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Public Hearing & Passage: 6/21/10 9-0

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**CITY OF PORTLAND**  
IN THE CITY COUNCIL

JOHN R. COYNE (5)  
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DORY RICHARDS WAXMAN (A/L)  
JILL C. DUSON (A/L)

**AMENDMENT TO PORTLAND CITY CODE  
CHAPTER 14. LAND USE  
ARTICLE III. ZONING**

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

*That sections 14-68, 14-78, 14-88, 14-103, 14-118, 14-128, 14-137, 14-140, 14-142, 14-145.3, 14-145.9, 14-145.18, 14-147.5, 14-152.4, 14-158, 14-221, 14-227, 14-230, 14-232, 14-247, 14-273, 14-299, 14-304, 14-309, 14-315, 14-320.3, 14-320.10, 14-385, 14-404, 14-410, 14-423, 14-488, and 14-526 of the Portland City Code be hereby amended to read as follows:*

**Section 14-68. Conditional uses.**

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

(c) Other:

. . . .

(4) Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, and nursery schools and kindergartens subject to the following conditions:

. . . .

(e) Day care facilities, nursery schools and kindergartens located either in structures that have been residential use within the past five (5) years or in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children shall meet the following additional standards:

. . . .

vi. *Off-street parking*: Off-street parking is required as provided in Division 20 (off-street parking) of this article. ~~Off street parking shall be provided on the site for all staff of the facility. Parking for the facility shall not interfere with access to or use of play areas. Parking spaces may be stacked or placed side by side in order to lessen their impact on the residential character of the lot and the neighborhood, and shall not be located closer than five (5) feet from the property line of any abutting residential use or residentially zoned site;~~

**Section 14-78. Conditional uses.**

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

(c) Other:

. . .

(3) Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, and nursery schools and kindergartens subject to the following conditions:

. . .

(e) Day care facilities, nursery schools and kindergartens located either in structures that have been residential use within the past five (5) years or in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children shall meet the following additional standards:

. . .

vi. *Off-street parking*: Off-street parking is required as provided in Division 20 (off-street parking) of this article. ~~Off street parking shall be provided on the site for all staff of the facility. Parking for the facility shall not interfere with access to or use of play areas. Parking spaces may be stacked or placed side by side in order to lessen their impact on the residential character of the lot and the neighborhood, and shall not be located closer than five (5) feet from the property line of any abutting residential use or residentially zoned site;~~

**Section 14-88. Conditional uses.**

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

(d) Other:

. . .

(3) Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, and nursery schools and kindergartens subject to the following conditions:

. . .

(e) Day care facilities, nursery schools and kindergartens located either in structures that have been residential use within the past five (5) years or in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children shall meet the following additional standards:

. . .

vi. *Off-street parking*: ~~Off-street parking is required as provided in Division 20 (off-street parking) of this article. Off street parking shall be provided on the site for all staff of the facility. Parking for the facility shall not interfere with access to or use of play areas. Parking spaces may be stacked or placed side by side in order to lessen their impact on the residential character of the lot and the neighborhood, and shall not be located closer than five (5) feet from the property line of any abutting residential use or residentially zoned site;~~

**Section 14-103. Conditional uses.**

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

(c) Other:

. . .

(3) Day care facilities or home babysitting services not permitted as a home occupation under section 14-

410, and nursery schools and kindergartens subject to the following conditions:

. . .

(e) Day care facilities, nursery schools and kindergartens located either in structures that have been residential use within the past five (5) years or in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children shall meet the following additional standards:

. . .

vi. *Off-street parking*: Off-street parking is required as provided in Division 20 (off-street parking) of this article. ~~Off street parking shall be provided on the site for all staff of the facility. Parking for the facility shall not interfere with access to or use of play areas. Parking spaces may be stacked or placed side by side in order to lessen their impact on the residential character of the lot and the neighborhood, and shall not be located closer than five (5) feet from the property line of any abutting residential use or residentially zoned site;~~

**Section 14-118. Conditional uses.**

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

(c) Other:

. . .

(3) Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, and nursery schools and kindergartens subject to the following conditions:

. . .

