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CITY OF PORTLAND
IN THE CITY COUNCIL

AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14. LAND USE
ARTICLE III. Zoning,
DIVISION 12.6. Urban Commercial Mixed Use Zone,
Section 14-230.4

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

***1.** That Chapter 14, Article III, Division 12.6. Urban Commercial Mixed Use Zone, Section 14-230.4 of the Portland City Code is hereby amended to read as follows:*

Sec. 14-230.4. Dimensional requirements.

In addition to the provisions of article III, division 25 of this Code, lots in the B-5 and B-5b urban commercial mixed use zones shall meet the following requirements:

...

  (e)   *Maximum residential density: Sixty (60) dwelling units per acre.*

  (f)   *Maximum building height:* Sixty-five (65) feet; except as follows:

  1.   for For parcels of land I nteh in the B-5b located along West Commercial Street south of Danforth Street, maximum building heights shall be as follows:

        West of the projection of the centerline of the Fletcher Street right-of-way, the maximum building height shall be forty-five (45) feet; and, east of the projection of the centerline of the Fletcher Street right-of-way and west of the projection of the centerline of the Emery Street right-of-way, the maximum building height shall be fifty-five (55) feet.

————For purposes of this section, a projection of the centerline of a street is defined by extending the centerline of the referenced street right of way along its most southerly block to the centerline of West Commercial Street.

————Furthermore, notwithstanding the exception of roof top structures from building height regulations in Section 14-430(a), no rooftop structure located between the projections of the centerlines of Emery Street and Fletcher Street, as described above, shall exceed a height of sixty-two (62) feet as measured from the average grade of the building at its foundation.

2.   For parcels of land located on Thompson's Point and also subject to an approved Master Plan Development: one hundred twenty (120) feet. Thompson's Point is defined as the contiguous parcels of upland occupying the peninsula bounded on the east by Route 295, on the north by the Mountain Division Rail Right of way, and on the south and west by the Fore River and its associated wetlands. Nearby lands that are accessed from Hobart and Osgood Streets are, for the purposes of this provision, not considered part of Thompson's Point.

(ef) *Minimum building height:*

1.   In the B-5 zoning district between Forest Avenue and Franklin Street, within thirty-five (35) feet of any public street, no new construction of any building shall have less than three (3) floors of occupiable or habitable space above the average adjacent grade. This provision shall not apply to:

a.   Accessory building components such as truck loading docks, mechanical equipment enclosures, refrigeration units;

b.   Information kiosks and ticketing booths;

c.   Parking garages;

d.   Public transportation facilities;

e.   Additions to buildings existing as of March 9, 2005 provided that the cumulative additions since March 9, 2005 does not exceed 25% of the building footprint on March 9, 2005 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 March 9, 2005;

f.   Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic enclosures and other similar structures; and

g.   Additions to and relocations of designated historic structures or structures determined by the Historic Preservation Committee to be eligible for such designation.