

Order 279-09/10
Given first reading on 6/21/10
Referred to Planning Board
Public Hearing and Passage 6-6-11 (Mavodones absent)

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CITY OF PORTLAND
IN THE CITY COUNCIL

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Proposed Amendments to Order 279-09/10 Offered by the Planning Board & Housing Committee (Housing Committee amendments are highlighted)

Sec. 14-47. Definitions.

. . .

Bed and breakfast: A building in which more than two (2) but not more than nine (9) guest rooms are used to provide or offer overnight accommodations for transient guests. An owner, manager, or operator shall live in the building as a permanent resident. No cooking facilities shall be permitted in any of the guest rooms. The only meal which may be offered is breakfast, which shall be offered only to overnight guests. No owner, operator, director, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hostel, hotel, inn, lodging house, motel, or tourist home (as defined in this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer, or patron of the business at any off-premises site in the City, unless such a facility is authorized, under the applicable provisions of Portland's Land Use Code, to offer such accommodations as a bed and breakfast, hotel, inn, lodging house, motel or tourist home.

. . .

Hostel: ~~A house or building containing four (4) or more bedrooms, with or without meals to individuals on a daily or weekly basis for compensation. The hostel may not have more than forty(40) beds. An owner, manager, or operator shall live in the building as a permanent resident. It shall contain common areas including a kitchen for use by all guests.~~An overnight lodging facility for transient guests that provides sleeping rooms and common areas for cooking. A hostel shall not be used as an emergency shelter. No owner operator, director, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hostel, hotel, inn, lodging house, motel, or tourist home (as defined by this code) may, for direct or indirect economic remuneration, arrange for or provide any

housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer or patron of the business at any off-premises site in the City, unless such a facility is authorized, under the applicable provisions of Portland's Land Use Code, to offer such accommodations as a bed and breakfast, hostel, hostel, inn, lodging house, motel or tourist home.

Hotel: A building used for more or less temporary occupancy of individuals who are lodged with or without meals, having ten (10) or more guest rooms. No owner, operator, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hostel, hotel, inn, lodging house, motel, or tourist home (as defined in this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer, or patron of the business at any off-premises site in the City, unless such a facility is authorized under the applicable provisions of Portland's Land Use Code, to offer such accommodations as a bed and breakfast, hotel, inn, lodging house, motel or tourist home.

. . . .

Inn: A building used for more or less temporary occupancy of individuals, who are lodged with or without meals, having ten (10) but no more than fifty (50) rooms. Guest rooms shall not contain separate kitchen facilities. No owner, operator, director, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hostel, hotel, inn, lodging house, motel, or tourist home (as defined in this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer, or patron of the business at any off-premises site in the City, unless such a facility is authorized, under the applicable provisions of Portland's Land Use Code, to offer such accommodations as a bed and breakfast, hotel, inn, lodging house, motel or tourist home.

. . . .

Lodging house: A house, building or portion thereof containing two (2) or more rooming units and providing such units, with or without meals, to individuals on not less than a weekly or monthly basis for compensation. A lodging house, except for lodging houses located in the IR-2, IR-3 and I-B zones, shall contain common areas for use by all residents, including a kitchen. A kitchen need not be available as part of the common areas where all meals are provided on a daily basis. No owner, operator, director, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hostel, hotel,

inn, lodging house, motel, or tourist home (as defined in this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer, or patron of the business at any off-premises site in the City, unless such a facility is authorized, under the applicable provisions of Portland's Land Use Code, to offer such accommodations as a bed and breakfast, hotel, inn, lodging house, motel or tourist home.

. . .

Motel: A building or group of attached or detached buildings containing guest rooms or dwelling units most of which have separate outside entrances and parking space hereby intended to be used principally by automobile transients for compensation. Motels include tourist courts, motor lodges or cabins. No owner, operator, director, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hostel, hotel, inn, lodging house, motel, or tourist home (as defined in this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer, or patron of the business at any off-premises site in the City, unless such a facility is authorized, under the applicable provisions of Portland's Land Use Code, to offer such accommodations as a bed and breakfast, hotel, inn, lodging house, motel or tourist home.

. . .

Tourist home: A building in which more than one (1) but not more than nine (9) guest rooms are used to provide or offer overnight accommodations for transient guests. No owner, operator, director, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hostel, hotel, inn, lodging house, motel, or tourist home (as defined in this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer, or patron of the business at any off-premises site in the City, unless such a facility is authorized, under the applicable provisions of Portland's Land Use code, to offer such accommodations as a bed and breakfast, hotel, inn, lodging house, motel or tourist home.

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Sec. 14-136. Permitted uses.

The following uses are permitted in the R-6 residential zone:

. . .

(b) Other:

. . .

9. Hostels, provided the applicant submits a site plan and operations plan demonstrating compliance with the following conditions:

- a. No more than ten (10) overnight transient guests shall be permitted in the facility at any one time.
- b. All applicable provisions of Article V of this chapter shall be met.
- c. Parking shall be provided in compliance with Division 20 of this Article.
- d. No unaccompanied minors under the age of eighteen (18) shall be permitted in the facility.
- e. The length of stay for transient guests shall not exceed fifteen (15) days out of any sixty-day period.
- f. An owner, manager or operator shall live in the building as a permanent resident.
- g. The building shall meet the applicable occupant load requirements as defined by the International Building Code and the NFPA Life Safety Code, as such codes are amended or adopted by the city.

. . .

Sec. 14-137. Conditional uses.

The following uses shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

. . .

(c) Other:

. . .

9. Hostels, provided the applicant submits a site plan and operations plan demonstrating compliance with the following conditions:

- a. No more than twenty (20) overnight transient guests shall be permitted in the facility at any one time.

