

City of Biddeford
Planning Board
January 04, 2017 6:00 PM City Hall
Council Chambers,

- 1. PLEDGE OF ALLEGIANCE**
- 2. DECLARATION OF QUORUM/VOTING MEMBERS**
- 3. ADJUSTMENTS TO THE AGENDA**
- 4. PLANNER’S BUSINESS**
- 5. CONSENT AGENDA**
 - 5.A. A. Consideration of Minutes: December 7, 2016
[December 7, 2016.doc](#)
- 6. UNFINISHED BUSINESS**
- 7. NEW BUSINESS**
 - 7.A. A. 2017.01 Determination of Greatest Practical Extent: for William and Susan Coffey to remove the existing structure and reconstruct a new home at 174 Hills Beach Road (Tax Map 55, Lot 57-1) in the CR and RP zone.
[Susan Coffey GPE SR.docx](#)
 - 7.B. B. 2016.25 Conceptual Site Plan Review: for Five Star Holdings, LLC to construct a 1,800 SF building to house a Star Bucks Coffee Shop on Alfred Road (Tax Map 27, Lots 167, 168 and 169) in the B-2 zone.
[2016.25 Starbucks Concept SR 010417.docx](#)
 - 7.C. C. Accessory Dwelling Units - Discussion/Action.
[ADU Ordinance Draft.docx](#)
- 8. OTHER BUSINESS**
- 9. ADJOURN**

The Board reserves the right to halt official business at 9:30 p.m. Items not heard at tonight’s meeting shall be rescheduled to the next meeting of the Board. All materials pertaining to items on the agenda are available for public review at the Biddeford Planning Department, second floor, Biddeford City Hall during normal business hours.

Planning Board Agenda Item Report

Agenda Item No. 2016-396

Submitted by: Shannon Hall

Submitting Department: Planning

Meeting Date: January 4, 2017

SUBJECT

A. Consideration of Minutes: December 7, 2016

Recommendation:

ATTACHMENTS

- [December 7, 2016.doc](#)



CITY OF BIDDEFORD

PLANNING DEPARTMENT

Greg D. Tansley, A.I.C.P.
205 Main Street
PO Box 586
Biddeford, ME 04005
(207) 284-9115
gtansley@biddefordmaine.org

PLANNING BOARD MINUTES

Date: Wednesday, December 7, 2016

Time: 6:00 PM

Location: Council Chambers, City Hall

1. PLEDGE OF ALLEGIANCE
2. DECLARATION OF QUORUM/VOTING MEMBERS
 - A. Quorum Present: Larry Patoine co-Chair (acting Chair), Richard Potvin II, William Southwick, Matthew Boutet, Clement Fleruent (alt Voting member).
3. ADJUSTMENTS TO THE AGENDA
4. PLANNER'S BUSINESS
5. CONSENT AGENDA
 - A. Consideration of Minutes: November 2, 2016 and November 16, 2016
 - B. 2013.11 The Release/Reduction in the Performance Guarantee for: The Lofts at Saco Falls for the 80-unit residential living complex located on Saco Falls Way (Tax Map 71, Lot 9) in the MSRD-3 zone.

MOTION:

 - o Southwick
 - Motion: to approve the Consent Agenda.
 - o Potvin
 - Second.
 - o Patoine (acting) Chair- Call for Vote
 - Unanimous Approval (4-0) passed.
6. UNFINISHED BUSINESS
7. NEW BUSINESS
 - A. 2016.32 Public Hearing Zoning Ordinance Amendment related to Hotels, Motels and Inns: To clarify in Part III (Land Development Regulations), Article II (Definitions) that a "Dwelling Unit" is "designed for and used or held ready for use as a permanent residence by one family" and to delete all of the Performance Standards related to "Hotels/motels and inns" (Part III (Land Development Regulations), Article VI (Performance Standards), Section 40 (Hotels/motels and inns).
Greg Tansley, City Planner: Spoke briefly and recommended the language regarding this ordinance be removed.
Discussion: Between Board and Staff.

