

Order 171-05/06

Given first reading on 2/22/06

Referred to Housing Committee on 3/6/06

Public Hearing & Passage: 3/20/06 7-2 (Geraghty, Duson)

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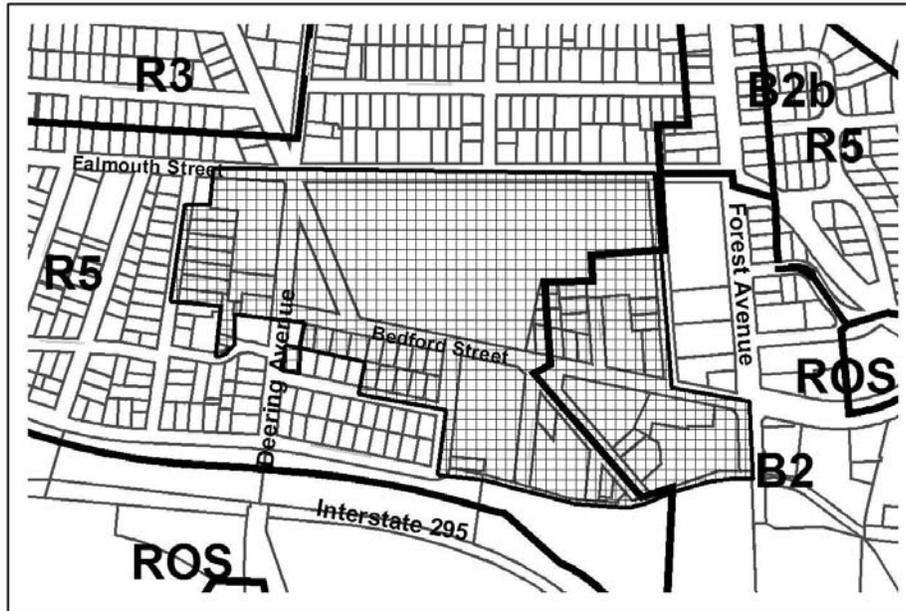
**CITY OF PORTLAND
IN THE CITY COUNCIL**

WILLIAM R. GORHAM (1)
KAREN A. GERAGHTY (2)
DONNA J. CARR (3)
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**AMENDMENT TO ZONING MAP
AND ZONING TEXT
RE: MAP CHANGE FROM
R-5 AND B-2 TO USM OVERLAY:
VICINITY OF FALMOUTH STREET,
FOREST AVENUE AND BRIGHTON AVENUE
AND
TEXT CHANGE TO ADD USM OVERLAY ZONE**

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

That the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49, be and hereby is amended by adopting the following map change amendments.



City of Portland
 Proposed Zoning Map Change
 from B2 and R5 to USM Overlay Zone
 Prepared by the Portland Planning Division using GIS Workgroup Data



BE IT FURTHER ORDAINED,

1. That Chapter 14 (Land Use), Art. III (Zoning), Division 8.1 (USM OVERLAY ZONE), Section 14-152 through 152.9 be added to read as follows:

[DIVISION 8.1 §152. USM, UNIVERSITY OF SOUTHERN MAINE OVERLAY ZONE](#)

[14-152. Purpose.](#)

[The intention of this division is to establish an overlay zone in which an existing university campus can be continued and reasonably expanded within defined boundaries, in addition to those uses permitted in the underlying zone or zones. The purpose of this division is to recognize the unique qualities of a university campus while at the same time protecting the value and integrity of established neighborhoods.](#)

[14-152.1. Location and applicability of University of Southern Maine Overlay Zone.](#)

[The University of Southern Maine Overlay District, as shown on the Zoning Map, is intended to encompass and define the University of Southern Maine campus westerly of Forest Avenue. Properties in the University of Southern Maine Overlay Zone shall continue to be governed by the regulations applicable to the underlying zoning districts except as specifically modified by this division.](#)

14-152.2. Permitted uses.

