

Listed below are key characters (in bold) for searching within this file.

Hold down the control key and select the “f” key. Enter either a key character from the list below or document name and select enter for a list of documents containing the search word you entered.

**APL** – all documents behind this target sheet pertain to the original application submitted by the Applicant.

**REVIEW** – all documents behind this target sheet pertain to those documents submitted to and from staff as part of the project review.

**PBM1** – all documents behind this target sheet are any Planning Board memos with attachments that went to the Board.

**PBR1** - all documents behind this target sheet are any Planning Board reports with attachments that went to the Board.

**CC1** - all documents behind this target sheet are any City Council memos/reports that went to the City Council.

**DRC1** - all documents behind this target sheet are those pertaining to the post review of the project by the Development Review Coordinator.

**MISC1** - all documents behind this target sheet are those that may not be included in any of the categories above.

**APL**

City of Portland  
Development Review Application  
Planning Division Transmittal form

**Application Number:** 10-79900016      **Application Date:**  
**Project Name:** Text Amendment  
**Address:** 67 Quebec Street      **CBL:** 014 - M-013-001  
**Project Description:** Quebec Street; 67; Text Amendment to allow a buildable lot

**Zoning:**

**Other Reviews Required:**

**Review Type:** Text Amendment

**Applicant:**  
Tom Watson  
Port Property Mgt  
104 Grant St  
Portland Me 04101

**Applicant:**  
David Lloyd  
Archetype  
48 Union Wharf  
Portland Me 04101

**Distribution List:**

|                                               |                      |                                                |                      |
|-----------------------------------------------|----------------------|------------------------------------------------|----------------------|
| <input type="checkbox"/> Planner              | Barbara Barhydt      | <input type="checkbox"/> Parking               | John Peverada        |
| <input type="checkbox"/> Zoning Administrator | Marge Schmuckal      | <input type="checkbox"/> Design Review         | Alex Jaegerman       |
| <input type="checkbox"/> Traffic              | Tom Errico           | <input type="checkbox"/> Corporation Counsel   | Danielle West-Chuhta |
| <input type="checkbox"/> Stormwater           | Dan Goyette          | <input type="checkbox"/> Sanitary Sewer        | John Emerson         |
| <input type="checkbox"/> Fire Department      | Keith Gautreau       | <input type="checkbox"/> Inspections           | Tammy Munson         |
| <input type="checkbox"/> City Arborist        | Jeff Tarling         | <input type="checkbox"/> Historic Preservation | Deb Andrews          |
| <input type="checkbox"/> Engineering          | David Margolis-Pineo | <input type="checkbox"/> Outside Agency        |                      |
|                                               |                      | <input type="checkbox"/> DRC Coordinator       | Phil DiPierro        |

**Preliminary Comments needed by: July 7, 2010**

**Final Comments needed by: July 14, 2010**

June 23, 2010

Barbara Barhydt  
Development Review Services Manager  
Planning Division  
389 Congress Street, 4th Floor  
Portland, ME 04101

**RE: 67 Quebec Street**

Dear Ms Barhydt,

We are requesting a text change in reference to 67 Quebec Street, R6 Zone, 14-M-13. We are asking for lot width to be 40 feet versus 50 feet allowing us to create a buildable lot.

Sincerely,



David Lloyd  
Architect



## Zoning Amendment Application

Department of Planning and Development, Planning Division and Planning Board

PROJECT ADDRESS: 67 Quebec Street

CHART/BLOCK/LOT: 14-M-13

### CONTACT INFORMATION:

#### APPLICANT

Name: Tom Watson  
Address: Port Property Management  
104 Grant Street  
Portland, ME  
Zip Code: 04101  
Work #: (207) 771-2883  
Cell #: (207) 252-0358  
(207) 761-8048  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: tom@portpropmgt.com

#### PROPERTY OWNER

Name: Tom Watson  
Address: Port Property Management  
104 Grant Street  
Portland, ME  
Zip Code: 04101  
Work #: (207) 771-2883  
Cell #: (207) 252-0358  
(207) 761-8048  
Fax #: \_\_\_\_\_  
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#### BILLING ADDRESS

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Portland, ME  
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Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: tom@portpropmgt.com

~As applicable, please include additional contact information on the next page~

AGENT/REPRESENTATIVE

Name: David Lloyd  
Address: Archetype  
48 Union Wharf  
Portland, ME  
Zip Code: 04101  
Work #: (207) 772-6022  
Cell #: (207) 831-8627  
Fax #: (207) 772-4056  
Home:  
E-mail: Lloyd@archetypepepa.com

ENGINEER

Name:  
Address:  
Zip Code:  
Work #:  
Cell #:  
Fax #:  
Home:  
E-mail:

ARCHITECT

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48 Union Wharf  
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E-mail: Lloyd@archetypepepa.com

CONSULTANT

Name:  
Address:  
Zip Code:  
Work #:  
Cell #:  
Fax #:  
Home:  
E-mail:

SURVEYOR

Name:  
Address:  
Zip Code:  
Work #:  
Cell #:  
Fax #:  
Home:  
E-mail:

ATTORNEY

Name:  
Address:  
Zip Code:  
Work #:  
Cell #:  
Fax #:  
Home:  
E-mail:

**APPLICATION FEE:**

Check the type of zoning review that applies. Payment may be made in cash or check to the City of Portland.


**Zoning Map Amendment**  
 \_\_\_ \$2,000.00 (from \_\_\_ zone to \_\_\_ zone)

**Zoning Text Amendment**  
 \$2,000.00 (to Section 14- 139)  
 (For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (~~example~~), and language to be added is depicted with underline (example).

**Conditional or Contract Zone**  
 \_\_\_ \$1,000.00 (under 5,000 sq. ft.)  
 \_\_\_ \$3,000.00 (5,000 sq. ft. and over)

(A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)

**Signature:** The above information is true and accurate to the best of my knowledge.

|                                                                                                                       |                           |
|-----------------------------------------------------------------------------------------------------------------------|---------------------------|
| <b>Signature of Applicant:</b><br> | <b>Date:</b><br>6.23.2010 |
|-----------------------------------------------------------------------------------------------------------------------|---------------------------|

**Further Information**

In the event of withdrawal of the zoning amendment application by the applicant, a refund of two-thirds of the amount of the zone change fee will be made to the applicant as long as the request is submitted to the Planning Division prior to the advertisement being submitted to the news paper.

