

AN ORDINANCE PERTAINING TO LODGING HOUSES AND SHELTERS

THE CITY OF LEWISTON HEREBY ORDAINS:

Appendix A of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

APPENDIX A

ZONING AND LAND USE CODE

ARTICLE II. DEFINITIONS

Sec. 2. Definitions.

~~*Boarding house* means an establishment where meals are regularly prepared and served for compensation for three (3) or more persons and where most of the food is placed upon the table family style, without service or ordering of individual portions from a menu, and also where lodging units are sometimes available.~~

Lodging house means a building or group of attached or detached buildings containing three (3) or more lodging units for occupancy for weekly or longer periods of time with or without board, for compensation, in which common kitchen or living facilities may or may not be provided, as distinguished from hotels and tourist homes in which rentals are generally for daily or weekly periods and occupancy is by transients. Lodging units shall not meet the definition of a dwelling unit and for the purposes of computing density and parking requirements; two (2) lodging units shall equal one (1) multi-family dwelling unit. A boarding house shall be considered a type of lodging house.

Shelter means a charitable facility operated by either a not-for-profit corporation or a religious organization providing free temporary overnight housing in a dormitory-style, barrack-style, or per-bed arrangement to homeless individuals.

ARTICLE XI. DISTRICT REGULATIONS

Sec. 4. Medium-density residential district (MDR).

- (a) *Statement of purpose.* The purpose of the medium-density residential district is to provide areas within the city for the development of good quality multifamily housing at densities up to eight units per acre, and good quality single-family housing, at densities of up to two units per acre, including mobile homes where appropriate, while protecting established neighborhoods from undesirable impacts from these uses.
- (b) *Applicability.* The standards of the medium-density residential district shall apply to all land shown on the "Official Zoning Map of the City of Lewiston" as being located within a medium-density residential district.

- (c) *Permitted uses.* In a medium-density residential district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following:
- (1) Single-family detached dwellings and mobile homes on individual residential lots;
 - (2) Multifamily dwellings in accordance with the standards of article XIII;
 - (3) Single-family attached dwellings in accordance with the standards of article XIII;
 - (4) Two-family dwellings;
 - (5) Mixed single-family residential developments in accordance with the standards of article XIII;
 - (6) Mixed residential developments in accordance with the standards of article XIII;
 - (7) Neighborhood stores as part of a multifamily development, mixed single-family residential development or mixed residential development provided that the gross floor area devoted to retail use shall not exceed ten percent of the total floor area of the development;
 - (8) ~~Boarding houses;~~ Reserved.
 - (9) Group care facilities;
 - (10) In-law apartments in single-family detached dwellings in accordance with the standards of article XII;
 - (11) Religious facilities including churches, synagogues and other houses of worship, rectories and parsonages and church-affiliated community purpose facilities;
 - (12) Forest management and timber harvest activities in accordance with the standards of article XII;
 - (13) Cemeteries;
 - (14) Family day care homes;
 - (15) Home occupations;
 - (16) Accessory buildings, structures and uses;
 - (17) Single-family cluster developments;
 - (18) Small day care facilities accessory to public schools, religious facilities, multifamily or mixed residential developments and mobile home parks.
- (d) *Conditional uses.* In a medium-density residential district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following uses only after the issuance of a

conditional use permit in accordance with article X of this Code:

- (1) Reservoirs, pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface;
- (2) Transformer stations, high voltage power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use;
- (3) Public or private facilities for nonintensive outdoor recreation;
- (4) Day care centers accessory to public schools, religious facilities, multifamily or mixed-residential developments and mobile home parks;
- (5) Private or commercial schools including business colleges without residential facilities;
- (6) Municipal buildings and facilities;
- (7) Nursing or convalescent homes;
- (8) ~~Boarding houses (up to nine persons).~~ Reserved.

Sec. 7. Neighborhood conservation "B" district (NCB).