MOTION:
o Southwick

- Motion: to send the above-presented Zoning Amendments to the City Council with a positive recommendation.
- o Boutet
- Second.
- o Patoine (acting) Chair – Call for Vote
- Unanimous Approval (4-0) passed.

B. 2016.33 Public Hearing Zoning Ordinance Amendment related to Buffers: To provide a waiver provision to Part III (Land Development Regulations), Article VI (Performance Standards), Section 12 (Buffers) allowing the Planning Board to waive the requirement for a vegetated buffer strip of at least 30 feet wide between nonresidential districts which abut residential districts where it can be demonstrated that the waiver is warranted or necessary due to existing conditions and/or if other means of eliminating or minimizing any adverse impacts on residential structures or uses can achieve the same purpose, such as, but not limited to, the installation of stockade fencing or noise barriers.

Greg Tansley, City Planner: Spoke briefly

Pat Boston, Hills Beach: I has no issues with the wording. I would like you to consider that the Institutional Zone is considered a non residential district. I think the language will be confusing.

Greg Tansley, City Planner: Addressed Pat Boston's concern.

Discussion: Between the Board and Staff.

MOTION:

- o Southwick
- Motion: to send the above-presented Zoning Amendments to the City Council with a positive recommendation with the additional language at the end of Section D that the above conditions may not be waived by the Planning Board.
- o Potvin
- Second.
- o Patoine (acting) Chair – Call for Vote
- Unanimous Approval (4-0) passed.
- C. Workshop: Accessory Dwelling Units
- Discussion: Between the Staff and Board.

8. OTHER BUSINESS

9. ADJOURN

MOTION:

- o Potvin
- Motion: to Adjourn.
- o Southwick
- Second.
- o Patoine (acting) Chair – Call for Vote
- Unanimous Approval (4-0) passed.

o **Planning Board Chair**

Date

o **These minutes are summary and are not intended to be verbatim. Archived meetings are viewable on the City's website: www.biddefordmaine.org.**

Planning Board Agenda Item Report

Agenda Item No. 2016-397

Submitted by: Shannon Hall

Submitting Department: Planning

Meeting Date: January 4, 2017

SUBJECT

A. 2017.01 Determination of Greatest Practical Extent: for William and Susan Coffey to remove the existing structure and reconstruct a new home at 174 Hills Beach Road (Tax Map 55, Lot 57-1) in the CR and RP zone.

Recommendation:

ATTACHMENTS

- [Susan Coffey GPE SR.docx](#)



CITY OF BIDDEFORD PLANNING DEPARTMENT

2017.01

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PLANNING BOARD REPORT

TO: Sue Deschambault, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, A.I.C.P., City Planner

A handwritten signature in cursive script, reading "Greg Tansley", is written over the "FROM:" line.

DATE: December 20, 2016

RE: NEW BUSINESS ITEM #A – 2017.01 Shoreland Zoning/Determination of Greatest Possible Extent: for William and Susan Coffey to tear down and rebuild a house at 174 Hills Beach Road (Tax Map 55, Lot 57-1 in the CR & RP zones.

MEETING DATE: January 4, 2017

1. INTRODUCTION

The applicant is proposing a tear down of an existing structure and construction of a new structure at 174 Hills Beach Road.

The Board is required to determine if the structure to be rebuilt is the "Greatest Practical Extent" from the Resource. The existing house is fully within the 250' Resource Protection (RP) Zone. The relevant section of the Shoreland Zoning Ordinance is Section 12.C.3 (Reconstruction or Replacement). The relevant considerations for Greatest Practical Extent are as follows (Section 12.C.2):

The Planning Board shall consider:

- o the size of the lot,*
- o the slope of the land,*
- o the potential for soil erosion,*
- o the location of other structures on the property and on adjacent properties,*
- o the location of the septic system and other on-site soils suitable for septic systems, and*
- o the type and amount of vegetation to be removed to accomplish the relocation.*

The applicant has provided a plan and a septic design that demonstrates that the structure cannot be moved any further away from the resource than it currently is based on proposed location of the septic system (which requires a variance) and to

remove any vegetation.

