



TO: Councilor Duson, Chair
Members of the Housing Committee

FROM: Victoria Volent, Housing Program Manager

DATED: March 19, 2018

SUBJECT: HomeStart Proposed Text Amendments

Introduction

HomeStart is a 501(c) 3 nonprofit community-based committee of Peaks Island residents whose mission is "to work to create and maintain affordable housing opportunities for the residents of Peaks Island, Maine". To support their goal, HomeStart has proposed four strategies for consideration:

- Improve the current provisions for Accessory Dwelling Units (ADU's)
- Allow the space in older buildings that have been used residentially to be reconfigured to create additional dwelling units but only if at least half of the units are affordable to year round residents
- Reduce the side setback requirements and increase the coverage limits for building on smaller "lots of record" if the units will be affordable to year-round residents
- Reduce the off-street parking required for affordable residential units

Homestart has suggested these strategies to build on recommendations they made in 2015. Their 2015 suggestions informed the package of "encourage and ensure" zoning changes made at that time, which included the inclusionary zoning ordinance, but also some changes to relax regulations of affordable ADU's on Peaks Island and the R-5 zone on the mainland.

Division 7.1 IR-1 Island Residential Zone

The purpose of the IR-1 island residential zone is to provide for low intensity residential, recreational, and rural uses in the less developed areas of the islands, in order to preserve the rustic character of the islands, to protect groundwater resources and natural and scenic areas, and to permit only appropriate low intensity development in areas lacking adequate public facilities and services. Division 7.1 IR – 1 includes sections 14-145.1 through 14-145.6.

Division 7.2 IR-2 Island Residential Zone

The purpose of the IR-2 island residential zone is to protect the character of existing developed residential neighborhoods on the islands and to allow infill where there are adequate public services available. Expansion or extension of an existing IR-2 zone should be strictly limited, generally focused toward areas adjacent to existing village IR-2 areas, and restricted by such factors as adequacy of access, whether adequate water will be available for private use and for fire protection, and whether soils in the area are adequate for subsurface water disposal or whether public sewers are available. Division 7.2 IR-2 includes sections 14-145.7 through 14-145.22

Accessory Dwelling Units

The proposed changes to Division 7.1 IR-1 section 14-145.3 (a) 1 include; reducing the square footage of accessory dwelling units from four hundred (400) to three hundred (300) square feet; removing the requirement that either the accessory unit or the principal dwelling unit shall be occupied by the owner of the lot; allowing the accessory unit to be located in an unattached accessory building; requiring the maximum rent to be affordable to households earning up to 115% AMI; and deed restricting the accessory unit for a term of twenty years through an Affordable Housing Agreement.

Reconfiguration of large, older residential buildings

The changes to Division 7.1 IR-1 section 14-145.5 (a), and Division 7.2 IR-2 section 14-145-8 are proposed amendments to allow the reconfiguration of large (1,200 square feet of gross floor area), older (pre 1985) residential buildings to include one or more additional dwelling units in the principal building and/or in an existing accessory building. The proposed amendments also provide for; minimum lot, and building standards; maximum rent and sale prices; twenty year deed restrictions; and a provision that at least fifty percent of the dwelling units in the reconfigured building(s) be occupied by a household meeting the income restrictions outlined in the City's Inclusionary Zoning Ordinance.

The amendment to section 14-145.5 (a) Minimum Lot Size would also allow the reconfiguration of large, older residential buildings on lots served by both on-site water and sewage disposal. Under these conditions, the minimum lot size requirement would be 20,000 square feet.

Division 25. Space and Bulk Regulations and Exceptions

The requirements of this article are subject to the Space and Bulk Regulations and Exceptions of Division 25. Division 25 includes section 14-433 Lots of Record and Accessory Dwelling Structure Setbacks for Existing Buildings.

Development of "lots of record"

The proposed change to section 14-433 is the inclusion of an amendment designed to enhance feasible development of small, vacant lots if they meet specific requirements. The amendments only pertain to lots of record as of July 15, 1985 located in the IR-1 or IR-2 Zone on Peaks Island intended for use as a single family residence. The dwelling units would be occupied by households earning up 120% of the Area Median Income (AMI) and deed restricted for twenty years through an Affordable Housing Agreement.