- (a) *Statement of purpose.* The purpose of the neighborhood conservation "B" district is to promote the stability and improvement of older multifamily residential neighborhoods by requiring the development of new buildings or the replacement, reuse or conversion of existing buildings to conform to the type and density of housing existing within the immediate neighborhood. The standards of the district allow multifamily housing while encouraging the upgrading of this housing stock.
- (c) *Permitted uses.* In a neighborhood conservation "B" district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following:
 - (1) One individual single-family detached dwelling on an existing lot of record as of the date of adoption of this Code;
 - (2) Multifamily dwellings in accordance with the standards of article XIII;
 - (3) Single-family attached dwellings in accordance with the standards of article XIII;
 - (4) Two-family dwellings;
 - (5) Mixed single-family residential developments in accordance with the standards of article XIII;
 - (6) Mixed residential developments in accordance with the standards of article XIII;
 - (7) Neighborhood stores as part of a multifamily development, mixed single-family residential development or mixed residential development provided that the gross floor area devoted to retail use shall not exceed ten percent of

- the total floor area of the development;
- (8) ~~Boarding houses~~; Reserved.
 - (9) Group care facilities;
 - (10) In-law apartments in single-family detached dwellings in accordance with the standards of article XII;
 - (11) Religious facilities including churches, synagogues and other houses of worship, rectories and parsonages and church-affiliated community purpose facilities;
 - (12) Forest management and timber harvest activities in accordance with the standards of article XII;
 - (13) Cemeteries;
 - (14) Family day care home;
 - (15) Home occupations;
 - (16) Accessory buildings and uses;
 - (17) Small day care facilities;
 - (18) Lodging houses.
- (d) *Conditional uses.* In a neighborhood conservation "B" district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following uses only after the issuance of a conditional use permit in accordance with article X of this Code:
- (1) Personal services;
 - (2) Professional offices;
 - (3) Reservoirs, pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface;
 - (4) Transformer stations, high voltage power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use;
 - (5) Public or private facilities for nonintensive outdoor recreation;
 - (6) Day care centers accessory to public schools, religious facilities, multifamily or mixed residential developments and mobile home parks;
 - (7) Nursing or convalescent homes;
 - (8) Private or commercial schools including business colleges without residential facilities;
 - (9) Hospitals and medical clinics;
 - (10) Neighborhood retail stores;

- (11) Fraternal lodge or other social, civic or recreational use of a nonprofit organization or membership club (but not including any use, the chief activity of which is one customarily conducted as a gainful business);
- (12) Municipal buildings and facilities;
- (13) ~~Reserved;~~ Shelters;
- (14) Reserved;
- (15) Commercial parking facilities.

Sec. 8. Office-residential district (OR).

- (a) *Statement of purpose.* The purpose of the office-residential district is to provide for the orderly transition of older residential areas along major traffic arteries to low-intensity nonresidential uses and multifamily housing. The conversion of existing properties from residential to nonresidential use should occur in a manner which preserves the architectural character of the neighborhood, provides controlled traffic access and adequate parking and protects adjoining residential neighborhoods from undesirable impacts.
- (b) *Applicability.* The standards of the office-residential district shall apply to all land shown on the "Official Zoning Map of the City of Lewiston" as being located within an office-residential district.
- (c) *Permitted uses.* In an office-residential district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following:
 - (1) Single-family detached dwellings;
 - (2) Two-family dwellings;
 - (3) Single-family attached dwellings;
 - (4) Multifamily dwellings;
 - (5) ~~Boarding houses (up to nine persons);~~ Reserved.
 - (6) ~~Tourist homes containing not more than eight lodging units for rental;~~ Reserved.
 - (7) Mixed residential developments;
 - (8) Fraternal and philanthropic organizations;
 - (9) In-law apartments in accordance with the standards of article XII;
 - (10) Religious facilities including churches, synagogues and other houses of worship, rectories and parsonages and church-affiliated community purpose facilities;
 - (11) Professional offices;
 - (12) Office buildings and business offices;

- (13) Tradesman's offices;
- (14) Veterinary facilities;
- (15) Mortuary or funeral parlor;
- (16) Hospitals, medical clinics and related facilities;
- (17) Nursing or convalescent homes;
- (18) Home occupations;
- (19) Accessory buildings and uses.
- (20) ~~Lodging houses (up to nine units);~~ Reserved.
- (21) Family day care home;
- (22) Photography studios;
- (23) Forest management and timber harvesting activities in accordance with the standards of article XII;
- (24) Small day care facilities;
- (25) Day care centers;
- (26) Group care facilities.

