

3-H-1

48 Moody Street

Adams School Reuse Committee

BUSINESS ZONE COMPARISON - Portland Maine

ZONES	B-1	B-2	B-3	B-4	B-5	B-6	B-7
PERMITTED RESID. USES	Any residential use in an abutting residence zone. In case of two abutting zone, most restrictive applies.	Any residential use in an abutting residence zone. In case of two abutting zone, most restrictive applies.	Attached single family, two family and multi-family	none permitted	Attached single family, two family and multi-family	Attached single family, two family and multi-family. Mixed Residential and Commercial. Studio live/work.	Attached single family, two family and multi-family. Studio live/work.
	Multifamily dwellings allowed above first floor commercial	Multifamily dwellings allowed above first floor commercial					
DIMENSIONAL REQUIREMENTS							
<i>Minimum Lot Size*</i>	none: see below	none	none		none	none	none
Minimum lot area/dwelling unit	Adjoining residential density. 1000sq.ft/ unit for residential units above 1st floor commercial	Adjoining residential density. 1000sq.ft/ unit for residential units above 1st floor commercial	none		60 units /acre		none
<i>Minimum Street Frontage</i>	50 ft. or average street frontage of abutting lots within 200 ft.	50 ft.		15 ft.			
<i>Maximum Setback</i>							
<i>front</i>	10ft. Or average of adjoining lots if less than 10 ft.	B-2b: 10 ft or shall not exceed average depth.		not required		10 ft	10 ft, exception for view corridors
<i>Minimum Setback</i>				none required		none	none
<i>front</i>	none	B-2 none, except shall not exceed average depth.		none		none	none
<i>rear</i>	none, except abut residential, minimum 20 ft.	10 ft. or 20 feet if abutting residential use or zone		none		none	20 ft
<i>side yard setbacks</i>	none, except abut residential, minimum 10ft	none, except if abut residential use (1st floor) or zone, minimum 10ft				none	none
<i>Impervious Surface Max.</i>	90%	B-2: 80%, B-2b 90%		100%		100%	100%
<i>Minimum Lot Width</i>	none	none		none		50 ft	none
<i>Maximum Structure Height</i>	35 ft., except if abut R-6 then R-6 applies	45 ft.	downtown overlay map		65 ft	65 ft, or as governed by Building height overlay	Bayside height overlay map
<i>Minimum Building Height</i>						3 stories	Bayside height overlay map
<i>Minimum length of building</i>						building perimeter, modifications allowed where frontage is on two streets.	frontage or 25% of building perimeter, modifications
<i>Maximum Building/Floor Area</i>			Buildings over 125 ft., building step backs required				
PARKING FOR RESIDENTIAL STRUCTURES	<p>New Construction: 2 space/ unit, plus 1 additional parking space for every 6 units or fraction thereof. R-6 Infill and R-7: 1 space/unit. In B-1, B-1b, B-2 and B-3, joint use of parking space may be approved by the Planning Board or ZBA. In B-2b where residential is above commercial, joint use and half the number of required parking space for residential uses may be approved by the Zoning Administrator. Site Plan Ordinance: Where total floor area exceeds 50,000 sq. ft, the Planning Board shall establish the parking requirement. B-6 and B-7: all projects regardless of size, Planning Board shall establish the parking requirement.</p> <p>For Alterations or changes of use in existing structures, which create one or more additional dwelling units in such structures and for accessory units: 1 additional parking space/unit.</p>						

RESIDENTIAL ZONE COMPARISON - Portland Maine

ZONES	R-1	R-2	R-3	R-4	R-5	R-6	R-6 Small Lot Development	R-7
PERMITTED RESID. USES	Single-family	Single-family	Single-family	Single-family	Single-family	Single-family		all R-6 uses
				Two-family new construction	Two-family	Two-family		
			Planned Residential Unit Development		Planned Residential Unit Development			
					Multiplex (3 or more units)	Multifamily dwellings		
CONDITIONAL RESID. USES	Accessory Apartment	Accessory Apartment	Accessory Apartment	Accessory Apartment				
				Multiplex with 3 or more horizontally or vertically units	Alteration of a non-residential structure to three or more dwellings			
DIMENSIONAL REQUIREMENTS								
<i>Minimum Lot Size*</i>	15000 sq. ft.	10,000 sq. ft.	6,500 sq. ft.	6000 sq. ft.	6000 sq. ft.* for 1 and 2-family	4500 sq. ft.* for 1 and 2 family	none	none
<i>Minimum lot area/dwelling unit</i>	15000 sq. ft.	10,000 sq. ft.	6500 sq. ft.	3000 sq. ft.	3000 sq. ft. residential and for PRUD's. 4,800 for special needs, unless 250 ft frontage, then 3,600.	1000 sq. ft. / unit and in building additions and new construction 1200 sq ft./dwelling after first 3 units	725 sq.ft./unit	725 sq.ft./unit
<i>PRUD</i>			3 acres		2 acres			
<i>Multiplex</i>				9000 sq. ft.	9000 sq. ft.			
<i>Maximum Lot Size</i>							10,000 sq. ft.	
<i>Minimum Street Frontage</i>	75 ft.	50 ft.	50 ft.	50 ft.	50 ft.	40 ft.		none
<i>Minimum yard dimensions</i>								
<i>front</i>	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	20 ft.	10 ft.	no more than 10 ft
<i>rear</i>	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	20 ft.	20 ft.	none, except that on lots under separate ownership with existing resid. development, the side or rear setbacks of the R-6 shall apply.
<i>side yard setbacks ** May be reduced by 1 foot for a 1 foot increase on other side, not to be less than a specified setback and lot width.</i>								
<i>1 to 2 1/2 stories</i>	12 ft. to 16 ft.	12 ft. to 16 ft.	8 ft. to 16 ft.	10ft. To 16 ft.	8 ft. to 14 ft.	10 ft.	none, except 10ft separation between buildings	
<i>3 stories, 4 and 5 stories</i>						10 ft, 12 and 15 feet		
<i>Side yard - side street</i>	20 ft.	20 ft.	20 ft.	20 ft.	15 ft.	10 ft.		
<i>Maximum Lot coverage</i>	20%	20%	35%	30%	40%	40%		100%
<i>Minimum Lot Width</i>	100 ft.	80 ft.	65 ft.	60 ft.	multiplex- 90 ft, other uses 60 ft.	50 ft.	none	
<i>Maximum Structure Height</i>	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	45 ft.	45 ft.	50 ft. *
<i>Minimum Structure Height</i>							2 stories	
PARKING FOR RESIDENTIAL STRUCTURES	<p>New Construction: 2 space/ unit, plus 1 additional parking space for every 6 units or fraction thereof. R-6 Infill and R-7: 1 space/unit</p> <p>For Alterations or changes of use in existing structures, which create one or more additional dwelling units in such structures and for accessory units: 1 additional parking space/unit.</p>							

5. *Private open spaces*: Open spaces designated for the individualized use of unit owners such as yards, decks and patios;

15) Two-family, special needs independent living unit, multiple-family development, lodging houses, bed and breakfasts, and emergency shelters shall meet the following standards:

a. Proposed structures and related site improvements shall meet the following standards:

1. (a) The exterior design of the proposed two-family structures, lodging houses and emergency shelters, including architectural style, facade materials, roof pitch, building form and height, shall be designed to complement and enhance the nearest residential neighborhood;

(b) The exterior design of the proposed special needs independent living unit, bed and breakfast or multiple-family structures, including architectural style, facade materials, roof pitch, building form and height, window pattern and spacing, porches and entryways, cornerboard and trim details, and facade variation in projecting or recessed building elements, shall be designed to complement and enhance the nearest residential neighborhood. The design of exterior facades shall provide positive visual interest by incorporating appropriate architectural elements;

2. The proposed development shall respect the existing relationship of buildings to public streets. New development shall be integrated with the existing city fabric and streetscape including building placement, landscaping, lawn areas, porch and entrance areas, fencing, and other streetscape elements;

3. Open space on the site for all two-family, special needs independent living unit, bed and breakfast, and multiple-family development shall be integrated into the development site. Such open space in a special needs independent living unit or a multiple-family development shall be designed to complement and enhance the building form and development proposed on the site. Open space functions may include but are not limited to buffers and screening from streets and neighboring properties, yard space for residents, play areas, and planting strips along the perimeter of proposed buildings;

4. The design of proposed dwellings shall provide ample windows to enhance opportunities for sunlight and air in each dwelling in principal living areas and shall also provide sufficient storage areas;

5. The scale and surface area of parking, driveways and paved areas are arranged and landscaped to properly screen vehicles from adjacent properties and streets;

a. Two-family or multiple-family dwellings shall not be converted to lodging houses unless all units in the building have been vacant for at least one (1) year prior to the date conversion is sought or unless the individual multiple-family units are less than one thousand (1,000) square feet in size. In no event shall any single-family dwelling in the R-5 or R-6 zone be converted in whole or in part to a lodging house.

(16) Development located within the B-3 zone shall also meet the following standards. Adequacy in meeting these standards will be evaluated on the basis of descriptions and illustrations in the Downtown Urban Design Guidelines. Nothing in this section is intended to discourage creative and responsive design or to mandate similarity or mimicry of design in order to achieve the standards herein:

R-7

(d) *Small residential lot development:* shall conform to the lot plan standards of §14-526.
(Ord. No. 538-84, 5-7-84; Ord. No. 85-88, § 5, 7-19-88; Ord. No. 15-92, § 11, 6-19-92; Ord. No. 37-98, § 1, 5-4-98; formerly §14-145-renumbered per Ord. No. 122, 12-20-99; Ord. No. 78-03/04, 10-20-03)

*Editor's note--Ord. No. 85-88, § 5, adopted July 19, 1988, amended § 14-141(a) to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88.

DIVISION 7.01. R-7 COMPACT URBAN RESIDENTIAL OVERLAY ZONE

Section 14.141. Purpose.

The purpose of the R-7 Compact Urban Residential Overlay Zone is to encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the new vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.

Locations for siting the R-7 Zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties. It may be appropriate in some cases to rezone to R-7 overlay through conditional or attract zoning to ensure that the new development is architecturally appropriate and compatible with the surrounding neighborhood.

(Ord. No. 122, 12-20-99)

Section 14-142. Permitted Uses.

Permitted uses in the R-7 Compact Urban Residential Overlay

Zone, shall be the uses permitted in the R-6 Zone, except that:

(a) Residential uses shall comply with the following dimensional requirements:

1. Minimum Lot Size: None
2. Minimum Frontage: None
3. Minimum Yard Dimensions: None, except that on lots or portions of lots which abut a lot under separate ownership with existing residential development, the side or rear setbacks of the R-6 Zone shall apply in areas adjacent to such abutting residential lot. In no case, however, shall this provision require a setback such that the distance between the existing residential building and proposed new residential structure exceed the combined setbacks of the respective zones.
4. Maximum Lot Coverage: 100%
5. Maximum Residential Density: Seven hundred twenty five (725) square feet of land area per dwelling unit is required, except for developments which are located within 500 feet, property line to property line, of a municipal park or playground, the density may be increased to four hundred thirty five (435) square feet of land area per dwelling unit for a portion of the lot which does not exceed the size of such municipal facility.
6. Maximum Building Height: Fifty (50) Feet

(b) Parking shall be provided at the ratio of .1 parking space for each dwelling unit;

(c) Residential development in the R-7 Zone shall be reviewed by the Planning Board for compliance with Article IV, Subdivisions, and Article V, Site Plan;

(d) Any new dwelling unit constructed in the R-7 Zone shall contain a minimum of 400 square feet of habitable floor area;

(e) All other uses in the R-7 Zone shall observe the

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requirements of the R-6 Zone.
(Ord. No. 122, 12-20-99)

Sec. 14-143. Design Standards.

Residential development in the R-7 Zone shall be reviewed by the Planning Board under Article V, Site Plan. Such development shall also comply with the following development standards. The general intent of these development standards is to achieve an attractive and comfortable city neighborhood environment. Varied and human-scaled building facades are key to making a place "pedestrian-oriented." Building designs should provide a high level of visual interest, without creating a chaotic image. Residences should include design elements that enhance the streetscape and address the street.

- a. Porches and bays should face the street.
- b. Primary ground floor residential entries to multi-family buildings must orient to street, not to interior blocks or parking lots. Secondary and upper-floor entries from the interior of a block are acceptable. The front door to single-family homes, duplexes, and townhouses must be visible from the street.
- c. The design approach shall provide an architecture that will be a visible and permanent expression of the character of the neighborhood;
- d. The facade shall be varied and articulated to provide visual interest to pedestrians;
- e. Reinforce the public realm of the public open space, sidewalks and streets through appropriately scaled entries, porches, fenestration, landscaping, and architectural details;
- f. Provide visual and acoustical privacy between units;
- g. Maximize natural light and ventilation within units.

(Ord: No. 122, 12-20-99)

Sec. 14-144. Reserved.

Sec. 14-145. Reserved.

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or portion of a lot located in a shoreland zone as identified on the City shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

- (c) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30 days).

(Ord. No. 537-84, 5-7-84; Ord. No. 15-92, § 10, 6-15-92)

- Sec. 14-132. Reserved.
- Sec. 14-133. Reserved.
- Sec. 14-134. Reserved.

