



City of Portland

ReCode Committee

September 23, 2019
5:30 p.m.
Room 209, City Hall

Councilor Kimberly Cook, District 5, Chair
Councilor Brian Batson, District 3
Councilor Justin Costa, District 4

1. Review and Accept Minutes of Previous Meeting
 - a. Draft Minutes from the 6-24-19 Meeting
2. Introduction
3. Update on ReCode Phase 1
 - a. Memo on ReCode Update
4. Update on Definitions
5. Update on Parking Policy
6. Update on Accessory Dwelling Unit Policy
7. Briefing on Coastal Resiliency Initiative
8. Next Steps

ReCode Committee

Draft Minutes of June 24, 2019 Meeting

A meeting of the Portland City Council's Ad Hoc Recode Committee was held on Monday, June 24, 2019 at 5:30 P.M. in room 209 of Portland's City Hall. Councilors present at the meeting included Councilor Cook, Councilor Batson, and Councilor Costa. Planning Board members present included Brandon Mazer. City staff present included Jeff Levine, Director of Planning and Urban Development, Christine Grimando, City Planning Director, and Matthew Grooms, Senior Planner.

[**Note:** Video of this committee meeting can be located on the city's website: https://townhallstreams.com/stream.php?location_id=42&id=23255]

Item 1: Introduction

City staff provide an overview about the recode process, describing it to be the first recode update in over 50 years, which is intended to cover many topics within its scope in order to improve accessibility, consistency, and to align the code with the vision of the City's comprehensive plan. Phase 1 of the recode effort was largely organizational which sought to restructure the current land-use code and make more intuitive. Staff describe that also some policy goals/initiatives are covered during the phase 1 process, which include impact fees, signs, and accessory dwelling units.

Ms. Grimando hopes to provide an overview on the progress that's been made so far and to then seek feedback on some policy decision points that have surfaced when updating these parts of the code.

Staff begin a slideshow presentation covering these topic areas [6-24-2019 Slideshow Slides can be found here: <https://portlandme.civicclerk.com/Web/GenFile.aspx?ad=2573>]

Item 2: Definitions

Councilor Cook asks if non-profit housekeeping unit is defined in the current code.

Ms. Grimando answers the current code does not.

Councilor Cook provides that the definition of nonprofit housekeeping unit is as important as the number of individuals. She describes the definition is related to recovery houses and other issues. She provides that it doesn't seem if businesses are running nonprofit housekeeping units are actually operating as a nonprofit, unless they're established by the state as a non-profit corporation. She's provides it may be helpful to observe surrounding towns' definitions such as family, recovery houses, and what they consider nonprofit housekeeping units and other types of sober houses in order to ensure Portland's takes neighboring communities' frameworks into account.

Ms. Grimando provides that the definitions are more complicated, and that definition for recovery houses for example are not always clear because the use interacts with the definition of

family. She provides that there are a various recovery related residences and facilities that could use some clarification during the discussion.

Councilor Cook provides that the context of what Portland does and the other towns and cities in Maine will help educate the Planning Board and full council as they decide the appropriate definition is.

Item 3: Parking: Current policies, potential changes

The Presentation continues with Matt Grooms discussing recode policy ideas starting with the topic of parking. Policy ideas centered around the following:

Suggested Approaches

- 1) reduce the residential parking requirement*
- 2) further expand the zone-based parking exemptions*
- 3) expand the fee-in-lieu system*
- 4) expand join use/ shared use parking provisions*
- 5) expand parking study options*

Mr. Grooms recaps the Planning Board's feedback on these ideas. He describes there was broad support for reducing the residential parking requirements down to one space per unit. He described another interesting suggestion that was raised was for the fee-in-lieu system being used in addition to or just applying to developments seeking to provide more than the required parking provided as opposed to less. He shares an internal thought which was to potentially restrict the offsite parking provision further to help incentive the fee-in-lieu system. He describes more feedback which suggests exploring instituting parking maximums on transit accessible areas. He concludes with one thought that wasn't shared with the Planning Board, but came up was to explore using city code to help facilitate development of electric vehicle charging stations.

Item 4: Accessory Dwelling Units: Existing policies, proposed policy

Mr. Grooms continues the presentation introducing and discussing Accessory Dwelling Units (ADU).

Councilor Cook asks whether there is currently a definition of ADUs in city-code.

Mr. Grooms answers there isn't currently a well-defined definition, and that it differs depending on zone, and typically not referred to as Accessory Dwelling Units.