# James D. Nadeau, LLC

Professional Land Surveyors



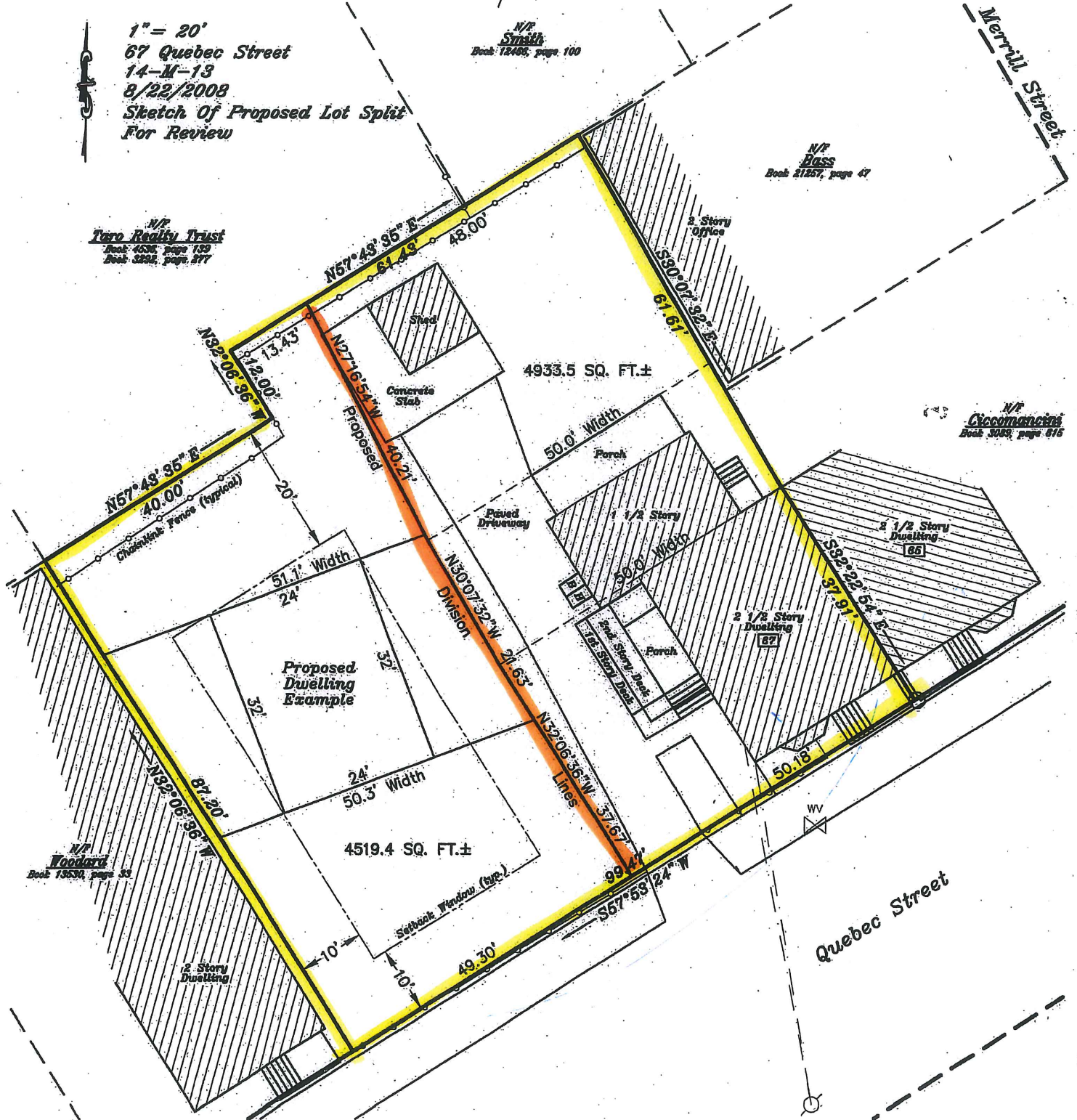
1" = 20'  
 67 Quebec Street  
 14-M-13  
 8/22/2008  
 Sketch Of Proposed Lot Split  
 For Review

N/P  
 Smith  
 Book 12405, page 100

N/P  
 Bass  
 Book 21257, page 47

N/P  
 Tero Realty Trust  
 Book 4536, page 159  
 Book 2225, page 877

N/P  
 Ciccomancini  
 Book 3083, page 616



918 Brighton Avenue  
 Portland, Maine 04102

surveys@gwi.net

Phone (207) 878-7870  
 Fax (207) 878-7871



- b. Detached accessory structures with ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.
  - c. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.
4. *Side yard on side streets:*
- a. Principal or accessory structures: Ten (10) feet.
  - (e) *Maximum lot coverage:* Forty (40) percent of lot area for lots which contain twenty (20) or more dwelling units; fifty (50) percent for lots which contain fewer than twenty (20) dwelling units.
  - (f) *Minimum lot width:* ~~Fifty (50) feet.~~  
forty (40) feet
  - (g) *Maximum structure height:*  
  
Principal and attached accessory structure: Forty-five (45) feet.  
  
Accessory detached structure: Eighteen (18) feet.
  - (h) *Open space ratio:*
    - 1. *Uses other than bed and breakfast.* Twenty (20) percent for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units. This area shall not include parking areas or other impervious surfaces as defined in section 14-47.
    - 2. *Bed and breakfasts.* A bed and breakfast that is located on a lot that has at least twenty (20) percent open space on the date of filing of the application for site plan shall not reduce the open space on the lot below twenty (20) percent of the lot area. A bed and breakfast located on a lot that does not have at least twenty (20) percent open

**PBM1**

Memorandum  
Department of Planning and Urban Development  
Planning Division



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**TO:** Chair Hall and Members of the Portland Planning Board  
**FROM:** Richard Knowland, Senior Planner  
**DATE:** July 27, 2010  
**RE:** R-6 Lot Width Amendment, Applicant, Tom Watson of Port Property Management

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**Introduction**

A workshop has been scheduled to consider a zoning text amendment to modify the R-6 zone lot width requirement. The proposal reduces minimum lot width requirements from 50 to 40 feet. The applicant is Tom Watson of Port Property Management, represented by David Lloyd of Archetype Architects.

Public notice of the workshop consisted of an advertisement in the August 2<sup>nd</sup> and 3<sup>rd</sup> editions of the Portland Press Herald and notices to the interested party list.

**Applicant Proposal**

The applicant is proposing this amendment to facilitate the division of a lot in the vicinity of 67 Quebec Street. The applicant controls a developed lot (9,452 sq.ft.) having surplus land that could be split off as a buildable lot under the R-6 dimensional standards but for the minimum lot width requirement. The proposed out parcel has sufficient land area (4,519 sqft) and street frontage (50 feet) but lacks the requisite lot width requirement (50 feet).

**Background**

Lot width is defined in the zoning ordinance (sec. 14-47) as:

“The distance parallel to the front of the building measured between side lot lines through that part of the principal building where the lot is narrowest”.

While street frontage is measured along the frontage of the lot, lot width is measured through the building from side line to side line. The R-6 minimum street frontage standard is 40 feet while the lot width standard is 50 feet.

Lot width appears in all residential zones except for the R-7 zone and the special “small lot development” provisions of the R-6 zone [sec. 14-139(2)]. Both the minimum lot width and

minimum street frontage for small lot development in the R-5 zone is forty (40) feet (Section 14-120 (2) e and f).

Lot width is a common requirement found in many zoning ordinances throughout the country. The origin of this regulation appears to be founded on a desire to have uniformity in lot and building configuration. It is intended to provide sufficient lot width for constructing a building that when combined with street frontage requirements results in a rectangular shaped lot. Lot width requirements are often slightly wider than minimum street frontage requirements which may push the actual street frontage above the minimum to match the lot width dimensions.