DIVISION 7. R-6 RESIDENTIAL ZONE*

*Editor's note—Ord. No. 538-84, adopted May 7, 1984, repealed Div. 7, §§ 14-131-14-134, and enacted a new Div. 9, §§ 14-135-14-139, 14-145. However, in order to avoid duplication of division numbers and in consultation with the City, the provision has been included as Div. 7.

Sec. 14-135. Purpose.

The purpose of the R-6 residential zone is:

(a) To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.

(b) In cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.

(Ord. No. 538-84, 5-7-84; Ord. No. 78-03/04, 10-20-03)

Sec. 14-136. Permitted uses.

The following uses are permitted in the R-6 residential zone:

(a) Residential:

1. Single- and two-family dwellings. No building reviewed as a two-family dwelling in accordance with section 14-524 shall be altered to include any

additional dwelling unit within five (5) years from the date of issuance of the building permit. Any building reviewed as a two-family dwelling in accordance with section 14-524 or not reviewed under article V, which is altered or enlarged to include any additional dwelling unit after this five-year period, shall be reviewed as a major development pursuant to article V of this chapter.

2. Multifamily dwellings, provided that any alteration of a structure in residential use on December 2, 1987:
 - a. 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
 - b. 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;
 - c. Parking shall be provided as required by division 20 of this article;
 - d. No open outside stairways or fire escapes above the ground floor shall be constructed;
 - e. A below-grade dwelling unit shall be permitted only if access is provided directly to the outside of the building;
 - f. Such development shall be subject to article V (site plan) of this chapter for site plan review and approval.
3. Handicapped family unit, as defined in section 14-47 (definitions) of this article, for handicapped persons plus staff.
4. Single-family, multiple-component manufactured

housing, as defined in section 14-47 (definitions) of this article, except in a National Register Historic District.

5. Single-family, single-component manufactured housing, as defined in section 14-47 (definitions) of this article, on individual lots under separate and distinct ownership, except in a National Register Historic District, provided that each unit meets the performance standards listed below:
 - a. More than half of the roof area of each unit shall be a double pitched Class C rated shingled roof with a minimum pitch of 3/12.
 - b. Each unit shall be installed on a full foundation or a concrete frost wall in accordance with all applicable codes and regulations. Any hitch or tow bar shall be removed from the unit after it is placed on its foundation or frost wall. In the case of a frost wall, vermin proof skirting shall be installed on all sides of the unit. The skirting may consist of either (a) concrete or masonry block or (b) manufactured skirting. If concrete or masonry block skirting is installed, either the exterior siding of the unit shall extend within one (1) foot of grade or decorative masonry siding shall be applied. If manufactured skirting material is installed, the color shall be identical to or compatible with the exterior siding of the unit.
 - c. Each unit shall have exterior siding that is residential in appearance, including but not limited to natural materials such as wood clapboards or shakes, or exterior materials which simulate wood. Clapboards or simulated clapboards shall have less than eight (8) inches of exposure and sheet metal type siding shall not be permitted.
 - d. Each unit shall have the long side of the unit

parallel to the street line where the required street frontage is met.

- e. Each unit shall be provided with at least two (2) trees meeting the city's arboricultural specifications and which are clearly visible from the street line and are located so as to visually widen the narrow dimension or proportion of the unit.
- f. Each unit shall have all fuel oil supply systems constructed and installed within the foundation wall or underground in accordance with all applicable codes and regulations.
- g. No unit shall be horizontally or vertically attached to any other unit or other structure, provided however, that this provision shall not be deemed to prohibit building additions, such as porches, garages, room additions or solar greenhouses.

(b) *Other:*

- 1. Lodging house;
- 2. Cemeteries;
- 3. Parks, and other active and passive noncommercial recreation spaces;
- 4. Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses, subject to the provisions of section 14-404 (accessory use) of this article;
- 5. Home occupation subject to the provisions of section 14-410 (home occupation) of this article;
- 6. Municipal uses, excluding those specifically set forth in section 14-137 of this division;
- 7. Special needs independent living units, provided

that a building housing special needs independent living units shall not house other types of residential or other permitted uses. The owner of a special needs independent living unit building shall file in the Cumberland County Registry of Deeds a statement under oath that the building is a special needs independent living unit building and that any future change of use to a permitted residential use shall require a change in use review by the City of Portland and a decrease in the number of units in the building in accordance with the Portland City Code, chapter 14. The owner shall file proof of such recording with the building inspections division prior to the issuance of any certificates of occupancy for the new uses.

8. Conversion of a structure existing on March 3, 1997, into a bed and breakfast with up to four (4) guest rooms, subject to the standards of article V (site plan).

(Ord. No. 538-84, 5-7-84; Ord. No. 267-84, § 1, 12-17-84; Ord. No. 67-87, § 4, 11-2-87; Ord. No. 85-88, §§ 1, 2, 7-19-88; Ord. No. 86A-89, § 7, 8-21-89; Ord. No. 95-89, § 2, 9-6-89; Ord. No. 279-90, § 2, 3-19-90; Ord. No. 33-91, § 8, 1-23-91; Ord. No. 33A-91, § 6, 4-17-91; Ord. No. 125-97, § 2, 3-3-97)

*Editor's note--Ord. No. 85-88, §§ 1, 2, adopted July 19, 1988, amended § 14-136 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88. Ord. No. 95-89, § 2, adopted Sept. 6, 1989, amended subsection (1)a of § 14-136 to read as set out and, as amended, further ordained "that the prohibition upon unit additions contained in this ordinance shall not apply where a building permit has been issued. Additions proposed to such buildings shall require major site plan review and all other reviews required by this chapter."

Sec. 14-137. Conditional uses.

The following uses shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(a) *Residential:*

1. Reserved.

2. Sheltered care group homes, as defined in section 14-47 of this article, for up to twelve (12) individuals, plus staff, and serving a primary population which is not handicapped persons, parolees, persons involved in correctional prerelease programs, or current illegal drug users, provided that:
 - a. A sheltered care group home shall not be located within five hundred (500) feet of another, as measured along street lines to the respective property lines.
 - b. There shall be no open outside stairways or fire escapes above the ground floor.
 - c. The facility shall make provision for adequate on-site staffing and supervision of residents in accordance with applicable state licensing requirements. If a facility is not licensed by the state, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof.

The board of appeals may impose conditions upon a conditional use permit concerning the creation or operation of a sheltered care group home including but not limited to the following: site and building maintenance; lighting, fencing, and other appropriate security measures; screening and buffering of parking areas; compatibility of any additions or alterations with the existing residential structure; compatibility of new structures with the architectural character of the surrounding area; and limitation on the duration of the sheltered care group home permit.

3. Conversion of a structure existing on March 3, 1997, into a bed and breakfast with five (5) to nine (9) guest rooms.

(c) *Institutional*: Any of the following conditional uses provided that, notwithstanding section 14-474(a)

(conditional uses) 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:

1. Elementary, middle, and secondary school;
2.
 - a. Long-term and extended care facilities;
 - b. Intermediate care facility for thirteen (13) or more persons;
3. Intermediate care facility;
4. Church or other place of worship;
5. Private club or fraternal organization;
6. Community Hall provided that:
 - a. The structure was in existence as of date of enactment, March 15, 1999;
 - b. The structure was built for institutional or other non-residential uses;
 - c. The structure is operated by, or operated subject to the control of, a not-for-profit entity in accordance with its not for profit purposes; and
 - d. A parking management plan is submitted for review and approval by the Planning Board.
7. Hospital;
8. College, university, trade school.

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- a. In the case of expansion onto land of existing such uses other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing

site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and

- b. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
- c. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative.

(c) *Other:*

- 1. Utility substations, such as water and sewage pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;
- 2. Professional offices of a member of a recognized profession maintained for the conduct of that profession. Professional office uses exclude personal services, retail services, and veterinarians.

The illustrative examples that follow indicate the type of professional offices permitted: health care practitioner, attorney, social worker, engineer, architect, accountant, real estate agent, insurance agent.

Professional office uses shall meet the following standards in addition to provisions of section 14-474, except that subsections a., b., c. and d. of this section 14-137(c)2 shall not apply to the use of any building not designed or constructed for residential use, which was not in actual use as a

residence on April 18, 1984, or thereafter.

- a. A professional office shall not be located within five hundred (500) feet of another as measured along the street line to the respective property lines.
 - b. A building with one (1) or more professional offices shall have at least fifty (50) percent of the total floor area of the building devoted to residential uses.
 - c. The total number of individuals working in a building of professional offices shall not exceed the equivalent of four (4) full-time employees.
 - d. Any additions or exterior alterations shall be compatible with the architecture of the building and maintain the residential appearance of the building. Construction of a new building shall be compatible with the architectural character of the surrounding area.
 - e. The scale and surface area of parking, driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets.
 - f. On-site parking shall be required as specified in division 20 (off-street parking) of this article for the combined uses of the site.
3. Chancellery.
 4. Nursery school and kindergarten.
 5. Off-street parking for passenger cars for uses permitted in the R-6 zone.
 6. Day care facilities or home babysitting services

not permitted as a home occupation under section 14-410, subject to the following conditions:

- a. The facility shall be located in a structure in which there is one (1) or more occupied residential units or in an existing accessory structure, unless the facility is located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use or in a nonresidential structure accessory to the principal nonresidential use.
- b. The maximum capacity shall be twelve (12) children for facilities located in residential or existing structures accessory thereto, unless the additional standards in subsection v. are met. There shall be no maximum limit on the number of children in a facility located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use, or in a nonresidential structure accessory thereto, provided that any such structure that serves more than twelve (12) children shall be subject to review under article V of this chapter.
- c. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
- d. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.
- e. Day care facilities located either in structures that have been in residential use within the past five (5) years or in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children

shall meet the following additional standards:

- i. The facility shall provide a minimum of seventy-five (75) square feet of outdoor play area per child;
- ii. The play area shall be located in the side and rear yards only and shall not be located in front yards;
- iii. Outside play areas shall be separated from abutting properties by a fence at least forty-eight (48) inches in height;
- iv. A ten-foot wide landscaped buffer shall be required outside of the fenced play area, and shall be established in accordance with the landscaping standards of the City's Technical Standards and Guidelines;
- v. The minimum lot size for a day care facility located in a residential or existing accessory structure and serving more than twelve (12) children shall be twenty thousand (20,000) square feet;
- vi. Off-street parking shall be provided on the site for all staff of the facility. Parking for the facility shall not interfere with access to or use of play areas. Parking spaces may be stacked or placed side by side in order to lessen their impact on the residential character of the lot and the neighborhood, and shall not be located closer than five (5) feet from the property line of any abutting residential use or residentially zoned site;
- vii. The maximum number of children in a day care facility located in a residential or existing accessory structure shall be twenty-four (24); and

viii. Any additions or exterior alterations such as façade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the residential appearance of the building.

7. Community Center, as defined in Section 14-17.

Ord. No. 538-84, 5-7-84; Ord. No. 267-84, § 2, 12-17-84; Ord. No. 76-85, § 8, 7-85; Ord. No. 85-88, § 3, 7-19-88; Ord. No. 235-91, § 13, 2-4-91; Ord. No. 118-3, 10-18-93; Ord. No. 135-96, § 7, 11-18-96; Ord. No. 154-96, § 11, 12-16-96; Ord. No. 125-97, § 3, 3-3-97; Ord. No. 232-99, §2, 3-15-99; Ord. No. 77-02/03, § 10-21-02)

Sec. 14-138. Prohibited uses.

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.
Ord. No. 538-84, 5-7-84)

Sec. 14-139. Dimensional requirements.

(1) In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-6 zone, excluding lots qualifying as undersized lots meeting the dimensional standards located at the end 14-139, shall meet or exceed the following minimum requirements:

(a) *Minimum lots size:*

1. Residential: Forty-five hundred (4,500) square feet, except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.
2. Reserved.
3. Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.
4. Intermediate care facility: One (1) acre.
5. School: Thirty thousand (30,000) square feet.

6. - Church or place of worship: Seventy-five hundred (7,500) square feet for a seating capacity of fifty (50) plus one thousand (1,000) square feet for each additional increment of fifteen (15) seats or major fraction thereof within the principal place of assembly for worship.
7. Fraternal organization;; Ten thousand (10,000) square feet.
8. Municipal use: Fort-five hundred (4,500) square feet.
9. Hospital: Two (2) acres.
10. All other uses: Forty-five hundred (4,500) square feet.
11. Lodging house: Four thousand five hundred (4,500) square feet.
12. Community Hall: None, provided that no existing lot housing a community hall may be reduced to less than four thousand five hundred (4,500) square feet.

Provided that for uses specified in section 4-139(a) 3 through 9 above, no minimum lot area shall be required in the following cases:

- a. Uses existing on June 1, 1983;
- b. Expansion onto land abutting the lot on which the principal use is located;
- c. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or parking area as of June 1, 1983;

- d. Expansion onto land other than the lot on which the principal use is located of not more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.
- (b) 1. *Minimum area per dwelling unit:* One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.
2. *Minimum rooming unit areas for lodging houses:* Two hundred (200) square feet of combined rooming unit and common area for each rooming unit. Each individual rooming unit shall be a minimum of eighty (80) square feet.
3. *Minimum land area per lodging house rooming unit:* Two hundred fifty (250) square feet.
4. *Minimum land area per intermediate care facility resident:* Eight thousand (8,000) square feet for the first thirty-five (35) residents, plus three hundred fifty (350) square feet for each additional resident.
- (c) *Minimum street frontage:* Forty (40) feet.
- (d) *Minimum yard dimensions:* (Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

1. *Front yard:*

Principal or accessory structures: Ten (10) feet.