Councilor Cook asks why ADUs aren't used for three family homes as well as single and two family

Ms. Grimando explains ADUs being treated in different zones because the way it's ADUs are one tool which is not always evenly applied. She also describes that ADUs is one way to unlock

density in some lower residential neighborhoods, and that it's generally modeled on lower to medium density zones, where they're likely used more.

Councilor Cook describes that generally seeing ADUs as housing units versus through a lens of density. She also describes the ADUs as often being infill development versus new construction. She also provides feedback using an example of how policy allows for garages in two-family homes to be used as an ADU but not in a three-family home garage.

Mr. Grooms continues the discussion, concludes saying the goal of this work is to increase housing density city-wide using ADUs as one of the tools, and to reduce obstacles that prevent ADUs being developed and increase opportunities for them to be developed

Suggested Approaches

- 1) Broaden the allowable form*
- 2) Allow ADUs permitted city-wide*
- 3) Create low threshold design standards for ADUs to have a more residential appearance and location*
- 4) No requirement for creation of parking space per ADU unit*
- 5) For internal or detached accessory structures, a max SF of 800 SF or less than 1/3 of the floor area of the principle unit*
- 6) The maximum unit size for detached cottage structures ADU to have a max unit size is 600SF or less than 1/3 of the floor area of the principle unit*

He describes the Planning Board feedback being generally favorable towards these approaches. Particularly making ADU permitted by right, as well supporting more broadly permitting ADUs based on location and form. He describes the Planning Board asking two main questions. The first centered around design standards and visibility. The other asked whether there were opportunities on certain properties to have ADUs be more visible.

Councilor Batson how visibility differs in surrounding communities

Mr. Grooms describes generally communities will have some kind of design requirements, but generally the idea is that they aren't not as visible.

Mr. Levine says the current phase one approach to focuses on ADUs as an incremental approach for residential zones

Councilor Costa asks what zones have income restrictions on ADUs

Staff answer that currently there are versions similar to ADUs on Peaks Island, where if there is existing space you can create a unit, but you can't build new ADU space, and that the current ideas being discussed would supersede the current code.

Councilor Cook asks staff about the status of the timeline for phase 1 of the ReCode process.

Ms. Grimando explains all draft chapters are in various phases of completion. She provides that likely by August there should be a full document to review during a series of meetings. She

anticipates meeting again with the Planning Board this summer for a workshop to discuss a status update and completion check in.

Councilor Cook asks committee members about their preferences, and how the process will proceed with forwarding the committees policy input to the Planning Board

Councilor Batson describes it will be important to have input to forward prior to the Planning Board voting on a draft.

Ms. Grimando suggests having strategically having meetings on portions of the full draft in order to be able examine each chapter in depth.

Councilor Cook agrees that policy guidance should be provided by committee members prior to the Planning Board, and is in support of phasing the review of sections if it will help the process move more efficiently.

Councilor Costa provides that the committee's feedback will mainly advise on the broad range of concerns and then have the Planning Board examine with a finer tooth comb.

Mr. Levine asks for guidance if whether staff should either begin providing completed sections to the committee, or a full completed draft

Councilor Cook clarifies that whichever route is more efficient to have reviewed

Councilor Cook allows a member of the public to ask a clarifying question

Item 5: Public Comment Summary

Public Comment

Zach Barowitz asks what the difference is between detached and cottage.

Mr. Grooms answers that a detached could be a unit above a garage that has been converted into an accessory dwelling unit, as opposed to a cottage which looks like a tiny house.

Councilor Cook invites any comments from the public about process that might help the council, board, or staff making sure the process goes well

Rachel Conly comments that one and two-family homes are logically aligned with building code and the permitting application process. She also responds about potential obstacles for making ADUs possible. She says lot size and set backs are obstacles, where there are many properties that exist which are nonconforming and would not allow ADUs.

Zach Barowitz comments that the household definition is a much more useful term than using the outdated term family. He comments that is the parking requirement was less for development there it would allow buildings to accommodate more housing. He agrees with parking maximums. He doesn't believe that ADUs would create more housing or destroy off peninsula neighborhoods. He questions the reasons for screening and shielding of ADUs. He believes ADU

is popular in the R-6, and commonly used as Airbnbs. He suggests more feedback on this process would be good.

Staff describe that some outreach was done with neighborhood groups to glean feedback at the beginning of phase 1.

