PLANNING BOARD

Thursday, August 17, 2023 at 4:00 PM
Room 24 (Basement Level of City Hall)
and Zoom

MEMBERS
Brandon Mazer, Chair
Justin Barker, Vice Chair
Marpheen Chann
Sean Murphy
David Silk
Austin Smith
Maggie Stanley

The Planning Board will hold a hybrid meeting in Room 24, Basement Level City Hall. The public may attend the meeting in person or Zoom pursuant to the Remote Meeting Policy adopted by the Planning Board. Prior to the meeting, please check the Agenda Center (https://portlandme.portal.civicclerk.com) to view memos and reports which will be posted by the end of the day on the Friday before the Planning Board meeting as well as start times for each item as placement on the agenda can change.

To submit written public comment on an agenda item, email planningboard@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the Planning Board meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the name of the agenda item (see below).

REMOTE PARTICIPATION

Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend either in person or via Zoom, a recording will be available in the Agenda Center following the meeting.

Please click the link below to join the webinar:
You are invited to a Zoom webinar.
When: Aug 17, 2023 04:00 PM Eastern Time (US and Canada)
Topic: Planning Board ReCode Workshop 8/17/2023

Please click the link below to join the webinar:
https://portlandmaine-gov.zoom.us/j/83202952286
Or One tap mobile :
+16469313860,,83202952286# US
+19292056099,,83202952286# US (New York)
Or Telephone:
Dial(for higher quality, dial a number based on your current location):
+1 646 931 3860 US
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
+1 669 900 6833 US (San Jose)
+1 689 278 1000 US
+1 719 359 4580 US
+1 253 205 0468 US
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 360 209 5623 US
+1 386 347 5053 US
+1 507 473 4847 US
+1 564 217 2000 US
+1 669 444 9171 US
Webinar ID: 832 0295 2286
International numbers available: https://portlandmaine-gov.zoom.us/u/kcq02UlKj1

For more information on how to use Zoom, please visit https://www.portlandmaine.gov/remotePUD

AGENDA:

WORKSHOP - 4:30 PM

1. **ROLL CALL AND DECLARATION OF QUORUM**
2. **COMMUNICATION AND REPORTS**
3. **REPORT OF ATTENDANCE AT THE MEETING HELD ON AUGUST 15, 2023**

   Attendance will be added as soon as it is finalized.
4. **REPORTS OF DECISIONS AT THE MEETING HELD ON AUGUST 15, 2023**

   i. Decisions will be added as soon as they are finalized.
5. **NEW BUSINESS**

   i. Recode Portland Zoning Amendments; City of Portland, Applicant. The Planning Board will hold a hybrid workshop to review the first wave of changes to the land use code under ReCode Phase II, including changes to Article 3. Definitions, Article 5. Zones, Article 6. Use Standards, and Article 7. Dimensional Standards. More information on the draft changes can be found at **recodeportland.me**

Planning Board Memorandum
Planning and Urban Development Department

To:	Chair Mazer & Members of the Planning Board
From:	Christine Grimando, Director
	Nell Donaldson, Director of Special Projects
Date:	August 11, 2023
Re:	ReCode Phase II – First Wave Changes to Articles 3, 5, 6, and 7
Meeting Date:	August 17, 2023

I. INTRODUCTION

On August 17, 2023, staff from the Department of Planning & Urban Development and Camiros, the City's ReCode consultant, will hold a workshop with the Planning Board to review the first wave of draft changes to the land use code, specifically changes to articles on Definitions, Zones, Use Standards, and Dimensional Standards. These four articles are core elements of the land use code, and will lay the foundation for future draft changes to other articles of the code. The workshop is meant to give the Planning Board an opportunity to ask questions and provide feedback on the draft changes.

The proposed changes advance longstanding City goals, including goals around housing creation, equity, the local economy, the health of downtown, the environment, and transportation choice. All of the changes recognize that decisions about where more intensive development is encouraged and where it is not have sustainability, health, economic, and fiscal implications for the entire city. Taken together, these amendments:

1. **Create significant new housing opportunities across a variety of contexts:** With these amendments, there would no longer be any mainland residential zones where single-family is the sole permitted residential use. All mainland residential and mixed-use zones would permit at least a two-family dwelling, and many of these zones would permit significantly more, particularly around intersections and along major corridors. At the same time, residential zone dimensional standards have been refined, with an eye toward ensuring that new construction generally matches the existing built pattern. The changes recognize the distinct neighborhoods across the city, and seek to meet Portland's housing and other land use objectives in a way that allows for growth but is sensitive to differing neighborhood contexts.
2. **Reinforce the city's nodes and corridors, including downtown**: While the proposed amendments include changes city-wide, they focus the greatest development potential where existing infrastructure can best support it - at major intersections, along major corridors, and in and around downtown. This puts jobs, people, and transportation resources (including transit) in the same place.
3. **Support complete neighborhoods**: The proposed changes are designed to create opportunities for neighborhood scale business and service uses in and around residential zones. These uses are key to ensuring that all residents can access the things they need within a walkable, bike-able distance.
4. **Reserve key areas of the city for other core functions:** Last, and consistent with longstanding policy objectives, these changes generally reinforce the City's waterfront and industrial zones as

critical economic drivers and preserve open space zones for their essential environmental and recreation functions.

The remainder of this memo provides project background and includes an itemized summary of the proposed amendments to each of the four articles.

II. *PORTLAND's PLAN* & RECODE

In 2017, the City Council adopted *Portland's Plan 2030* (*https://view.publitas.com/city-of-portland/portlands-plan-2030/page/1*), the comprehensive plan for the City of Portland. *Portland's Plan* was developed with the input of thousands of Portland residents, workers, students, and visitors, and includes a series of policy guides related to key topic areas for the city, from transportation to housing, public facilities, historic resources, waterfront, open space, and the economy. One of the first recommendations of *Portland's Plan* was to "create a new unified development code…that incorporates zoning, the historic preservation ordinance, housing policies, and other aspects of the development review process into a more readable and useful document" (p. 90).

In direct response to the *Portland's Plan* recommendation and shortly following the plan's adoption, the City began ReCode Portland (www.recodeportland.me), the first comprehensive rewrite of the land use code in over fifty years. From the outset, the effort was designed to advance in two consecutive phases; Phase I would focus largely on improving the code's structure and functionality, paired with several discreet but substantive changes, and Phase II would focus on the more policy-oriented work of ensuring that the code aligns with the policy goals and guides of *Portland's Plan*. Phase I concluded in November 2020 when the City Council adopted a revised, reorganized and improved land use code. Phase II began almost immediately following Phase I.

III. LAND USE CODE EVALUATION

The first work product of Phase II was a land use code evaluation, an analysis of the existing land use code with respect to the goals from *Portland's Plan*. The code evaluation responded to the six themes of the *Portland's Plan* vision, and included recommendations related to the core elements of the code that are the subject of this workshop: zones, use regulations, and dimensional standards. The evaluation also made structural recommendations to continue the organizational work of Phase I. Altogether, the recommendations within the code evaluation provided the City with a road map of strategies for revising the land use code to bring the City closer to *Portland's Plan*.

Following the release of the land use code evaluation, the City embarked on an effort to gain feedback, using mechanisms ranging from virtual public forums to surveys and questionnaires, meetings with various community groups, and an online document comment portal. In late spring and summer of 2022, staff posted the findings of the code evaluation public engagement on the ReCode website (www.recodeportland.me/code-evaluation). Altogether, the input gleaned through this engagement affirmed many of the recommendations of the code evaluation. Key themes included:

1. Some land use strategies, like **encouraging transit-oriented, mixed-use development along existing transit corridors**, were widely supported as measures that could help the City achieve many goals related to housing, transportation, economic, and climate change.

2. Not surprisingly, a significant amount of feedback focused on the housing recommendations of the code evaluation, with **strong support for adjusting dimensional standards and uses to support greater housing diversity** across residential and mixed-use zones.
3. Participants were also interested in the complete neighborhoods recommendations of the land use code evaluation, **supporting the idea of adding pockets of mixed-use zoning to neighborhoods and expanding neighborhood-scale commercial uses** in residential zones.
4. Participants generally **supported many of the climate change-related strategies** recommended by the code evaluation, including planning for less intensive growth in areas of high flood risk, revising standards to support solar and other green energy installations, and strengthening natural resource protections.
5. Lastly, participants generally indicated interest in **further refining parking standards, supporting emerging uses and industries** through use permissions**, creating and preserving visual and physical access to the waterfront,** and **supporting walkable, pedestrian-scaled urban design**.

The findings of the public engagement directly informed the drafts that are before the Planning Board at this workshop.

IV. FIRST WAVE CHANGES

In late June, the City released the "first wave" of draft changes to the land use code under ReCode Phase II. These changes involve four core articles of the code, Definitions, Zones, Use Standards, and Dimensional Standards, which are fundamentally related and lay the foundation for much of the rest of the code. A brief summary of the draft changes to each of these articles follows.

A. Article 3: Definitions (*Attachment 1*)

1. *New definitions.* Definitions are proposed for all new uses that appear in the draft articles, such as "market gardens," "neighborhood nonresidential reuse," and "specialty food service." Existing, previously undefined terms such as "cultural facility," "post-secondary school," and "recycling center" have also been defined. Other new terms address new dwelling types that have been introduced to the code and refined uses like long-term care facilities and child care facilities.
2. *Updates to existing definitions.* Some existing definitions within Article 3 have been refined for clarity, including terms such as "agriculture," "hotels," "general offices," and "general services."
3. *Elimination of unused definitions.* Definitions for terms which are no longer used in the code were eliminated. These include terms like "handicapped family unit," "intermediate care facility," "neighborhood center," and "planned residential unit development."
4. *Consolidation of definitions from other articles of the land use code.* Definitions from the India Street Form-Based Code, floodplain regulations, and the signs article have been moved to Article 3 in an effort to create a single location for definitions within the code.

B. Article 5: Zones (*Attachment 2*)

1. *Introduction of new zones.* The first wave changes include the introduction of several zones that are new to the code and that support key recommendations from the code evaluation. For instance, the Transit-Oriented Development zones have been drafted into the code to support varying levels of mixed-use development in alignment with investments in transit service.

2. *Reorganization of existing zones.* The first wave changes also include some restructuring across all zone types:

   - *Residential zones.* The mainland residential zones have been reorganized and renamed the "Residential Neighborhood" zones. Purpose statements have been updated to correspond to revisions to use and dimensional standards. In brief:

     - The current R-1 and R-2 zones have been consolidated into the new **RN-1** zone, designed to accommodate single-family and two-family homes on larger lots.
     - The R-3 zone roughly translates to the new **RN-2 zone**, accommodating residential neighborhoods that are characterized predominantly by single-family and two-family homes on mid-sized lots, as well as multi-family dwellings as conversions of existing nonresidential structures.
     - The **RN-3** zone, which represents the current R-4, would permit a mix of single-family, two-family, three-family, and four-family homes on mid-sized lots. It also allows for the development of multi-family dwellings.
     - The **RN-4** zone roughly translates to the current R-5 zone, and has been drafted to allow for a range of dwelling types on mid-sized lots, including single-family through four-family, and multi-family dwellings as conversions of existing nonresidential structures.
     - The **RN-5** zone, which relates to the existing R-6, would allow for a mix of single-family through four-family dwellings on smaller lots, as well as townhouses and multi-family dwellings at higher densities. The zone purpose statement specifies that the RN-5 may be mapped on the peninsula and in select locations located off-peninsula when aligned with major public transportation routes and in proximity to service areas.
     - The **RN-6** zone translates approximately to the current R-5a and R-6a zones, and has been designed to accommodate those existing areas of the City that exhibit a neighborhood environment predominantly consisting of multi-family dwellings at relatively high densities on relatively large lots.
     - Finally, the **RN-7** zone, equating to the existing R-7 zone, would provide for the development of dense residential neighborhoods predominantly consisting of multi-family and townhouse dwellings.

   - *Island zones.* The IR-3 zone, which was predominantly used a tool for Planned Unit Development and is currently co-located with a contract zone, has been eliminated. Purpose statements have been revised to more clearly identify permitted dwelling types and in the case of the I-B, to reinforce the complete neighborhoods concept.

   - *Mixed use zones.* Certain mixed-use zones, particularly the existing sub-zones (such as the B-1b, B-2c, B-3b and B-3c), have been eliminated in favor of simplifying use permissions and dimensional standards, and addressing impacts where needed through new, tailored use standards. The parent zones for each of these remain. (B-3b defaults to B-3, for instance.) The mixed-use zones have also been refined to ensure that each is serving a distinct purpose, and consolidated where purpose statements, use permissions, and dimensional standards align. For instance, the B-7 zone has been consolidated into the B-3 zone within the draft.

- *Office zones.* The office zones have been modernized, with the former Office Park zone being reoriented to address both large-scale office parks as well as smaller scale, nodal areas of office development, and the residential professional zone serving as a blend, or a transition between residential zones and more intensive nonresidential zones.
- *Industrial zones.* The City's industrial zones have been simplified, with the elimination of those zones that were mapped sparsely or not at all, such as the I-Ma and I-Hb.
- *Open space zones.* Lastly, the Open Space zones have been adjusted, with the addition of the Open Space Preservation zone to provide a passive recreation base zoning corollary to the more active Recreation and Open Space zone. The Open Space Preservation zone is designed to take the place of the current Resource Protection zone.