2. PROJECT DATA/INFORMATION

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	William and Susan Coffey PO Box 725 Fort Montgomery, NY 10922
2.	Owner of Property:	William and Susan Coffey PO Box 725 Fort Montgomery, NY 10922
3.	Agent:	None
4.	Surveyor:	Dana A. Libby, PLS Corner Post Surveying 600 Main Street Springvale, ME 04083
4.	Project Location:	174 Hills Beach Road
5.	Project Tax Map #/Lot #:	Tax Map 55, Lot 1
6.	Existing Zoning:	CR
7.	Overlay Zoning:	Resource Protection (RP) Shoreland Zone
8.	Existing Use:	Single-family home.
9.	Proposed Use:	Single-family home.
10.	Approvals Required:	Determination of Greatest Practical Extent
11.	Uses in the Vicinity:	Primarily Residential Single-family
12.	Dimensional Requirements:	New Residential Structure to be located the Greatest Practical Extent from the resource as depicted on the approved plans signed by Corner Post Land Surveying dated 11-15-2016 entitled "PLAN SHOWING A BOUNDARY & TOPOGRAPHIC SURVEY FOR SUSAN COFFEY" considering all factors outlined in Section 12.C.2 of the Biddeford Shoreland Zoning Ordinance.
13.	Lot Size:	6,903 SF
14.	Floodplain Status:	Zone A2, NGVD EL 9
15.	Waivers Needed:	a. None
16.	Waivers Granted:	a. None
17.	Variances Needed for Approval:	None.
18.	Other Approvals Required:	Building Permits from the Biddeford Code Enforcement Office.
19.	Other Permits Obtained:	None.
20.	Other Non-City Permits Required:	Maine DEP NRPA Permit

21.	LDR Attachment A: Fess Paid:	Yes
22.	Planning Board Review History: Final Review and Determination of Greatest Practical Extent:	January 4, 2016 (Posted in City Hall December 20, 2016; Journal Tribune posting December 22, 2016; Mail Notices to all abutters within 250' sent December 20, 2016 - 24 notices sent).

3. EXISTING CONDITIONS

The existing lot has a single-family home on it with a septic system.



4. PROJECT PROPOSAL

Demolition of the existing structure and reconstruction of a new single-family home on the existing foundation.

5. PUBLIC COMMENT

For the Final Review, the notice was posted in City Hall on December 20, 2016. It was also posted in the Journal Tribune on December 22, 2016. Mailing notices were also sent out to all abutters within 250' on December 20, 2016 – 24 notices were sent out.

As of the time this report was generated the abutter notices had likely not been received by abutters

6. STAFF REVIEW

- a. ZONING: The proposed use (Residential) is a Permitted Use (P) in the CR/RP Zones.
- b. REVIEW STANDARDS: Greatest Practical Extent Standards (Article XIV, Section 12.C.2).
- c. WAIVERS: None
- d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO FINAL APPROVAL:
 - 1. Add Planning Board signature block (5 signatures minimum).
 - 2. Submit 2 Paper Copies of full size plan (stamped) no later than Tuesday, January 3, 2017 at NOON.

7. STAFF RECOMMENDATION

Staff is of the opinion that the plan exhibits a proposal that meets the Greatest Practical extent criteria and the intent of the Ordinance.

If the Board approves the project, Staff recommends doing so with the following Conditions of Approval attached:

- 1. Trees removed in order to relocate a structure must be replanted with at least one native tree, three feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. Other woody and herbaceous vegetation and ground cover that are removed or destroyed in order to relocate a structure must be reestablished. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

2. Where feasible, when a structure is relocated on a parcel, the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.
3. Obtain required permits from Code Enforcement, including a possible Flood Hazard Development Permit.

