

Order 263-13/14

Passage: 9-0 on 6/16/2014

MICHAEL F. BRENNAN, (MAYOR)  
KEVIN J. DONOGHUE (1)  
DAVID A. MARSHALL (2)  
EDWARD J. SUSLOVIC (3)  
CHERYL A. LEEMAN (4)

CITY OF PORTLAND  
IN THE CITY COUNCIL

Effective 7/16/2014

JOHN R. COYNE (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,  
DIVISION 10. B-2 and B-2b Community Business Zone,  
Sections 14-182, 14-185, 14-186 and 14-188  
Re: Multi-family density standards

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

*That Chapter 14, Article III, Division 10, Sections 14-182,  
14-185, 14-186 and 14-188 of the Portland City Code are hereby  
amended to read as follows:*

**DIVISION 10. B-2 and B-2b Community Business Zone**

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**Sec. 14-182. Permitted 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 ~~are permitted when the nearest residential zone is R-4, R-5, R-6 or R-7. Multi-family dwellings are permitted in any structure with commercial uses in the first floor regardless of the nearest residential zone;~~
3. Handicapped family units;
4. Combined living/working spaces including, but not limited to, artist residences with studio space;

and

(b) *Business:*

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**Sec. 14-185. Dimensional requirements.**

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, ~~residential uses as permitted under sections 14-182(a) and (b) and newly constructed buildings with residential and non-residential uses~~ lots in the B-2, B-2b, and B-2c zones shall meet the following dimensional requirements:

<u>Minimum Lot Size</u>	<u>None</u>
<u>Minimum Street Frontage</u>	<u>25 feet</u>
<u>Front Yard Setback Minimum</u>	<u>None</u>
<u>Rear Yard Setback Minimum</u>	<u>10 feet, except as provided for below:</u> <u>a. 5 feet for accessory structures</u>
<u>Side Yard Setback Minimum</u>	<u>None required, except as provided for below:</u> <u>a. 5 feet for accessory structures</u>
<u>Side Yard on Side Street Setback Minimum</u>	<u>None Required</u>
<u>Front Yard Maximum<sup>1</sup></u>	<u>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.<sup>2</sup></u>
<u>Height maximum</u>	<u>45 feet except as provided for below:</u> <u>a. 50 feet if first floor is partially or wholly occupied by a commercial use.</u> <u>b. 65 feet in B-2 and B-2c zones on lots &gt;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.</u> <u>c. 65 feet within 65 feet of Franklin St.</u>
<u>Maximum Impervious Surface Ratio</u>	<u>a. For residential uses: None</u> <u>b. For all other permitted uses: 80% in B-2 and B-2c</u> <u>c. For all other permitted uses: 90% in B-2b</u>
<u>Minimum Lot Area per Dwelling Unit</u>	<u>a. Off-peninsula locations, as defined in section 14-47: 1,500 square feet, except as provided for in (b) below.</u> <u>b. On-peninsula locations (as per 14-47) and projects with active street frontages, as</u>

<sup>1</sup> Building additions do not have to meet this section.

<sup>2</sup> 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.

	defined in section 14-188, below: 435 square feet.
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~~(a) Residential uses:~~

~~1. Minimum lot size: None.~~

~~2. Minimum street frontage: None.~~

~~3. Minimum yard dimensions:~~

~~a. Front yard: None.~~

~~b. Rear yard: Ten (10) feet, except where the lot abuts a residential zone, where twenty (20) feet is required.~~

~~i. Accessory structures: Five (5) feet.~~

~~ii. In cases where the height of a new building exceeds forty five (45) feet adjacent to a residential zone, the portion of the building exceeding forty five (45) feet shall have a minimum setback of fifteen (15) feet or an additional minimum setback of fifteen (15) feet.~~

~~c. Side yard: Five (5) feet, except where the lot abuts a residential zone, where ten (10) feet is required.~~

~~i. Accessory structures: Five (5) feet.~~

~~ii. In cases where the height of a new building exceeds forty five (45) feet adjacent to a residential zone, the portion of the building exceeding forty five (45) feet shall have a minimum setback of fifteen (15) feet~~

~~or an additional setback of fifteen (15) feet; provided however that this provision does not apply to buildings located within sixty-five (65) feet of Franklin Street.~~

~~d. Side yard or rear yard on a street: None.~~

~~e. Maximum front yard: In the B-2, B-2b and B-2c zones; as provided for in section 14-185(b)(3)(a), except that the maximum front yard setback need not apply in the case of a development meeting one (1) or more of the following standards:~~

