

TO: Peter Stith, AICP
City of Portsmouth

FROM: Cortney Sawyer

RE: Co-living zoning ordinance

Dear Mr. Stith,

Below is a proposed Co-Living new use for the Downtown Overlay District (DOD). From the prior abstract provided to the Planning Board, we removed the reference to daily and weekly occupancy, but otherwise, the content remains the same from what we previously presented to the Planning Board:

Residential use providing a private or shared sleeping unit and access to communal areas for cooking (kitchen), bathroom, laundry, living, working, arts, recreation, and wellness spaces. The sleeping unit may or may not include a private bathroom or cooking facilities. There are flexible rental periods thereby allowing people the ability to lease terms less than a typical one-year lease basis.

Based on feedback from the Planning Board during our Co-Living workshop held on September 26, 2024 and research from the following existing co-living developments, we recommend the following changes to the City of Portsmouth Zoning Ordinances for a Co-Living Use Group.

[Miami i5 Co-Living Apartments](#)

[Cassell | U Street — Nest DC Coliving](#)

[Common | Coliving and Apartments](#)

Occupancy Limits:

While co-living units allow more people per unit than standard apartments, most enforce a maximum of two people per sleeping room and no more than 10 people to one common area pod. ([ArchDaily](#)), ([Gray Group International](#)), ([alexandriava.gov](#)).

- Recommended zoning change: Effectuate the above.

Minimum Bedroom Size:

Bedrooms in co-living units often need to meet a minimum square footage per occupant. A typical requirement is 70 -100 square feet for single occupancy or 120 square feet for double occupancy bedrooms (alexandriava.gov), ([HUD User](#)).

- Recommended zoning change: Effectuate the above.

Parking Requirements:

Many co-living uses are zoned to reduce parking space minimums, recognizing that residents may not own a vehicle, can't afford a vehicle or not allowed to drive for various impairments or violations and therefore rely more on public transit.

Approximately 30% of American adults who are of driving age do not own a car. This rate tends to be higher in urban areas. In some cases, zoning ordinances may reduce or eliminate parking requirements for co-living developments ([Gray Group International](#)).

- Recommended zoning change: No parking requirement for co-living in the Downtown Overlay District (DOD).

Communal Areas:

Residential uses commonly include a sleeping area, kitchen, bathroom and living rooms. Any residential unit that does not have a self-contained bathroom, kitchen or living room must provide access to communal amenities. There may be minimum square footage requirements for those communal areas to ensure livability and depending upon International Building Code (I.B.C.) and or International Fire Code (I.F.C.) ([ArchDaily](#)).

- Recommended zoning change: All co-living units must have a bedroom, full bathroom, kitchen and space for leisure activities or in the alternative communal areas must be provided to adequately provide for bathrooms, cooking and leisure activities.

Lease or Membership Structures:

Co-living units often have flexible lease terms such as monthly leases, allowing shorter rental terms but generally requiring a minimum lease, which prevents the community from becoming an entirely transient environment. (forbes.com)

Zoning codes sometimes account for this, permitting more transient occupancy compared to traditional residential leases ([HUD User](#)).

- Recommended zoning change: Prohibit nightly rental and require a minimum lease term of three months or longer.

Flexible Rental Terms and Background Checks:

Barriers common to traditional apartment rentals include large upfront payments for a security deposit and first and last month's rent and in many states even paying brokerage fees. Co-living is intended to reduce or eliminate the collectively high upfront cash typically found with renting apartments.

To ensure rentals are made to responsible adults and in compliance with the various housing laws including but not limited to anti-discrimination and Americans with Disabilities Act (ADA), background checks of employment, criminal records and references should be used to screen applicants. ([HUD User](#))

- Recommended zoning change: Effectuate the above.

All-Inclusive Rent:

In many co-living developments, utilities such as electricity, water, internet, and even services like housekeeping are bundled into the rent. This all-inclusive rent simplifies billing, making it easier for residents to manage their living expenses with a single monthly payment and ensures uninterrupted utilities and cleanliness. ([HUD User](#)), ([Gray Group International](#)).

Most utility companies require credit applications, security deposits, monthly account fees and similar fees that collectively add to the complexity and cost burden of affordable housing.

- Recommended zoning change: bundled utilities and housekeeping that do not exceed the cost of having individual utilities and housekeeping are encouraged to be included in one monthly rental amount.

Safety and International Building Codes:

Many co-living spaces implement advanced security features, including keyless entry systems, which can easily be deactivated if necessary, offering enhanced safety and flexibility for residents. These systems are often integrated with smart technology like facial recognition, motion sensors, and surveillance cameras in communal areas (except bathrooms) to ensure a secure living environment.

Co-living spaces must meet International Building Codes (IBC) and International Fire Codes (IFC) and comply with all City of Portsmouth building codes and safety regulations, which may include more stringent egress and sprinkler systems due to higher occupancy densities ([ArchDaily](#)). In many cases, a property manager is required to be on site 24/7. ([alexandriava.gov](#))

- Recommended zoning change: For any co-living use with more than 10 occupants, a full-time employee of the property owner or management company must be on-site 24/7, similar to a Resident Assistant (RA) in a college dormitory.