

LEWISTON CITY COUNCIL WORKSHOP AGENDA

CITY COUNCIL CHAMBERS, CITY HALL

TUESDAY, SEPTEMBER 26, 2017

6:00 p.m. Workshop

Pledge of Allegiance to the Flag.

Moment of Silence.

1. School Department request to reallocate Bond Funds – Concept for a Visual and Performing Arts Facility at Lewiston High School.
2. Discussion of Issues Involving Student Housing/Lodging Houses

CITY COUNCIL SPECIAL MEETING

Immediately following workshop

- ES1. Executive Session to discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, SEPTEMBER 26, 2017
6:00 PM

1. School Department Request to Reallocate Bond Funds – Concept Study for a Visual and Performing Arts Facility at Lewiston High School.

The School Committee is requesting that \$60,000 in bond funds previously authorized for a parking lot expansion at the high school be reallocated to a concept study for a visual and performing arts facility. Representatives of the School Department will be present on Tuesday to present this request. Please see the attached memorandum from Superintendent Webster.

2. Discussion of Issues Involving Student Housing/Lodging Houses

In February of this year, the Council enacted a moratorium on issuing any permits or licenses for lodging houses or dwellings with more than three unrelated persons to allow time to investigate and prepare amendments to various sections of our code with respect to lodging houses. Preliminary concepts/approaches were discussed in a Council workshop in June and the moratorium was extended for an additional six months in July. Staff would like to report on progress toward developing potential changes to the City's land use code.

3. Executive Session – Land Disposition

September 15, 2017

To: City Administrator and City Councilors

From: Bill Webster, Superintendent

Re: More Information on Concept Plan Request

Last winter and spring the School Committee and City Council approved an LCIP request for \$240,000 to expand parking at Lewiston High School. For better or worse, we did not finalize the details or put the project out to bid in order to have the expansion completed this summer. In the meantime, both our Facilities Committee and School Committee were in support of the establishment of a new ad hoc group called the Visual and Performing Arts Committee with the following charge: *To catalog, assess and recommend enhancements to our visual and performing arts program and facilities.*

The Visual and Performing Arts Committee was formed and met on August 31st. There are 17 members on the Committee, representing a nice cross section of our community. The Committee identified the planned parking lot expansion as a possible site for a possible visual and performing arts expansion of Lewiston High School. Rather than expand the parking lot now and then conceivably need to tear it up in the future for the arts facility, the Committee recommended and our Facilities Committee and School Committee supported using some of the LCIP funds to develop a plan, which would address both the parking and arts center.

At Monday's School Committee meeting, the following motion was made by Ben Martin, seconded by Kristen Cloutier, and unanimously adopted:

To support the repurposing of up to \$60,000 of the \$240,000 paving LCIP to the development of a concept plan for parking and a visual and performing arts center at Lewiston High School, to direct the superintendent to seek necessary City Council approval of this action and, if approved, to solicit proposals from qualified architects.

Please know that the intent is still to use the remaining LCIP funds to address the parking situation, but to do so in a way that will not conflict with the possible future arts center. The original \$240,000 was just an estimate, and we would expect to learn by next spring whether or not additional funding here will be required.

As to the arts center, the concept plan will include the development of a budget. Conceivably, we might be looking at a \$10-15 million project, but that is my estimate, not that of an architect. We might ask the architect to develop a second lower cost or two-phase option. Funding might well come from a combination of private and public sources, and we have already met with one potential large donor. Even with a concept plan, however, there is recognition that there is no guarantee that Lewiston taxpayers or the City Council would support moving forward to construction.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Mayor
City Council
FROM: David Hediger, City Planner
DATE: September 22, 2017
RE: Student Housing/Lodging Houses

On February 21, 2017, the City Council enacted a moratorium on the issuance of any permits and/or licenses for lodging houses or dwellings with more than three unrelated persons. The reason for the moratorium was to provide the city time to investigate and prepare amendments to various sections of our code with respect to lodging houses. The impetus for the moratorium involved complaints regarding the number of college students living in dwelling units and the adverse impacts created by noise, overcrowding, increased parking demand, etc. On July 8, 2017 the Council voted to extend the moratorium an additional six months to expire on February 9, 2018.

