

7 DIMENSIONAL STANDARDS

7.1 APPLICABILITY

Construction, alterations, and additions to structures and buildings are governed by this article, except when superseded by other applicable laws or ordinances. It is the intent that, when in doubt, this article should be interpreted to accommodate the goals of the City’s Comprehensive Plan and other plans.

7.2 RULES OF MEASUREMENT

Building footprint. Blank wall area. The horizontal linear dimension of contiguous building façade, measured along a street frontage, that does not contain fenestration, doors, change in wall plane, or other architectural or material embellishment. Any wall less than five feet in height is not considered to be a blank wall.

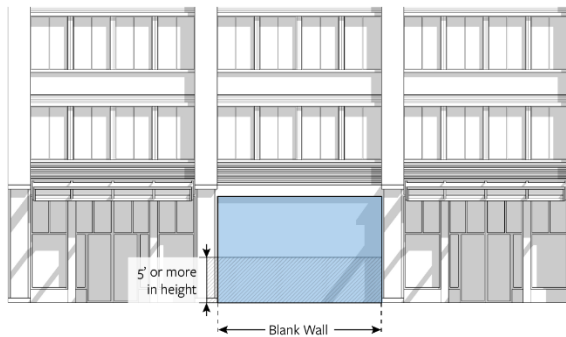


FIGURE 7-A: BLANK WALL AREA

Footprint. The lot area contained within the outermost perimeter of the building envelope including cantilevered portions of the building, projections, and porches, decks, and similar attached structures integral to the building and contributing to its mass, but excluding roof overhangs less than two feet in depth.

Building length. The linear dimension of a building façade, measured along a street frontage. Passageways, breezeways, and similar building connections are included in the calculation of total building length. On sites with multiple buildings, building length shall only be measured on buildings abutting a street frontage.

Build-to percentage. The percentage of the building façade that must be located within a build-to zone. Façade articulation meeting the standards of this Code, such as window or wall recesses and projections, are included as part of the required build-to percentage even when they are recessed beyond the build-to zone. Plazas, outdoor dining, and other public open space features that are bounded by a building façade parallel to the frontage are counted as meeting the build-to percentage. Ramping necessary to meet required design flood elevation (DFE) is also considered to meet the build-to percentage. Build-to percentage is calculated as a ratio of the total building length of a principal structure, not street frontage.

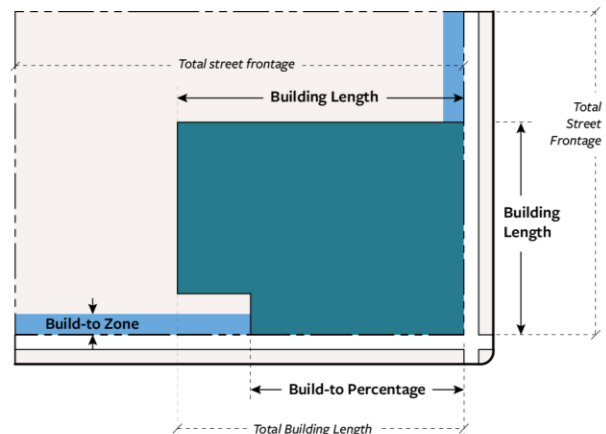


FIGURE 7-B: MINIMUM LENGTH AND BUILD-TO PERCENTAGE

Build-to Zone (BTZ). The area on a lot, measured perpendicular to the front and/or corner side lot line, where all or a portion of the applicable façade of a structure must be located, measured as minimum and maximum range from the lot line. Placement of a building at a build-to zone must not violate corner clearance requirements.

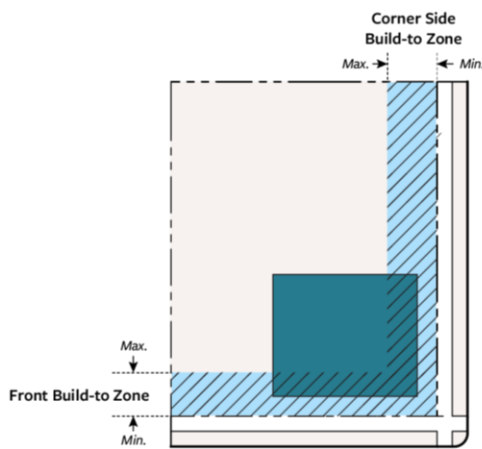


FIGURE 7-C: BUILD-TO ZONE

Floor area. The total floor space enclosed by exterior or standard fire walls and roof of a building, exclusive of vent shafts and courts.

Grade, pre-development. Average grade, existing on October 1, 2000, ~~at the corners of the foundation of the proposed structure, determined by measuring the elevation at consistent intervals of no less than three and no more than ten feet around the entire perimeter of a structure and calculating the average. Measurements shall be taken at the foundation of the structure.~~

Grade, average. The average of elevation measurements at consistent intervals of no less than three and no more than ten feet around the entire perimeter of a structure. Measurements shall be taken at the foundation of the structure.

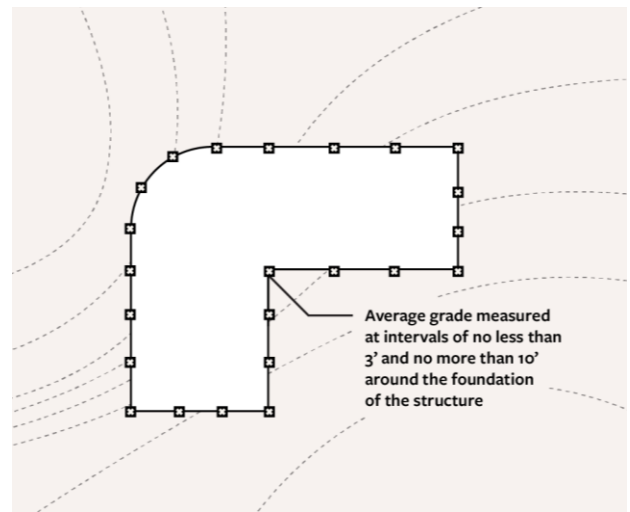


FIGURE 7-D: AVERAGE GRADE

Height. The vertical measurement from average grade, or the pre-development grade on the islands, to the highest point of a structure. For buildings, height shall be measured to the roof beams in flat roofs, to the highest point of the roof beams or the highest point on the deck of mansard roofs, to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs, or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For this purpose, the level of the eaves shall be taken to mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves.

~~**Impervious surface ratio.** The proportion of a site covered by impervious surfaces, calculated by~~

dividing the total impervious surface area by the lot area. For the purposes of this measurement, impervious surface shall be as defined by the Maine Department of Environmental Protection.



FIGURE 7-E: BUILDING HEIGHT MEASUREMENT

Landscaped open space ratio. The proportion of lot area covered by landscaped open space, calculated by dividing the total landscaped open space area by the lot area. For the purposes of this measurement, landscaped open space shall not include rooftop gardens, green roofs or structured or engineered surfaces.

Lot area. The area of a lot enclosed within the boundary lines of a lot. For townhouse dwellings, the minimum lot area per dwelling unit applies to the overall townhouse development and not to individual lots underlying townhouse dwelling units. On flag lots, no part of the “pole” connecting the main building area to the street shall be calculated as lot area.

Lot coverage. The proportion of lot area covered by building footprint and the footprint of accessory detached structures.

Lot width. The distance measured between a line of record bounding a parcel or area of land that is designated as an individual unit for use, development, or ownership.

Lot line, corner side. The lot line perpendicular or approximately perpendicular to the front lot line and the longer lot line abutting the street on a corner lot.

Lot line, front. The lot line separating a lot from a street right-of-way. The front lot line of a corner lot is the shorter lot line abutting the street. In the case of a through lot, both lot lines through that part of the principal building separating a lot from a street right-of-way are considered front lot lines.

Lot line, interior side. Any lot line that is not a front, rear, or corner side lot line and abuts an adjacent lot.

Lot line, rear. The lot line opposite and most distant from the front lot line. In cases where the lot is narrowest, a lot has multiple lot lines that meet

this definition, each of those lines shall be considered a rear lot line for the purposes of applying setback and other dimensional requirements. In the case of triangular or similar irregularly shaped lots, the rear lot line shall be established as a line of ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

following: a) areas of special flood hazard; b) existing watercourses measured by the area between the top of the banks at the normal high water mark; c) wetlands; and d) slopes of 25% or greater. Where a slope of 25% or greater was altered to less than 25% within the two years immediately preceding a development proposal, such slope shall also be subtracted from the lot area.

Net land area. The land area arrived at by subtracting from lot area the square footage of the

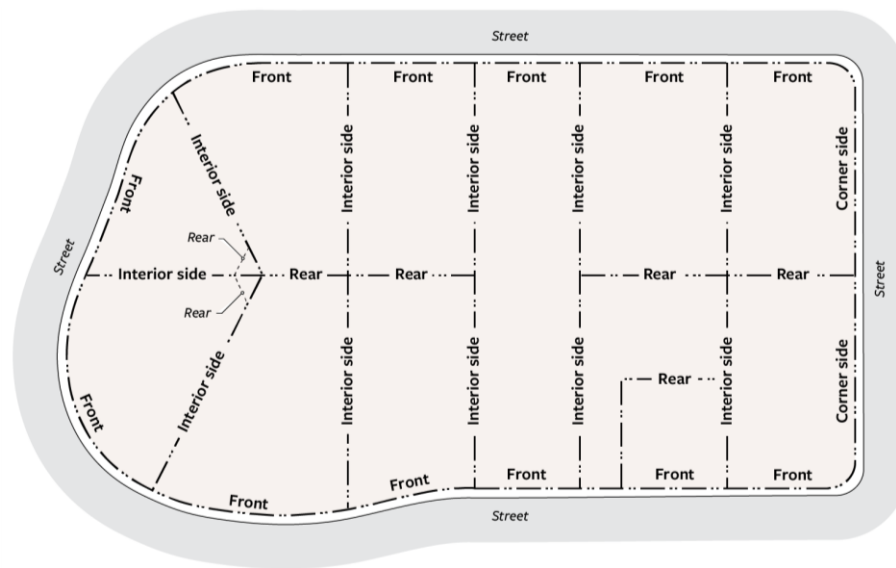


FIGURE 7-F: LOT LINES

Setback. A space on a lot which is The required by this article to be maintained minimum distance a structure shall be located from a lot line, which is open, unoccupied, and unobstructed between lot lines and any structure, except as otherwise permitted in this code of ordinances. -A setback shall be measured from a line parallel to the lot line drawn through the point of a structure nearest to such lot line. This measurement shall be taken at right angles from such parallel line. When

measuring setbacks, setbacks shall be interpreted to include setbacks of structures from property lines and setbacks of principal structures from one another. No principal structure shall occupy the minimum setback of another principal structure. is located along the applicable lot line for the minimum depth specified by the zone in which such lot is located, and may be equal to or lesser than a yard. Setbacks shall do not apply to fences, flagpoles retaining walls, raised garden beds, and

other similar structures. When setbacks are established in relationship to height, the height in stories or feet of that part of the principal structure adjoining a yard shall be used in determining the required setback and other similar structures.

