



**Tuesday, January 24, 2023  
CITY COUNCIL WORKSHOP**

**Meeting Begins: 6:30 P.M.**

**Location: City Hall Council Chambers & Via Zoom**

**CLICK THE "VIDEO" LINK TO ENTER THE MEETING.**

**Please click the link below to join the webinar:**

**<https://us06web.zoom.us/j/83970751560>**

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**Webinar ID: 839 7075 1560**

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## **A. ROLL CALL**

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## **B. WORKSHOP DISCUSSION**

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**Subject** 1. Amendments to Chs. 14 & 27 Related to Shelters and Hotels Part 2

**Meeting** Jan 24, 2023 - CITY COUNCIL WORKSHOP

**Category** B. WORKSHOP DISCUSSION

**Access** Public

**Type** Discussion, Information

### **POSITION PAPER OF THE CITY MANAGER**

At the [December 13, 2022 City Council workshop](#), staff presented Councilors with draft ordinance amendments to Chapters 14 (Licensing) and 27 (Zoning) related to shelters and hotels. Our current zoning and licensing ordinances are insufficient and do not directly address the issue of homeless shelters, and if we were presented with an application today that sought to erect such a shelter, the City would likely be forced to enact a moratorium to buy time to create enabling ordinance language. Communities can, should, and have enacted land use and licensing regulations to allow shelters in certain zones within their borders, with associated performance standards to help ensure the health and safety of the occupants and abutting neighborhoods and businesses. As noted in the prior workshop, the improper use of lodging establishments during the pandemic has given rise to the need for the City to address this matter.

At the prior workshop, Council reviewed the draft ordinance amendments prepared by staff, the highlights of which included:

1. Creating a new land use definition for Shelters and associated performance standards in zoning.
2. Updating the definition of lodging establishments to further clarify current ordinances that does not permit them to operate as a homeless shelter or permanent residence.
3. Creating a new licensing requirement to operate a Shelter, including operating standards to ensure a safe and well-managed environment for the people being served as well as abutters.

Staff also discussed other communities who adopted ordinances addressing homeless shelters and how the proposed South Portland ordinance compares to these. See attached document that provides such a comparison.

Staff also presented numerous questions for the Council to help ensure the ordinance amendments crafted were in alignment with Council's policy wishes. In addition to being asked to weigh in on whether to move forward with these amendments, Councilors were asked the following questions:

1. In what zoning districts should shelters be allowed as special exception uses?
2. Should shelters be allowed within a mixed-use development?
3. Does the City want to require day space for every shelter?
4. Should shelter capacity be limited to 50 beds in a single room, or 200 beds if separate bedrooms?
5. If multiple shelters are allowed within the City, should they be separated from one another? If so, what is a reasonable distance?
6. Does the City want to set a numerical cap? If so, this proposal would result in up to 5 shelters; should the cap be some other amount?

Councilors indicated general support and provided feedback on some of the questions, but also indicated that such a significant topic warranted additional thought and an additional workshop. As such, tonight Council will continue its discussion on this matter. A revised ordinance has been attached. The changes from the prior workshop include (highlighted in the attached document):

1. Requiring any shelter to provide adequate indoor space that is available to all occupants during the daytime.
2. Requiring that a shelter provide adequate access to and from public transportation or offer comparable transportation service to occupants.

Questions 1, 2, 4, 5, and 6 above remain outstanding and will require input from Council at the workshop before moving this item to a first reading.

There is some timeliness to enacting a shelter ordinance. As lodging establishments move away from acting as shelters, there may be a need for actual shelters to be established. Recognizing this, MaineHousing was allocated \$21 million to provide overnight warming shelters and implement other long-term homeless shelter solutions across the state. [MaineHousing has issued a Request for Proposals](#) for nonprofits to seek these funds and applications are due February 3, 2023. With an ordinance in place, a nonprofit could utilize a South Portland location for such a purpose.

(NOTE: At the workshop, Councilors expressed concern over the inability of locations such as churches or other houses of worship to take in those in need of shelter. As explained by Deputy Fire Chief Michael Williams, certain life safety code requirements must be met in order for such locations to offer shelter accommodations. The Chief is working with the State Fire Marshal's Office on this issue and will be available for questions on this matter should any arise, however there is no action for the Council to take on this topic.)

Corporation Counsel Sally Daggett, Asst. City Manager Joshua Reny, Planning Director Milan Nevajda, City Clerk Emily Scully, Code Enforcement Director Barb Skelton, Social Services Director Kristen Barth, and Deputy Williams will be present for this discussion.

File Attachments

[DRAFT ORDINANCE AMENDMENTS RE LESHELTERS for workshop on 01-24-23 V1.pdf \(338 KB\)](#)

[Lodging Establishments and ALL-Lodging Zoning.pdf \(2,216 KB\)](#)

[Peer Community Comparison\\_12.13.2022.pdf \(62 KB\)](#)

**Subject**

**2. List of Workshop Items to be Reviewed**

Meeting Jan 24, 2023 - CITY COUNCIL WORKSHOP  
Category B. WORKSHOP DISCUSSION  
Access Public

Type

### **POSITION PAPER OF THE CITY MANAGER**

Council has workshops scheduled through July 2023. There remain six items on the workshop list that are awaiting a date. None of these items are ready to be added to specific date as yet.

The Council Goals workshop item has been scheduled for February 14, 2023, at Southern Maine Community College.

File Attachments  
[01-20-2023 Workshop Items List.pdf \(113 KB\)](#)

### **C. EXECUTIVE SESSION**

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**Subject** **1. Executive Session Pursuant to 1 M.R.S.A. § 405(6)(D) to discuss Collective Bargaining Negotiations with the South Portland Police Command and Supervisory Unit**

Meeting Jan 24, 2023 - CITY COUNCIL WORKSHOP  
Category C. EXECUTIVE SESSION  
Access Private

Type

### **POSITION PAPER OF THE CITY MANAGER**

The City has reached an agreement with the Police Command Union on a three year deal. Prior to asking Council to ratify this agreement, Human Resources Director Stephanie Weaver and I will be checking in to ensure the agreement is acceptable. If so, it will be placed on the February 7, 2023 Council agenda for adoption.

### **D. ADJOURNMENT**

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Items may only be introduced after 11:00 p.m. upon a majority vote of Councilors present and voting. Items on a regular meeting agenda not introduced pursuant to this rule shall be placed on the next regular meeting agenda.