At the June 27, 2017 workshop, staff recommended efforts be focused on:

1. Establishing residential parking on specific streets/neighborhoods.
2. Adopting a disorderly property ordinance.
3. Developing an overlay zone whereby specific neighborhoods can be targeted for special ordinances.
4. Updating definitions of lodging, family, and dwelling unit.

The Police Department has since worked with the City Council to adopt new overnight parking restrictions on specific streets in the Bates College neighborhood and is in the process of reviewing a disorderly property ordinance.

Planning and Code Enforcement have been working with the city attorney with respect to amendments throughout the city's Code of Ordinances. At this time, the drafted amendments will:

- Make zoning, fire prevention, and city licensing definitions consistent with one another.
- Make city definitions consistent with the National Fire Protection Association (NFPA) requirements for when a dwelling unit becomes a lodging house unit.
- Clarify who is considered a "family member".
- Specify that a dwelling unit is used exclusively for one family or otherwise, shall be considered a lodging house.
- Adds provisions for the creation of a Neighborhood Conservation "B" Preservation (NCBP) overlay district. This will be a limited area of the Neighborhood Conservation "B" (NCB) district that will specifically prohibit the operation of lodging houses in effort to avoid adverse impacts (i.e. noise, overcrowding, increased parking demand, etc.) on the intended residential uses of properties in the area.

Planning and Code Enforcement staff will provide an update on these proposed amendments and is looking for comments and suggestions before scheduling public hearings with the Planning Board and Council.

9/26/17 Draft for Council Workshop

Proposed Ordinance Amendments Pertaining To Lodging Houses

Appendix A – Zoning and Land Use Code

Article II. Definitions

Sec. 2 Definitions

Dwelling means any building or structure or portion thereof designed or used for residential purposes.

1. *Single-family detached dwelling.* A structure having a length to width ratio of less than four (4) to one (1), and a minimum horizontal dimension at its narrowest point of at least sixteen (16) feet and containing only one (1) dwelling unit ~~for occupation~~ occupied by not more than one (1) family. ~~A family shall include the~~ If a dwelling otherwise meets these criteria, a single-family detached dwelling is deemed to include a dwelling occupied by a group of individuals housed within a "community living arrangement" which is a housing facility for eight (8) or fewer persons with disabilities that is approved, certified or licensed by the State of Maine. A community living arrangement may include a group home, foster home or intermediate care facility. A single-family detached dwelling shall not include mobile homes as defined herein, but shall include any other manufactured housing meeting these criteria.
2. *Single-family attached dwelling.* A building containing single-family dwelling units each with two (2) or more vertical fire separation walls, or one (1) vertical fire separation wall in the case of a dwelling unit at the end of a group of attached units; which have no dwelling units above or below them; and which have no common hallways. If a dwelling otherwise meets these criteria, a single-family detached dwelling is deemed to include a dwelling occupied by a group of individuals housed within a "community living arrangement" which is a housing facility for eight (8) or fewer persons with disabilities that is approved, certified or licensed by the State of Maine. A community living arrangement may include a group home, foster home or intermediate care facility.

Dwelling unit means a room or group of rooms, containing at least three hundred (300) square feet of living area, designed and equipped exclusively for use as living quarters for one (1) family including provisions for living, sleeping, cooking, and eating. The term shall not include hotel or motel rooms or suites, ~~rooming house rooms~~ individual lodging house units that do not have kitchen facilities, fraternity rooms, sorority rooms, club or institutional group rooms, or similar accommodations.

Family means one person or two or more family members, and may include up to three additional (3) persons who are not family members.

Family members mean persons who are within the following degrees of relationship: a first, second, or third degree relation (parent, child, stepchild, sibling, aunt, uncle, niece, nephew, grandchildren, grandparent, great grandparent or great grandchild); spouse or domestic partner or former spouse or former domestic partner; or, parents of the same child. For purposes of this definition, the term "domestic partners" means two unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.

Lodging house means a dwelling unit occupied by more than one family; or 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 and with or without 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. The term "lodging house" shall not include any use that falls within the definition of a bed and breakfast establishment; a dormitory; a hotel, inn or motel; a shelter; or a tourist home.