A front yard need not exceed the average depth of front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.

2. Rear yard:

- a. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.
- b. Detached accessory structures with a ground coverage of one hundred (100) square feet or less: Five (5) feet.
- c. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

3. Side yard:

- a. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet:

Height of Structure Required Side Yard

1 story	10 feet
2 stories	10 feet
3 stories	10 feet
4 stories	12 feet
5 stories	15 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet.

- b. Detached accessory structures with ground coverage of one hundred (100) square feet or less: Five (5) feet.
 - c. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.
4. *Side yard on side streets:*
- a. Principal or accessory structures: Ten (10) feet.
- (e) *Maximum lot coverage:* Forty (40) percent of lot area for lots which contain twenty (20) or more dwelling units; fifty (50) percent for lots which contain fewer than twenty (20) dwelling units.
- (f) *Minimum lot width:* Fifty (50) feet.
- (g) *Maximum structure height:*
- Principal and attached accessory structure: Forty-five (45) feet.
- Accessory detached structure: Eighteen (18) feet.
- (h) *Open space ratio:*
- 1. *Uses other than bed and breakfast.* Twenty (20) percent for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units. This shall not include parking areas or other impervious surfaces as defined in section 14-47.
 - 2. *Bed and breakfasts.* A bed and breakfast that is located on a lot that has at least twenty (20) percent open space on the date of filing of the application for site plan shall not reduce the open space on the lot below twenty (20) percent of the lot area. A bed and breakfast located on a lot that does not have at least twenty (2) percent open space on the date of

filing of the application for site plan review, and that is legally nonconforming as to the open space requirement of this section, shall not reduce the open space on the lot below the level in existence on the date of the application for site plan review. Open space areas shall not include parking areas or other impervious surface areas as defined in section 14-47.

- (i) A below-grade dwelling unit shall be permitted only if the primary access for the dwelling unit is provided directly to the outside of the building.
- (j) *Minimum gross floor area for bed and breakfasts:* Two thousand (2,000) square feet of gross floor area for the first three (3) guest rooms and five hundred (500) square feet of floor area for each additional guest room.

(2) *Small residential lot development:* Residential uses on small, vacant lots located in the R-6 may use the dimensional requirements below if all of the following conditions are met:

The lot is:

Vacant or is used exclusively for parking or contains structure not used for residential purposes as of January 1, 2005 and the lot existed as of January 1, 2005.

- (a) *Minimum lot size:* None.
- (b) *Maximum lot size:* Ten thousand (10,000) square feet.
- (c) *Yard dimensions:*
 - 1. *Front yard:*
No more than ten (10) feet.
 - 2. *Rear yard:*
None, except that rear yards between two (2)

buildings on the same or different lots shall maintain a minimum ten (10) foot setback between buildings or the sum of the heights of the abutting buildings and proposed buildings divided by five (5), whichever is greater; and that either the rear yard or one of the side yards shall be at least fifteen (15) feet; provided, however, detached accessory structures with a ground floor area of one hundred (100) square feet or less need not have a setback more than five (5) feet from the property line. Notwithstanding the foregoing, no structure shall be closer than four (4) feet to side property line.

3. *Side yard:*

None, except that side yards between two (2) buildings on the same or different lots shall maintain a minimum ten (10) foot setback between buildings or the sum of the heights of the existing buildings and proposed buildings divided by five (5), whichever is greater and that either the rear yard or one of the side yards shall be at least fifteen (15) feet; Provided, however, detached accessory structures with a ground floor area of one hundred (100) square feet or less need not have a setback more than five (5) feet from the property line. Notwithstanding the foregoing, no structure shall be closer than four (4) feet to side property line. On a corner lot no side yard is required on that side of the lot which abuts any street. A principal structure on a corner lot shall not be more than ten (10) feet from the street.

- (d) *Minimum principal structure height:* Two (2) stories of living space above the grade of the adjacent street frontage, except for porches, entryways, attached garages and accessory detached structures.
- (e) *Maximum principal structure height:* Forty five (45) feet.
- (f) *Open space requirement:* All lots used for residential purposes shall provide an attached exterior deck, porch, patio or balcony for each dwelling unit, except where a designated open space equal to ten (10) percent or more of

the lot area is located on site and maintained as open space, then the number of exterior decks, porches, patios or balconies may be reduced by up to fifty (50) percent. The designated open space, if provided, shall have a minimum width and length of at least fifteen (15) feet, a slope of no greater than ten (10) percent and shall be used exclusively as recreational open space i.e. it shall not be used for vehicular circulation, parking, etc.. All required decks, porches, patios or balconies shall meet the requirements of the Planning and Development Design Manual.

(g) *Minimum lot width:* None.

(h) *Minimum land area per dwelling:* Seven hundred and twenty-five (725) square feet.

(Ord. No. 538-84, 5-7-84; Ord. No. 634-86, § 1, 7-7-86; Ord. No. 264-87, § 1, 3-16-87; Ord. No. 85-88, § 4, 7-19-88; Ord. No. 230-90, § 1, 3-5-90; Ord. No. 33-91, § 9, 1-23-91; Ord. No. 235-91, § 14, 2-4-91; Ord. No. 33A-91, 4-17-91; Ord. No. 118-93, § 12, 10-18-93; Ord. No. 154-96, § 12, 12-16-96; Ord. No. 125-97, § 4, 3-3-97; Ord. No. 245-97, §§ 1, 2, 4-9-97; Ord. No. 232-99, §3, 3-15-99; Ord. No. 78-03/04, 10-20-03; Ord. No. 21-04/05, 8-2-04; Ord. No. 145, 2-23-05)

*Editor's note--Ord. No. 85-88, § 4, adopted July 19, 1988, amended § 14-139 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88.

Sec. 14-140. Other requirements.

(a) *Offstreet parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article, except that required parking for residential building additions shall be located on the same lot. For small, vacant lots which meet, and are developed under, the dimensional standards of 14-139(2) above, one (1) parking space per dwelling unit is required and shall be located on the same lot.

(b) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(c) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

) (d) *Small residential lot development:* shall conform to the site plan standards of §14-526.
Ord. No. 538-84, 5-7-84; Ord. No. 85-88, § 5, 7-19-88; Ord. No. 15-92, § 11, 6-5-92; Ord. No. 37-98, § 1, 5-4-98; formerly §14-145--renumbered per Ord. No. 122, 12-20-99; Ord. No. 78-03/04, 10-20-03)

*Editor's note--Ord. No. 85-88, § 5, adopted July 19, 1988, amended § 14-45(a) to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88.

DIVISION 7.01. R-7 COMPACT URBAN RESIDENTIAL OVERLAY ZONE

Section 14.141. Purpose.

The purpose of the R-7 Compact Urban Residential Overlay Zone is to encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the new vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.

Locations for siting the R-7 Zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties. It may be appropriate in some cases to rezone to R-7 overlay through conditional or contract zoning to ensure that the new development is architecturally appropriate and compatible with the surrounding neighborhood.

Ord. No. 122, 12-20-99)

Sec. 14-142. Permitted Uses.

Permitted uses in the R-7 Compact Urban Residential Overlay

- (c) Loading areas shall be screened and parking areas shall be screened and landscaped so as to avoid a large continuous expanse of paved area.
- (d) Buildings and structures shall be sited to avoid obstructing significant scenic views presently enjoyed by nearby residents, passersby, and users of the site.
- (e) Storage of commodities and equipment shall be completely enclosed within buildings or provided with screening by a fence, wall, or landscaping.
- (f) The outer perimeter of playfields, playlots, and other active recreational areas shall be screened, or shall be located a reasonable distance from any residential use.
- (g) Off-street parking shall conform to the requirements of division 20 of this article, where applicable. Otherwise, off-street parking adequate to serve projected employee and visitor needs shall be provided. Parking needs projections provided by the applicant or the planning department should be considered in the review.

(Ord. No. 232-81, § 602.7B.6, 11-16-81)

Sec. 14-159. Shoreland and flood plain management regulations.

Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

(Ord. No. 232-81, § 602.7B.7, 11-16-81; Ord. No. 15-92, § 15, 6-15-92)

Sec. 14-160. Reserved.

DIVISION 9. B-1 AND B-1b NEIGHBORHOOD BUSINESS ZONES*

*Editor's note--Ord. No. 292-88, adopted Apr. 4, 1988, with an effective date of July 1, 1988, repealed §§ 14-161--14-167 of Div. 9, B-1 Business Zone, of this article and enacted in lieu thereof similar new provisions as set out in §§ 14-161--14-167. Formerly, such sections derived from §§ 602.8.A--602.8.G of the city's 1968 Code and from Ord. No. 74-72, adopted Mar. 6, 1972, and Ord. No. 499-74, § 4, adopted Aug. 19, 1974.

Sec. 14-161. Purpose.

(a) B-1 Neighborhood Business Zone

The purpose of the B-1 neighborhood business zone is to provide limited areas for the location of smallscale commercial establishments intended to serve a local market. As a result, uses shall be complimentary, quiet and generally do not disturb the comfort and enjoyment of the adjoining neighborhood environment. Uses shall be designed for the pedestrian scale and will provide convenient access for nearby residents and workers to walk in to purchase goods and services. Buildings and uses shall be designed with attractive storefronts or similar features, with windows and doors convenient to a public sidewalk. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3). This zone shall encourage mixed use buildings such as commercial first floor with residential uses above or combined retail/office uses in a multistory structure.

Suitable locations for this zone may include street intersections and arterial streets with existing or proposed traditional neighborhood retail and service uses.

(b) B-1b Neighborhood Business Zone

The purpose of the B-1b neighborhood business zone is to provide appropriate opportunities for the establishment of smallscale ground floor commercial uses in existing buildings, serving a local market, while preserving residential uses and character above the ground floor of structures. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3).

Suitable locations for this zone may include street intersections, arterial streets, and sites with existing or traditional neighborhood retail and service uses.

(Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 1, 11-15-93; Ord. No. 94-99, 11-15-99)

Sec. 14-162. Permitted uses.

(a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone. For

permitted uses in the upper stories of buildings in the B-1b zone, refer to subsection (5) below: in existence on November 15, 1993:

(1) *Residential*

- a. Any residential use permitted in the residential zone abutting the lot is permitted. If there is no abutting residential zone, any residential use permitted in the nearest residential zone to the lot is permitted. In the case of two (2) or more abutting residential zones, any residential use permitted in the most restrictive such zone is permitted.
- b. In any structure with commercial use on the first floor, multifamily dwellings are permitted above the first floor.

(2) *Business:*

- a. Professional offices, as defined in section 14-47, but excluding veterinarians.
- b. Business services, as defined in section 14-47, but excluding beverage container redemption centers.
- c. Personal services, as defined in section 14-47.
- d. Offices of building tradesmen, provided there is no exterior storage of building materials.
- e. Retail establishments, provided such do not include drive-through sales or services and do not operate between the hours of eleven (11) p.m. and six (6) a.m. and do not accept deliveries or services between the hours of ten (10) p.m. to seven (7) a.m.
- f. Beverage dealers (as defined in 32 M.R.S.A. 1862) provided they meet the following requirements:
 1. Maximum total floor area for beverage container redemptions, including the storage of spent beverage containers, shall be no

greater than five hundred (500) sq. ft. or ten (10) percent of the total floor area of the facility, whichever is less;

2. Beverage container redemption is an accessory use to a principal retail use that includes beverage sales. Local beverage container redemption centers as defined in 32 M.R.S.A. 1867, as may be amended, are not allowed as a principal use.
3. Storage of all beverage containers shall be contained entirely within the building providing retail sales.

(3) *Institutional:*

- a. Church or other place of worship;
- b. Municipal offices;
- c. Elementary, middle and secondary schools;
- d. Nursery schools and kindergarten;
- e. Clinics of less than three thousand (3,000) square feet of total floor space.

(4) *Other:*

- a. Lodging houses;
- b. Utility substations, as defined in section 14-47, subject to the standards of article V (site plan);
- c. Day care facilities or babysitting services;
- d. Accessory uses as provided in section 14-404;
- e. Bed and breakfast, subject to the standards of article V (site plan).

(5) Uses permitted above the ground floor level of buildings in the B-1b zone:

a. Any residential use set forth in section 14-162(a);

b. Bed and breakfast, subject to the standards of article V (site plan).

(Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 2, 11-15-93; Ord. No. 125-97, § 5, 3-3-97; Ord. No. 94-99, 11-15-99)

Sec. 14-163. Conditional uses.

The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone, as provided in section 14-474 (conditional uses), if they meet the following requirements:

(a) Restaurants, provided they meet the following requirements:

1. Maximum total floor area for use of the public shall be one thousand (1,000) square feet;
2. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. each day;
3. Food service and consumption are the primary function of the restaurant; and

4. There shall be no drive-through service.

(Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 3, 11-15-93; Ord. No. 94-99, 11-15-99)

Sec. 14-164. Prohibited uses.

Uses not enumerated in sections 14-162 and 14-163 as either permitted or conditional uses are prohibited.