Lot width may be helpful in more suburban areas since it extends the side to side building window wider to allow for future expansions such as garages if they were not constructed as part of the original development. It also is designed for the lot layouts that occur on curvilinear streets.

### **Analysis**

The R-6 zone is a highly developed neighborhood with an established development pattern with the traditional grid layout of streets and rectangular lots. In the context of the R-6 zone lot, lot width seems less critical in this zone than other residential zones. Generally, R-6 lot depth is more important than lot width since R-6 buildings are often configured with the long length of the building front to rear rather than side to side which is more of a suburban model. Also with a taller height standard, R-6 building space can be stacked higher as contrasted with lower height zones that tend to spread the same floor area over a larger area of the site. Thus the side to side measurement is less critical in the R-6 particularly since the side yard setbacks are generally less than other zones.

Street frontage (40 feet) and the side yard requirements seem more relevant in regulating building placement than lot width. Vacant lots that exist or that could exist by creating new lots from surplus land are limited since R-6 neighborhoods are already highly developed. Generally street frontage in a typical R-6 lot matches lot width.

Assuming a lot width of 40 feet and a three story building, the two required side yards (10 feet each) yields a building window of 20 feet wide which is adequate for a building lot given that the long length of the building typically occurs front to rear in the R-6. The 40 foot lot width provision proposed by the applicant therefore seems workable and reasonable.

As discussed above, the R-7 and R-6 small lot text excludes lot width as a requirement or makes them the same as in the R-5 small lot provisions. Lot width was deleted from these provisions because it seemed redundant and a possible obstacle to infill development. There have been a dozen R-7 and R-6 small lot development projects which have been reviewed to date. This has given us a good track record to observe whether the absence of lot width regulations pose a concern, and to date it has been a non-issue.

In reviewing our files there were several developments that are particularly relevant to the proposed zoning amendment. Both developments have 40 feet of lot frontage and 40 feet of lot width. Site plans for 11 Salem Street (R-6 small lot provisions) and 49 Hanover Street (R-7) are

shown as Attachment B and Attachment C respectively. Both projects were able to site buildings on the properties with the requisite setbacks and though the lots may at first glance appear tight, this density reflects the character of the surrounding neighborhood. *It should be noted that Salem St had 2 units, while Hanover St had 3 units. A 40 ft lot width does not accommodate large scale development.*

To date, the City has not reviewed any projects under the R-5 provisions; however, the Planning Board recently recommended additional revisions to City Council in order to facilitate the use of these provisions.

The established development pattern of peninsula neighborhoods pre-dates zoning. Although we have not done a statistical analysis, a review of neighborhood maps indicates that 40 feet of lot frontage with 40 feet of lot width is fairly common. It is difficult to defend the present 50 foot lot width standard given the context of the existing neighborhood character and the obvious ability of past and present builders to construct residential structures within a 40 foot wide lot.

**Summary**

The applicant has proposed an amendment to the R-6 zone reducing the lot width requirement from 50 feet to 40 feet. Forty (40) feet is the minimum street frontage standard. The existing R-7 and R-6 small lot provisions eliminated lot width as a standard and the resulting development review has not revealed any difficulties with this change. The minimum lot width and lot frontage for small lot development in R-5 is set at 40 feet, respectively.

We are suggesting that for purposes of holding a public hearing, the legal advertisement reference two alternative amendments for consideration, lot width (1) 40 feet or (2) no lot requirement. The Board can then determine which amendment is appropriate to recommend to the City Council.

**Attachments:**

- A. Applicant Submissions
- B. 11 Salem St. Site Plan
- C. 49 Hanover St. Site Plan
- D. R-6 Zoning Text (Dimensions)

*While the land area of a lot may vary, a 40 foot wide lot is the ultimate number of units physically possible on such a lot may be less than that because of setbacks of the lot.*

*Admittedly a 40 foot wide building lot works best on smaller scale development such as a single, two or three family building. While a building may fit on a lot and meet setbacks and other requirements, the need for parking may be a self limiting factor limit the number of units possible on a given lot. This is not a tool to promote large scale development. It is intended to address circumstances regarding small lots.*

*General as provided the zoning is limited which is desired*



## Zoning Amendment Application

Department of Planning and Development, Planning Division and Planning Board

PROJECT ADDRESS: 67 Quebec Street

CHART/BLOCK/LOT: 14-M-13

### CONTACT INFORMATION:

#### APPLICANT

Name: Tom Watson  
Address: Port Property Management  
104 Grant Street  
Portland, ME  
Zip Code: 04101  
Work #: (207) 771-2883  
(207) 252-0358  
Cell #: (207) 761-8048  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: tom@portpropmgt.com

#### PROPERTY OWNER

Name: Tom Watson  
Address: Port Property Management  
104 Grant Street  
Portland, ME  
Zip Code: 04101  
Work #: (207) 771-2883  
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~As applicable, please include additional contact information on the next page~

AGENT/REPRESENTATIVE

Name: David Lloyd  
Address: Archetype  
48 Union Wharf  
Portland, ME  
Zip Code: 04101  
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Fax #: (207) 772-4056  
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E-mail: Lloyd@archetypepepa.com

ENGINEER

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Work #: \_\_\_\_\_  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

ARCHITECT

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Fax #: (207) 772-4056  
Home: \_\_\_\_\_  
E-mail: Lloyd@archetypepepa.com

CONSULTANT

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Work #: \_\_\_\_\_  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

SURVEYOR

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Work #: \_\_\_\_\_  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

ATTORNEY

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Work #: \_\_\_\_\_  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

## APPLICATION FEE:

Check the type of zoning review that applies. Payment may be made in cash or check to the City of Portland.

### Zoning Map Amendment

\_\_\_ \$2,000.00 (from \_\_\_ zone to \_\_\_ zone)

### Zoning Text Amendment

\$2,000.00 (to Section 14- 139)

(For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

### Conditional or Contract Zone

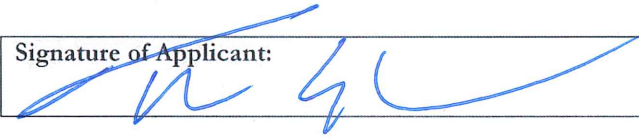
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**Signature:** The above information is true and accurate to the best of my knowledge.

Signature of Applicant:



Date:

6.23.2010

### Further Information

In the event of withdrawal of the zoning amendment application by the applicant, a refund of two-thirds of the amount of the zone change fee will be made to the applicant as long as the request is submitted to the Planning Division prior to the advertisement being submitted to the news paper.



- b. Detached accessory structures with ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.
  - c. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.
4. *Side yard on side streets:*
- a. Principal or accessory structures: Ten (10) feet.
  - (e) *Maximum lot coverage:* Forty (40) percent of lot area for lots which contain twenty (20) or more dwelling units; fifty (50) percent for lots which contain fewer than twenty (20) dwelling units.

(f) *Minimum lot width:* ~~Fifty (50) feet.~~

(g) *Maximum structure height:* forty (40) feet

Principal and attached accessory structure: Forty-five (45) feet.

