

**Proposed Text Amendments to the R-5 Zone
Portland, Maine**

DIVISION 6. R-5 RESIDENTIAL ZONE*

**AMEND PURPOSE STATEMENT TO INCLUDE SMALL LOT
RESIDENTIAL DEVELOPMENT USES**

Sec. 14-116. Purpose.

The purpose of the R-5 residential zone is:

a) To provide appropriate areas of the city for medium-density residential development characterized by single-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unit development on substantially sized parcels. Such PRUD development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.

b) To encourage new single family housing in cases of qualifying small, vacant, underutilized lots located in traditional medium-density residential neighborhoods located off the peninsula and to encourage accessory units within existing single family homes on undersized lots consistent with the developed neighborhood pattern found in off-peninsula neighborhoods.

**AMEND TO ELIMINATE REQUIREMENT THAT THE ADDITION OF A
THIRD UNIT REQUIRES MAJOR REVIEW. AMEND MULTIPLEX
PROVISIONS TO ALLOW INFILL ON VACANT LOTS AND DESIGN
REVIEW.**

Sec. 14-117. Permitted uses.

The following uses are permitted in the R-5 residential zone:

(a) *Residential:*

1. Single- and two-family dwellings; except that development of two (2) or more two-family dwellings on contiguous lots within any two-year period shall be subject to review as specified under the provisions of 14-117(a)2e if such lots were under single ownership at any time within the two-year period

immediately prior to development of the first such lot. No building reviewed as a two-family dwelling in accordance with section 14-524 or not reviewed under article V shall be altered or enlarged to include any additional dwelling unit within five (5) years from the date of issuance of the building permit. ~~Any building reviewed as a two-family dwelling in accordance with section 14-524 which is altered or enlarged to include any additional dwelling unit after this five-year period shall be reviewed as a major development pursuant to article V of this chapter.~~

2. Multiplex development with three (3) or more horizontally or vertically attached dwelling units or a series of such attached dwelling units and the construction of at least one (1) building on a parcel of less than two (2) acres, provided that:

a. The land area requirement for a multiplex of new construction as of (date) on a lot that is vacant as of (date) shall be ~~six thousand (6,000)~~ three thousand (3,000) square feet of land area per dwelling unit; ~~except that a multiplex with two hundred fifty (250) feet or more of street frontage needs only forty five hundred (4,500) square feet of land area per dwelling unit;~~

b. In the case of conversions, the land area requirement for a multiplex shall be six thousand (6,000) square feet of land area per dwelling unit. No dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;

c. No open outside stairways or fire escapes above the ground floor shall be constructed;

d. No habitable space in a dwelling unit shall be below grade, except basements that are a part of and below aboveground units;

e. Such development shall be subject to the R-5 Design Standards as contained in Article V, §14-526 ~~of this chapter~~ for site plan review approval.

AMEND BY ADDING AS A CONDITIONAL USE THE DEVELOPMENT OF AN ACCESSORY APARTMENT IN SINGLE FAMILY HOMES ON UNDERSIZED LOTS

Sec. 14-118. 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:*

5. Alteration or construction of a single-family dwelling existing as of (date) on a nonconforming lot to accommodate an accessory dwelling unit within and clearly subordinate to the principal structure provided that:

- a. The accessory unit shall have a minimum floor area of four hundred (400) square feet that represents no more than thirty (30) percent of the gross floor area of the principal dwelling unit. 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 and may include the attic if such space is habitable.
- b. The principal dwelling unit shall be located on a lot of no less than four thousand (4,000) square feet and no more than six thousand (6,000) square feet;
- c. Either the accessory or principal dwelling unit shall be occupied by the owner of the lot, except for bona fide absences of a temporary nature;
- d. Parking shall be provided as required by Division 20 of this article.
- e. There shall be no open, outside stairways or fire escapes above the ground floor; and
- f. The project shall be subject to Article V (site plan) review and approval and the following additional standards:
 - i. Any additions or exterior alterations such as façade 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;
 - ii. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped

properly to screen vehicles from adjacent properties and streets.