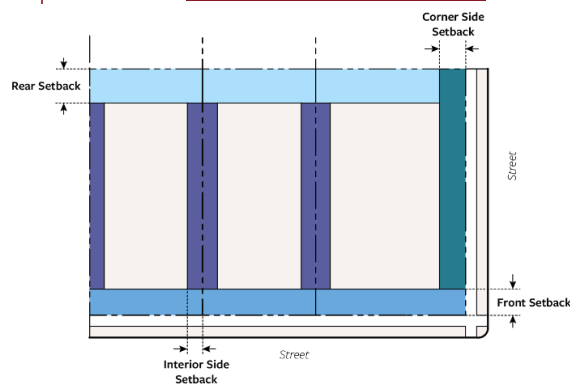


FIGURE 7-G: SETBACKS

Setback, corner side. A setback along the corner side lot line, extending from the front setback to the rear lot line, the depth of which shall be measured perpendicular to the corner side lot line.

Setback, front. A setback along the front lot line, extending between side lot lines, the depth of which shall be the shortest horizontal distance between the front lot line and any structure. In the case of lots with frontages on two or more streets, the orientation of the principal entry to the principal building shall prevail, measured perpendicular to the front lot line. For flag lots, the front setback is measured from the rear lot line of the lot that separates the flag portion of the lot from the street. For through lots, the front setback shall be applied on both street frontages unless the lot is in a residential district, in which case one frontage shall meet the front setback requirement and the other shall meet the rear setback requirement. In the case of lots without frontage on a street, the property line that parallels the nearest developed street shall be

considered the front. Where front yard averaging is required to determine the front setback, the average is based upon the two adjacent lots on either side, or, in the case of a corner lot, the next two adjacent lots. In the case of a lot configuration where only one lot is available for averaging, the required front setback shall be that of the adjacent lot. Where no lots are available for averaging, the front setback shall be a minimum of 20 feet in the RN-2, RN-3, and RN-4 zones, and a minimum of five feet in the RN-5, I-B, and R-P zones.

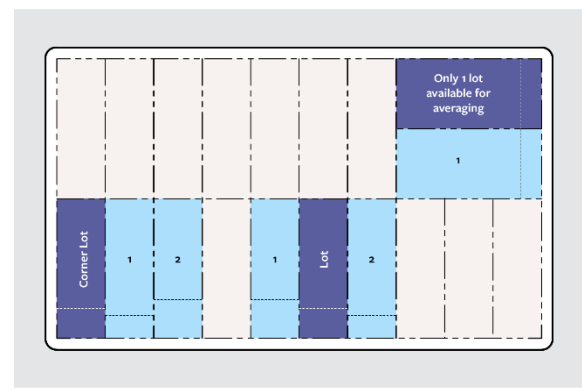


FIGURE 7-H: SETBACK AVERAGING

Setback, rear. A setback along the rear lot line, extending between side lot lines, the depth of which shall be the shortest horizontal distance between measured perpendicular to the rear lot line, the rear lot line and any structure.

Setback, side. A setback along a side lot line extending from the front lot line to the rear lot line, the width/depth of which shall be the shortest horizontal distance between measured perpendicular to the side lot line and any structure. For townhouse dwellings, side setback requirements are only applicable to end units, not to any side sharing a party wall.

Stepback. A space on a lot which is required by this article to be maintained open, unoccupied, and unobstructed, measured between lot lines and any structure, that occurs at a prescribed height above

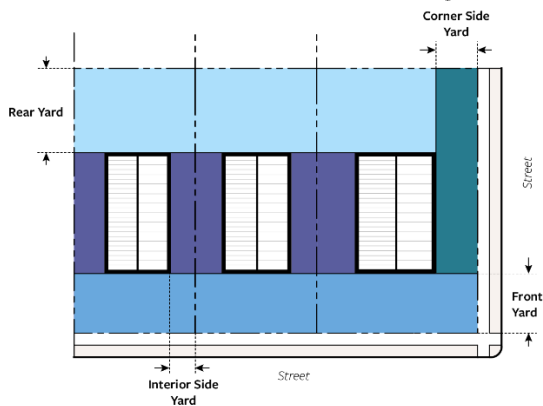


FIGURE 7-1: YARDS

the ground. Stepbacks shall apply to all attached accessory structures, including the minimum necessary housing of elevators, stairways, tanks fans, or other building operating equipment not intended for human occupancy.

Story. That portion of a building included between the surface of any floor and the surface of the floor, or the roof, next above. A half story is a story situated under a sloping roof, the area which at a height four feet above the floor does not exceed two-thirds of the floor area of the story immediately below it. A story which exceeds 18 feet in height shall be counted as two stories. A basement shall be counted as a story for the purpose of height measurement where more than one-half of its height is above the average level of the adjoining ground.

Street frontage. The distance for which a lot line adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

Yard. The area of a lot between a lot line and a principal structure, measured as the horizontal distance between a specified lot line and a principal structure.

Yard, corner side. A yard along the corner side lot line, extending from the front yard to the rear lot line, measured between the corner side lot line and a principal structure.

Yard, front. A yard along the front lot line, extending between side lot lines, measured between the front lot line and a principal structure. On flag lots, the front yard is measured from the rear lot line of the lot that separates the flag portion of the lot from the street, and a principal structure.

Yard, rear. A yard along the rear lot line, extending between side lot lines or a side lot line and a corner side yard, measured between the rear lot line and a principal structure.

Yard, side. A yard along the side lot line, extending from the front yard to the rear yard, measured between the side lot line and a principal structure.

7.3 DIMENSIONAL STANDARDS

Tables 7-A to 7-HG shall establish the dimensional standards for each zone. Certain uses may be subject to additional standards per Section 6.4.

TABLE 7-A: RESIDENTIAL NEIGHBORHOOD ZONE DIMENSIONAL STANDARDS

	RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7	
Lot area (min.)	Single-family	10,000 SF	6,500 SF	6,000	5,000 SF	2,000 SF	--	--
	Two-family	10,000 SF	6,500 SF	6,000	5,000 SF	2,000 SF	--	--
	Three-family	--	--	6,000	5,000 SF	2,000 SF	--	--
	Four-family	--	--	6,000	5,000 SF	2,000 SF	--	--
	Townhouse	--	--	--	--	1,500 SF/unit	--	1,200 SF/unit
	Multi-family	--	1,200 SF/unit	1,200SF/unit	1,200 SF/unit	725 SF/unit	40,000 SF + 1,200 SF/unit	435 SF/unit
Street frontage (min.)	Nonresidential	10,000 SF	6,500 SF	6,000 SF	5,000 SF	2,000 SF	40,000 SF	2,000 SF
	Single-family	50 ft.	40 ft.	40 ft.	40 ft.	20 ft.	--	--
	Two-family	50 ft.	40 ft.	40 ft.	40 ft.	20 ft.	--	--
	Three-family	50 ft.	40 ft.	40 ft.	40 ft.	20 ft.	--	--
	Four-family	50 ft.	40 ft.	40 ft.	40 ft.	20 ft.	--	--
	Townhouse	--	--	--	--	15 ft./unit	--	15 ft./unit
	Multi-family	--	40 ft.	40 ft.	40 ft.	20 ft.	50 ft.	20 ft.
Nonresidential	50 ft.	40 ft.	40 ft.	40 ft.	20 ft.	50 ft.	20 ft.	
Front setback (min.)	20 ft.	Average of adjacent front yards +/- 5 ft.	Average of adjacent front yards +/- 5 ft.	Average of adjacent front yards +/- 5 ft.	Average of adjacent front yards +/- 5 ft.	25 ft.	--	
Rear setback (min.)	Principal structures and detached accessory structures >250 SF Footprint	25 ft.	25 ft.	20 ft.	20 ft.	10 ft.	25 ft.	5 ft.
	Detached accessory (<250 SF footprint)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Side setback, interior (min.)	Principal structures and detached accessory structures >250 SF footprint	12 ft.	8 ft.	8 ft., except that a side setback may be reduced to not less than 5 ft. provided that the cumulative side yards are not less than 16 ft.	8 ft., except that a side setback may be reduced to not less than 5 ft. provided that the cumulative side yards are not less than 16 ft.	5 ft., except that a side setback may be reduced to not less than 0 ft. provided that the cumulative side yards are not less than 10 ft. ¹	25 ft.	5 ft., except that a side setback may be reduced to not less than 0 ft. provided that the cumulative side yards are not less than 10 ft. ¹
	Detached accessory (<250 SF footprint)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.



DIMENSIONAL STANDARDS

TABLE 7-A: RESIDENTIAL NEIGHBORHOOD ZONE DIMENSIONAL STANDARDS

	RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7
Side setback, corner (min.)	15 ft., or the depth of an adjacent front yard directly abutting the corner side yard of the lot, whichever is greater	15 ft., or the depth of an adjacent front yard directly abutting the corner side yard of the lot, whichever is greater	10 ft., or the depth of an adjacent front yard directly abutting the corner side yard of the lot, whichever is greater	10 ft., or the depth of an adjacent front yard directly abutting the corner side yard of the lot, whichever is greater	--	25 ft.	--
Structure height (max.) (Unless otherwise governed by the City of Portland Height Map or the Fort Sumner Park Height Overlay)	35 ft.	35 ft.	35 ft.	35 ft.	1-2 dwelling units: 35 ft. 3 or more dwelling units: 45 ft.	55 ft.	65 ft.
Detached accessory structure height (max.)	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.
Height setback (min.) (Above 35 ft. unless otherwise indicated)	--	--	--	--	Interior Side: 10 ft. Rear: 15 ft.	--	Building heights above 45 ft.: Front: 5 ft. Interior Side: 10ft. Rear: 15 ft.
Building length (max.) (Multi-family + Nonresidential)	--	--	--	--	75 ft.	180 ft.	75 ft.
Lot coverage (max.)	25%	35%	40%	40%	60%	30%	60%
Landscaped open space ratio (min.)	65%	50%	50%	50%	20%	50%	20%
Width of garage opening on front façade (max.)	--	--	--	--	9 ft. or 30% of the front façade, whichever is greater, however in no case more than 20 ft.	--	9 ft. or 30% of the front façade, whichever is greater, however in no case more than 20 ft.