Accessory detached structure: Eighteen (18) feet.

(h) *Open space ratio:*

1. *Uses other than bed and breakfast.* Twenty (20) percent for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units. This area shall not include parking areas or other impervious surfaces as defined in section 14-47.

2. *Bed and breakfasts.* A bed and breakfast that is located on a lot that has at least twenty (20) percent open space on the date of filing of the application for site plan shall not reduce the open space on the lot below twenty (20) percent of the lot area. A bed and breakfast located on a lot that does not have at least twenty (20) percent open

**PBR1**



# PLANNING BOARD REPORT PORTLAND, MAINE

## RESIDENTIAL R-6 LOT WIDTH AMENDMENT ZONING TEXT AMENDMENT TOM WATSON, PORT PROPERTY MANAGEMENT, APPLICANT

|                                                                                     |                                                                                             |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| Submitted to:<br>Portland Planning Board<br>Public Hearing Date: September 21, 2010 | Prepared by:<br>Rick Knowland, Senior Planner<br>Date: September 17, 2010<br>Report # 32-10 |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|

### I. Introduction

A public hearing has been scheduled to consider a zoning text amendment to modify the R-6 zone lot width requirement of Section 14-139 (1)(f). The proposal reduces minimum lot width requirements from 50 to 40 feet.

The applicant is Tom Watson of Port Property Management, represented by David Lloyd of Archetype Architects.

Public notice of the public hearing consisted of an advertisement in the September 13<sup>th</sup> and September 14<sup>th</sup> editions of the Portland Press Herald and notices to the interested party list.

### II. Applicant Proposal

The applicant is proposing this amendment to facilitate the division of a lot in the vicinity of 67 Quebec Street. The applicant controls a developed lot (9,452 sq.ft.) having surplus land that could be split off as a buildable lot under the R-6 dimensional standards but for the minimum lot width requirement. The proposed out parcel has sufficient land area (4,519 sqft) and street frontage but lacks the requisite lot width requirement (50 feet). The applicant is proposing to reduce the R-6 minimum lot width from 50 feet to 40 feet.

### III. Background → lot width & street frontage

Lot width is defined in the zoning ordinance (sec. 14-47) as:

“The distance parallel to the front of the building measured between side lot lines through that part of the principal building where the lot is narrowest”.

While street frontage is measured along the frontage of the lot, lot width is measured through the building from side line to side line. The R-6 minimum street frontage standard is 40 feet while the lot width standard is 50 feet.

Lot width appears in all residential zones except for the R-7 zone and the special "small lot development" provisions of the R-6 zone [sec. 14-139(2)]. Both the minimum lot width and minimum street frontage for small lot development in the R-5 zone is forty (40) feet (Section 14-120 (2) e and f).

Lot width is a common requirement found in many zoning ordinances throughout the country. The origin of this regulation appears to be founded on a desire to have uniformity in lot and building configuration. It is intended to provide sufficient lot width for constructing a building that when combined with street frontage requirements results in a rectangular shaped lot. Lot width requirements are often slightly wider than minimum street frontage requirements which may push the actual street frontage above the minimum to match the lot width dimensions.

Lot width may be helpful in more suburban areas since it extends the side to side building window wider to allow for future expansions such as garages if they were not constructed as part of the original development. It also is designed for the lot layouts that occur on curvilinear streets.

#### IV. Analysis

The R-6 zone encompasses highly developed neighborhoods with an established development pattern of a traditional grid street layout and rectangular lots. In the context of the R-6 zone lot, lot width seems less critical in this zone than other residential zones. Generally, R-6 lot depth is more important than lot width since R-6 buildings are often configured with the long length of the building front to rear rather than side to side which is more of a suburban model. Also with a taller height standard, R-6 building space can be stacked higher as contrasted with lower height zones that tend to spread the same floor area over a larger area of the site. Thus the side to side measurement is less critical in the R-6 particularly since the side yard setbacks are generally less than other zones.

Street frontage (40 feet) and the side yard requirements seem more relevant in regulating building placement than lot width. Vacant lots that exist or that could exist by creating new lots from surplus land are limited since R-6 neighborhoods are already highly developed. Generally street frontage in a typical R-6 lot matches lot width.

Assuming a lot width of 40 feet and a three story building, the two required side yards (10 feet each) yields a building window of 20 feet wide which is adequate for a building lot given that the long length of the building typically occurs front to rear in the R-6. The 40 foot lot width provision proposed by the applicant therefore seems workable and reasonable.

As discussed above, the R-7 and R-6 small lot text excludes lot width as a requirement or makes them the same as in the R-5 small lot provisions. Lot width was deleted from these provisions because it seemed redundant and a possible obstacle to infill development. There have been a dozen R-7 and R-6 small lot development projects which have been reviewed to date. This has given us a good track record to observe whether the absence of lot width regulations pose a concern, and to date it has been a non-issue. The City has not reviewed any projects under the R-5 provisions; however the Planning Board recently recommended additional revisions to the City Council in order to facilitate the use of these provisions.

In reviewing our files there were several developments that are particularly relevant to the proposed zoning amendment. Both developments have 40 feet of lot frontage and 40 feet of lot width and are among the smaller sized lots we have reviewed. Site plans for 11 Salem Street (3,600 sqft of land area, R-6 small lot provisions) and 49 Hanover Street (3,802 sqft of land area, R-7) are shown as Attachment B and Attachment C respectively. Both projects were able to site buildings on the properties with the requisite setbacks and though the lots may at first glance appear tight, this density reflects the character of the surrounding neighborhood. It should be noted that Salem Street has 2 units, while Hanover Street has 3 units.

Admittedly, 40 foot wide lot works best with a smaller scale development such as a single-family, two-family or a three-family dwelling with the latter representing probably the upper limit of development for lots of 4,000 sq.ft. or less as represented in the 49 Hanover St. project. Parking (not zoning density requirements) often imposes a limiting factor on the number of units on a site because of the physical space required for driveways and parking spaces.

The established development pattern of peninsula neighborhoods pre-dates zoning. Although we have not done a statistical analysis, a review of neighborhood maps indicates that 40 feet of lot frontage with 40 feet of lot width is fairly common. It is difficult to defend the present 50 foot lot width standard given the context of the existing neighborhood character and the obvious ability of past and present builders to construct residential structures within a 40 foot wide lot. For Tuesday's meeting we will present a sample of neighborhood maps highlighting lots with 40 feet of frontage and lot width.

#### **V. Alternative Amendment Eliminating Lot Width Requirement**

Although the applicant is proposing a 40 foot width standard, for purposes of holding a public hearing, a second amendment eliminating the lot width requirement was advertised.

The existing R-7 and R-6 small lot provisions eliminated lot width as a requirement and the resulting development has not revealed any difficulties with this change. Other than the R-6 and R-7, it is unlikely we would recommend eliminating minimum lot width in other residential zones. The R-6 and R-7 zones are located in densely developed neighborhoods that are already built-up with a low percentage of vacant lots. With few vacant lots, the applicability of this provision is limited. The remaining R-1 to R-5 zones have larger lots and more vacant land so the minimum lot width standard has more value in promoting the traditional development pattern of these zones.