AMEND THE DIMENSIONAL STANDARDS BY REDUCING LOT WIDTH FOR MULTIPLEX AND ADDING PROVISIONS TO ALLOW FOR THE BUILDING OF SINGLE FAMILY HOMES UNDER SMALL RESIDENTIAL LOT PROVISION

Sec. 14-120. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-5 zone shall meet the following minimum requirements:

(a) *Minimum lot size:*

(f) *Minimum lot width:*

Multiplex: ~~Ninety (90)~~ Sixty (60) feet.

Other uses: Sixty (60) feet.

(o) *Small residential lot development:* Single family homes may be built on small lots in the R-5 and use the dimensional requirements below provided that the lot:

1. Is vacant as of (date); or
2. Is used exclusively for parking; or
3. Contains structure(s) not used for residential purposes; or
4. Is created from a single lot division and results in a lot meeting the dimensional requirements of §14-120(o) with the remaining developed portion meeting the dimensional requirements of §14-120(a)-(n).

a. *Minimum lot size:* Four thousand (4,000) square feet.

b. *Maximum lot size:*

i. *Lot meeting requirement of §14-120 (o)(1), (2) or (3): Six thousand (6,000) square feet.*

ii. *Original lot specified in §14-120 (o)(4) prior to division: Less than twelve thousand (12,000) square feet.*

c. Yard dimensions:

i. Front yard:

No more than the average depth of the front yards on either side of the lot.

ii. Side yard:

(a) Principal or attached accessory structures with ground coverage greater than one hundred (100) square feet: Seven (7) feet.

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than four (4) feet in width.

(b) Accessory detached structures with ground coverage of one hundred (100) square feet or less: Five (5) feet.

d. Minimum lot width: Forty (40).

e. Minimum street frontage: Forty (40).

f. Maximum lot coverage: Fifty (50) percent.

AMEND BY REDUCING THE NUMBER OF PARKING PARKING SPACES FOR SMALL LOT INFILL AND REQUIRING DESIGN REVIEW UNDER THE SITE PLAN ORDINANCE

Sec. 14-121. Other requirements.

~~{Other requirements are as follows:}~~

(a) *Off-street parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article. For lots developed under the provisions of §14-120 (o), one (1) parking space per dwelling unit is required and shall be located on the same lot;

(b) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

(c) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(Ord. No. 536-84, 5-7-84; Ord. No. 15-92, § 9, 6-15-92)

(d) *Small residential lot development shall conform to the site plan standards of §14-526.*

AMEND TO ADD THE R-5 ZONE IN LOTS OF RECORD WHICH WILL ALLOW CARRIAGE HOUSES AS DEFINED IN ZONING ORDINANCE TO BE CONVERTED TO A DWELLING UNIT

Sec. 14-433. Lots of record and accessory structure setbacks for existing buildings.

Any lot of record as of June 5, 1957, and held under separate and distinct ownership from adjacent lots and having a street frontage of forty (40) feet, or to which a means of access has been previously approved by the city council as provided elsewhere in this article, may be considered a buildable lot in any residential zone except as provided below for island residential zones, with a minimum lot size of five thousand (5,000) square feet, except that a lot in the R-6 zone may have a minimum lot size of three thousand (3,000) square feet, provided that the applicable yard dimensions can be met.

A lot in the R-1, R-2, R-3, R-4, R-5, R-5A or R-6 zones that was described in a subdivision plat approved by the Planning Board after June 5, 1981, or a lot of record that conformed to the applicable lot size requirement, lot width and street frontage as of June 5, 1984, shall be considered a buildable lot, provided that the applicable yard dimensions can be met.

Where such a lot has a principal structure which existed as of July 19, 1988, an accessory structure or building addition may be located within the following side and rear yards, provided that the normal applicable yard requirements cannot be met provided, however, that less restrictive zoning requirements which meet the requirements contained within 14-139(2) for residential small lot development shall apply:

a. *R-1, R-2:*

Rear yard: Ten (10) feet.

Side yard: Five (5) feet.

j. R-3, R-4, R-5, R-5A, R-6:

Rear yard: Five (5) feet.

