



Legalization of a Nonconforming Dwelling Unit Application Instructions and Checklist

Chapter 14; Section 4.4.6 - effective 12/1/2020

Applies to:

A building that is nonconforming to the number of dwelling units per the current zoning ordinance. This does not apply to rooming units. This applies only to a building in the following zones: R-3, R-4, R-5/R-5a, R-6/R-6a, R-7; or B-1/B-1(b), B-2/B-2(b)/B-2c or IS-FBC.

Fee:

There is a \$300 application fee for each dwelling unit to be legalized and a \$100 Certificate of Occupancy (C of O) fee for the property. A Certificate of Occupancy (CO) is required prior to legally occupying the unit(s) to be legalized. The CO may be applied for with the Permitting and Inspections Department once the work is complete and all inspections have passed. An additional fee of \$100 is required for a CO and will be invoiced after the CO is applied for.

All applications shall be submitted online via the Citizen Self Service portal. Refer to the attached documents for complete instructions. The following items shall be submitted (please check and submit all items):

1. A plot plan showing the shapes and dimensions of the lot and all structures, including the distance from property lines and other important features, such as parking areas and the driveway.
2. Dimensioned floor plans showing all dwelling units in the building, stairs, common areas and exits.
3. The applicant shall provide sufficient evidence to determine:
 - a. That either the nonconforming dwelling unit existed prior to 4/1/2005, or the structure was originally designed and built to accommodate more than the number of units presently in use. This can be shown with an original building permit. These are available in Rm 315 of City Hall.
 - b. The applicant neither constructed nor established the nonconforming dwelling unit.

Examples of records that are accepted as evidence to show a unit existed prior to 4/1/2005 include:

- Historic tax assessment record
- Housing inspection record
- Purchase and sale agreement
- Mortgage inspection document
- City street directory record (such as Polk's, available at the public library)
- Public utility records and
- Notarized affidavits from a previous landowner or tenant of the subject property.

The sufficiency of submitted evidence is at the discretion of the Zoning Administrator.

**Legalization Review Process:**

1. The application is reviewed to determine if the application is complete and the submitted materials sufficiently meet all requirements.
2. An inspection appointment is scheduled with the applicant. The inspection will determine if the nonconforming dwelling units and common areas comply or can be brought into compliance with the provisions of Chapter 6 of the City of Portland Code of Ordinances, as amended, including, but not limited to, the minimum standards for space and occupancy, the minimum plumbing standards, and minimum ventilation standards. The applicant will be provided with a list of items to bring the building into compliance, this may require an additional permit application if construction alterations are needed. The building must be brought into compliance before a Certificate of Occupancy will be issued.
3. Abutting property owners and those within 300 feet of the structure are sent a notification of the application to legalize the dwelling units. Any objection from a qualified person must be submitted in writing to the Zoning Administrator within ten (10) business days of notification.
4. If a timely and formal objection is received from a qualified person, or if the Zoning Administrator determines that the submitted application does not sufficiently satisfy all requirements, then the Zoning Board of Appeals (ZBA) is required to act on the application. The applicant has 30 days to file a Conditional Use Appeal with the ZBA from the date the objection is received or the date of the Zoning Administrator's decision. All ZBA appeal application, processing, and notification fees apply and shall be paid by the applicant.
5. After the permit is approved, and prior to the issuance of the Certificate of Occupancy, final inspections may need to be scheduled to ensure that the building is in compliance with all housing and fire codes.

Review of this application will not begin until the permit payment is received. This is not a permit. Work may not commence until the permit is issued.



Permitting and Inspections Department

Dear Applicant,

Beginning March 19, 2018, all building permits shall be submitted online via the City of Portland's Citizen Self Service (CSS) portal. Online submission of permit applications will help to streamline the application intake process and will improve transparency for the permitting process. In order to submit an application, you will need to register with CSS using a valid e-mail address. Refer to the instructions on the Citizen Self Service homepage, or via the links at the bottom of this page. Please verify that you have selected the correct permit type and checklist and that you have compiled all the required drawings and documents before beginning the application process.

Please note that our format for application submissions has changed. All application documentation shall be compiled into two PDF files-- one file containing all drawing sheets and a second PDF file containing all supporting documentation. Refer to the Requirements for Electronic Submissions for specific instructions on how to prepare your application submission and to the appropriate checklist for required submission items. The review of your application will not begin until a complete application has been submitted and the permit fee has been paid in full. Work may not commence until the permit has been issued.