Zone	Min. lot size	Street Frontage	Set-backs	Max. lot coverage
IR-1	40,000 SF with public water; 60,000 SF without public water	n/a if meets applicable yard and min. lot dimensions	30' - front 30' - rear 20' - side	20%
IR-2	20,000 SF with both off-site water and sewage	n/a if meets applicable yard and min. lot dimensions	25' – front 25' – rear 20' - side	20%
Proposed IR-1 and IR-2 amendments	5,000 SF if served by both public sewer and water; 10,000 SF if served by on-site sewage system and public water	45'	10' – rear 10' - side	Less than 40%; unless subject to shoreland zoning then 20%

Section 14-433 is further proposed for amendment by adding a new subsection that allows two adjacent lots of records as of July 15, 1985 located in the IR-1 or IR-2 Zone of Peaks Island to be used as a two-family rental or homeownership dwelling unit. At least one unit would be occupied by a household earning up to 120% of the Area Median Income (AMI) and deed restricted for twenty years.

Zone	Min. lot size	Street Frontage	Set-backs	Max. lot coverage
Proposed IR-1 and IR-2 amendment	10,000 SF with both public sewer and water; 20,000 SF is served by on-site sewage and public water	95'	15' – rear 15' - side	Less than 40%; unless subject to shoreland zoning then 20%

Off Street Parking Requirements

The proposed amendment to section 14-332.1 would add a subsection to reduce the parking requirement for affordable, deed restricted housing units in the IR-1, and IR-2 zone from two spaces per unit to one space per unit. The proposed amendment to Section 14.332.1 (f) would allow one parking space for each dwelling unit that is deed restricted as affordable housing.

Conclusion

Portland’s Comprehensive Plan, *Portland’s Plan 2030*, acknowledges the City of Portland is actively engaged in efforts to encourage housing preservation and creation, for all income levels and household sizes, through policy initiatives and public/ nonprofit partnerships. The proposals presented by HomeStart in their report *Suggested Amendments to the Portland Zoning Ordinance to Facilitate the Development of More Affordable, Year-Round Housing on Peaks Island* is in keeping with the Comprehensive Plan’s directive to create housing for all income levels through policy initiatives. Further, within the Housing Chapter of the Comprehensive Plan is the recommendation to support island communities by “support(ing) land use tools that encourage year-round residences in existing and new housing on Portland’s islands, while maintaining their unique character and environment”.

Attachments:

HomeStart Suggested Amendments to the Portland Zoning Ordinance (revised Oct 15, 2017)

HomeStart Overview of Draft Amendments (June 28, 2017)

HomeStart Rationale for HomeStart's Suggested Zoning Ordinance Amendments (Aug 29, 2017)

Suggested Amendments to the Portland Zoning Ordinance to Facilitate the Development of More Affordable, Year-Round Housing on Peaks Island

HomeStart has identified four concepts for possible amendments to the City of Portland’s Zoning Ordinance to facilitate the development of year-round housing that is more affordable. The objective in proposing these amendments is to create opportunities for the creation of affordable, year-round housing by removing obstacles in the current zoning requirements that regulate residential uses on Peaks Island. The four concepts are:

- Reduce the off-street parking required for affordable residential units
- Improve the existing Accessory Dwelling Unit ordinance based on community feedback since its enactment 3 years ago
- Based on community requests to make better use of existing housing , allow larger homes built before 1985 to be reconfigured to create additional dwelling units but only if at least half of the units are affordable to year-round residents
- Reduce the side setback requirements and increase the coverage limits for single family homes on smaller “lots of record” if the units will be affordable to year-round residents

In addition, per community request, wording has been added to all proposed amendments that specifies that no new affordable housing may be used for seasonal, weekly or daily rentals.

The HomeStart Zoning Advisory Committee (ZAC) developed draft amendments to revise the Zoning Ordinance to address these four concepts. The Board of HomeStart reviewed the draft amendments and has voted to recommend them to the Peaks Island Council with some minor revisions.

Draft Zoning Ordinance Amendments

Here are HomeStart’s proposed ordinance amendments to address the four concepts. Since these are changes to the existing ordinance, the proposed revisions are shown in underline and strike through format. When text is proposed to be added to the ordinance, it is underlined. And when existing text is proposed to be deleted, it is struck through.