- b. All applicable provisions of Article V of this chapter shall be met.
- c. Parking shall be provided in compliance with Division 20 of this Article.
- d. No unaccompanied minors under the age of eighteen (18) shall be permitted in the facility.
- e. The length of stay for transient guests shall not exceed fifteen (15) days out of any sixty-day period.
- f. An owner, manager or operator shall live in the building as a permanent resident.
- g. The building shall meet the applicable occupant load requirements as defined by the International Building Code and the NFPA Life Safety Code, as such codes are amended or adopted by the city.

. . .

Sec. 14-162. Permitted uses.

(a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone. For permitted uses in the upper stories of buildings in the B-1b zone, refer to subsection (5) below: in existence on November 15, 1993:

. . .

(4) *Other:*

. . .

- f. Hostels, provided the applicant submits a site plan and operations plan demonstrating compliance with the following conditions:
 - i. No more than twenty (20) overnight transient guests shall be permitted in the facility at any one time.
 - ii. All applicable provisions of Article V of this chapter shall be met.
 - iii. Parking shall be provided in compliance with Division 20 of this Article.
 - iv. No unaccompanied minors under the age of eighteen (18) shall be permitted in the facility.

- v. The length of stay for transient guests shall not exceed fifteen (15) days out of any sixty-day period.
- vi. The building shall meet the applicable occupant load requirements as defined by the International Building Code and the NFPA Life Safety Code, as such codes are amended or adopted by the city.

(5) Uses permitted above the ground floor level of buildings in the B-1b zone:

. . . .

c. Hostels, provided the applicant submits a site plan and operations plan demonstrating compliance with the following conditions:

i. No more than twenty (20) overnight transient guests shall be permitted in the facility at any one time.

ii. All applicable provisions of Article V of this chapter shall be met.

iii. Parking shall be provided in compliance with Division 20 of this Article.

iv. No unaccompanied minors under the age of eighteen (18) shall be permitted in the facility.

v. The length of stay for transient guests shall not exceed fifteen (15) days out of any sixty-day period.

vi. The building shall meet the applicable occupant load requirements as defined by the International Building Code and the NFPA Life Safety Code, as such codes are amended or adopted by the city.

Sec. 14-182. Permitted uses.

The following uses are permitted in the B-2, B-2b and B-2c zones except that any use involving a drive-through is prohibited in these zones unless otherwise provided in section 14-183:

. . . .

(d) Other:

. . . .
7. Hostels, provided the applicant submits a site plan and operations plan demonstrating compliance with the following conditions:

- a. All applicable provisions of Article V of this chapter shall be met.
- b. Parking shall be provided in compliance with Division 20 of this Article.
- c. No unaccompanied minors under the age of eighteen (18) shall be permitted in the facility.
- d. The length of stay for transient guests shall not exceed fifteen (15) days out of any sixty-day period.
- e. The building shall meet the applicable occupant load requirements as defined by the International Building Code and the NFPA Life Safety Code, as such codes are amended or adopted by the city.

Sec. 14-217. Permitted uses.

(a) The following uses are permitted in the B-3 and B-3b zones:

. . . .

(4) *Other:*

. . . .

e. Hostels, provided the applicant submits a site plan and operations plan demonstrating compliance with the following conditions:

- 1. All applicable provisions of Article V of this chapter shall be met.
- 2. Parking shall be provided in compliance with Division 20 of this Article.
- 3. No unaccompanied minors under the age of eighteen (18) shall be permitted in the facility.
- 4. The length of stay for transient guests shall not exceed fifteen (15) days out of any sixty-day period.

5. The building shall meet the applicable occupant load requirements as defined by the International Building Code and the NFPA Life Safety Code, as such codes are amended or adopted by the city.

Sec. 14-230.1. Permitted uses.

The following uses are permitted in the B-5 and B-5b urban commercial mixed use zones:

(a) *Commercial:*

. . .

26. Hostels, provided the applicant submits a site plan and operations plan demonstrating compliance with the following conditions:

- a. All applicable provisions of Article V of this chapter shall be met.
- b. Parking shall be provided in compliance with Division 20 of this Article.
- c. No unaccompanied minors under the age of eighteen (18) shall be permitted in the facility.
- d. The length of stay for transient guests shall not exceed fifteen (15) days out of any sixty-day period.
- e. The building shall meet the applicable occupant load requirements as defined by the International Building Code and the NFPA Life Safety Code, as such codes are amended or adopted by the city.

Sec. 14-295. Permitted uses.

The following uses are permitted in the B-7 zone:

(a) *Commercial:*

23. Hostels, provided the applicant submits a site plan and operations plan demonstrating compliance with the following conditions:

- a. All applicable provisions of Article V of this chapter shall be met.
- b. Parking shall be provided in compliance with Division 20 of this Article.

- c. No unaccompanied minors under the age of eighteen (18) shall be permitted in the facility.
- d. The length of stay for transient guests shall not exceed fifteen (15) days out of any sixty-day period.
- e. The building shall meet the applicable occupant load requirements as defined by the International Building Code and the NFPA Life Safety Code, as such codes are amended or adopted by the city.

Sec. 14-332. Uses requiring off-street parking.

Except as provided in Section 14-332.1, 14-332.2 (exceptions) and 14-345 (fee in-lieu of parking) of this division, for the uses listed below the following minimum off-street parking requirements shall be provided and maintained in the case of new construction, alterations which increase the number of units, and changes of use:

. . .

- (m) ~~Beds~~Hostels: One (1) parking space for each eight (8) beds, or major fraction thereof. This requirement may be reduced to one (1) parking space for each twelve (12) beds if the site is within one quarter (1/4) mile of a public transit stop.