

Order 83-15/16

Postponed to 11/2/2015: 8-0 (Costa recused) on 10/19/2015

Amendment to add applicability language: 8-0 (Costa recused) on 11/2/2015

Amendment to remove two blocks from the Historic designation: failed 3-5 (Hinck, Donoghue, Marshall, Suslovic, Brennan opposed, Costa recused)

Amendment to add height bonuses for workforce and low income housing: 6-2 (Mavodones, Brenerman opposed, Costa recused) on 11/2/2015

Amendment to add frontage requirement change in "Urban Neighborhood" zone: 5-3 (Suslovic, Brennan, Hinck opposed, Costa recused)

Amendment to add to the definition of setback: 8-0 (Costa recused)

Passage as amended: 8-0 (Costa recused) on 11/2/2015

Effective 12/2/2015

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

AMENDMENT TO PORTLAND CITY CODE

**CHAPTER 14. LAND USE, ARTICLE III. ZONING, ARTICLE V. SITE PLAN
AND ARTICLE IX. HISTORIC PRESERVATION**

Re: India Street Historic District and Form-Based Code Zone

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

*That Chapter 14, Articles III, V and IX, Sections 14-48,
14-275.1-14-275.9, 14-332.1, 14-345, 14-523, 14-526 and 14-651
of the Portland City Code are hereby amended to read as follows:*

Art. I. In General, § 14-1--14-15
Art. II. Planning Board, § 14-16--14-45
Art. III. Zoning, § 14-46--14-490
Div. 1. Generally, § 14-46--14-59

...

Div. 15.1. B-6 Eastern Waterfront Mixed Zone § 14-268--
14-275.274
Div. 15.2 India Street Form-Based Code Zone (IS-FBC) §
14-275.1--14-275.7
Div. 16. Waynflete School Overlay Zone, § 14-276--14-
276.10

...

Sec. 14-48. Establishment of zones.

In order to carry out the provisions of this article, the city is hereby divided into the following classes of zones:

(a) R-1 Residential zone

...

(ii) S-P Stream protection zone-

(jj) IS-FBC India Street Form-based Code zone.

...

DIVISION 15.2. INDIA STREET FORM-BASED CODE ZONE (IS-FBC)

Sec. 14-275.1 Purpose.

The India Street Form-based Code is different than traditional zoning, placing the primary emphasis on a building's physical form and its relationship to the street, and de-emphasizing land use. The intent of the India Street Form-based Code Zone is to establish a zoning district that encourages a vibrant, walkable, mixed-use urban district, preserves and values the existing historic neighborhood fabric, and fosters and supports local businesses and residential areas. The components of a Form-Based Code include the Guiding Principles, REGULATING PLAN, Subdistricts, General Development Standards, Dimensional Requirements, BUILDING DESIGN STANDARDS, Diagrams, and Definitions.

The goal of the India Street Form-based Code is the creation and preservation of an active and human-scale public realm and the reinforcement of existing neighborhood character through good street space design.

(a) GENERAL GUIDING PRINCIPLES: The General Guiding Principles set forth here shall be applicable to all subdistricts within the India Street Form-based Code Zone.

1. The street is a coherent space, with consistent building and streetscape character on both sides of the street. This agreement of buildings and streetscape across the street contributes to a clear public space and district identity.

2. The street wall is visually well defined. Land should be clearly public or private. Buildings contribute to the vital and safe public space while providing a clear boundary to the private, protected realm.
3. Street walls are engaged with the street environment. Buildings are inviting places that interact with and contribute to the street vitality. Inactive edges, vehicle storage, garbage, and mechanical equipment should be kept away from the street. Shared infrastructure, to the extent practicable, including, but not limited to, service alleys, parking areas, stormwater treatment, public transportation facilities, and driveways, shall be utilized.
4. Buildings are designed for the urban environment. Buildings must be designed for the urban situation within the subdistrict which often includes mixed-uses. Buildings are positioned near the street and FACADES are oriented to the street.
5. Respect historic character. If a property is within the India Street Historic District, Article IX Historic Preservation is applicable. New construction, BUILDING ADDITIONS, or ALTERATIONS in the India Street Historic District shall reflect and complement the character defining features and elements of the existing historic development to which it is visually related.

Sec. 14-275.2. Applicability.

The requirements set forth in this Division shall apply to all new development, primary and accessory structures, including BUILDING ADDITIONS within the India Street Form-based Code Zone as designated on the India Street REGULATING PLAN

Sec. 14-275.3. Establishment of subdistricts.

The India Street Form-based Code Zone as shown on the REGULATING PLAN is divided into three subdistricts:

- (a) Urban Neighborhood (UN) Subdistrict;

(b) Urban Transitional (UT) Subdistrict; and

(c) Urban Active (UA) Subdistrict.

Sec. 14-275.4. Definitions.

Terms used throughout this India Street Form-based Code Zone may be defined in Section 14-47 or elsewhere in Article III, Zoning. Terms not so defined shall be accorded their commonly accepted meanings. In the event of any conflict between the definitions in this section and those in Section 14-47, or any other sections of Article III, Zoning, the Subdivision Rules and Regulations, or any other local land use ordinances, rules or regulations, those of this India Street Form-based Code Zone shall take precedence.

ALTERATION means a change or rearrangement in the structural supports, exterior appearance, or removing from or otherwise affecting the exterior appearance of a structure.

BUILDING ADDITION means any increase to footprint or volume of an existing structure. See Table 14.275.4c. Building - Principal & Accessory

BUILDABLE AREA means the area enclosed by the front, side, and rear yard setbacks and limited by lot coverage.

BUILDING, ACCESSORY means detached structure that is incidental and subordinate in area and extent, and/or use to the principal building(s) on the property. A lot may have more than one accessory building. See Table 14.275.4c. Building - Principal & Accessory.

BUILDING, PRINCIPAL means the main structure(s) on a lot having the predominant area and extent, and/or use. A lot may have more than one principal building. See Table 14.275.4c. Building - Principal & Accessory.

BUILDINGS, ATTACHED means two or more independent buildings that share at least one common PARTY WALL but have full building separation and independent PRINCIPAL ENTRIES; not free-standing. Attached buildings may or may not have common ownership.

BUILDING DESIGN STANDARD (BDS) means the basic design parameters governing building form, including intent, guidelines, and standards for architectural elements such as

proportion, articulation, fenestration, entries, roof lines, and materials.

ELEVATION means an exterior wall of a building not along a frontage line. See FAÇADE and Table 14.275.4e. Frontage & Lot Lines.

ENTRANCE, PRINCIPAL means the main point of access for pedestrians into a building. A building may have more than one principal entrance.

EXPRESSION LINE means a line prescribed at a certain level of a building for the major part of the width of a FAÇADE, expressed by a variation in material or by a limited projection such as a molding or balcony.

FAÇADE means any exterior wall of a structure exposed to public view from a public right-of-way. See ELEVATION and Table 14.275.4e. Frontage & Lot Lines.

FAÇADE, BLANK means a building façade that contains expanses of wall area with no windows, no entrances, no articulation, and no other elements or features, or is otherwise undifferentiated.

GREEN ROOF means a roof of a building that is partially or completely covered with vegetation and designed to meet the Maine Stormwater Best Management Practices Manual standards and recommendations. A green roof installation must serve the purpose of reducing stormwater runoff through retention or slowing and consist of an assembly that at a minimum includes a root repellent system, a drainage system, a filtering layer, a growing medium and plants, and shall be installed on a waterproof membrane. The vegetated area of a green roof may be considered pervious for zoning impervious calculations.

LOT LAYER means a range of depth of a lot within which certain elements are permitted. See Table 14.275.4d. Lot Layers.

