

Order 159-16/17

Amended to clarify Planning Board recommended language: 8-0 (Ray absent) on 3/20/2017

Passage as an emergency, as amended: 8-0 on 3//20/2017

Effective 3/20/2017

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**CITY OF PORTLAND
IN THE CITY COUNCIL**

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**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14
Re: Community Business B-2 Zone**

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

That Chapter 14, Sections 14-182, 14-183, 14-184 and 14-185 of the Portland City Code are hereby amended as follows:

Sec. 14-182. ~~Permitted Table of~~ uses.

~~The following uses are permitted in the B-2, B-2b and B-2c zones except that any use involving a drive-through is prohibited in these zones unless otherwise provided in section 14-183:~~

~~(a) Residential:~~

- ~~1. Attached single family and two family dwellings;~~
- ~~2. Multi-family dwellings;~~
- ~~3. Handicapped family units;~~
- ~~4. Combined living/working spaces including, but not limited to, artist residences with studio space; and~~

~~(b) Business:~~

- ~~1. General, business and professional offices, as defined in section 14-47;~~
- ~~2. Personal services, as defined in section 14-47;~~
- ~~3. Offices of building tradesmen;~~

- ~~4. Retail establishments;~~
- ~~5. Restaurants, except that restaurants shall close for all purposes including the service of alcohol no later than 11:00 p.m.;~~
- ~~6. Drinking establishments, except that drinking establishment as defined in section 14-47, and bars as defined in section 14-217.5 (a) (1), shall not be permitted in the B-2c zone;~~
- ~~7. Billiard parlors;~~
- ~~8. Mortuaries or funeral homes;~~
- ~~9. Miscellaneous repair services, excluding motor vehicle repair services;~~
- ~~10. Communication studios or broadcast and receiving facilities;~~
- ~~11. Health clubs and gymnasiums;~~
- ~~12. Veterinary hospitals, but excluding outdoor kennels;~~
- ~~13. Theaters and performance halls;~~
- ~~14. Hotels or motels of less than one hundred fifty (150) rooms;~~
- ~~15. Dairies in existence as of November 15, 1999;~~
- ~~16. Bakeries in existence as of November 15, 1999;~~
- ~~17. Bakeries established after November 15, 1999, provided the bakeries include retail sales within the principal structures. Bakeries in the B-2b zone shall be no greater than seven thousand (7,000) square feet in size;~~
- ~~18. Drive-throughs associated with a permitted use in the B-2 zone provided that such do not include drive-throughs on any lot adjacent to any residential use or zone. For purposes of this section, only, "adjacent to" shall include uses across a street if within 100 feet of the subject~~

~~lot boundary;~~

~~19. Registered medical marijuana dispensaries; and~~

~~20. Commercial kitchens provided the commercial kitchen includes retail sales or a tasting room within the principal structure. Commercial kitchens in the B-2b shall be no greater than 7,000 square feet in floor area.~~

~~(c) Institutional:~~

~~1. Long term, extended and intermediate care facility;~~

~~2. Clinics, as defined in section 14-47;~~

~~3. Places of assembly;~~

~~4. Kindergarten, elementary, middle and secondary schools;~~

~~5. College, university, trade schools; and~~

~~6. Municipal buildings and uses.~~

~~(d) Other:~~

~~1. Lodging houses;~~

~~2. Day care facilities or babysitting services;~~

~~3. Utility substations, as defined in section 14-47, subject to the requirements of article V (site plan), sections 14-522 and 14-523 notwithstanding;~~

~~4. Accessory uses, as provided in section 14-404;~~

~~5. Bed and breakfast, subject to the standards of article V (site plan), sections 14-522 and 14-523 notwithstanding. A bed and breakfast may include a meeting facility if the facility meets the following standards:~~

~~a. The meeting facility shall be limited to the following types of uses:~~

- ~~i. Private parties.~~
- ~~ii. Business meetings.~~
- ~~iii. Weddings.~~
- ~~iv. Receptions.~~
- ~~v. Seminars.~~
- ~~vi. Business and educational conferences.~~

~~b. The building in which the bed and breakfast and the meeting facility will be located was in existence on March 3, 1997, and was greater than four thousand (4,000) square feet in floor area on that date.~~

~~6. Studios for artists and craftspeople, provided that the area of such studios does not exceed four thousand (4000) square feet for each studio space.~~

~~7. Hostels, provided the applicant submits a site plan and operations plan demonstrating compliance with the following conditions:~~