At the workshop there was a question raised whether eliminating the lot width requirement could lead to flag lots. As discussed above this has not been an issue to date among the projects submitted for the R-7 and R-6 small lot provisions. Also the number of vacant infill lots is limited. This alternative does not eliminate the 40 foot street frontage requirement which was done with the R-7 and R-6 small lot amendments. If the Board remains concerned about this issue, we would suggest the Board not support this amendment. Given the geometry of a lot it is doubtful a further generation of revisions to this alternative would satisfy this concern.

**VI. Land Use Policy Consideration**

The proposed zoning amendments are consistent with the policies of the City’s Comprehensive Plan in particular Housing: Sustaining Portland’s Future. Policy actions of this document that are consistent with the amendment include among others the following:

Policy #3 Neighborhood Stability and Integrity (page 18)

Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of the City’s residential neighborhoods.

Municipal Regulations: Update codes to encourage new residential development that:

- Encourages traditional neighborhood elements.
- Promotes a walkable City.
- Are compatible with Portland’s existing neighborhoods.

Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.

**VII. Motions for the Board to Consider**

On the basis of plans and materials submitted by the applicant, the policies of the comprehensive plan and information provided in Planning Report #32-10, and/or other findings as follows:

The Board finds that the zoning text amendment (Amendment A or Amendment B\*) [is or is not] consistent with the policies of the Comprehensive Plan of the City of Portland. The Planning Board therefore (recommends or does not recommend) to the City Council approval of the proposed zoning amendment.

\*Note: Amendment A reduces lot width from 50 feet to 40 feet.  
Amendment B eliminates the lot width requirement.

4-0

**Attachments:**

- A. Applicant Submissions
- B. 11 Salem St. Site Plan
- C. 49 Hanover St. Site Plan
- D. Existing R-6 Zoning Text (excerpt)

**CC1**

**City of Portland, Maine  
City Council Agenda Request Form**

**TO:** Sonia Bean, Senior Administrative Assistant  
**FROM:** Alexander Jaegerman, Director of Planning Division  
**DATE:** October 11, 2010

- 1) Council meeting at which action is requested:  
1<sup>st</sup> reading: October 18, 2010  
Final action: November 1, 2010
- 2) Can action be taken at a later date:   X   YES        NO  
If not, why not:
- 3) This item is sponsored by: Bill Hall, Chair of the Planning Board

**If a memorandum addresses the following issues you may attach and reference the memorandum but please highlight it so staff can easily answer I-V.**

**I. SUMMARY OF ISSUE**

The Planning Board is forwarding a recommendation to reduce the R-6 zone lot width requirement from 50 feet to 40 feet. This proposal was initiated as a zoning amendment request by Tom Watson of Port Property Management who has a property at 67 Quebec Street that he would like split into two lots but is unable to do so because the current zoning minimum lot width (50 feet) requirement exceeds the minimum street frontage (40 feet) requirement. The lot proposed by Mr. Watson is certainly buildable in the context of the density and land development pattern of R-6 peninsula neighborhoods but is not possible under present zoning.

The proposed amendment addresses an obstacle to infill housing proposals on small R-6 lots by making the lot width and street frontage standards consistent with one another.

**II. REASON FOR SUBMISSION (What issue/problem will this address?)**

The Board's recommendation addresses a zoning amendment request submitted by Tom Watson to reduce the R-6 zone lot width requirement from 50 feet to 40 feet so that lot width and street frontage are consistent





**CITY COUNCIL REPORT  
PORTLAND, MAINE**

**RESIDENTIAL R-6 LOT WIDTH AMENDMENT  
ZONING TEXT AMENDMENT  
TOM WATSON, PORT PROPERTY MANAGEMENT, APPLICANT**

|                                                                                                               |                                                                                            |
|---------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| Submitted to:<br>Portland City Council<br>First Reading: October 18, 2010<br>Public Hearing: November 1, 2010 | Prepared by:<br>Richard Knowland, Senior Planner<br>Date: October 7, 2010<br>Report #39-10 |
|---------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|

**I. INTRODUCTION**

The Planning Board is forwarding a recommendation to the City Council to modify the R-6 zone lot width requirement [Sec. 14-139(1)(f)]. The proposal reduces the minimum lot width requirement from 50 to 40 feet. This amendment removes a potential impediment for construction of infill housing in the R-6 zone and is consistent with the existing character and land development pattern of these neighborhoods.

The Board's recommendation is in response to a zoning amendment application submitted by Tom Watson of Port Property Management, represented by David Lloyd of Archetype Architects.

**II. APPLICANT PROPOSAL**

Mr. Watson is proposing this amendment to facilitate the division of a lot in the vicinity of 67 Quebec Street. The applicant controls a developed lot (9,452 sq. ft.) having surplus land that could be split off as a buildable lot under the R-6 dimensional standards but for the minimum lot width requirement. The proposed out parcel has sufficient land area (4,519 sq. ft.) and street frontage (50 feet) but lacks the requisite lot width requirement (50 feet).

### III. BACKGROUND

Lot width is defined in the zoning ordinance (sec. 14-47) as:

“The distance parallel to the front of the building measured between side lot lines through that part of the principal building where the lot is narrowest”.

While street frontage is measured along the frontage of the lot, lot width is measured through the building from side line to side line. The R-6 minimum street frontage standard is 40 feet while the lot width standard is 50 feet.

Lot width appears in all residential zones except for the R-7 zone and the special “small lot development” provisions of the R-6 zone [sec. 14-139(2)]. Both the minimum lot width and minimum street frontage for small lot development in the R-5 zone is forty (40) feet [Sec. 14-120 (2) e and f].

Lot width is a common requirement found in many zoning ordinances throughout the country. The origin of this regulation appears to be founded on a desire to have uniformity in lot and building configuration. It is intended to provide sufficient lot width for constructing a building that when combined with street frontage requirements results in a rectangular shaped lot. Lot width requirements are often slightly wider than minimum street frontage requirements which may push the actual street frontage above the minimum to match the lot width dimensions.

Lot width may be helpful in more suburban areas since it extends the side building window wider to allow for future expansions such as garages if they were not constructed as part of the original development. It also is designed for the lot layouts that occur on curvilinear streets.

### IV. ANALYSIS

The R-6 zone is a highly developed neighborhood with an established development pattern with a traditional grid layout of streets and rectangular lots. In the context of the R-6 zone lot, lot width seems less critical in this zone than other residential zones. Generally, R-6 lot depth is more important than lot width since R-6 buildings are often configured with the long length of the building front to rear rather than side to side which is more of a suburban model. Also with a taller height standard, R-6 building space can be stacked higher as contrasted with lower height zones that tend to spread the same floor area over a larger area of the site. Thus the side to side measurement is less critical in the R-6 particularly since the side yard setbacks are generally less than other zones.

Street frontage (40 feet) and the side yard requirements seem more relevant in regulating building placement than lot width. Vacant lots that exist or that could exist by creating new lots from surplus land are limited since R-6 neighborhoods are already highly developed. Generally street frontage in a typical R-6 lot matches lot width.