C. Article 6: Use Standards (*Attachment 3*)

1. *Organizational changes.* To improve legibility, almost all of the existing footnotes from the use tables have migrated to the use standards of Section 6.4. Use standards for permitted and conditional uses have also been consolidated into Section 6.4, and a number of the standards from Article 7 that specifically addressed uses were brought into Article 6.
2. *Modifications to residential uses.* The draft changes expand the housing types within the code from the current single-family, two-family, and multi-family designations to include new "middle-density" options (three-family, four-family, and townhouse) that currently exist within the city's housing stock but are not reflected as distinct uses within the existing code. Current residential use categories jump from two-family to multi-family (three dwelling units and upward), with the upper limit, whether that be three or 300 dwelling units, unspecified and instead limited by other dimensional standards. These new categories add a new way to define and articulate mid-density housing types. Permitted uses have also been modified to incrementally increase opportunities for housing within residential zones. For instance, two-family has been added to the RN-1 and RN-2 zones, allowing duplexes to be built by right within these lower density residential zones, and the new middle density housing types are proposed to be permitted where they fit within the existing form and pattern, such as within the RN-3 and RN-4 zones. In this way, the proposed changes broadly expand the types of dwellings that are permitted within the City's residential neighborhood zones but also strike a balance between creating new opportunities for housing throughout the city and acknowledging that not all parts of the city are – or should be – the same.
3. *Modifications to group living uses and alternative development scenarios.* The draft changes streamline the way that the code handles uses like intermediate care facilities, long-term care facilities, and extended care facilities, consolidating these within the new "residential care facility" use. The draft eliminates the "planned residential unit development" in favor of more contemporary approaches to cluster and small format housing.
4. *Introduction of new commercial/service uses.* The revisions include new uses that broaden commercial opportunities throughout Portland. These include new creative uses that weren't previously acknowledged within the code, such as market gardens, retail nurseries or greenhouses, and specialty food services (such as coffee roasters). New uses also include neighborhood nonresidential reuse, a use provision that would allow small-scale services, restaurants, retail, and offices to occupy structures in residential zones that were originally built for non-residential purposes, paving the way for important existing non-conforming businesses to remain, and for the establishment of new small-scale commercial uses within Portland's residential neighborhoods.

5. *Introduction of limits on certain commercial/service uses.* The draft acknowledges that balancing the City's commitments to complete neighborhoods, walkability, and resiliency means some uses may best be limited in terms of where they are allowed. One example of this is the use of drive-throughs, which are currently permitted in some of the City's most mixed-use, walkable zones including the B-2, B-3, B-6, and B-7 zones. Within the draft, the establishment of new drive-throughs would be limited to the B-4 zone, with exceptions for uses in the B-2 zone that currently have drive-throughs.

6. *Reorganization of temporary uses.* The draft changes create a new temporary use permit and add a series of new uses and standards that address things like temporary outdoor sales, temporary storage containers, and farmstands.

7. *Simplified performance standards.* Finally, the drafts simplify the performance standards in Section 6.8 that address impacts like noise, odor, and outdoor storage.

D. Article 7: Dimensional Standards (*Attachment 4*)

1. *Introduction of new approaches.* The draft changes introduce a number of new approaches to rules of measurement within the dimensional standards, among these the use of build-to zones (a minimum and maximum dimension within which the front of a building has to be located), build-to percentages (the amount of a building's frontage that has to be within the build to zone), and both maximum building length (to encourage connectivity and avoid monolithic facades) and minimum building length (to reinforce walkability and a consistent pedestrian environment).

2. *Clarification of dimensional standards.* Additionally, current rules of measurement have been clarified where needed, with illustrations to help readers understand the way that these controls are applied. For instance, rules around measuring average grade and pre-development grade have been clarified and made consistent.

3. *Modifications to minimum lot area standards for residential zones.* Within the dimensional tables for mainland residential zones, minimum required lot sizes for all the residential zones have either been maintained or reduced and simplified. The changes allow at least a two-family dwelling on the same amount of lot area required for a single-family home in all zones. In the RN-3, RN-4, and RN-5 zones, up to a four-family dwelling is allowed on the same amount of lot area required for a single-family home, representing a significant change across these zones. The drafts also adjust minimum lot area requirements for other dwelling types, including townhomes and multi-family dwellings where those are permitted.

4. *Modifications to setbacks for residential zones.* The drafts also simplify setback controls, add new flexibilities, and introduce context-based standards for some setbacks in residential zones. For instance, front setbacks for most of the residential zones are now context-based – allowing for a setback based upon the adjacent front yards plus or minus five feet.

5. *Introduction of alternative development options.* The drafts introduce alternative residential development options that can be used within certain zones. These allow, for instance, cottage court residential developments within the RN-1, RN-2, RN-3, and RN-4 zones, subject to modified dimensional and other development standards.

6. *Modifications to standards for island zones.* Dimensional standards within the island zones have been modified to more closely reflect the character of Portland's islands, and to provide some key new opportunities in certain zones. For instance, the IR-2 zone now provides flexibility for "small

island lots" on Peaks Island, establishing modified dimensional standards for areas of Peaks Island that were originally developed with smaller lots.

7. *Modifications to standards for mixed-use zones.* Dimensional standards for the mixed-use zones have also been updated. Residential density standards for the B-1, B-2 and B-2b zones have been eliminated to encourage residential development in these areas. Build-to zone requirements are now applicable to all mixed-use zones, and setbacks have been adjusted to allow for greater flexibility in situations where these areas do not abut existing residential zones. Heights have also been increased to correspond with the new flexibilities for residential development and to allow for greater opportunity along key corridors and at central nodes, particularly in and around downtown. To correspond with a new approach to height within downtown, the drafts also include a set of "tower standards" that apply to those buildings built as towers – with portions of the building exceeding 125 feet in height.
8. *New standards for TOD zones.* Standards for the TOD zones have been developed to encourage an intensity of development appropriate for key nodes both on and off-peninsula, with minimal setbacks and permission for heights up to 80 feet in the TOD-1, or 125 feet in the TOD-2 zone.
9. *Simplified industrial zone standards.* Standards for the industrial zones have been simplified, and allow greater flexibility for industrial development within these areas of the city. For instance, the current "sliding scale" setback requirements based upon building height have been eliminated, replaced with more straightforward controls that acknowledge the form and functional needs of modern industrial development.
10. *Simplified exceptions.* Lastly, supplemental dimensional standards, as well as exceptions to the standards of Article 7, have been simplified and clarified so that the rules apply more consistently across similar contexts.

V. PUBLIC ENGAGEMENT

In late June, the first wave of draft changes to the land use code was released both in pdf and in online commenting formats on the ReCode website (www.recodeportland.me/first-wave-changes), mirroring the approach used throughout Phase I. In addition, redlines of the text changes were also published as pdfs. The release was broadly publicized through the ReCode email list, the City's mailing lists, press releases, and social media. In the period since the initial release, video content has also been produced to describe the first wave of changes, in an effort to provide alternative means of engaging with the draft material. These videos have been widely promoted as well.

A. Comments to date

Since the release of the first wave of ReCode changes, the City has received over 100 individual comments from 38 commenters via email and form submissions and the document commenting platform on the ReCode website. Individual email and form submission comments (including those dating back to the start of ReCode Phase II) have been included as *Attachment 5*. All comments received since the release of the first wave changes, including those via the document comment platform, have been summarized in *Attachment 6*. Themes from the comments to date include the following:

1. *The changes should do more to promote housing in lower-density residential zones.* A number of comments express a desire to see more opportunities for housing across the board, and raise

questions about additional housing opportunities within the lower-density residential zones (e.g. the RN-1 and RN-2).

2. *The changes should do more to address concerns regarding the preservation of existing housing stock and context sensitivity.* Several comments also highlight concerns about the potential for significant change within residential neighborhoods under the ReCode drafts, including the conversion of existing residential structures to higher density dwelling types, loss of existing housing stock, and escalating housing costs.
3. *The changes should do more to promote small scale neighborhood commercial.* Many comments encourage more flexibility around neighborhood-scale commercial within residential areas.
4. *The changes should go further to address climate resilience.* Several comments suggest that climate resilience should appear more explicitly within uses and zone purpose statements. (It should be noted that in addition to the sustainability considerations of encouraging density and walkability in strategic areas that are embedded in the first wave release, later ReCode releases will include both updated shoreland zoning and a suite of climate resilience tools.)
5. *The changes should better accommodate building on narrow streets.* Several comments focus on Section 6.4.1, a provision within the existing code that relates to minimum street width standards, asking for further flexibility and clarity around this provision.
6. *More clarity is needed around certain dimensional standards and in some zones more flexibility is needed as well.* Several comments raise questions about the interpretation of dimensional standards and suggest minor revisions to these standards, particularly within the residential context.
7. *The importance of associated map changes.* Lastly, many commenters have asked about accompanying map changes. It should be noted that at this time, there are no draft map changes, as the process has been designed to focus first on the content of the zones. Map changes will follow in later stages of the Phase II process.

B. Additional public engagement to come

It should be noted that this Planning Board workshop will follow directly on the heels of three open houses to engage members of the public in learning about and commenting on the draft changes. These open houses will be held on August 16 and 17 at three locations – Portland Public Library's Rines Auditorium downtown, Lyseth Elementary School in North Deering, and the Peaks Island Community Center on Peaks Island – in an effort to promote broad participation. Open houses will be structured as drop-in events.

A virtual event is also being planned for September, to provide an opportunity for participation outside of summer schedules. This event will be publicized using the same mechanisms that have been used for promoting the first wave changes and the open houses to discuss them.

VI. NEXT STEPS

As noted above, public engagement around the first wave changes will continue into the early fall, with a virtual event and continued opportunities for feedback through the document commenting platform on the ReCode website or by email, form submission, or phone. Following the conclusion of these events, feedback will be summarized and incorporated into revised drafts of this first wave of articles. Simultaneously, drafting of other articles will continue, with rounds of public engagement related to these articles to follow.

ATTACHMENTS

1. Draft Article 3: Definitions
2. Draft Article 5: Zones
3. Draft Article 6: Use Standards
4. Draft Article 7: Dimensional Standards
5. Public comment received by email & form submission
6. Summary of comments on first wave of draft articles to date

3 DEFINITIONS

Accessory dwelling unit. A dwelling unit subordinate in size to the principal residential structure(s) on a lot and located either within the principal residential structure(s) or in an accessory structure.

Adult business establishment. Any business, including but not limited to any bookstore, newsstand, novelty store, nightclub, bar, cabaret, amusement arcade, or theater, which:

A. Keeps for public patronage or permits or allows the operation of any adult amusement device as defined in Chapter 4 of the City of Portland Code of Ordinances; or

B. Customarily, meaning more often than an average of one calendar week during any calendar month of operation, exhibits motion pictures or displays any other visual representation described or advertised as being "X rated" or "for adults only," or which customarily excludes persons from any portion of the premises by reason of immaturity of age by the use of such, or similar, phrases; or

C. Is adjudged to be in violation of 17 M.R.S. §§ 2911, 2912.

Affordable housing. Housing for which the percentage of income a household is charged in rent and other housing expenses or must pay in monthly mortgage payments (including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes), does not exceed 30% of a household's income, or other amount established in City regulations that does not vary significantly from this amount.

After-hours entertainment license. Any of the music, dancing, and special entertainment licenses required or authorized by Chapter 4, Article III of the City of Portland Code of Ordinances.

Agriculture. Land and associated structures used for the growing of crops and raising of domesticated animals to provide food and other products for sale, personal consumption, donation, and/or educational purposes. Agriculture includes single-family dwellings and any additional dwellings that are accessory to the principal use of agriculture. Agriculture also includes farmstands used to sell crops grown on the premises.

Airport. Land, water, or any human-made object or facility located thereon, which is used or intended to be used for landing and takeoff of aircraft, and any appurtenant areas that are used or intended to be used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. Airports may include airport administration, terminals, carrier operations, concessions, reservations and ticket sales, freight, repair and storage, fueling services, flying schools, car rental operations, and other associated uses.

Airport restricted access areas. Runways, taxiways, and other areas of an airport accessible to aircraft, whether access is restricted by the Federal Aviation Administration or not.

Alley. Any way designed primarily for vehicular and pedestrian or utility access to the back or side of premises otherwise abutting on a street, except driveways unless officially designated otherwise.

Animal-related services. Establishments principally for the training or boarding of animals. Such uses shall not include veterinary services.

Approval. An affirmative decision on an application, including an approval with conditions.

Appurtenance. A device or structure not designed for human occupancy and attached to the exterior of a building.

Area of special flood hazard. The land in the flood plain having a 1% or greater chance of flooding in any given year as specifically identified in the most recently adopted FEMA Flood Insurance Study for the City of Portland.

Auto service station. A business selling fuel for vehicles and propane, or providing services specific to charging electric vehicles, or providing motor vehicle repairs including, but not limited to, tune-ups, engine repair, brake work, muffler replacement, tire repair, or similar activities. Such businesses may also include car-washes and/or vacuums.

Bar. Any establishment required to be licensed to sell alcoholic beverages for on-premises consumption, which is not regularly used for the purpose of providing full-course meals, as defined in Title 28-A of the Maine Revised Statutes, on the premises.

