

**CONFORMANCE TO LAND USE ORDINANCE STANDARDS**  
**415 Cumberland Avenue**  
File: 17164

***DIVISION 12. B-3, B-3b AND B-3c DOWNTOWN BUSINESS ZONES***

*Sec. 14-216. Purpose.*

*(a) The purposes of the B-3 and B-3b downtown business zones are to:*

*(3) Encourage increased housing opportunity downtown for a diverse residential population;*

**This project provides residential development downtown.**

*(5) Encourage excellence in urban design;*

**This project maintains the excellent building creating the downtown fabric.**

*(6) Preserve and capitalize on the unique character and historic fabric of the downtown through the encouragement of reuse of significant existing structures;*

**This project maintains the 1900's architecture.**

*(9) Provide adequate parking and transportation facilities which promote accessibility, enhance and encourage development opportunity, and enhance and protect the pedestrian environment;*

**This project provides the 6 spaces, 4 required.**

*Sec. 14-217. Permitted uses.*

*(a) The following uses are permitted in the B-3, B-3b and B-3c zones:*

*1. Residential:*

*a. Attached single-family, two-family and multifamily dwellings;*

**This is a permitted multi-family dwelling.**

*2. Business:*

*a. General and business offices;*

*b. Professional offices;*

*c. Personal services;*

*d. Offices of building tradesmen;*

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*o. Business services;*

**These are the likely uses for the commercial space in the building.**

*(b) The following additional restrictions shall apply in the PAD overlay zone, which shall be located on the streets listed below and as further delineated on the PAD overlay zone map, a copy of which is on file in the office of planning and urban development:*

**The building is not in the PAD overlay zone.**

Sec. 14-218. Conditional uses.

**We do not expect the uses in the building to be conditional uses.**

Sec. 14-219. Prohibited uses.

*Uses not enumerated in sections 14-217 and 14-218 as either permitted uses or conditional uses are prohibited. (Ord. No. 241-91, 3-11-91)*

**The uses in the building will be permitted uses.**

Sec. 14-220. Dimensional requirements.

*In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the B-3, B-3b and B-3c zones shall meet the following requirements:*

**Below is a chart showing compliance with the dimensional standards.**

ZONE CHART		
Zone: B3c - Downtown Business Zone		
Permitted Uses: Residential, Business & Professional Offices, Personal Services, Tradesman Offices		
Space Standards	Required	Proposed Total Subdivision
Minimum Lot Size	None	6,098 Sq. Ft.
Minimum Street Frontage	15'	121.90'
Maximum Setback	5'	0
Minimum Yard dimensions	None	0
Minimum Lot width	None	121.90'
Maximum Lot Coverage	100%	81%
Minimum Building Height	35'	Existing No change
Maximum Building Height	40'	Existing No change

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Sec. 14-221. Other requirements and standards.

(a) *Downtown urban design guidelines: All development as defined in article V, all building and site alterations, and all provision of landscaping or other pedestrian amenities shall be consistent with the Downtown Urban Design Guidelines. Amendments to the Downtown Urban Design Guidelines may be made by the Planning Board and shall be filed with the city clerk. Such amendments shall become effective forty-five (45) days after the date of filing with the city clerk, unless vetoed in whole or in part by the city council within that time.*

(b) *Off-street parking and loading: Off-street parking and loading are required as provided in division 20 and division 21 of this article.*

**This project provides 6 parking spaces in accordance with Division 20.**

(c) *Signs: Signs shall be subject to the provisions of division 22 of this article. In addition, signs within the pedestrian activities district (PAD) overlay zone or in areas designated as PAD encouragement areas, as shown on the pedestrian activities district map, a copy of which is on file in the department of planning and urban development, shall be consistent with the Downtown Urban Design Guidelines.*

**Signs will be approved by the future tenants as required.**

(d) *Exterior storage: There shall be no exterior storage, with the exception of receptacles for solid waste disposal which are not visible from a public street. Such receptacles shall be shown on the approved site plan.*

**There will be no outdoor storage available.**

(e) *Storage of vehicles: No more than one (1) unregistered vehicle shall be stored outside for a period in excess of thirty (30) days.*

**No unregistered vehicles will be stored on site.**

(f) *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 shall apply.*

**This project is not located in the shoreland zone.**

(g) *Downtown arts program: All new development subject to section 14-851 shall make provision for participation in the public arts program.*

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**We do not anticipate the building will be subject to the public arts program.**

- (h) *Relocation of displaced residents: Any development which results in the displacement of residents of dwelling units currently located on the development site shall meet the requirements of sections 14-861 through 14-864.*

**We do not anticipate displacing any residents.**

- (i) *Historic resources: The exterior design of proposed or renovated structures located within historic districts shall be subject to the provisions of article IX (historic preservation) of this chapter. The exterior design of proposed or renovated structures located adjacent to historic districts or historic resources shall be subject to section 14-526(d) 5, b. (Ord. No. 241-91, 3-11-91; Ord. No. 240-09/10, 6-21-10; Ord. No. 278-09/10, 7-19-10)*

**This project is within 100 feet of a Historic District. It does maintain the 1900's architecture.**

Sec. 14-221.1. External effects.

*Every use in the B-3, B-3b and B-3c zones shall be subject to the following requirements:*

- (a) *Enclosed structure: The use shall be operated within a completely enclosed structure, except for those uses customarily operated in the open air.*

**This project will operate within the building.**

- (b) *Noise: The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently within the B-3 and B-3b zones shall not exceed fifty-five (55) decibels on the A scale between the hours of 9:00 p.m. and 7:00 a.m., and sixty (60) decibels on the A scale between 7:00 a.m. and 9:00 p.m. at the boundaries of any lot nor within publicly accessible pedestrian open space, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ1).*

**The HVAC system will operate within the sound levels.**

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- (c) *Vibration: Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries.*

**The uses in the building will not generate significant vibration.**

- (d) *Heat: Heat shall be imperceptible without instruments at lot boundaries. Heating elements which are intended to melt snow and ice shall be placed within sidewalk paving only when approved by the department of parks and public works.*

**No external heat generators are included in the project.**

- (e) *Glare, radiation or fumes: Glare, radiation or fumes shall be imperceptible without instruments at lot boundaries.*

**There are no items included in the project that will generate glare or fumes.**

- (f) *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.*

**There are no generators of smoke included in the project.**

- (g) *Materials or wastes: No materials or wastes shall be deposited on any lot in such form or manner that they may be transferred beyond the lot boundaries by natural causes or forces. All material which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors, shall be only in closed containers and in accordance with section 14-221(d). Areas attracting large numbers of birds, rodents or insects are prohibited.*

**All wastes will be handled with the appropriate enclosures.**