

A GUIDE TO ADUs ON PEAKS ISLAND

As of December 1, 2020, zoning changes for Accessory Dwelling Units (ADUs) were adopted in the first phase of the City of Portland ReCode project. The revised City Of Portland Land Use Code includes the following standards for ADUs:

TERMS

- On Peaks Island, an ADU may be rented provided it is for year-round use only (no short-term rentals), and its primary residence must also be used year-round. However, if not rented, an ADU may be used as a guest space for friends and family.
- A deed restriction must be recorded with the Registry of Deeds requiring the ADU and the primary house to remain under common ownership.

LOT AND SIZE

- ADUs may be either attached to the main residence or separate (detached).
- Up to 2 ADUs are permitted for qualifying properties. (See gross floor area criteria below.)
- There is no lot coverage requirement for ADUs on Peaks. Lot coverage requirements are still applicable for principal structures.
- There is no lot area per dwelling unit requirement for ADUs on Peaks. Lot area requirements are still applicable for principal structures.
- All ADUs must meet dimensional requirements of the underlying zone.
 - In IR-1 (Back Shore) *
 - front yard setback is 30'
 - rear yard setback is 30', if detached and less than 250 SF setback is 10'
 - side yard set back is 20' on each side
 - maximum height is 35' to mid-eave, if detached the maximum height is 18'
 - exception: in no circumstance shall the height of a detached ADU exceed the height of the existing principal structure
 - In IR-2 (Down Front) *
 - front yard setback is 25' wide, or the average of adjacent front yards
 - rear yard setback is 25', if detached and less than 250 SF setback is 10'
 - side yard set back is 20' on each side
 - maximum height is 35' to mid-eave, if detached the maximum height is 18'
 - exception: in no circumstance shall the height of a detached ADU exceed the height of the existing principal structure
- There is no minimum size specified for ADUs per the Land Use Code, but all dwellings must meet code standards for habitable dwellings per the 2015 International Residential Code.
- An ADU's size is limited to 2/3 the gross floor area of the principal unit(s).

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- The aggregate floor area of detached ADUs shall not exceed the gross floor area of the principle structure.

PERMITS AND DEVELOPMENT

- All ADUs require permit approval with the City of Portland Building and Inspections Department
- ADUs are not eligible for Fast Track permitting
- A change of use must be declared as a part of the permit application process.
- Detached ADUs larger than 500 SF, or any ADU in the Shoreland Zone, will need a site plan review with the Planning and Urban Development Department in addition to approval from the Building and Inspections Department.
- No additional onsite parking is required for an ADU.
- For properties serviced by City sewer, an additional sewer line must be added to service a detached ADU. Attached ADUs do not need to add a sewer line, if serviced by City sewer. Properties serviced by septic systems must meet State standards for additional capacity.
- An ADU may be added to an existing building without triggering the sprinkler requirement provided the total renovation does not exceed 50% of the area of the existing structure. A new construction, detached ADU structure must have sprinklers installed.
- Water service and related meter requirements are governed by the Portland Water District.

EXISTING NON-CONFORMING STRUCTURES AND USES

- Many homes and structures on Peaks Island are existing non-conforming per current regulations. If the current footprint of an existing structure has existed prior to June 5th, 1957, it is considered legally non-conforming, pending evidence. Any footprint created after that date, should be confirmed with City Hall records. Questions should be directed to the Zoning Department at 207-874-8703, or email the Zoning Administrator, Ann Machado, at amachado@portlandmaine.gov.
- The City is currently working on a process for converting previously existing, non-conforming ADUs into lawful units. These will be evaluated on a case by case basis and will require an inspection and permitting process.

** These items could be discussed for revision under Phase 2 of the ReCode project.*

Please note: This is a brief summary of recently changed zoning regulations for ADUs as described in Chapter 14 City of Portland Land Use Code, amended 1.4.21. Interpretations are subject to change. The full text is available at recodeportland.me. Section 6.6.2, plus Table 7-D. This is not a summary of related building, energy, fire and life safety codes adopted by the City of Portland. Anyone interested in developing an ADU should consult with the City of Portland Zoning Department, Permitting and Inspections Department, and the Planning and Urban Development Department for details.