(Ord. No. 292-88, 4-4-88)

Sec. 14-165. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, residential uses permitted under section 14-162(a) shall meet the requirements of such abutting or nearest residential zone except as noted below, and nonresidential uses in the B-1 and B1-b zone shall meet the following minimum requirements:

(a) *Minimum lot size:*

1. School: Twenty thousand (20,000) square feet.
2. Church or place of worship: Ten thousand (10,000) square feet.
3. All other nonresidential uses: None.
4. Multi-family dwellings above the first floor: 1,000 square feet of land area per dwelling unit.

(b) *Minimum street frontage:* Fifty (50) feet, except that if the average street frontages of all lots within two hundred (200) feet of the boundaries of the lot in question on the same side of the street and within the B-1 or B-1b zone is less than fifty (50) feet, then the minimum street frontage for the lot in question may be reduced to the average frontage of such lots.

(c) *Yard dimensions:* (Yard dimensions are required setbacks for structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

1. *Maximum front yard:*

Principal or accessory structure: The maximum front yard setback shall either be: (i) ten feet; or (ii) in cases where the average depth of the front yards of the nearest developed lots on either side of the lot in question is less than ten 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.

Building additions are not required to meet this maximum setback.

2. *Rear yard:*

- a. Principal structures: None, except where a rear yard abuts a residential zone or first

floor residential use, a minimum of twenty (20) feet is required.

- b. Accessory structures (detached): None, except where the rear yard abuts a residential zone or first floor residential use, a minimum of five (5) feet is required.

3. *Side yard:*

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

- b. Accessory structures (detached): None, except that where the side yard abuts a residential zone or a first floor residential use, a minimum of five (5) feet is required.

- c. Side yards on side streets (corner lot):
Principal or accessory structures: Ten (10) feet maximum setback, except that for any new construction on a lot abutting more than two streets, the maximum setback shall not apply beyond the two most major streets. (For purposes of this section, "major street" shall mean that street with the highest traffic volume and the greatest street width in comparison with the remaining streets). This maximum setback shall not apply to building additions.

(d) *Minimum lot width:* None.

(e) *Maximum structure height:* Thirty-five (35) feet. Where the lot abuts an R-6 residential zone, the maximum height shall be the maximum permitted height in the R-6 residential zone.

(f) *Maximum impervious surface ratio:* Ninety (90) percent.

(g) *Floor area:*

1. The maximum first floor area of a single tenant building shall be no greater than five thousand (5,000) square feet.
2. The maximum first floor area of a multi-tenant building shall be no greater than ten thousand (10,000) square feet.

(Ord. No. 292-88, 4-4-88; Ord. No. 52-96, § 1, 7-15-96; Ord. No. 94-99, 11-15-99)

Sec. 14-166. Other requirements.

All nonresidential uses in B-1 and B-1b zones 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) *Offstreet parking and loading:* Offstreet parking and loading are required as provided in division 20 and division 21 of this article.
- (d) *Front yard parking:* There shall be no off street parking in the front yard between the street line and the required maximum setback line. Where an existing building setback exceeds 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.
- (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. In no event

shall vehicles, or truck trailers with or without wheels, be used for on-site storage. Truck load sales shall not be considered outside storage provided that such activity does not extend beyond three (3) consecutive days nor occur 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.

(Ord. No. 292.88, 4-4-88; Ord. No. 94-99, 11-15-99)

Sec. 14-167. External effects.

Every use in a B-1 or B-1b zone shall be subject to the following requirements:

- (a) *Enclosed structure:* The use shall be operated within a completely enclosed structure, except for those specific open air activities licensed by the City, including but not limited to outdoor seating, sidewalk sales, etc.
- (b) *Noise:* The volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed fifty-five (55) decibels on the A scale, on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.
- (c) *Vibration and heat:* Vibration inherently and recurrently generated and heat shall be imperceptible without instruments at lot boundaries.
- (d) *Glare, radiation or fumes:* Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.
- (e) *Smoke:* Smoke shall not be emitted at a density in excess of twenty (20) percent opacity level as classified in

Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.

- (f) *Materials or wastes:* No materials or wastes shall be deposited on any lot in such form or manner that they are clearly visible from neighbors' properties or may be transferred beyond the lot boundaries by natural causes or forces. All solid waste disposal, including materials which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors, shall be only in fully enclosed containers or receptacles. Areas attracting large numbers of birds, rodents or insects are prohibited.

(Ord. No. 292-88, 4-4-88; Ord. No. 94-99, 11-15-99)

Sec. 14-168. Reserved.
Sec. 14-169. Reserved.
Sec. 14-170. Reserved.
Sec. 14-171. Reserved.
Sec. 14-172. Reserved.
Sec. 14-173. Reserved.
Sec. 14-174. Reserved.
Sec. 14-175. Reserved.
Sec. 14-176. Reserved.
Sec. 14-177. Reserved.
Sec. 14-178. Reserved.
Sec. 14-179. Reserved.
Sec. 14-180. Reserved.

DIVISION 10. B-2 AND B-2b COMMUNITY BUSINESS ZONES*

*Editor's note--Ord. No. 293-88, adopted Apr. 4, 1988, with an effective date of July 1, 1988, repealed §§ 14-181--14-187 of Div. 10, B-2 Business Zone, of this article and enacted in lieu thereof similar new provisions as set out in §§ 14-181--14-187. Formerly, such sections derived from §§ 602.9.A--602.9.G of the city's 1968 Code and from Ord. No. 74-72, adopted Mar. 6, 1972; Ord. No. 499-74, § 4, adopted Aug. 19, 1974; Ord. No. 334-76, § 6, adopted July 7, 1976; and Ord. No. 274-77, adopted May 16, 1977.

Sec. 14-181. Purpose.

- (a) B-2 Community Business Zone

or portion of a lot located in a shoreland zone as identified on the City shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

- (c) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(Ord. No. 537-84, 5-7-84; Ord. No. 15-92, § 10, 6-15-92)

Sec. 14-132. Reserved.

Sec. 14-133. Reserved.

Sec. 14-134. Reserved.

DIVISION 7. R-6 RESIDENTIAL ZONE*

*Editor's note—Ord. No. 538-84, adopted May 7, 1984, repealed Div. 7, §§ 14-131-14-134, and enacted a new Div. 9, §§ 14-135-14-139, 14-145. However, in order to avoid duplication of division numbers and in consultation with the City, the provision has been included as Div. 7.

Sec. 14-135. Purpose.

The purpose of the R-6 residential zone is:

(a) To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.

(b) In cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.

(Ord. No. 538-84, 5-7-84; Ord. No. 78-03/04, 10-20-03)

Sec. 14-136. Permitted uses.

The following uses are permitted in the R-6 residential zone:

(a) Residential:

1. Single - and two-family dwellings. No building reviewed as a two-family dwelling in accordance with section 14-524 shall be altered to include any

additional dwelling unit within five (5) years from the date of issuance of the building permit. Any building reviewed as a two-family dwelling in accordance with section 14-524 or not reviewed under article V, which is altered or enlarged to include any additional dwelling unit after this five-year period, shall be reviewed as a major development pursuant to article V of this chapter.

2. Multifamily dwellings, provided that any alteration of a structure in residential use on December 2, 1987:
 - a. 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
 - b. 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;
 - c. Parking shall be provided as required by division 20 of this article;
 - d. No open outside stairways or fire escapes above the ground floor shall be constructed;
 - e. A below-grade dwelling unit shall be permitted only if access is provided directly to the outside of the building;
 - f. Such development shall be subject to article V (site plan) of this chapter for site plan review and approval.
3. Handicapped family unit, as defined in section 14-47 (definitions) of this article, for handicapped persons plus staff.
4. Single-family, multiple-component manufactured

housing, as defined in section 14-47 (definitions) of this article, except in a National Register Historic District.

5. Single-family, single-component manufactured housing, as defined in section 14-47 (definitions) of this article, on individual lots under separate and distinct ownership, except in a National Register Historic District, provided that each unit meets the performance standards listed below:
 - a. More than half of the roof area of each unit shall be a double pitched Class C rated shingled roof with a minimum pitch of 3/12.
 - b. Each unit shall be installed on a full foundation or a concrete frost wall in accordance with all applicable codes and regulations. Any hitch or tow bar shall be removed from the unit after it is placed on its foundation or frost wall. In the case of a frost wall, vermin proof skirting shall be installed on all sides of the unit. The skirting may consist of either (a) concrete or masonry block or (b) manufactured skirting. If concrete or masonry block skirting is installed, either the exterior siding of the unit shall extend within one (1) foot of grade or decorative masonry siding shall be applied. If manufactured skirting material is installed, the color shall be identical to or compatible with the exterior siding of the unit.
 - c. Each unit shall have exterior siding that is residential in appearance, including but not limited to natural materials such as wood clapboards or shakes, or exterior materials which simulate wood. Clapboards or simulated clapboards shall have less than eight (8) inches of exposure and sheet metal type siding shall not be permitted.
 - d. Each unit shall have the long side of the unit

parallel to the street line where the required street frontage is met.

- e. Each unit shall be provided with at least two (2) trees meeting the city's arboricultural specifications and which are clearly visible from the street line and are located so as to visually widen the narrow dimension or proportion of the unit.
- f. Each unit shall have all fuel oil supply systems constructed and installed within the foundation wall or underground in accordance with all applicable codes and regulations.
- g. No unit shall be horizontally or vertically attached to any other unit or other structure, provided however, that this provision shall not be deemed to prohibit building additions, such as porches, garages, room additions or solar greenhouses.

(b) *Other:*

- 1. Lodging house;
- 2. Cemeteries;
- 3. Parks, and other active and passive noncommercial recreation spaces;
- 4. Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses, subject to the provisions of section 14-404 (accessory use) of this article;
- 5. Home occupation subject to the provisions of section 14-410 (home occupation) of this article;
- 6. Municipal uses, excluding those specifically set forth in section 14-137 of this division;
- 7. Special needs independent living units, provided

that a building housing special needs independent living units shall not house other types of residential or other permitted uses. The owner of a special needs independent living unit building shall file in the Cumberland County Registry of Deeds a statement under oath that the building is a special needs independent living unit building and that any future change of use to a permitted residential use shall require a change in use review by the City of Portland and a decrease in the number of units in the building in accordance with the Portland City Code, chapter 14. The owner shall file proof of such recording with the building inspections division prior to the issuance of any certificates of occupancy for the new uses.

8. Conversion of a structure existing on March 3, 1997, into a bed and breakfast with up to four (4) guest rooms, subject to the standards of article V (site plan).

(Ord. No. 538-84, 5-7-84; Ord. No. 267-84, § 1, 12-17-84; Ord. No. 67-87, § 4, 11-2-87; Ord. No. 85-88, §§ 1, 2, 7-19-88; Ord. No. 86A-89, § 7, 8-21-89; Ord. No. 95-89, § 2, 9-6-89; Ord. No. 279-90, § 2, 3-19-90; Ord. No. 33-91, § 8, 1-23-91; Ord. No. 33A-91, § 6, 4-17-91; Ord. No. 125-97, § 2, 3-3-97)

*Editor's note--Ord. No. 85-88, §§ 1, 2, adopted July 19, 1988, amended § 14-136 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88. Ord. No. 95-89, § 2, adopted Sept. 6, 1989, amended subsection (1)a of § 14-136 to read as set out and, as amended, further ordained "that the prohibition upon unit additions contained in this ordinance shall not apply where a building permit has been issued. Additions proposed to such buildings shall require major site plan review and all other reviews required by this chapter."

Sec. 14-137. Conditional uses.

The following uses shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(a) *Residential:*

1. Reserved.

2. Sheltered care group homes, as defined in section 14-47 of this article, for up to twelve (12) individuals, plus staff, and serving a primary population which is not handicapped persons, parolees, persons involved in correctional prerelease programs, or current illegal drug users, provided that:
 - a. A sheltered care group home shall not be located within five hundred (500) feet of another, as measured along street lines to the respective property lines.
 - b. There shall be no open outside stairways or fire escapes above the ground floor.
 - c. The facility shall make provision for adequate on-site staffing and supervision of residents in accordance with applicable state licensing requirements. If a facility is not licensed by the state, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof.

The board of appeals may impose conditions upon a conditional use permit concerning the creation or operation of a sheltered care group home including but not limited to the following: site and building maintenance; lighting, fencing, and other appropriate security measures; screening and buffering of parking areas; compatibility of any additions or alterations with the existing residential structure; compatibility of new structures with the architectural character of the surrounding area; and limitation on the duration of the sheltered care group home permit.

3. Conversion of a structure existing on March 3, 1997, into a bed and breakfast with five (5) to nine (9) guest rooms.
- (c) *Institutional*: Any of the following conditional uses provided that, notwithstanding section 14-474(a)

(conditional uses) 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:

1. Elementary, middle, and secondary school;
2.
 - a. Long-term and extended care facilities;
 - b. Intermediate care facility for thirteen (13) or more persons;
3. Intermediate care facility;
4. Church or other place of worship;
5. Private club or fraternal organization;
6. Community Hall provided that:
 - a. The structure was in existence as of date of enactment, March 15, 1999;
 - b. The structure was built for institutional or other non-residential uses;
 - c. The structure is operated by, or operated subject to the control of, a not-for-profit entity in accordance with its not for profit purposes; and
 - d. A parking management plan is submitted for review and approval by the Planning Board.
7. Hospital;
8. College, university, trade school.