~~a. All applicable provisions of Article V of this chapter shall be met.~~

~~b. Parking shall be provided in compliance with Division 20 of this Article.~~

~~c. No unaccompanied minors under the age of eighteen (18) shall be permitted in the facility.~~

~~d. The length of stay for transient guests shall not exceed fifteen (15) days out of any sixty-day period.~~

~~e. The building shall meet the applicable occupant load requirements as defined by the International Building Code and the NFPA Life Safety Code, as such codes are amended or adopted by the city.~~

~~8. Wind energy systems, as defined and allowed in Article X, Alternative Energy.~~

| Group ¹ | Use | B-2 ² | B-2b | B-2c |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------|----------|
| R | Single family home | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| R | Two family home | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| R | Three family home | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| R | Multifamily housing | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>R</u> | <u>Combined live/work spaces provided the living space is at least 33% of the total net floor area</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>B</u> | <u>General business and professional offices, as defined in section 14-47, and offices of trades</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>B</u> | <u>Personal services, as defined in section 14-47</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>B</u> | <u>General retail establishments</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>B</u> | <u>Pharmacies with retail sales</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>B</u> | <u>Banking Facilities</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>B</u> | <u>Restaurants, except that restaurants shall close for all purposes including the service of alcohol no later than 11:00 p.m. unless otherwise authorized by the City Council</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>B</u> | <u>Drinking establishments, as defined in section 14-47</u> | <u>Y</u> | <u>Y</u> | <u>N</u> |
| <u>B</u> | <u>Billiard parlors</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>B</u> | <u>Funeral homes</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>B</u> | <u>Miscellaneous repair services, excluding motor vehicle repair services</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>B</u> | <u>Communication studios or broadcast and receiving facilities</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>B</u> | <u>Health clubs and gymnasiums</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>B</u> | <u>Veterinary hospitals and clinics provided there is no outdoor kennel</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>B</u> | <u>Theaters and performance halls</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>B</u> | <u>Hotels, Motels and Inns</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>B</u> | <u>Bakeries, breweries, distilleries, commercial kitchens and similar uses with a retail component and with a total floor area under 10,000 net sf.</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |

| Group ¹ | Use | B-2 ² | B-2b | B-2c |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------|----------|
| <u>B</u> | <u>Bakeries, breweries, distilleries, commercial kitchens and similar uses with a retail component and with a total floor area of 10,000 net sf. or greater</u> | <u>Y</u> | <u>N</u> | <u>N</u> |
| <u>B</u> | <u>Expansion of existing dairies</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>I</u> | <u>Long term, extended and intermediate care facility</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>I</u> | <u>Clinics, as defined in section 14-47</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>I</u> | <u>Places of assembly</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>I</u> | <u>Kindergarten, elementary, middle and secondary schools</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>I</u> | <u>College, university, trade schools</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>I</u> | <u>Municipal buildings and uses</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>O</u> | <u>Lodging houses</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>O</u> | <u>Day care facilities</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>O</u> | <u>Accessory uses, as provided in section 14-404³</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>O</u> | <u>Bed and breakfast, subject to the standards of article V (site plan), sections 14-522 and 14-523 notwithstanding. A bed and breakfast may include a meeting facility if for weddings, seminars, receptions, business meetings and the like and if the facility is less than 4,000 net sf.</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>O</u> | <u>Studios for artists and craftspeople, less than 4,000 net sf. per space</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>W</u> | <u>Wind energy systems, as defined and allowed in Article X, Alternative Energy</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>U</u> | <u>Utility substations, as defined in section 14-47, subject to the requirements of article V (site plan), sections 14-522 and 14-523 notwithstanding</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>A</u> | <u>Drive-throughs associated with a permitted or conditional use⁴</u> | <u>C</u> | <u>N</u> | <u>C</u> |
| <u>A</u> | <u>Auto service stations</u> | <u>C</u> | <u>N</u> | <u>N</u> |
| <u>A</u> | <u>Expansion of auto service stations in existence as of</u> | <u>C</u> | <u>C</u> | <u>C</u> |

