

Order 199-04/05
Given first reading: 3/21/05
Passage: 4/4/05 9-0

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AMENDMENT TO CITY CODE

CHAPTER 14, DIVISION 2, R-1 RESIDENTIAL ZONE: §14-68
CHAPTER 14, DIVISION 3, R-2 RESIDENTIAL ZONE: §14-78
CHAPTER 14, DIVISION 4, R-3 RESIDENTIAL ZONE: §14-88
CHAPTER 14, DIVISION 20, OFF-STREET PARKING: §14-332

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

1. That Chapter 14 (Land Use), Art. III (Zoning), Division 2 (Residential-1), Section 14-68 is hereby amended to read as follows:

Sec. 14-68. Conditional uses.

The following uses are 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:

(a) Residential.

2. Alteration or construction of a single-family detached dwelling to accommodate an accessory dwelling unit within the building and clearly subordinate to the principal dwelling for the benefit of ~~older or handicapped~~ homeowners or tenants provided that:

- a. The accessory unit shall be no more than ~~twenty-five~~thirty (2530) percent of the gross floor area of the principal building and shall have a minimum floor area of four hundred (400) square feet; gross floor area shall exclude any floor area that has less than two-thirds of its floor-to-ceiling height above the average adjoining ground level; gross floor area may include attic space if such space shall be included as habitable space within either dwelling unit;
- b. Lot area shall be ten thousand (10,000) square feet for single-family dwellings in existence as of May 1, 1984, and lot area shall be fifteen thousand (15,000) square feet for single-family dwellings constructed after May 1, 1984;
- c. There shall be no open, outside stairways or fire escapes above the ground floor;
- d. Any additions or exterior alterations such as facade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the single-family appearance of the building;
- e. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:

- i. Any additions or exterior alterations, such as facade materials, building form and roof pitch shall be designed to be compatible with

the architectural style of the building and preserve the single-family appearance of the building.

ii. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped to properly screen vehicles from adjacent properties and streets.

~~A lower level dwelling unit shall have a minimum two thirds of its floor to ceiling height above the average adjoining ground level;~~

f. Either the accessory unit or the principal dwelling shall be occupied by the owner of the lot on which the principal building is located, except for bona fide temporary absences; and

g. Parking shall be provided as required by division 20 of this article.

~~Either the accessory unit or the principal dwelling shall be occupied by a person sixty (60) years of age or older or by a handicapped person.~~

2. That Chapter 14 (Land Use), Art. III (Zoning), Division 3 (Residential-2), Section 14-78 is hereby amended to read as follows:

Sec. 14-78. Conditional use.

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:

2. Alteration or construction of a single-family detached dwelling to accommodate an accessory dwelling unit within the building and clearly subordinate to the principal dwelling for the benefit of ~~older or handicapped~~ homeowners or tenants provided that:

a. The accessory unit shall be no more than ~~twenty five~~thirty (2530) percent of the gross floor area of the principal building and shall have a minimum floor area of four hundred (400) square feet; gross floor area shall exclude any floor area that has less than two-thirds of its floor-to-ceiling height above the average adjoining ground level; gross floor area may include attic space if such space shall be included as habitable space within either dwelling unit;

b. Lot area shall be eight thousand (8,000) square feet for single-family dwellings in existence as of May 1, 1984, and lot area shall be ten thousand (10,000) square feet for single-family dwellings constructed after May 1, 1984;

c. There shall be no open, outside stairways or fire escapes above the ground floor;

d. Any additions or exterior alterations such as facade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the single-family appearance of the building;

e. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:

i. Any additions or exterior alterations, such as facade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the building and preserve the single-family appearance of the building.

ii. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped to properly screen vehicles from adjacent properties and streets. A lower level dwelling unit shall have a minimum two thirds of its floor to ceiling height above the average adjoining ground level;

- f. Either the accessory unit or the principal dwelling shall be occupied by the owner of the lot on which the principal building is located, except for bona fide temporary absences; and
- g. Parking shall be provided as required by division 20 of this article. Either the accessory unit or the principal dwelling shall be occupied by a person sixty (60) years of age or older or by a handicapped person.

3. That Chapter 14 (Land Use), Art. III (Zoning), Division 2 (Residential-3), Section 14-88 is hereby amended to read as follows:

Sec. 14-88. 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) and any special provisions, standards or requirements specified below:

(a) *Residential:*

2. Alteration or construction of a detached single-family dwelling ~~existing as of June 5, 1957, with floor area exceeding fifteen hundred (1,500) square feet,~~ to accommodate one (1) additional dwelling unit for the benefit of homeowners or tenants, provided that:

a. The accessory unit shall be no more than thirty (30) percent of the gross floor area of principal building and shall have a minimum floor area of four hundred (400) square feet; gross floor area shall exclude any floor area that has less than two-thirds of its floor-to-ceiling height above the average adjoining ground level; gross floor area may include attic space if such space shall be included as habitable space within either dwelling unit;

~~No additional dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;~~

b. There shall be ~~No~~ open outside stairways or fire escapes above the ground floor shall be or have been constructed in the immediately preceding five (5) years;

c. The alteration will not result in a total cubical volume increase of more than ten (10) percent within the five (5) years immediately preceding the date of alteration;

~~d.~~ Any building additions or exterior alterations such as facade materials, building form, or roof pitch shall be designed to be compatible with the architectural style and to maintain the single-family appearance of the dwelling;

~~e. A lower level dwelling unit shall have a minimum two thirds of its floor to ceiling height above the average adjoining ground level;~~

- ~~d.f.~~ — A minimum lot size of ~~six thousand five hundred ten thousand~~ (6,500+0,000) square feet of land area shall be required;
- g. No dwelling unit shall be reduced in size to less than one thousand (1,000) square feet of floor area, exclusive of common areas and storage in basement or attic;
- h. Parking shall be provided as required by division 20 of this article;
- i. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:
 - 1. Any additions or exterior alterations such as facade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the building;
 - 2. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped to properly screen vehicles from adjacent properties and streets; ~~and -~~
 - j. Either the accessory unit or principal unit shall be occupied by the lot owner, except for bona fide temporary absences.

4. That Chapter 14 (Land Use), Art. III (Zoning), Division 20 (Off-Street Parking), Section 14-332 is hereby amended to read as follows:

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

In all zones where off-street parking is required, 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:

(a) *Residential structures:*

...

- 2. For alterations or changes of use in existing structures, which create new or additional dwelling units in such structures, and for accessory units pursuant to §§14-68, 78, 88, one and one half (1-1/2) additional parking spaces for each such unit. Existing parking spaces shall not be used to meet the parking requirements of this paragraph, unless the existing parking spaces exceed one (1) space for each dwelling unit.