Side yard: Five (5) feet.

Any detached or accessory structure in the R-4, R-5, or R-6 zones, with a ground coverage exceeding two hundred fifty (250) square feet and which was in existence on January 1, 1940, may be converted to dwelling uses without meeting front, side or rear yard setbacks, provided there is no enlargement of any nonconforming portion of the existing building footprint and provided the conversion will conform to the minimum land area per dwelling unit.

Any lot of record as of July 15, 1985, and held under separate and distinct ownership from adjacent lots and meeting the applicable street frontage requirements of that time may be considered a buildable lot in the IR-1 and IR-2 zones, provided that the applicable yard dimensions can be met and provided further that a lot in the IR-1 zone shall have a minimum area of ten thousand (10,000) square feet and a lot of the IR-2 zone shall have a minimum area of six thousand five hundred (6,500) square feet unless it is served by both public sewer and public water, in which case it shall have a minimum area of five thousand (5,000) square feet.

A lot in the IR-1, IR-2 and I-B zones that was described in a subdivision plat approved by the Planning Board after July 15, 1982, shall be considered a buildable lot, provided that the applicable yard dimensions can be met.

**AMEND THE DESIGN STANDARD FOR TWO-FAMILY AND OTHER
MULTIPLE RESIDENTIAL DEVELOPMENT IN THE SITE PLAN
ORDINANCE TO CONSOLIDATE THE PROVISIONS AND TO REQUIRE
R-5 MULTIPLEXES TO BE REVIEWED UNDER THE R-5 DESIGN
STANDARDS**

Sec. 14-526. Standards.

(15) Two-family, special needs independent living unit, multiplexes, multiple-family development, lodging houses, bed and breakfasts, and emergency shelters shall meet the following standards:

a. Proposed structures and related site improvements shall meet the following standards:

1. (a) ~~The exterior design of the proposed two-family structures, lodging houses and emergency shelters, including architectural style,~~

~~facade materials, roof pitch, building form and height, shall be designed to complement and enhance the nearest residential neighborhood;~~

- (a) The exterior design of the proposed ~~special needs independent living unit, bed and breakfast or multiple-family~~ structures, including architectural style, facade materials, roof pitch, building form and height, window pattern and spacing, porches and entryways, cornerboard and trim details, and facade variation in projecting or recessed building elements, shall be designed to complement and enhance the nearest residential neighborhood. The design of exterior facades shall provide positive visual interest by incorporating appropriate architectural elements;

(b) Multiplexes and multi-family structures, including conversions of existing structures, in the R-5 zone shall be designed to be architecturally compatible with the residential buildings in the surrounding neighborhood, as demonstrated by compliance with the R-5 Small Residential Lot Development and Multiplex Design Standards contained within the Planning and Development Design Manual.

2. The proposed development shall respect the existing relationship of buildings to public streets. New development shall be integrated with the existing city fabric and streetscape including building placement, landscaping, lawn areas, porch and entrance areas, fencing, and other streetscape elements;
3. Open space on the site for all two-family, special needs independent living unit, bed and breakfast and multiple-family development shall be integrated into the development site. Such open space in a special needs independent living unit or a multiple-family development shall be designed to complement and enhance the building form and development proposed on the site. Open space functions may include but are not limited to buffers and screening from streets and neighboring properties, yard space for residents, play areas, and planting strips along the perimeter of proposed buildings;

4. The design of proposed dwellings shall provide ample windows to enhance opportunities for sunlight and air in each dwelling in principal living areas and shall also provide sufficient storage areas;
5. The scale and surface area of parking, driveways and paved areas are arranged and landscaped to properly screen vehicles from adjacent properties and streets;
 - a. Two-family or multiple-family dwellings shall not be converted to lodging houses unless all units in the building have been vacant for at least one (1) year prior to the date conversion is sought or unless the individual multiple-family units are less than one thousand (1,000) square feet in size. In no event shall any single-family dwelling in the R-5 or R-6 zone be converted in whole or in part to a lodging house.