(e) Day care facilities, nursery schools and kindergartens located either in structures that have been residential use within the past five (5) years or in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children shall meet the following additional standards:

. . .

vi. *Off-street parking*: Off-street parking is required as provided in Division 20 (off-street parking) of this article. ~~Off street parking shall be provided on the site for all staff of the facility. Parking for the facility shall not interfere with access to or use of play areas. Parking spaces may be stacked or placed side by side in order to lessen their impact on the residential character of the lot and the neighborhood, and shall not be located closer than five (5) feet from the property line of any abutting residential use or residentially zoned site;~~

**Section 14-128. Conditional uses.**

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

(b) Other:

. . .

(3) Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, and nursery schools and kindergartens subject to the following conditions:

. . .

(e) Day care facilities, nursery schools and kindergartens located either in structures that have been residential use within the past five (5) years or in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children shall meet the following additional standards:

. . .

vi. *Off-street parking*: Off-street parking is required as provided in Division 20 (off-street parking) of this article. ~~Off street parking shall be provided on the site for all staff of the facility. Parking for the facility shall not interfere with access to or use of play areas. Parking spaces may be stacked or placed side by side in order to lessen their impact on the residential character of the lot and the neighborhood, and shall not be located closer than five (5) feet from the property line of any abutting residential use or residentially zoned site;~~

**Section 14-137. Conditional uses.**

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

(c) Other:

. . .

(2) Professional offices of a member of a recognized profession maintained for the conduct of that profession. Professional office uses exclude personal services, retail services, and veterinarians.

. . .

Professional office uses shall meet the following standards in addition to the provisions of section 14-474, except that subsections a., b., c. and d. of this section 14-137(c)(2) shall not apply to the use of any building not designed or constructed for residential use, which was not in actual use as a residence on April 18, 1984, or thereafter.

. . .

f. Off-street parking is required as provided in Division 20 (off-street parking) of this article.

(6) Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, and nursery schools and kindergartens subject to the following conditions:

. . .

(e) Day care facilities, nursery schools and kindergartens located either in structures that have been residential use within the past five (5) years or in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children shall meet the following additional standards:

. . .

vi. *Off-street parking*: Off-street parking is required as provided in Division 20 (off-street parking) of this article. ~~Off street parking shall be provided on the site for all staff of the facility. Parking for the facility shall not interfere with access to or use of play areas. Parking spaces may be stacked or placed side by side in order to lessen their impact on the~~

~~residential character of the lot and the neighborhood, and shall not be located closer than five (5) feet from the property line of any abutting residential use or residentially zoned site;~~

**Section 14-140. Other requirements.**

(a) *Off street parking*: Off-street parking is required as provided in Division 20 (off-street parking) of this article.

. . .

**Section 14-142. Permitted uses.**

Permitted uses in the R-7 compact urban residential overlay Zone, shall be the uses permitted in the R-6 Zone, except that:

(a) Residential uses shall comply with the following dimensional requirements:

. . .

(b) *Off-street parking*: Off-Street parking is required as provided in Division 20 (off-street parking) of this article.

. . .

**Section 14-145.3. Conditional uses.**

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

(c) Other:

. . .

(7) Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, and nursery schools and kindergartens subject to the following conditions:

. . .

(e) Day care facilities, nursery schools and kindergartens located either in structures that have been residential use within the past five (5) years or

in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children shall meet the following additional standards:

. . . .

vi. *Off-street parking*: Off-street parking is required as provided in Division 20 (off-street parking) of this article. ~~Off street parking shall be provided on the site for all staff of the facility. Parking for the facility shall not interfere with access to or use of play areas. Parking spaces may be stacked or placed side by side in order to lessen their impact on the residential character of the lot and the neighborhood, and shall not be located closer than five (5) feet from the property line of any abutting residential use or residentially zoned site;~~

**Section 14-145.9. Conditional uses.**

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

(c) Other:

. . . .

(6) Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, and nursery schools and kindergartens subject to the following conditions:

. . . .

(e) Day care facilities, nursery schools and kindergartens located either in structures that have been residential use within the past five (5) years or in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children shall meet the following additional standards:

. . . .

vi. *Off-street parking*: Off-street parking is required as provided in Division 20 (off-street parking) of this article. ~~Off street parking shall be provided on the site for all staff of the facility. Parking for the facility shall not interfere with access to or use of play areas. Parking spaces may be stacked or placed side by side in order to lessen their impact on the residential character of the lot and the neighborhood,~~

~~and shall not be located closer than five (5) feet from the property line of any abutting residential use or residentially zoned site;~~

**Section 14-145.18. Other requirements.**

Other requirements include the following:

. . . .