¹ A permanent maintenance easement a minimum of 5 ft. in width shall be provided on the parcel adjacent to the lot line with the reduced side setback.

TABLE 7-B: ISLAND ZONE DIMENSIONAL STANDARDS

		IR-1	IR-2	I-B Served by Public Water & Sewer	I-B Not Served by Public Water & Sewer
Lot area (min.)	Single-family	40,000 SF, except 60,000 SF if not served by public water	20,000 SF, except 4,000 SF if a small island lot per subsection 7.7.3	5,000 SF	20,000 SF
	Two-family	40,000 SF, except 60,000 SF if not served by public water	20,000 SF, except 4,000 SF if a small island lot per subsection 7.7.3	5,000 SF	20,000 SF
	Three-family	--	--	5,000 SF	20,000 SF
	Four-family	--	--	5,000 SF	20,000 SF
	Multi-family	--	--	1,200 SF/unit	5,000 SF/unit
	Nonresidential	40,000 SF	20,000 SF	None	20,000 SF
Street Frontage (min.)	Single-family	100 ft.	50 ft., except 40 ft. if a small island lot per subsection 7.7.3	40 ft.	40 ft.
	Two-family	100 ft.	50 ft., except 40 ft. if a small island lot per subsection 7.7.3	40 ft.	40 ft.
	Three-family	--	--	40 ft.	60 ft.
	Four-family	--	--	40 ft.	60 ft.
	Multi-family	--	--	40 ft.	60 ft.
	Nonresidential	100 ft.	50 ft.	40 ft.	40 ft.
	Front setback (min.)	20 ft.	20 ft. or the average of adjacent front yards, whichever is less	Average of adjacent front yards +/- 5 ft.	Average of adjacent front yards +/- 5 ft.
Rear setback (min.)	Principal structures and detached accessory structures >250 SF Footprint	30 ft.	25 ft., except 20 ft. if a small island lot per subsection 7.7.3	10 ft.	10 ft.
	Detached accessory (<250 SF footprint)	10 ft.	10 ft.	10 ft.	10 ft.
Side setback, interior (min.)	Principal structures and detached accessory structures >250 SF Footprint	20 ft.	12 ft., except 10 ft. if a small island lot per subsection 7.7.3	10 ft.	10 ft.
	Detached accessory (<250 SF footprint)	15 ft.	10 ft.	10 ft.	10 ft.
	Side setback, corner (min.)	20 ft.	12 ft., except 10 ft. if a small island lot per subsection 7.7.3	10 ft.	10 ft.
	Structure height (max.)	35 ft.	35 ft. Little Diamond Island: 27 ft.	35 ft.	35 ft.
	Detached accessory structure height (max.)	18 ft.	18 ft.	18 ft.	18 ft.
	Lot coverage (max.)	20%	20%, except 30% if a small island lot per subsection 7.7.3	50%	50%
	Landscaped open space ratio (min.)	70%	70%	35%	45%



DIMENSIONAL STANDARDS

TABLE 7-C: MIXED-USE ZONE DIMENSIONAL STANDARDS

	B-1	B-2/B-2b	B-3	B-4	B-5	B-6	
Lot area (min.)	Residential	--	--	--	10,000 SF	--	--
	Nonresidential (Including mixed-use)	--	--	--	10,000 SF	--	--
Street frontage (min.)	20 ft.	--	--	60 ft.	--	--	
Gross floor area (max.) (Nonresidential uses on the ground floor only, unless otherwise permitted or restricted)	5,000 SF	--	--	--	--	--	
Build-to zone	0-5 ft.	0-10 ft.	0-5 ft.	0-20 ft.	0-10 ft.	0-10 ft.	
Build-to percentage (min.)	100%	100%	100%	50%	80%	80%	
Building length as a percentage of street frontage (min.)	--	B-2: None B-2b: Lots up to 50 ft. in frontage: 80% Lots greater than 50 ft. in frontage: 60%	Lots up to 50 ft. in frontage: 80% Lots greater than 50 ft. in frontage: 60%	--	60%	70%	
Blank wall area (max.)	20 ft.	20 ft.	20 ft.	40 ft.	20 ft.	20 ft.	
Rear setback (min.)	None, except 10 ft. if abutting a residential zone	None, except 10 ft. if abutting a residential zone	--	None, except 20 ft. if abutting a residential zone	--	--	
Side setback, interior (min.)	None, except 5 ft. if abutting a residential zone	None, except 5 ft. if abutting a residential zone	--	None, except 10 ft. if abutting a residential zone	--	--	
Structure height (max.)	50 ft.	65 ft., or as shown on the City of Portland Height Map, except 50 ft. for any portion of a structure within 25 ft. of RN-1, RN-2, RN-3, or RN-4 zone	See City of Portland Height Map	65 ft.	65 ft., or as shown on the City of Portland Height Map	See City of Portland Height Map	
Height setback (min.) (Above 35 ft. when abutting an RN-1, RN-2, or RN-3, or RN-4 zone)	Side: 10 ft. Rear: 15 ft.	Building heights above 45' Side: 5 ft. Rear: 25 ft.	See City of Portland Height Map, and Tower Rules in Section 7.6	--	--	--	
Landscaped open space ratio (min.)	--	B-2: 10% B-2b: None	--	20%	--	--	

TABLE 7-D: TRANSIT-ORIENTED DEVELOPMENT ZONE DIMENSIONAL STANDARDS

	TOD-1	TOD-2
Lot area (min.)	--	--
Street frontage (min.)	--	--
Build-to zone	0-10 ft.	0-5 ft.
Build-to percentage (min.)	100%	100%
Building length as a percentage of street frontage (min.)	Lots up to 50 ft. in frontage: 80% Lots greater than 50 ft. in frontage: 60%	80%
Blank wall area (max.)	20 ft.	20 ft.
Rear setback (min.)	None, except 20 ft. if abutting a residential zone	None, except 20 ft. if abutting a residential zone
Side setback, interior (min.)	None, except 10 ft. if abutting a residential zone	None, except 10 ft. if abutting a residential zone
Structure height (min./max.) (Unless otherwise governed by the City of Portland Height Map)	Max. 80 ft.	Min. 35 ft. Max. 125 ft.
Height stepback (min.) (Above 45 ft. when abutting an RN-1, RN-2, RN-3, or RN-4 zone)	Side: 15 ft. Rear: 25 ft.	Front: 15 ft. Side: 15 ft. Rear: 25 ft.
Building length (max.) (Multi-family + Nonresidential)	75 ft.	--
Landscaped open space ratio (min.)	10%	--



DIMENSIONAL STANDARDS

TABLE 7-E: OFFICE PARK AND RESIDENTIAL PROFESSIONAL ZONE DIMENSIONAL STANDARDS

	O	R-P	
Lot area (min.)	Single-family	--	6,000 SF
	Two-family	--	6,000 SF
	Three-family	--	6,000 SF
	Four-family	--	6,000 SF
	Townhouse	--	3,000 SF/unit
	Multi-family	--	3,000 SF/unit
	Nonresidential	10,000 SF, except 3 ac. for an office park	6,000 SF
Street frontage (min.)	40 ft., except 100 ft. for an office park	40 ft.	
Gross floor area (max.) (Nonresidential uses)	--	5,000 SF	
Front setback (min.)	15 ft., except 50 ft. for an office park	Average of adjacent front yards +/- 5 ft.	
Rear setback (min.)	20 ft., except 50 ft. for an office park	20 ft.	
Side setback, interior (min.)	15 ft., except 25 ft. for an office park, or 40 ft. where an office park abuts a residential zone	10 ft., except that a side setback may be reduced to not less than 5' provided that the cumulative side yards are not less than 20 ft.	
Side setback, corner (min.)	15 ft., except 50 ft. for an office park	10 ft.	
Structure height (max.) (Unless otherwise governed by the City of Portland Height Map)	45 ft., except 55 ft. for an office park, or 75 ft., including rooftop appurtenances, on lots within office parks which are greater than 50 ac. if each minimum setback is increased by 1 ft. for each 1 ft. of height above 55 ft.	45 ft.	
Lot coverage (max.)	60%	60%	
Landscaped open space ratio (min.)	30%, except 40% for an office park	20%	

TABLE 7-F: INDUSTRIAL AND AIRPORT ZONE DIMENSIONAL STANDARDS

	I-L	I-Lb	I-M	I-Mb	I-H	A-B
Lot area (min.)	--	--	--	--	--	20,000 SF
Street frontage (min.)	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	50 ft.
Setback from street (min.)	15 ft.	--	15 ft.	--	25 ft.	None, except 20' if property has frontage on Westbrook St.

Rear setback (min.)	15 ft., except 35 ft. when abutting residential zone	None, except 25 ft. when abutting residential zone	15 ft., except 35 ft. when abutting residential zone	None, except 25 ft. when abutting residential zone	35 ft.	None, except 50 ft. if abutting residential zone ¹
Side setback, interior (min.)	15 ft., except 35 ft. when abutting residential zone	None, except 25 ft. when abutting residential zone	15 ft., except 35 ft. when abutting residential zone	None, except 25 ft. when abutting residential zone	35 ft.	None, except 25 ft. if abutting residential zone
Structure height (max.) (Unless otherwise governed by the City of Portland Height Map)	50 ft.	50 ft.	75 ft.	75 ft.	75 ft.	75 ft., except 45 ft. within 100 ft. of a residential zone
Landscaped open space ratio (min.)	35%	--	15%	--	15%	--

¹ No structure may extend beyond the building line established for any runway or taxiway. If provided, rear and side yards must not be less than 5 ft. in width.

TABLE 7-G: OPEN SPACE ZONE DIMENSIONAL STANDARDS

	OS-R ¹	OS-P
Lot area (min.)	--	20,000 SF
Front setback (min.)	20 ft.	25 ft.
Rear setback (min.)	20 ft.	50 ft.
Side setback, interior (min.)	10 ft.	10 ft.
Side setback, corner (min.)	10 ft.	20 ft.
Structure height (max.) (Unless otherwise governed by the City of Portland Height Map)	45 ft.	35 ft.
Lot coverage (max.)	25%	10%
Landscaped open space ratio (min.)	75%, except 25% for sports complexes and stadiums, and none for sewage treatment facilities	90%

¹ Public open spaces less than 2 ac. and on the peninsula are not required to meet the OS-R dimensional standards.

7.4 ALTERNATIVE RESIDENTIAL DEVELOPMENT OPTIONS

The following alternative residential development options are available within certain zones as indicated. These alternative residential development options are intended to provide creative opportunities for residential development by modifying standards within certain zones to allow for a variety of densities and site designs. Alternative residential development options may not be combined.