| Group ¹ | Use | B-2 ² | B-2b | B-2c |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------|------------------|----------|----------|
| | <u>November 15, 1999</u> | | | |
| <u>A</u> | <u>Car washes</u> | <u>C</u> | <u>C</u> | <u>C</u> |
| <u>A</u> | <u>Automobile dealerships</u> | <u>C</u> | <u>C</u> | <u>C</u> |
| <u>M</u> | <u>Printing and publishing establishments of 10,000 gross sf. or less</u> | <u>C</u> | <u>C</u> | <u>C</u> |
| <u>M</u> | <u>Expansion of existing printing and publishing establishments of greater than 10,000 gross sf. in existence since April 4, 1988</u> | <u>C</u> | <u>C</u> | <u>C</u> |
| <u>M</u> | <u>Wholesale distribution establishments of 10,000 gross sf. or less</u> | <u>C</u> | <u>C</u> | <u>C</u> |
| <u>M</u> | <u>Research and development and related production establishments of 10,000 gross sf. or less</u> | <u>C</u> | <u>C</u> | <u>C</u> |

1 Uses within the same group lettering may be substituted without being considered a change of use under zoning, provided all dimensional and other requirements of this section are met. Other reviews may be required under City regulations, including but not limited to building permit, subdivision and site plan reviews. However, no additional parking shall be required for changes within the same use group for a change in total floor area up to 10,000 sf, except for the provision of additional housing units.

Use Groups include the following:

R = Residential

B = Business

I = Institutional

O = Other

U = Utility

A = Auto related

M = Manufacturing/Processing/and other Industrial

2 Y-Permitted N-Not Permitted

C-Conditional use, see section 14-183 for specific standards in addition to the general conditional use standards

3 Expansion of accessory uses into space used by a permitted use shall not be considered a change of use

~~4 In the B-2b and B-2c zones drive-throughs are only allowed as outlined in 14-183(b) 8.~~

Sec. 14-183. Conditional uses.

The following uses are permitted in the B-2, B-2b and B-2c zone, as provided in section 14-474 (conditional uses), if they meet the following requirements:

- (a) ~~"A" group conditional uses. Notwithstanding section 14-474(a) of this article or any other provision of this code, the Planning Board shall be substituted for the Board of Appeals as the reviewing authority and shall apply the following standards in addition to the provisions of section 14-474: Business. Any of the following conditional uses, provided that, notwithstanding section 14-474(a) of this article or any other provision of this code, the Planning Board shall be substituted for the board of appeals as the reviewing authority over conditional business uses:~~
1. ~~Signs: Signs shall not adversely affect visibility at intersections or access drives. Such signs shall be constructed, installed and maintained so as to ensure the safety of the public. Such signs shall advertise only services or goods available on the premises. Major and minor auto service stations in the B-2 zone, only;~~
 2. ~~Circulation: No ingress and egress driveways shall be located within thirty (30) feet from an intersection. No entrance or exit for vehicles shall be in such proximity to a playground, school, church, other places of public assembly, or any residential zone that the nearness poses a threat or potential danger to the safety of the public. Major or minor auto service stations in the B-2b zone in existence as of November 15, 1999;~~
 3. ~~Car washes; Conditions specific to major or minor auto service stations, car washes and automobile dealerships:~~
 - a. ~~A landscaped buffer, no less than 5 feet wide, shall be located along street frontages (excluding driveways). The buffer~~

shall consist of a variety of plantings in accordance with the City of Portland Technical Manual;

b. Car washes shall be designed to avoid the tracking of residual waters into the street.

~~4. Reserved. Drive-throughs in the B-2 zone which are adjacent to any residential use or zone; and~~

~~5. Reserved. Automobile dealerships.~~

~~In addition to approval by the Planning Board with respect to the requirements of article V (site plan), sections 14-522 and 14-523 notwithstanding, these uses shall comply with the following conditions and standards in addition to the provisions of section 14-474:~~

~~a. Signs: Signs shall not adversely affect visibility at intersections or access drives. Such signs shall be constructed, installed and maintained so as to ensure the safety of the public. Such signs shall advertise only services or goods available on the premises.~~

~~b. Circulation: No ingress and egress driveways shall be located within thirty (30) feet from an intersection. No entrance or exit for vehicles shall be in such proximity to a playground, school, church, other places of public assembly, or any residential zone that the nearness poses a threat or potential danger to the safety of the public.~~

~~6. Drive-throughs: Notwithstanding section 14-474(a) of this article or any other provision of this code, the Planning Board shall be substituted for the Board of Appeals as the reviewing authority and shall apply the following standards in addition to the provisions of section 14-474: where permitted, shall also specifically comply with the following conditions:~~