(b) *Off-street parking:* Off-street parking is required as provided in Division 20 (off-street parking) of this article.

**Section 14-147.5. Conditional uses.**

The following uses are permitted as provided in section 14-474 (conditional uses) if they meet the following requirements:

(d) Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, and nursery schools and kindergartens for up to twelve (12) children shall be allowed as a conditional use:

. . . .

(e) Day care facilities, home babysitting services, nursery schools and kindergartens that serve more than 12 children shall meet the following additional standards:

. . . .

~~7. *Off-street parking:* Off-street parking is required as provided in Division 20 (off-street parking) of this article. Off-street parking shall be provided on the site for all staff of the facility. Parking for the facility shall not interfere with access to or use of play areas. Parking spaces may be stacked or placed side by side in order to lessen their impact on the residential character of the lot and the neighborhood, and shall not be located closer than five (5) feet from the property line of any abutting residential use or residentially zoned site.~~

**Sec. 14-152.4. Parking.**

*Off-street parking:* Off-street parking is required as provided in Division 20 (off-street parking) of this article.

~~The parking requirements of section 14-332 shall not apply to university buildings. Instead, the amount of parking required for any university building or building addition shall be determined by the planning board during site plan review, based on an analysis of campus wide parking demand and supply, pursuant to a comprehensive university parking management plan, and treating all contiguous land (including land on opposite sides of the street) owned by the university as one lot. In determining the amount of parking required for any university building, the planning board may take into account such factors as:~~

- ~~(a) The availability of off campus parking and shuttle transportation to and from such off campus facilities.~~
- ~~(b) The ratio of commuter students to resident students.~~
- ~~(c) The use of centrally located on campus parking facilities so situated that students, faculty, staff and visitors arriving on campus can reasonably be expected to park in the central facilities and walk to their various on campus destinations during the course of a school day.~~
- ~~(d) Shared use of a single parking facility by two or more buildings when the peak parking demand periods for such buildings do not overlap.~~
- ~~(e) Development and implementation of a parking management plan which discourages on street parking. On street parking shall not be used to satisfy the university's parking demand.~~
- ~~(f) Development and implementation of programs designed to reduce the number of automobiles parking on campus, such as ride share programs and incentives for use of bicycles and public transportation.~~

**Section 14-158. Development Standards for recreation and open space zone.**

All development in the recreation and open space zone shall comply with the following development standards, which shall be reviewed by the planning board in conjunction with the site plan review:

. . . .

- (g) *Off-street parking:* Off-street parking is required as provided in Division 20 (off-street parking) of this article. ~~Off street parking shall conform to the requirements of division 20 of this article,~~

~~where applicable. Otherwise, off street parking adequate to serve projected employee and visitor needs shall be provided. Parking needs projections provided by the applicant or the planning department should be considered in the review.~~

**Section 14-221. Other requirements and standards.**

. . . .

(b) *Off-street parking and loading:* Off-street parking and loading are required as provided in Division 20 and Division 21 of this article. ~~except that no off street parking is required for changes of use.~~

**Section 14-227. Other requirements.**

(a) *Off-street parking:* Off-street parking is required as provided in Division 20 (off-street parking) of this article. ~~Off street parking shall be required at twenty five (25) percent of the required number of parking spaces for specified uses as provided in division 20 (off street parking) of this article, except that residential uses shall meet the full parking requirement.~~

**Section 14-230.5. Performance standards.**

All uses shall comply with the following standards:

. . . .

(f) *Off-street parking:* Off-street parking is required as provided in Division 20 (off-street parking) of this article. ~~and loading: No off street parking shall be required.~~

(g) Off-street loading: Off-street loading is required as provided in Division 21 of this article.

**Section 14-232. Permitted uses.**

The following uses are permitted whether provided by private or public entities in the low impact industrial zone and the I-Lb zone:

. . . .