Base flood. The flood having a 1% chance of being hereof or exceeded in any given year (i.e., a 100-year storm).

Bed and breakfast. A detached dwelling that contains no more than nine guest rooms; is used to provide or offer overnight accommodation for transient guests; has an owner, manager, or operator living in the building as a permanent resident; does not provide cooking facilities in any of the guest rooms; and does not provide meals other than breakfast, which shall be offered only to overnight guests.

Beverage container redemption center. A facility established with the primary purpose of accepting empty beverage containers from consumers and paying or otherwise providing the refund value of such containers.

Building. A roofed and walled structure built for permanent use.

Building, accessory. A detached roofed and walled structure that is incidental and subordinate in area and extent, and/or use to the principal building(s) on the property. A lot may have more than one accessory building.

Building addition. Any increase to footprint, floor area, or volume of an existing building.

Building alteration. A change or rearrangement in the structural supports, exterior appearance, or removal of features otherwise affecting the exterior appearance of a building.

Buildings, attached. Two or more independent buildings that share at least one common party wall but have full building separation and independent principal entries; not free-standing. Attached buildings may or may not have common ownership.

Building, principal. The main roofed and walled structure on a lot having the predominant area, extent, and/or use. A lot may have more than one principal building. When a garage is attached to the principal building in a substantial manner as by an enclosed area with roof or common wall, it shall be considered as a part of the principal building.

Child care center. Per 22 M.R.S. §8301-A(1-A)(A), a child care center is a house or other place in which a person maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for 13 or more children under 13 years of age; or any location or locations operated as a single child care program or by a person or persons when there are more than 12 children being cared for.

Child care facility, small. Per 22 M.R.S. §8301-A(1-A)(E), a small child care facility is a house or other place, not the residence of the operator, in which a person maintains or otherwise carries out a regularly scheduled program, for any part of a day, providing care and protection for 3 to 12 children between 6 weeks and 12 years of age.

Clinic. Any establishment where patients are examined and treated by one or more health care providers, such as, but not limited to, physicians, dentists, psychologists, or social workers. Clinics may include laboratory services and facilities for ambulatory or outpatient surgical procedures.

Coastal high hazard area. The area subject to high velocity waters, including but not limited to, hurricane wave wash or tsunamis. The area is designated on the flood insurance rate map as zone V1 30.

Coastal wetland. All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and that occurs primarily in a salt water or estuarine habitat; and/or any swamp, marsh, bog, beach, flat, or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

Commercial vessel. Any watercraft used principally in a business or trade, including common carriers of passenger or freight, whether for governmental, nonprofit, or emergency purposes, but not including pleasure craft used principally for recreational purposes.

Communication studio. A commercial or public communication facility, including radio and television broadcasting and receiving stations and studios.

Community hall. A building or portion of a building used for social, recreational, artistic, civic, or educational community functions. Such a facility would be open to the public for such functions, which, for example, could include but not be limited to performances, dance, exhibitions, cultural exchange, training programs and workshops, neighborhood meetings, or gatherings. As part of these functions and activities, it shall be permissible to serve food, subject to other applicable codes and ordinances. A community hall may also be referred to as a neighborhood center.

Condominium. Any interest in real estate created pursuant to the Unit Ownership Act, 33 M.R.S. § 560

et seq., or its equivalent, as it may from time to time be amended.

Construction and engineering services. Offices for businesses in the conduct of any landscape or building trade or craft, together with land and/or structures used for the storage of equipment, vehicles, machinery, and/or materials related to and used by the trade or craft. Construction and engineering services with no storage of equipment, vehicles, machinery, and/or materials are considered office uses.

Cultural facility. A facility open to the public, providing access to cultural exhibits and activities including but not limited to museums, cultural or historical centers, non-commercial galleries. A cultural facility may include accessory services such as, but not limited to, retail sales of related items.

Development. Any human-made change to improved or unimproved real estate, including but not limited to, the construction of, alteration to, or addition to any buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials.

Drive-through. A facility which provides a service directly to a motor vehicle occupant and where the customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is served with or without exiting the vehicle. Drive-throughs do not include major or minor auto service stations.

Drive-through features. Features associated with drive-throughs including but not limited to designated travel or stacking lanes, intercom systems, menu boards, service windows, kiosks, mechanical devices, etc.

Dwelling unit. One or more rooms forming a single unit for habitation by one family, including food preparation, living, sanitary, and sleeping facilities.

Dwelling, four-family. A single building containing four dwelling units.

Dwelling, live/work. A principal structure that combines a dwelling unit with a permitted commercial use that is used by one or more of the residents. A live/work dwelling may also include the combination of a dwelling unit with arts-related activities, such as painting, photography, sculpture, music, and film, used by one or more of the residents. Live/work dwellings are subject to the standards for the individual uses contained within this Code. Any area used for commercial space in a live/work dwelling cannot be converted to residential living space if the commercial component is no longer operating.

Dwelling, multi-family. A single building containing five or more dwelling units.

Dwelling, multi-family conversion. A single building containing five or more dwelling units, converted from an existing dwelling of four or fewer units, or an existing structure in nonresidential use.

Dwelling, single-family. A single building containing one dwelling unit.

Dwelling, three-family. A single building containing three dwelling units.

Dwelling, townhouse. A structure consisting of two or more dwelling units, the interior of which is configured in a manner such that dwelling units are attached horizontally, separated by a party wall, and each dwelling unit is located on a separate lot with a separate exterior entrance.

Dwelling, two-family. A single building containing two dwelling units.

Earth-moving activity. Any removal or placement, excavation, filling, stockpiling, or grading of soil, earth, loam, sand, gravel, rock, and other mineral deposits.

Easement. A right, privilege, or liberty which one has in land owned by another for some special and definite purpose.

Emergency operations. Operations conducted for the public health, safety, or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings and livestock from the threat of destruction or injury.

Emergency shelter. A facility providing temporary overnight shelter to individuals experiencing homelessness in a dormitory-style or per-bed arrangement.

Entrance, principal. A main point of access for pedestrians into a building. Buildings may have more than one principal entrance.

Essential services. The construction, alteration, or maintenance of gas, electrical, or communication facilities; steam, fuel, electric power, or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles, and related equipment; gas, oil, water, slurry, or other similar pipelines; municipal sewage lines, collection, or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants, and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Façade. An exterior building wall, from grade to the top of the parapet or eaves. A facade incorporates the full width of a building elevation, including any projections or recesses occurring across an elevation.

Family. One or more individuals related by blood, marriage, civil union, adoption, or guardianship and/or up to eight unrelated individuals living together in a dwelling unit as a single nonprofit housekeeping unit.

Family child care provider. Per 22 M.R.S. §8301-A(1-A)(C), a family child care provider is a person who provides day care in that person's home on a regular basis, for consideration, for children under 13 years of age who are not the children of the provider or who are not residing in the provider's home.

Farmstand. A temporary structure, used for the sale of food or non-food crops grown on the premises.

Fill. Soil, earth, loam, sand, gravel, rock and other mineral deposits.

Filling. The placement of soil, earth, loam, sand, gravel, rock and other mineral deposits. Filling shall include stockpiling.

Fixture, fully shielded. A light fixture or luminous tube constructed and mounted such that all light emitted by the fixture or tube, either directly from the lamp, tube, or a diffusing element, or indirectly by reflection or refraction from any part of the light fixture, is projected below the horizontal. If the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, from any angle around the fixture or tube, the fixture or tube is not fully shielded.

Flag. A fabric sheet of square, rectangular, or triangular shape having no enclosing or supporting framework that is typically mounted on a pole.

Flood boundary and floodway map. The official map issued by the Federal Emergency Management Agency (FEMA) on which the boundaries of the flood have been designated. This may alternatively be referred to as a flood hazard boundary map.

Flood insurance rate map. The official map (FIRM) on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the city.

Floodproofing. Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real estate, to water and sanitary facilities, structures, and their contents.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated on the flood boundary and floodway map. When not designated on the flood boundary and floodway map, it is considered to be the channel of a river or other watercourse and the adjacent land areas to a distance of 1/2 the width of the flood plain, as measured from the normal high-water mark to the upland limit of the flood plain.

Foundation. The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick, or similar material.

Freshwater wetland. Freshwater swamps, marshes, bogs, and/or similar areas which are both:

A. Of ten or more contiguous acres or of less than ten contiguous acres and adjacent to a surface water body except for any river, stream or brook such that, in a natural state, the combined surface area is in excess of ten acres or of less than ten acres that is depicted on the Shoreland Zoning map.

B. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Forested wetland. A freshwater wetland dominated by woody vegetation that is six meters tall (approximately 20 feet) or taller.

Garage/yard sale. A temporary event held on residential property, during which the owner or occupant offers used personal items, such as clothing, furniture, and household goods, for sale to the public.

General office. An office for the conducting or managing of a business or the practice of a profession, including that of a licensed health care provider, so long as such office does not include laboratory services and facilities for ambulatory surgical procedures. Such an office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair of products or retail services.

General services. Establishment primarily engaged in rendering frequent or recurring services to persons or business on a fee basis, including but not limited to banks, health clubs, laundries, beauty shops, barber shops, nail salons, electronics repair shops, and the like.

Greenhouse/nursery (retail). An establishment where flowers, shrubbery, trees, and other horticultural and floricultural products are propagated and sold, which may include gardening and landscape supplies and products, such as hardware, garden tools and utensils, paving stones and bricks, bulk materials such as mulch, straw, and stone, and other related items for sale.

Green roof. A roof of a building that is partially or completely covered with vegetation and designed to meet the Maine Stormwater Best Management Practices Manual standards and recommendations. A green roof installation must serve the purpose of reducing stormwater runoff through retention or slowing and consist of an assembly that at a minimum includes a root repellent system, a drainage system, a filtering layer, a growing medium and plants, and shall be installed on a waterproof membrane.

Group home. A housing facility for 9 to 12 persons with disabilities that is approved, authorized, certified or licensed by the State.

Hazard tree. A tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

Helistop. An area used for the landing of helicopters at any location other than an airport. Such area shall include a landing area or pad, and

may include parking required for access to the landing area or pad, a loading and unloading area for emergency vehicles, and other related facilities other than maintenance and repair facilities.

Hospital. An institution providing health services, primarily on an inpatient basis, and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

Hostel. An overnight lodging facility for transient guests that provides sleeping rooms and common spaces for cooking. A hostel shall not be used as an emergency shelter.

Hotel. A commercial facility that provides sleeping accommodation for a fee and customary lodging services. Related accessory uses may include, but are not limited to, meeting facilities, restaurants, bars, and recreational facilities for the use of guests. A hotel has common facilities for reservations, cleaning services, combined utilities, and on-site management and reception.

Impervious surface. Area covered with low-permeability material that is highly resistant to infiltration by water, such as asphalt, concrete, or rooftop, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. Pervious pavement, pervious pavers, pervious concrete, and underdrained artificial turf fields are all considered impervious.

Impound lot. A facility that provides temporary outdoor storage for vehicles that are to be claimed by titleholders or their agents. An impound lot is typically used for the storage of wrecked motor vehicles usually awaiting insurance adjustment or transport to a repair shop. Impound lot does not include impound facilities owned and used by governmental authorities.

Industrial, high-impact. Industrial activity involving the manufacturing, packaging, assembly, or distribution of finished or semi-finished products from either raw materials or previously prepared material which are generally incompatible with residential, commercial, and lower-impact industrial uses and sensitive natural areas due to their high generation of traffic, noise levels, emissions, lighting, and odors. High-impact industrial includes fish-waste processing.

Industrial, low-impact. Industrial activity involving the manufacturing, packaging, assembly, or distribution of finished or semi-finished products from previously prepared material, where such activities are conducted wholly within an enclosed building. Low-impact industrial uses do not include the processing of raw materials or salvaging operations. Low-impact industrial uses are generally compatible, due to their size and nature of impact, with residential, commercial and other low impact industrial uses.

Kitchen facilities. Facilities used for the preparation of meals, including refrigerators and

devices used for the cooking and preparation of food.

Laboratory and research facility. A building or group of buildings used for the purpose of conducting research, investigation, testing, and experimentation in any field of science, medicine, or technology and including facilities such as but not limited to administrative offices, laboratories, and service or machine shops to serve the facility. Laboratory and research facilities do not include manufacturing of products for sale.

Lodging house. A house, building or portion thereof containing two or more rooming units, as well as common areas, and providing such units to individuals on not less than a monthly basis for compensation.

Lodging house common areas. Portions of a lodging house which are available for use by all residents of the lodging house. Lodging house common areas shall include, but are not limited to, one or more of the following: kitchens, living rooms, recreation rooms, improved basements, and finished porches. Bathrooms, stairways, hallways, and storage areas shall not be counted as lodging house common areas.

Lot. A parcel or area of land that is designated as an individual unit for use, development, or ownership that is either: a) a parcel or area of land that is separately described in a deed or on a plan recorded in the Cumberland County Registry of Deeds; b) a contiguous combination of such lots under common ownership and designated as one unit for development; or c) a newly established parcel meeting all the dimensional requirements of the zone in which it is located.

Lot, through. A lot that fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

Lot, flag. A lot platted so that the main building site area (the "flag") is set back from the street on which it fronts, and includes an access strip (the "pole") connecting the main building site with the street.