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- a. In the case of expansion onto land of existing such uses other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing

site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and

- b. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
- c. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative.

(c) *Other:*

1. Utility substations, such as water and sewage pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;
2. Professional offices of a member of a recognized profession maintained for the conduct of that profession. Professional office uses exclude personal services, retail services, and veterinarians.

The illustrative examples that follow indicate the type of professional offices permitted: health care practitioner, attorney, social worker, engineer, architect, accountant, real estate agent, insurance agent.

Professional office uses shall meet the following standards in addition to provisions of section 14-474, except that subsections a., b., c. and d. of this section 14-137(c)2 shall not apply to the use of any building not designed or constructed for residential use, which was not in actual use as a

residence on April 18, 1984, or thereafter.

- a. A professional office shall not be located within five hundred (500) feet of another as measured along the street line to the respective property lines.
 - b. A building with one (1) or more professional offices shall have at least fifty (50) percent of the total floor area of the building devoted to residential uses.
 - c. The total number of individuals working in a building of professional offices shall not exceed the equivalent of four (4) full-time employees.
 - d. Any additions or exterior alterations shall be compatible with the architecture of the building and maintain the residential appearance of the building. Construction of a new building shall be compatible with the architectural character of the surrounding area.
 - e. The scale and surface area of parking, driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets.
 - f. On-site parking shall be required as specified in division 20 (off-street parking) of this article for the combined uses of the site.
3. Chancellery.
 4. Nursery school and kindergarten..
 5. Off-street parking for passenger cars for uses permitted in the R-6 zone.
 6. Day care facilities or home babysitting services

not permitted as a home occupation under section 14-410, subject to the following conditions:

- a. The facility shall be located in a structure in which there is one (1) or more occupied residential units or in an existing accessory structure, unless the facility is located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use or in a nonresidential structure accessory to the principal nonresidential use.
- b. The maximum capacity shall be twelve (12) children for facilities located in residential or existing structures accessory thereto, unless the additional standards in subsection v. are met. There shall be no maximum limit on the number of children in a facility located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use, or in a nonresidential structure accessory thereto, provided that any such structure that serves more than twelve (12) children shall be subject to review under article V of this chapter.
- c. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
- d. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.
- e. Day care facilities located either in structures that have been in residential use within the past five (5) years or in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children

shall meet the following additional standards:

- i. The facility shall provide a minimum of seventy-five (75) square feet of outdoor play area per child;
- ii. The play area shall be located in the side and rear yards only and shall not be located in front yards;
- iii. Outside play areas shall be separated from abutting properties by a fence at least forty-eight (48) inches in height;
- iv. A ten-foot wide landscaped buffer shall be required outside of the fenced play area, and shall be established in accordance with the landscaping standards of the City's Technical Standards and Guidelines;
- v. The minimum lot size for a day care facility located in a residential or existing accessory structure and serving more than twelve (12) children shall be twenty thousand (20,000) square feet;
- vi. Off-street parking shall be provided on the site for all staff of the facility. Parking for the facility shall not interfere with access to or use of play areas. Parking spaces may be stacked or placed side by side in order to lessen their impact on the residential character of the lot and the neighborhood, and shall not be located closer than five (5) feet from the property line of any abutting residential use or residentially zoned site;
- vii. The maximum number of children in a day care facility located in a residential or existing accessory structure shall be twenty-four (24); and

viii. Any additions or exterior alterations such as façade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the residential appearance of the building.

7. Community Center, as defined in Section 14-17.

(Ord. No. 538-84, 5-7-84; Ord. No. 267-84, § 2, 12-17-84; Ord. No. 76-85, § 8, 7-1-85; Ord. No. 85-88, § 3, 7-19-88; Ord. No. 235-91, § 13, 2-4-91; Ord. No. 118-93, 10-18-93; Ord. No. 135-96, § 7, 11-18-96; Ord. No. 154-96, § 11, 12-16-96; Ord. No. 125-97, § 3, 3-3-97; Ord. No. 232-99, §2, 3-15-99; Ord. No. 77-02/03, § 2, 10-21-02)

Sec. 14-138. Prohibited uses.

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

(Ord. No. 538-84, 5-7-84)

Sec. 14-139. Dimensional requirements.

(1) In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-6 zone, excluding lots qualifying as undersized lots meeting the dimensional standards located at the end 14-139, shall meet or exceed the following minimum requirements:

(a) *Minimum lots size:*

1. Residential: Forty-five hundred (4,500) square feet, except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.
2. Reserved.
3. Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.
4. Intermediate care facility: One (1) acre.
5. School: Thirty thousand (30,000) square feet.

6. - Church or place of worship: Seventy-five hundred (7,500) square feet for a seating capacity of fifty (50) plus one thousand (1,000) square feet for each additional increment of fifteen (15) seats or major fraction thereof within the principal place of assembly for worship.
7. Fraternal organization:; Ten thousand (10,000) square feet.
8. Municipal use: Fort-five hundred (4,500) square feet.
9. Hospital: Two (2) acres.
10. All other uses: Forty-five hundred (4,500) square feet.
11. Lodging house: Four thousand five hundred (4,500) square feet.
12. Community Hall: None, provided that no existing lot housing a community hall may be reduced to less than four thousand five hundred (4,500) square feet.

Provided that for uses specified in section 4-139(a) 3 through 9 above, no minimum lot area shall be required in the following cases:

- a. Uses existing on June 1, 1983;
- b. Expansion onto land abutting the lot on which the principal use is located;
- c. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or parking area as of June 1, 1983;

- d. Expansion onto land other than the lot on which the principal use is located of not more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.
- (b) 1. *Minimum area per dwelling unit:* One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.
2. *Minimum rooming unit areas for lodging houses:* Two hundred (200) square feet of combined rooming unit and common area for each rooming unit. Each individual rooming unit shall be a minimum of eighty (80) square feet.
3. *Minimum land area per lodging house rooming unit:* Two hundred fifty (250) square feet.
4. *Minimum land area per intermediate care facility resident:* Eight thousand (8,000) square feet for the first thirty-five (35) residents, plus three hundred fifty (350) square feet for each additional resident.
- (c) *Minimum street frontage:* Forty (40) feet.
- (d) *Minimum yard dimensions:* (Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

1. *Front yard:*

Principal or accessory structures: Ten (10) feet.

A front yard need not exceed the average depth of front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.

2. Rear yard:

- a. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.
- b. Detached accessory structures with a ground coverage of one hundred (100) square feet or less: Five (5) feet.
- c. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

3. Side yard:

- a. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet:

Height of Structure Required Side Yard

1 story	10 feet
2 stories	10 feet
3 stories	10 feet
4 stories	12 feet
5 stories	15 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet.

- b. Detached accessory structures with ground coverage of one hundred (100) square feet or less: Five (5) feet.
- c. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

4. *Side yard on side streets:*

- a. Principal or accessory structures: Ten (10) feet.

(e) *Maximum lot coverage:* Forty (40) percent of lot area for lots which contain twenty (20) or more dwelling units; fifty (50) percent for lots which contain fewer than twenty (20) dwelling units.

(f) *Minimum lot width:* Fifty (50) feet.

(g) *Maximum structure height:*

Principal and attached accessory structure: Forty-five (45) feet.

Accessory detached structure: Eighteen (18) feet.

(h) *Open space ratio:*

1. *Uses other than bed and breakfast.* Twenty (20) percent for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units. This are shall not include parking areas or other impervious surfaces as defined in section 14-47.

2. *Bed and breakfasts.* A bed and breakfast that is located on a lot that as at least twenty (20) percent open space on the date of filing of the application for site plan shall not reduce the open space on the lot below twenty (20) percent of the lot area. A bed and breakfast located on a lot that does not have at least twenty (2) percent open space on the date of

filing of the application for site plan review, and that is legally nonconforming as to the open space requirement of this section, shall not reduce the open space on the lot below the level in existence on the date of the application for site plan review. Open space areas shall not include parking areas or other impervious surface areas as defined in section 14-47.

- (i) A below-grade dwelling unit shall be permitted only if the primary access for the dwelling unit is provided directly to the outside of the building.
- (j) *Minimum gross floor area for bed and breakfasts:* Two thousand (2,000) square feet of gross floor area for the first three (3) guest rooms and five hundred (500) square feet of floor area for each additional guest room.

(2) *Small residential lot development:* Residential uses on small, vacant lots located in the R-6 may use the dimensional requirements below if all of the following conditions are met:

The lot is:

Vacant or is used exclusively for parking or contains structure not used for residential purposes as of January 1, 2005 and the lot existed as of January 1, 2005.

- (a) *Minimum lot size:* None.
- (b) *Maximum lot size:* Ten thousand (10,000) square feet.
- (c) *Yard dimensions:*
 - 1. *Front yard:*
No more than ten (10) feet.
 - 2. *Rear yard:*
None, except that rear yards between two (2)

buildings on the same or different lots shall maintain a minimum ten (10) foot setback between buildings or the sum of the heights of the abutting buildings and proposed buildings divided by five (5), whichever is greater; and that either the rear yard or one of the side yards shall be at least fifteen (15) feet; provided, however, detached accessory structures with a ground floor area of one hundred (100) square feet or less need not have a setback more than five (5) feet from the property line. Notwithstanding the foregoing, no structure shall be closer than four (4) feet to side property line.

3. *Side yard:*

None, except that side yards between two (2) buildings on the same or different lots shall maintain a minimum ten (10) foot setback between buildings or the sum of the heights of the existing buildings and proposed buildings divided by five (5), whichever is greater and that either the rear yard or one of the side yards shall be at least fifteen (15) feet; Provided, however, detached accessory structures with a ground floor area of one hundred (100) square feet or less need not have a setback more than five (5) feet from the property line. Notwithstanding the foregoing, no structure shall be closer than four (4) feet to side property line. On a corner lot no side yard is required on that side of the lot which abuts any street. A principal structure on a corner lot shall not be more than ten (10) feet from the street.

- (d) *Minimum principal structure height:* Two (2) stories of living space above the grade of the adjacent street frontage, except for porches, entryways, attached garages and accessory detached structures.
- (e) *Maximum principal structure height:* Forty five (45) feet.
- (f) *Open space requirement:* All lots used for residential purposes shall provide an attached exterior deck, porch, patio or balcony for each dwelling unit, except where a designated open space equal to ten (10) percent or more of

the lot area is located on site and maintained as open space, then the number of exterior decks, porches, patios or balconies may be reduced by up to fifty (50) percent. The designated open space, if provided, shall have a minimum width and length of at least fifteen (15) feet, a slope of no greater than ten (10) percent and shall be used exclusively as recreational open space i.e. it shall not be used for vehicular circulation, parking, etc.. All required decks, porches, patios or balconies shall meet the requirements of the Planning and Development Design Manual.

(g) *Minimum lot width:* None.

(h) *Minimum land area per dwelling:* Seven hundred and twenty-five (725) square feet.

(Ord. No. 538-84, 5-7-84; Ord. No. 634-86, § 1, 7-7-86; Ord. No. 264-87, § 1, 3-16-87; Ord. No. 85-88, § 4, 7-19-88; Ord. No. 230-90, § 1, 3-5-90; Ord. No. 33-91, § 9, 1-23-91; Ord. No. 235-91, § 14, 2-4-91; Ord. No. 33A-91, 4-17-91; Ord. No. 118-93, § 12, 10-18-93; Ord. No. 154-96, § 12, 12-16-96; Ord. No. 125-97, § 4, 3-3-97; Ord. No. 245-97, §§ 1, 2, 4-9-97; Ord. No. 232-99, §3, 3-15-99; Ord. No. 78-03/04, 10-20-03; Ord. No. 21-04/05, 8-2-04; Ord. No. 145, 2-23-05)

*Editor's note--Ord. No. 85-88, § 4, adopted July 19, 1988, amended § 14-139 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88.

Sec. 14-140. Other requirements.

(a) *Offstreet parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article, except that required parking for residential building additions shall be located on the same lot. For small, vacant lots which meet, and are developed under, the dimensional standards of 14-139(2) above, one (1) parking space per dwelling unit is required and shall be located on the same lot.

(b) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(c) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

) (d) *Small residential lot development:* shall conform to the site plan standards of §14-526.
(Ord. No. 538-84, 5-7-84; Ord. No. 85-88, § 5, 7-19-88; Ord. No. 15-92, § 11, 6-15-92; Ord. No. 37-98, § 1, 5-4-98; formerly §14-145--renumbered per Ord. No. 122, 12-20-99; Ord. No. 78-03/04, 10-20-03)

*Editor's note--Ord. No. 85-88, § 5, adopted July 19, 1988, amended § 14-145(a) to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88.

DIVISION 7.01. R-7 COMPACT URBAN RESIDENTIAL OVERLAY ZONE

Section 14.141. Purpose.

The purpose of the R-7 Compact Urban Residential Overlay Zone is to encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the new Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.

Locations for siting the R-7 Zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties. It may be appropriate in some cases to rezone to R-7 overlay through conditional or contract zoning to ensure that the new development is

architecturally appropriate and compatible with the surrounding neighborhood.

(Ord. No. 122, 12-20-99)

Sec. 14-142. Permitted Uses.