8. NEXT STEPS/SUGGESTED ACTIONS

Consider making a determination that the proposal meets the criteria for being located to the Greatest Practical Extent away from the resource give the constraints presented.

9. SAMPLE MOTIONS

- A. *Motion to approve the Determination of Greatest Practical Extent for William and Susan Coffey based on the approved plans for 174 Hills Beach Road (Tax Map 55, Lot 57-1, approve the findings of fact, and sign the plans based on the conditions recommended by Staff in its report dated December 21, 2016.*
- B. *Motion to deny Determination of Greatest Practical Extent based upon the following reasons:*
 - a) _____
 - b) _____

ATTACHMENTS

1. Applicant's Application
2. Corner Post Land Surveying plan dated 11-15-2016 entitled "PLAN SHOWING A BOUNDARY & TOPOGRAPHIC SURVEY FOR SUSAN COFFEY"
3. Draft Findings of Fact.

Planning Board Agenda Item Report

Agenda Item No. 2016-398

Submitted by: Shannon Hall

Submitting Department: Planning

Meeting Date: January 4, 2017

SUBJECT

B. 2016.25 Conceptual Site Plan Review: for Five Star Holdings, LLC to construct a 1,800 SF building to house a Starbucks Coffee Shop on Alfred Road (Tax Map 27, Lots 167, 168 and 169) in the B-2 zone.

Recommendation:

ATTACHMENTS

- [2016.25 Starbucks Concept SR 010417.docx](#)



CITY OF BIDDEFORD PLANNING DEPARTMENT

2016.25

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PLANNING BOARD REPORT

TO: Sue Deschambault, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, A.I.C.P., City Planner

DATE: December 20, 2016

RE: NEW BUSINESS ITEM #B – 2016.25 Conceptual Site Plan Review: for Five Star Holdings, LLC to construct a 1,800 SF building to house a Star Bucks Coffee Shop on Alfred Road (Tax Map 27, Lots 167, 168 and 169) in the B-2 zone.

MEETING DATE: January 4, 2017 @ 6:00 PM

1. INTRODUCTION

The applicant proposes the construction of a 1,800 +/- square foot, single-story coffee shop at Five Points off Alfred Road in the B-2 Zone. 360 Alfred Street is currently being rezoned B-2 from R-1-A and is scheduled for City Council Second Reading December 20, 2016.

2. PROJECT DATA/INFORMATION

Note: **HIGHLIGHTED** information is pending.

	SUBJECT	DATA/INFORMATION
1.	Applicant:	Five Star Holdings, LLC 452 Alfred Road Biddeford, ME 04005
2.	Owner of Property:	Five Star Holdings, LLC 452 Alfred Road Biddeford, ME 04005
3.	Agent:	BH2M Engineers 28 State Street Gorham, ME 04038 Attn: William Thompson

4.	Engineer/Architect:	BH2M Engineers 28 State Street Gorham, ME 04038 Attn: Robert Libby Caleb Johnson Architects + Builders 265 Main Street Unit #201 Biddeford, ME 04005
4.	Project Location:	Alfred Road
5.	Project Tax Map #/Lot #:	Tax Map 27, Lots 167, 168, and 169
6.	Existing Zoning:	B-2
7.	Overlay Zoning:	None
8.	Existing Use:	The parcel currently houses a vacant D'Angelos Sandwich Shop and a Multi-family Home.
9.	Proposed Use:	A 1,800 SF +/- Coffee Shop and associated site improvements
10.	City Approvals Required:	Site Plan Review
11.	Uses in the Vicinity:	Car Repair, Retail, Restaurants, Residential
12.	Parcel Size:	.76 acres (33,105 SF)
13.	Number of Lots/Units in Subdivision:	N/A
14.	Minimum Lot Size Required: Provided:	10,000 SF 33,105 SF
15.	Frontage Required: Provided:	150' 300' +/-
16.	Front Setback Required: Provided:	30' Greater than 30'
17.	Side Setbacks Required: Provided:	10' Greater than 10'
18.	Rear Setback Requires: Provided:	10' Greater than 10'
19.	Height Requirements: Provided:	Maximum 35' Less than 35' in height
20.	Water Supply:	Maine Water (Public)
21.	Sewerage Disposal:	City of Biddeford
22.	Solid Waste Disposal:	Private Hauler
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	None
25.	Wetland/Surface Water Impacts:	None
26.	Soil Study Provided:	N/A
27.	Parking Spaces Required:	19
28.	Parking Spaces Provided (total): # Accessible Spaces:	23 total 3
29.	Ownership of Road:	Alfred Road (Route 111) is a State Road within the Urban Compact.
30.	Impervious Surface Area	Structures: 1,800 SF (reduction of 760 SF) Paving/Parking: 15,475 SF (reduction of 798 SF)
31.	Total Disturbed Area:	17,000 SF +/-