- a. Location of Drive-throughs: Features, such as windows, vacuum cleaners and menu/order boards, stacking lanes, must be placed, where practicable, to the side and rear of the principal building except where such placement will be detrimental to an adjacent residential zone or use, and shall be located no nearer than forty (40) feet from any adjoining property located in a residential zone. This distance shall be measured from the outermost edge of the outside drive-through feature to such property line. In addition, drive-through features shall not extend nearer than twenty-five (25) feet to the street line. The site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular circulation or creating hazards to vehicular circulation on adjoining streets.
- b. Noise: Any speakers, intercom systems, or other audible means of communication shall not play prerecorded messages. Any speakers, intercom systems, audible signals, computer prompts, or other noises generated by the drive-through services or fixtures shall not exceed 55 dB or shall be undetectable above the ambient noise level as measured by a noise meter at the property line, whichever is greater.
- c. Lighting: Drive-through facilities shall be designed so that site and vehicular light sources shall not unreasonably spill over or be directed onto adjacent residential properties and shall otherwise conform to the lighting standards set forth in 14-526.
- d. Screening and Enclosure: Where automobiles may queue, waiting for drive-through services, their impacts must be substantially mitigated to protect adjacent residential properties from headlight glare, exhaust fumes, noise, etc. As deemed necessary by the reviewing authority,

mitigation measures shall consist of installation of solid fencing with landscaping along any residential property line which is exposed to the drive-through or the enclosure of the drive-through fixtures and lanes so as to buffer abutting residential properties and to further contain all associated impacts; and

e. Pedestrian access: Drive-through lanes shall be designed and placed to minimize crossing principal pedestrian access-ways or otherwise impeding pedestrian access.

f. Hours of Operation: The Board, as part of its review, may take into consideration the impact hours of operation may have on adjoining uses.

~~g. In the B2b and B2c zones, drive-throughs are only permitted when associated with banking and pharmacy uses and in buildings of three or more stories. Drive-throughs associated with restaurant, automotive or uses other than pharmacies and banking are prohibited. The drive-through use be located as much as practicable under the upper levels of the building. Conditions specific to major or minor auto service stations, car washes and automobile dealerships:~~

~~i. A landscaped buffer, no less than five (5) feet wide, shall be located along street frontages (excluding driveways). The buffer shall consist of a variety of plantings in accordance with the City of Portland Technical Manual;~~

~~ii. Car washes shall be designed to avoid the tracking of residual waters into the street.~~

(b) ~~Use "M" group "M" conditional uses: Notwithstanding section 14-474(a) of this article or any other provision of this code, the Planning Board shall be substituted for the Board of Appeals as the reviewing authority and shall apply the following~~

standards in addition to the provisions of section 14-474:

1. ~~Printing and publishing establishments except as provided in subsection b. below;~~ Traffic circulation: The site shall have an adequate traffic circulation pattern designed to avoid hazards to vehicular circulation on adjoining streets. All stacking of motor vehicles shall be on site, and loading facilities shall be located to the rear of the building and shall not be visible from the street.
2. ~~Printing and publishing establishments in continuous operation at their current location since April 4, 1988, or earlier and which exceeded ten thousand (10,000) square feet of aggregate gross floor area at that time;~~ Building and site design: The exterior design of the structures, including architectural style, facade materials, roof pitch, building form, established setbacks and height, shall be of a commercial rather than industrial character. The site shall contain screening and landscaping which shall meet the requirements of section 14-526 for screening between land uses and the City of Portland Technical Manual.
3. ~~Wholesale distribution establishments; and~~
4. ~~Research and development and related production establishments.~~

~~Uses listed in this paragraph (b) (other) 1, 3 and 4 shall be limited to ten thousand (10,000) square feet of aggregate gross floor area, and uses listed in this paragraph (b) (other) 1, 2, 3 and 4 shall be subject to the following conditions and standards in addition to the provision of section 14-474:~~

- a. ~~Traffic circulation: The site shall have an adequate traffic circulation pattern designed to avoid hazards to vehicular circulation on adjoining streets. All stacking of motor vehicles shall be on site, and loading facilities shall be located to the rear of the building and shall not~~

~~be visible from the street.~~

- ~~b. Building and site design: The exterior design of the structures, including architectural style, facade materials, roof pitch, building form, established setbacks and height, shall be of a commercial rather than industrial character. The site shall contain screening and landscaping which shall meet the requirements of section 14-526 for screening between land uses and the City of Portland Technical Manual.~~
- ~~5. Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:~~
 - ~~a. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and~~
 - ~~b. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and~~
 - ~~c. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and~~
 - ~~d. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and~~
 - ~~e. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any~~

~~part of the temporary wind anemometer tower; and~~

~~f. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and~~

~~g. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and~~

~~h. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.~~

~~6. Wind energy systems, as defined and allowed in Article X, Alternative Energy.~~

(c) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the same conditional use standards as listed in Section 14-163 for temporary wind anemometer towers are met in addition to Sec 14-430.