Councilor Cook clarifies that when revisions were made to the Short Term Rental (STR) ordinance last fall, that ADUs are not permitted to use for a STR. She also describes that if ADUs are suspected of being used as a STR, it can be reported to the city and inspectors are able to confirm.

Chris describes ADUs being often known for their role to help meet the needs of an aging population. He asks if the committee would consider lessening the barriers for restrictions on units that are for units that have potential to be accessible for aging in place.

Mr. Levine describes there are strategies that are being explored that might help address concerns of access and disability.

Lis Newman Given that houses in certain zones may have limited size lots and set back, is there room to consider an in between setback for an in between sized unit to incentive ADUs. She also asks if there are ways to encourage sustainable design.

Brent Adler comments that in Yarmouth some of the barriers of obtaining a permit for an ADU were requiring a separate sewer and water connection. He asks if it's under a certain square footage if it would require sprinklers and whether there would be any deed restrictions. Also, if two family had an ADU if it would trigger a subdivision review.

Mr. Levine describes the separate connections is a requirement of Public Works. Deed restrictions do exist on some ADUs, but under this model there wouldn't be any deed restrictions. Regarding subdivision, the legislature recently passed that means multifamily doesn't have to be a subdivision.

Staff also explain that the current fire/life safety code requires all new units be sprinklered.

There is further discussion between councilors and staff about nonconforming buildings and ADUs being possible

More public comment is given about lot coverage being a barrier for ADUs, as well as the sprinkler requirement is more restrictive in Portland.

Kara Wilbur comments suggesting that looking at what other cities are doing for ADU setbacks and also the sizes of the unit are more restrictive. She also provides that the sprinkler requirement is also cost prohibitive.

George Rowe comments that the discussion should focus on climate change. He provides that the staff time has been wasted on a number of other projects, and this project has been extremely slow. He believes local land use is the best way for municipalities to influence climate change. He provides that ADU reform is not as much as a priority as other reforms that are needed.

Carol Morrisette comments that ADU is not defined in the building code. She comments that it would be very helpful to have the definition in the recode match the building code. She describes that boarding houses or rooming houses will grow as a trend to facilitate those working in Portland. She comments if there is any mechanism to help fund public transit we should be maximizing the funding as much as possible. For parking requirements for a building in a mixed use setting, she provides the numbers are very challenging to work with. She hopes the definitions of attached, detached, and cottage could be defined better.

Patrick Cross describes the number sixteen (persons in building) being a significant number in the building and life safety code. He agrees aligning the code with building code is important.

Kara Wilbur the parking requirements seem to be counter intuitive, suggesting that removing the parking requirement altogether for residential uses could be considered. She is opposed to the parking fee applying to developers who are pursuing other strategies for their tenants/workers.

There is further discussion between staff and councilors about the parking fee in lieu approaches.

Tim Wells comments that the incentives for are perverse. He believes parking is one of the most important areas to consider and will drive behaviors which will effect climate change and the economy in Maine in a huge way. He believes we should get rid of parking requirements, and if developers want to create parking it should have a cost.

Rachel Conly reiterates that lot coverage and set backs are restrictive on achieving higher density.

Lis Newman asks if ADUs are being added to make a more dense city, why can't the character of the neighborhood change.

Public discussion is given around the amount of impacts that ADUs will have, and also the extent of how aggressive the policy should be.

Jesse Thompson comments that focusing on areas such as fixing old homes, renewable energy production are important to fight climate change. He comments that public transit needs more funding, so any costs that developers pay could help this effort.

Tim Livard comments that it's important for the city to ensure that neighborhoods are accessible across the city and not just when there's a need for it.

Councilor Cook closes the public comment period and asks committee members for their thoughts on each topic area starting with ADUs.

Item 6: Committee Discussion and Next Steps

On ADUs

Councilor Costa comments that in general he's in support of the suggestions. The one bullet point he would withhold judgement on is the unit size. He describes there might be some confusion around the numbers on what's being proposed. He also thinks that there should be other justifications for ADUs other than just density.

Councilor Batson agrees with Councilor Costa's comments. He comments that he's interested in facilitating the construction of ADUs, stream lining the public doing so it. Eliminating the conditional use process and other major hurdles. He also comments he has no interest in hiding ADUs.