32.	Building Footprint Existing: Proposed: Net Change:	2,600 SF (+/-) 1,800 SF (+/-) -800 SF (+/-)
33.	Building Floor Area Existing: Proposed: Net Change:	2,600 SF (+/-) 1,800 SF (+/-) -800 SF (+/-)
34.	Estimated Site Development Costs:	TBD
35.	Financial Capacity Letter:	Not yet submitted.
36.	Waivers Needed:	a.
37.	Waivers Granted:	a.
38.	Variances Needed for Approval:	None
39.	Other Permits Obtained:	None
40.	Other Non-City Permits Required:	None
41.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
42.	LDR Attachment A: Fess Paid:	No
43.	Planning Board Review History: Conceptual Review: Final Review:	January 4, 2017 Meeting Date (Journal Tribune posting December XX, 2016; City Hall posting December XX, 2016; Mail Notices to all abutters within 250' sent December XX, 2016 – XX notices sent). TBD

3. EXISTING CONDITIONS

The proposed area of development is an existing D'Angelo's Restaurant, parking lot, and a multi-family home.



4. PROJECT PROPOSAL

See attached cover letter, application package and Concept Plan for more information.

5. PUBLIC COMMENT

Concept Review:

The notice was posted in City Hall on December 20, 2016. It was also posted in the Journal Tribune on December 22, 2016. Mailing notices were also sent out to all abutters within 1,000' on December 20, 2016 – 24 notices were sent out.

As of the time this report was generated the abutter notices had likely not been received by abutters

6. STAFF REVIEW

- a. ZONING: The proposed use is permitted in the B-2 Zone.
- b. REVIEW STANDARDS: Site Plan Review.
- c. WAIVERS: **None.**
- d. OUTSTANDING ITEMS TO BE ADDRESSED WITH THE SUBMISSION OF A FINAL APPLICATION PACKAGE:

Preliminary (non-Engineering) comments regarding Starbucks submittal

The submission lacks the following:

- 1. Sign design
- 2. Landscape plan
- 3. Stormwater management plan and stormwater analysis
- 4. Erosion and sediment control plan
- 5. Traffic analysis, including approved Maine DOT Traffic Movement Permit
- 6. Removals plan
- 7. Dumpster detail
- 8. Striping detail
- 9. Proposed grades
- 10. Lighting detail cut sheets
- 11. Photometrics plan
- 12. Ability to serve letter from water and sewer
- 13. Financial and technical capacity letter
- 14. Performance guarantee cost estimate

General comments:

1. Explain curbing plan - there appears to be a lack of curbing around the site and building.
2. Will require a salt management plan.
3. Under current zoning a 30 foot buffer is required around 4 Summit St. and 360 Alfred St.
4. Under current zoning Westerly parking cannot extend onto 360 Alfred St.
5. Have the lot lines been dissolved already? They need to be dissolved before or as part of this approval.
6. All requirements (to be determined) out of the Maine DOT Traffic Movement Permit need to be incorporated on final plans.
7. Final plans to will need to incorporate acceptable buffering from 4 Summit St. assuming the buffers amendment goes forward and is approved.
8. Indicate on plan existing and proposed square footage of non-vegetated surface. A waiver may be required to Article XI, Section 5.B.4.i.
9. Waiver requests need to be in writing regarding Article XI, Section 5.A and 5.B and Article VI, Section 12. Review Article XI, Section 5.A and 5.B and request appropriate waivers.
10. Entrance on Route 111 will need approval from the Director of Public Works. Add as a note on the Sheet 1.