MID-BLOCK PERMEABILITY means a continuous, open-air corridor at least 20' in width that connects two streets or public rights-of-way and physically provides a break in the street wall. The corridor must be unobstructed and open to the sky for the majority of its length.

PARTY WALL means any partition wall common to two adjacent

or attached buildings.

REGULATING PLAN means a zoning map that shows the boundary of the area and subdistricts subject to regulation by the India Street Form-based Code.

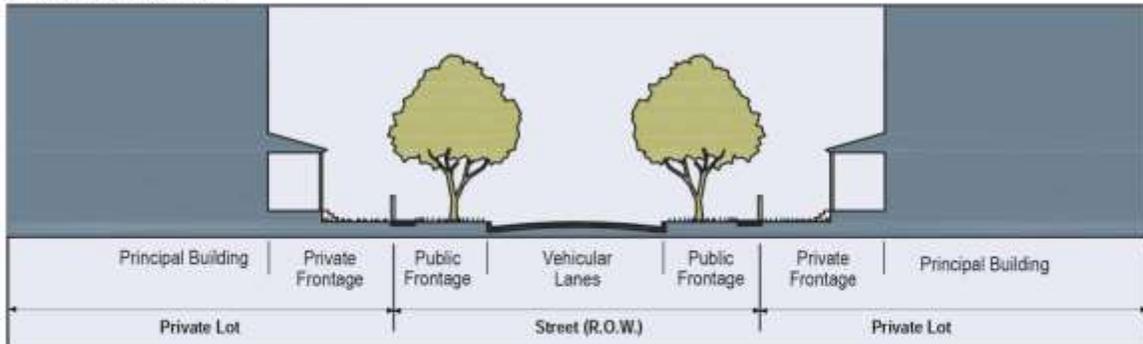
STEPBACK means a building setback of a specified distance measured from the ground floor building face that occurs at a prescribed number of stories or height above the ground.

YARD, SIDE means a yard adjoining a side lot line extending from the front yard to the rear yard, the width of which shall be the shortest horizontal distance between the side lot line and any structure. On corner lots, non-frontage yards shall be considered side yards. See Table 14.275.4b. Setback Designations.

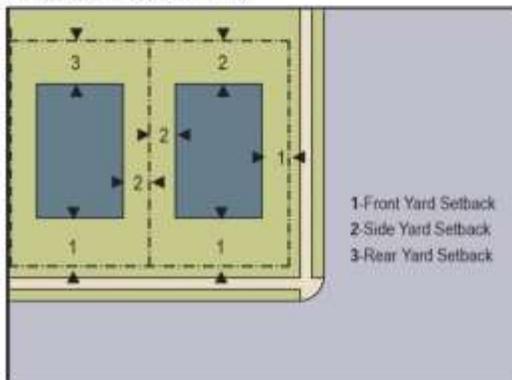
ZERO LOT LINE means the location of a structure on a lot such that one or more of the structure sides rests directly on a lot line. See Table 14.275.4e. Frontage & Lot Lines.

TABLE 14.275.4 DEFINITIONS ILLUSTRATED

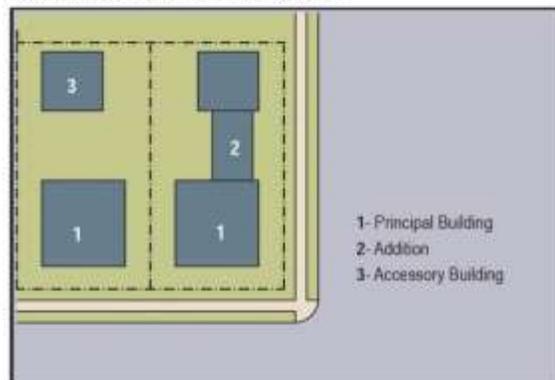
a. STREETS & FRONTAGES



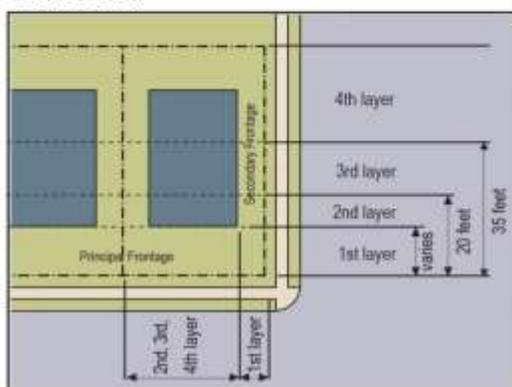
b. SETBACK DESIGNATIONS



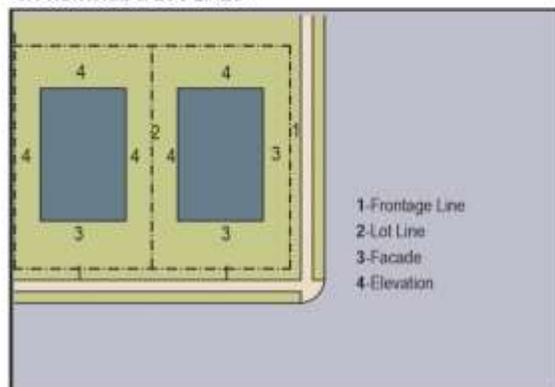
c. BUILDING - PRINCIPAL & ACCESSORY



d. LOT LAYERS



e. FRONTAGE & LOT LINES



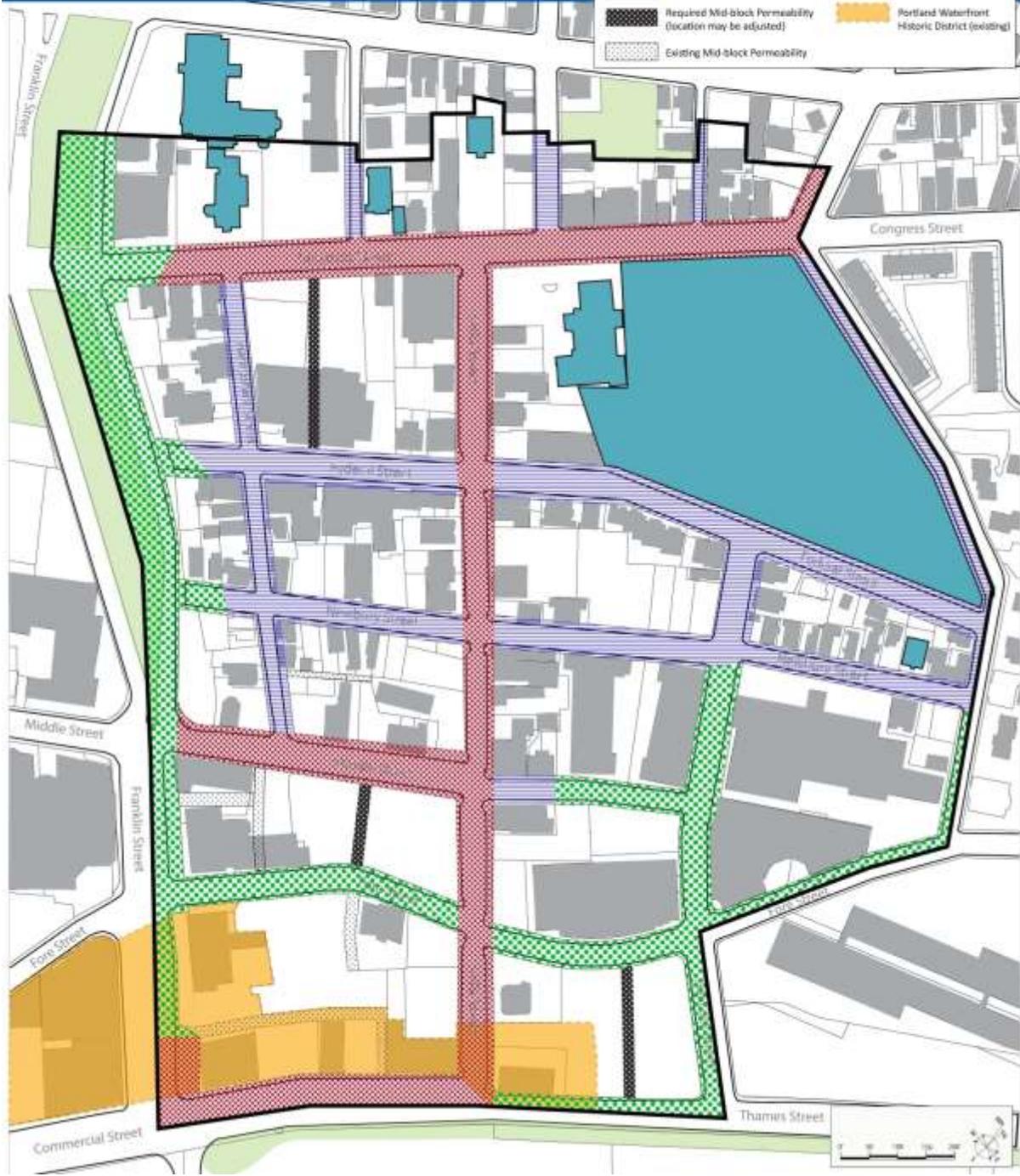
Sec. 14-275.5. Regulating Plan.