1. Accessory Dwelling Unit (ADUs) – The following amendments are designed to make the ADU provisions that were adopted a few years ago more useable:

I-R1 Zone Amendment:

Amend Sec. 14-145.3(a)1. to read:

1. Accessory dwelling unit within, ~~except as provided in g.v. below~~, and clearly subordinate to a principal single-family detached dwelling or legal multi-family dwelling., provided that:

- a. The accessory unit shall be no more than thirty-five (35) percent of the gross habitable floor area of the building and shall have a minimum floor area of ~~three~~ four hundred (3400) square feet;
- b. Lot area shall be seventy thousand (70,000) square feet, or on Peaks Island be an existing lawfully non-conforming lot as of May 1, 2015;
- 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. The exterior design of new construction including facade materials, building form, roof pitch and exterior doors shall have a single-family appearance;

e. 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 bonafide temporary absences;~~

~~fg.~~ All sanitary waste shall be disposed of by a public sewer, subsurface sewerage system or other method in compliance with state and local regulations; and

~~gh. For Properties containing~~ accessory units ~~created~~ on Peaks Island on existing lawfully non-conforming lots as of May 1, 2015 shall comply with the following additional requirements:

- i. The primary unit and the accessory unit shall ~~Shall~~ remain under common ownership ~~with the primary unit on the lot;~~
- ii. Neither unit shall ~~Shall not~~ be sold as a condominium units or otherwise separated from the ownership of the entire property ~~pre-existing unit on the site;~~
- iii. One of the units shall be occupied by a household ~~Shall be rented households~~ earning up to 100% of AMI and be subject to income verification as set forth in the City's Inclusionary Zoning Implementation Guidelines for Developers of Rental Housing as further outlined in implementing regulations;
- iv. The accessory unit shall be occupied ~~Shall be rented as the occupant's primary residence as defined in the City's Inclusionary Zoning Implementation Guidelines and may not be rented out for short or long term periods, including seasonal, weekly or daily rentals, to other households on an annual basis;~~
- v. The accessory unit shall ~~Shall~~ be built within the principal building, ~~or~~ as an attachment to the principal building, or in an accessory building in accordance with subsection (d);
- vi. The maximum rent for the accessory unit shall not exceed one hundred fifteen percent (115%) of the Affordable Monthly Rent determined in accordance with the City's Inclusionary Zoning Implementation

Guidelines for Developers of Rental Housing:

vii. The accessory unit shall be subject to an Affordable Housing Agreement as set forth in the City's Inclusionary Zoning Implementation Guidelines for Developers of Rental Housing for a term of not less than twenty (20) years, and

viii. The owner of the property shall provide the occupant of the affordable unit with a written description of the occupancy requirements for the unit.

I-R2 Zone Amendment:

Amend Sec. 14-145.9(a)1. to read:

1. Accessory dwelling unit within, ~~except as provided in g.v. below,~~ and clearly subordinate to a principal single-family detached dwelling or legal multi-family dwelling., provided that:

a. The accessory unit shall be no more than thirty-five (35) percent of the gross habitable floor area of the building and shall have a minimum floor area of ~~three~~ four hundred (~~3400~~) square feet;

b. Lot area shall be thirty thousand (30,000) square feet, or on Peaks Island be an existing lawfully non-conforming lot as of May 1, 2015;

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. The exterior design of new construction including facade materials, building form, roof pitch and exterior doors shall have a single-family appearance;

e. 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 bonafide temporary absences;~~

~~fg.~~ All sanitary waste shall be disposed of by a public sewer, subsurface sewerage system or other method in compliance with state and local regulations; and

~~gh.~~ For Properties containing accessory units ~~created~~ on Peaks Island on existing lawfully non-conforming lots as of May 1, 2015 shall comply with the following additional requirements:

i. ~~The primary unit and the accessory unit shall~~ Shall remain under common ownership ~~with the primary unit on the lot;~~

ii. ~~Neither unit shall~~ Shall not be sold as a condominium units or otherwise separated from the ownership of the entire property ~~pre-existing unit on the site;~~

iii. ~~One of the units shall be occupied by a household~~ Shall be rented ~~households~~ earning up to 100% of AMI and be subject to income verification as set forth in the City's Inclusionary Zoning Implementation Guidelines for Developers of Rental Housing as further outlined in

implementing regulations;

iv. The accessory unit shall be occupied Shall be rented as the occupant's primary residence as defined in the City's Inclusionary Zoning Implementation Guidelines and may not be rented out for short or long term periods, including seasonal, weekly or daily rentals, to other households on an annual basis;