Councilor Cook comments is in support of the language attached and detached, but not the term cottage. She says that perhaps simplifying the numbers might clarify definitions. She comments that the term cottage for free standing buildings might suggest something other than intended. She supports the second bullet point (Should ADUs be permitted in all zones where single-and two-family dwellings are legally non-conforming use?), commenting that it's worth exploring in zones like R-5 where there's a mix of families, two and three-families, for allowing ADUs for either. Regarding bullet 3 (Are the dimensional/development regulations appropriate?) for 'no required parking,' she agrees with. She agrees with the bullet considering, 'not counted towards residential unit density requirements. Regarding, 'permitted so long as dimensional non-conformities are not exacerbated,' she prefers to look at permitted even if the dimensional nonconformities were to be exacerbated. Regarding unit size, she hopes to consider having the same standards for size. She is likely more comfortable with the 800 SF than the 600 SF. She's open to the idea of the third of the floor area instead being half.

Councilor Costa agrees with Councilor's Cook's thoughts on the cottage terminology. On the whole he comments the higher square footage might be more appropriate, but not sure what the number should be, but is open to learning the Planning Board's recommendation.

Councilor Cook's was not in support of the screening suggestions, but is supportive of the unit being in the back and depending on the lot structure having a side apartment. She's thinks the set back and lot coverage issues are still concerns to make ADUs.

On Parking

Councilor Cook asks the committee for their thoughts on parking.

Councilor Costa is in support of making the city more pollutant free.

Councilor Batson agrees with Councilor Costa, with taking a closer look at the fee-in-lieu. He is leaning towards being in favor of having one parking space per dwelling, but wondering what the potential impacts could be.

Councilor Cook comments she doesn't believe the city needs to continue to require parking per dwelling unit especially on peninsula and on transit routes. She prefers incentives for those building further from downtown. She comments that one space per unit is an improvement but that it's more than needed for on peninsula and transit routes. She is in support of, "extending broad, zone-based exemptions from off-street parking requirements in non-residential zones do the same?" She is in support of the value of parking analysis but not to exempt the parking requirements in certain zones. She is in support of joint use provisions should more widely be available, and supportive implementing parking maximums and considering fee-in-lieu for exceeding those maximums. She also provides guidance that through the ReCode process to implement ways of meeting our climate action goals.

Motion to adjourn by Councilor_____, seconded by Councilor _____ (approved 3-0) the meeting adjourned at 8:30 P.M.

Respectfully submitted,

James Dealaman

DRAFT



CITY OF PORTLAND
Planning & Urban Development
Christine Grimando, AICP, Acting Director

To: Council Ad Hoc ReCode Committee

From: Christine Grimando, Acting Director, Planning & Urban Development

Date: September 19, 2019

RE: ReCode update

I. INTRODUCTION

Staff of the Department of Planning & Urban Development last met with the Council Ad Hoc ReCode Committee in June of this year. At that meeting, the Committee heard public comment and discussed two elements of the ReCode in particular, the provisions around Accessory Dwelling Units (ADUs) and off-street parking. The purpose of this workshop is to provide the ReCode Committee with an update on work since its June 24 meeting, with an emphasis on these two policy areas. The current thinking on both parking and ADU policy reflects the feedback of the Ad Hoc Committee, the Planning Board, who weighed in at a workshop in early June, as well as members of the public.

II. GENERAL PROGRESS UPDATE

In the time since the June workshop, staff has continued the process of re-ordering and reformatting the code, making effort to simplify and eliminate redundancies or inconsistencies where possible. As of now, staff have developed second and third drafts of twenty chapters of a newly formatted, restructured code, and have distributed drafts for internal review, primarily across the Department and within the office of the Zoning Administrator. Staff anticipates broadening the internal review of the full draft over the next month, with a public review of the draft to follow. The Planning Board will hold a workshop on the topic at their second meeting in October.

III. POLICY AREA DISCUSSION

As noted at the previous Ad Hoc Committee meeting, by necessity, Phase I has included some engagement with elements of the land use code that currently lack consistency or merit substantial review in light of community goals as expressed in *Portland's Plan 2030* and the goals of the Council. These include the city's current off-street parking and Accessory Dwelling Unit (ADU) provisions.

In addition to these topics, this memo includes a brief update on a Coastal Resiliency Overlay initiative.