The REGULATING PLAN shows the location of the zone boundary and subdistricts subject to regulation by the IS-FBC zone.

REGULATING PLAN

LEGEND

- UA- Urban Active Subdistrict
- UT- Urban Transitional Subdistrict
- UN- Urban Neighborhood Subdistrict
- Required Mid-block Permeability (location may be adjusted)
- Existing Mid-block Permeability
- Zoning District Boundary
- Public Open Space
- Historic Landmarks
- Portland Waterfront Historic District (existing)



Sec. 14-275.6. General development standards.

The following standards apply to all subdistricts unless expressly stated otherwise.

(a) Prohibited uses - uses not to be established in the India Street Form-based Code Zone include:

1. Correctional facilities;
2. Cremation facilities;
3. Drive-through facilities;
4. High-impact industrial uses, including industrial uses that are prohibited in the IL zone, specifically Section 14-233(c), (e - y), (aa);
5. Major/minor auto-service station;
6. Truck terminals;
7. Waste related services; and
8. Storage and parking facilities for Class 1 flammable and combustible liquids (having an aggregate total of more than 100 gallons) but excluding storage that is part of a motorized vehicle or pleasure craft facility.

(b) Siting standards.

1. MID-BLOCK PERMEABILITY.

- a. Lots with frontage on two streets roughly parallel to Commercial/Thames Street, for each and every 200 feet in street line length of lot, a full break between structures of at least 20 feet in width shall be provided roughly perpendicular to Commercial/Thames Street and within the middle third of the applicable street frontage. (see Table 14.275.7a. Mid-Block Permeability)

b. Is encouraged in any location that connects existing public or private alleys, passages, or streets.

c. Any development providing MID-BLOCK PERMEABILITY with public access between two streets is eligible for one (1) additional story of up to 12' in height (see Sec. 14-275.6(c) Height Standards). Public access shall be defined through a legal agreement such as an easement or license.

d. Refer to REGULATING PLAN for identified required MID-BLOCK PERMEABILITY locations.

2. Frontage requirements - Additional Building Length is allowed beyond the maximum building length under the following circumstances and according to the table below:

a. ATTACHED BUILDINGS: An unlimited number of ATTACHED BUILDINGS having up to 30' street-facing building length is allowed. A PARTY WALL condition is required at least every 30' and for the entire height of each building. (see Table 14.275.7d Additional Building Length - ATTACHED BUILDINGS).

b. Ground Floor Partitions: Additional building length is permitted with the provision of ground floor partitions where the following conditions are met: (see Table 14.275.7f Additional Building Length - Ground Floor Partitions)

1. Partitions must extend from the FAÇADE at least 2/3rds of the building depth.

2. Partitions must be architecturally expressed on the building exterior.

3. Each module created by partition must have at least one functional, street-facing entry.

4. Modules created by partition shall be sized to have reasonable function and proportion in relation to overall building length.

c. Massing Variation: Additional building length is permitted where at least 30% and up to 40% of the total FACADE building length is set back to the 3rd LOT LAYER (at least 20') (see Table 14.275.7e Additional Building Length - Massing Variation).

d. Structured Parking Exception: Additional building length for one FACADE without partition walls is allowed for the use of ground-level structured parking.

<u>Additional Building Length</u>				
<u>Subdistrict</u>	<u>ATTACHED BUILDINGS</u>	<u>Ground Floor Partitions</u>	<u>Massing Variation</u>	<u>Structured Parking Exception</u>
<u>UN</u>	<u>unlimited run</u>	<u>Not allowed</u>	<u>Not allowed</u>	<u>Not allowed</u>
<u>UT</u>	<u>unlimited run</u>	<u>200' max. length; 2 modules</u>	<u>200' max. length</u>	<u>200' max. length</u>
<u>UA</u>	<u>unlimited run</u>	<u>150' max. length; 3 modules</u>	<u>Not allowed</u>	<u>150' max. length</u>

3. Setbacks.

a. Side Yard Setbacks for Small Lots - Lots with street frontage of less than 35' are not required to have side yards.

b. Where new construction or BUILDING ADDITIONS creates a side yard of less than 5', a maintenance easement is required where a combination of the side yard and easement must be at least 5'. PARTY WALL conditions are exempt from providing a maintenance easement.

c. Building FACADES within 10' of a corner are exempt from setback requirements in order to allow special corner architectural treatments.

d. ATTACHED BUILDINGS on Individual Lots - Subdivision developments consisting of horizontally attached buildings on individual lots are not required to have side yards between buildings where a PARTY WALL condition will exist, but shall be required to meet the applicable side yard requirements at the external and internal subdivision lot boundaries between buildings that are not attached to each other.

4. Landscaping and screening.

a. Surface parking areas shall be screened from view from sidewalks, public-right-of-ways, and public open spaces using landscaping, walls, fencing, or a combination thereof.

b. Wall/Fence Dimensional Requirements

Wall/Fence Dimensional Requirements

<u>LOT LAYER</u>	<u>Height</u>	<u>Visual Permeability</u>
<u>1ST</u>	<u>6' max.</u>	<u>Required above 2' from sidewalk grade</u>
<u>2ND - 4TH</u>	<u>8' max.</u>	<u>n/a</u>

5. BUILDING ADDITIONS.

a. BUILDING ADDITIONS which exceed the footprint of the existing building to which it is an addition or which exceeds 50,000 square feet shall be subject to Level III Site Plan review.

b. A BUILDING ADDITION length may match but not exceed the length of the existing building to which it is an addition. All other Subdistrict Dimensional Requirements shall apply. (See Table 14.275.7b. Addition)

c. BUILDING ADDITIONS may match existing building in number and height of stories. All other Subdistrict Height Standards shall apply.

(c) Height standards.

1. Height bonus.

a. Applicability:

1. If principal frontage faces a UT street, UN street, or Congress Street, then the building is eligible for a height bonus.

