

Order 222-17/18
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Effective 6/4/2018

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**CITY OF PORTLAND
IN THE CITY COUNCIL**

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NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 14
RE: ADDITIONS TO EXISTING BUILDINGS**

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

That Chapter 14, Sections 14-381, 14-382, 14-431, and 14-436 are hereby amended to read as follows:

Sec. 14-381. Continuation.

Any ~~lawful use of~~ buildings, structures, lots, or use, premises ~~or parts thereof, that were legally existing at the time of its creation existing on June 5, 1957,~~ and made nonconforming by the provisions of this article ordinance or any amendment thereto may be continued although such use does not conform with the provisions of this article ordinance. ~~or amendment thereto.~~

Sec. 14-382. Increase in nonconforming use of structure or alterations to nonconforming structures limited.

(a) A lawful nonconforming non-residential structure may be maintained, repaired, or reconstructed in kind within a one (1) year period or within a two (2) year period for a lawful nonconforming residential structure, but no alterations, modifications or additions shall be made to it, except as provided in this division, and as permitted in 14-436, Building extensions.

...

(d) Alteration, modification or addition may be made to a building which is lawfully nonconforming as to space and bulk or any dimensional requirement where the proposed changes in existing exterior walls and/or roofs would be within the space occupied by the existing shell of the building, and would not create any new nonconformity nor increase any existing nonconformity, except as provided in this Division, and as permitted under 14-436, Building extensions. This subsection

shall not apply to buildings located within shoreland zones and existing on June 15, 1992, which are nonconforming only as to setbacks from wetlands, tributary streams or other water bodies, which shall be regulated in accordance with subsection (f) of this section.

...

Sec. 14-431. Yards.

The height in stories or feet of that part of the principal building adjoining a yard shall be used in determining the required width or depth of that yard, ~~but in no case shall any higher part of the building be closer to the property line than width or depth of yard required for that height.~~ In case an addition is to be made to a building which existed on June 5, 1957, the side yard spaces of which complied with the ordinance in effect on that date, the aggregate side yards may be the same as required on that date, provided the yard on the side where the addition is intended would comply with the minimum width required by the present ordinance. Yards as prescribed for residential uses shall be required for an apartment house or hotel erected above the ground floor of a building where the ground floor is designed exclusively for business purposes.

...

Sec. 14-436. Building extensions

(a) Existing ~~non-residential and residential~~ principal structures ~~buildings~~ which are lawfully nonconforming as to dimensional requirements ~~any area and/or yard requirements~~ may be enlarged ~~within the existing footprint~~ subject to the following provisions:

1. No modification to an existing nonconforming building shall increase any existing nonconformity of a lot, use or structure.
2. No modification to an existing nonconforming building shall create new noncompliance with any provision of this Code.
3. Existing structures that are lawfully nonconforming as to required minimum yard setbacks may be vertically or horizontally expanded provided the area of expansion meets all current dimensional requirements, except as provided in 4. below.

4. A vertical expansion above a portion of a structure that is lawfully nonconforming as to minimum yard setbacks may be permitted a one-time increase of one additional story provided:

a. No portion of the expansion horizontally extends beyond the non-conforming portion of the first story of the structure.

b. Any portion of a vertical expansion above the permitted one additional story shall meet the required minimum yard setback.

~~(a) For principal structures lawfully nonconforming as to land area per dwelling unit as of July 19, 1988: The floor area of the expansion shall be limited to no more than fifty (50) percent of the first floor footprint. The additional floor area shall be created in the uppermost floor by the use of dormers, turrets or similar structures needed to provide the minimum height required for habitable space while preserving the existing roof configuration to the maximum extent possible.~~

~~(b) For residential principal structures conforming as to land area per dwelling unit as of July 19, 1988, but lawfully nonconforming as to any yard setback or nonresidential principal structures that are lawfully nonconforming as to any yard setback: The floor area of the expansion shall be limited to no more than eighty (80) percent of the first floor footprint. The additional floor area shall be created by raising the existing roof configuration the minimum amount required to create an additional story of habitable space, or by the use of dormers, turrets or similar structures.~~

~~Building expansions under this section may occur only once during the lifetime of an existing structure.~~

BE IT FURTHER ORDERED, that this amendment is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective on June 5, 2018, when the Moratorium Re: Development and Demolition of Structures in the R-6 Zone on Munjoy Hill and Munjoy Hill Interim Planning Overlay District expire.