- (i) Day care facilities, provided that:
  - 1. Proof of licensing with the Maine Department of Human Services is submitted to the city prior to issuance of a certificate of occupancy;

2. *Off-street parking:* Off-street parking is required as provided in Division 20 (off-street parking) of this article. ~~shall be provided, with one (1) parking space per employee, plus one (1), based upon the number of employees required through state licensing for potential maximum capacity of such facility;~~

**Section 14-247. Permitted uses.**

The following uses are permitted whether provided by private or public entities in the I-M moderate impact industrial zone, the I-Ma and the I-Mb zone:

. . . .

- (o) Day care facilities, provided that:
  1. Proof of licensing with the Maine Department of Human Services is submitted to the city prior to issuance of a certificate of occupancy;
  2. *Off-street parking:* ~~Off-street parking is required as provided in Division 20 (off-street parking) of this article. shall be provided, with one (1) parking space per employee, plus one (1), based upon the number of employees required through state licensing for potential maximum capacity of such facility;~~

**Section 14-273. Performance standards.**

All new development in the B-6 Eastern Waterfront Business Zone shall comply with the following standards:

. . . .

- (f) ~~Off-street parking: and loading.~~ Off-street parking is required as provided in Division 20 (off-street parking) of this article.
- (g) Off-street loading: Division 21 of this article, off-street shall not apply.

**Section 14-299. Performance standards.** (f) ~~Off-street parking: and loading.~~ Off-street parking is required as provided in Division 20 (off-street parking) of this article.

(g) Off-street loading: Division 21 of this article, (off-street loading) shall not apply.

**Section 14-304(h). Performance standards,**

Development in the Eastern Waterfront Port Zone shall comply with the following standards:

. . . .

(h) *Off-street parking:* Off-street parking is required as provided in Division 20 (off-street parking) of this article. ~~Except as required pursuant to article V (site plan), off street parking is required at fifty (50%) percent of the required number of parking spaces for specified uses as otherwise provided in division 20 of this article.~~

**Section 14-309. Conditional use.**

. . . .

(2) Conditional uses:

. . . .

e. ~~Boat rack storage facilities provided that:~~

~~i. Parking shall be provided for one hundred percent (100%) of the demand generated by the use (notwithstanding 14-315(h)), and such parking shall be provided off site, in another zone permitting such use.~~

**Section 14-315. Performance standards.**

All uses in the waterfront central zone shall comply with the following standards:

. . . .

(h) *Off-street parking:* Off-street parking is required as provided in Division 20 (off-street parking) of this article. ~~Except as provided in section 14-309 or as required pursuant to article V (site plan), off street parking is required at fifty percent (50%) of the required number of parking spaces for specified uses as otherwise provided in division 20 of this article.~~

**Section 14-320.3. Performance standards.**

All uses in the waterfront port development zone shall comply with the following standards:

. . . .

(h) *Off-street parking:* Off-street parking is required as provided in Division 20 (off-street parking) of this article. ~~Except as required pursuant to article V (site plan), off street parking is required at fifty (50) percent of the required number of parking spaces for specified uses as otherwise provided in division 20 of this article.~~

**Section 14-320.10. Performance standards.**

All uses in the waterfront special use zone shall comply with the following standards:

. . . .

(h) *Off-street parking:* Off-street parking is required as provided in Division 20 (off-street parking) of this article. ~~Except as provided in section 14-315 or as required pursuant to article V (site plan), off street parking is required at fifty (50) percent of the required number of parking spaces for specified uses as otherwise provided in division 20 of this article.~~

**Section 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, alternations which increase the number of units, and changes of use:

. . . .

(t) *Day care facilities:* Off-street parking shall be provided on the site for all staff of the facility. Parking for the facility shall not interfere with access to or use of play areas. In residential zones parking spaces may be stacked or placed side by side in order to less their impact on the residential character of the lots and the neighborhood, and shall not be located closer than five (5) feet from the property line of any abutting residential use or residentially zoned site;

(u) *Private clubs:* One (1) parking space for each one hundred fifty (150) square feet, or major fraction thereof, of floor area.

(v) *Community Centers:* One (1) parking space for each 150 square feet, or major fraction thereof, of floor area, except for community centers which serve primarily clientele from the surrounding neighborhood, the

parking requirement shall be one (1) parking space per 1,000 square feet, or major fraction thereof, of floor area.