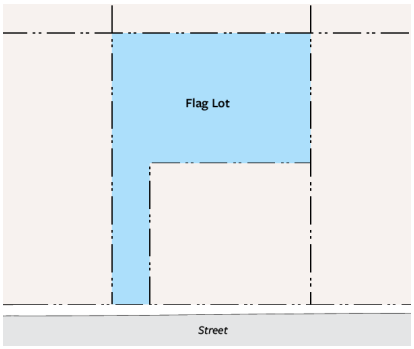


FIGURE 3-A: FLAG LOT

Lot of record. A nonconforming parcel or area of land that: a) is separately described in a deed or on a plan recorded in the Cumberland County Registry of Deeds as of the date designated in the relevant provision of this chapter and b) conformed to the requirements of this chapter as of the date designated in the relevant provision of this chapter.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such

enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this division.

Low-income household. A household having an income not exceeding 80% of median income for area of residence as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

Low-income housing unit for rent. A dwelling unit for which:

A. The rent is affordable to a household earning 80% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD).

B. The unit is rented to a household earning 80% or less of AMI.

C. The requirements of (A) and (B) above are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance.

Low-income housing unit for sale. A dwelling unit for which:

A. The sale price is affordable to a household earning 100% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD).

B. The unit is sold to a household earning 100% or less of AMI.

C. The requirements of (A) and (B) above are limited by deed restriction or other legally binding agreement for future sales for the applicable length of time in this ordinance.

Manufactured housing. A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this section, 2 types of manufactured housing are included. Those 2 types are:

A. Those units constructed after June 15, 1976, commonly called "newer mobile homes," that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit. This term also includes any structure that meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and

B. Those units commonly called "modular homes" that the manufacturer certifies are constructed

in compliance with Title 10, chapter 951, and rules adopted under that chapter, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

Marijuana, cultivation facility. A cultivation facility required to be licensed pursuant to 28-B M.R.S. § 201 or any other facility engaged primarily in the business of planting, propagation, growing, harvesting, drying, curing, grading, trimming, or other processing of marijuana, including mature marijuana plants, immature marijuana plants, seedlings, and marijuana seeds, for use or sale.

Marijuana, manufacturing facility. A manufacturing facility required to be licensed pursuant to 22 M.R.S. § 2423-F or 28-B M.R.S. § 201.

Marijuana, plant canopy. As defined by 28-B M.R.S. § 102.

Marijuana product. As defined by 22 M.R.S. § 2422 or 28-B M.R.S. § 102.

Marijuana, registered dispensary. A registered medical marijuana dispensary as defined by 22 M.R.S. § 2422.

Marijuana, registered patient. As defined by 22 M.R.S. § 2422.

Marijuana retail store. A retail establishment licensed to sell marijuana, marijuana products, immature marijuana plants, and seedlings to adult use or medical marijuana customers. A marijuana retail store is only authorized as a principal use, and is not permitted as an accessory use. A marijuana retail store may not exceed a maximum gross floor area of 2,000 square feet. A marijuana retail store shall not include a registered dispensary.

Marijuana, small-scale caregiver. A registered caregiver who sells or dispenses marijuana to no more than five individual registered patients in any one calendar month; does not process or manufacture marijuana using chemicals or solvents; and cultivates no more than: 1) 250 square feet of plant canopy where located in a single-family dwelling or commercial space; or 2) 125 square feet of plant canopy where located in a dwelling unit within a two-family or multi-family building.

Marijuana testing facility. A facility licensed to develop, research and test marijuana, marijuana products and other substances as defined by 22 M.R.S. § 2422 or 28-B M.R.S. § 102.

Marina. A commercial operation providing floats, slips, and piers intended primarily for berthing of noncommercial vessels and the provision of related services such as supplies, fuel, equipment and repairs, which may be provided both to tenants and non-tenants.

Market garden. An area of land or a facility, managed and maintained by an individual, group, or business to grow and harvest food and non-food crops to be sold for profit on-site, off-site, or both. Market gardens may be located outdoors or fully enclosed within a permanent building. Market gardens do not include the cultivation of marijuana.

Mean high tide. The mean height of tidal high waters at a particular point or station over a period of time to such length that increasing its length does not appreciably change this mean. For tidal waters, the cycle of change covers a period of 19 years, and mean high tide is defined as the average of the high waters over a 19 period.

Mean sea level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the City's FIRM are referenced.

Mid-block permeability. A continuous, open-air corridor at least 20' in width that physically or visually connects two streets or public rights-of-way and provides a break in the street wall. The corridor must be unobstructed and open to the sky.

Moderate-income household. A household having an income not exceeding 120% of median income for area of residence as set forth in regulations promulgated from time to time by the United Sates Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

Neighborhood nonresidential reuse. Select nonresidential uses located within a residential neighborhood to serve nearby residents, and occupying a structure which is nonresidential in its original construction and/or current use.

Non-commercial vessel berthing. The use of berthing space for berthing of watercraft other than commercial vessels. Berthing space used in the following manner shall not be included in the calculation of the number of linear feet under this use category:

A. Space used principally for sale or repair of vessels.

B. Commercial vessel tenant space used by a noncommercial vessel for a period not exceeding ten consecutive days while the primary commercial vessel tenant is conducting its business or trade.

Non-native invasive species of vegetation. Species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

Normal high-water line (non-tidal waters). That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river during the period of normal high-water are considered part of the river.

Office park. A development of one or more buildings designed to accommodate offices, laboratory and research facilities, high-tech manufacturing, and similar uses with no outdoor storage. An office park may also include hotels, medical/dental offices, and supportive commercial uses for the primary convenience of office park workers and visitors, including limited retail, general services, financial institutions, child care centers and small child care facilities, and restaurants.

Off-peninsula. All land located north of I-295.

On-peninsula. All land located south of I-295.

Open space. Land and water areas designed and reserved for use as active or passive recreation areas or for preservation purposes.

Open space, public. Open space maintained for the use of the general public. Public open space may include parks, plazas, and public seating areas.

Outlet stream. Any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

Owner. Any person that has any interest, legal or beneficial, in any parcel or lot.

Park. A facility that serves the recreational needs of residents and visitors. Park includes, but is not limited to, playgrounds, ballfields, golf courses, gymnasiums, football fields, soccer fields, basketball courts, tennis courts, dog parks, skateboard parks, pools, community gardens, marinas, sports complexes, and passive recreation areas. Parks may also include non-commercial indoor or outdoor facilities, including zoos and amphitheaters, accessory services such as, but not limited to, restaurant and retail establishments, and temporary outdoor uses such as festivals and performances.

Party wall. Any partition wall common to two adjacent or attached buildings.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland, temporary. Structures which remain in or over the water for less than seven months in any period of 12 consecutive months.

Place of assembly. A building or portion of a building used as a community hall, private club, fraternal organization, or place of religious assembly. This definition shall not include buildings or portions of buildings used as a community hall, private club or non-profit social and recreational facility, or place of religious assembly where 8 or fewer people, not including the permanent residents of a single-family dwelling, assemble. A place of assembly may include accessory uses, such as childcare facilities or preschools, meeting rooms, food preparation and dining areas, auditoriums, and/or classrooms.

Post-secondary school. A facility for post-secondary higher learning that grants associate or bachelor's degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. Post-secondary schools may also include additional uses as part of the principal use, such as dormitories, cafeterias, restaurants, retail sales, indoor or outdoor recreational facilities, preschool facilities, and similar uses.

Private club or non-profit social and recreational facility. A private club or nonprofit social and recreational facility is open exclusively to members and to their bona fide guests accompanying them, in order to promote fellowship, social living, proper

recreation, civic responsibility, neighborhood responsibility, community welfare, or other endeavors. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facility are available and are provided within all regulations of this Land Use Code and other applicable codes and ordinances.

Real estate project sales office/model unit. A residential unit or other structure within a development that is temporarily used for display purposes as an example of dwelling units available for sale or rental in a residential development and/or sales or rental offices for dwellings within the development.

Recent flood plain soils. Recent flood plain soils include the following soil series as described and identified by the National Cooperative Soil Survey: Alluvial. Charles, Cornish, Fryeburg, Hadley, Limerick, Lovewell, Medomak, Ondawa, Podunk, Rumney, Saco, Suncook, and Winooski.

Recreation and amusement centers. Facilities equipped for the conduct of sports or indoor leisure time recreation activities. Such facilities may limit admission either to members or to persons paying an entrance fee. Recreation and amusement centers do not include sports complexes or stadiums.

Recycling facility. A facility engaged exclusively in the collection, separation, recovery and sale or reuse of materials that would otherwise be disposed of or processed as waste or the mechanized separation and treatment of waste, other than through combustion, and the creation and recovery of reusable materials other than as a fuel for the generation of electricity.

Residential care facility (small). A facility which provides, on a regular basis, medical or non-medical care and services for up to 12 individuals. Said facility must be licensed as a board care, residential care facility or equivalent pursuant to the regulations promulgated by the State of Maine Department of Health and Human Services.

Residential care facility (large). A facility which provides, on a regular basis, medical or non-medical care and services for 13 or more individuals. Said facility must be licensed as a board care, residential care facility or equivalent pursuant to the regulations promulgated by the State of Maine Department of Health and Human Services.

Restaurant. Any food service establishment with indoor seating capacity for ten or more patrons.

Retail. Any shop or store offering goods or merchandise to the general public for direct consumption and not for resale, or food service establishment with indoor seating capacity for nine or fewer patrons. Retail shall not include gasoline, diesel, or propane fuel sales.

Riprap. Rocks, irregularly shaped, and at least six inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two units horizontal to one unit vertical or less.

Roadway. That portion of a street between the regularly established curblines, or that part of a street or alley devoted to vehicular traffic.

Rooming unit. One or more rooms forming a single unit used, or intended to be used, for living and sleeping purposes by an individual or a family, but not designed for food preparation. In a suite of rooms, each room that provides sleeping accommodation shall be counted as one rooming unit for the purpose of this chapter.

Sapling. A tree species that is less than two inches in diameter at four and one half feet above ground level.

Seedling. A young tree species that is less than four and one half feet in height above ground level.

Self-storage facility. A facility for the storage of personal property, where individual renters control and access individual storage spaces. Self-storage facilities may be designed with individual storage spaces located within a fully enclosed, climate controlled building, with individual storage spaces accessed from the outdoors, or with a combination of storage spaces. Administrative offices for the facility, and retail sales of related items, such as moving supplies may be included.

Sexually explicit. The display or depiction of sex organs during actual or simulated sexual intercourse or sexual acts as defined in 17 A M.R.S. § 251.

Shore frontage. The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Sidewalk. That portion of a street not included in the roadway, and devoted in whole or part to pedestrian traffic.

Sign. A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, provide information in the nature of advertising, provide historical, cultural, archeological, ideological, political, religious, or social information, or direct or attract attention to an object, person, institution, business, product, service, message, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or illumination.

Sign, animated. Flashing, blinking, reflecting, revolving, or other similar sign with visibly moving or rotating parts or visible mechanical movement of any kind.

Sign, awning. Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, storefront, or outdoor service area.

Sign, A-Frame. A pedestrian-oriented self-supporting sign that is not permanently affixed to a structure or the ground.

Sign, bandit. Any advertising sign that is placed on public property or on private property without the consent of the property owner or as authorized in this article.

Sign, blade. A permanent, pedestrian-scaled sign mounted either to the wall of building by means of a bracket or attached to the underside of a lintel, arch, or other overhead structure above a porch or walkway and which is typically hung perpendicular to the wall of the building.

Sign, building identification. A sign consisting of letters or numbers applied to a building wall, engraved into the building material, or consisting of a sculptural relief which contains the name of the building or describes its function, but which does not advertise any individual tenant of the building or any products or services offered.

Sign, building-mounted. Sign attached to, connected to, erected against the wall, parapet, or fascia of a building or structure.

Sign, bus shelter. As specified in 23 M.R.S.A. §1908-A, any outdoor sign visible to the traveling public from public right-of-way that is affixed to a publicly-owned bus shelter operated by a transit agency.

Sign, cabinet. A permanent building-mounted or freestanding sign with its text and/or logo symbols and artwork on a translucent face panel that is mounted within a metal frame or cabinet either that contains the lighting fixtures which illuminate the sign face from behind.

Sign, canopy. A sign that is printed, painted, or affixed to a canopy, typically used to accent building entries.

Sign, center identification. A sign identifying the name of a building, office park, or shopping center only.

Sign, changeable copy. A sign that is designed so that characters, letters, numbers, or illustrations can be manually or mechanically changed or rearranged without altering the face or surface of the sign. For the purposes of this article, a sign whose message changes more than eight times per day is considered an animated sign and not a changeable copy sign.

Sign, directional. A sign erected to inform the viewer of the approximate route, direction, or location of a facility or use.

Sign, direct illumination. Illumination resulting from light emitted directly from a light bulb or light fixture, and not light diffused through translucent signs or reflected from other surfaces such as the ground or building face.

Sign, directory. A permanent sign which provides information in a list, roster, or directory format.

Sign, Electronic Message. A sign or portion of a sign that utilizes computer-generated messages or some other electronic means of changing its characters, letters, numbers, illustrations, display, color, and/or light intensity, including animated graphics and video, by electronic or automatic means. An Electronic Message Sign is not a Single- or Two-Color LED Sign.

