

AN ORDINANCE PERTAINING TO HOMELESS 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.

Homeless Shelter: A facility, the primary purpose of which is to provide temporary overnight accommodations to homeless persons who are guests, free of monetary charge, in either a dormitory-style arrangement (i.e. bedrooms with no cooking facilities), or *dwelling unit*-style, 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 fixed location. Such facility may also provide accessory support services such as food, hygiene, laundry, and staff offices; as well as meeting rooms for counseling, job training, and referrals to state, local or other agencies and organizations. Homeless shelters shall maintain a policy whereby entry and service is denied to guests who do any of the following: (i) carry weapons or exhibit violent behavior, (ii) are in possession of alcohol, illegal substances, or drug paraphernalia, (iii) do not observe the shelter's safety rules, (iv) refuse to identify themselves, or (v) have a known outstanding warrant for their arrest. Homeless shelters that serve survivors of domestic violence, human trafficking, and sexual exploitation are exempt from items (iv) and (v) of this definition. The term homeless shelter does not include *No Barrier Shelters*, which are not permitted. The term does not include federal, state, or municipal subsidy of temporary accommodations using existing homes, apartments, hotels or motels or facilities when deemed a local emergency by City of Lewiston pursuant to Chapter 30 of the Code of Ordinances.

No Barrier Shelter is a homeless shelter that does not deny entry to homeless persons seeking shelter, but may enforce safety requirements for guests, staff, place, and others. No Barrier Shelters are not permitted to operate in Lewiston.

~~Shelter means a charitable facility operated by 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 IV. ESTABLISHMENTS OF DISTRICTS

Sec. 2. Zoning districts.

The city is divided into the following districts, as shown by the district boundary lines on the official zoning map:

HS Homeless Shelter Overlay District

ARTICLE XI: DISTRICT REGULATIONS

Sec. 22. Land use requirements.

- (c) *Land Use Table* – uses appearing in the table are part of this Code and set forth the uses allowed in all districts.

Land Use Table: All Zoning Districts 07.21.2022	Rural Agricultural (RA)	Low Density Residential (LDR)	Suburban Residential (SR)	Medium Density Residential (MDR)	Riverfront (RF) (11)	Neigh- bor- hood Conser- vation "A" (NCA)	Neigh- bor- hood Conser- vation "B" (NCB)	Office Residential (OR)	Downtown Residential (DR) (11)	Institutional Office (IO)	Community Business (CB)	Highway Business (HB)	Centreville (36) (CV) (11)	Industrial (I)	Urban Enterprise	Mill (M) (11)	Resource Conservation (RC) (18)	Groundwater conservation overlay district (GC)(28)	No Name Pond Conservation Overlay District (NNP)(29)	Mobile Home Park overly district (MH)(30)
Institutional																				
Religious facilities	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P				
Cemeteries	P	P	P	P		P	P													
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities				C	P		C	P	P	P	P	P	P		P	P				
Hospitals, medical clinics					P		C	P	C	P	P	P	P		P	P				
Museums, libraries, and non-profit art galleries and theaters					P				P	P			P			P				
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures				C(13)	P		C(13)	C	P	P(12)(24)	P	P	P	P	P	P				
Civic and social organizations							C	P		C			P							
Public community meeting and civic function buildings including auditoriums					P				P	P			P			P				
Residential																				
Single-family detached dwellings on individual residential lots	P(8)	P	P	P		P	P(2)	P	P	P(2)										
Mobile homes on individual residential lots	P(8)			P(35)																
Two-family dwellings on individual residential lots				P		P(37)	P	P	P			P(14)								
Multifamily dwellings in accordance with the standards of Article XIII, are allowed on one lot				P(34)	P		P	P	P	P	P		P		P	P				
Single-Family attached dwelling in accordance with the standards of Article XIII	C			P(34)	P		P	P	P	P										
Mixed single-family residential developments in accordance with the standards of Article XIII	C	P		P			P													
Mixed residential developments in accordance with the standards of Article XIII		P		P			P	P												
Mixed use structures					P		P	P	P	P	P	P	P		P	P				
Lodging houses							P(41)		P											
Home occupations	P	P	P	P		P	P	P	P		P				C					
Bed and breakfast establishments as a home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P				
In-law apartments in accordance with the standards of Article XII	P	P	P	P		P	P	P	P				P			P				
Single family cluster development	P	P	P	P																
Family day care home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Shelters (40)							C(40)	C(40)	C(40)		C(40)	C(40)	C(40)		C(40)	C(40)				
Dormitories												P								
Natural Resource																				
Agriculture	P(8)																P			
Farm Stands	P																			
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	P	P	P		P	P	P			P	P		P	P		P			
Earth material removal	C													C						
Community gardens(20)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Water dependent uses, e.g. docks and marinas					P											P	C			
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet																	C			
Keeping of Chickens (39)	P (39)	P (39)	P (39)	P (39)		P(39)														
Recreation																				
Campgrounds	C																C			
Public or private facilities for nonintensive outdoor recreation	C	C	C	C	P	C	C	C	C							P	P			
Commercial outdoor recreation and drive-in theaters					P						C	C				P(32)				
Fitness and recreational sports centers as listed under NAICS Code 713940					P			P			P	P	P	P	P	P				

Land Use Table Notes

(40) Homeless shelters are allowed only within the Homeless Shelter Overlay District per Article XI, Section 24(6).

(41) In accordance with Article XI, Section 24(4).

Sec. 24. Additional overlay district regulation requirements.

6) Homeless shelter overlay district

- (a) Statement of purpose: The purpose of the homeless shelter overlay district is to allow shelters to operate in an area of Lewiston consisting of existing high density neighborhoods, affordable housing, access to public transportation, and walking proximity to retail, commercial, and social services.
- (b) Applicability. The standards of the homeless shelter overlay district shall apply to all land shown on the "Official Zoning Map, City of Lewiston" as being located within the homeless shelter overlay district.
- (c) Permitted uses. Homeless shelters shall be permitted in the overlay district as a conditional use upon receiving all land use approvals required to operate the homeless shelter, including, but not limited to, development review approval, conditional use approval, building permit, change of use permit, and/or certificate of occupancy.
- (d) Space and bulk standards. The space and bulk requirements of the underlying zoning district shall apply.
- (e) Additional standards. Any other standards of the Zoning and Land Use Code as would normally apply to the underlying zoning district shall apply to land and use located within the homeless shelter overlay district.

ARTICLE XII. PERFORMANCE STANDARDS

Sec. 17. Off-street parking and loading.

(d) *Off-street parking required.* The following minimum off-street parking shall be provided and maintained for each situation identified in subsection (a). In computing the number of spaces required, lots with two or more uses shall meet the combined requirement for all of the uses. In calculating the parking requirement, major fractional spaces (0.5 or greater) shall be rounded up to the next whole space. Employee parking is based on the largest shift.

<u>Homeless shelters</u>	<u>No parking spaces are required to be provided</u>
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Note: Additions are underlined; deletions are ~~struck-out~~.