Article XI. District Regulations

Section 24. Additional District Regulation Requirements

4) Neighborhood Conservation "B" Preservation (NCBP) overlay district

(a) Statement of purpose: The purpose of the neighborhood preservation overlay district is to promote the stability and improvement of older multifamily residential neighborhoods by prohibiting the development of new lodging houses or the replacement, reuse or conversion of existing buildings into lodging houses in areas in which said uses would result in an adverse impact on the intended uses of properties in the area impacting residents' quality of living and the ability of property owners to improve and increase the values of their properties.

(b) Applicability. The standards of the neighborhood preservation overlay district shall apply to all land shown on the "Official Zoning Map, City of Lewiston" as being located within the neighborhood conservation "B" overlay district.

(c) Prohibited uses. Any use permitted by right in the underlying zoning district shall be allowed in the neighborhood preservation overlay district with the exception of lodging houses, which are a prohibited use in the NCB overlay district.

(d) Space and bulk standards. The space and bulk requirements of the underlying zoning district shall apply in the neighborhood conservation "B" overlay district.

Article XII. Performance Standards

Sec. 11. In-law apartment standards.

An in-law apartment meeting the following standards shall be considered to be part of a single-family detached dwelling and shall not be considered to be a dwelling unit in terms of the space and bulk standards of article XI. In-law apartments shall be permitted only in those districts where they are allowed uses. Apartments not meeting these requirements shall be considered to be separate dwelling units and shall meet the use and space and bulk requirements of article XI:

(3) The person(s) occupying the in-law apartment must be a first, second, or third degree relation (parent, child, stepchild, sibling, aunt, uncle, niece, nephew, or grandparent) family member of the principal occupant(s) of the single-family home ~~either by blood or by marriage and the~~, and the burden of proof of this relationship shall be on the homeowner.

Code of Ordinances, Chapter 22, Businesses

Sec. 22-2. Definitions

~~*Innkeeper* means anyone who operates a place where the public, for consideration, obtains sleeping accommodations and meals under one roof and which has a public dining room or rooms operated by the same management open and serving food during the morning, afternoon and evening, and a kitchen, apart from the public dining rooms, in which food is regularly prepared for the public on the same premises.~~

...

~~*Lodging place Lodginghouse* means a building or group of attached or detached buildings that is permitted by the City under the Code of Ordinances, Appendix A- Zoning and Land Use Code as a bed and breakfast establishment; hotel, inn or motel; lodging house; or tourist home., lodging and/or dwelling units for occupancy for daily, or weekly persons not within the second degree of kindred to the person conducting the lodging house with or without board, in which common kitchen or living facilities may or may not be provided. The term "lodging house" shall not be meant to include the dormitories of charitable, educational or philanthropic institutions or associations, or any house where lodgings are let to less than five lodgers. A boarding house shall be considered a type of lodging house.~~

Sec. 22-41. Duration of licenses; expiration date. All licenses, except when otherwise provided, shall be for 12 months' duration and shall expire according to the following schedule:

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| Innkeepers..... | February |
| Junk collectors..... | November |
| <u>Lodging place Lodginghouse</u> operator..... | February |