Note: These preliminary comments do not include comments from the Engineering Depart or Fire Department. Additional comments will follow upon further review.

Staff will provide additional comments upon review of future submittal(s).

7. STAFF RECOMMENDATION

Staff recommends the Board provide feedback to the applicant and listen to any public comment there may be.

8. NEXT STEPS/SUGGESTED ACTIONS

1. Submit complete Site Plan Application Package.

9. SAMPLE MOTIONS:

N/A

ATTACHMENTS

1. Cover Letter, Application, and Conceptual Site Plan.

Planning Board Agenda Item Report

Agenda Item No. 2016-399

Submitted by: Shannon Hall

Submitting Department: Planning

Meeting Date: January 4, 2017

SUBJECT

C. Accessory Dwelling Units - Discussion/Action.

Recommendation:

ATTACHMENTS

- [ADU Ordinance Draft.docx](#)

ACCESSORY DWELLING UNITS Draft Ordinance

Part III (Land Development Regulations), Article II (Definitions):

ACCESSORY DWELLING UNIT - An Accessory Dwelling Unit (ADU) is a self-contained housing unit incorporated within a single-family dwelling or in a separate building on the same lot as a single-family home.

BUILDING, ATTACHED - A building having any portion of one or more walls in common or within five feet of an adjacent building.

BUILDING, DETACHED - A building having a five feet or more of open space on all sides.

DWELLING - Any building or structure or portion thereof designed or used for residential purposes. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

1. SINGLE-FAMILY DWELLING - Any structure containing only one dwelling unit for occupation by not more than one family, except that a structure may also contain an Accessory Dwelling Unit where expressly authorized pursuant to this ordinance. A detached Accessory Dwelling Unit shall not be considered a single-family dwelling unit for the purposes of this ordinance.
2. TWO-FAMILY DWELLING - A building containing only two dwelling units, for occupation by not more than two families, neither of which is an Accessory Dwelling Unit.
3. MULTIFAMILY DWELLINGS - A building containing three or more dwelling units, not including Accessory Dwelling Unit, such buildings being designed exclusively for residential use and occupancy by three or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

PRIMARY RESIDENCE - A building in which is conducted the principal use of the lot on which it is located. For residentially zoned lots, such a building would be a dwelling.

Part III (Land Development Regulations), Article VI (Performance Standards):

Add new Section 77 as follows:

Section 77. Accessory Dwelling Units (ADUs).

A. Purpose and Intent. The intent of permitting ADUs is to:

1. Provide older homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
2. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households who might otherwise have difficulty finding housing;
3. Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;
4. Provide housing units for persons with disabilities;
5. Protect stability, property values, and the residential character of a neighborhood.

B. Procedural Requirements.

1. Review procedure:
 - a. One ADU is permitted per residentially zoned except within the Coastal Residential (CR) zone where ADUs are not permitted. A permit for an ADU may be issued by the Code Enforcement Office so long as all of the standards in this section are met.
 - b. The Code Enforcement Office shall conduct the administrative review of all applications for an ADU. All findings and decisions of the Code Enforcement Office shall be final except where subject to appeal to the Zoning Board of Appeals as provided in Article IX of the Biddeford Land Development Regulations.
2. Application Fee Required:
 - a. In addition to all applicable building, electrical, plumbing etc. permit fees ADU applications shall cost a non-refundable fee of \$200.