7.4.1 Conservation residential development

- A.** A conservation residential development permits a reduction in minimum lot area in exchange for provision of common open space, allowing for the efficient use of land and preservation of Portland’s natural resources.
- B.** Conservation residential development is permitted in the RN-1, RN-2, IR-1, and IR-2 zones.
- C.** A conservation residential development shall be a minimum of two acres in area.
- D.** A conservation residential development shall be designed to prioritize the preservation of important natural features such as streams, wetlands, stands of mature trees, and critical wildlife habitats. Development shall minimize impacts on the natural environment by carefully laying out structures, streets, and other infrastructure, including buffer zones to protect and connect existing natural areas on site.
- E. Development standards**
 - 1. Site layout**
 - a.** All lots within a conservation residential development shall have

frontage on a street or common open space within the development.

- b.** The maximum number of lots permitted within a conservation development shall be determined by the total acreage of the site divided by the applicable minimum residential lot area requirement of the underlying zone.
- c.** All lots within the conservation residential development shall meet the dimensional requirements of the underlying zone with the exception of the following:
 - i.** Minimum lot area and street frontage may be reduced by no more than 50%.
 - ii.** Maximum lot coverage and minimum landscaped open space ratio requirements do not apply to lots of 5,000 square feet or less in lot area.
 - iii.** A minimum side setback of five feet applies to all lots within a conservation residential development unless otherwise specified below.
 - iv.** A minimum corner side setback of ten feet applies to all corner lots within a conservation residential development unless otherwise specified below.
 - v.** Front and rear setbacks may be reduced by 50% for all lots within the conservation residential



development, unless otherwise specified below.

vi. Where a lot within the conservation residential development abuts adjacent property, minimum side and rear setbacks are required in accordance with the standards of the underlying zone.

vii. Where a lot within the conservation residential development abuts a street at the perimeter of the development, minimum front setback and minimum street frontage is required in accordance with the standards of the underlying zone.

2. Common open space

a. In addition to any open space otherwise required by this code, 30% of the total site area of a conservation residential development shall comprise common open space.

Common open space shall be designed as follows:

i. Required common open space shall maintain a minimum width of at least 30 feet in any direction.

ii. Common open space may be improved for recreational use, or left in a natural state. If improved for recreational use, no more than 10% of the common open space shall comprise impervious surfaces.

iii. No more than 50% of the required common open space shall be covered by water.

iv. Structures located within any common open space shall be accessory to any recreational use of the space.

b. Common open space may be conveyed as follows:

i. To the City of Portland.

ii. To a nonprofit corporation or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic, or open space values of real property; assuring the availability of real property for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining or enhancing air or water quality of real property.

iii. To one or more homeowner's associations.

c. Common open space associated with a conservation residential development shall not be sold, and has no future development rights.

7.4.2 Cottage court residential development

A. A cottage court residential development allows for small lot residential development in a manner that coordinates dwelling types and common open space into a cohesive whole, maintained in shared stewardship by residents.

B. Cottage court residential development is allowed in the RN-1, RN-2, RN-3, and RN-4 zones.

C. A cottage court residential development may be designed as dwellings on individual lots, or as multiple dwellings on a lot in common ownership.

D. Use limitations

- 1.** Only single-family and two-family dwellings are permitted within a cottage court residential development.
- 2.** No more than 25% of the residential building structures in a cottage court development shall be two-family dwellings
- 3.** Accessory dwelling units are not permitted within a cottage court residential development.
- 4.** Buildings for common facilities for use by the residents, such as laundry facilities, communal kitchens, and common rooms, are also permitted.

E. Development standards

- 1.** A cottage court residential development shall contain a minimum of four residential structures.
- 2.** The maximum number of residential structures within a cottage court development is 12. When cottage court residential development is occurring on multiple adjacent development sites, the maximum number of residential structures within all development sites is 24.
- 3.** All standards of the underlying zone apply, with the following exceptions:
 - a.** The minimum total lot area required for a cottage court residential development is calculated as 50% of the cumulative lot area required for all

proposed dwellings under the base zoning district.

- b.** Individual lots within a cottage court residential development are exempt from the standards of the underlying zone for lot area, street frontage, setbacks, lot coverage, and landscaped open space ratio. However, all such standards apply to the cottage court residential development as a whole.
- 4.** All residential structures within a cottage court shall front onto a street or a common open space.
- 5.** Common open space areas within cottage court residential developments shall meet the following standards:
 - a.** Required common open space shall be provided at a ratio of 300 square feet per dwelling unit, or 3,000 square feet, whichever is greater.
 - b.** Required common open space shall be provided in the form of a centrally located, contiguous open space. Such open space shall maintain a minimum dimension of 30 feet in width, and shall front on a public street.
 - c.** A maximum of 30% of the common open space shall be hardscape.
 - d.** Required off-street parking may be provided on individual development sites for each residential structure within the cottage court, or in a shared parking area serving multiple residential structures. Common parking areas shall contain no more than ten spaces each and must be

DIMENSIONAL STANDARDS

screened from abutting lots that are not part of the development. Parking shall not be located between principal structures and the street, or within any required common area.

F. Small unit bonus

1. Cottage court residential developments may be eligible for a development bonus in exchange for construction of small dwelling units as described in this section.
2. To be eligible, all dwelling units, including any dwelling units achieved through the bonus, shall be 800 square feet or less in floor area.
- 3. Bonus**
 - a. The number of residential structures able to be developed as part of the overall cottage court residential development may be increased by 35%, but shall not exceed three bonus residential structures.
 - b. Residential structures achieved through the bonus shall meet the development standards of the cottage court development as set forth in item E above.
 - c. Residential structures achieved through the bonus are not included in the calculation of minimum total lot area required for the overall cottage court development, and do not count toward the maximum number of units in the development.

7.5 SUPPLEMENTAL DIMENSIONAL STANDARDS

– STANDARDS

7.5.1 Corner clearance

No shrub, wall, fence, sign, or pile of material higher than 3 1/2 feet above the lowest elevation at the curbline shall be permitted on a corner lot within the area of a triangle formed by a line connecting the curbline of the intersecting streets at points 25 feet from the corner, unless said obstruction is reviewed by the Public Works Authority and found not to be a traffic or public safety hazard.

7.5.2 Pedestrian passage required

A. Where a building exceeds 300 feet in length along a public right-of-way, and abuts two parallel frontages with pedestrian facilities, or one frontage with pedestrian facilities and a parking lot, public park, or other public open space on the side of the building opposite the street frontage, a pedestrian passage is required to provide a break in the ground-floor façade and facilitate mid-block connectivity. Such passage shall meet the following standards:

1. General requirements

- a. Passages shall be designed to accommodate pedestrians. Vehicular access and circulation shall not be allowed as a component of a passage.
- b. Passages shall be a minimum of 30 feet in width and 20 feet in height and shall be located within the middle third of the building, measured along the frontage.

- c. Passages shall be designed to maintain views from one end through to the other.
- d. Inclusion of decorative elements such as lighting installations or public art within passages is encouraged.
- e. Passages shall align with the street grid or other points of access to sidewalks, public paths, parking lots, public parks or other publicly owned open space where feasible.
- f. For the purposes of any build-to zone requirement, a building passage is considered part of the building façade that meets such requirement.

2. Passages in nonresidential and mixed-use buildings

- a. Ground floor uses shall be oriented toward the passage, including public entrances.
- b. Ground floor façades facing into building passages in nonresidential and mixed-use buildings shall maintain a minimum transparency of 35% of the wall area of the passage.

3. Passages in residential buildings

- a. Passages in residential buildings may be closed off to the public with gates and/or fencing but shall be of open design to allow for a clear view through the passage.
- b. Passages in residential buildings shall be designed with elements for use by residents, such as seating areas.
- c. Ground floor façades facing into building passages in residential

buildings shall maintain a minimum transparency of 25% of the wall area of the passage

- B.** Where a building exceeds 300 feet in length along a public right-of-way, but does not abut two parallel frontages with pedestrian facilities as specified in item A above, a break in the building massing is required as follows:

- 1.** Building mass shall be recessed a minimum of 20 feet in depth for no less than 30 linear feet along the façade. Such recess shall extend the full height of the building, and shall meet the following criteria:
 - a. The recess shall be located within the middle third of the building, measured along the frontage.
 - b. For nonresidential and mixed-use buildings, ground floor uses shall be oriented toward the recessed area, including public entrances.
 - c. The recessed area is subject to all transparency requirements.
 - d. The recessed area shall be designed as public or common space including amenities such as seating areas, landscaping, lighting, decorative elements, and public art.
 - e. For the purposes of any build-to zone requirement, a building recess meeting these standards is considered part of the building façade that meets such requirement.

7.5.3 Supplemental dimensional standards for specific structures

A. Fences

DIMENSIONAL STANDARDS



___ In residential zones, no wall or fence within 15 feet of the street shall be more than four feet in height, unless said fence is located in the side or rear yard.

— Solar energy systems

— Setbacks

- Solar energy systems shall be located in side or rear yards wherever possible.
- Minor solar energy systems shall be setback 50 feet from residential, R-P, ~~B-1/B-1b~~, and ~~B-2/B-2b/B-2c~~ zones.
- Major solar energy systems shall be setback 75 feet from residential, ~~RP~~, ~~B-1/B-1b~~, and ~~B-2/B-2b/B-2c~~ zones.

— Height

- *Ground-mounted solar energy systems.* Where the total height of the support structure plus the solar energy system is equal to or below the zone-based height maximum, the absolute height of the solar energy system shall be 20 feet above the ground as measured from the base of the support.
- *Roof-mounted solar energy systems.* Where the total height of the support structure/building plus the solar energy system is equal to or below the zone-based height maximum, the absolute height of the solar energy system shall be:
 - In all residential and R-P zones: 5 feet above the roof and set back from the edge of the roof by one foot for every one foot of solar energy system height.

— In ~~B-4~~ and industrial zones: No limit

— In all other zones: 8 feet above the roof and set back from the edge of the roof by one foot for every one foot of solar energy system height.

. ___ Swimming pools

Outdoor swimming pools as accessory uses shall be subject to the following dimensional standards:

1. ___ No swimming pool shall be sited in the front yard.
2. ___ No part of any swimming pool shall be located closer than 10 feet from the principal structure, nor closer than 10 feet from side or rear lot lines.