Permitted uses in the R-7 Compact Urban Residential Overlay

SITE PLAN STANDARD

City of Portland, Maine
Code of Ordinances
Sec 14-526

Land Use
Chapter 14
Rev. 2-21-01

5. *Private open spaces:* Open spaces designated for the individualized use of unit owners such as yards, decks and patios;

→ (15) Two-family, special needs independent living unit, multiple-family development, lodging houses, bed and breakfasts, and emergency shelters shall meet the following standards:

a. Proposed structures and related site improvements shall meet the following standards:

1. (a) The exterior design of the proposed two-family structures, lodging houses and emergency shelters, including architectural style, facade materials, roof pitch, building form and height, shall be designed to complement and enhance the nearest residential neighborhood;

(b) The exterior design of the proposed special needs independent living unit, bed and breakfast or multiple-family structures, including architectural style, facade materials, roof pitch, building form and height, window pattern and spacing, porches and entryways, cornerboard and trim details, and facade variation in projecting or recessed building elements, shall be designed to complement and enhance the nearest residential neighborhood. The design of exterior facades shall provide positive visual interest by incorporating appropriate architectural elements;

2. The proposed development shall respect the existing relationship of buildings to public streets. New development shall be integrated with the existing city fabric and streetscape including building placement, landscaping, lawn areas, porch and entrance areas, fencing, and other streetscape elements;

3. Open space on the site for all two-family, special needs independent living unit, bed and breakfast and multiple-family development shall be integrated into the development site. Such open space in a special needs independent living unit or a multiple-family development shall be designed to complement and enhance the building form and development proposed on the site. Open space functions may include but are not limited to buffers and screening from streets and neighboring properties, yard space for residents, play areas, and planting strips along the perimeter of proposed buildings;
 4. The design of proposed dwellings shall provide ample windows to enhance opportunities for sunlight and air in each dwelling in principal living areas and shall also provide sufficient storage areas;
 5. The scale and surface area of parking, driveways and paved areas are arranged and landscaped to properly screen vehicles from adjacent properties and streets;
 - a. Two-family or multiple-family dwellings shall not be converted to lodging houses unless all units in the building have been vacant for at least one (1) year prior to the date conversion is sought or unless the individual multiple-family units are less than one thousand (1,000) square feet in size. In no event shall any single-family dwelling in the R-5 or R-6 zone be converted in whole or in part to a lodging house.
- (16) Development located within the B-3 zone shall also meet the following standards. Adequacy in meeting these standards will be evaluated on the basis of descriptions and illustrations in the Downtown Urban Design Guidelines. Nothing in this section is intended to discourage creative and responsive design or to mandate similarity or mimicry of design in order to achieve the standards herein:

) (d) *Small residential lot development:* shall conform to the site plan standards of §14-526.
Ord. No. 538-84, 5-7-84; Ord. No. 85-88, § 5, 7-19-88; Ord. No. 15-92, § 11, 6-5-92; Ord. No. 37-98, § 1, 5-4-98; formerly §14-145--renumbered per Ord. No. 122, 2-20-99; Ord. No. 78-03/04, 10-20-03)

*Editor's note--Ord. No. 85-88, § 5, adopted July 19, 1988, amended § 14-45(a) to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88.

DIVISION 7.01. R-7 COMPACT URBAN RESIDENTIAL OVERLAY ZONE

Section 14.141. Purpose.

The purpose of the R-7 Compact Urban Residential Overlay Zone is to encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the new vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.

Locations for siting the R-7 Zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties. It may be appropriate in some cases to rezone to R-7 overlay through conditional or contract zoning to ensure that the new development is architecturally appropriate and compatible with the surrounding neighborhood.

Ord. No. 122, 12-20-99)

Sec. 14-142. Permitted Uses.

Permitted uses in the R-7 Compact Urban Residential Overlay

Zone, shall be the uses permitted in the R-6 Zone, except that:

(a) Residential uses shall comply with the following dimensional requirements:

1. Minimum Lot Size: None
2. Minimum Frontage: None
3. Minimum Yard Dimensions: None, except that on lots or portions of lots which abut a lot under separate ownership with existing residential development, the side or rear setbacks of the R-6 Zone shall apply in areas adjacent to such abutting residential lot. In no case, however, shall this provision require a setback such that the distance between the existing residential building and proposed new residential structure exceed the combined setbacks of the respective zones.
4. Maximum Lot Coverage: 100%
5. Maximum Residential Density: Seven hundred twenty five (725) square feet of land area per dwelling unit is required, except for developments which are located within 500 feet, property line to property line, of a municipal park or playground, the density may be increased to four hundred thirty five (435) square feet of land area per dwelling unit for a portion of the lot which does not exceed the size of such municipal facility.
6. Maximum Building Height: Fifty (50) Feet

(b) Parking shall be provided at the ratio of 1 parking space for each dwelling unit;

(c) Residential development in the R-7 Zone shall be reviewed by the Planning Board for compliance with Article IV, Subdivisions, and Article V, Site Plan;

(d) Any new dwelling unit constructed in the R-7 Zone shall contain a minimum of 400 square feet of habitable floor area;

(e) All other uses in the R-7 Zone shall observe the

2-7

requirements of the R-6 Zone.
(Ord. No. 122, 12-20-99)

Sec. 14-143. Design Standards.

Residential development in the R-7 Zone shall be reviewed by the Planning Board under Article V, Site Plan. Such development shall also comply with the following development standards. The general intent of these development standards is to achieve an attractive and comfortable city neighborhood environment. Varied and human-scaled building facades are key to making a place "pedestrian-oriented." Building designs should provide a high level of visual interest, without creating a chaotic image. Residences should include design elements that enhance the streetscape and address the street.

- a. Porches and bays should face the street.
- b. Primary ground floor residential entries to multi-family buildings must orient to street, not to interior blocks or parking lots. Secondary and upper-floor entries from the interior of a block are acceptable. The front door to single-family homes, duplexes, and townhouses must be visible from the street.
- c. The design approach shall provide an architecture that will be a visible and permanent expression of the character of the neighborhood;
- d. The facade shall be varied and articulated to provide visual interest to pedestrians;
- e. Reinforce the public realm of the public open space, sidewalks and streets through appropriately scaled entries, porches, fenestration, landscaping, and architectural details;
- f. Provide visual and acoustical privacy between units;
- g. Maximize natural light and ventilation within units.

(Ord: No. 122, 12-20-99)

Sec. 14-144. Reserved.

Sec. 14-145. Reserved.

significantly affected the prior denial.
(Code 1968, § 602.24.F; Ord. No. 437-74, 7-1-74)

Sec. 14-477. Violations.

In addition to any other remedies available, the board of appeals after notice and hearing may revoke any variance or other relief granted under this article when the provisions of this article or the conditions under which the relief was granted have not been complied with.
(Code 1968, § 602.24.G; Ord. No. 437-74, 7-1-74)

- Sec. 14-478. Reserved.
- Sec. 14-479. Reserved.
- Sec. 14-480. Reserved.
- Sec. 14-481. Reserved.
- Sec. 14-482. Reserved.

DIVISION 29. PRESERVATION AND REPLACEMENT OF HOUSING UNITS

Sec. 14-483. Preservation and Replacement of Housing Units.

(a) *Purpose.* The City believes that it is in the public interest to promote and facilitate an adequate supply of housing, particularly affordable housing. Housing, because of its scarcity and high costs, has become an extremely valuable resource in the City, and is very difficult to replace once lost.

The purpose of this section is to limit the net loss of housing units in the City caused by the demolition of residential property, the conversion of housing units to nonresidential use or the elimination of housing units as the result of the reduction or consolidation of such units within a residential property.

The City believes that the preservation of housing by means of the procedures established in this section will contribute to the health, safety and welfare of its citizens.

It is anticipated that developments subject to this section which will require multiple approvals will be processed concurrently, so that action on one aspect of the development will not delay the project as a whole.

(b) *Definitions.* The following words shall be defined as set forth below for the purposes of this section.

Affiliate means any legal entity in common ownership with or subject to control of either the applicant or the owner.

Dwelling and dwelling unit means and includes rooming units and sheltered care group homes, as each of those terms are defined in Section 14-47 of this Code. For the purposes of this section, "dwelling" and "dwelling units" refers to the loss of such units as a result of demolition, their conversion to non-residential uses or their elimination as a result of the reduction or consolidation of such units within a residential property.

Original site means the location where the demolition, conversion to non-residential use or elimination of dwellings and dwelling units will take place.

(c) *Application.* The provisions of this section will apply:

- (1) in all zoning districts in cases where three or more lawfully existing dwellings or dwelling units, including single-family dwellings, dwellings or dwelling units within two-family and multi-family buildings, lodging houses, rooming units, and sheltered care group homes, are demolished, converted to nonresidential uses, or eliminated through the reduction or consolidation of units within a residential property, within a five (5) year period, from and after July 1, 2002, either by the owner or an affiliate of the owner, except in cases in which the original site will be used as surface parking, this Section will apply to each dwelling unit demolished;

- (2) to premises, designed and intended for use as a dwelling, which have been vacant and which are not otherwise exempt under the provisions of sub-section (n); and
- (3) to dwellings or dwelling units, situated on various locations on the applicant's property or properties that are functionally connected with the applicant's use of the original site or in the general vicinity of the original site.

(d) *Historic Preservation.* Notwithstanding anything to the contrary in Chapter 14 Division 29, nothing in this ordinance shall permit the demolition, conversion, reduction or consolidation of dwelling units in residential property protected by the Historic Preservation Ordinance (Sections 14-601, et seq.), except as permitted by that ordinance.

(e) *Reuse of Original Site.* Any reuse of the original site and/or other properties of the applicant where housing has been demolished, converted or eliminated, shall be reviewed by the Planning Board as a Conditional Use and subject to Site Plan. In granting reuse approval the Planning Board shall require that impacts on adjoining residential uses shall be mitigated or buffered to the fullest degree, through the use of restrictions on access ways and points, buffering, screening, berming and landscaping, and through restrictions on noise and lighting. The Planning Board may require means of periodic or ongoing monitoring of effects from noise, light, trash or traffic when it finds that such monitoring will further the purposes of achieving mitigation or elimination of impacts.

(f) *Approval.* No dwelling nor dwelling units subject to the provisions of this section, shall be eligible for a demolition permit or change-of-use approval until the Planning Authority has approved such action in accordance with the provisions of this section.

- (1) The applicant files with the Planning Authority, on a form to be provided by the Planning Authority, a

statement certifying the number of such units, as well as a description of the characteristics of each of those units.

- (2) The applicant submits a list containing the name of each tenant currently residing in the dwelling units, along with the current rent.
- (3) The applicant provides an affidavit verifying compliance with the notice requirement of sub-section (g).
- (4) The applicant demonstrates compliance with the requirements of subsection (g).

(g) *Notice to Tenants.* Prior to the demolition, conversion reduction or consolidation of dwelling units subject to the provisions of this section, the applicant will:

- (1) Deliver to each tenant who occupies such a dwelling unit a written notice to vacate the unit. The notice shall either be sent by certified mail, return receipt requested, or served in-hand. The notice will grant the tenant not less than ninety (90) days from the date of receipt of the notice to vacate the unit.
- (2) The applicant will be required to file proof of service with the Planning Authority.

(h) *Housing Replacement by the Creation of New Units.* Applicants may meet the replacement requirement by creating new dwelling units, pursuant to a plan approved by the Planning Authority. Such a plan shall conform to the following provisions:

- (1) The replacement units shall be located within the City of Portland.
- (2) The replacement units may not previously have been on the market as of the date of application.

- (3) The replacement units shall be situated within a development which has not been a candidate for site plan approval as of the date of the application.
 - (4) The replacement units shall be compatible in size, number of bedrooms, affordability, tenure and amenities, unless they are part of a qualified plan under subsection(h) (6) (c).
 - (5) The replacement units shall have an exterior design in keeping with the character of the neighborhood in which they will be located.
 - (6) Replacement units may be provided by the applicant in one or more of three (3) ways, including:
 - a. The construction of housing units within a new structure or a new addition
 - b. The conversion of a nonresidential building to residential use, or
 - c. The creation of new housing units under a plan which meets another important housing need within the City, as evidenced by its inclusion in the housing element of the City's Comprehensive Plan.
 - d. Replacement housing may be created in advance of the application for the demolition, conversion, elimination or consolidation of housing at the original site provided the Planning Authority has approved the applicant's plan prior to replacement housing being built.
- (i) *Availability of Replacement Housing Units.*
- (1) No building permit, demolition permit or change-of-use approval may be issued for the original site until the plan for the replacement units has been approved by the Planning Authority and a performance guarantee in the form of a Letter of Credit which comports with the requirements of sub-section (m) or equivalent cash escrow has been posted for the replacement units with the City.

- (2) Replacement units shall be available for occupancy before a certificate of occupancy may be issued for the new construction on the original site.
- (3) The replacement housing units shall be ready for occupancy within eighteen (18) months from the date on which the Planning Authority's approval was granted. Extensions, up to a total of 24 months, may be granted, provided the replacement housing units under construction are at least 30% complete.
- (4) Notwithstanding the foregoing sub-sections, in the event the replacement units are not completed within 24 months or the applicant wishes to obtain a certificate of occupancy for the original site prior to the availability of the replacement housing units, then the applicant can request that the City draw on the Letter of Credit, pursuant to Sub-section (1), to complete the replacement housing units, or deposit such funds in the City's Housing Development Fund.