If you have questions, please contact the Permitting and Inspections Department at (207) 874-8703 or permitting@portlandmaine.gov. Thank you in advance for your patience as we transition to a new and improved permitting system.

For more information:

[How to Apply for a Permit](#)

[How to Register with CSS](#)

[Permit Type Guide](#)

[Requirements for Electronic Submissions](#)

[Citizen Self Service](#)



Permitting and Inspections Department

How to Apply for a Permit

All permit applications shall be submitted online through the City of Portland's [Citizen Self Service](#) (CSS) portal. Online submissions will streamline the application intake process and will allow for greater transparency for applicants during the permit review process. You will be able to view the progress of your permit application, pay invoices, resubmit files and request inspections through CSS. Before submitting an application, please read the instructions below:

1. To begin, review the [Permit Type Guide](#) to determine the appropriate permit type and work class for your project.
2. Once you have determined the correct permit type, refer to the corresponding submission checklist and instructions for that permit type.
3. Compile all the required drawings and documentation as listed on the checklist into two PDF files (one file containing all drawing sheets and one file for all supporting documentation).
4. Go to the [CSS website](#) to apply for your permit. If you have not registered with CSS, see the instructions for registering, [here](#).
5. Once you have logged in to CSS, go to Apply and select the correct permit type. For a full list of all permit types, select All, under Permits.
6. Select Apply, next to the correct permit type. This will take you to the online application form.
7. Complete the form. All fields with a red asterisk are required.
 - a. To add a location, click on the plus sign and search for the project address. If the address cannot be found in the search, go to the City's [Parcel Map Viewer](#), to find the correct parcel address (this may be different than your street address or mailing address. Please input a parcel address that is recognized by the system to avoid delays in the intake process). For the Search function, entering less in the Search box will return more results.
 - b. To add a Contact, click the plus sign under the appropriate contact type and search.
 - c. Complete all other relevant and required fields and click Next. Once you've completed all pages of the form, you will have the opportunity to review the information before submitting. Once submitted, you cannot change your application information.
8. After reviewing your application information, click Submit. You will receive an e-mail confirming receipt of your application.
9. Permitting staff will review your application for completeness. You will be notified via e-mail if any items are missing. Upload requested items via CSS Attachments.
10. When the application is complete, you will receive an e-mail directing you to CSS to pay your invoice.
11. Once payment is received, your permit will go into review.



Requirements for Electronic Submissions

In order to ensure a timely review of the application, please read and follow the requirements below for all submissions:

- **Initial submission files shall be submitted via the Citizen Self Service portal. Before submitting an application, review [How to Apply for a Building Permit](#).**
- **Submissions should include two PDF files—one file containing all drawing sheets and one file containing all other supporting documents.** Only PDF files are acceptable for plan review. Files should be labeled either “Drawings” or “Documents” with the project address included in the file name.
- **Drawing files shall be bookmarked with names based on the drawing sheet number and name.** It is recommended to include a Category/Discipline letter (such as A for Architectural), a sheet number and a descriptive title (e.g., A1 Existing Exterior Elevation).
- **A graphic scale or a scale to reference shall be included on each drawing sheet.**
- **Plans prepared by a design professional shall include a Code Analysis sheet,** referencing the Maine Uniform Building and Energy Code and Portland City Code, Chapter 10 – Fire Prevention and Protection, which includes NFPA 1, Fire Code and NFPA 101, Life Safety Code. Chapter 10 of the City Code can be viewed at:
<http://www.portlandmaine.gov/citycode/chapter010.pdf>.
- **Submissions should include all required documents and drawings as listed on the appropriate Submission Checklist sheet specific to the type of work being performed.**
- **Corrections made by City of Portland plan reviewers will be available for the applicant to view by logging into CSS and selecting “eReviews”.**
- **Revisions submitted in response to plan review comments should be uploaded directly in eReview by logging into CSS, going to the permit record and selecting eReviews.**

For further information and to access PDF versions of this and other forms, visit the Permitting and Inspections Department online at <http://portlandmaine.gov/1728/Permitting-Inspections>.