— Wind energy systems

— Setbacks

- Wind energy systems and associated facilities shall meet all setbacks for principal structures for the zone in which the system is located. Where setbacks vary, the largest setback shall apply. All parts of the wind energy system, including associated facilities and guy wires, shall be at least 10 feet from the property line (except where connecting to the grid), any utility line (in any direction), or other easement/right-of-way. The setback from utility lines, easements, and right-of-way lines may be reduced where the owner/benefitted party provides written permission.
- Roof-mounted wind energy systems shall be set back from property boundaries and

street right of way lines by a distance equal to or greater than four times the

height of the system as measured from the roof surface at the point of attachment. For systems in and adjacent to waterfront zones, mixed use zones (except B-1/B-1b and I-B), OP zone, industrial zones, the Island Transfer Station Overlay zone, and the R-OS zone, the setback from property boundaries and street right of way lines may be reduced to a minimum distance of 1.0 times the height of the system, where the system is incorporated into the architecture of the building and a certified engineer confirms that it would not present a public safety risk. The setback shall be measured to the center of the wind generator base.

- Freestanding wind energy systems with a total height of less than 85 feet shall be set back from property boundaries and street right of way lines by a distance equal to or greater than 1.1 times the total height of the system, and from residential buildings and hospitals on other properties by a distance equal to or greater than twice the total height of the system. The setback distance shall be measured to the center of wind generator base.
- Freestanding wind energy systems with a total height of greater than 85 feet shall be set back away from property boundaries and street right of way lines by a distance equal to or greater than twice the total height of the system, and from residential

buildings and hospitals on other properties by a distance equal to or greater than four

times the total height of the system.

- For freestanding wind energy systems in and adjacent to waterfront zones, mixed use zones (except B-1/B-1b and I-B), the OP zone, industrial zones, the Island Transfer Station Overlay Zone, and the R-OS zone, the setback from property boundaries and street right of way lines may be reduced to a minimum distance of 1.0 times the total height of the system where determined that the minimum required setback would be contrary to the public interest.
- In residential zones, the B-1/B-1b zones, the I-B zone, and the R-P zone, where the lot is less than 0.5 acres, any vertical element of the wind energy system (tower/pole) shall be located in the rear yard or on the rear half of the existing building. Wind energy systems and associated facilities shall be sited to maximize existing vegetative or other screening from nearby residential buildings and public ways. The location shall minimize changes to existing topography and existing natural vegetation which would result from construction or maintenance of the system.
- **Height**
 - Heights of wind energy systems, permitted as either freestanding or roof mounted structures, shall be as shown in Table 7-1.

DIMENSIONAL STANDARDS



- Roof-mounted wind energy systems shall measure no higher than 10 feet above the highest part of the roof.

¹ Permitted up to 65 ft within USM Overlay Zone or on other sites with institutional uses measuring over 5 acres.

² Permitted up to 85 ft in B-3 part of Downtown Historic District.

7.5 SPACE AND BULK EXCEPTIONS

— Height

- ~~In the B-3/B-3b/B-3c zones.~~ Minimum height provisions as depicted on the Downtown Height Overlay Map shall not apply to:
 - Accessory building components and structures such as truck loading docks covered parking, mechanical equipment enclosures and refrigeration units.
 - Information kiosks and ticketing booths.
 - Public transportation facilities of less than 10,000 square feet, or additions of less than 5000 square feet to existing public transportation facilities provided that the cumulative additions as of June 4, 2007 do not exceed 10,000 SF.
 - Additions to buildings existing as of June 4, 2007 provided that the cumulative additions since June 4, 2007 do not exceed 10% of the building footprint on June 4, 2007, except building additions on those portions of the lot located closer to the street line than the building footprint existing as of June 4, 2007 shall not be included in this 10% limitation.
 - Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations,

telephone electronic equipment enclosures, and other similar structures.

- Additions to and/or relocation of designated historic structures or structures determined by the Historic Preservation Board to be eligible for such designation.
- Parking attendant booths or bank remote teller facilities.
- Structures accessory to parks and plazas.
- Buildings or building additions of less than 2,500 square feet footprint, on lots or available building sites of less than 3,000 square feet.

~~In the B-6 zone.~~ Minimum height provisions as depicted on the B-6 Building Height Overlay and Building Envelopes map shall not apply to:

- Buildings located in the area east of the Fore Street Connector.
- Parking attendant booths.
- Information kiosks and ticketing booths.
- Parking garages.
- Public transportation facilities.
- Additions to buildings existing as of December 8, 2004 provided that the cumulative additions since December 8, 2004 do not exceed 25% of the building footprint on December 8, 2004, except that such restriction shall not apply to those portions of the building addition that are constructed closer to the street line than the building footprint existing as of December 8, 2004.
- Buildings or building additions of less than 2,000 square feet footprint on lots or available building sites of less than 2,000 square feet.

- Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures and other similar structures.
- Additions to and/or relocations of designated historic structures.
- **In the B-7 zone.** Minimum floor provisions as depicted on the Bayside Height Overlay Map shall not apply to:
 - Accessory building components such as truck loading docks, mechanical equipment enclosures and refrigeration units.
 - Information kiosks and ticketing booths.
 - Parking garages.
 - Public transportation facilities.
 - Additions to buildings existing as of March 9, 2005 provided that the cumulative additions since March 9, 2005 do not exceed 50% of the ground floor building footprint on March 9, 2005, except that such restriction shall not apply to those portions of the building addition(s) that are constructed closer to the street line than the building footprint existing as of March 9, 2005.
 - Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures, and other similar structures.
 - Additions to and/or relocation of designated historic structures or structures determined by the Historic

Preservation Board to be eligible for such designation.

7.6 TOWERS

7.6.1 Purpose and applicability

- **A.** Portions of buildings more than 50 feet from the street line.
- **In the Bayside Gateway Urban Height District A.** Buildings in the Bayside Gateway Urban Height District A as depicted on the Bayside Height Overlay Map may be greater than **EXTENDING ABOVE A HEIGHT OF 125 FEET** but no more than **165 feet in height provided that:**
 - Such buildings shall be reviewed by the Planning Board as conditional uses under Section 6.5 of this Land Use Code.
 - Such buildings shall be sited to minimize shall be considered towers, and are subject to additional standards to ensure their design minimizes encroachment into designated view corridors and visual landmarks to and from the downtown or that do not substantially further obstruct such corridors blocked by existing development as referenced in the Bayside Height Study Map and the B-7 design standards.

Portions of such buildings higher than 125 feet shall be stepped back at upper levels to provide, ensures adequate provision of light and air to adjacent streets, trails, and open spaces, with a ratio of no less than the ratio of building height to width of adjacent streets, trails and open spaces equivalent to 1.5 to 1. The Planning Board may modify this requirement for master development plans or major site plans provided

DIMENSIONAL STANDARDS

that the following conditions are met and enhances the visual richness and aesthetic appeal of the Portland skyline.

- Each building exceeding 125 feet shall contain at least 20 dwelling units per building.
- Building wall stepback requirement along public street frontage for buildings with frontage on one street: Minimum 10 foot stepback between third and fifth stories and a minimum 10 foot stepback between the 125 and 145 foot level.

Building-wall

7.6.2 Stepback required

- A.** Portions of buildings higher than 125 feet shall be stepped back a minimum of 30 feet from any street or public open space, with the following exceptions:
1. Structures subject to standards that require a stepback below 125 feet in height shall be exempt from providing additional stepback above 125 feet. This exemption applies regardless of the dimension of the required stepback at lower building heights.
 2. Structures that voluntarily achieve a total stepback requirement along public street frontage for buildings with frontage on, below 105 feet in height of 20 feet or greater from any street or public open space, with at least one stepback occurring between 35 and 65 feet in height. No individual stepback used to meet this standard shall be less than ten feet in depth.

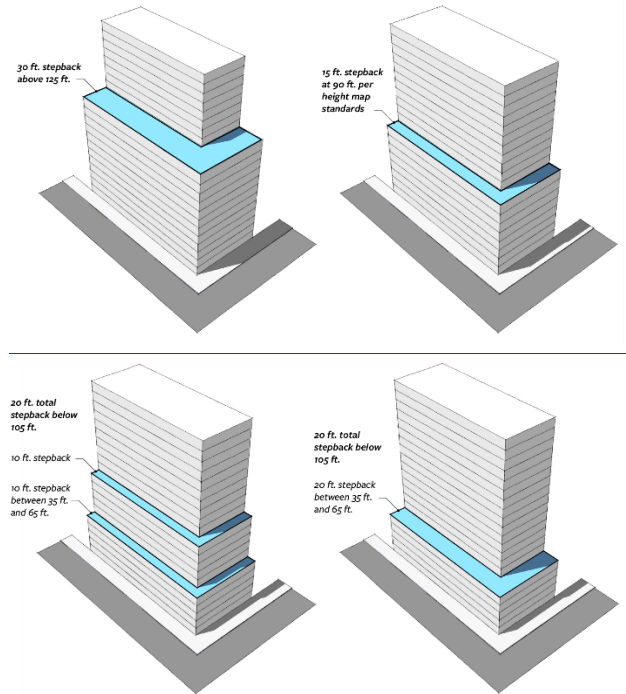


FIGURE 7-J: TOWER STEPBACK

- B.** Structures with multiple streets: Above-façades abutting a street or public open space are subject to the following:
1. Structures with two façades subject to the required stepback must meet the standard as established in paragraph (b) requirement along A) above for both façades.
 2. Structures with three façades subject to the required stepback must meet the standard as established in paragraph (A) above for the two longest building façades. The third façade street wall, and of the shall either meet the standard as established in paragraph (A) above, or provide a 15 foot wide streetscape improvement area containing a public

sidewalk, landscaping, and other streetscape improvements within the abutting street right-of-way and/or private property along the street frontage.

- 3.** Structures with four or more façades subject to the required setback must meet the standard as established in paragraph (A) above for the two longest building façades. The remaining street walls building façades shall either meet the same requirement standard as established in paragraph (A) above, or provide a 15 foot wide streetscape improvement area containing a public sidewalk, landscaping, and other streetscape improvements within the abutting street right-of-way and/or private property along the remaining street frontage. A building with frontage on four streets shall meet the above requirement except that two of the streets shall have the setback requirement street frontages.

C. The Planning Board shall have the authority to waive one or more of the required setbacks provided that one of the following conditions is met:

- 1.** The depth of the building lot precludes a building having an average minimum lot depth dimension of 170 feet.
- 2.** The proposed building has an architecturally significant design that is articulated to avoid a monolithic appearance and emphasizes slender, vertically-oriented proportions while employing a variety of scales, materials, fenestration, and massing to assure a rich,

visually interesting experience as viewed within the context of the downtown skyline and provide visual interest and human scale at the pedestrian level.