v. The accessory unit shall Shall be built within the principal building, or as an attachment to the principal building, or in an accessory building in accordance with subsection (d);

vi. The maximum rent for the accessory unit shall not exceed one hundred fifteen percent (115%) of the Affordable Monthly Rent determined in accordance with the City's Inclusionary Zoning Implementation Guidelines for Developers of Rental Housing;

vii. The accessory unit shall be subject to an Affordable Housing Agreement as set forth in the City's Inclusionary Zoning Implementation Guidelines for Developers of Rental Housing for a term of not less than twenty (20) years, and

viii. The owner of the property shall provide the occupant of the affordable unit with a written description of the occupancy requirements for the unit.

2. Reconfiguration of large, older residential buildings – The following amendments allow the existing floor area in large, older buildings in both the I-R1 and I-R2 Districts to be reconfigured to create more dwelling units as long as they meet certain requirements. The provisions for the two districts are slightly different recognizing the difference in the lot sizes in the two districts:

I-R1 Zone Amendment:

Amend Sec. 14-145.5(a) by adding a new subsection 9. which shall read:

9. Notwithstanding the provisions Sec. 14.145-2 Permitted use and subsection 1 of Sec. 14-145.5(a)1, a property on Peaks Island existing as of April 1, 2017 that meets the following requirements may be reconfigured to create one or more additional dwelling units in the principal building and/or in an existing accessory building:

a. The lot was developed and used as a residential property prior to April 1, 1985;

b. The principal building has at least one thousand two hundred (1,200) square feet of gross floor area;

c. The lot has a minimum of six thousand five hundred (6,500) square feet of area if the lot is served by the public water system and/or the public sewer system and twenty thousand (20,000) square feet of area if the lot is served by both on-site water supply and sewage disposal;

d. The lot is or will be served by the public sewer systems or an on-site subsurface sewage disposal system meeting the requirements of the Maine Subsurface Wastewater Disposal Rules for the proposed use;

e. The property does not discharge any stormwater to the sanitary sewer system or any such discharge will be corrected as part of the reconfiguration of the building;

f. The reconfiguration of the property to create additional dwelling unit(s) shall not

expand the exterior building envelop of the existing structures except as follows:

1)Minor additions with not more than ten percent (10%) of the existing floor area of the building are permitted to accommodate additional access to the building and/or to comply with local, state and/or federal safety and accessibility requirements, and

2)The installation of windows and dormers is permitted provided that the alterations maintain the character of the building;

g. The reconfiguration shall maintain the character of the structure and except as provided for in f. shall not significantly alter the exterior appearance of the structure;

h. The dwelling units in the reconfigured building(s) may be rented or may be sold as condominium units or otherwise separated from the ownership of the entire property;

i. At least fifty percent (50%) of the dwelling units in the reconfigured building(s) shall be occupied by a household meeting the income requirements set forth in the City's Inclusionary Zoning Implementation Guidelines for Developers of Rental Housing if the unit(s) will be rented or the City's Inclusionary Zoning Implementation Guidelines for Developers of Homeownership Housing if the unit(s) will be sold;

j.The affordability requirement of i. shall apply for a minimum of twenty (20) years and shall be subject to verification as set forth in the City's guidelines;

k.All affordable units in the reconfigured building(s) shall be the occupant's primary residence as defined in the City's Inclusionary Zoning Implementation Guidelines and may not be rented out for short or long term periods, including seasonal, weekly or daily rentals, to other households

l.The maximum rent for the units occupied by income qualified households shall not exceed one hundred fifteen percent (115%) of the Affordable Monthly Rent determined in accordance with the City's Inclusionary Zoning Implementation Guidelines for Developers of Rental Housing;

m.The maximum sales price for units occupied by income qualified households shall be based on the City's Inclusionary Zoning Implementation Guidelines for Developers of Ownership Housing; and

n.If the affordable unit(s) is rented, the owner of the property shall provide the occupant of the affordable unit with a written description of the occupancy requirements for the unit.

