

Orders 252-16/17

Amended to limit Emergency Shelter use to 2.75 miles of Monument Square: failed 1-7  
(Strimling in favor, Duson absent) on 6/5/2017

Passage: 8-0 (Duson absent) on 6/5/2017

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE**  
**CHAPTER 14**

**Re: EMERGENCY SHELTERS AS A CONDITIONAL USE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,  
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

*That Chapter 14, Sections 14-218, 14,229.11.1, 14-230.2,  
14-232.1, 14-248.1, 14-262.1, and 14-474 of the Portland  
City Code are hereby amended as follows:*

**Sec. 14-218. Conditional uses.**

(a) The following use is permitted as provided in section 14-474 (conditional uses), provided that, notwithstanding section 14-474(a) or any other provision of this Code, the planning authority shall be substituted for the board of appeals as the reviewing authority:

...

(b) The following uses are permitted as provided in section 14-474 (conditional uses), provided that, notwithstanding section 14-474(a) or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority:

1. Utility substations, such as water and sewage pumping stations and standpipes, electric power substation transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably located, screened and landscaped so as to ensure compatibility with the surrounding neighborhood.

...

4. Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474~~÷ and the use specific standards of Section 14-474 (c) 3.÷~~

~~a. The facility shall be in compliance with the city's current Comprehensive Housing Assistance Plan, a copy of which is on file in the department of planning and urban development, or, if there is no current edition of the Comprehensive Housing Assistance Plan, with a determination of need by the director of the department of health and human services.~~

~~b. The facility shall be registered with the City of Portland Department of Health and Human Services.~~

...

**Sec. 14-229.11.1. Conditional uses.**

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

(a) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:

...

(c) Emergency shelters, subject to the provisions of section 14-474 and the use specific standards of section 14-474 (c) 3.

...

**Sec. 14-230.2. Conditional uses.**

(a) The following uses shall be permitted as conditional uses in the B-5 and B-5b urban commercial mixed use zones, provided that, notwithstanding section 14-471(c), section 14-474(a), or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority, and further provided that, in addition to the provisions of section 14-474(c) (2), they shall also meet the

requirements set forth below:

1. Commercial:

...

5. Emergency shelters, subject to the provisions of section 14-474 and the use specific standards of section 14-474 (c) 3.

...

**Sec. 14-232.1. Conditional uses.**

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

(a) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:

...

(b) Emergency shelters, subject to the provisions of section 14-474 and the use specific standards of section 14-474 (c) 3.

...

**Sec. 14-248.1. Conditional uses.**

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

(a) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:

...

(b) Emergency shelters, subject to the provisions of section 14-474 and the use specific standards of section 14-474 (c) 3.

**Sec. 14-262.1. Conditional uses.**

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

- (a) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:

...

(c) Emergency shelters, subject to the provisions of section 14-474 and the use specific standards of section 14-474 (c) 3.

...

**Sec. 14-474. Conditional uses.**

(a) *Authority.* The board of appeals may, subject to the procedures, standards and limitations set out in this section, approve the issuance of a conditional use permit authorizing development of conditional uses listed in this article.

...

(c) *Conditions for conditional uses:*

- 1. *Authorized uses.* A conditional use permit may be issued for any use denominated as a conditional use in the regulations applicable to the zone in which it is proposed to be located.

...

3. Use Specific Standards. The following additional standards of review apply to the specific uses.

- a. Emergency shelters are subject to the following conditions, in addition to the provisions of section 14-474 (c) 2. Notwithstanding section 14-474(a) or any other provision of this Code, the Planning Board shall be substituted for the Board of Appeals as the reviewing authority for any shelter also subject to Level III site plan review:

- i. The facility shall provide adequate space for conducting security searches and other assessments;
  - ii. The facility shall be designed with a centralized shelter operations office on each level providing sight lines to sleeping areas;
  - iii. A Management Plan adequately outlining the following areas shall be provided: Management responsibilities; Process for resolving neighborhood concerns; Staffing; Access restrictions; On-site surveillance; Safety measures; Controls for resident behavior and noise levels; and Monitoring Reports.
  - iv. Adequate access to and from METRO service shall be provided. The facility shall be within a ¼ mile of a METRO line, or shall be within ½ mile of a METRO line and provide adequate indoor space to permit all shelter guests day shelter, as well as implement strategies to help residents utilize transit;
  - v. The facility shall provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, housing assistance, or other programs;
4. Suitable laundry, kitchen, pantry, bicycle storage, and secure storage facilities for shelter stayers shall be provided on-site; and
  5. An outdoor area for guest use shall be provided on-site with adequate screening to protect privacy of guests.