2. Only one height bonus may be applied per structure.

b. One (1) additional story of up to 12 feet in height is allowed if one of the following provisions is met:

1. For residential development with residential density equal to or greater than 150 dwelling units per acre (density may be achieved with the bonus floor);

2. For any development providing a GREEN ROOF, where:

i At least 50% of the cumulative lot area is pervious; and

ii At least 50% of the cumulative roof area is a GREEN ROOF. GREEN ROOF area may be applied towards the 50% lot area requirement.

3. For residential development where 20% of the units meet the definition of either "Workforce Housing Unit for Sale" or "Low-income Housing Unit for Rent" as per Section 14-485.

	<u>Height Bonuses</u>						
<u>Sub-district</u>	<u>Max. Pre-bonus Height</u>	<u>MID-BLOCK PERMEABILITY (publicly accessible)</u>	<u>Res. Density</u>	<u>GREEN ROOF</u>	<u>Afford. Housing</u>	<u>Max. Height w/ Bonus</u>	<u>Min. Bonus Floor Stepback *</u>
<u>UN</u>	<u>45' and 4 stories</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>1 story Up to 12'</u>	<u>57' up to 5 stories</u>	<u>15'</u>
<u>UT</u>	<u>65' and 6 stories</u>	<u>1 story Up to 12'</u>	<u>1 story Up to 12'</u>	<u>1 story Up to 12'</u>	<u>1 story Up to 12'</u>	<u>77' up to 7 stories</u>	<u>15'</u>
<u>UA (Congress Street only)</u>	<u>50' and 4 stories</u>	<u>1 story Up to 12'</u>	<u>1 story Up to 12'</u>	<u>1 story Up to 12'</u>	<u>1 story Up to 12'</u>	<u>62' up to 5 stories</u>	<u>15'</u>

*measured from the ground floor building edge facing any public right-of-way

(d) Parking standards.

1. Parking shall be provided as per Division 20 Off-Street Parking of Chapter 14 Land Use Code.
2. Structured parking must meet the BDS for Structured Parking (see City of Portland Design Manual).
3. In the case of a BUILDING ADDITION, non-conforming existing surface parking may remain. In the case of new construction, surface parking must be brought into conformance with IS-FBC standards.

Sec. 14-275.7. Subdistrict dimensional requirements.

(a) Urban Neighborhood (UN) subdistrict.

Intent: The intent of this subdistrict is to maintain and promote a small-scale, less active urban fabric. Buildings may be more private in character and have smaller footprints with building types including, but not limited to, single-family, rowhouses, duplexes, triple-deckers, and double-triples. Building frontages may be less transparent and entries may be raised above sidewalk level with frontage types including raised, recessed doorways, porches, and stoops. The streetscape has variable setbacks and landscaping with many buildings within one block and streets tend to be narrow.

UN

SITING STANDARDS

Orientation - Principal Frontage	determined by applicant
Lot Coverage	90% max

FRONTAGE REQUIREMENTS (1st LOT LAYER)

Building Length - Principal facade	50' max.
Building Length - Secondary fac.	50' max.
at least 75% of total building length must be built within 1st LOT LAYER (see Table 14.275.7 c.)	
Additional Building Length	(see also Table 14.275.7)
ATTACHED BUILDINGS	unlimited run
Ground Floor Partitions	not allowed
Massing Variation	not allowed
Structured Parking Exception	not allowed

SETBACKS

Principal Building	
(a) Front Yard (1st Lot Layer)	5' max.
Setback Applicability	75% of total building length must be built within 1st LOT LAYER
(b) Side Yard*	5' min. - May be reduced to zero provided that the cumulative side yards are not less than 10'
(c) Rear Yard	10' min.
Accessory Building	
Side Yard	5' min.
Rear Yard	5' min.

BUILDING ENTRIES (SEE ALSO BDS)

Frequency at frontage	at least 35'
Principal Entries	
Orientation	any orientation allowed
Elevated Sloop (> 1 step)	allowed

HEIGHT STANDARDS

Principal Building	
Building Height Min.	25', at least 2 stories
Building Height Max.	45', up to 4 stories
Ground Story Height	n/a
Accessory Building	
Building Height Max.	25'

PARKING STANDARDS

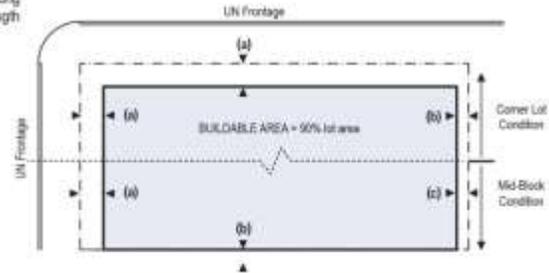
Surface Parking Location	
Side Yard	20' max in width per lot; may not exceed 50% of frontage length
Rear Yard	4th LOT LAYER only
Garage at frontage (attached or detached)	
Garage Door Setback (min)	2nd LOT LAYER
Garage Door Opening (max)	9' up to 40% of facade length
	20' max. limit

Notes and Exceptions

* Zero lot lines are allowed under certain conditions (see Sec. 14.275.6(b) 3. Setbacks)

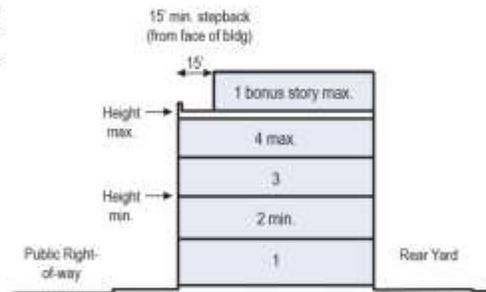
SITING STANDARDS

- The FACADES and ELEVATIONS of Principal Buildings shall be distanced from the lot lines as shown.
- FACADES shall be built along the frontage lines to the length specified in the table.



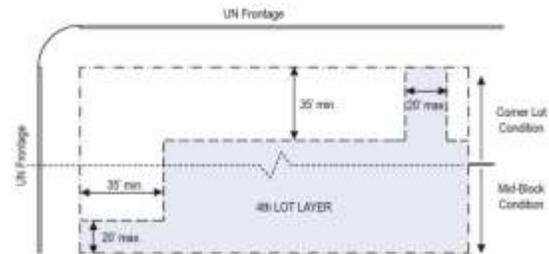
HEIGHT STANDARDS

- Height shall be measured as specified in Sec. 14.47 Definitions "Building height of"
- Number of Stories excludes attics and raised basements.



PARKING STANDARDS

- Surface parking areas may be provided within the shaded area shown.



(b) Urban Transitional (UT) subdistrict.

Intent: The intent of this subdistrict is to encourage higher density, mixed-use building types that accommodate any use. Building frontages are a mix of activity level, have larger footprints, and the most flexibility of height and scale. Building ground floor spaces tend to accommodate flexible and changing uses with frontage types including doorways, forecourts, arcades, and storefronts. The

streetscape may be less active than the UA subdistrict with wide sidewalks, street trees, and setbacks and setbacks providing relief from large building masses.

UT

SITING STANDARDS

Orientation - Principal Frontage	determined by applicant
Lot Coverage	90% max.
FRONTAGE REQUIREMENTS (1st LOT LAYER)	
Building Length	100' max.
at least 75% of total building length must be built within 1st LOT LAYER (see Table 14.275.7 c.)	
Additional Building Length	(see also Table 14.275.7)
ATTACHED BUILDINGS	unlimited run
Ground Floor Partitions	200' max., 2 modules
Massing Variation	200' max.
Structured Parking Exception	200' max.