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**Sec. 14-332.1. Zone specific off-street parking exceptions and modifications**

The off-street parking requirements established for uses, established above in Section 14-332 of this division, are hereby modified for the following zones according to the provisions described below.

(a) *IR-3, Island Residential Zone, Off-street Parking;*  
Off-street parking shall not be required irrespective of the requirements of division 20 (off-street parking) of this article.

(b) *USM Overlay Zone, Parking:*

The parking requirements of section 14-332 (division 2) shall not apply to university buildings. Instead, the amount of parking required for any university building or building addition shall be determined by the planning board during site plan review, based on an analysis of campus-wide parking demand and supply, pursuant to a comprehensive university parking management plan, and treating all contiguous land (including land on opposite sides of the street) owned by the university as one lot. In determining the amount of parking required for any university building, the planning board may take into account such factors as:

- (1) The availability of off-campus parking and shuttle transportation to and from such off-campus facilities.
- (2) The ratio of commuter students to resident students.
- (3) The use of centrally located on-campus parking facilities so situated that students, faculty, staff and visitors arriving on campus can reasonably be expected to park in the central facilities and walk to their various on-campus destinations during the course of a school day.
- (4) Shared use of a single parking facility by two or more buildings when the peak parking demand periods for such buildings do not overlap.

- (5) Development and implementation of a parking management plan which discourages on-street parking. On-street parking shall not be used to satisfy the university's parking demand.
- (6) Development and implementation of programs designed to reduce the number of automobiles parking on campus, such as ride share programs and incentives for use of bicycles and public transportation.
- (c) *Recreation Open Space Zone:* Off-street parking adequate to serve projected employee and visitor needs shall be provided. Parking needs projections provided by the applicant or the planning department should be considered in the review.
- (d) *Change of use in the B-2b zone:*
1. A change of use of 10,000 sq. ft. or less of floor area of a building or a portion of a building need not provide parking for non-residential uses, provided that if the number of existing parking spaces serving the site is less than the requirements of this division, that number of parking spaces may not be reduced lower than the required amount prior to the change of use except:
    - a. To the extent necessary to meet the requirements of the Americans with Disability Act; or
    - b. To the extent it is a requirement or a condition of site plan review; or
    - c. To the extent the change of use requires less parking than the previous use and the total number of parking spaces serving the site exceeds the parking requirements of this division for all uses on the site including the change of use.
  2. A newly constructed building, a building addition or a change of the use of a building exceeding 10,000 sq. ft. of floor area, shall provide the parking required by this division.
- (e) *B-3 Zone;* No off-street parking is required for changes of use.

- (f) *I-R1, Island Business Zone: Off-street parking shall be required at twenty-five (25) percent of the required number of parking spaces for specified uses as provided in division 20 (off-street parking) of this article, except that residential uses shall meet the full parking requirement.*
- (g) *B-5 Zone: No off-street parking shall be required.*
- (h) *B-6 Eastern Waterfront Mixed Use Zone: Off street parking for all projects regardless of size, shall be governed by **14-332.2(c)** of this article.*
- (i) *B-7, Mixed Development District Zone: Off street parking for all projects regardless of size, shall be governed by 14-332.2(c) of this article.*
- (j) *Waterfront Zone Parking Requirements: Eastern Waterfront Port Zone, Waterfront Central Zone, Waterfront Port Development Zone, Waterfront Special Use Zone; Off-street parking is required at fifty (50%) percent of the required number of parking spaces for specified uses as otherwise provided in division 20 of this article.*

**Sec. 14-332.2. Categorical exceptions and modifications to off-street parking requirements**

Regardless of which zone a project of use is located, the following exceptions to the off-street parking requirements listed above in section 14-332 are additionally hereby established.

