarantee the Village Directed Enforcement Officer is aware of the program.

**The Plan Commission is asked to review the proposed ordinance amendment and make a recommendation to the Village Board to approve, approve with changes, or not approve.**

# Chapter 475

## Zoning

---

### Article I

#### Authority, Purpose and Interpretation

##### § 475-1 Authority; purpose.

This chapter is adopted pursuant to §§ 61.35 and 62.23(7), Wis. Stats., for the following purposes: to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote and to protect the public health, safety, comfort, convenience and general welfare; to provide adequate standards of light, air and open space; to maintain the aesthetic appearance and scenic values of the Village; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to foster a more rational pattern of relationship between residential, business, commercial, and manufacturing uses for the mutual benefit of all.

##### § 475-2 Interpretation; abrogation and greater restrictions.

- A. The provisions of this chapter shall be deemed to be the minimum requirements for the promotion of the public health, safety, convenience, prosperity or general welfare.
- B. This chapter is not intended to interfere with, abrogate or annul any easements, covenants or other agreements between parties. However, where this chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are required by other ordinances, rules or regulations, or by easements, covenants or agreements, the provisions of this chapter shall govern.

##### § 475-3 Definitions and word usage.

- A. Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; words of the masculine gender include the feminine and the neuter; words of the feminine gender include the masculine and the neuter; words of the neuter gender include the masculine and the feminine; the word "building" includes the word "structure"; and the word "shall" is mandatory and not directory.
- B. For the purpose of this chapter certain terms and words are herewith defined as follows: **[Amended 8-18-2015 by Ord. No. 2015-06]**

#### **HOMELESS PERSON**

Homeless person shall mean an individual who, or family which, lacks a fixed, regular and/or adequate nighttime residence.

#### **HOMELESS SHELTER**

Homeless shelter shall mean emergency housing with minimal supportive services for homeless persons that is intended for occupancy of fourteen (14) days or less in a given year by a homeless person.

#### **HABITABLE ROOM**

Habitable room shall mean any room that meets adopted building code requirements for a habitable room, including minimum room proportions, minimum egress requirements, and minimum standards for lighting, ventilation, electricity, and public safety requirements and is being used to house homeless persons.

## Article II General Provisions

### § 475-4 Districts established.

In order to regulate and restrict the location of trades, industries, residences, and other uses, and the location of buildings designed, erected, altered or occupied for specified purposes, to regulate and limit the height and size of buildings hereafter erected or altered, to regulate and determine the area of yards and other open spaces, and to regulate and limit the density of population, the Village of Allouez is hereby divided into districts of which there shall be nine, known as:

- A. "A" Residence District.
- B. "B" Residence District.
- C. High-Density District.
- D. "C" Professional Office and Residence District.
- E. High-Rise District.
- F. Commercial District.
- G. Light Industrial District.
- H. Highway Business Use District.
- I. Planned Development District.

### § 475-5 District boundaries

### § 475-6 Buildings and uses.

- A. No building shall be erected, reconstructed, or structurally altered, nor shall any building or land be used, for any purpose other than as is permitted in the district in which such building or land is located.
- B. No building shall be erected, reconstructed, or structurally altered to exceed the height limit herein established for the district in which such building is located.
- C. No improvement shall be made upon any lot which does not front upon a dedicated street which provides vehicular access to such lot. Each lot shall have a street frontage not less than the minimum frontage required for lots in the various districts in the Village of Allouez, except that in the Commercial District and Light Industrial District the minimum frontage shall be 50 feet.
- D. All principal structures shall be located on a single lot, and only one principal structure shall be located, erected or moved onto a lot in the "A" Residence and "B" Residence Districts.
- E. Where an accessory building is part of the main building or is substantially attached thereto, the side yard and rear yard requirements for the main building shall also apply to the accessory building.

### § 475-6.1 Homeless Shelters

- A. Homeless shelters shall be allowed in the districts established in subsection 475-4 of this ordinance.
- B. The property owner wishing to locate a homeless shelter on their property shall be required to receive signed approval from the Building Inspector, Directed Enforcement Officer, and Fire Inspector prior to housing residents.
- C. The property owner shall also notify the Village Administrator prior to housing residents. The Village Administrator shall notify the Village Board of Trustees at the next meeting.
- D. No homeless shelter shall operate more than fourteen (14) days in a calendar year on a single property.
- E. Homeless shelters shall comply with all applicable federal and state statutes and village ordinances, including all applicable building and fire codes, all maximum occupancy restrictions, and all residential density restrictions for sex offenders
- F. Management Policies. The property owner shall be the applicant for a homeless shelter. The applicant, as

part of the application process, shall prepare and file, with the Village of Allouez, the management policies as they relate to the following:

- (1) A resident identification process;
- (2) Location of the habitable room on the property;
- (3) Any on site programming and activities offered;
- (4) Timing and placement of outdoor activities;
- (5) Any proposed lighting changes or lighting need;
- (6) Any additional anticipated traffic outside of normal daytime hours (7a.m.-10p.m.);
- (7) Standards governing expulsions;
- (8) Hours of operation and standard lights-out;
- (9) Policies regarding safety and security and to include emergencies;
- (10) Smoking policy to include identification of areas where smoking is to be permitted;
- (11) Volunteer and donation procedures;
- (12) Communications with the village and the neighborhood;
- (13) Number of staff or volunteers working at all times;
- (14) Designated point of contact and contact information; and
- (15) Dates of operation.

§ 475-7 **Area.**

§ 475-8 **Fences, walls and hedges.**

§ 475-9 **Driveways.**

§ 475-10 **Residential density restrictions for designated sex offenders.**

§ 475-11 **Home occupations.**

§ 475-12 **Garage sales.**

§ 475-13 **Exterior lighting.**