I-R2 Zone Amendment:

Amend Sec. 14-145.11(a) by adding a new subsection 8. which shall read:

8.Notwithstanding the provisions Sec. 14.145-8 Permitted use and subsection 1 of Sec. 14-145.11(a)1, a property on Peaks Island existing as of April 1, 2017 that meets the following requirements may be reconfigured to create one or more additional dwelling units in the principal building and/or in an existing accessory building:

a.The lot was developed and used as a residential property prior to April 1, 1985;

b.The principal building has at least one thousand two hundred (1,200) square feet of gross floor area;

c.The lot has a minimum of six thousand five hundred (6,500) square feet of area;

d. The lot is or will be served by the public sewer systems or an on-site subsurface

sewage disposal system meeting the requirements of the Maine Subsurface Wastewater Disposal Rules for the proposed use;

e. The property does not discharge any stormwater to the sanitary sewer system or any such discharge will be corrected as part of the reconfiguration of the building;

f. The reconfiguration of the property to create additional dwelling units shall not expand the exterior building envelop of the existing structures except as follows:

1) Minor additions with not more than ten percent (10%) of the existing floor area of the building are permitted to accommodate additional access to the building and/or to comply with local, state and/or federal safety and accessibility requirements, and

2) The installation of windows and dormers is permitted provided that the alterations maintain the character of the building;

g. The reconfiguration shall maintain the character of the structure and except as provided for in f. shall not significantly alter the exterior appearance of the structure;

h. The dwelling units in the reconfigured building(s) may be rented or may be sold as condominium units or otherwise separated from the ownership of the entire property;

i. At least fifty percent (50%) of the dwelling units in the reconfigured building(s) shall be occupied by a household meeting the income requirements set forth in the City's Inclusionary Zoning Implementation Guidelines for Developers of Rental Housing if the unit(s) will be rented or the City's Inclusionary Zoning Implementation Guidelines for Developers of Homeownership Housing if the unit(s) will be sold;

j. The affordability requirement of i. shall apply for a minimum of twenty (20) years and shall be subject to verification as set forth in the City's guidelines;

k. All affordable units in the reconfigured building(s) shall be the occupant's primary residence as defined in the City's Inclusionary Zoning Implementation Guidelines and may not be rented out for short or long term periods, including seasonal, weekly or daily rentals, to other households;

l. The maximum rent for the units occupied by income qualified households shall not exceed one hundred fifteen percent (115%) of the Affordable Monthly Rent determined in accordance with the City's Inclusionary Zoning Implementation Guidelines for Developers of Rental Housing;

m. The maximum sales price for units occupied by income qualified households shall be based on the City's Inclusionary Zoning Implementation Guidelines for Developers of Ownership Housing; and

n. If the affordable unit(s) is rented, the owner of the property shall provide the occupant of the affordable unit with a written description of the occupancy requirements for the unit.

3. Development of "lots of record" – The following amendments are designed to make it more feasible to develop small vacant lots if they meet certain requirements:

Amend Section 14-433 by adding a new subsection 4. to read:

4. In addition to the provisions of subsection 3, a lot of record as of July 15, 1985 that is located in the I-R1 or I-R2 Zone on Peaks Island may be used for a single-family home provided that the lot and the proposed home meets all of the following requirements:

- a. The lot contains a minimum of five thousand (5,000) square feet of area if served by the public sewer system or ten thousand (10,000) square feet if served by an on-site sewage disposal system meeting the requirements of the Maine Subsurface Wastewater Disposal Rules for the proposed use;
- b. The lot has a minimum of forty-five (45) feet of street frontage;
- c. The side and rear yards will be a minimum of ten (10) feet;
- d. The lot coverage will be less than forty percent (40%) unless the lot is subject to shoreland zoning in which case the maximum coverage shall be twenty percent (20%);
- e. The home will be served by the public water system;
- f. The home shall be occupied by a household earning up to 120% of AMI and be subject to income verification as set forth in the City's Inclusionary Zoning Implementation Guidelines for Developers of Homeownership Housing;
- g. The home shall be occupied as the occupant's primary residence as defined in the City's Inclusionary Zoning Implementation Guidelines and may not be rented out for short or long term periods, including seasonal, weekly or daily rentals, to other households;
- h. The home shall be subject to an Affordable Housing Agreement as set forth in the City's Inclusionary Zoning Implementation Guidelines for Developers of Homeownership Housing for a term of not less than twenty (20) years.