1. Parking

The June Ad Hoc Committee meeting, as with the Planning Board meeting that preceded it, featured significant public comment and committee discussion on the city's current parking policy. The

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committee generally endorsed the concept of a one space/dwelling unit parking requirement city-wide and expressed interest in exploring wider use of the in-lieu fee provisions. Committee members also encouraged staff to investigate broader joint use provisions, exemptions for mixed-use zones, and potentially parking maximums. The public comment at the meeting largely focused on concerns about the potential for oversupply under current parking policy, including attendant concerns about effects on housing affordability, induced vehicular demand, and impacts to urban design, traffic congestion, and greenhouse gas emissions.

While the June meeting highlighted the perspectives of residents who raise concerns about too much parking in the city, there is clearly a range of points of view with respect to the city's parking policy. In the Department of Planning & Urban Development's development review role, staff regularly field public comments about lack of parking supply and impacts to residents and businesses.

In revisiting the potential policy changes within the ReCode, staff has balanced the contrasting perspectives received with best practice, the city's multi-modal accessibility, sustainability, and housing goals, and a broad desire for consistency of tools in the ReCode. The following policies are proposed to be expanded or introduced in the new Land Use Code:

- A. *Expansion of parking study option.* Currently, parking requirements for developments in the B-6 and B-7 zones or for site plans >50,000 SF are defined through a parking analysis reviewed by the city through site plan review. Rather than relying on the city's parking requirements, which, as in many cities, are based on national studies expressed as Institute of Transportation Engineers-derived parking factors, this method allows the city to arrive at parking requirements through an analysis based on the unique characteristics of the use and an assessment of local parking demand. Staff is suggesting that this tool be expanded such that it becomes an option for any project undergoing major site plan review in front of the Planning Board, regardless of zone. This approach should lead to better matches between parking demand and supply for those projects opting to use it. It will also allow for better integration of parking management into Transportation Demand Management plans.
- B. *Expand eligibility for fee-in-lieu provisions city-wide.* As previously discussed, the current parking policy allows any development in a non-residential zone or the India Street Form-Based Code zone on the peninsula to pay into the city's Sustainable Transportation Fund in-lieu of providing off-street parking. As noted in previous discussion with the Committee, very few developers currently opt for the in-lieu fee, choosing to provide parking on-site or secure parking off-site through the city's off-site parking allowances instead. Staff proposes to extend the geographic scope of the in-lieu fee to make it an option for any development city-wide as a means of recognizing the potential for alternative modes across the city and increasing the revenue potential for the fund.
- C. *1/unit residential parking requirement.* As noted at the June 24 workshop, the current parking ordinance requires two parking spaces/residential dwelling unit with exceptions for certain zones and for residential uses on the peninsula. For off-peninsula sites in zones like the B-1 or B-1b, which can be smaller in size, this requirement can serve as a barrier to mixed-use or residential development, as developers attempt to accommodate parking on-site. In keeping with the input of the Committee, staff is proposing a one space/dwelling unit requirement city-wide. No maximum is proposed, meaning that more than one space/unit

could be provided as deemed necessary by the landowner or developer. As previously noted, a one space/unit requirement is consistent with practice in many American cities, and would allow developers or tenants who choose to promote alternative modes to avoid the cost of unnecessary parking supply on-site.

- D. *Expand joint use allowance.* Today's code allows the ZBA or Planning Board to approve shared parking, or "joint use" of parking, in selected mixed-use zones in which residential uses are proposed with non-residential uses and a study can prove the feasibility of joint use. These provisions are commonly used where they can be, and are widely considered to provide for more efficient off-street parking. Staff proposes to broaden the joint use allowance to extend to all uses in all mixed-use zones and to eliminate the ZBA or Planning Board review requirement. This approach is consistent with national practice.
- E. *Introduce consistent grandfathering for changes of use.* Under the city's existing ordinance, property owners are required to fully comply with parking requirements under a change of use application, whether or not the existing use is in compliance with parking standards. However, in the case of building enlargements or additions, existing parking deficiencies are grandfathered, meaning that the applicant is required only to provide additional parking associated with new square footage, units, or rooms. To further complicate matters, the existing ordinance exempts changes of use in certain zones, certain changes of use, and changes of use in certain structure types. In an effort to provide consistency across uses and zones, staff is proposing a blanket grandfathering clause for changes of use which would mirror that for enlargements or alterations, essentially allowing a property owner to take any existing parking deficiency on site as credit against the parking requirement for the proposed use. Again, this is consistent with best practice nationwide. This policy would reduce barriers to changes of use in existing buildings.
- F. *Expand shared vehicle provisions.* The existing parking ordinance allows multi-family residential buildings on the peninsula and in the R-6 and R-6A zones to partially satisfy parking requirements through the provision of shared use vehicles. While this mechanism has been used selectively by developers, it is valuable as another tool that allows both flexibility to the developer and an opportunity to incentivize the creation of infrastructure to support transportation and parking demand management. Staff proposes to allow multi-family developments city-wide to partially satisfy parking requirements with shared use vehicles.
- G. *Add electric vehicle charging provisions.* Last, staff is investigating potential provisions to promote the expansion of electric vehicle charging infrastructure, which is currently not contemplated in the land use code. A review of case studies shows that this infrastructure is dealt with in many ways, from simply requiring that parking associated with new buildings is electric vehicle supply equipment (EVSE)-ready to incentivizing the installation of EVSE in parking areas or requiring that a certain percentage of parking spaces be fully equipped with electric vehicle supply equipment. Additional research into these provisions will be necessary.