~~i. The lot has less than forty (40) feet of continuous frontage and the lot has a depth of more than one hundred (100) feet from the nearest street; or~~

~~ii. The structures on the lot meet the maximum front yard or are within twenty (20) feet of the street and the remainder of the lot has less than forty (40) feet of continuous street frontage.~~

~~f. Pavement setback: For lots adjacent to a residential zone, pavement shall be set back a minimum of ten (10) feet from the side and rear property lines adjacent to the residential zone.~~

~~4. Maximum impervious surface ratio: 90%.~~

~~5. Maximum residential density:~~

~~a. On peninsula locations, as defined in section 14-47: Four hundred and thirty-five (435) square feet of land area per dwelling unit.~~

~~b. Off peninsula locations, as defined in section 14-47:~~

~~i. Residential density requirements of the~~

~~nearest adjacent residential zone shall apply except for multi-family dwellings above the first floor of commercial uses as provided in (ii) below.~~

~~ii. Multi family dwellings above first floor commercial uses: One thousand (1,000) square feet of land area per dwelling unit is required.~~

~~6. Maximum structure height:~~

~~a. B-2 and B-2c zones: Forty-five (45) feet.~~

~~b. B-2b zone: Forty-five (45) feet, except in the case of a building with a commercial first floor and residential upper floors, where fifty (50) feet is allowed, and except for the portion of a building located within sixty-five (65) feet of Franklin Street, where sixty-five (65) feet is allowed.~~

~~(b) Business and other non-residential uses:~~

~~1. Minimum lot size:~~

~~a. Intermediate, long-term and extended care facilities: Ten thousand (10,000) square feet.~~

~~b. Other non-residential uses where permitted:~~

~~i. B-2 zone: Ten thousand (10,000) square feet.~~

~~ii. B-2b zone: None.~~

~~iii. B-2c zone: Ten thousand (10,000) square feet.~~

~~e. Where multiple uses are on one (1) lot, the highest applicable minimum lot size must be met.~~

~~2. Minimum street frontage: Fifty (50) feet.~~

~~3. Yard dimensions: (Yard dimensions include~~

~~setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum or maximum yard of another structure.)~~

~~Except as provided in subsection (5) below, the following setbacks are required:~~

~~a. Front yard:~~

~~i. Minimum front yard in B-2, B-2b and B-2c zones: None.~~

~~ii. Maximum front yard in the B-2 and B-2c zones: The maximum front yard setback shall not exceed the average depth of the front yard of the closest developed lots on either side of the lot in question unless the planning board or planning authority approves a modified setback pursuant to section 14-526(a)(27)(j). For purposes of this section a developed lot means a lot on which a principal structure has been erected.~~

~~iii. Maximum front yard in B-2b zone (on peninsula): The maximum front yard setback shall either be: (1) ten feet; or (2) in cases where the average depth of the front yard of the nearest developed lots on either side of the lot in question is less than ten (10) feet, the front yard setback of the lot in question shall not exceed such average depth. A "developed lot" means a lot on which a principal structure has been erected.~~

~~In the B-2b zone the front yard shall be the yard adjoining the major street as determined by the highest traffic volume.~~

~~iv. Maximum front yard in B-2b zone (off peninsula): None, except that the front yard setback shall not exceed the~~

~~average depth of the front yards of the closest developed lots on either side of the lot. A developed lot means a lot on which a principal structure has been erected. In the B-2b zone the front yard shall be the yard adjoining the major street as determined by the highest traffic volume.~~

~~Where the front yard setback exceeds ten (10) feet, however, a continuous, attractive, and pedestrian scaled edge treatment shall be constructed along the street(s) consisting of street trees spaced at not more than fifteen (15) feet on center, (which otherwise meet the requirements of city arborist) and a combination of the following:~~

- ~~i. Landscaping of no less than four (4) feet in depth; and~~
- ~~ii. Ornamental brick or stone walls; and/or~~
- ~~iii. Ornamental fencing.~~

~~The site shall otherwise meet the requirements of article V (Site Plan).~~

~~b. Rear yard:~~

~~i. Principal structures: Ten (10) feet. Where a rear yard abuts a residence zone or first floor residential use, twenty (20) feet is required.~~