Assuming a lot width of 40 feet and a three story building, the two required side yards (10 feet each) yields a building window of 20 feet wide which is adequate for a building lot given that the long length of the building typically occurs front to rear in the R-6. The 40 foot lot width provision proposed by the applicant therefore seems workable and reasonable.

As discussed above, the R-7 and R-6 small lot text excludes lot width as a requirement or makes them the same as in the R-5 small lot provisions. Lot width was deleted from these provisions because it seemed redundant and a possible obstacle to infill development. There have been a dozen R-7 and R-6 small lot development projects which have been reviewed to date. This has given us a good track record to observe whether the absence of lot width regulations pose a concern, and to date it has been a non-issue. To date, the City has not reviewed any projects under the R-5 provisions; however the Planning Board recently recommended additional revisions to the City Council in order to facilitate the use of these provisions.

In reviewing our files there were several developments that are particularly relevant to the proposed zoning amendment. Both developments have 40 feet of lot frontage and 40 feet of lot width and are among the smaller sized lots we have reviewed. Site plans for 11 Salem Street (3,600 sq. ft. of land area, R-6 small lot provisions) and 49 Hanover Street (3,802 sq. ft. of land area, R-7) are shown as Attachment C and Attachment D respectively. Both projects were able to site buildings on the properties with the requisite setbacks and though the lots may at first glance appear tight, this density reflects the character of the surrounding neighborhood. It should be noted that Salem Street has 2 units, while Hanover Street has 3 units.

Admittedly, 40 foot wide lot works best with a smaller scale development such as a single-family, two-family or a three-family dwelling with the latter representing probably the upper limit of development for lots of 4,000 sq. ft. or less as represented in the 49 Hanover St. project. Parking (not zoning density requirements) often imposes a limiting factor on the number of units on a site because of the physical space required for driveways and parking spaces.

The established development pattern of peninsula neighborhoods pre-dates zoning. It is difficult to defend the present 50 foot lot width standard given the context of the existing neighborhood character and the obvious ability of past and present builders to construct residential structures within a 40 foot wide lot.

A review of the R-6 zone indicates there are 3,435 lots of which 230 have 40 feet of street frontage (with presumably 40 feet of lot width) on the peninsula. Only 18 of these lots are vacant. The number of lots impacted by this zone change would therefore appear limited in terms of existing lots although there is potential for splitting off new lots from existing oversized lots.

## V. ALTERNATIVE AMENDMENT ELIMINATING LOT WIDTH STANDARD

Although the applicant proposed a 40 foot width standard, for purposes of holding a public hearing, an alternative second amendment eliminating the lot width requirement was advertised.

The existing R-7 and R-6 small lot provisions removed lot width as a requirement and the resulting development has not revealed any difficulties with this change. Other than the R-6 and R-7, it is unlikely we would recommend eliminating minimum lot width in other residential zones. The R-6 and R-7 zones are located in densely developed neighborhoods that are already built-up with a low percentage of vacant lots. With few vacant lots, the applicability of this provision is limited. The remaining R-1 to R-5 zones have larger lots and more vacant land so the minimum lot width standard has more value in promoting the traditional development pattern of these zones.

## VI. LAND USE POLICY CONSIDERATIONS

The proposed zoning amendments are consistent with the policies of the City's Comprehensive Plan in particular Housing:Sustaining Portland's Future. Policy actions of this document that are consistent with the amendment include among others the following:

### Policy #3 Neighborhood Stability and Integrity (page 18)

Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of the City's residential neighborhoods.

Municipal Regulations: Update codes to encourage new residential development that:

- Encourages traditional neighborhood elements.
- Promotes a walkable City.
- Are compatible with Portland's existing neighborhoods

Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.

## VII. PLANNING BOARD PROCESS AND RECOMMENDATION

The Board initially reviewed the Applicant's lot width amendment at the Board's July 27, 2010 workshop. The Board discussed the amendment and at the suggestion of City staff, considered an alternative amendment that would have eliminated the lot width requirement entirely. The Board decided for purposes of holding a public hearing that both amendments should be considered. In that end, the Board felt there should be a minimum lot width standard and supported the Applicant's proposal.

The public hearing for the amendments was held at the Board's September 21, 2010 meeting. The Board supported the Applicant's proposal but declined to support the alternative amendment.

The Board voted 4 to 0 (Lowry, Lewis and Patterson absent) on the following motion regarding the proposed text amendment as shown below.

On the basis of plans and materials submitted by the applicant, the policies of the comprehensive plan and information provided in Planning Report #32-10, and/or other findings as follows:

- The Board finds that the zoning text amendment is consistent with the policies of the Comprehensive Plan of the City of Portland. The Planning Board therefore recommends to the City Council approval of the proposed zoning amendment.

Public notice of the workshop and public hearing consisted of advertisements placed in the Portland Press Herald and notices to the interested party list.

**ATTACHMENTS:**

- A. Recommended Zoning Amendment**
- B. Applicant Submissions**
- C. 11 Salem St. Site Plan**
- D. 49 Hanover St. Site Plan**

NICHOLAS M. MAVODONES (MAYOR)  
KEVIN J. DONOGHUE (1)  
DAVID A. MARSHALL (2)  
DANIEL S. SKOLNIK (3)  
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND**  
IN THE CITY COUNCIL

JOHN R. COYNE (5)  
JOHN M. ANTON (A/L)  
DORY RICHARDS WAXMAN (A/L)  
JILL C. DUSON (A/L)

**AMENDMENT TO PORTLAND CITY CODE  
CHAPTER 14. LAND USE  
ARTICLE III. ZONING  
DIVISION 7. R-6 RESIDENTIAL ZONE.**

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

*That section 14-139 of the Portland City Code is  
hereby amended to read as follows:*

**Sec. 14-139. Dimensional requirements.**

(1) In addition to the provisions of division 25  
(space and bulk regulations and exceptions) of this  
article, lots in the R-6 zone shall meet or exceed the  
following minimum requirements:

. . .  
| (f) Minimum lot width: ~~Fifty (50)~~ Forty (40) feet.

June 23, 2010

Barbara Barhydt  
Development Review Services Manager  
Planning Division  
389 Congress Street, 4th Floor  
Portland, ME 04101

**RE: 67 Quebec Street**

Dear Ms Barhydt,

We are requesting a text change in reference to 67 Quebec Street, R6 Zone, 14-M-13. We are asking for lot width to be 40 feet versus 50 feet allowing us to create a buildable lot.

