

Order 31-17/18

Bifurcated to consider §14-488(d) separately: 5-4 (Ali, Thibodeau, Batson, Strimling) on 9/6/2017

Amended to add Planning Board Design Manual design standards requirement in §14-488(d)(6): 9-0 on 9/6/2017

Passage of §14-488(d) as amended: 8-1 (Costa) on 9/6/2017

Passage of the Order except for §14-488(d): 9-0 on 9/6/2017

Effective 10/6/2017

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE  
CHAPTER 14  
Re: AFFORDABLE HOUSING**

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

*That Chapter 14, Sections 14-488 is hereby amended as follows:*

**Sec. 14-488. Density, parking ~~and~~, dimensional bonuses and reductions, and public process.**

Notwithstanding any other provision of this chapter to the contrary, in order to encourage low income and workforce units in designated growth areas, eligible projects may avail themselves of the following options.

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

<del>Percentage of new units that are low-income or workforce units</del>	<del>Percentage increase in maximum number of units allowed</del>
<del>5% up to but not including 10%</del>	<del>5% increase</del>
<del>10% up to but not including 15%</del>	<del>10% increase</del>
<del>15% up to but not including 20%</del>	<del>15% increase</del>
<del>20% up to but not including</del>	<del>20% increase</del>

<del>25%</del>	
<del>25% or more</del>	<del>25% increase</del>
<del>Projects Under Section 14-487</del>	<del>25% increase</del>

Eligible projects in all B-1, B-1b, B-2, B-2b, B-2c, B-3, B-3b, B-3c, B-5, R-7, and R-P Zones

<u>Percentage Low Income Units for Sale/Rent</u>	<u>Percentage Workforce Units for Sale/Rent</u>	<u>Density Permitted*</u>	<u>Additional Height Permitted***</u>	<u>Setback Reductions**</u>
10%	20%	1.1 x base	N/A	N/A
20%	40%	1.2 x base	10 feet	N/A
30%	60%	1.3 x base	10 feet	5'
50%	100%	2.0 x base	15 feet	5'
75%	N/A	2.5 x base	25 feet	10'

\*: "Base" is the number of units allowed under the zoning without this bonus but with any other bonuses applied. In R-P zones, multifamily is permit with a "base" no less than 1 unit per 1,500 sf. of land area. If an eligible project is providing both workforce and affordable housing units, the applicant shall have the option of utilizing applicable incentives, but not cumulatively.

\*\* : Setback reductions are absolute reductions in front, side and/or rear yard setback requirements. The maximum setback reductions in the B-1, B-1b and R-P zones shall be 5 feet.

\*\*\* The maximum additional height permitted in the B-1 zones and the R-P zone shall be 15 feet. In addition, the maximum structure height is 50 feet within 750 feet of the Portland Observatory.

(b) Off-street parking. Off-street parking is required as provided in Division 20 (off-street parking) of this article.

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

- ~~1. That is located in a B-2 or B-2b community business zone;~~
- ~~2. That contains five (5) or more dwelling units; and~~

- ~~3. Of which 20% or more of new dwelling units created are affordable units for rent or sale, is an additional ten feet above the maximum structure height that would otherwise apply to the building pursuant to this chapter.~~

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

1. (d) *Planned Residential Unit Developments (PRUDs)*. In order to promote orderly development of low- and moderate-income development as PRUDs, any project in which more than 50% of the units are low-income or workforce units for rent or for sale may utilize the following dimensional bonuses and changes:

1. Minimum lot area per dwelling unit is reduced by 50%;
2. Maximum number of units and maximum length of buildings do not apply but may be set through site plan review;
3. Minimum building setbacks may be reduced to 10'
4. The PRUD may cross public rights of way provided that the right of way does not count towards minimum lot size nor towards any open space requirements;
- ~~4. Minimum Recreation Open Space Area is reduced to 200 sf per dwelling unit of common area designated for recreational purposes by the residents. Minimum contiguous size and setbacks do not apply and shall be set through site plan review; and~~
5. The Planning Board's Design Manual, design standards and guidelines with respect to PRUDs shall apply in full to PRUDs utilizing this section.<sup>1</sup>.

1. (e) *Unit Size and Term of Affordability*. In order to be eligible for this section, the low income and workforce housing units must:

1. Meet Section 14-487 Ensuring Workforce Housing, subsection (e) Standards 1,2 and 3; and
2. Be affordable for the longest term permitted under federal, state and local laws.

(f) *Required Public Process*. The developer of the

project must also commit to a good faith effort to communicate openly with affected properties as their process moves forward. At a minimum, no less than 30 days prior to application for site plan review, any project that wishes to take advantage of this section must (1) hold a public meeting noticed to all properties within 500 feet of their site and (2) post a sign on the property in question describing the proposed project; intent to submit an application to the city in 30 days (cite anticipated submission date), and contact information for the developer and the Planning Authority (Department of Planning and Urban Development website link). The Planning Board may adopt regulations regarding the content and processes for noticing as part of the Technical Manual.

(g) *Projects under 14-487.* Projects that are subject to 14-487 that choose to provide the required workforce housing units on site are eligible for a 25% increase in total permitted units. If an eligible project is also subject to 14-487, the applicant shall have the option of utilizing either this bonus or any bonuses they are eligible for under 14-488.1 but not both.