D. In the event ~~such a waiver is granted, that~~ the Planning Board grants a waiver for one or more of the required setbacks, the Board may require the applicant to mitigate the impacts of the waiver by requiring any or all of the following conditions:

- 1.** Along all public street frontages and public open spaces, all buildings (regardless of height) shall maintain a pedestrian scale through the use of building elements at the street level as listed in this standard along no less than 60% of the building's horizontal length.
- 2.** Along all public street frontages and public open space for the building(s) over 125 feet, a canopy, awning, or similar permanent architectural feature to provide pedestrian protection and wind mitigation shall be provided within the first 35 feet of height.
- 3.** The applicant shall demonstrate that building design elements and location will reasonably mitigate downdraft effects of the proposed building or buildings.

7.6.3. Tower floor plates

A. To minimize shadow and wind impacts, loss of views, and to allow for the passage of light and air into interior spaces, those portions of a building above 125 feet in height are limited to a maximum floor plate of 10,000 square feet.

DIMENSIONAL STANDARDS

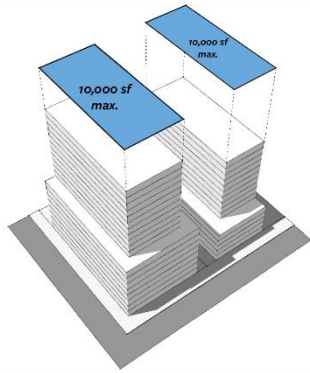


FIGURE 7-K: TOWER FLOOR PLATES

7.6.4 Tower separation

In order to preserve view corridors and to maintain a varied skyline, ~~all~~ the following tower separation requirements apply.

- A.** All portions of buildings above 125 in height shall provide a minimum of 35 feet of setback from side and rear lot lines when abutting another tower.
- B.** Towers within a single development site ~~should~~ shall be separated to avoid the appearance of a tall, solid block massing—~~in accordance with this policy, or~~ as follows:
 - 1.** All portions of buildings above 125 feet in height shall be separated a minimum distance of 75 feet, measured parallel to any applicable street frontage.
- C.** On development sites of 500 feet or greater as measured parallel to Marginal Way, the aggregate building façade widths above 85 feet shall not exceed 50% of the total development site distance parallel to Marginal Way. Buildings over 125 feet in height that are being reviewed as separate phases of a master development plan shall be entitled to meet the 50% building requirement in aggregate for all such buildings

over 125 feet in height in the master development plan, provided that view corridors are retained as each phase is built.

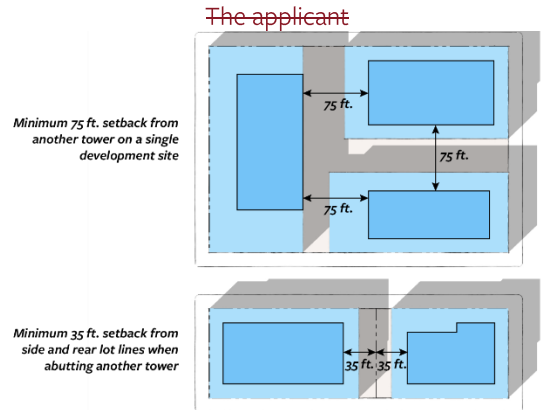


FIGURE 7-L: TOWER SEPARATION

7.6.5 Architectural cap allowance

- A.** A tower may extend up to 40 feet above the designated height limit for the purpose of enclosing rooftop appurtenances, and providing a distinctive architectural cap that adds visual interest to the Portland skyline. This does not apply to towers in the B-3 zone located north of Cumberland Avenue.
- B.** No habitable floor area shall ~~demonstrate~~ be created within the building envelope provided by an architectural cap, unless the following standards are met:
 - 1.** A minimum of 50% of such habitable floor area is devoted exclusively to one or more uses open to the public, such as a restaurant, atrium, or viewing area.
 - 2.** The primary design elements and location will reasonably mitigate downdraft effects of the proposed intent and expression of the architectural cap shall determine

whether additional floor area is created. Such floor area should be clearly incidental to the design expression, rather than a continuation of floor plates found below the architectural cap.

7.7 SPACE AND BULK EXCEPTIONS

7.7.1 Height

A. Exceptions to minimum height

requirements in any zone. Minimum height requirements in any zone shall not apply to the following:

1. Accessory building or components and structures such as truck loading docks, covered parking, mechanical equipment enclosures and refrigeration units.
2. Information kiosks, ticketing booths, parking attendant booths, or bank remote teller facilities.
3. Structures accessory to parks or plazas.
4. Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures, and other similar structures.

B. Exceptions to minimum height

requirements in the B-3 zone. Minimum height provisions as depicted on the City of Portland Height Map shall not apply to:

1. Additions to buildings existing as of June 4, 2007 provided that the cumulative additions since June 4, 2007 do not exceed 10% of the building footprint on June 4, 2007, except building additions on those portions of the lot located closer to the street line than the building footprint

existing as of June 4, 2007 shall not be included in this 10% limitation.

2. Buildings or building additions of less than 2,500 square feet footprint, on lots or available building sites of less than 3,000 square feet.

C. Exceptions to minimum height

requirements in the B-6 zone. Minimum height provisions as depicted on the B-6 Building Height Overlay and Building Envelopes map shall not apply to:

- Such buildings provide publicly accessible and usable open space, meeting the B-7 design standards, of at least 10% of the building lot area.
- If located on lots including or adjacent to planned or proposed street or pedestrian way connections, land dedication to such street or connection shall be credited toward the 10% open space requirement. Buildings over 125 feet in height that are being reviewed as separate phases of a master development plan shall be entitled to meet the 10% percent open space requirement in aggregate for all such buildings over 125 feet in height, provided that the open space shall not fall below 10% percent at any built phase or combination of built phases.
- Such development shall comply with all other requirements and design standards as required by this article.
- **Roof mounted solar energy systems.** Photovoltaic panels and thermal water heating panels, whether parallel or angled to a pitched or gable roof, may be erected above the height

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limitation for principal or accessory buildings as follows:

— *In all residential zones.* Up to three feet above the maximum height allowed in the underlying zone. In the case of flat roofs, the solar energy system may be up to five feet above the maximum height allowed in the underlying zone. All roof-mounted solar energy systems shall be set back from the edge of the roof by one foot for every one foot of solar energy system height.

— *In B-4 and industrial zones.* Up to four feet above the maximum height allowed in the underlying zone. In the case of flat roofs, there are no height limits.

— *In all other zones.* Up to three feet above the maximum height allowed in the underlying zone. In the case of flat roofs, the solar energy system may be up to eight feet above the maximum height allowed in the underlying zone. All roof-mounted solar energy systems shall be set back from the edge of the roof by one foot for every one foot of solar energy system height.

Public1. Buildings located in the area east of the Fore Street Connector.

2. Parking garages.

3. Additions to buildings existing as of December 8, 2004 provided that the cumulative additions since December 8, 2004 do not exceed 25% of the building footprint on December 8, 2004, except that such restriction shall not apply to those portions of the building addition that are constructed closer to the street line

than the building footprint existing as of December 8, 2004.

4. Buildings or building additions of less than 2,000 square feet footprint on lots or available building sites of less than 2,000 square feet.

D. Exception for public art. Except in residential zones, public art that has been individually accepted by the City Council for inclusion within the public art collection pursuant to Article 21 shall not be subject to the height limitations within the underlying zone.

RoofE. Exceptions for rooftop appurtenances. Unless otherwise noted, rooftop appurtenances for the housing of elevators, stairways, tanks, fans, or other building operating equipment not intended for human occupancy, deck railings or guards, skylights, steeples, flag poles, chimneys, smokestacks, radio or television masts, water tanks, or silos may be erected above the height limitations herein prescribed.

TelecommunicationF. Exception for telecommunication towers. Where permitted, ground-mounted telecommunication towers may be erected above the height limitations within the underlying zone.

— ~~Length of building wall at maximum setback~~
G. Exception for accessory structures integral to principal uses in the I-L, I-Lb, I-M, I-Mb, and I-H zones. Where an accessory structure is integral to the operation of a principal use in the I-L, I-Lb, I-M, I-Mb, or I-H zone, such structure shall not be subject to the height maximums for the zone. Such accessory

structures may include smokestacks, chimneys, cooling towers, water towers, and similar features.

7.7.2 Minimum building length as a percentage of street frontage

A. Additions to existing buildings

1. In the B-2b, additions to buildings existing as of <<effective date>> that do not cumulatively exceed 50% of the building footprint as of <<effective date>> are not required to meet minimum building length standards. However, any such additions shall increase conformity with the standards to the extent practicable.
2. In the B-3, B-5, B-6, TOD-1, and TOD-2 zones, additions to buildings existing as of <<effective date>> that do not cumulatively exceed 25% of the building footprint as of <<effective date>> are not required to meet minimum building length standards. However, any such additions shall increase conformity with the standards to the extent practicable.

B. In the B-6 zone. Buildings located in the area east of the Fore Street Connector shall not be subject to the building wall requirement.

In the B-7 zone. Additions to and relocations of designated historic structures or structures determined to be eligible under Article 17 shall be exempt from the minimum building wall length requirement.

C. Lots with multiple street frontages. Where a minimum building length as a percentage of street frontage applies to a lot with multiple

street frontages, the street with the highest traffic volume shall meet the established standard. In the case of a lot with two street frontages, the second frontage shall meet a reduced standard of 40%. If there are more than two frontages, there is no minimum requirement for any frontage beyond the two with the highest traffic volumes.

7.7.3 Lot area

~~Institutional uses in residential zones. No~~ **A. Small**

island lots. To address residentially zoned areas on Peaks Island that were developed as small lots, the following standards shall apply. These standards apply only to lots in the IR-2 zone on Peaks Island.

1. Existing lots in the IR-2 zone that do not meet the 20,000 square foot minimum lot area standard and are in residential use as of <<effective date>> shall be required deemed to be small island lots, subject to modified lot area, setback, and lot coverage requirements.
2. Small island lots may be used for institutional uses in single-family and two-family residential zones in the following cases; uses only.

~~Uses existing as of June 1, 1983.~~

~~Expansion on to land abutting the lot on which the principal use is located.~~

~~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;~~

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provided that such reuse is contained within the lot of such structure or parking area as of June 1, 1983.

— Expansion onto land other than the lot on which the principal use is located of no more than 15% of the total contiguous land area of the existing use, or one acre, whichever is less, within any five year period.