- (a) *Home occupation, Section 14-410; Any need for parking generated by the conduct of a home occupation allowed under Section 14-410 of this article shall be met off the street and other than in a required front yard;*
- (b) *Incentives for affordable housing - parking reductions; For each affordable housing unit for rent or sale within an eligible project under the Affordable Housing Ordinance established in 14-488(b) of this article, no more than one (1) parking space shall be required. The planning board may establish a parking requirement for affordable housing units for rent or sale within an eligible project that is less than one (1) parking space per affordable housing unit, regardless of the size of the structure.*

(c) *Site Plans over 50,000 square feet and projects in the B-6, B-7, and USM Overlay Zones;* Where construction is proposed of new structures having a total floor area in excess of fifty thousand (50,000) square feet, the Planning Board shall establish the parking requirement for such structures. The parking requirement shall be determined based upon a parking analysis submitted by the applicant and upon the recommendation of the city transportation engineer.

(d) *Exception for historic structures;* No parking in excess of that existing on or servicing the lot as of March 15, 1999 shall be required for any structure under Article IX of this Chapter, as a contributing structure in a local or National Register historical district, or as a locally designated or National Register landmark building; however, parking may not be decreased from that existing on or servicing the lot on March 15, 1999 except to the extent necessary to meet the requirements of the Americans with Disabilities Act.

**Sec. 14-332.3. Uses requiring off-street bicycle parking.**

In all zones where off-street motor vehicle parking is required, minimum off-street bicycle parking requirements shall be provided and maintained in the case of new construction, alterations and changes of use as specified in Section 14-526(a)(2) (Site Plan Standards).

**Section 14-385. Restoration or reconstruction within an existing footprint of damaged nonconforming building or premises.**

A nonconforming building, or building of nonconforming use, damaged by fire, explosion, flood, riot, act of the public enemy, accident of any kind, decay or otherwise may be restored or rebuilt only where:

. . . .

(e) Any reconstruction, under this provision, in the residential R-6 zone on a lot with 10,000 square feet or less, other than the exact restoration of a previously existing building on the site, shall comply with the applicable standards contained within the Planning and Development Design Manual, ~~and may only apply the parking provisions of small residential lot development in the R-6 zone.~~

**Section 14-404. Accessory use.**

The term "accessory use" shall include only the following:

. . .

(b) Off-street parking when serving conforming uses located in any zone. ~~but not more than one (1) motor vehicle may be parked or stored per dwelling unit, except that three (3) motor vehicles may be parked on any lot used for a single or two (2) family house.~~

**Section 14-410. Home occupation.**

*Purpose.* The purpose of home occupations is to allow the secondary and incidental use of a residence for the conduct of appropriate occupations whose external activity levels and impacts are so limited as to be compatible with the residential character of the neighborhood.

(a) In connection with the operation of a home occupation, within a dwelling unit, the following requirements shall be met:

. . .

(6) *Off-street parking:* Off-street parking is required as provided in Division 20 (off-street parking) of this article. ~~Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;~~

~~When two (2) or more uses occupy the same building or premises, the off street parking and loading requirements and the area per dwelling unit requirements of both uses shall be met in full.~~

**Section 14-488. Density, parking and dimensional bonuses and reductions.**

Notwithstanding any other provision of this chapter to the contrary:

. . .

(b) *Off-street parking.* Off-street parking is required as provided in Division 20 (off-street parking) of this article. ~~*Parking requirement reduction.* For each affordable housing unit for rent or sale within an eligible project, no more than one (1) parking space shall be required. The planning board may establish a parking requirement for affordable housing units for rent or sale within an eligible project that is less than one (1) parking space per affordable housing unit, regardless of the size of the structure.~~

**Sec. 14-526. Standards.**

(a) Requirements for approval. The planning board or planning authority shall not approve a site plan unless it meets the following criteria:

. . . .

(2) a. The off-street parking requirement for site plans is established in Division 20 of this article. ~~Where construction is proposed of new structures having a total floor area in excess of ten thousand (10,000) square feet but less than fifty thousand (50,000) square feet, or building additions having a total floor area in excess of five thousand (5,000) square feet, and the provisions for off street parking under article III (zoning) do not require off street parking or are determined to be insufficient, the site plan shall provide sufficient parking to satisfy the reasonably foreseeable demand for parking which will be generated by the proposed development;~~

b. ~~Where construction is proposed of new structures having a total floor area in excess of fifty thousand (50,000) square feet, the Planning Board shall establish the parking requirement for such structures. The parking requirement shall be determined based upon a parking analysis submitted by the applicant, which shall be reviewed by the city traffic engineer, and upon the recommendation of the city traffic engineer.~~