2. Accessory Dwelling Units

As discussed at the June ReCode Committee meeting, the existing Accessory Dwelling Unit (ADU)

policy in the city is complex, differing substantially by zone (*Attachment 1*). At present, ADUs are subject to varying standards with respect to review process, unit size minimums, off-street parking requirements, affordability restrictions, tenancy and ownership requirements, and allowances for basement units. While some of this variation may be necessary based on the unique characteristics of some zones, from the outset, the goal of ReCode with respect to ADUs has been to eliminate barriers to the creation of ADUs by removing undue review requirements, simplifying and standardizing requirements for all ADUs across all zones, and permitting ADUs city-wide.

At the June ReCode Committee meeting, staff heard broad feedback regarding the city's overall housing strategy. It should be noted that ADUs as discussed here are meant to serve as one tool in a much bigger toolbox for increasing housing production in the city. ADUs are designed to support the incremental addition of housing units city-wide. Ultimately, however, the city's ADU policy should be coupled with more ambitious strategies to increase housing supply along nodes and corridors, where transportation and other infrastructure supports it. Staff anticipate much of this work to come in Phase II of the ReCode effort.

Table 1: Revised ADU Framework

Use	Permitted Use w/in all legal and legally non-conforming single- and two-family properties
Form	Internal/Attached or Detached (includes residential outbuilding conversion or stand-alone residential structure)
Unit Dimensions	<800 SF OR 66% GFA
# of Units (including ADU)	Addition of single accessory unit
Lot Area	Depends upon base zoning district
Fire Escapes	Not permitted above ground floor
Additions/Siting	Permitted – though ADU would be required to recessive to principal unit
Site Plan	No requirement to comply with site plan ordinance
Property Ownership	Property owner to occupy unit on-site, except on Peaks Island where units shall remain under common ownership
Parking	No additional off-street parking required
Basement Units	N/A
Affordability Restrictions	Naturally occurring form of affordable housing, except on Peaks Island where existing affordability restrictions would remain for non-conforming lots
Tenancy Period	N/A, except 1-year on Peaks Island for non-conforming lots

As with parking policy, city staff workshopped a draft framework with the Planning Board in early June and with the ReCode Committee later that month, where staff received feedback supporting the concept of ADUs city-wide as of right, either as internal or attached units or as detached units. The committee generally endorsed the concept that no off-street parking should be required for ADUs, that ADU regulations should not require buffering from surrounding uses, and that provisions should be made for cases when ADUs cannot be placed in a recessive position on a lot. The committee requested that staff explore further relaxing dimensional requirements, including both setbacks and lot coverage, and evaluate the unit size ratio and maximum unit size.

In the current draft, staff is proposing an ADU framework that incorporates the feedback of the committee (*Table 1*). The revised framework would permit a single accessory unit, in either attached or detached form (including any typical residential outbuilding and stand-alone residential structures, such as tiny-homes or cottages), by-right, on all legal or legally non-conforming single- and two-family properties. ADUs would not be counted towards a lot's allowable residential unit density, and would be permitted within existing non-conforming structures, so long as dimensional non-conformity is not further exacerbated.