Sec. 9. Downtown residential district (DR).

- (a) *Statement of purpose.* The purpose of the downtown residential district is to promote the improvement of older residential neighborhoods within the downtown by encouraging a transition to more mixed use neighborhoods, including owner-occupied, mixed-age and mixed-income housing with less density where desired and appropriate, low-intensity nonresidential uses, more open space and other neighborhood amenities, creating diverse, mixed-use neighborhoods. The standards of the district will encourage the upgrading of the existing neighborhoods by removing blight and vacancy, providing an opportunity for new residential and commercial development, and fostering a sense of community and place through neighborhood meeting, gathering and cultural places.
- (b) *Applicability.* The standards of the downtown residential district shall apply to all land shown on the "Official Zoning Map of the City of Lewiston" as being located within a downtown residential district.
- (c) *Permitted uses.* In a downtown residential district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following:
 - (1) Academic institutions, including buildings or structures for classroom, administrative laboratory, art, theater, dining services, library, bookstores and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures;

- (2) Accessory buildings and uses;
- (3) Art and craft studios;
- (4) ~~Boarding houses~~; Lodging houses;
- (5) Business offices;
- (6) Day care centers;
- (7) Single-family detached dwellings;
- (8) Two-family dwellings;
- (9) Multifamily dwellings in accordance with the standards of article XIII;
- (10) Single-family attached dwellings in accordance with the standards of article XIII;
- (11) Restaurants (except drive-in restaurants);
- (12) Family day care homes;
- (13) Group care facilities;
- (14) Home occupations;
- (15) Hotels, motels and inns;
- (16) In-law apartments in single-family detached dwellings in accordance with the standards of article XIII;
- (17) Medical clinics;
- (18) Mixed use structures;
- (19) Mortuary or funeral parlors;
- (20) Movie theaters (with fewer than three screens);
- (21) Municipal buildings and facilities;
- (22) Museums, libraries and nonprofit art galleries and theaters;
- (23) Nursing or convalescent homes;
- (24) Office buildings;
- (25) Personal services;
- (26) Photography studios;
- (27) Private or commercial schools including business colleges;
- (28) Professional offices;
- (29) Public community meeting and civic function buildings including auditoriums;
- (30) Religious facilities including churches, synagogues and other houses of worship, rectories and parsonages and church-affiliated community purpose

- facilities;
- (31) Retail stores;
 - (32) Student dormitories;
 - (33) Community gardens;
 - (34) Transit and ground transportation facilities;
 - (35) Retail bakeries;
 - (36) Congregate care/assisted living facilities.
- (d) *Conditional uses.* In a downtown residential district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following uses only after the issuance of a conditional use permit in accordance with article X of this Code:
- (1) Commercial parking facilities (no more than two parking levels are permitted in the DR district);
 - (2) Public or private facilities for nonintensive outdoor recreation;
 - (3) Reservoirs, pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface;
 - (4) Utility structures--Transformer stations, high voltage power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use.
 - (5) Shelters.

Sec. 13. Centreville district (CV).