In addition to the permitted uses allowed in the underlying zoning districts and notwithstanding anything to the contrary in the use regulations for the underlying zoning districts, the following uses are permitted uses in the University of Southern Maine Overlay Zone:

University uses including, but not limited to, the following:

1. Classrooms
2. Laboratory facilities
3. Research facilities
4. Student unions
5. Dining halls
6. Bookstores
7. Auditoriums
8. Concert halls
9. Lecture halls
10. Gymnasiums
11. Libraries
12. Outdoor use areas, such as “quads,” greens, parks, gardens, art installations, and other active and passive noncommercial recreation spaces
13. Faculty housing
14. Student housing
15. Parking lots
16. Parking garages
17. Community meeting spaces
18. Administrative offices
19. Faculty offices
20. Transportation facilities
21. Maintenance facilities
22. Utility buildings
23. Student health services
24. Daycare facilities, nursery schools and kindergartens operated in conjunction with university programs or serving students, faculty

or employees of the university and their families, with associated outside play areas

25. Other buildings, structures and uses customarily incidental to a university

except that, on lots fronting on Chamberlain Avenue and Exeter Street, university uses shall be limited to faculty housing, graduate student housing, faculty offices and administrative offices, and buildings containing such uses shall be designed and maintained so as to complement the residential character of the street as required in §14-152.7.

No change of use permit under section 14-463 shall be required for any of the above uses in actual existence as of the date of enactment of the University of Southern Maine Overlay Zone.

14-152.3. Dimensional requirements.

University buildings and structures shall be subject to the applicable dimensional requirements of the underlying zoning districts, except as follows.

- (a) Minimum yard dimensions shall be the same as in the underlying zone, except as shown on the University Campus Overlay Setback Map, incorporated herein by reference. Side and rear yards shall not be required between buildings on contiguous lots owned by the University on the condition that such contiguous lots shall be considered merged and shall not be separately conveyed unless required yard dimensions in the underlying zones are provided.
- (b) Maximum building height shall be the same as in the underlying zone, except as shown on the University Campus Overlay Height Map, incorporated herein by reference, depicting the following height zones:
- Height zone A, maximum building height 45 feet
 - Height zone B, maximum building height 75 feet
 - Height zone C, maximum building height 85 feet
- (c) Minimum building height. All new freestanding buildings in Height Zone B and Height Zone C must be built to a height of at least 35 feet or designed and constructed so that they can be expanded to 35 feet or higher. As used in this paragraph, the term “new freestanding building” means any building which is not an addition to or expansion of a building which existed on the date of enactment of the University of Southern Maine Overlay Zone.
- (d) Maximum impervious surface ratio shall be 80% 66% of the total land area within the University of Southern Maine Overlay Zone exclusive of public streets.

- (e) Maximum coverage by buildings shall be 40% of the total land area within the University of Southern Maine Overlay Zone exclusive of public streets.

14-152.4. Parking.

The parking requirements of section 14-332 shall not apply to university buildings. Instead, the amount of parking required for any university building or building addition shall be determined by the Planning Board during site plan review, based on an analysis of campus-wide parking demand and supply, pursuant to a comprehensive University Parking Management Plan, and treating all contiguous land (including land on opposite sides of a street) owned by the university as one lot. In determining the amount of parking required for any university building, the Planning Board may take into account such factors as:

- (a) The availability of off-campus parking and shuttle transportation to and from such off-campus facilities.
- (b) The ratio of commuter students to resident students.
- (c) The use of centrally located on-campus parking facilities so situated that students, faculty, staff and visitors arriving on campus can reasonably be expected to park in the central facilities and walk to their various on-campus destinations during the course of a school day.
- (d) Shared use of a single parking facility by two or more buildings when the peak parking demand periods for such buildings do not overlap.
- (e) Development and implementation of a parking management plan which discourages on-street parking. On-street parking shall not be used to satisfy the university's parking demand.
- (f) Development and implementation of programs designed to reduce the number of automobiles parking on campus, such as ride share programs and incentives for use of bicycles and public transportation.

14-152.5. Loading.

The requirements of section 14-351 shall not apply to university buildings. Instead, the amount of loading area required for any university building shall be determined by the Planning Board during site plan review, based on a campus-wide analysis, treating all contiguous lots owned by the university as one lot. In determining the amount of loading space required for any university building, the Planning Board may take into account such factors as:

- (a) The use of centrally located on-campus loading facilities so situated that vehicles making deliveries can load and unload in the central facilities, provided no single location is overburdened with loading facilities.
- (b) Shared use of a single loading facility by two or more buildings.

- (c) Impacts of the loading areas on adjacent uses outside the University of Southern Maine Overlay Zone.

14-152.6. Signage.