C. Use and Dimensional Regulations.

1. The Code Enforcement Office may issue a Building Permit authorizing the installation and use of an ADU within an existing or new owner-occupied, single-family dwelling, attached to an existing or new owner-occupied, single-family dwelling, or in a detached structure on a single-family home lot only when the following conditions are met:
 - a. The unit will be a complete, separate housekeeping unit containing both kitchen and bath.
 - b. Only one ADU may be created within a single-family house or house lot.
 - c. ADU's may be created on lots meeting the minimum lot size for a single-family dwelling in the zoning district or on legally nonconforming lots as of January 1, 2017.
 - d. ADUs shall not be intended for sale and shall remain in common ownership with the principal dwelling unit.
 - e. All ADUs shall have a gross floor area of at least three hundred (300) square feet.
 - f. The gross floor area of an ADU (including any additions) shall not be greater than 35% of the gross floor area of the principal dwelling unit or nine hundred (900) square feet, whichever is greater.
 - g. Once an ADU has been added to a single-family residence or lot, the ADU shall never be enlarged beyond the 35% of the gross floor area of the principal dwelling unit or the nine hundred (900) square feet allowed by this Ordinance.
 - h. Rooftop decks are not permitted.
 - i. Balconies shall not face an interior side lot lines.
 - j. An ADU may not have more than two bedrooms.
 - k. The construction of any ADU must be in conformity with all applicable federal, state and local laws, ordinances and regulations.
 - l. One (1) off-street parking space is required for an ADU unless legal on-street parking or publicly supplied off-street parking is located within 1,000 feet. Tandem parking is permitted.

- m. Internal ADUs shall also comply with the following:
 - (i) Internal ADUs shall be located on one level.
 - (ii) Internal ADUs shall not result in additional entrances facing a public street on the primary structure.
 - (iii) Any stairways leading to the internal ADU shall be enclosed.
 - n. Attached ADUs shall also comply with the following:
 - (i) Attached ADUs shall not result in additional entrances facing a public street on the primary structure.
 - (ii) Any stairways associated with an attached ADU shall be enclosed.
 - (iii) The primary exterior materials of an attached ADU shall match the primary exterior materials of the principal structure.
 - o. Detached ADUs shall also comply with the following:
 - (i) A detached ADU shall not exceed the height of the principal residential structure or twenty (20) feet, whichever is less. In no case shall the highest point of the roof of the detached ADU exceed the highest point of the roof of the principal residential structure.
 - ~~(ii) The distance between the detached ADU and the habitable portion of the principal residential structure shall be a minimum of twenty (20) feet.~~
 - (iii) Not less than ten (10) percent of the total area of the façade of a detached accessory dwelling unit facing an alley or public street shall be windows.
 - (iv) Exterior stairways shall be allowed, provided that the finish of the railing matches the finish or trim of the detached accessory dwelling unit. Raw or unfinished lumber shall not be permitted on an exterior stairway.
2. In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the Code Enforcement Office may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.
- D. Occupancy Requirements.
1. The owner(s) of the residence in which the ADU is created must continue to occupy either the ADU or the principal dwelling unit.

2. If an owner is unable or unwilling to fulfill the requirement to occupy either the ADU or the principal dwelling unit the owner shall remove those features of the ADU that make it a dwelling unit.
3. An ADU may not be occupied by more than three (3) people.

E. Administration and Enforcement.

1. It shall be the duty of the Code Enforcement Office to administer and enforce the provisions of this Ordinance.
2. No building shall be constructed or changed in use or configuration until the Code Enforcement Officer has issued a permit. ADUs shall not be occupied until a Certificate of Occupancy has been issued by the Code Enforcement Office.

DRAFT

Part III (Land Development Regulations), Article V (Establishment of Zones), Table A (Table of Land Uses):

	Article VI Section ¹	SR-1	R-1-A	R-2	R-3	W-1	W-3	R-F	OR	MSRD-2
Residential Uses:										
Accessory Dwelling Units	77	P	P	P	P	P	P	P	P	P

DRAFT