Amend Section 14-433 by adding a new subsection 5. to read:

5. In addition to the provisions of subsection 3. two adjacent lots of record as of July 15, 1985 that are located in the I-R1 or I-R2 Zone on Peaks Island may be used for a two-family home in which the units are side-by-side provided that the combined lots and the proposed building meets all of the following requirements:

- a. The combined lots contain a minimum of ten thousand (10,000) square feet of area if served by the public sewer system or twenty thousand (20,000) square feet if served by an on-site sewage disposal system meeting the requirements of the Maine Subsurface Wastewater Disposal Rules for the proposed use;
- b. The combined lots have a minimum of ninety-five (95) feet of street frontage;
- c. The side and rear yards will be a minimum of fifteen (15) feet;
- d. The lot coverage will be less than forty percent (40%) unless the lot is subject to shoreland zoning in which case the maximum coverage shall be twenty percent (20%);
- e. The home will be served by the public water system;
- f. At least one of the units shall be occupied by a household earning up to 120% of AMI and be subject to income verification as set forth in the City's Inclusionary Zoning Implementation Guidelines for Developers of Homeownership Housing;
- g. Both units shall be occupied as the occupant's primary residence as defined in the City's Inclusionary Zoning Implementation Guidelines and may not be rented out for short or long term periods, including seasonal, weekly or daily rentals, to other households;
- h. If the units will be sold, the affordable unit shall be subject to an Affordable Housing Agreement as set forth in the City's Inclusionary Zoning Implementation Guidelines for Developers of Homeownership Housing for a term of not less than twenty (20) years;
- i. If the unit(s) will be rented, the affordable unit(s) shall be subject to an Affordable

Housing Agreement as set forth in the City's Inclusionary Zoning Implementation Guidelines for Developers of Rental Housing for a term of not less than twenty (20) years; and

j. If the affordable unit(s) is rented, the owner of the property shall provide the occupant of the affordable unit with a written description of the occupancy requirements for the unit.

4. **Off-Street Parking Requirements** – The following amendments propose reducing the parking requirement for affordable housing units in the I-R1, I-R2, and I-B Districts from two spaces per unit to one space per unit:

Amend Sec. 14.332.1 by adding a new subsection (l) to read:

(l) *I-R1 and I-R2 Zones: Residential uses shall provide a minimum of one (1) parking space for each dwelling unit that meets the housing affordability provisions of the I-R1 or I-R2 Zones.*

Amend Sec. 14.332.1 by revising subsection (f) to read:

(f) *~~I-BR1~~, Island Business Zone: Off-street parking shall be required at twenty-five (25%) percent of the required number of 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 shall provide a minimum of one (1) parking space for each dwelling unit that meets the housing affordability provisions of the I-B Zone.*

Overview of Draft Amendments to Facilitate the Development of More Affordable, Year-Round Housing on Peaks Island

Following HomeStart's February workshop on possible concepts for revising the Zoning Ordinance, HomeStart formed a Zoning Advisory Committee (ZAC). The concepts discussed at the February workshop were:

- Improve the current provisions for Accessory Dwelling Units
- Allow two-family homes but only if at least one of the units is affordable to year-round residents
- Allow larger single-family homes to be reconfigured to create additional units but only if at least half of the units are affordable to year-round residents
- Reduce the side setbacks for building a home on a smaller "lot of record" if the home will be affordable to year-round residents
- Reduce the off-street parking required for residential uses

The task of the ZAC was to develop draft amendments to revise the Zoning Ordinance to address these concepts based on the feedback from the workshop. This group met a number of times and has developed a set of possible ordinance amendments for further community review and input. The following sections provide an overview of the draft ordinance amendments – the full text of the draft amendments is available on HomeStart's website and will be discussed at the second community workshop on Thursday July 20th.

1. Accessory Dwelling Unit (ADUs) – The proposed amendments are designed to make the ADU provisions that were adopted a few years ago more useable. Here is an overview of the proposed changes:

- The minimum size of an ADU is reduced from 400 SF to 300 SF
- The owner of the property no longer has to live there
- The income and rent are tied to the City's affordable housing provisions

2. Reconfiguration of large, older residential buildings – The proposed amendments allow the existing floor area in large, older residential buildings in both the I-R1 and I-R2 Districts to be reconfigured to create more dwelling units as long as they meet certain requirements. The following is an overview of the provisions:

- The lot must have been developed and used for residential activity prior to 1985 and the building must have a minimum of 1,200 SF of floor area
- The lot must have a minimum of 6,500 SF if connected to the sewer and 20,000 SF if served by a septic system
- The space in both the principal building and any accessory buildings such as a garage can be used to create one or more additional dwelling units
- No stormwater can be discharged to the sewer system