(d) Wind energy systems, as defined and allowed in Article X, Alternative Energy.

Sec. 14-184. Prohibited and Performance-based uses.

Uses not enumerated in sections 14-182 and 14-183 as either permitted uses or conditional uses are prohibited. Uses not expressly permitted as provided in section 14-182 and 14-183 are prohibited unless the use may be permitted subject to meeting the following performance based conditions and standards:

(a) The proposed use is consistent with the purposes of this zone.

(b) The proposed use is similar to a permitted use.

(c) The proposed development is designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odor, and any other potential negative impacts of the proposal.

The Planning Authority shall determine whether the uses not listed as permitted or conditional uses meet the above conditions and standards. The Planning Authority may impose reasonable conditions of approval on the proposed use to ensure that it is similar in character and impact to a use on the table.

If it is determined that the use does not meet the above criteria, it shall not be permitted. The determination of the Planning Authority may be appealed within 30 days of the written determination by the property owner, lessee of the space, or property owner within 100 feet of the proposed use. That appeal shall be heard by the Planning Board in a public hearing.

Sec. 14-185. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the B-2, B-2b, and B-2c zones shall meet the following dimensional requirements:

| | |
|-------------------------------------------------|------------------------------------------------------------------------------------|
| Minimum Lot Size | None |
| Minimum Street Frontage | 20 feet |
| Front Yard Setback Minimum | None |
| Rear Yard Setback Minimum | 10 feet, except as provided for below: a. 5 feet for accessory structures |
| Side Yard Setback Minimum | None required, except as provided for below: a. 5 feet for accessory structures |
| Side Yard on Side Street Setback Minimum | None |

| | |
|----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Front Yard Maximum <u>1, 2⁺</u></p> | <p>No more than 10 feet, except that the Planning Board or Planning Authority may approve a different amount for irregularly shaped lots or lots with frontage less than 40 feet provided this standard is met to the maximum extent practicable.<u>3²</u> The Planning Board or Planning Authority may waive the front yard maximum for utility substations and alternative energy installations.</p> |
| <p>Structure Stepbacks</p> | <p>Portions of a structure above 35 feet shall be no closer than 5 feet from the side property line and no closer than 15 feet from the rear property line when such property line abuts a residential zone.</p> |
| <p>Height maximum</p> | <p>45 feet except as provided for below: a. 50 feet if first floor is partially or wholly occupied by a commercial use. b. 65 feet in B-2 and B-2c zones on lots >5 acres provided that all setbacks, except for front yard setbacks and side yard on side street setbacks, increase by 1 foot for each foot of height over 45 feet. c. 65 feet within 65 feet of Franklin St.</p> |
| <p>Maximum Impervious Surface Ratio</p> | <p>a. For residential uses: None b. For all other permitted uses: 80% in B-2 and B-2c c. For all other permitted uses: 90% in B-2b</p> |
| <p>Minimum Lot Area per Dwelling Unit</p> | <p>a. Off-peninsula locations, as defined in section 14-47: 1,500 square feet, except as provided for in (b) below. b. On-peninsula locations (as per 14-47) and projects with active street frontages, as defined in section 14-188, below: 435 square feet.</p> |

1. Building additions do not have to meet this section.

2. The Planning Board or Planning Authority may waive the front yard maximum for utility substations and alternative energy installations.

~~23~~. If lot has less than 40 feet of frontage and is more than 100 feet deep then no maximum setback is required. If existing structures are within 20 feet of the street or meet the front yard maximum, and remainder of lot has less than 40 feet of frontage, then no maximum setback is required. Where setbacks exceed 10 feet, a continuous, attractive, and pedestrian-scaled edge treatment shall be constructed along the street, consisting of street trees spaced at no more than 15 feet on center, approved by City arborist, and a combinations of landscaping no less than 4 feet deep, ornamental brick or stone walls or ornamental fencing.