Sign, externally-illuminated. A sign whose illumination is reflected from its source by the sign surface to the viewer's eye, the source of light not being visible to the viewer.

Sign, feather banner. A temporary sign that is taller than it is wide and made of a flexible material (typically cloth, nylon, or vinyl) and mounted to a pole to fly freely.

Sign, freestanding. A permanent sign that is erected or mounted on its own self-supporting

permanent structure or base detached from any supporting elements of a building.

Sign, fuel pump topper. A temporary sign affixed to the top of an operable fuel dispensing pump used to advertise goods offered for sale on the same parcel on which the fuel pump is located.

Sign, incidental. A sign which provides incidental information, including security, credit card acceptance, business hours, open/closed, directions to services and facilities, or menus.

Sign, individual letter. A cut-out or etched letter or logo which is individually mounted on a building wall or freestanding sign.

Sign, internally illuminated. Any sign in which the source of light is entirely enclosed within the sign and not directly visible.

Sign, landmark. A permanent sign indicating individual historic landmarks, local historic districts, or otherwise determined by the City to have attained a high degree of community, cultural, aesthetic, or historic significance.

Sign, logo. A stylized group of letters, words, numbers, or symbols used to represent and distinguish a business, product, or organization.

Sign, marquee. A permanent sign structure placed over the entrance to a building and typically used for a theater or other entertainment use.

Sign, monument. A permanent freestanding sign with a solid base that is at least 60% the width of the sign face.

Sign, off-premise. Any sign that directs attention to a business, commodity, service, entertainment, product, structure, use, or property different from a structure or use existing on the property where the sign is located, and/or any sign on which space is rented, donated, or sold by the owner of said sign or property for the purpose of conveying a message.

Sign, permanent. A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

Sign, pole. An elevated permanent sign typically supported by one or two poles, posts, or columns that do not meet the base width requirements for a monument sign.

Sign, projecting. A permanent sign that is attached to and extends perpendicular from a building from the wall.

Sign, service island canopy. A permanent sign mounted on or under a service island canopy, including on a fascia.

Sign, single-color or two-color LED. A permanent or temporary sign or portion of a sign composed of single-color or two-color LEDs that displays static or changeable sign messages using characters, letters, and numbers only. Examples of these signs include, but are not limited to, "open" or "closed" signs, time and temperature" signs, or signs indicating the number of available spaces in a parking garage.

Sign, temporary. A sign constructed of paper, cloth, or similar expendable material, which is

intended for a definite and limited period of display and which is designed to be moved easily and is not permanently affixed to a structure, sign area, or window.

Sign, wall. A permanent sign affixed to or erected against the wall or fascia of a building or structure, with the exposed face of the sign parallel to the plane of wall or fascia to which it is affixed or erected.

Sign, wall banner. A temporary sign constructed of cloth, bunting, plastic, paper, or similar non-rigid material, and securely attached to the wall or support structure for which it is advertising. Flags are not considered temporary wall banners.

Sign, window. A permanent or temporary sign posted, painted, placed, or affixed in or on a window, or otherwise exposed to public view through a window.

Sign, Yard, Type I. A small temporary sign typically constructed of corrugated plastic and supported on a wire frame used, for example, for advertising by local businesses or by election campaigns.

Sign, Yard, Type II. A temporary sign mounted on a single post installed securely in the ground with a small sign hanging from a cross-bar mounted parallel to the ground.

Sign, Yard, Type III. A temporary large sign mounted on two posts installed securely in the ground.

Sign copy. Any graphic, word, numeral, symbol, insignia, text, sample, model, device, or combination thereof that is primarily intended to advertise, identify, or notify.

Sign face. The exterior surface of a sign, exclusive of structural supports, on which is placed the sign copy.

Sign substructure. The supports, uprights, bracing and/or framework of a sign.

Site. All contiguous land under the same ownership or control, whether proposed for development or not, except where development is limited to a lot or lots within a subdivision.

Social service center. A service establishment that provides assistance for those recovering from chemical or alcohol dependency; survivors of abuse seeking support; those transitioning from homelessness or prior incarceration; and those with health and disability concerns. It does not include in-patient, overnight, or living quarters for recipients of the service or for the staff. Such service does not include medical examinations or procedures, or medical detoxification, dispensing of drugs or medications, or other treatments normally conducted in a medical office.

Solar access. Space open to the sun and clear of overhangs or shade, including orientation of buildings and lots to the sun, so as to permit the use of active and/or passive solar energy systems on individual properties.

Solar energy system. A complete assembly consisting of one or more solar collectors and associated mounting hardware or equipment, intended to provide for the collection, storage, and

distribution of solar energy for heating or cooling, electricity generation, or solar/thermal hot water systems. Solar energy systems shall include the following:

A. **Solar energy system, accessory.** A system as defined above, where power generation is incidental to a principal use. Accessory solar energy systems include building-integrated systems of any size, and building-mounted, roof-mounted, or ground-mounted systems of less than 1,000 square feet in area.
B. **Solar energy system, minor.** A system as defined above, between 1,000 and 9,999 square feet in area, where power generation is considered a principal use. Minor solar energy systems may take the form of either a building-mounted or roof-mounted solar array or a ground-mounted system.
C. **Solar energy system, major.** A system as defined above, of 10,000 square feet or more in area, where power generation is considered a principal use. Major solar energy systems may take the form of either a building-mounted or roof-mounted solar array, or a ground-mounted system.

Solar energy system, building-integrated. A solar energy system that is an integral part of a principal or accessory building and include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights and awnings.

Solar energy system, ground-mounted. Also known as free-standing solar energy systems, a solar energy system that is structurally mounted to the ground. The panels may be stationary or revolving and of any size.

Solar energy system, roof-mounted. A solar energy system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

Solid waste disposal facility. A solid waste facility for the incineration or landfilling of solid waste or refuse-derived fuel. Facilities that burn material-separated, refuse-derived fuel, either alone or in combination with fuels other than municipal solid waste or refuse-derived fuels, are not solid waste disposal facilities.

Sounds, impulse. Sound events characterized by brief excursions of sound pressure, each with a duration of less than 1 second.

Sounds, tonal. Sound waves usually perceived as a hum or whine because their instantaneous sound pressure varies essentially as a simple sinusoidal function of time.

Specialty food service. A business that specializes in the sale of certain food products and/or the on-site production of items, such as a delicatessen, bakery, candy maker, meat market, catering business, cheesemonger, coffee roaster, or fishmonger, and may offer areas for ancillary retail sales or eating and drinking areas that serve the products processed on-site. Specialty food service includes preparation, processing, canning, or packaging of food products where all processing is completely enclosed and there are no outside impacts. Specialty food service does not include production of alcohol.

Sports complex. One or more facilities located on the same parcel of land where athletic events are held.

Stadium. A commercial structure with tiers of seats and/or viewing areas around and/or adjacent to a field, court, or stage, intended to be used for the viewing of athletic events, entertainment, concerts, and other public gathering purposes. Stadiums may be indoor or outdoor.

Stockpiling. Any placement or creation of piles or loads of soil, loam, sand, gravel, rock, or other mineral deposits upon a site for the purpose of storage, warehousing, or reserving for future use.

Storm-damaged tree. A tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

Stormwater retention area. A pond or basin used for the permanent storage of stormwater runoff.

Stormwater detention area. A storage area for the temporary storage of stormwater runoff which does not contain water during non-storm conditions.

Stream. A free-flowing body of water from the outlet of a great pond or the confluence of two perennial streams as depicted on the most recent, highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

Street. A public way established by or maintained under public authority, or a way dedicated to the use of the public and appearing on the official map of the city.

Street, cul-de-sac or dead end. A street with only one outlet.

Street line. The line of demarcation between private property and a street.

Structure. Anything temporarily or permanently located, built, constructed, or erected for the support, shelter, or enclosure of persons, animals, goods, or property of any kind or anything located, built, constructed, or erected on or in the ground or on another structure. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences, poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors. Outside of the shoreland zone, patios and at-grade walkways shall not be considered structures.

Structure, accessory. A structure on a lot that is incidental and subordinate in area, extent, and/or use to the principal structure on the lot. A lot may have more than one accessory structure.

Structure, principal. The main structure on a lot having the predominant area, extent, or use. A lot may have more than one principal structure.

Studios for artists and craftspeople. A facility for the production of arts and crafts products such as paintings, sculpture, or other arts, or the practice of arts such as music or dance, or the production of custom, hand-crafted, or limited production of products such as furniture, wood, clay, and metal products, publications, and similar low-impact arts and crafts activities.

Subdivision. As defined in 30 A M.R.S. § 4401 and 4402.

Tasting room. A facility for the sampling of beer, wine, spirits, other alcoholic or non-alcoholic beverages, or food.

Telecommunication tower. Radio masts or tower structures built primarily to hold telecommunication antennas.

Temporary contractor's office and contractor's yard. A short-term, portable, or modular structure utilized as a watchman's quarters, construction office, or equipment shed during the construction of a new development. This may include a contractor's yard where materials and equipment are stored in conjunction with a construction project.

Temporary outdoor sales. Temporary uses, which may include temporary structures where goods are sold, such as but not limited to arts and crafts fairs, flea markets, rummage sales, consignment auctions, and holiday sales such as Christmas tree lots and pumpkin sales lots. Temporary outdoor sales does not include garage/yard sales, or outdoor sales related to a retail goods establishment where such goods are part of the establishment's regular items offered for purchase.

Temporary outdoor storage container. Temporary self-storage containers, delivered to a residence or business for the purpose of storing items, and subsequently picked up and stored at an off-site location until scheduled for retrieval.

Tenant. Any occupant in lawful possession of a rental unit, whether by lease, sublease, or otherwise.

Theater or performance hall. Any establishment devoted to showing motion pictures, or for dramatic, musical, or live performances.

Tidal waters. All waters affected by tidal action during the highest annual tide.

Transient guest. A person who occupies a facility offering accommodations on an overnight basis for compensation and whose actual occupancy is limited to no more than 15 days out of any 60-day period.

Tree. A woody perennial plant with a well-defined trunk(s) at least two inches in diameter at four and one half feet above the ground, with a more or less definite crown, and reaching a height of at least 10 feet at maturity.

Tributary stream. A channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil,

containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. Tributary stream does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

Upland edge of a wetland. The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation, or where the soils support the growth of wetland vegetation but such vegetation is dominated by woody stems that are six meters (approximately 20 feet) or taller.

Use. The purpose for which land or structures thereon is designed, arranged, or intended to be occupied, or for which it is occupied, maintained, rented, or leased.

Utility substation. Any sewage or water pumping station, electric power substation, transformer station, telephone equipment enclosures, or other similar structures owned or operated by a utility.

Vegetation. All live trees, shrubs, ground cover, and other plants including, without limitation, trees both over and under four inches in diameter, measured at four and one-half feet above ground level.

Veterinary services. An establishment for the treatment of animals, where animals may be boarded during their convalescence

Very low-income household. A household having an income not exceeding 50% of median income for area of residence as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. section 1437 et seq.

Warehousing and distribution facility. The storage of goods, wares, and merchandise in a warehouse from which distribution occurs. May include wholesale use, but not retail or direct sales to consumers. Warehousing and distribution facilities do not include self-storage facilities.

Watercourse. Any natural or artificial stream, river, creek, ditch, channel, swale, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, or which has a definite channel, bed, and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Water-dependent uses. Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and which cannot be located away from these waters.

Wetlands (outside of shoreland zones). Those areas which have two or more of the following:

A. A water table at or near the surface during the growing season;

B. Very poorly drained soils, including Sebago mucky peat; or

C. Obligate wetland vegetation.

Very poorly drained soils and obligate wetland vegetation shall be as defined and illustrated in the United States Department of Interior, Fish and Wildlife Service publication of Wetland Plants of the State of Maine (1986).

Wind energy system. A system of components that converts the kinetic energy of the wind into electrical or mechanical power. A wind energy system comprises all necessary components including turbines, energy storage, power conditioning, control systems, transmission systems (where appropriate) and structural support systems to provide electricity or mechanical power for residential, commercial, industrial, utility, or governmental use. Wind energy systems shall include the following:

A. **Wind energy system, accessory:** A system as defined above, where power generation is incidental to a principal use. Accessory wind energy systems include roof-mounted systems, and ground-mounted systems less than 45 feet in height.

B. **Wind energy system, minor:** A system as defined above, where power generation is considered a principal use. Minor wind energy systems are ground-mounted systems measuring between 45 feet and 85 feet in height.

C. **Wind energy system, major:** A system as defined above, where power generation is considered a principal use. Major wind energy systems are ground-mounted systems measuring between 85 feet and 160 feet in height.

Wholesale. Sale for resale, not for direct consumption.

Workforce housing unit for rent. A dwelling unit for which:

A. The rent is affordable to a household earning 80% or less than of AMI.

B. The unit is rented to a household earning 80% or less of AMI.

C. The requirements of (A) and (B) above are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance.

Workforce housing unit for sale. A dwelling unit for which:

A. The purchase price is affordable to a household earning 80% or less of AMI.

B. The unit is sold to a household earning 80% or less of AMI.

C. The requirements of (A) and (B) above are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance.

5 ZONES

5.1 ESTABLISHMENT OF ZONES

To carry out the provisions of this Land Use Code, the City of Portland shall be divided into the zones in Table 5-A.