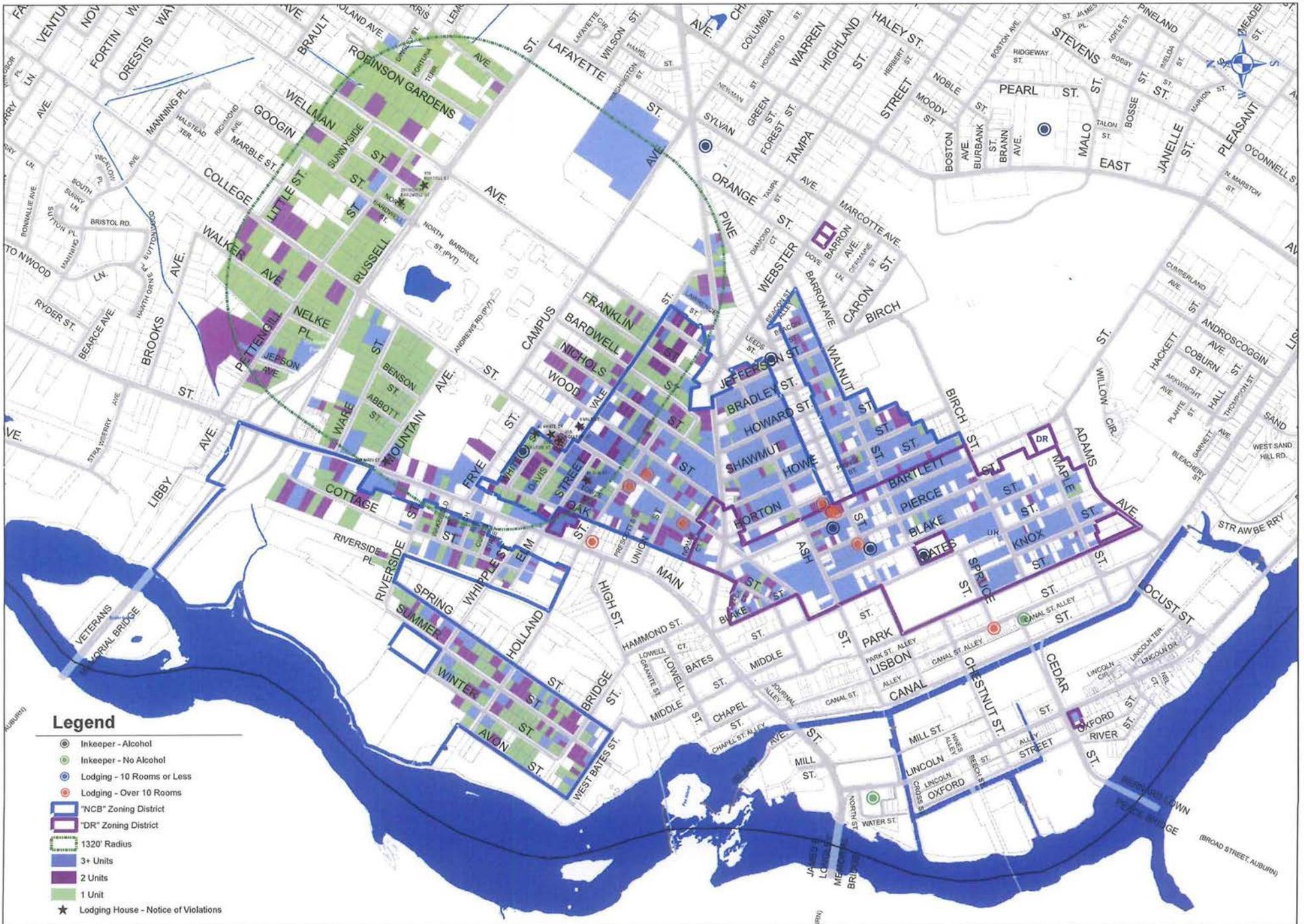
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Code of Ordinances, Chapter 38, Fire Prevention and Protection

Sec. 38-26. Codes Adopted

(b) Specific Provisions: The City of Lewiston Fire Prevention Code incorporates by reference National Fire Protection Association (NFPA) #101, Life Safety Code, 2009 edition; NFPA #80, Standard for Fire Doors and other Opening Protectives, 2010 edition; and NFPA #220, Standard on Types of Building Construction, 2006 edition. Specific provisions of the Life Safety Code have been excluded to avoid conflict with the Maine Uniform Building and Energy Code, and several provisions have been modified to make the provisions specific to Maine. This section also includes rules governing portable classrooms and indoor and special pyrotechnic events.

8. For this section and the codes adopted herein, the term “family” has the same meaning as the term is defined in the Code of Ordinances, Appendix A- Zoning and Land Use Code, Article II.



Legend

- Inkeeper - Alcohol
- Inkeeper - No Alcohol
- Lodging - 10 Rooms or Less
- Lodging - Over 10 Rooms
- ▭ "NCB" Zoning District
- ▭ "DR" Zoning District
- 1320' Radius
- 3+ Units
- 2 Units
- 1 Unit
- ★ Lodging House - Notice of Violations

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 26, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES-1

SUBJECT:

Executive Session to discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/KMM

REQUESTED ACTION:

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| 1 | 2 | 3 | 4 | 5 | 6 | 7 | M |
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To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Disposition of Property, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.