3. A single-family or two-family dwelling may be built using the small island lot dimensional requirements in accordance with the following:
 - a. The lot is currently vacant, is used exclusively for parking, or contains structure(s) not used for residential purposes.
 - b. The lot has been created from a single lot division of a developed lot, and results in a lot meeting the small island lot dimensional requirements, with the remaining developed portion meeting the standard dimensional requirements of the IR-2 zone.

B. Residential lots not served by public sewers.

A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S. § 4807 et seq., or the applicable minimum lot area, whichever is larger, except that the minimum lot size may be reduced on the islands in Casco Bay as provided in (C) below.

- **In island zones.** In issuing any permit for new development in island zones:
- The Building or Planning Authority shall require that any lot located in the IR-1 zone shall be at least 40,000 square feet in area

and in the IR-2, IR-3, and I-B zones be at least 20,000 square feet in area when the lot is to be serviced by a subsurface wastewater disposal system, except those lots which are located in a subdivision approved by the Planning Board after June 8, 1968 and excluding Peaks Island.

- Excluding Peaks Island from this paragraph (2), any property owner whose lot does not meet the minimum lot size requirements outlined in (1) above may, for purposes of this subsection only, merge two or more separate lots on the same island in order to meet these requirements. Where the lots so merged are not contiguous, the property owner shall grant to the city as holder a conservation easement upon the lot or lots which will not contain the principal structure. The conservation easement shall contain both an existing legal description and a city assessor's chart, block, and lot description. The Planning Authority shall be authorized to accept such conservation easements on behalf of the city. Said easement shall be recorded by the applicant in the registry of deeds. A copy of the recorded easement and copies of the deeds for both lots shall be submitted to the Planning Authority prior to issuance of a building permit. The property over which the conservation easement has been granted shall be used for passive recreational and conservation purposes only, and shall be subject to the following restrictions:

- No structure shall be permitted on this property.
- No parking or storage of vehicles or machinery shall be permitted on this property at any time.
- No area of this property shall be paved.
- No exterior storage for commercial use shall be permitted on this property.
- The easement deed shall reference the lot which is benefited by this conservation easement. No conservation easement shall be used to benefit more than one lot.
- Conservation easements shall only be granted over lots which conform either to the provisions of Subsection 4.3.1 or to the minimum lot sizes set forth in Table 7-D. Conservation easements shall not be granted over any lot which is encumbered by any other easement which prohibits all construction on that lot. A conservation easement may also name as a holder or grant a third-party right of enforcement to a nonprofit corporation or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic, or open-space values of real property; assuring the availability of real property for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining or enhancing air or water quality of real property. Nothing in this subsection shall be construed to allow an owner of a currently existing and developed lot to convey or permit a portion of that lot to be used to fulfill the requirements of this subsection if such conveyance would render the existing lot nonconforming under the terms of this Land-Use Code. The lot upon which a building is to be constructed shall meet the minimum lot-size requirements of Subsection 4.3.1.
- Where an existing subsurface wastewater disposal system serving an existing structure requires replacement, the replacement system shall meet the applicable state requirements. The land area requirements in paragraph (1) above shall not apply to such a replacement system.
- For purposes of this subsection, the mean high tide mark shall be considered to be the shoreline lot line.
- **Lot coverage**
- **Lot surrounded by streets or alleys.** Where a lot containing ten thousand 10,000 square feet or less is completely surrounded by streets or alleys, the lot coverage may be increased 20%.
- **Setbacks**
- **Setbacks in residential and R-P zones.** In any residential zone and the R-P zone, the width of one side setback may be reduced one foot for every foot that the other side setback is correspondingly increased, but no side setback shall be less than the minimum required for a one-story building.



~~—Setbacks in the O-P zone.~~ The Planning Board may reduce by up to 50% the minimum setback if another yard within the lot is correspondingly increased so that the combined minimum yards on all four sides equal 150 feet. If two or more buildings are located on one lot, only the requirements of the front, rear or side setbacks that adjoin any external property boundary must be met, provided a sufficient fire line is provided.

Projections in

7.7.4 Setbacks

A. Permitted encroachments into required setback areas.

1. Any setback may be occupied by a one-story entrance porch not enclosed, with or without a roof, if the area of the porch does not exceed 50 square feet nor the projection from the building exceed six feet. A basement bulkhead of similar size, but not more than 24 inches in height, is also permitted. A cornice eave, sill, canopy, chimney, bay window, balcony, or other similar architectural feature may ~~project~~ encroach into any required setback a distance of not more than two feet.

~~—Pavement setbacks.~~ Pavement setbacks shall not apply to entrance drives.

~~—Corner lot setbacks.~~ In case a principal residential structure has its front yard upon the long side of a corner lot, the rear setback may be reduced to a depth not less than the required side setback on the lot, provided that the aggregate of the widths of both sides and depths of front and rear yards is not less than the similar aggregate of required dimensions of

all setbacks if the front yard were faced on the short side of the lot.

~~—~~ **Maximum front setbacks**

~~Maximum front setbacks~~ 2. ~~Ground-mounted and building-mounted mechanical equipment may encroach into a required side or rear setback. This includes mechanical equipment related to the operation of the structure, such as heating, ventilation, and air conditioning (HVAC) equipment, personal electrical generators, and swimming pool pumps and filters. This allowance does not include window-mounted or through-the-wall air conditioning units.~~

B. Build-to zone exceptions

1. Limited access roads are not considered street frontages for the purposes of build-to zone requirements, and are exempt from build-to zone standards.
2. Build-to zone requirements shall not apply to utility substations, alternative energy installations, and secondary building components such as truck loading docks, mechanical equipment enclosures, and refrigeration units.

~~—In the B-1/B-1b zone.~~ Building additions are encouraged but not required to meet front setbacks.

~~—In the B-2/B-2b/B-2c zones~~

- a. Building additions do not have to meet maximum front setback requirements.

3. The Planning Board or Planning Authority may approve a different front setback or build-to zone for irregularly shaped lots ~~or~~

lots with frontage greater than 40 feet in width provided the front setback or build-to zone is met to the maximum extent practicable.

- b. If a lot has less than 40 feet of frontage and is more than 100 feet deep, then no maximum setback is required.
- c. If existing structures are within 20 feet of the street or meet the front setback maximum and the remainder of the lot has less than 40 feet of frontage, then no maximum setback is required.
- d. The Planning Board or Planning Authority may waive the maximum front setback for utility substations and alternative energy installations.

Where setbacks exceed 10 feet. In the mixed-use and transit-oriented development zones, where buildings are set back more than 10 feet from a lot line abutting a street, or in the B-4 zone where buildings are set back more than 20 feet from a lot line abutting a street, a continuous, attractive, and pedestrian-scaled edge treatment shall be constructed along the street, consisting of street trees spaced at no more than 15 feet on center, approved by the City arborist, and a combination of landscaping no less than four feet deep, ornamental brick or stone walls, or ornamental fencing.

4. In the B-3/B-3b/B-3c zones. The zone, the Planning Board may require or approve an additional setback alternative build-to zone to comply with the design standards of Article 14 and the City of Portland Design Manual.

In the B-6 zone. For lots fronting on more than one street in the B-6 zone, the front setback can be increased more than 10 feet if all of the following conditions are met:

- The increased setback occurs at the intersection of the streets.
- The increased setback area is the primary pedestrian entrance to the building.
- 75% of the total building wall length facing the abutting streets shall be setback no greater than 10 feet. All building wall segments which make up the increased setback shall be included in the calculation of the total building wall length.
- For new construction on a lot abutting three or more streets, the maximum setback shall 5. Where build-to zone requirements apply only to a lot with multiple street frontages, the two streets with the highest traffic volume:

In the B-7 zone

- Parking structures, public transportation facilities, utility substations, secondary building components such as truck loading docks, mechanical equipment

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enclosures, and refrigeration units are not subject to the maximum front setbacks.

~~The maximum front setback may be increased to more than 10 feet if all of the following conditions are met:~~

- ~~i. 75% of the total building wall length of an individual building facing the abutting streets is setback no greater than 10 feet.~~
- ~~ii. The increased setback area shall include a functional and accessible public pedestrian entrance into the building that faces the street, unless a public pedestrian entrance already exists along the same street.~~
- ~~iii. The increased setback shall not be used for surface parking.~~

~~For a corner lot having frontage on two streets, the maximum setback shall apply to both streets. shall meet the established standard. In the case of a lot having frontage on with two or more street corners, newly constructed frontages and a corner, buildings shall be sited at the street corners corner and both frontages shall meet the maximum setback requirement prior required build-to other freestanding zone. In the case of a lot with three or more street frontages encompassing two or more corners, buildings being constructed on the lot which shall also meet the maximum street setback. In the case of a corner lot having frontage on a~~

~~third street (but not a corner) the maximum setback need not apply to the third street.~~

~~In the case of a lot having frontage on shall be cited at the corners, and the two streets but not on a corner, the maximum setback shall apply to all streets but in the case of a lot having frontage on three streets but not on a corner, the maximum setback shall apply to only two streets. For purposes of this subsection only, the first building on a lot with the highest traffic volume shall meet the maximum setback on at least one street with future buildings required to meet the maximum setback on the remaining street(s) established standard. Build-to zone requirements shall not apply to any frontage beyond the two with the highest traffic volumes.~~

~~In the case of a lot in which a minimum 75% of the total lot frontage has a building within ten feet of the street, other buildings may be located on the lot more than 10 feet from the street. In the case of a lot having frontage on Marginal Way and I-295, the property edge along I-295 shall not be considered street frontage.~~

~~The maximum building setback 6. In the B-6 zone, build-to zone requirements do not apply to parking garages and public transportation facilities. Notwithstanding required setbacks, new structures located in the blocks located south of Fore Street and north of Commercial Street and its extension shall build to the key building envelopes shown on the City of Portland~~

Height Map. Buildings located in the area east of the Fore Street Connector shall not have a maximum front setback and shall not be required to build to the key building envelope perimeter. Parking structures and the buildings for public transportation facilities may, however, be set back beyond the key building envelopes (toward the interior of blocks), but may not occupy the land between the key building envelope and the street right-of-way.

7. Build-to zone requirements shall not apply to additions to existing buildings as follows:

- **a.** Build-to zone requirements shall not apply to vertical building expansions in the following cases:
 - The upper floors of a building in which the lower floors meet the maximum setback and the additions to existing buildings to meet minimum height requirement.
 - i. The building existed as of March 9, 2005 and meets the minimum height requirement.
 - ii. A building not meeting the maximum street setback and the minimum height requirement may vertically expand a total of one floor from March 9, 2005.
 - iii. **b.** In the case of a building in which at least 50% of the building wall(s) abutting street(s) is within 20 feet of the street.
 - iv. Additions B-1, B-2, and B-2b zones, build to parking garages existing as of March 9, 2005.