~~ii. Accessory structures: Five (5) feet.~~

~~c. Side yard:~~

~~i. Principal and accessory structures: None, except that where a side yard abuts a residential zone or a first floor residential use, ten (10) feet is required.~~

~~ii. Accessory structures: Five (5) feet.~~

~~iii. Side yards on side streets (corner lot): In the B-2 and B-2c zone, a minimum of ten (10) feet. In the B-2b zone, a maximum of ten (10) feet except that for any newly constructed building on a lot abutting two (2) or more streets, the maximum side yard shall apply to one street or to the side street that forms a corner with a major street as provided for in the maximum front yard provisions of this section.~~

~~(4) Minimum lot width: None.~~

~~(5) Maximum structure height:~~

~~a. B-2 and B-2c zones: Forty-five (45) feet, except that on lots in excess of five (5) acres, sixty-five (65) feet is permitted; provided each of the minimum setbacks required under subsection (3) above are increased by one (1) foot in distance for each foot of height above forty-five (45) feet.~~

~~b. B-2b zone: Fifty (50) feet.~~

~~(6) Maximum impervious surface ratio: Eighty (80) percent in the B-2 and B-2c; Ninety (90%) percent in the B-2b.~~

~~(c) Building additions: Building additions for residential and non-residential uses are not required to meet the maximum front yard setback for the maximum side yard or side street setback contained in this section.~~

#### **Sec. 14-186. Other requirements.**

All nonresidential uses in the B-2 and B-2b zone shall meet the requirements of division 25 (space and bulk regulations and exceptions) of this article in addition to the following requirements:

- (a) *Landscaping and screening:* The site shall be suitably landscaped for parking, surrounding uses and accessory site elements, including storage and solid waste

receptacles where required by article IV (subdivisions) and article V (site plan).

- (b) *Curbs and sidewalks:* Curbs and sidewalks as specified in article VI of chapter 25.
- (c) *Off-street parking and loading:* Off-street parking and loading are required by division 20 and division 21 of this article;
- (d) *Front yard parking:*

~~1. B-2 and B-2c zone:~~ There shall be no off-street parking in the front yard between the street line and the required minimum setback line in the B-2, B-2b and B-2c. Where existing buildings exceed the minimum front yard setback, a maximum of ten (10) percent of the total parking provided on the site may be located between the principal structure and the street.

~~2. B-2b zone (On peninsula):~~ There shall be no parking in the front yard between the street line and the required maximum setback line in the B-2b. Where existing buildings exceed the maximum front yard setback, a maximum of ten (10) percent of the total parking provided on the site may be located between the principal structure and the street.

~~3. B-2b zone (Off peninsula):~~ Parking in the front yard between the street line and the required maximum setback line in the B-2b is discouraged. However, where parking in the front yard is permitted pursuant to §14-185I(1)I, a maximum of fifty percent (50%) of the total parking on the site may be located between the principal structure and the street.

- (e) *Signs:* Signs shall be subject to the provisions of division 22 of this article.
- (f) *Exterior storage:* There shall be no exterior storage with the exception of fully enclosed containers or receptacles for solid waste disposal. Such containers or receptacles shall be shown on the approved site plan. Vehicles or truck trailers with or without

wheels shall not be used for on-site storage (1) except where such storage is located in a designated loading zone identified on an approved site plan; or (2) such storage is not visible from the street or adjacent residences during winter months and such storage area is identified on an approved site plan. Truck load sales shall not be considered outside storage provided that such activity does not extend beyond three (3) consecutive days nor occurs more frequently than three (3) times a calendar year.

- (g) *Storage of vehicles:* Storage of vehicles is subject to the provisions of section 14-335.
- (h) *Shoreland and flood plain management regulations:* If the lot is located in a shoreland zone or in a flood hazard zone, then the requirements of division 26 and/or division 26.5 apply.

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**Sec. 14-188. Active street frontages**

A building will be determined to have an active street frontage upon meeting the following guidelines to the greatest extent practicable as determined by the Planning Board or Planning Authority: the primary building façade shall be within ten feet of the front street line; there shall be no parking on the lot within 35 feet of the front street line; no more than 25% of the first floor primary façade shall consist of access to garages, unutilized space, service entrances, storage or mechanicals, and the remaining minimum 75% shall have an average depth of a minimum of 20 feet for residential or commercial uses; all primary ground floor entries to multi-family buildings must orient to street, not to interior blocks or parking lots.

**Sec. 14-1898 - Sec. 14-195. Reserved.**