5.2 ZONING MAP

5.2.1 Zoning map adopted

The zones in Table 5-A shall be shown upon a map filed in the Department of Planning and Urban Development. Such zoning map, with amendments, is hereby adopted as the official zoning map of the City of Portland and as part of this Land Use Code.

5.2.2 Zone boundaries when uncertain

Where uncertainty exists with respect to the boundaries of the various zones, as shown on the zoning map, the following rules shall apply:

A. Unless otherwise indicated, zone boundary lines are the center lines of streets, alleys, parkways, waterways, or rights-of-way of public utilities and railroads or such lines extended.

B. Unless otherwise shown, lines within blocks less than 200 feet wide bisect the block, and lines within blocks 200 feet or more wide are 100 feet distant from the less restricted side of the block.

C. The depictions of the Shoreland zone and Stream Protection zone on the zoning map are illustrative of the general location of such zones. The actual boundaries of these zones shall be determined by measurement of the distance indicated on the map and in this Land Use Code from the normal high-water line of the water body or the upland edge of wetlands. Where such measurement is not the same as the location of the boundary of the zoning

TABLE 5-A: ZONES

Residential Neighborhood	RN-1, RN-2, RN-3, RN-4, RN-5, RN-6, RN-7
Island	IR-1, IR-2 I-B Island Business
Mixed-Use	B-1 Neighborhood Business B-2 and B-2b Community Business B-3 Downtown Business B-4 Commercial Corridor B-5 Urban Commercial B-6 Eastern Waterfront
Transit-Oriented	TOD-1 Transit Neighborhood TOD-2 Transit Center
Office	O Office R-P Residence Professional
Industrial & Airport	I-L and I-Lb Low-Impact Industrial I-M and I-Mb Moderate-Impact Industrial I-H High-Impact Industrial A-B Airport Business
Open Space	OS-R Recreation and Open Space OS-P Open Space Preservation
Waterfront	EWPZ Eastern Waterfront Port WCZ Waterfront Central WPDZ Waterfront Port Development
Overlay Zones	Downtown Entertainment Overlay Fort Sumner Park Height Overlay Helistop Overlay Institutional Overlay (IOZ) Island Transfer Station Overlay Pedestrian Activities District Overlay Stream Protection Overlay University of Southern Maine Overlay Waynflete School Overlay
Form-Based	IS-FBC India Street Form-Based Code
Other	Shoreland Floodplain Management

map, the measurement shall control, unless the zoning map indicates that the zone boundary shall follow an existing property line.

5.2.3 Extension of zone lines

Where a zone boundary line divides a lot in single or joint ownership of record at the time such line is established, the use provisions of this Land Use Code for the less restricted portion of such lot shall extend not more than 30 feet into the more restricted portion, provided that the lot has at least 20 feet of street frontage in the less restrictive zone when taken together with adjacent premises which are under the same or equivalent ownership or control. If such boundary line divides a business or industrial zone from a residential zone, no frontage on a street other than the principal business street in the less restrictive zone may be taken into consideration in connection with the right herein granted. This subsection shall only apply with respect to use provisions.

5.3 CONDITIONAL OR CONTRACT ZONING

5.3.1 Authority and purpose

Pursuant to 30-A M.R.S.§ 4352(8), conditional or contract zoning is hereby authorized for rezoning of property where, for reasons such as the unusual nature or unique location of the development proposed, the City Council finds it necessary or appropriate to impose, by agreement with the property owner or otherwise, certain conditions or restrictions in order to ensure that the rezoning is consistent with the City's Comprehensive Plan. Conditional or contract zoning shall be limited to where a rezoning is requested by the owner of the property to be rezoned. The conditional or contract zoning must be consistent with the Comprehensive Plan, and rezoned areas must be consistent with the existing and permitted uses within the original zone. Nothing in this section shall authorize either an agreement to change or retain a zone or a rezoning which is inconsistent with the City's Comprehensive Plan.

5.3.2 Hearing

The Planning Board shall conduct a public hearing in accordance with Section 2.1.8 prior to any property being rezoned under this section.

5.3.3 Conditions and restrictions

Conditions and restrictions imposed under the authority of this section shall relate only to the physical development and operation of the property and may include, by way of example:

- **A.** Limitations on the number and types of uses permitted.
- **B.** Restrictions on the scale and density of development.
- **C.** Specifications for the design and layout of buildings and other improvements.
- **D.** Schedules for commencement and completion of construction.
- **E.** Performance guarantees securing completion and maintenance of improvements, and guarantees against defects.
- **F.** Preservation of open space and buffers, and protection of natural areas and historic sites.
- **G.** Contributions toward the provision of municipal services required by the development.
- **H.** Provisions for enforcement and remedies for breach of any condition or restriction.

5.3.4 Amendments

Except as expressly modified in any contract or conditional rezoning agreement, the use and occupancy of any property within the City of Portland used or occupied pursuant to a contract or conditional rezoning agreement otherwise shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

5.3.5 Enforcement

Notwithstanding language in any contract or conditional zoning to the contrary, any violation of a conditional or contract zone shall be enforced pursuant to 30-A M.R.S. § 4452, as may be amended from time to time, or in any other manner available by law. No alleged violation of a contract or conditional rezoning may be prosecuted until the City has delivered written notice of the alleged violation(s) to the owner or operator of the property that is subject to the contract or conditional rezoning and given the owner or operator an opportunity to cure the violation(s) within 30 days of receipt of the notice. In addition, if such an enforcement action should result in a finding that the terms of the conditional or contract zone have been violated, then the City may act to modify or rescind the conditional or contract zone and to rezone the property.

5.4 BASE ZONE PURPOSE STATEMENTS

Base zone purpose statements shall be as established in Tables 5-B to 5-H.

TABLE 5-B: RESIDENTIAL NEIGHBORHOOD ZONE PURPOSE STATEMENTS

The residential neighborhood zones are intended to reflect the varied character and development patterns of Portland's residential neighborhoods, and to promote new residential development that increases housing diversity and choice within the City in alignment with the City's priorities and vision for the future. Development within the residential zones should thoughtfully respond to each area's context, including elements such as the existing street grid, pedestrian and bike connectivity, and access to transit and open space. Standards for each zone have been tailored to address building form and encourage context sensitivity within the City's varied neighborhoods.

RN-1	To provide for residential development predominantly characterized by a mixture of single-family and two-family homes on large lots of at least 10,000 square feet. Select nonresidential uses may also be permitted in the RN-1 zone.
RN-2	To provide for residential development predominantly characterized by a mixture of single-family and two-family homes on lots of at least 6,500 square feet. Conversion of existing nonresidential structures to multi-family dwellings is also permitted within the RN-2 zone, subject to standards encouraging compatibility and context sensitivity. Select nonresidential uses may also be permitted in the RN-2 zone.
RN-3	To provide for a residential neighborhood environment that acknowledges the unique character of the Western Promenade while accommodating a mixture of single-family, two-family, three-family, and four-family dwellings on lots of at least 6,000 square feet. Construction of new multi-family dwellings at moderate densities is allowed, as-is conversion of existing structures to multi-family dwellings, subject to standards encouraging compatibility and context sensitivity. Select nonresidential uses may also be permitted in the RN-3 zone.
RN-4	To provide for a residential neighborhood environment predominantly characterized by a mixture of single-family, two-family, three-family, and four-family dwellings on lots of at least 5,000 square feet. Conversion of existing nonresidential structures to multi-family dwellings is also permitted within the RN-4 zone, subject to standards encouraging compatibility and context sensitivity. Select nonresidential uses may also be permitted in the RN-4 zone.
RN-5	To provide areas of the city, on the peninsula and in select off-peninsula locations in alignment with major public transportation routes and near service areas, for a residential neighborhood environment of mixed residential dwelling types. The RN-5 zone permits a broad range of housing options to accommodate the diverse needs and preferences of Portland's residents and households, including single-family, two-family, three-family, and four-family homes on lots of at least 2,000 square feet, as well as townhouse and multi-family dwellings at a range of densities. Select nonresidential uses may also be permitted in the RN-5 zone.
RN-6	To accommodate existing areas of the city characterized by a residential neighborhood environment of multi-family dwellings at relatively high density, exhibiting a pattern of larger lots and setbacks, as well as generally taller building heights. Select nonresidential uses may also be permitted in the RN-6 zone.
RN-7	To provide areas of the city, predominantly on the peninsula, for a dense residential neighborhood environment of townhouse and multi-family dwellings. Select nonresidential uses may also be permitted in the RN-7 zone.

TABLE 5-C: ISLAND ZONE PURPOSE STATEMENTS

IR-1	To provide for a low-intensity environment characterized by single-family, recreational, and rural uses on Portland's islands. Standards for the IR-1 zone are intended to preserve and protect the rustic character of the islands, to protect groundwater resources and natural and scenic areas, and to permit only low-intensity development in areas lacking adequate public facilities and services.
IR-2	To provide for a residential neighborhood environment of single-family dwellings on Portland's islands in areas with adequate public services. Expansion or extension of IR-2 zoning should be limited, generally focused toward areas adjacent to existing IR-2 areas, and restricted by such factors as adequacy of access, whether adequate water will be available for private use and for fire protection, whether soils in the area are adequate for subsurface water disposal, or whether public sewers are available.
I-B	To provide limited areas on Portland's islands for the development of a mixture of residential, retail, and service establishments that primarily serve the needs of the local island market area. The I-B zone provides for a mixture of commercial and service uses, closely integrated with – and complimentary to – the surrounding residential neighborhood fabric to support the concept of a complete neighborhood. Standards for the I-B zone may vary by location, dependent upon the availability of public water and sewer resources.

TABLE 5-D: MIXED-USE ZONE PURPOSE STATEMENTS

B-1	To provide limited areas that support a small scale, pedestrian-friendly, mixed-use environment, allowing residents access to daily shopping and service needs within walking distance of nearby established residential neighborhoods. The B-1 zone provides for a mixture of commercial and service uses, closely integrated with – and complimentary to – the surrounding residential neighborhood fabric to support the concept of a complete neighborhood. Suitable locations for this zone may include street intersections and arterial streets with existing or proposed traditional neighborhood retail and service uses.
B-2	To provide locations for a mixture of commercial, service, and residential uses in a comfortable pedestrian environment that is easily accessible and well-connected to surrounding neighborhoods. Such a mixture may serve the daily needs of nearby residents within walking distance, as well as surrounding neighborhoods via multiple modes of transportation. The zone provides a broad range of goods and services with a mixture of large and small buildings, such as grocery stores, shops and services located in shopping centers and along arterial streets. The B-2 zone's multi-modal orientation accommodates all modes of transportation, and the standards of the zone require that development relate to surrounding neighborhoods by design, orientation, and circulation patterns. The zone encourages mixed-use development, and provides locations for moderate to high-density housing in urban neighborhoods along arterials.
B-2b	To provide neighborhood and community retail, business and service establishments that are oriented to and built close to the street. The B-2b zone is suitable in areas where a more compact urban development pattern exists or where a neighborhood-compatible commercial district is established which exhibits a pedestrian scale and character. Such locations may include the peninsula and other arterials and intersections with an existing urban or neighborhood-oriented building pattern. The B-2b zone encourages mixed-use development, and provides locations for moderate to high-density housing in urban neighborhoods along arterials.
B-3	To maintain and enhance the role of the downtown as the business and commercial center of the region, and to enhance and promote the orderly expansion of retail and service businesses downtown, satisfying the related needs of the city's resident, working, and visitor populations. The B-3 zone encourages increased housing opportunities downtown to accommodate Portland's diverse residential population, and supports an active, walkable pedestrian environment through the encouragement of intensive mixed-use activities, enhancement and maintenance of public and private open space, and the enlivenment and increased attractiveness of the street environment. Standards of the B-3 zone require excellence in urban design, to preserve and capitalize on the unique character and historic fabric of downtown Portland by encouraging reuse of significant existing structures and providing opportunities for an enhanced presence and integration of arts and cultural activities. The zone reinforces the role of downtown as a meeting place for community residents and visitors alike from all walks of life and all socio- economic groups by prioritizing access via multiple modes of transportation and enhancing and protecting the pedestrian environment.
B-4	To provide locations in the city for the development and operation of businesses serving a regional or larger market, to provide locations for large-scale commercial uses that require larger land areas to accommodate their operations, and to support moderate to high-density housing. Standards of the B-4 zone acknowledge the need to maintain automobile access while encouraging improvement of the pedestrian environment and accommodating alternative modes of transportation.
B-5	To provide areas on or proximate to the waterfront, downtown, and the peninsula where a mixture of uses, including marine, industrial, commercial, and residential, is encouraged. The B- 5 zone is characterized by larger underdeveloped lots with great potential for dense, clustered, urban mixed-use development and reuse of

TABLE 5-D: MIXED-USE ZONE PURPOSE STATEMENTS

	existing land and buildings. It is anticipated that the dense, mixed-uses of the B-5 zone will rely on a shared infrastructure system, including service alleys, parking lots, public transportation facilities, stormwater management, and driveways.
B-6	To establish a zoning district for the upland portion of the Eastern Waterfront area. The B-6 zone encourages a distinctly urban form through development that emphasizes a quality pedestrian experience, promotes public transit, and demonstrates exemplary urban design. The zone promotes a range of uses to achieve 24-hour urban vitality and shared use of parking infrastructure as recommended in the *Eastern Waterfront Master Plan* for redevelopment. The B-6 zone promotes a mixed-use development pattern envisioned for urban land on Portland's peninsula.