Sincerely,



David Lloyd  
Architect



B-2

# Zoning Amendment Application

Department of Planning and Development, Planning Division and Planning Board

PROJECT ADDRESS: 67 Quebec Street

CHART/BLOCK/LOT: 14-M-13

### CONTACT INFORMATION:

#### APPLICANT

Name: Tom Watson  
 Address: Port Property Management  
104 Grant Street  
Portland, ME  
 Zip Code: 04101  
 Work #: (207) 771-2883  
 Cell #: (207) 252-0358  
(207) 761-8048  
 Fax #: \_\_\_\_\_  
 Home: \_\_\_\_\_  
 E-mail: tom@portpropmgt.com

#### PROPERTY OWNER

Name: Tom Watson  
 Address: Port Property Management  
104 Grant Street  
Portland, ME  
 Zip Code: 04101  
 Work #: (207) 771-2883  
 Cell #: (207) 252-0358  
(207) 761-8048  
 Fax #: \_\_\_\_\_  
 Home: \_\_\_\_\_  
 E-mail: tom@portpropmgt.com

#### BILLING ADDRESS

Name: Tom Watson  
 Address: Port Property Management  
104 Grant Street  
Portland, ME  
 Zip: 04101  
 Work #: (207) 771-2883  
 Cell #: (207) 252-0358  
(207) 761-8048  
 Fax #: \_\_\_\_\_  
 Home: \_\_\_\_\_  
 E-mail: tom@portpropmgt.com

~As applicable, please include additional contact information on the next page~



AGENT/REPRESENTATIVE

Name: David Lloyd  
Address: Archetype  
48 Union Wharf  
Portland, ME  
Zip Code: 04101  
Work #: (207) 772-6022  
Cell #: (207) 831-8627  
Fax #: (207) 772-4056  
Home:  
E-mail: Lloyd@archetypepepa.com

ENGINEER

Name:  
Address:  
Zip Code:  
Work #:  
Cell #:  
Fax #:  
Home:  
E-mail:

ARCHITECT

Name: David Lloyd  
Address: Archetype  
48 Union Wharf  
Portland, ME  
Zip Code: 04101  
Work #: (207) 772-6022  
Cell #: (207) 831-8627  
Fax #: (207) 772-4056  
Home:  
E-mail: Lloyd@archetypepepa.com

CONSULTANT

Name:  
Address:  
Zip Code:  
Work #:  
Cell #:  
Fax #:  
Home:  
E-mail:

SURVEYOR

Name:  
Address:  
Zip Code:  
Work #:  
Cell #:  
Fax #:  
Home:  
E-mail:

ATTORNEY

Name:  
Address:  
Zip Code:  
Work #:  
Cell #:  
Fax #:  
Home:  
E-mail:

# APPLICATION FEE:

B-4

Check the type of zoning review that applies. Payment may be made in cash or check to the City of Portland.

### Zoning Map Amendment

\_\_\_ \$2,000.00 (from \_\_\_ zone to \_\_\_ zone)

### Zoning Text Amendment

\$2,000.00 (to Section 14- 13A)

(For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (~~example~~), and language to be added is depicted with underline (example).

### Conditional or Contract Zone

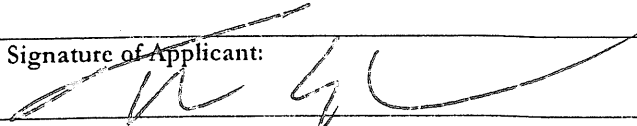
\_\_\_ \$1,000.00 (under 5,000 sq. ft.)

\_\_\_ \$3,000.00 (5,000 sq. ft. and over)

(A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)

**Signature:** The above information is true and accurate to the best of my knowledge.

Signature of Applicant:



Date:

6.23.2010

### Further Information

In the event of withdrawal of the zoning amendment application by the applicant, a refund of two-thirds of the amount of the zone change fee will be made to the applicant as long as the request is submitted to the Planning Division prior to the advertisement being submitted to the news paper.

# James D. Nadeau, LLC

Professional Land Surveyors



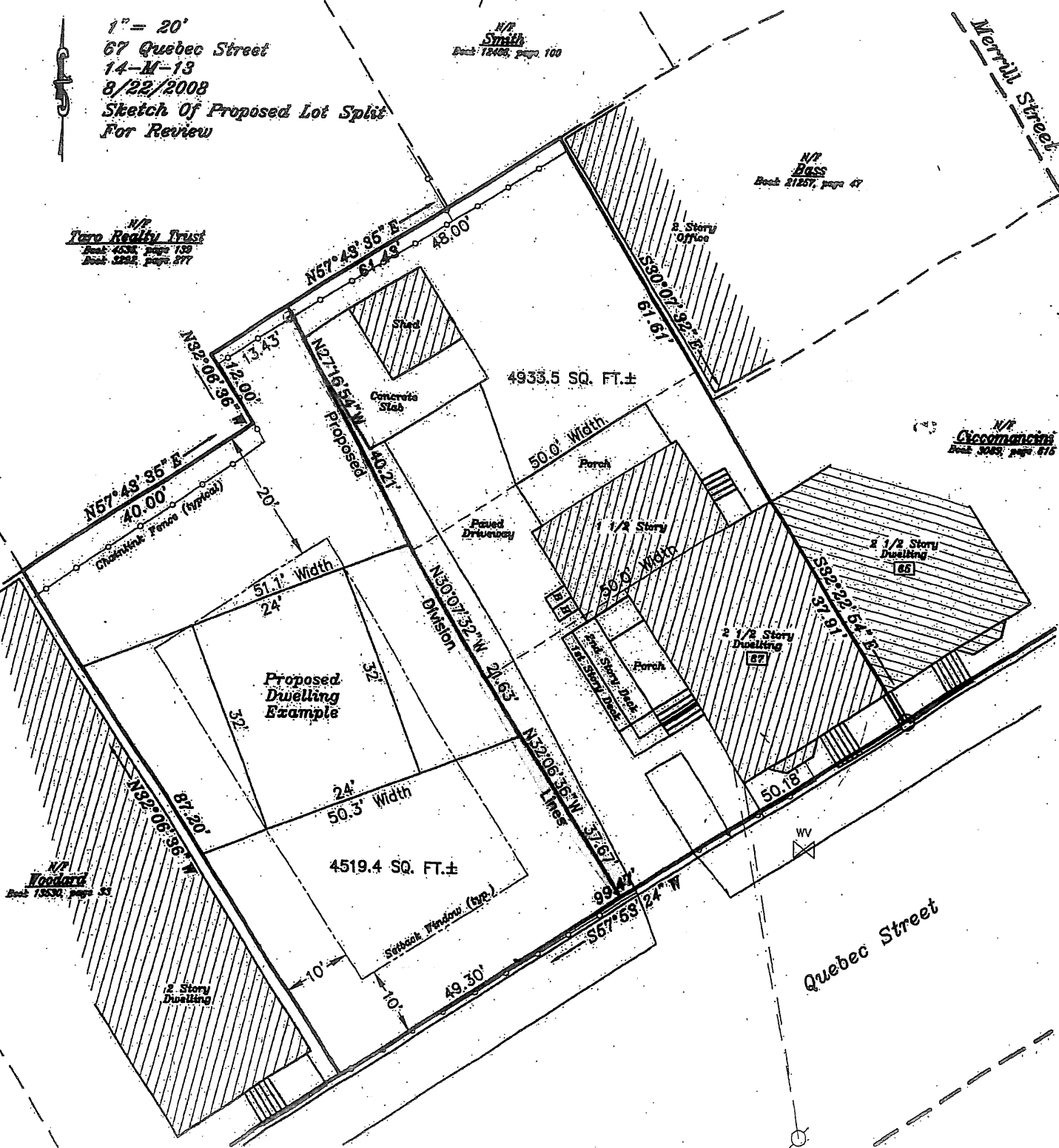
1" = 20'  
67 Quebec Street  
14-M-13  
8/22/2008  
Sketch Of Proposed Lot Split  
For Review