SETBACKS

Principal Building	
(a) Front Yard (1st Lot Layer)	10' max.
Setback Applicability	75% of total building length must be built within 1st LOT LAYER
(b) Side Yard*	10' min. - May be reduced to zero provided that the cumulative side yards are not less than 20'
(c) Rear Yard	10' min.
(d) STEPBACK (adjacent to UN)	10' min. setback after 45' height
Accessory Building	
Side Yard	5' min.
Rear Yard	5' min.

BUILDING ENTRIES (SEE ALSO BDS)

Frequency at frontage	at least 95'
Principal Entries	
Orientation	any allowed
Elevated Stoop (>1 step)	allowed

HEIGHT STANDARDS

Principal Building	
Building Height Min.	3 stories
Building Height Max.	65', up to 6 stories
Ground Story Height	n/a
Accessory Building	
Building Height Max.	25'

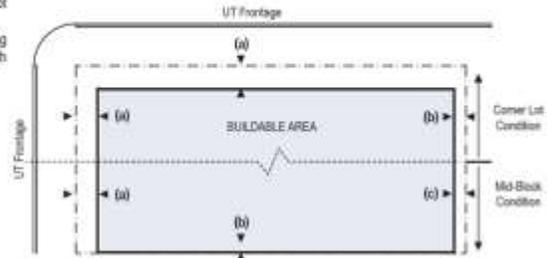
PARKING STANDARDS

Surface Parking Location	4th LOT LAYER only
Garage at frontage (attached or detached)	
Garage Door Setback (min)	2nd LOT LAYER
Garage Door Opening (max)	9' up to 40% of facade length 20' max. limit
Notes and Exceptions	

* Zero lot lines are allowed under certain conditions (see Sec. 14.275.6(b) 3. Setbacks)

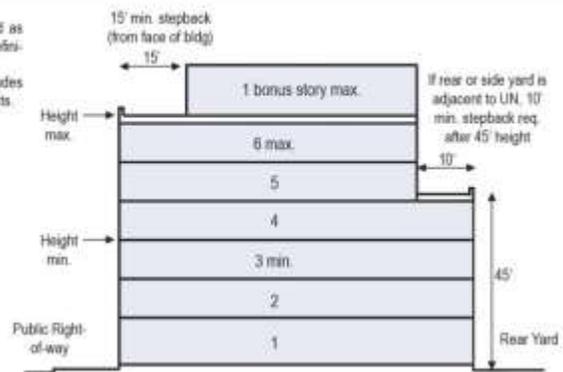
SITING STANDARDS

- The FACADES and ELEVATIONS of Principal Structures shall be distanced from the lot lines as shown.
- FACADES shall be built along the frontage lines to the length specified in the table.



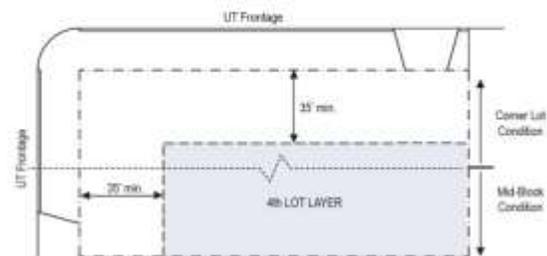
HEIGHT STANDARDS

- Height shall be measured as specified in Sec. 14.47 Definitions "Building height of."
- Number of Stories excludes attics and raised basements.



PARKING STANDARDS

- Surface parking areas may be provided within the 4th LOT LAYER (shaded area) as shown.



(c) Urban Active (UA) subdistrict.

Intent: The intent of this subdistrict is to maintain and promote a moderate-scale, diverse, mixed-use neighborhood with vibrant streets and active ground floor spaces. Buildings are more active and engage the street at the ground level. Building frontages are transparent and entries are at sidewalk level with frontage types including storefronts and recessed doorways. The streetscape has steady street planting, and

buildings set close to the street providing a consistent street wall.

UA

SITING STANDARDS

Orientation - Principal Frontage	face a UA street
Lot Coverage	90% max
FRONTAGE REQUIREMENTS (1st LOT LAYER)	
Building Length	50' max.
at least 75% of total building length must be built within 1st LOT LAYER (see Table 14.275.7 c.)	
Additional Building Length	(see also Table 14.275.7)
ATTACHED BUILDINGS	unlimited run
Ground Floor Partitions	150' max., 3 modules
Massing Variation	not allowed
Structured Parking Exception	150' max.
Fenestration, ground floor	60-90% (see BDS) facade area

SETBACKS

Principal Building	
(a) Front Yard* (1st Lot Layer)	5'0" max.
Setback Applicability	75% of total building length must be built within 1st LOT LAYER
(b) Side Yard**	5' min. - May be reduced to zero provided that the cumulative side yards are not less than 10'
(c) Rear Yard	10'0" min.
Accessory Building	
Side Yard	5'0" min.
Rear Yard	5'0" min.

BUILDING ENTRIES (SEE ALSO BDS)

Frequency at frontage	at least 40'
Principal Entries	
Orientation	at least 1 facing UA street or corner
Elevated Stoop (>1 step)	not allowed

HEIGHT STANDARDS

Principal Building	
Building Height Min	3 stories
Building Height Max.	50', up to 4 stories
Ground Story Height	12'0" min. clear
Accessory Building	
Building Height Max.	25'

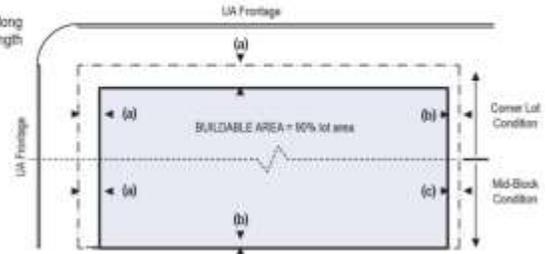
PARKING STANDARDS

Surface Parking Location	4th LOT LAYER only
Garage at frontage (attached or detached)	
Garage Door Setback	3rd LOT LAYER.
Garage Door Opening (max)	n/a
Notes and Exceptions	

* Up to 10'0" max. front yard setback is allowed if ground plane at frontage is a continuation of the accessible public right-of-way
 ** Zero lot lines are allowed under certain conditions (see Sec. 14.275.6(b) 3. Setbacks)

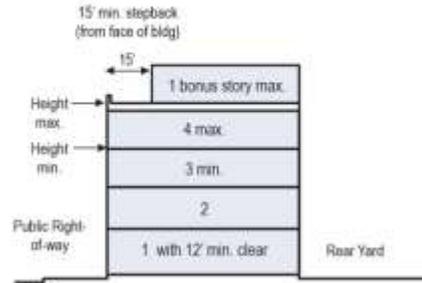
SITING STANDARDS

1. The FACADES and ELEVATIONS of Principal Buildings shall be distanced from the lot lines as shown.
2. FACADES shall be built along the frontage lines to the length specified in the table.



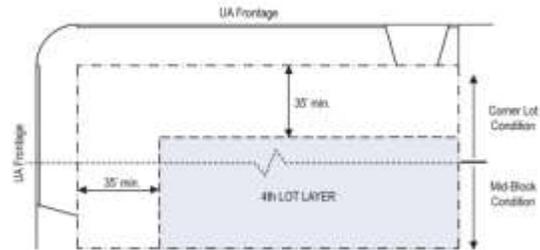
HEIGHT STANDARDS

1. Height shall be measured as specified in Sec. 14-47 Definitions "Building height of"
2. Number of Stories excludes attics and raised basements.



PARKING STANDARDS

1. Surface parking areas may be provided within the 4th LOT LAYER (shaded area) as shown.



(d) Corner conditions.