TABLE 5-E: TRANSIT-ORIENTED DEVELOPMENT ZONE PURPOSE STATEMENTS

TOD-1	To provide for and encourage the development of moderate to high-intensity mixed-use, compact urban neighborhoods that support Portland's investment in transit infrastructure through permissions for a dense, pedestrian-scale built environment and a range of uses that encourage walking, bicycling, and use of public transit at advantageous locations within the City's off-peninsula neighborhoods.
TOD-2	To provide for and encourage the development of high-intensity mixed-use, compact urban neighborhoods that support Portland's investment in transit infrastructure through permissions for a highly dense, pedestrian-scale built environment and a broad range of uses that allow residents to live, work, shop, dine, and pursue cultural and recreational opportunities while enjoying a range of mobility choices. The TOD-2 zone is intended to allow for the creation of vibrant, accessible, 24-hour neighborhoods at suitable locations on or near the peninsula.

TABLE 5-F: OFFICE ZONE PURPOSE STATEMENTS

O	To provide areas for the creation of low-intensity office uses, allowed as either independent uses, or integrated into a park- or campus-like setting. Standards of the O zone encourage office and related uses which are of the highest quality, are well-designed and maintained, and are compatible with their natural surroundings.
R-P	To provide locations for the development and operation of low-intensity residential, business, and commercial uses, compatible in scale, density and use with surrounding and adjacent residential neighborhoods; or to serve as a transition or buffer zone between residential and more intensive nonresidential zones.

TABLE 5-G: INDUSTRIAL AND AIRPORT ZONE PURPOSE STATEMENTS

I-L & I-Lb	To provide areas in which low-impact industrial uses, and limited other uses serving employees and residents of the surrounding neighborhood, will be compatible with adjacent residential uses, will provide a buffer between residential neighborhoods and higher impact industrial zones, or will stand alone as a smaller scale industrial district. The I-L zone is located adjacent to residential neighborhoods, business uses and other industrial uses where the low-intensity nature of the uses, as well as their strict performance standards, will ensure the compatibility of the uses with other adjacent industrial and nonindustrial uses. The I-Lb zone is typically located on the peninsula.
I-M & I-Mb	To provide zones in areas of the city in which low- and moderate-impact industries will coexist. I-M zones are located on arterials or collectors. The I-Mb zone is typically located on the peninsula. These locations provide for direct access onto arterials, thereby protecting residential neighborhoods from drive-through traffic. The purpose of the I-M and I-Mb industrial zones is also to provide for larger industrial buildings and for the limited or controlled use of areas outside of structures for storage of materials and machinery. These facilities often require large volumes of imported materials and products which result in large volumes of shipping and receiving. Often uses may be highway-oriented and transportation-related, thus relying on city-wide and regional transportation infrastructure. Industrial uses in these moderate-impact industrial zones may require separation from higher-impact uses.
I-H	To provide areas suitable for higher impact industrial uses than are permitted in other industrial zones, and other uses that are capable of demonstrating, through design, layout and topography, their compatibility with, or non-intrusion on, existing or future higher impact industrial uses on adjacent or neighboring I-H zoned properties. Due to the intensity of use, the I-H zone is intended for uses which may require extensive outdoor storage and usage and may utilize heavy equipment. Processes may require separation from residential or sensitive environmental areas. The I-H zone is separated from other nonindustrial uses as well as natural or constructed features. High-impact industrial uses will be of a higher intensity, with a greater lot coverage than the other zones.
A-B	To provide an area for the development of airport-related enterprises. Uses permitted in this zone are those customarily associated with the operation of the airport terminal and individual airlines and accessory uses to provide for the comfort and convenience of the airport's patrons and employees.

TABLE 5-H: OPEN SPACE ZONE PURPOSE STATEMENTS

OS-R	To provide for the reasonable use of open space, while simultaneously preserving and protecting its inherent characteristics to assure its continued availability for public use as scenic and recreation area; to provide a suitable location for large-scale regional sports and athletic facilities; and to develop an open space system throughout the city which provides the highest quality parks, plazas, and pedestrian environment. The OS-R zone may include parcels of public property and private property legally restricted from intensive use or development through deed, covenant, or otherwise.
OS-P	To preserve and protect open space as a limited and valuable resource. The OS-P zone prioritizes preservation and protection of Portland's critical conservation and natural resource areas. Very limited development may be allowed for sustainable energy generation, passive recreation and educational purposes, but must be compatible with and cause little impact to these areas.

6 USE STANDARDS

6.1 APPLICABILITY

6.1.1 In general

A. The use of buildings, structures, private property, and City-owned property 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.

B. All uses shall comply with any applicable federal and state requirements, and any additional applicable federal, state, county, and/or city ordinances.

C. All uses shall comply with any supplemental use standards in Section 6.4 as applicable. Use standards address specific impacts, design or siting standards, and/or additional regulations outside of this Code.

6.2 DETERMINATION OF USE

6.2.1 Use tables

A. Tables 6-A to 6-G shall determine if a use is permitted (●), conditional (◐), or not permitted ( ) as a principal use within a zone. Where a use is listed as both permitted and conditional (●/◐), determination shall be based on the nature of such use as described in the use standards of Section 6.4. Unless otherwise noted, where a use is listed in terms of square footage, square footage figures shall correspond to the total square footage of the use as indicated.

B. Certain uses within Tables 6-A to 6-G shall meet required use standards listed in Section 6.4. A reference is provided in the "Use Standards" column the tables. In the case of conflict of required standards (i.e., a cross reference is missing from the table, the numbering of standards has changed but not updated in the Table, etc.), the use standards in Section 6.4 control.

6.2.2 Unlisted uses

A. Uses not expressly listed as permitted or conditional in Tables 6-A to 6-G are prohibited as principal uses except that a use may be permitted subject to meeting the following performance-based standards:

1. The proposed use is consistent with the purposes of the zone.
2. The proposed use is closely related to a permitted or conditional use in terms of character, scale, and external impacts.
3. The buildings and structures associated with the proposed use are designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odor, and any other potential negative impacts.

B. The review authority shall determine whether the uses not listed as permitted or conditional uses meet the above standards. If it is determined that the use does not meet the above criteria, it shall not be permitted.

C. The review authority may impose reasonable conditions of approval on the proposed use to ensure that it is similar in character and impact to a permitted or conditional use.

6.2.3 Multiple uses

A lot may contain more than one principal use, providing each use is allowed within the zone. Each principal use shall be permitted separately. However, a lot used for a single-family dwelling, two-family dwelling, three-family dwelling, or four-family dwelling shall only be permitted one principal use. In certain cases, uses are defined in Article 3 to include accessory uses that provide necessary support or are functionally integrated into the principal use.

6.2.4 Uses operated in an enclosed structure

A. In all mixed-use, office, and industrial zones, uses shall be operated within a completely enclosed structure, except for those customarily operated in open air.

B. In the mixed-use zones, open air activities shall be those licensed by the City.

6.2.5 Uses in zones not listed

A. Use permissions for certain zones within this Code are not included in Tables 6-A to 6-G, but are addressed separately as follows:

1. Use permissions for overlay zones are found in Article 8.
2. Use permissions for the India Street Form-Based Code (IS-FBC) zone are found in Article 9.
3. Use permissions for the waterfront zones are found in Article 10.

6.3 CHANGE OF USE

A change of use from one use in Tables 6-A to 6-G to another is governed by the requirements of the new use. The use of any part of any building, structure, or property shall not be changed to any other use, whether principal or accessory and whether alterations in the building, structure, or property are involved or not, until a permit and certificate of occupancy authorizing such change of use has first been secured from the Building Authority in accordance with Chapter 6 of the City of Portland Code of Ordinances.

TABLE 6-A: PERMITTED AND CONDITIONAL USES IN RESIDENTIAL NEIGHBORHOOD ZONES

		RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7	Use Standards
Residential	Single-family dwellings	●	●	●	●	●			
	Two-family dwellings	●	●	●	●	●			
	Three-family dwellings			●	●	●			
	Four-family dwellings			●	●	●			
	Townhouse dwellings					●		●	6.4.13
	Multi-family dwellings		◐	●	◐	●	●	●	6.4.12
	Group homes	◐	◐	◐	◐	◐	◐	◐	6.4.17
	Lodging houses					●	●	●	6.4.21
Institutional	Child care centers + small child care facilities	◐	◐	◐	◐	◐	◐	◐	6.4.9
	Elementary, middle, and secondary schools	◐	◐	◐	◐	◐	◐	◐	
	Governmental uses	●	●	●	●	●	●	●	
	Places of assembly	◐	◐	◐	◐	◐	◐	◐	6.4.30
	Post-secondary schools				◐	◐	◐	◐	6.4.31
	Residential care facilities (small)	◐	◐	◐	◐	◐	◐	◐	6.4.35
	Residential care facilities(large)	◐	◐	◐	◐	◐	◐	◐	
Comm/Serv	Bed and breakfasts					●/◐	●/◐	●/◐	6.4.7
	Hostels					●/◐	●/◐	●/◐	6.4.18
	Market gardens	◐	◐	◐	◐	◐	◐	◐	6.4.25
	Neighborhood nonresidential reuse	◐	◐	◐	◐	◐	◐	◐	6.4.26
Other	Agriculture	●							6.4.3
	Cemeteries	●	●	●	●	●	●	●	
	Parks and open spaces	●	●	●	●	●	●	●	
	Solar energy system (minor)	●	●	●	●	●	●	●	6.4.38
	Utility substations	◐	◐	◐	◐	◐	◐	◐	6.4.39

TABLE 6-B: PERMITTED AND CONDITIONAL USES IN ISLAND ZONES

		IR-1	IR-2	I-B	Use Standards
Residential	Single-family dwellings	●	●	●	
	Two-family dwellings			●	
	Three-family dwellings			●	
	Four-family dwellings			●	
	Multi-family dwellings			◐	6.4.12
	Lodging houses		◐	●	6.4.21
Institutional	Child care centers + small child care facilities	◐	◐	●	6.4.9
	Elementary, middle, and secondary schools	◐	◐	◐	
	Governmental uses	●	●	●	
	Places of assembly	◐	◐	●	6.4.30
Commercial / Service	Auto service stations			◐	6.4.5
	Bed and breakfasts			●	6.4.7
	General offices			●	6.4.15
	General services			●	
	Greenhouse/nursery (retail)			◐	6.4.16
	Hotels			◐	6.4.19
	Neighborhood nonresidential reuse	◐	◐		6.4.26
	Restaurants			●	6.4.34
	Retail			●	6.4.36
	Specialty food service			●	
Other	Agriculture	●			6.4.3
	Boathouses and storehouses for fishing equipment	●	●	●	
	Campgrounds	◐			6.4.8
	Cemeteries	◐	◐		
	Marinas			●	
	Parks and open spaces	●	●	●	
	Solar energy system (minor)	●	●	●	6.4.38
	Studios for artists and craftspeople			●	
	Utility substations	◐	◐	◐	6.4.39
	Wharves, piers, docks, and landing ramps	●	●	●	

TABLE 6-C: PERMITTED AND CONDITIONAL USES IN MIXED-USE ZONES

		B-1	B-2/ B-2b	B-3[1]	B-4	B-5	B-6	Use Standards
Residential	Single-family dwellings	●	●					
	Two-family dwellings	●	●					
	Three-family dwellings	●	●	●	●	●	●	
	Four-family dwellings	●	●	●	●	●	●	
	Townhouse dwellings	●	●	●	●	●	●	6.4.13
	Multi-family dwellings	●	●	●	●	●	●	6.4.12
	Live/work dwellings	●	●	●	●	●	●	
	Lodging houses	●	●	●	●	●		6.4.21
Institutional	Child care centers + small child care facilities	●	●	●	●	●	●	6.4.9
	Clinics	●	●	●	●	●		
	Cultural facilities			●		●	●	
	Elementary, middle, and secondary schools	●	●	●		●	●	
	Emergency shelters			◐	◐	◐		6.4.14
	Governmental uses	●	●	●	●	●		
	Places of assembly	●	●	●	●	●	●	6.4.30
	Post-secondary schools		●	●	●	●	●	6.4.31
	Residential care facilities (small)		●	●		●	●	6.4.35
	Residential care facilities (large)		●	●		●	●	
Commercial / Service	Adult business establishments			●				6.4.2
	Auto, boat, and related dealerships		◐		●			6.4.5
	Auto service stations		◐		●			
	Bars		●	●	●	●	●	6.4.6
	Bed and breakfasts	●	●	●				6.4.7, 6.4.10
	Exhibition, meeting, and convention halls			●		●	◐	
	Funeral homes		●		●			
	General offices	●	●	●	●	●	●	6.4.15, 6.4.10
	General services	●	●	●	●	●	●	
	Greenhouse/nursery (retail)		◐		◐			
	Hostels	●		●		●		6.4.18, 6.4.10
	Hotels		●	●	●	●	●	6.4.19
	Marijuana retail store		●/◐	●	●			6.4.23
	Market gardens	●	●	●	●	●	●	6.4.25, 6.4.10
	Recreation and amusement centers				●	●		
	Registered marijuana dispensary		●/◐	●	●			6.4.23

TABLE 6-C (CONT.): PERMITTED AND CONDITIONAL USES IN MIXED-USE ZONES

		B-1	B-2/ B-2b	B-3[1]	B-4	B-5	B-6	Use Standards
Comm/Service	Restaurants	●	●	●	●	●	●	6.4.34, 6.4.10
	Retail	●	●	●	●	●	●	6.4.36, 6.4.10
	Small-scale marijuana caregiver		●	●	●			6.4.23
	Specialty food service	●	●	●	●	●	●	6.4.10
	Theaters and performance halls		●	●	●	●	●	
	Veterinary services		●		●			
Industrial	Communication studios		●	●	●	●	●	
	Dairies		●		●			6.4.11
	Impound lots				●			6.4.20
	Intermodal transportation facilities					●	●	
	Laboratory and research facilities		◐	◐	●	◐	◐	
	Low-impact industrial	●	●	●	●	●	●	6.4.22
	Marijuana testing facilities				●			6.4.23
	Marijuana manufacturing facilities				●			
	Marijuana cultivation facilities (<7,000 SF plant canopy)				●			
	Printing and publishing			●	●	●	●	6.4.32
	Self-storage facility				●			6.4.37
	Studios for artists and craftspeople	●	●	●	●	●	●	
	Warehousing and distribution				●			6.4.40
Other	Marine uses					●	●	6.4.24
	Off-street parking			●/◐		●	◐	6.4.27
	Parks and open spaces	●	●	●	●	●	●	
	Social service centers		◐	◐	◐	◐	◐	
	Solar energy system (minor)	●	●	●	●	●	●	6.4.38
	Solar energy system (major)				◐			
	Utility substations	●	●	●	●	●	●	6.4.39
	Wind energy system (minor)		◐	◐	◐	◐	◐	6.4.41

[1] Uses within the B-3 zone may be subject to the standards of the Pedestrian Activities District (PAD) Overlay found in Section 8.7 of this Code.