- The building must maintain its character and can only have minimal changes to the exterior
- At least 50% of the units must be occupied as their permanent residence by residents meeting the income requirements of the City's affordable housing provisions

3. Development of "lots of record" – The proposed amendments are designed to make it more feasible to develop small vacant lots if they meet certain requirements. Here is an overview of the proposed amendments:

- Lots of record with a minimum of 5,000 Sf if connected to the sewer or 10,000 if served by a septic system can be developed as an affordable single-family home
- The side setbacks are reduced to 10 feet
- The portion of the lot that can be covered by impervious surface is increased to 40% outside of Shoreland areas where it stays at 20%
- The unit must be occupied by residents with an income of up to 120% of the AMI reflecting the higher cost of living on the island and be used as their permanent residence
- If there are two adjacent lots of record that could be developed using this provision, the lots can be combined and a side-by-side two-family home built on the combined lots
- At least one of the units in the two-family home must be occupied by residents with an income of up to 120% of the AMI and the requirements of the City's affordable housing provisions and used as their permanent residence

4. Off-Street Parking Requirements – The proposed amendments reduce the parking requirement for affordable housing units in the I-R1, I-R2, and I-B Districts from two spaces per unit to one space per unit

Rationale for HomeStart's Suggested Zoning Ordinance Amendments

Accessory Dwelling Units

Rationale for an ordinance amendment: The Land Use Code contains special provisions for accessory dwelling units (ADUs) in the I-R1 and I-R2 Zones on Peaks Island. However there are internal inconsistencies in the provisions and the existing provisions present obstacles for their use. As a result, no one has taken advantage of the provision to create an ADU. The suggested amendments are intended to correct the internal inconsistencies and make the provisions more usable.

Utilization of Existing Residential Properties

Rationale for an ordinance amendment: The I-R1 and I-R2 Districts contain some older larger residential properties. These homes may be oversized for the current owners or are buildings that are no longer needed for their prior use. These properties offer the potential to expand the year-round housing supply through their creative reuse by utilizing the existing floor area for the creation of additional but smaller dwelling units. The Portland ordinance treats all dwelling units the same – a large five bedroom single-family home is treated the same as a small studio or one-bedroom apartment even though the impacts are quite different. This is especially important in terms of water use and sewage loading which are highly correlated to the number of occupants in the unit. One bedroom units have fewer occupants on average than do four or five bedroom homes. Therefore it makes sense to allow the reconfiguration of the floor space in existing larger residential properties to create more but smaller units. For example a single-family home with 4 bedrooms could be converted into two units each with two bedrooms. This would not significantly change the sewage discharge but would give a property owner more options for what to do with the property.

Development of Lots of Record

Rationale for an ordinance amendment: The minimum lot size provisions in the I-R1 and I-R2 do not to apply to “lots of record” existing as of 1985 that meet the requirements of Section 14-433. However the allowed development of smaller lots of record is constrained by the requirement that development on those lots still conform to the 1985 lot frontage requirement, the current setback requirements and the current maximum lot coverage requirements. The requirement for 20 foot side setbacks makes the typical small lot with 50 feet of frontage unable to utilize this provision. Similarly the 20% limit on lot coverage makes it difficult for many of the small “lots of record” to utilize this provision. These requirements are especially problematic for lots in the I-R2 Zone since these are the very lots that offer the greatest potential for expanding the supply of lower cost, year-round housing on Peaks Island.

Off-Street Parking Requirements

Rationale for an ordinance amendment: Division 20 of Chapter 14 Land Use of the Code of Ordinances establishes off-street parking requirements for uses within the City. Section 14-332 establishes a basic standard for parking for residential uses citywide of 2 spaces per dwelling unit for new construction and 1 additional space per unit when an additional dwelling unit or an accessory unit is created. The ordinance provides for some exceptions to this requirement and some reductions. The code currently recognizes that the use of cars on the islands differs from the mainland and exempts planned developments in the I-R3 District from providing off-street parking and allows reduced parking for nonresidential uses in the I-R1 (sic) Island Business District. Since the ownership and use of motor vehicles on the islands is significantly different than uptown, the off-street parking requirement for new affordable residential units in the IR-1 and IR-2 Districts should be reduced to 1 parking space per dwelling unit.