In the current draft, staff has not proposed further

relaxing dimensional requirements such as setbacks. As noted above, an ADU is intended to allow for a subtle increase in residential density while not significantly changing the predominant characteristics of a given neighborhood. Limitations on unit size, limitations to the extent that structures may occupy a lot, and recessive siting requirements are meant to ensure that ADUs generally appear as accessory to the principal unit. In this vein, the revised draft regulations maintain a maximum square footage of 800 SF, while being revised to allow a greater ratio of ADU floor area to principal unit floor area from 33% to 66%. For example, under the previous iteration discussed, a 1,200 sf home would have been permitted a maximum ADU size of 396 sf, but under the proposed would be permitted up to 792 sf. Further, the draft regulations do not include any requirement that the units be formally screened or buffered from adjacent property or public areas, and provide for more prominent siting where site constraints prevent a more recessive placement.

3. Coastal Resiliency Overlay

The City of Portland seeks to facilitate, with a zoning amendment, responsible and forward-thinking development in areas most likely to be impacted by rising sea levels and increased storm surges. Planning & Urban Development and the Sustainability Office have jointly initiated draft zoning language to provide flexibility in building design and associated performance standards in low lying areas with high probabilities for significant flooding. The Coastal Resiliency Overlay seeks to remove barriers to developing adaptable first floors, and to create incentives for managing and holding storm water through green roof infrastructure. This topic was heard by the Planning Board and the Sustainability & Transportation Committee in September, for initial discussion. This amendment is crafted to both fit into the organization of the current Land Use Code as well as to migrate easily into the organization of the new Code, depending on timing of implementation. Materials distributed to the Sustainability & Transportation Committee for their September 18th meeting are available here: <https://portlandme.civicclerk.com/Web/Player.aspx?id=773&key=-1&mod=-1&mk=-1&nov=o>

ATTACHMENTS

- 1.** Table of Existing ADU Regulations

Attachment 1

Existing ADU Framework										
	R-1	R-2	R-3	R-4	R-5	R-5A	R-6,6A,7	IR-1	IR-2	IR-3
Conditional Use	Yes	Yes	Yes	Yes	Yes ³	ADUs not expressly permitted in R-5A, R-6, R-6A or R-7, though density allowances would effectively permit ADUs by right, subject to compliance with dimensional requirements.		Yes	Yes	ADUs not expressly permitted in IR-3 zone.
Unit Dimensions	30% GFA > 400 SF	30% GFA > 400 SF	30% GFA > 400 SF <u>Principal unit</u> > 1,000 SF	> 600 SF <u>Principal unit</u> > 1,000 SF Cubic building volume increase less than 10%	> 400 SF <u>Principal unit</u> No more than 10% of unit GFA may be removed for ADU			< 35% GFA > 300 SF	< 35% GFA > 300 SF	
# of Units (including ADU)	2	2	2	Permit 1 additional ADU	4 units 2 ADU units			Permit 1 additional ADU	Permit 1 additional ADU	
Lot Area	10,000 SF ¹ 15,000 SF	8,000 SF ¹ 10,000 SF	6,500 SF	3,000 SF lot area/dwelling unit	6,500 SF			> 70,000 SF or legal non-conforming lots on Peaks Island	> 30,000 SF or legal non-conforming lots on Peaks Island	
Fire Escapes	Not permitted above ground floor	Not permitted above ground floor	Not permitted above ground floor	Not permitted above ground floor	Not permitted above ground floor			Not permitted above ground floor	Not permitted above ground floor	
Additions	See below ²	See below ²	See below ²	See below ²	See below ⁴			See below ²	See below ²	
Site Plan	Comply w/ site plan	Comply w/ site plan	Comply w/ site plan	Comply w/ site plan	Comply w/ site plan			N/A	N/A	
Property Ownership	Property owner to occupy unit on-site	Property owner to occupy unit on-site	Property owner to occupy unit on-site	Property owner to occupy unit on-site	Property owner to occupy unit on-site			Remain under common ownership	Remain under common ownership	
Parking	Comply w/ off-street parking	Comply w/ off-street parking	Comply w/ off-street parking	Comply w/ off-street parking	Comply w/ off-street parking			N/A	N/A	
Basement Units	N/A	N/A	N/A	½ height above average grade	N/A			2/3 height above average grade	2/3 height above average grade	
Affordability Restrictions	N/A	N/A	N/A	N/A	80% AMI			<u>Income</u> 100% AMI <u>Rent</u> 80% AMI Requires 20-year Affordable Housing Agreement	<u>Income</u> 100% AMI <u>Rent</u> 80% AMI Requires 20-year Affordable Housing Agreement	
Tenancy Period	N/A	N/A	N/A	N/A	N/A			1 year, no short-term rentals	1 year, no short-term rentals	