For corner lots where two subdistricts intersect at a street corner, the Dimensional Requirements and Building Design Standards of the "dominant" subdistrict shall apply from the 1st through 3rd LOT LAYER (35 feet deep into the lot measured from the dominant lot line) along its associated street frontage or public ways including required mid-block permeability. Otherwise, Dimensional Requirements shall be

according to the subdistrict onto which the building FAÇADE faces.

CORNER

ORIENTATION

- Corner lots shall be treated as having street frontage on all streets regardless of building orientation
- Principal Building shall designate a Principal Frontage and Secondary Frontage*
- In the case of a corner lot having UA frontage, the Principal Frontage must face a UA street*

SETBACKS

- (a) Front Yard (1st Lot Layer) | according to subdistrict
- (b) Side Yard | according to subdistrict
- Building facades within 10' of a corner are exempt from setback requirements in order to allow special architectural treatments.

UA INTERSECTS UT

- Dominant Subdistrict (35' deep) | UA
- Orientation - Principal Frontage | UA street
- Dominant Building Design Standards (applicable 35' deep)
- Ground Story Height | 12' min. clear
- Fenestration, ground floor | 60-90% (see BDS) facade area
- (measured as a percentage of the FAÇADE that is 2' above sidewalk grade)

UA INTERSECTS UN

- Dominant Subdistrict (35' deep) | UA
- Orientation - Principal Frontage | UA street
- Building Length - UN FAÇADES | 100' max.
- Dominant Building Design Standards (applicable 35' deep)
- Ground Story Height | 12' min. clear
- Fenestration, ground floor | 60-90% (see BDS) facade area
- (measured as a percentage of the FAÇADE that is 2' above sidewalk grade)

UT INTERSECTS UN

- Dominant Subdistrict (35' deep) | UN
- Orientation - Principal Frontage | determined by applicant
- Corner lots shall be treated as having street frontage on all streets regardless of building orientation

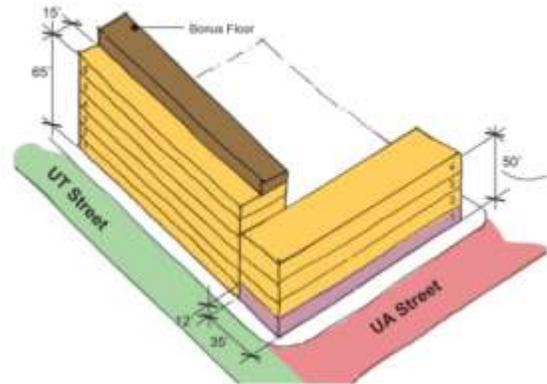
UN INTERSECTS UN

- Building Length maximums:
- Principal Frontage | 30' max.
- Secondary Frontage | 50' max.

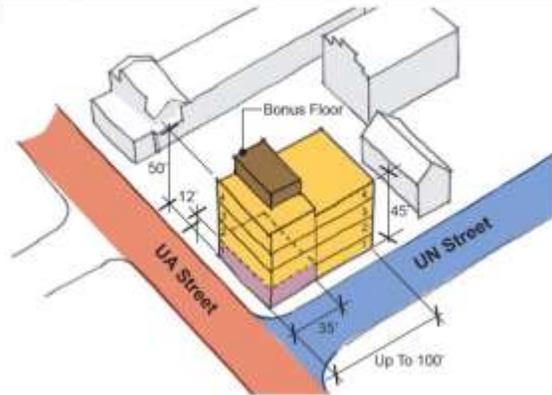
Notes and Exceptions

- * Does not have to correspond to legal building address

UA INTERSECTS UT
(example only)



UA INTERSECTS UN
(example only)



UT INTERSECTS UN
(example only)

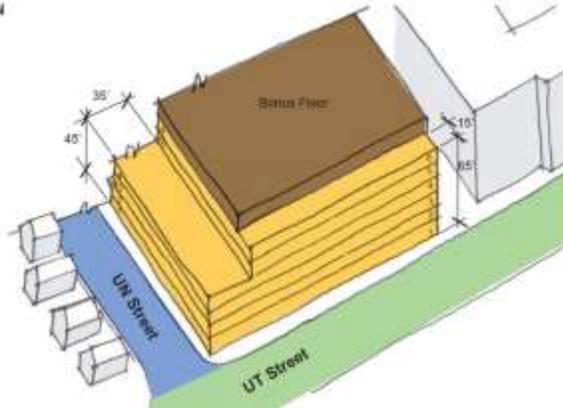
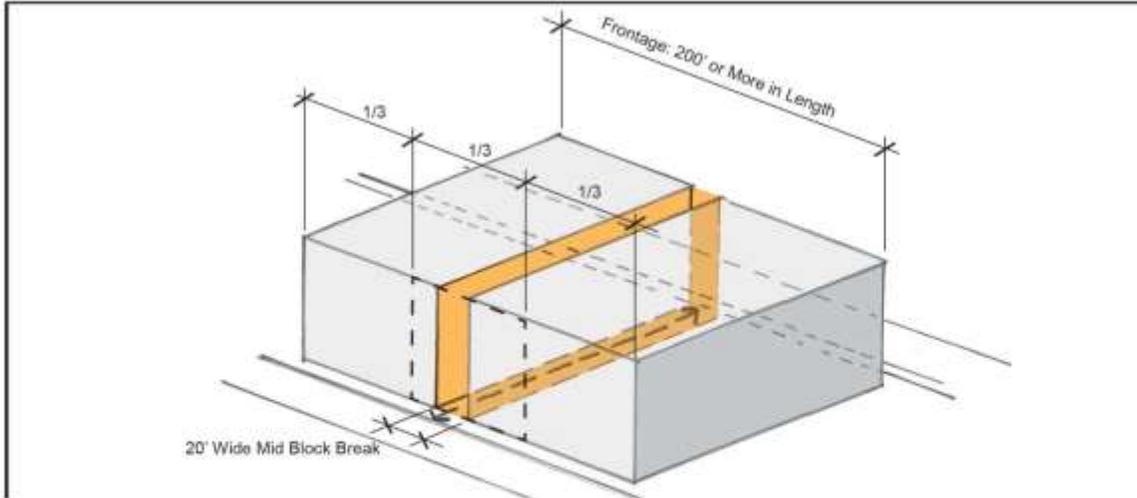
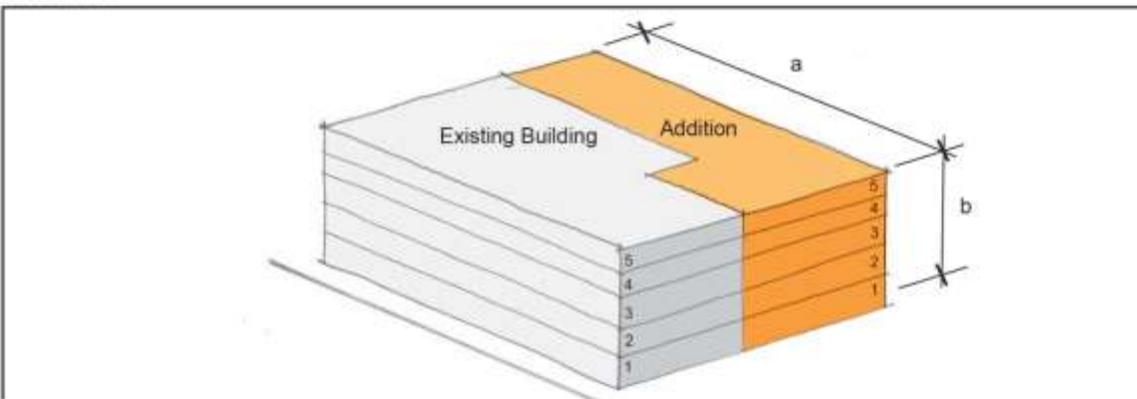