Signs shall comply with the requirements of Division 22, except as those regulations are modified or augmented below:

- (a) Signs shall be designed in accordance with signage standards promulgated by the university, providing for a unified, apparent and ADA-compliant campus-wide system for identification, orientation and regulatory signage.
- (b) Banners are allowed as follows:
- (1) Generic banners containing the logo and colors of the university, used for decorative purposes.
 - (2) Banners used for advertising university events, which can be displayed for a maximum of four weeks prior to and one week following the event.

14-152.7. University Overlay Zone Design Principles and Standards.

All minor and major development in the University of Southern Maine Overlay Zone shall conform to the requirements of Chapter 14, Article V (Site Plan Review) and the requirements contained within the Planning and Development Design Manual, which is incorporated therein by reference.

14-152.8. Campus housing.

For any development requiring major site plan review, the University shall submit to the Planning Board a campus housing analysis. The analysis shall include a description of housing demand and supply at the time of the application, a projection of housing demand expected to arise from the proposed development and/or as a result of program changes anticipated to occur concurrently with the proposed development, and a description of how the University intends to meet any increased housing demand through on-campus housing, off-campus housing developed by the University, and/or off-campus housing developed by others.

14-152.9. Required Review for Change of Use, Additions and Renovations.

In the case of properties fronting Chamberlain Avenue, Exeter Street and the northerly side of Bedford Street from Surrenden Street to Deering Avenue, minor site plan review shall be required of (1) all changes of use and (2) all building additions and renovations affecting an area equivalent to 25% or more of the existing floor area of a structure, unless major site plan review is otherwise required under Chapter 14, Article V.

2. That Chapter 14 (Land Use), Art. III (Zoning), Division V (Site Plan), Section 14-526 is hereby amended to read as follows:

Sec. 14-526. Standards.

(a) *Requirements for approval.* The Planning Board or planning authority shall not approve a site plan unless it meets the following criteria:

...

~~(28) Small lot development located in the R-6 zone on lots of ten thousand (10,000) square feet or less shall meet the site plan requirements above and the requirements contained within the Planning and Development Design Manual which is incorporated herein by reference. The Planning Authority shall issue a Design Certificate, prior to Planning Board site plan review, after finding that the standards contained within the Planning and Development Design Manual have been met. Any decision to grant or deny a Design Certificate shall be made in writing stating the findings of the Planning Authority. Any person aggrieved by the Planning Authority's decision to grant or deny a Design Certificate may appeal that decision to the Planning Board by filing a written request for appeal within 30 days of the date of such decision. In the event of such appeal, the Planning Board will conduct a *de novo* review of the project's compliance with the standards contained within this Planning and Development Design Manual. shall provide a high degree of architectural quality and compatibility with the surrounding neighborhood as demonstrated by compliance with the principles and standards of the R6 Infill Development Principles and Standards, promulgated by the Planning Board and contained in the Planning and Development Design Manual.~~

(29) University of Southern Maine Design Standards:

All major and minor development reviewed under the provisions of the University of Southern Maine Overlay Zone shall be designed to create a quality and cohesive campus environment while integrating with and respecting the residential character of surrounding neighborhoods as demonstrated by compliance with the principles and standards of the University of Southern Maine Design Standards, promulgated by the Planning Board, and contained in the Planning and Development Design Manual.

3. That Chapter 14 (Land Use), Art. III (Zoning), Division V (Site Plan), Section 14-526 is hereby amended to read as follows:

Sec. 14-529. Planning and Development Design Standards.

(a) *Adoption and amendment of standards:* The Planning Authority shall ~~develop~~promulgate design standards to be incorporated within the Planning

and Development Design Standards. Such design standards shall become effective only upon approval of the Planning Board following a public hearing. ~~or a~~Any amendments ~~thereto~~ shall become effective only upon approval of the Planning Board following a public hearing ~~before the Planning Board.~~ Such standards shall be additional to and consistent with the provisions of this article and shall be necessary and reasonable and shall be in accord with sound architectural practice. The Planning Authority shall maintain for public inspection current copies of the effective standards.

- (b) *Design Certificate:* The Planning Authority shall issue a design certificate prior to Planning Board site plan review, after finding that the standards contained within the Planning and Development Design Manual have been met. Any decision to grant or deny a Design Certificate shall be made in writing stating the findings of the Planning Authority. Any person aggrieved by the decision of the Planning Authority to grant or deny a Design Certificate may appeal that decision to the Planning Board within 30 days of the date of such decision. In the event of such appeal, the Planning Board will conduct a de novo review of the project's compliance with the standards contained within the Planning And Development Design Manual.