(j) Housing Replacement by Contribution to the City's Housing Development Fund.

- (1) As an alternative to providing replacement housing as described in sub-section (h), the applicant may meet the requirements of this section by depositing \$30,000 for each rooming unit or \$50,000 for each dwelling unit, including multifamily apartments and single family home, to be demolished or converted to nonresidential use or eliminated to the City's Housing Development Fund.

(2) Beginning on January 1, 2004 and annually thereafter, the amount of the contribution shall be adjusted by multiplying this amount originally deposited for each unit by a fraction, the denominator of which shall be the "Consumer Price Index for Urban Wage Earners and Clerical Workers ("CPI-W")," U.S. City Average, "All Items Index," as published by the United States Bureau of Labor Statistics ("the Index") for January 1, 2003 Year, and the numerator of which shall be the Index for the same month in each subsequent year. In the event that the Index is not then in existence, the parties shall use such equivalent price index as is published by any successor governmental agency then in existence; or, if none, then by such nongovernmental agency as may then be publishing an equivalent price index, in lieu of and adjusted to the Index. If the Index shall cease to use 1982-84 equals 100 as the basis of calculation, or if a substantial change is made in the terms or number of items contained in the Index, the Base Index shall be adjusted to conform to such change, using such computation thereof, if available, as shall be employed by the United States Department of Labor in computing same. Notwithstanding anything herein to the contrary, contributions made after January 1, 2004 shall not be less than the amount originally required to be deposited pursuant to sub-section (i)(1) for each rooming or dwelling unit.

(k) *Status of Dwelling Units.* All dwelling units which are regulated by this section shall be deemed fit for human occupancy, including any dwelling unit which was posted against occupancy by the City's Building Authority because of deterioration caused by neglect of lack of maintenance and which is not otherwise exempt under the provisions of sub-section (n).

(l) *Contract Zone.* A contract zone may not be used to circumvent the application of this section. The terms of this section shall apply to any contract zone which involves dwelling units affected by this section. Notwithstanding the foregoing,

nothing herein shall be deemed to prevent the City and the applicant from agreeing to terms which exceed those imposed by this section by means of a contract zone.

(m) *Letter of Credit.* Applicants who choose to comply with the provisions of this section by means of replacement housing shall provide a performance guarantee in the form of a Letter of Credit, acceptable to the City, in an amount equivalent to the amount the applicant would have been required to contribute to the City's Housing Development Fund if the applicant had chosen that option pursuant to sub-section (j)(1).

(n) *Exemptions.* The requirements of this section shall not be applicable to:

(1) Demolition, conversion, reduction or consolidation of housing, the purpose of which is determined by the Planning Authority, to create either an equivalent or greater number of new housing units.

(2) Demolition, conversion, reduction or consolidation of housing for projects which the City Council determines at a public hearing to be of special merit to the City of Portland. A project may not be designated as a project of special merit unless the council determines that:

a. The project is consistent with the comprehensive plan of the City of Portland;

b. The project will provide significant public and civic benefits, including without limitation, social or other benefits which are significant to the community, and particularly desirable at the location proposed; and

c. Notice of the hearing before the Council shall be published in a newspaper of general circulation in the City of Portland not less than seven (7)

days prior to final action and notice shall also be sent to all persons who would receive notice in the case of an appeal for a variance.

- (3) Property which has been ordered demolished by the City, pursuant to 17 M.R.S.A. §2851, et seq., as amended, except where it is determined by the Building Authority that the deterioration was caused by neglect or lack of maintenance.
- (4) Property which, although designed and intended for residential use, is, at the time of adoption of this Section a legally grandfathered, non-residential use.
- (5) Any demolition, conversion reduction or consolidation of housing units which was approved by the Planning Board under the Site Plan Review and Conditional Use Standards of Chapter 14 of the Portland Code prior to July 1, 2002 and which approval is still in effect.
- (6) Existing residential structures which, exclusive of additions thereto, contain more dwelling units than they were originally designed and built to accommodate and which are being modified to contain fewer dwelling units, subject to the condition that the number of dwelling units originally intended to be accommodated in such structures can be established by documentary evidence.

(o) *Appeals.* Any applicant aggrieved by a decision of the Building Authority under this section may appeal to the Planning Board within 30 days of that decision.

(Ord. 27-02/03, 10-7-02; Ord. No. 215-05/06, 5-1-06)

DIVISION 30. INCENTIVES FOR AFFORDABLE HOUSING

Sec. 14-484. Purpose.

The city believes that it is in the public interest to promote an adequate supply of affordable housing for its residents. The purpose of this division therefore is to offer incentives to developers to include units of affordable housing within development projects, thereby mitigating the impact of market rate housing construction on the limited supply of available land for suitable housing, and helping to meet the housing needs of all economic groups within the city. The city believes that this division will assist in meeting the city's comprehensive goals for affordable

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housing, in the prevention of overcrowding and deterioration of the limited supply of affordable housing, and by doing so promote the health, safety and welfare of its citizens.

(Ord. No. 98-06/07, 12-4-06)

Sec. 14-485. Definitions.

Affordable housing unit for rent means a dwelling unit for which:

- (a) The rent is affordable to a household earning 80% or less of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size; and
- (b) Annual rent increases for that unit are limited in perpetuity by deed restriction or other legally binding agreement to the percentage increase in the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size.

Affordable housing unit for sale means a dwelling unit for which:

- (a) The sale price is affordable to a household earning 120% or less of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size; and
- (b) The resale price is limited by deed restriction or other legally binding agreement for all future sales of the unit to an amount that is affordable to a household earning 120% of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland county Maine for a household of that size, as calculated for the year in which the sale takes place.

Development fees means:

- (a) The following fees, as described in this chapter: site plan review and inspection fees; subdivision review and inspection fees; and administrative fees; and
- (b) Construction and permit fees as described in chapter 6. "Development fees" does not include any fees charged for reviews conducted by a party other than the city.

Dwelling unit has the same meaning as that term is defined in section 14-47.

Eligible project means a development project:

- (a) That is permissible under the provisions of this chapter in the zone in which it is proposed;
- (b) That will be a multi-family dwelling, as defined in section 14-47, and will not be located in an R-1 or R-2 zone;
- (c) Which has not and will not receive any public funding, reduced-interest loans or other subsidies or incentives other than those described in this division; and
- (d) That creates new dwelling units, among which is at least one affordable housing unit for rent or sale, through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. Affordable housing units for sale or rent may not differ in exterior design from other units within an eligible project.

(Ord. No. 98-06/07, 12-4-06)

Sec. 14-486. Reduction of fees.

Notwithstanding any other provision of this chapter or chapter 6 to the contrary, development fees shall be reduced by the city for an eligible project in the manner described in the following table:

Percentage of new units that are affordable units	Percentage discount of development fees
5% up to but not including 10%	5% reduction
10% up to but not including 15%	10% reduction
15% up to but not including 20%	15% reduction
20% up to but not including 25%	20% reduction
25% or more	25% reduction

(Ord. No. 98-06/07, 12-4-06)

Sec. 14-487. Priority review.

The planning division shall perform its review of an eligible project in as expedited a manner as is practical, without impairing the scope or thoroughness of the review. The planning division may adopt administrative procedures to prioritize review of eligible projects and facilitate this expedited review.

The planning board shall make its best efforts to give priority in scheduling workshops and public hearings related to any plans or applications required for an eligible project that are within the planning board's jurisdiction, without impairing the scope or thoroughness of its review. At the conclusion of these public meetings, the planning board shall promptly issue a decision on all such plans and applications before it for consideration.
(Ord. No. 98-06/07, 12-4-06)

Sec. 14-488. Density, parking and dimensional bonuses and reductions.

Notwithstanding any other provision of this chapter to the contrary:

- (a) *Density bonuses.* The maximum number of units that would otherwise be allowed under this chapter shall be increased for an eligible project in the manner described in the following table:

Percentage of new units that are affordable units	Percentage increase in maximum number of units allowed
5% up to but not including 10%	5% increase
10% up to but not including 15%	10% increase
15% up to but not including 20%	15% increase
20% up to but not including 25%	20% increase
25% or more	25% increase

- (b) *Parking requirement reduction.* For each affordable housing unit for rent or sale within an eligible project, no more than one (1) parking space shall be required. The planning board may establish a parking requirement for affordable housing units for rent or sale within an eligible project that is less than one (1) parking space per affordable housing unit, regardless of the size of the structure.

(c) *Building height bonus.* The maximum structure height for an eligible project building:

1. That is located in a B-2 or B-2b community business zone;
2. That contains five (5) or more dwelling units; and
3. Of which 20% or more of new dwelling units created are affordable units for rent or sale, is an additional ten feet above the maximum structure height that would otherwise apply to the building pursuant to this chapter.

The total height of the eligible project, including any bonus received pursuant to this subsection, may not exceed the maximum height recommended for the location of the project pursuant to a height study that has been adopted as part of the city's comprehensive plan.

(Ord. No. 98-06/07, 12-4-06)

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Enacted 4-13-04**Design Certification Program
R-6 Infill Development
Design Principles & Standards****I. PURPOSE**

All developers, no matter how small their project, have a responsibility beyond simply meeting the needs of their end users. They have a public responsibility to add to and enhance the neighborhoods in which their projects are built.

New residential construction within Portland's compact R-6 zones should relate to the fundamental character defining features of the neighborhood. The design of new development is critical, particularly elements such as the orientation and placement of a building on a site; relationship to the street; and mass, form and materials.

The *Design Certification Program* aims to insure that infill housing development makes a positive contribution to the City's neighborhoods. The intent is to ensure that infill housing is compatible with the neighborhood and meets a high standard of building design, while allowing for diversity of design.

Projects will be reviewed for consistency with *R-6 Infill Development Design Principles and Standards*. These principles and standards are interdependent and should be considered holistically. The applicant must demonstrate that a proposal is consistent with the Design Principles. The standards are time-honored ways of achieving the Principles. The City's Design Manual contains examples of buildings that are consistent with the aims of the Design Certification Program.

Unless otherwise indicated, the R-6 Design Principles and Standards shall apply to the front façade and those portions of the building that are readily visible from the public way.

II. SUBMITTAL REQUIREMENTS

The applicant shall submit a site plan and building elevations in accordance with final application requirements of the Site Plan Ordinance (Sec. 14-525). In order to illustrate neighborhood context for a proposal, the applicant shall submit photographs or other visual tools to depict, at a minimum, the buildings on both sides of the block in which the building is proposed. In some cases, the buildings in a two block radius of the site may be considered. If the building is proposed on a corner lot, then depictions of buildings on the adjoining block shall be required also. Samples of the proposed exterior materials may be requested by the Planning Authority.

III. DESIGN PRINCIPLES AND STANDARDS

PRINCIPLE A Overall Context

A building design shall contribute to, comprise, and be compatible with the predominant character-defining architectural features of the neighborhood.

Explanatory Note: The central idea behind good design in an established neighborhood is to reinforce positive features of the surrounding area, which provide its unique identity. To a large degree, the scale, mass, orientation, and articulation of an infill building should be compatible with that of the buildings that surround it.

Compatibility refers to the recognition of patterns and characteristics which exist in a given setting and the responsiveness of a new design with respect to these established patterns and characteristics. While there is no one specific solution for a given setting, there are a number of building characteristics which can be used to gauge visual compatibility of new residential construction in an existing neighborhood. These characteristics include the design elements such as:

1. Scale and Form: height, massing, proportion of principal facades, roof shapes and scale of the architectural features of the structure.
2. Composition of Principal Facades: proportion of facades; orientation of openings; ratio of solids to openings; rhythm of fenestration; entrance porches and other projections; and relations of materials, texture and color.
3. Relationship to the Street: walls of continuity; rhythm of spacing and structures on streets; and orientation of principal elevations and entrances to the street.

Each infill project will have a unique context of surrounding structures and sites with some strong, unifying characteristics, and some that are subtle and less obvious. The more definite and easily discernable traits within an established neighborhood should serve as a basis for a design solution, which can reinforce the positive characteristics of the surrounding development patterns. On corner properties, where the architecture has a greater visual impact upon adjacent public spaces, both public facades will be evaluated with equal care.

STANDARD A-1 Scale and Form Relate the scale and form of the new building to those found in residential buildings within a two-block radius of the site, that contribute to, comprise, and are compatible with the character-defining architectural features of the neighborhood. Special attention shall be given to the existing building forms on both sides of the street within the block of the proposed site.

STANDARD A-2 Composition of Principal Facades Relate the composition of the new building façade, including rhythm, size, orientation and proportion of window and door openings, to the facades of residential buildings within a two-block radius of the site that contribute to, comprise, and are compatible with the character-defining architectural features of the neighborhood. Special attention shall be given to the existing facades on both side of the street within the block of the proposed site.

STANDARD A-3 Relationship to the Street Respect the rhythm, spacing, and orientation of residential structures along a street within a two-block radius of the site that contribute to, comprise, and are compatible with the character-defining architectural features of the neighborhood. Special attention shall be given to the existing streetscape on both side of the street within the block of the proposed site.