Additions zone requirements shall not apply to additions to buildings existing as of March 9, 2005 <<effective date>> that are nonconforming as to the maximum setback need do not conform to the maximum street setback provided the cumulative cumulatively exceed 50% of the building footprint since March 9, 2005 does not exceed 50% of the existing building footprint. Such restriction shall not apply to those portions of the building addition that are constructed closer to the street line than the building footprint existing as of March 9, 2005 and to vertical expansions as provided for in (f) above. as of <<effective date>>. However, any such additions shall increase conformity with the standards to the extent practicable.

- Lots having frontage on streets in which the curve of the street frontage precludes a rectangular shaped building along the street line, for purposes of calculating the setback, the average setback of the building from the street line may be used, but in no event shall the average setback along the length of the building edge exceed an average setback of 15 feet nor shall the maximum setback exceed 20 feet. The increased setback shall not be used for surface parking, vehicular loading or vehicular circulation.



— Additions to and relocations of designated historic structures or structures determined to be eligible by the Historic Preservation Board shall be exempt from the maximum setback requirement.

- c. In the B-4, B-5, B-6, TOD-1, and TOD-2 zones, build to zone requirements shall not apply to additions to buildings existing as of <<effective date>> that do not cumulatively exceed 25% of the building footprint as of <<effective date>>. However, any such additions shall increase conformity with the standards to the extent practicable.

C. Minimum setback exceptions for lots of record

- 1. In the case of a lot of record existing as of June 5, 1957 in the ~~RRN-1, RRN-2, RRN-3, RRN-4, R-5, R-5a, and R-6~~ RN-5 zones and less than 100 feet deep, the front setback need not be deeper than 20% of the depth of the lot.
- 2. In the case of a lot of record existing as of June 5, 1957 in a residential zone, the required side setback for principal structures may be reduced in order to provide a buildable width of up to 24 feet; ~~but in no case shall the resulting side yards as follows:~~
 - a. ~~RN-1: No side setback shall be reduced to less than 10 feet.~~
 - b. ~~RN-2, RN-3: No side setback shall be reduced to less than 5 feet.~~
 - c. ~~RN-4: One side setback may be reduced to 0 feet, provided the~~

~~following; other shall be reduced to not less than 5 feet. A permanent maintenance easement a minimum of 5 feet in width shall be provided on the parcel adjacent to the lot line with the 0 feet setback.~~

- ~~— R-1, R-2: 12 ft.~~
- ~~— R-3, R-5: 8 ft.~~
- ~~— R-4, R-5a: 10 ft.~~

7.7.5 Stepbacks

A. Permitted encroachments into required stepbacks.

- 1. A cornice eave, sill, canopy, chimney, bay window, balcony, or other similar architectural feature may project into any required stepback a distance of not more than two feet.
- ~~2. Building mounted mechanical equipment may encroach into a required stepback by no more than 50% of the width of such required stepback. This includes mechanical equipment related to the operation of the structure, such as heating, ventilation, and air conditioning (HVAC) equipment.~~

7.7.6 Street frontage

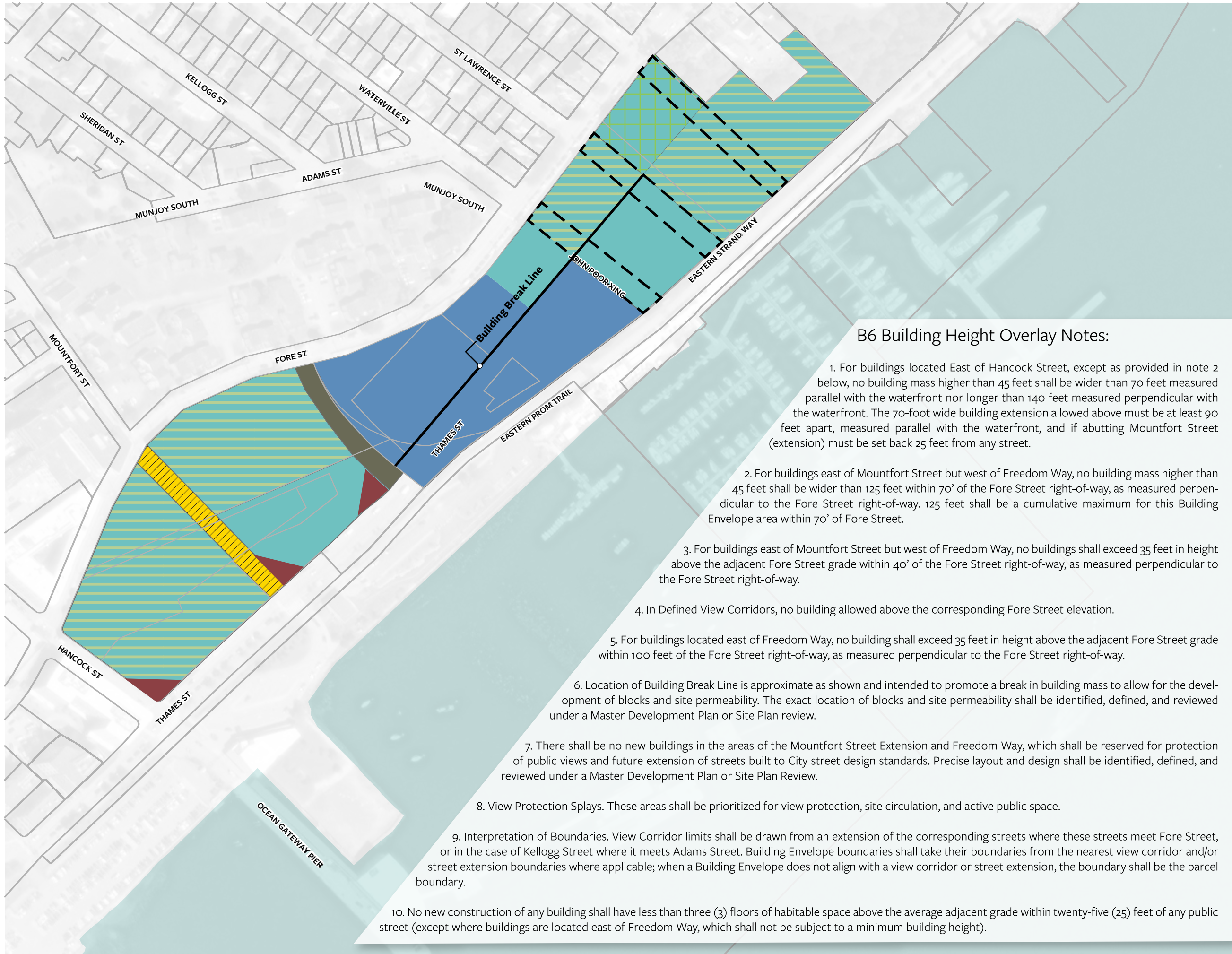
In the IR-1 and IR-2 zones, a lot of record that is buildable pursuant to Subsection 4.3.1 and lots created after July 15, 1985, which are not part of a subdivision need not provide street frontage if access is available by means of a permanent easement or right-of-way which existed as of July 15, 1985. Such easement or right-of-way shall have a









minimum width of 16 feet and a minimum travel width of eight feet except that an easement or right-of-way providing access for three or more lots or providing the only means of access to a parcel or parcels of three acres or more, shall meet the construction requirements of Chapter 25, Article III of the City of Portland Code of Ordinances. In the IR-1 zone, such easement or right-of-way shall conform to the requirements contained within the City of Portland Technical Manual. In the IR-2 zone, such easement or right-of-way shall be a minimum of 32 feet wide. Such easement or right-of-way shall be sufficient to permit municipal service delivery.

7.7.7 Additions to and/or relocations of designated historic structures

Additions to and/or relocations of designated historic structures or structures determined by the Historic Preservation Board to be eligible for such determination shall not be required to meet minimum building height, or minimum building length standards.

Portland, ME B-6 Building Height Overlay & Building Envelopes Map



-  35 ft max
-  45 ft max
-  45 ft max with 55 ft extensions
-  45 ft max with 65 ft extensions
-  Monfort Street Extension
-  View Corridor
-  Freedom Way
-  View Protection Splays

B6 Building Height Overlay Notes:

1. For buildings located East of Hancock Street, except as provided in note 2 below, no building mass higher than 45 feet shall be wider than 70 feet measured parallel with the waterfront nor longer than 140 feet measured perpendicular with the waterfront. The 70-foot wide building extension allowed above must be at least 90 feet apart, measured parallel with the waterfront, and if abutting Mountfort Street (extension) must be set back 25 feet from any street.
2. For buildings east of Mountfort Street but west of Freedom Way, no building mass higher than 45 feet shall be wider than 125 feet within 70' of the Fore Street right-of-way, as measured perpendicular to the Fore Street right-of-way. 125 feet shall be a cumulative maximum for this Building Envelope area within 70' of Fore Street.
3. For buildings east of Mountfort Street but west of Freedom Way, no buildings shall exceed 35 feet in height above the adjacent Fore Street grade within 40' of the Fore Street right-of-way, as measured perpendicular to the Fore Street right-of-way.
4. In Defined View Corridors, no building allowed above the corresponding Fore Street elevation.
5. For buildings located east of Freedom Way, no building shall exceed 35 feet in height above the adjacent Fore Street grade within 100 feet of the Fore Street right-of-way, as measured perpendicular to the Fore Street right-of-way.
6. Location of Building Break Line is approximate as shown and intended to promote a break in building mass to allow for the development of blocks and site permeability. The exact location of blocks and site permeability shall be identified, defined, and reviewed under a Master Development Plan or Site Plan review.
7. There shall be no new buildings in the areas of the Mountfort Street Extension and Freedom Way, which shall be reserved for protection of public views and future extension of streets built to City street design standards. Precise layout and design shall be identified, defined, and reviewed under a Master Development Plan or Site Plan Review.
8. View Protection Splays. These areas shall be prioritized for view protection, site circulation, and active public space.
9. Interpretation of Boundaries. View Corridor limits shall be drawn from an extension of the corresponding streets where these streets meet Fore Street, or in the case of Kellogg Street where it meets Adams Street. Building Envelope boundaries shall take their boundaries from the nearest view corridor and/or street extension boundaries where applicable; when a Building Envelope does not align with a view corridor or street extension, the boundary shall be the parcel boundary.
10. No new construction of any building shall have less than three (3) floors of habitable space above the average adjacent grade within twenty-five (25) feet of any public street (except where buildings are located east of Freedom Way, which shall not be subject to a minimum building height).

DRAFT