N/E  
Smith  
Book 18408, page 100

N/E  
Bass  
Book 21257, page 47

N/E  
Turo Realty Trust  
Book 4534, page 139  
Book 3224, page 277

N/E  
Ciccimancini  
Book 3063, page 676



- b. Detached accessory structures with ground coverage of one hundred and forty-four(144) square feet or less: Five (5) feet.
- c. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

4. Side yard on side streets:

- a. Principal or accessory structures: Ten (10) feet.
- (e) Maximum lot coverage: Forty (40) percent of lot area for lots which contain twenty (20) or more dwelling units; fifty (50) percent for lots which contain fewer than twenty (20) dwelling units.
- (f) Minimum lot width: ~~Fifty (50) feet.~~
- (g) Maximum structure height: forty (40) feet

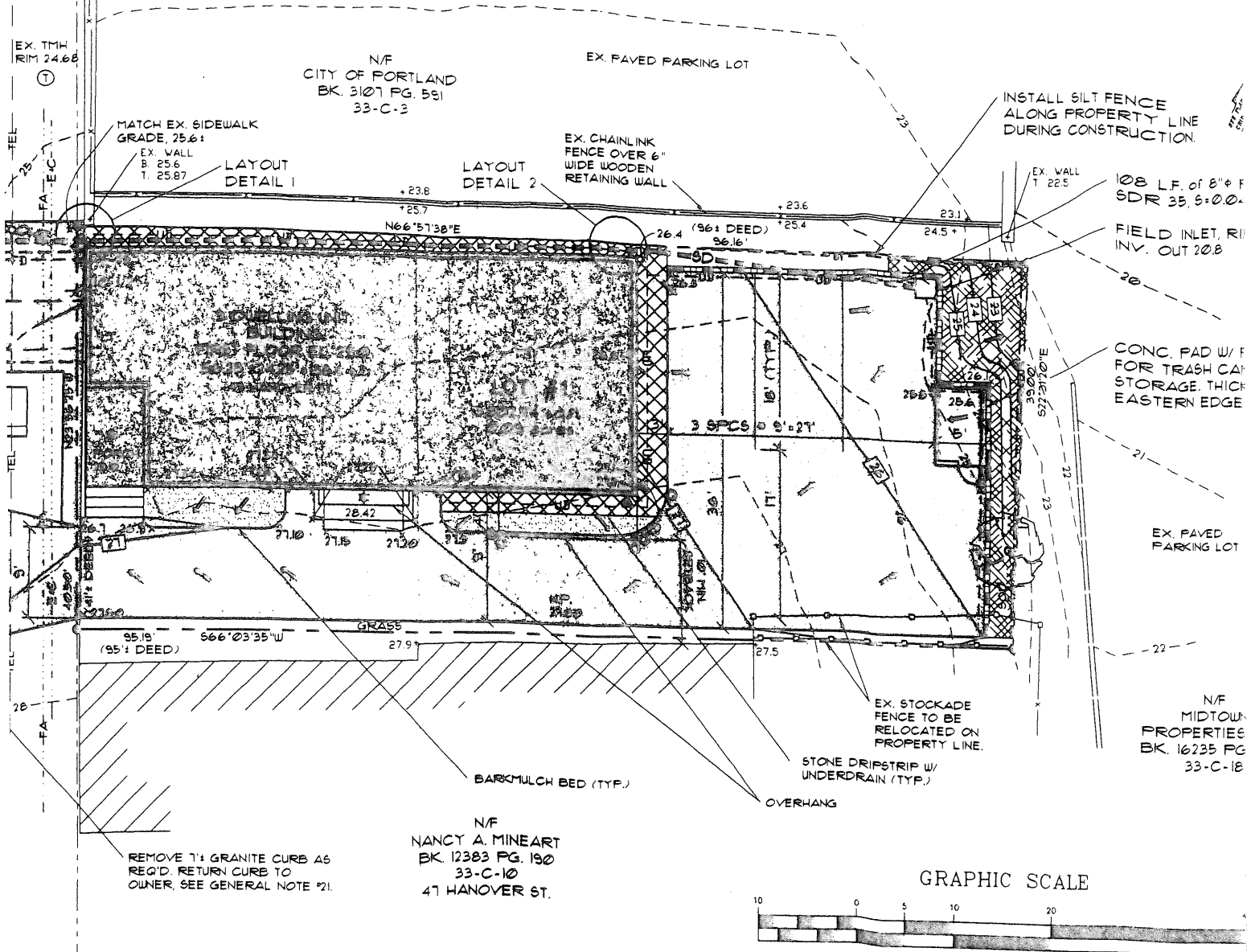
Principal and attached accessory structure: Forty-five (45) feet.

Accessory detached structure: Eighteen (18) feet.

- (h) Open space ratio:
  - 1. Uses other than bed and breakfast. Twenty (20) percent for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units. This area shall not include parking areas or other impervious surfaces as defined in section 14-47.
  - 2. Bed and breakfasts. A bed and breakfast that is located on a lot that has at least twenty (20) percent open space on the date of filing of the application for site plan shall not reduce the open space on the lot below twenty (20) percent of the lot area. A bed and breakfast located on a lot that does not have at least twenty (20) percent open

49 HANOVER ST. 40 FT LOT WIDTH

ATT. D



N/F  
CITY OF PORTLAND  
BK. 3107 PG. 551  
33-C-3

MATCH EX. SIDEWALK  
GRADE, 25.6:  
EX. WALL  
B. 25.6  
T. 25.87

LAYOUT  
DETAIL 1

LAYOUT  
DETAIL 2

EX. CHAINLINK  
FENCE OVER 6"  
WIDE WOODEN  
RETAINING WALL

INSTALL SILT FENCE  
ALONG PROPERTY LINE  
DURING CONSTRUCTION.

108 L.F. OF 8" Ø F  
SDR 35, S=0.00

FIELD INLET, RI  
INV. OUT 20.8

CONC. PAD W/ F  
FOR TRASH CAN  
STORAGE. THICK  
EASTERN EDGE

EX. PAVED  
PARKING LOT

N/F  
MIDTOWN  
PROPERTIES  
BK. 16235 PG  
33-C-18

REMOVE 7" GRANITE CURB AS  
REQ'D. RETURN CURB TO  
OWNER. SEE GENERAL NOTE #21.

N/F  
NANCY A. MINEART  
BK. 12383 PG. 190  
33-C-10  
47 HANOVER ST.

EX. STOCKADE  
FENCE TO BE  
RELOCATED ON  
PROPERTY LINE.

STONE DRIPSTRIP W/  
UNDERDRAIN (TYP.)

OVERHANG

BARKMULCH BED (TYP.)

GRAPHIC SCALE



( IN FEET )  
1 inch = 10 ft.

SUBDIVISION AND SITE PLAN