PRINCIPLE B Massing

The massing of the building reflects and reinforces the traditional building character of the neighborhood through a well composed form, shape and volume.

Explanatory Note: Massing is a significant factor that contributes to the character of a building. The building's massing (as defined by its bulk, size, physical volume, scale, shape and form) should be harmonious with the massing of existing buildings in a two block radius. The massing of a building can be defined as the overall geometry (length, width, and height) of its perceived form. The overall height of the form (actual and perceived) as well as the geometry of its roof is of particular importance in defining the massing of a building.

STANDARD B-1 Massing The building's massing (as defined by its bulk, size, physical volume, scale, shape and form) should be harmonious with the massing of existing buildings in a two block radius.

STANDARD B -2 Roof Forms Roof forms shall refer to the architectural forms found within a two-block radius of the site that contribute to, comprise, and are compatible with the character-defining architectural features of the neighborhood. Special attention shall be given to the existing roof forms on both side of the street within the block of the proposed site.

STANDARD B -3 Main Roofs and Subsidiary Roofs The building shall have a clear main roof form. Subsidiary roof forms and dormers shall be clearly subordinate to the main form in size, space and number. For example, where a building has multiple rooflines (e.g., main roof, dormer roof, porch roof, etc.) the introduction of more than two roof pitches should be avoided. Roof pitches with multiple changes of outline should be avoided.

STANDARD B-4 Roof Pitch Gable roofs shall be symmetrical with a pitch of between 7:12 and 12:12. Hip roofs with a shallow pitch and flat roofs shall have a cornice of at least 12 inches in width. The slope of the roof may be either parallel or perpendicular to the street. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No mono pitch roofs shall be less than 7:12, except for porch roofs. There is no minimum pitch for porch roofs.

STANDARD B-5 Facade Articulation Provide variety in the massing by incorporating at least two or more of the following architectural elements. Such features shall be applied to the front façade and those portions of the building that are readily visible from the public way.

1. Gables or dormers.
2. Balconies.
3. Recessed entries.
4. Covered porches, covered entries or stoops.
5. Bay windows. In the case of horizontally attached dwelling units, at least one-half of the ground floor units shall have a bay window to receive credit as a design feature.

STANDARD B-6 Garages Attached and detached garages are allowed provided that the street-facing façade of the garage is recessed behind the façade of the main structure by a minimum of four feet. However, if the garage is integrated into the building form, the garage door may be included into the front façade of the dwelling providing that there are at least one story of living space over the garage. In this instance, the garage door width may be no more than 40% of the width of the building's overall façade width, except that no garage door need be reduced to less than 9 feet in width. Standard C-2 is not required if there is no living space on the ground level.

PRINCIPLE C Orientation to the Street

The building's façade shall reinforce a sense of the public realm of the sidewalk while providing a sense of transition into the private realm of the home.

Explanatory Note: An important component of the neighborhood's character is the relation of dwellings to the sidewalk and the street. Design of dwellings can enhance the pedestrian friendliness and sociability of the streetscape while protecting the privacy of the residents' internal home life.

STANDARD C-1 Entrances Emphasize and orient the main entrance to the street. The main entrance of the structure must either face the street and be clearly articulated through the use of architectural detailing and massing features such as a porch, stoop, portico, arcade, recessed entry, covered entry, trim or be located on the side and be accessed by a covered porch that extends to the front of the building.

STANDARD C-2 Visual Privacy Ensure the visual privacy of occupants of dwellings through such means as placing the window sill height at least 48" above the adjoining sidewalk grade; providing the finished floor elevation of a residence a minimum of 24" above sidewalk elevation; providing front yard setbacks no more than 10 feet from the street; incorporating porches along the front side of the building façade design; or other measures.

STANDARD C-3 Transition Spaces Create a transition space between the street and the front door with the use of such features as porches, stoops, porticos, arcades, recessed entries, covered entries, trim, sidewalk gardens or similar elements.

PRINCIPLE D Proportion and Scale

Building proportions must be harmonious and individual building elements shall be human scaled.

Explanatory Note: Throughout the history of architecture certain proportions have become known as classical proportions which have endured as aesthetically pleasing regardless of the style of architecture or the culture of origin.

Scale has to do with the size of the architectural components in relation to the overall building size, and also in relation to the character defining architectural features of the neighborhood.

STANDARD D-1 Windows The majority of windows shall be rectangular and vertically proportioned. The use of classical proportions is encouraged. Special accent windows may be circular, square or regular polygons. Doorways, windows and other openings in the façade (fenestrations) shall have a proportional relationship to the overall massing of the building.

STANDARD D-2 Fenestration Doorways, windows and other openings (fenestration) shall be scaled appropriately to the overall massing of the building. The area of fenestration of the front façade (and for corner lots, both street-facing facades) shall be at least 12% of the total facade area. Appropriately scaled windows or other building openings shall be included on all sides of a building.

STANDARD D-3 Porches When porches are attached to the front facade, [or for porches that are required as an open space amenity under Section 14-139(f)] the porches shall extend along a horizontal line at least 20% of the front facade. Porches and balconies must have a minimum depth of 6 feet and a minimum square footage of 48 square feet. The depth may be reduced to 5 feet provided that the square footage is increased to 60 square feet.

1. For porches and balconies that are required as open space amenities under Section 14-139(f), a porch or deck may have entries to two or more units provided that the required dimensions and square footage allocations are met.

PRINCIPLE E Balance

The building's facade elements must create a sense of balance by employing local or overall symmetry and by appropriate alignment of building forms, features and elements.

Explanatory Note: Balance refers to the composition of facade elements. Symmetry refers to the balanced distribution of equivalent forms and spaces about a common line (axis) or point (center). Overall symmetry refers to arrangements around an axis line that bisects the building facade equally. Local symmetry refers to arrangements around an axis line that focuses on a particular building element (e.g., a porch or bay window). A balanced facade composition generally employs overall or local symmetry.

Alignment refers to the position of building elements with each other and with the building form as determined by scale, mass, roofline, slopes, etc.

STANDARD E-1 Window and Door Height The majority of window's and door's head heights shall align along a common horizontal datum line.

STANDARD E-2 Window and Door Alignment The majority of windows shall stack so that centerlines of windows are in vertical alignment.

STANDARD E-3 Symmetricality Primary window compositions (the relationship of two or more windows) shall be arranged symmetrically around the building facade's centerline (overall symmetry) or around another discernable vertical axis line.

PRINCIPLE F Articulation

The design of the building is articulated to create a visually interesting and well composed residential façade.

Explanatory Note: Articulation refers to the manner in which the shapes, volumes, architectural elements and materials of a building's surface are differentiated yet work together. A well-composed building articulation adds visual interest and individual identity to a home while maintaining an overall composition.

STANDARD F-1 Articulation Buildings shall provide surface articulation by employing such features such as dimensional trim, window reveals, or similar elements appropriate to the style of the building. Trim and details shall be designed and detailed consistently throughout the building.

STANDARD F-2 Window Types Window patterns shall be composed of no more than two window types and sizes except where there is a design justification for alternate window forms.

STANDARD F-3 Visual Cohesion Excessive changes or variety in siding material should be avoided if such changes disrupt the visual cohesion of the façade. Materials shall be arranged so that the visually heavier material, such as masonry or material resembling masonry, is installed below lighter material, such as wood cladding.

STANDARD F-4 Delineation Between Floors Buildings shall delineate the boundary between each floor of the structure through such features as belt courses, cornice lines, porch roofs, window head trim or similar architectural features.

STANDARD F-5 Porches, etc. Porches, decks, balconies, stoops and entryways shall be architecturally integrated into the overall design of the building in a manner that compliments its massing, material, and details [*note – this standard was formerly standard D-5*] Multilevel porches and balconies on front facades shall not obscure the architectural features of the façade. Use of rail/baluster systems with appropriate openings between rails, stepping back balconies from the front plane of the building face, or other appropriate design features shall be employed to achieve this standard.

STANDARD F-6 Main Entries Main entries shall be emphasized and shall be integrated architecturally into the design of the building, using such features as porch or stoop forms, porticos, recessed entries, trim or a

combination of such features. *[editor's note – this standard was formerly standard D-4]*

STANDARD F-8 Articulation Provide articulation to the building by incorporating the following architectural elements. Such features shall be on all façades facing and adjacent to the street. *[editor's note – this standard was formerly a portion of standard D-6]*

1. Eaves and rakes shall have a minimum projection of 6 inches.
2. All exterior façade trim such as that used for windows, doors, corner boards and other trim, shall have a minimum width of 4 inches except for buildings with masonry exteriors.
3. If there are off sets in building faces or roof forms, the off sets shall be a minimum of 12 inches.
4. Pronounced and decorative cornices.

PRINCIPLE G Materials

Building facades shall utilize appropriate building materials that are harmonious with the character defining materials and architectural features of the neighborhood.

STANDARD G-1 Materials Use materials and treatments for the exterior walls (including foundation walls) and roofing that are harmonious with those in buildings within a two-block radius of the site that contribute to, comprise, and are compatible with the character-defining architectural features of the neighborhood. Special attention shall be given to the existing building forms on both sides of the street within the block of the proposed site.

STANDARD G-2 Material and Façade Design The selection of façade materials shall be consistent with the façade design and appropriate to their nature. For example, brick facing should not appear to be thin layers on the façade, or to overhang without apparent support.

STANDARD G-3 Chimneys Chimneys shall be of brick, finished metal, stone or boxed-in and clad with materials to match the building.

STANDARD G-4 Window Types. A variety of window treatments and skylights are acceptable. However, within a single building the types of windows shall be limited to two types, and window detailing shall be consistent throughout.

STANDARD G-5 Patios and Plazas Patios and plazas shall be constructed of permanent materials such as concrete, brick or stone.

IV. ALTERNATIVE DESIGN REVIEW

The Standards listed above are time-honored ways of achieving the Design Principles. With exceptional care, though, it is possible to apply a design approach that meets the Principles through alternatives that vary from the Standards, while maintaining and relating to the character-defining elements of a neighborhood, such as the building location on the site, its relationship to the street, and its mass, form, and materials. The guiding principle for new construction under the alternative design review is to be compatible with the surrounding buildings in size, scale, materials and siting, as well as the general character of the established neighborhood.

An applicant may propose an alternative design approach and request an Alternative Design Review. The Planning Authority under an Alternative Design Review may approve a design not meeting one or more of the individual standards provided that all of the conditions listed below are met. The Planning Authority or applicant may seek an advisory opinion from the Historic Preservation Board, prior to the Planning Authority issuing a Design Certificate.

- A. The majority of Standards within each Principle are met.
- B. The proposed design is consistent with all of the Principle Statements.
- C. The guiding principle for new construction under the alternative design review is to be compatible with the surrounding buildings in a two block radius in terms of size, scale, materials and siting, as well as the general character of the established neighborhood, thus Standards A-1 through A-3 shall be met.
- D. The design plan is prepared by an architect registered in the State of Maine.

2-7

requirements of the R-6 Zone.
(Ord. No. 122, 12-20-99)

Sec. 14-143. Design Standards.

Residential development in the R-7 Zone shall be reviewed by the Planning Board under Article V, Site Plan. Such development shall also comply with the following development standards. The general intent of these development standards is to achieve an attractive and comfortable city neighborhood environment. Varied and human-scaled building facades are key to making a place "pedestrian-oriented." Building designs should provide a high level of visual interest, without creating a chaotic image. Residences should include design elements that enhance the streetscape and address the street.

- a. Porches and bays should face the street.
- b. Primary ground floor residential entries to multi-family buildings must orient to street, not to interior blocks or parking lots. Secondary and upper-floor entries from the interior of a block are acceptable. The front door to single-family homes, duplexes, and townhouses must be visible from the street.
- c. The design approach shall provide an architecture that will be a visible and permanent expression of the character of the neighborhood;
- d. The facade shall be varied and articulated to provide visual interest to pedestrians;
- e. Reinforce the public realm of the public open space, sidewalks and streets through appropriately scaled entries, porches, fenestration, landscaping, and architectural details;
- f. Provide visual and acoustical privacy between units;
- g. Maximize natural light and ventilation within units.

(Ord: No. 122, 12-20-99)

Sec. 14-144. Reserved.

Sec. 14-145. Reserved.

(d) *Small residential lot development:* shall conform to the site plan standards of §14-526.
(Ord. No. 538-84, 5-7-84; Ord. No. 85-88, § 5, 7-19-88; Ord. No. 15-92, § 11, 6-15-92; Ord. No. 37-98, § 1, 5-4-98; formerly §14-145--renumbered per Ord. No. 122, 12-20-99; Ord. No. 78-03/04, 10-20-03)

*Editor's note--Ord. No. 85-88, § 5, adopted July 19, 1988, amended § 14-145(a) to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 85-88.

DIVISION 7.01. R-7 COMPACT URBAN RESIDENTIAL OVERLAY ZONE

Section 14.141. Purpose.

The purpose of the R-7 Compact Urban Residential Overlay Zone is to encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the new Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.

Locations for siting the R-7 Zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties. It may be appropriate in some cases to rezone to R-7 overlay through conditional or contract zoning to ensure that the new development is

architecturally appropriate and compatible with the surrounding neighborhood.

(Ord. No. 122, 12-20-99)

Sec. 14-142. Permitted Uses.

Permitted uses in the R-7 Compact Urban Residential Overlay