- (a) *Statement of purpose.* The purpose of the Centreville district is to encourage a concentration of economic enterprises in the central business district that is convenient and attractive for a wide range of retail, service, financial, government, professional, entertainment and appropriate residential uses in a setting conducive to a high volume of pedestrian traffic. The standards of the district will initiate economic revitalization through increased occupancy of downtown properties, improved real estate values, increased consumer activity, and encourage the restoration and preservation of historic buildings and honor the rich Franco-American cultural heritage of the community.
- (b) *Applicability.* The standards of the centreville district shall apply to all land shown on the "Official Zoning Map of the City of Lewiston" as being located within a Centreville district.
- (c) *Permitted uses.* In a Centreville district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following:
 - (1) Academic institutions, including buildings or structures for classroom,

administrative laboratory, art, theater, dining services, library, bookstores and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures;

- (2) Reserved;
- (3) Drinking place;
- (4) Accessory buildings and uses;
- (5) Art and craft studios;
- (6) ~~Boarding houses;~~ Reserved;
- (7) Business offices;
- (8) Clubhouses for qualified charitable corporations (but not merely nonprofit), provided that the primary use of the premises is not for the conduct of profit making ventures;
- (9) Commercial parking facilities;
- (10) Day care centers;
- (11) Multifamily dwellings in accordance with the standards of article XIII;
- (12) Restaurants (except drive-in restaurants);
- (13) Family day care homes;
- (14) Gasoline service stations which are part of and subordinate to a retail use;
- (15) Group care facilities;
- (16) Home occupations;
- (17) Hospitals, including institutions for the handicapped;
- (18) Hotels, motels and inns;
- (19) In-law apartments in single-family detached dwellings in accordance with the standards of article XIII;
- (20) Medical clinics;
- (21) Mixed use structures;
- (22) Mortuary or funeral parlors;
- (23) Movie theaters (with fewer than three screens);
- (24) Municipal buildings and facilities;
- (25) Museums, libraries and nonprofit art galleries and theaters;
- (26) Nursing or convalescent homes;
- (27) Office buildings;
- (28) Personal services;

- (29) Photography studios;
- (30) Places of indoor assembly, amusement or culture;
- (31) Private or commercial schools including business colleges;
- (32) Professional offices;
- (33) Public community meeting and civic function buildings including auditoriums;
- (34) Religious facilities including churches, synagogues and other houses of worship, rectories and parsonages and church-affiliated community purpose facilities;
- (35) Research, experimental or testing laboratories related to a permitted use;
- (36) Retail stores;
- (37) Student dormitories;
- (38) Community gardens;
- (39) Transit and ground transportation facilities;
- (40) Commercial bakeries;
- (41) Retail bakeries;
- (42) Printing facilities including newspaper publishers and information services;
- (43) Congregate care/assisted living facilities.

Sec. 16. Urban enterprise district (UE).

- (a) *Statement of purpose.* The purpose of the urban enterprise district is to encourage the improvement, reuse and redevelopment of older mixed use areas of the city by allowing a wide range of uses with appropriate development standards.
- (b) *Applicability.* The standards of the urban enterprise district shall apply to all land shown on the "Official Zoning Map of the City of Lewiston" as being located within an urban enterprise district.
- (d) *Conditional uses.* In an urban enterprise district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following uses only after the issuance of a conditional use permit in accordance with article X of this Code:
 - (1) Reserved;
 - (2) Multifamily dwellings;
 - (3) Reservoirs, pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface;
 - (4) Transformer stations, high voltage power transmission lines, substations,

- telephone exchanges, microwave towers or other public utility or communications use;
- (5) Industrial uses;
 - (6) Recycling and reprocessing facilities;
 - (7) ~~Boarding houses~~; Reserved;
 - (8) ~~Lodging houses~~; Reserved;
 - (9) Motor freight transportation facilities;
 - (10) Used car dealership except for areas of the urban enterprise (UE) district in the downtown portion of the city as defined as north of Gulley Brook and south of Island Avenue;
 - (11) Used car dealerships.

NOTE: Additions are underlined; and deletions are ~~struck out~~.

REASONS FOR PROPOSED AMENDMENT

The Planning Board has been reviewing permitted and conditional uses in many of the zoning districts in effort in effort to streamline and consolidate where appropriate. In January 2010, the Planning Board provided a favorable recommendation and the City Council approved an amendment to allow lodging houses as a permitted use in the Neighborhood Conservation “B” (NCB) district. At that time, through public input provided at that hearing, the Board instructed staff to look a combining the definitions of lodging and boarding houses and determine which districts were appropriate for said uses.