TABLE 14.275.7 DIMENSIONAL REQUIREMENTS ILLUSTRATED

a. MID-BLOCK PERMEABILITY

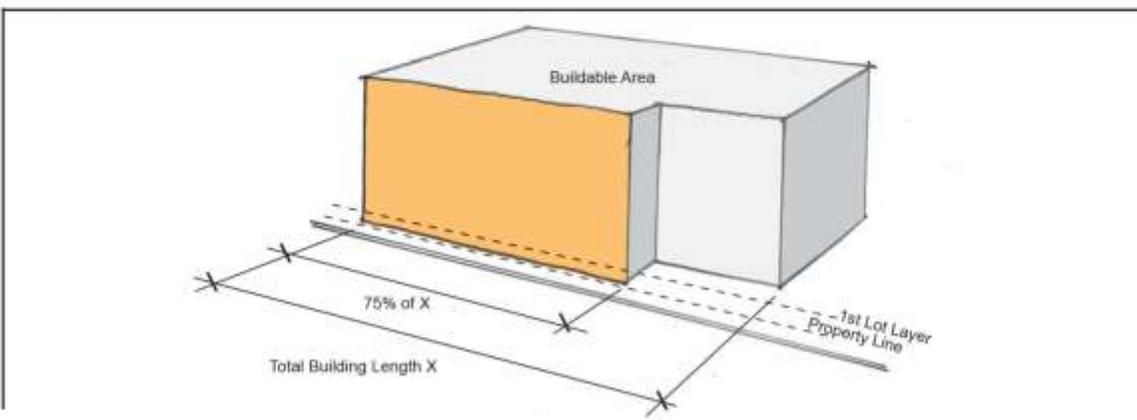


b. ADDITION



- a** - Addition length may match but not exceed the length of existing building to which it is an addition. All other Subdistrict Dimensional Requirements apply.
- b** - Addition height may match existing building in number and height of stories. All other Subdistrict Height Standards apply.

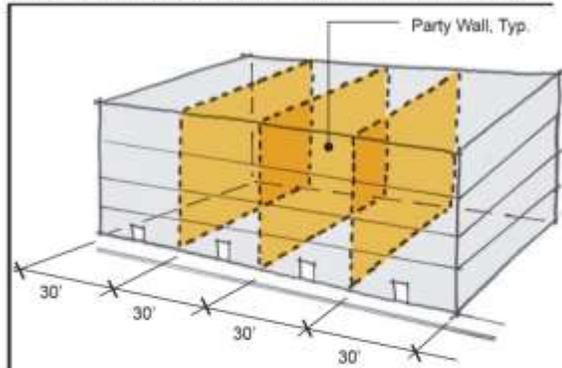
c. BUILDING LENGTH - 1st LOT LAYER



At least 75% of the total building length must be within the 1st LOT LAYER.

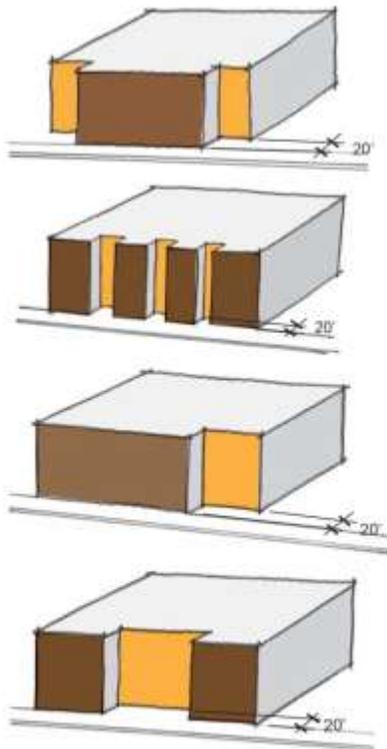
TABLE 14.275.7 DIMENSIONAL REQUIREMENTS ILLUSTRATED (CONTINUED)

d. ADDITIONAL BUILDING LENGTH - ATTACHED BUILDINGS



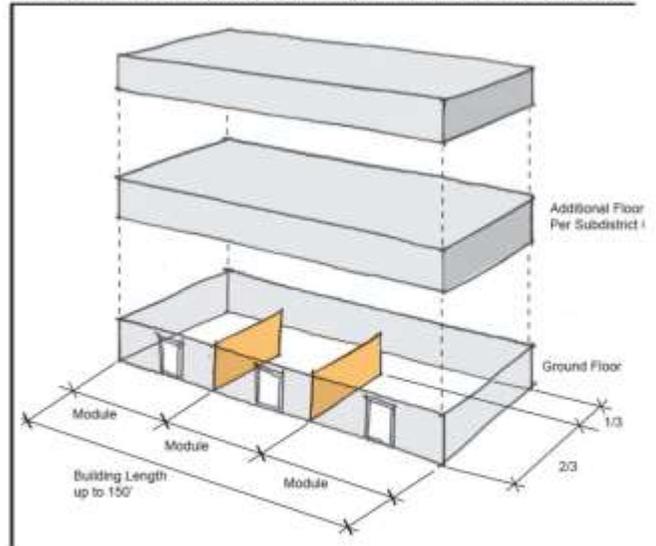
An unlimited number of ATTACHED BUILDINGS having up to 30' street-facing building length is allowed.
 A PARTY WALL condition is required at least every 30' and for the entire height of each building.

e. ADDITIONAL BUILDING LENGTH - MASSING VARIATION (UT)



Additional building length is permitted where at least 30% and up to 40% of the total building length is setback to the 3rd LOT LAYER (20').

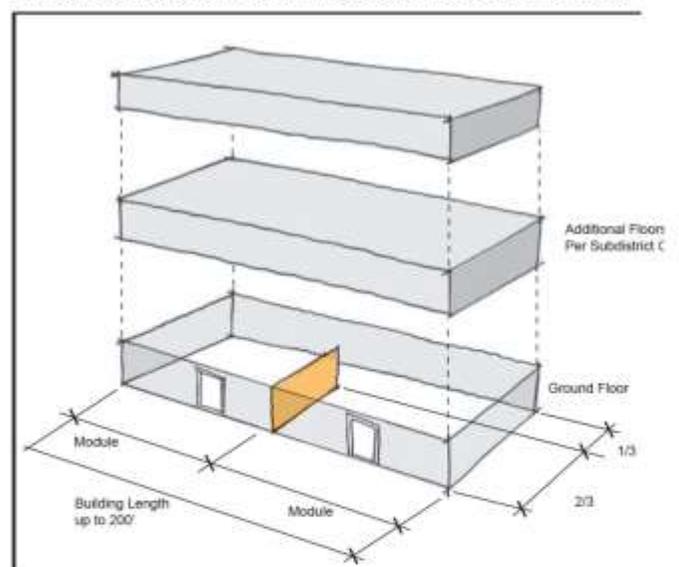
f.1. ADDITIONAL BUILDING LENGTH - GROUND FLOOR PARTITIONS (JA)



Additional Building Length is permitted up to 150' with the provision of a least two Ground Floor Partitions

See General Development Standards and BDS for additional requirements.

f.2. ADDITIONAL BUILDING LENGTH - GROUND FLOOR PARTITIONS (UT)



Additional Building Length is permitted up to 200' with the provision of at least one Ground Floor Partition.

See General Development Standards and the BDS for additional requirements.

...

Sec. 14-332.1. Zone specific off-street parking exceptions and modifications.

The off-street parking requirements established for uses, established above in section 14-332 of this division, are hereby modified for the following zones according to the provisions described below.

- (a) *IR-3, Island Residential Zone, Off-street parking:* Off-street parking shall not be required irrespective of the requirements of division 20 (off-street parking) of this article.

