

Order 128-16/17

Amended to make retroactive to 2/7/2017: 8-0 (Mavodones absent) on 2/22/2017

Passage as amended: 8-0 (Mavodones absent) on 2/22/2017

Effective 3/24/2017

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IN THE CITY COUNCIL

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AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14 LAND USE, ARTICLE V. SITE PLAN
Re: Fort Sumner Park Height Overlay

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

That Chapter 14, Section 14-139 of the Portland City Code is hereby amended to be repealed as follows:

Sec. 14-139. Dimensional requirements.

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

...

R-6 Dimensional Requirements	
Maximum Height	Principal and attached accessory structure: 45 ft <u>except as provided under the Fort Sumner Park Height Overlay (Sec. 14-139 (d)).</u>
	Detached accessory structure: 18 ft
	In R-6A the maximum principal and attached accessory structure height shall be 65 ft.
Landscaped Open Space	20%. This area shall not include parking areas or other impervious surfaces as defined in section 14-47.

...

(b) Townhouse Subdivisions.

Subdivisions consisting of horizontally attached dwellings on individual lots are not required to have side yards between such dwellings where a party wall condition will exist. Horizontally attached dwellings located within a single lot shall be required to meet the applicable side yard requirements at the external lot boundaries of the subdivision and internal lot boundaries between such dwellings that are not attached to each other. No minimum lot size width shall be required for individual lots underlying townhouse (horizontally attached) dwelling types. The applicable minimum lot area per dwelling shall apply to each lot.

(c) Alterations to Single-family, two-family, and multi-family dwellings in existence as of June 15, 2015 shall not result in the creation of any additional dwelling unit of less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic; and Shall not result in any existing dwelling unit being reduced in size to less than one thousand (1,000) square feet of floor area, exclusive of common areas and storage in basement and attic.

(d). Fort Sumner Park Overlay: This Overlay is established to protect the public interest by limiting the impact of development on the quintessential views of natural resources and the changing Portland skyline from Fort Sumner Park. There is established a key apex point in Fort Sumner Park at 43° 40' 2.3359"N. 70° 15' 4.3687"W. The Fort Sumner Park Overlay includes all land within 200 feet, or the R-6 zone boundary, whichever is closer, of this key apex point that is located closer to the middle line of Sheridan Street than said apex point.

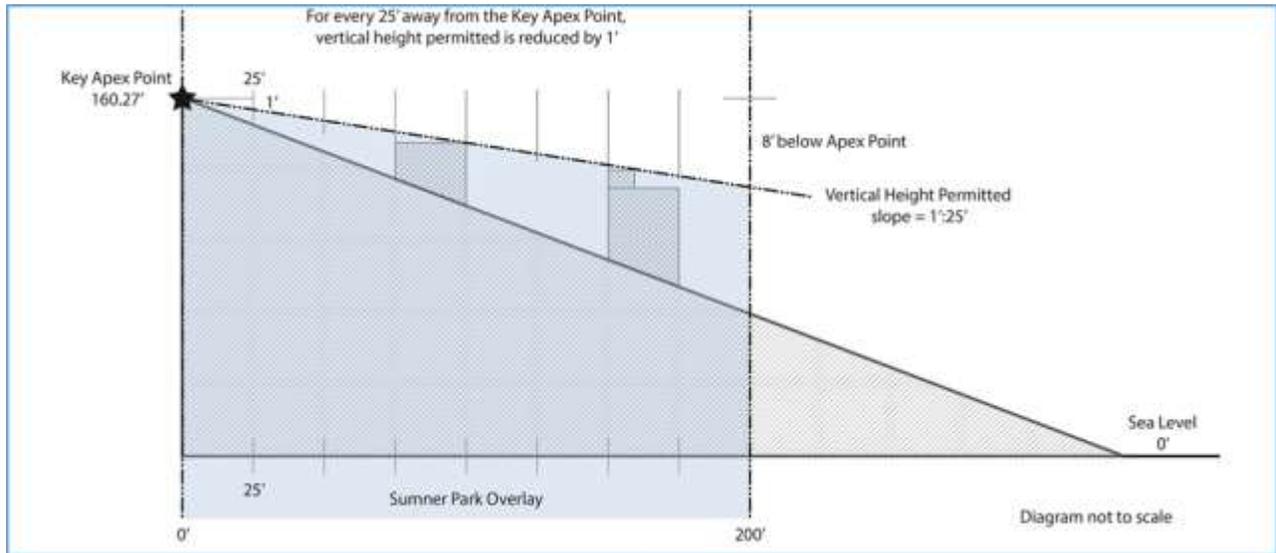
Notwithstanding any other section of this Ordinance, development in the Overlay shall be subject to the following additional provisions:

(1) The top of structures, including rooftop appurtenances, within the Overlay shall not exceed the baseline vertical height of the apex point (160.27' City of Portland Datum (Mean Tide)). For each 25' radially away from the apex point, the vertical height permitted in the Overlay is reduced by 1 foot (see Figure below, Ordinance Height graphic); and

(2) The minimum building setback from the park property shall be 15 feet.

Any project within this Overlay shall also go to the Parks Commission for a recommendation to the Planning Board regarding potential impacts on Fort Sumner Park.

Table 14-139 Fort Sumner Park Overlay Permissible Height



(e) Notwithstanding the provisions of 1 M.R.S. § 302, this amendment shall apply retroactively and include any and all actions and proceedings pending on February 7, 2017 or thereafter.