A boarding house is defined as an establishment where meals are regularly prepared and served for compensation for three (3) or more persons and where most of the food is placed upon the table family style, without service or ordering of individual portions from a menu, and also where lodging units are sometimes available. The Code defines a lodging house as a building or group of attached or detached buildings containing three (3) or more lodging units for occupancy for weekly or longer periods of time with or without board, in which common kitchen or living facilities may or may not be provided, as distinguished from hotels and tourist homes in which rentals are generally for daily or weekly periods and occupancy is by transients. Lewiston currently has no boarding houses that meet this definition. Establishments have converted to lodging houses, no longer providing regularly prepared meals required of a boarding house. This is the only significant difference between the two uses. Operators of existing lodging houses in the community indicate there is a demand for lodging houses as this type of housing tends to be more affordable to individuals than do conventional multifamily dwelling units.

Six zoning districts currently allow boarding houses as either a permitted or conditional use. Of those same six districts, only three allow lodging houses as a permitted use. This proposed amendment:

- Consolidates the definition of lodging houses to include boarding houses.

- Allows for lodging to be permitted in two of the initial six zoning districts, the Downtown Residential (DR) and the NCB. These two districts are located in the greater downtown area, consisting of existing high density neighborhoods, affordable housing, access to public transportation, and proximity to retail and commercial services. These districts encourage the replacement, reuse or conversion of existing buildings to conform to the type and density of housing existing within the immediate neighborhood. These two districts also consist of the majority of existing lodging houses in Lewiston.

The proposed amendment also makes a distinction between lodging houses and shelters. Currently, a shelter in Lewiston is regulated by the zoning and land use code as a lodging house. This proposed amendment:

- Establishes a definition for shelters.
- Allows for shelters to be regulated as a conditional use in two zoning districts: the DR and the NCB. These two districts are located in the greater downtown area, consisting of existing high density neighborhoods, affordable housing, access to public transportation, and walking proximity to retail and commercial services. These districts encourage the replacement, reuse or conversion of existing buildings to conform to the type and density of housing existing within the immediate neighborhood. The city currently has two shelters, one of which is located in the DR. The other is an existing nonconforming use in the Riverfront (RF) district.

By limiting lodging houses and shelters to the DR and NCB district, the remaining districts will be still continue to be focused toward their initial purposes:

- Promoting redevelopment of the riverfront area for recreation, employment and mixed-age and mixed-income housing, the RF district;
- Providing quality multifamily and single-family housing, the Medium Residential district;
- Providing for the orderly transition of older residential areas along major traffic arteries to low-intensity nonresidential uses and multifamily housing, the Office Residential district;
- Encouraging a concentration of economic enterprises in the central business district that is convenient and attractive for a wide range of retail, service, financial, government, professional, entertainment and appropriate residential uses in a setting conducive to a high volume of pedestrian traffic, the Centreville district;
- Initiating economic revitalization and encourage the improvement, reuse and redevelopment of older mixed use areas, the Urban Enterprise district.

CONFORMANCE WITH COMPREHENSIVE PLAN

1. Land conservation rather than land consumption practices should be encouraged in residential development. The City should explore and encourage rehabilitation or adaptive re-use of existing buildings, and should explore techniques which encourage development where public services already exist. . . (see Housing, Recommendations of the Housing Sub-Committee, #8, p. 67.)

2. Encourage and promote safe, affordable, decent housing opportunities for all Lewiston citizens. . .(see Housing, Goal, #1, p. 69).
3. Work with the private sector developers and landlords and private not-for-profit groups to assist them in providing low-income housing opportunities. . . (see Housing, Policy 1, Strategy C1, p. 69.)
4. Continue to allow a wide variety of housing types in all appropriate zones with the city. . . (see Housing, Policy 1, Strategy H, p. 70.)
5. Encourage orderly growth and development in appropriate areas of the City, while protecting the City's rural character, making efficient use of public services and preventing development sprawl. . .(see Land Use, Goals, #1, p. 122.)