...

- (k) *Residential development on the peninsula and in the R-6 and R-6A Zones, including new construction, alterations that increase the number of units, and changes of use:*

1. Except as provided below, there shall be one (1) space per unit
2. The required parking for multi-unit residential buildings may be partially met through provision of shared-use vehicles, which are vehicles owned and maintained by the owner/manager of the building and available for use on a fee basis to the residents of the building. One shared use vehicle shall be deemed to satisfy eight (8) required car spaces, but in no case shall more than 50% of the parking requirement be satisfied by shared vehicle use.
3. The planning board may establish a parking requirement that is less than the normally required number of spaces upon a finding of unique conditions that result in a lesser parking demand, such as housing for persons who cannot drive, housing that participates in a travel demand management program, availability of transit, or housing which includes permanent restrictions on automobile usage, and which is permanently restricted from utilizing resident on-street parking stickers.

4. No parking shall be required for the first three units in the R-6 Residential Zone or the IS-FBC Zone.
5. For alterations of buildings containing three or more dwelling units in the R-6 zone no parking shall be required for the creation of one additional dwelling unit above existing conditions as of June 3, 2015. This exemption may be utilized one time.

...

Sec. 14-345. Peninsula fee-in-lieu of parking.

Any major or minor development subject to site plan review located in a non-residential zone or the IS-FBC zone on the Portland Peninsula shall either provide the required parking or pay a fee according to the provisions of (a) and (b) below.

...

Sec. 14-523. Required Approvals and Applicability.

(a) *Required Approval.* An application for site plan approval shall be reviewed by the Planning Board or Planning Authority as specified below. The Planning Board or Planning Authority shall approve, approve with conditions or deny an application pursuant to the standards, procedures, technical criteria and design criteria contained in this article, as demonstrated by the applicant.

...

(e) *Level II Site Plan Review.* Development meeting the criteria listed below will undergo Level II Site Plan Review as follows:

1. The construction of any new structures having a total floor area of less than ten thousand (10,000) square feet in all zones except in the Industrial zones and the IS-FBC zone. In any Industrial zone, the construction of new structures having a total floor area of less than twenty thousand (20,000) square feet. In the IS-FBC zone, the construction of new structures having a total floor area of less than fifty

thousand (50,000) square feet;

2. The construction of any new temporary or permanent parking area, paving of existing unpaved surface parking areas in excess of 7,500 square feet and serving less than 75 vehicles, or creation of other impervious surface area greater than 7,500 square feet;
3. The construction of any building addition(s) having a total floor area of less than ten thousand (10,000) square feet cumulatively within a three-year period in all zones except in the Industrial zones and the IS-FBC zone. In any Industrial Zone, the construction of building addition(s) having a total floor area of less than twenty thousand (20,000) square feet. In the IS-FBC zone, the construction of building addition(s) having a total floor area of less than fifty thousand (50,000) square feet.
4. Park improvements consisting of new structures or buildings of less than 10,000 square feet and/or facilities encompassing an area of greater than 7,500 square feet and less than 20,000 square, excluding the rehabilitation or replacement in kind of existing facilities.

...

(f) *Level III Site Plan Review*. Development meeting the criteria listed below will undergo Level III Site Plan Review as follows:

1. The construction of any new structures having a total floor area of ten thousand (10,000) square feet or more in all zones except the Industrial zones and IS-FBC zone. In any Industrial zone, the construction of new structures having a total floor area of twenty thousand (20,000) square feet or more. In the IS-FBC zone, the construction of new structures having a total floor area of fifty thousand (50,000) square feet or more;
2. The construction of any new temporary or permanent surface parking area(s) or paving of existing unpaved surface areas for more than seventy-five (75) vehicles except in the case of temporary parking;
3. The construction of any building addition(s),

cumulatively having ~~either~~ a total floor area of ten thousand (10,000) square feet or more within any three-year period in all zones except in the Industrial zones and IS-FBC zone. In Industrial zones, for the construction of building addition(s) having a total floor area of twenty thousand (20,000) square feet or more. In the IS-FBC zone, for the construction of building addition(s) either having a total floor area of fifty thousand (50,000) square feet or more or having a total floor area exceeding that of the existing building to which it is an addition.

4. A change in the use of a total floor area of twenty thousand (20,000) square feet or more in any existing building cumulatively within any three-year period in all zones,
5. Multiple-family development except for in the IS-FBC zone;
6. The addition of one or two dwelling units to a building, if the additional dwelling unit or units requires subdivision review under Maine State Statutes and Portland's Subdivision Ordinance;

...

Sec. 14-526. Site plan standards.

Requirements for approval. The Planning Board or Planning Authority shall not approve a site plan application unless the development proposal meets the following criteria:

- (a) *Transportation Standards*

...

- (d) *Site Design Standards*

1. *Massing, Ventilation and Wind Impact:*

...

5. *Historic Resources:*

- a. Developments affecting designated landmarks or within designated historic districts or historic landscape districts: Any proposed development required to obtain a certificate of appropriateness under article IX (historic preservation) of the land use code

shall be exempt from the following design standards, as described in the Design Manual:

(i) Section (b) of the Design Manual (development in B-3 zone), except for (b) (1) e.2. (increasing setback beyond street build-to line), (b) (1) f. (shadow impact on open space), (b) (1) h. (wind impacts), and (b) (1) g. (setbacks from existing structures);

(ii) Section (c) of the Design Manual (development in B-5 and B-5b zones), except for (c) a. (shared infrastructure) and (c) d. (parking lot location);

(iii) Section (k) of the Design Manual (small residential lot development in R-6 zone);

(iv) Section (e) of the Design Manual (University of Southern Maine);

(v) Section (f) of the Design Manual (development in B-7 zone), except for (f) (1) a. (transportation demand management);

(vi) Section (g) of the Design Manual (development in Eastern Waterfront zone).

(vii) Section (l) of the Design Manual (IS-FBC Building Design Standards)

b. Development adjacent to designated landmarks, historic districts or historic landscape districts: when any part of a proposed development is within one hundred (100) feet of any designated landmark, historic district, except the India Street historic district, or historic landscape district, such development shall be

generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity of the proposed development. Character-defining elements of landmarks and historic districts are identified in the historic resources inventory and respective historic district designation reports For the purposes of this provision, "compatible" design shall be defined as design which respects the established building patterns and visual characteristics that exist in a given setting and, at the same time, is a distinct product of its own time. To aid the planning board in its deliberations, historic preservation staff shall provide a written analysis of the proposed development's immediate context, identifying the major character-defining elements and any established building patterns that characterize the context.

...

Sec. 14-651. Standards for review of new construction.

In considering an application for a certificate of appropriateness involving new construction, the historic preservation board and the planning board shall apply the following general standards as may be applicable to the context of the proposed construction. The intent and application of the following standards are further described in the historic resources design manual and shall guide the board in its review.

(a) *Scale and form:*

1. *Height.* In addition to the applicable requirements of articles III, IV and V of this chapter, the proposed height shall be visibly compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.

...

5. Applicability to India Street historic district. For new construction within the India Street

Historic District, the historic preservation board shall not impose conditions more restrictive than the dimensional requirements of the IS-FBC zone, except for in the case of a building addition which proposes to change the height of a contributing historic structure.

BE IT FURTHER ORDERED, that this Amendment shall not apply to any site plan or subdivision application that has been determined by the Planning Division to be complete and sent to departments for review on or before the date of adoption of this Amendment; and

BE IT FURTHER ORDERED, that an evaluation of the India Street Form-based Code Zone, in at least three and no more than five years following its adoption, is hereby authorized.