TABLE 6-D: PERMITTED AND CONDITIONAL USES IN TRANSIT-ORIENTED DEVELOPMENT ZONES

		TOD-1	TOD-2	Use Standards
Res.	Townhouse dwellings	●	●	6.4.13
	Multi-family dwellings	●	●	6.4.12
	Live/work dwellings	●	●	
	Lodging houses	●	●	6.4.21
Institutional	Child care centers + small child care facilities	●	●	6.4.9
	Clinics	●	●	
	Cultural facilities		●	
	Elementary, middle, and secondary schools	●	●	
	Emergency shelters	◐	◐	6.4.14
	Governmental uses	●	●	
	Places of assembly	●	●	6.4.30
	Post-secondary schools		●	6.4.31
	Residential care facilities, small	●	●	6.4.35
	Residential care facilities, large	●	●	
Commercial / Service	Bars	●	●	6.4.6
	Exhibition, meeting, and convention halls		●	
	General offices	●	●	
	General services	●	●	
	Hostels		●	6.4.18
	Hotels		●	
	Recreation and amusement centers		●	
	Restaurants	●	●	
	Retail	●	●	
	Specialty food service	●	●	
	Theaters and performance halls		●	
	Veterinary services	●	●	
Indust.	Communication studios	●	●	
	Studios for artists and craftspeople	●	●	
	Low impact industrial	●	●	6.4.22
Other	Parks and open spaces	●	●	
	Solar energy system (minor)	●	●	6.4.38
	Utility substations	●	●	6.4.39
	Wind energy system (minor)	◐	◐	6.4.41

TABLE 6-E: PERMITTED AND CONDITIONAL USES IN OFFICE PARK & RESIDENCE PROFESSIONAL ZONES

		O	R-P	Use Standards
Residential	Single-family dwellings		●	
	Two-family dwellings		●	
	Three-family dwellings		●	
	Four-family dwellings		●	
	Townhouse dwellings		●	6.4.13
	Group homes		◐	6.4.17
	Multi-family dwellings		◐	6.4.12
Institutional	Child care centers + small child care facilities	●	◐	6.4.9
	Elementary, middle, and secondary schools		◐	
	Governmental uses	●	●	
	Places of assembly		◐	6.4.30
	Residential care facilities, small		◐	6.4.35
	Residential care facilities, large		◐	
Comm.	Funeral homes		●	
	General offices	●	●	
	Neighborhood nonresidential reuse		◐	6.4.26
	Office parks	●		6.4.28
	Specialty food service		●	
Indust.	Laboratory and research facilities	●		
	Printing and publishing	●		6.4.32
	Studios for artists and craftspeople		●	
Other	Cemeteries		●	
	Parks and open space	●	●	
	Solar energy system (minor)	●	●	6.4.38
	Utility substations		●	6.4.39
	Wind energy system (minor)	◐		6.4.41

TABLE 6-F: PERMITTED AND CONDITIONAL USES IN INDUSTRIAL & AIRPORT ZONES

		I-L/I-Lb	I-M/I-Mb	I-H	A-B[1]	Use Standards
Institutional	Airports				●	
	Child care centers + small child care facilities	●	●			6.4.9
	Emergency shelters	◐	◐	◐		
	Places of assembly	●				6.4.30
Commercial / Service	General offices	●	●			6.4.15
	Hotels				●	
	Market gardens	●				6.4.25
	Recreation and amusement centers	●	●			
	Restaurants				●	
	Self-storage facility		●	●		6.4.37
	Specialty food service	●	●			
	Veterinary services	●	●	●		
Industrial	Animal-related services	●	●	●		6.4.4
	Auto service station	●	●	●	●	6.4.5
	Construction & engineering services	●	●	●		
	Dairies	●	●	●		
	Food & seafood processing, packing, and distribution		●	●		
	High-impact industrial uses			●		
	Impound lots		●	●		6.4.20
	Intermodal transportation facilities	●	●	●		
	Laboratory and research facilities	●	●	●		
	Low-impact industrial	●	●	●		6.4.22
	Lumber yards	●	●	●		
	Marijuana cultivation facility (<2,000 SF plant canopy)	●	●	●		6.4.23
	Marijuana cultivation facility (2,000-7,000 SF plant canopy)		●	●		
	Marijuana cultivation facility (>7,000 SF plant canopy)			●		
	Marijuana manufacturing facility	●	●	●		
	Marijuana testing facility	●	●	●		
	Printing and publishing	●	●	●		
	Recycling facilities		●	●		6.4.33
	Social service centers	◐	◐	◐		
	Solid waste disposal facilities		●	●		6.4.33
	Studios for artists and craftspeople	●	●			

TABLE 6-F (CONT.): PERMITTED AND CONDITIONAL USES IN INDUSTRIAL & AIRPORT ZONES

		I-L/I-Lb	I-M/I-Mb	I-H	A-B[1]	Use Standards
	Telecommunication towers (ground-mounted)		●	●		
	Warehousing and distribution facilities	●	●	●		6.4.40
Other	Solar energy system (minor)	●	●	●		6.4.38
	Solar energy system (major)		●	●		
	Utility substations	●	●	●		6.4.39
	Wind energy system (minor)	◐	●	●		6.4.41
	Wind energy system (major)		●	●		

[1] Permitted uses on lots within airport restricted access areas shall be limited to those which do not require or encourage access or visits by the public and which provide technical administrative or other support to airport operations.

TABLE 6-G: PERMITTED AND CONDITIONAL USES IN OPEN SPACE ZONES

		OS-R[1]	OS-P	Use Standards
Other	Cemeteries	●		
	Cultural facilities	◐		
	Marinas	●		
	Parks and open space	●	●	6.4.29
	Solar energy system (minor)	◐		6.4.38, 6.5.6
	Solar energy system (major)	◐		
	Sports complexes	◐		6.5.6
	Stadiums	◐		6.5.6
	Utility substations	●/◐		6.4.39, 6.5.6
	Wharves, piers, docks, and landing ramps	●	◐	
	Wind energy system (minor)	◐		6.4.41, 6.5.6

[1] Accessory uses within structures of 2,500 SF or more shall be treated as a conditional use under subsection 6.5.6.

6.4 SUPPLEMENTAL USE STANDARDS

These standards shall apply to the following uses as indicated in Tables 6-A to 6-G, whether permitted or conditional. Where a use is allowed as conditional, these standards apply in addition to the general conditional use standards in Section 6.5.

6.4.1 In general

A. Street access. A building or structure may only be constructed on or moved onto a lot, or a dwelling unit added to a lot, if one of the following conditions is met. These standards apply to all buildings and structures unless specifically exempted by this section.

1. **Existing, accepted streets.**
   - **a.** The lot meets minimum street frontage requirements on a paved and accepted City street with a minimum width of 20 feet for single-family or two-family dwellings or 28 feet for structures for all other uses, measured from curb to curb. In the absence of a curb, the minimum clear paved width shall be measured from the edge of the pavement, excluding sidewalks.
   - **b.** The lot meets minimum street frontage requirements on an accepted or continued street on an island in Casco Bay that meets a minimum width of 16 feet, measured from the edge of the pavement, or from the edge of the built surface if unpaved.
   - **c.** The required minimum width may be reduced, or the requirement waived on the islands only, if the Fire Chief and the Public Works Director or their designee(s) jointly determine that meeting the minimum width is impracticable and the City's ability to provide services will not be unreasonably impaired by a reduction in width.

2. **Streets to be improved in connection with development.** The owner or developer of a lot that is not located on an existing, accepted (or in the case of the islands, continued) street that meets the minimum criteria established above shall improve the street in accordance with the following.
   a. The street, between the lot and the nearest existing, accepted City street and including the frontage of the lot itself, shall be improved to meet the standards adopted elsewhere in this Code, including those adopted by the Public Works Authority and the Planning Authority.
   b. The street may be improved to an alternative standard if the Fire Chief and the Public Works Director or their designee(s) jointly determine that:
      i. Meeting the standards adopted elsewhere in this Code is impracticable;
      ii. There is limited potential for further development on the street or for further connections to the City's existing street network; and
      iii. The City's ability to provide services will not be unreasonably impaired by a modification of the standards of this Code.
   c. The owner or developer shall take all necessary steps under Chapter 25, Article III, of the City Code to dedicate the improved portion of the street to the City for acceptance. This shall include provision of a waiver of any claim for damages that may result from acceptance.
3. **Exceptions.** On lots with an existing, inhabited structure or structures on an unaccepted City street, the following buildings and structures are exempt from the requirements of this subsection.
   a. Accessory buildings not intended for habitation.
   b. The addition of one accessory dwelling unit within an existing single-family dwelling.

B. Number of structures on a lot

1. Lots used for single-family, two-family, three-family, and four-family dwellings are limited to one principal structure per lot unless such dwellings are part of a cottage court development.
2. For all other uses, there may be more than one principal structure on a lot, but all structures shall comply with all standards of the zone.

6.4.2 Adult business establishments

A. Adult business establishments shall be located at least 1,000 feet from any other adult business establishment, and at least 500 feet from any residential zone, as measured in a straight line from the nearest point of the lot line on the lot which the use is proposed to the nearest point of the lot line on the lot where the other use or zone is located, without regard to intervening structures or objects.

B. No sexually explicit materials, entertainment, or activity shall be visible from the exterior of the premises.

6.4.3 Agriculture

A. No animals shall be kept on any lot less than three acres or closer than 100 feet to any street or lot line, except domesticated chickens as regulated in Chapter 5 of the City of Portland Code of Ordinances.

B. Raising of domesticated animals as a component of any agricultural use shall not create any odor, noise, health, or safety hazards, or other nuisance to neighboring properties.

C. Raising of pigs or reptiles is not permitted.

6.4.4 Animal-related services

A. In the I-L and I-Lb zones, animal-related services may not include kennel or boarding facilities.

B. No animal-related service may include outdoor kennel facilities.

C. Any exterior training and exercise areas shall be located in a side or rear yard only, and shall be completely fenced.

D. Exterior training and exercise areas are not permitted within 200 feet of a residential zone.

6.4.5 Automobile, boat, and related dealerships and auto service stations

A. Automobile, boat, and related dealerships shall not be allowed in the B2-b zone.

B. In the B-2b zone, auto service stations shall only be permitted as an expansion of an auto service station in existence as of 11/15/1999.

C. Signs shall not adversely affect visibility at intersections or access drives. Signs shall be constructed, installed, and maintained so as to ensure the safety of the public, and shall advertise only services or goods available on the premises.

D. No ingress and egress driveways shall be located within 30 feet from an intersection. No entrance or exit for vehicles shall be in such proximity to a playground, school, church, other place of public assembly, or any residential zone that the nearness poses a threat or potential danger to the safety of the public.

E. A landscaped buffer, no less than five feet wide, shall be located along street frontages (excluding driveways). The buffer shall consist of a variety of plantings in accordance with the City of Portland *Technical Manual*.

F. Car washes shall be designed to avoid the tracking of residual waters into the street.

6.4.6 Bars

In the B-6 zone, no bars located east of Waterville Street shall be permitted within 50 feet of Fore Street.

6.4.7 Bed and breakfasts

A. Bed and breakfasts in the RN-5, RN-6, and RN-7 zones are allowed only as conversions of residential structures existing as of 3/3/1997. Such uses are a permitted use if they contain four or fewer guest rooms, and a conditional use if they contain five to nine guest rooms.

B. In the RN-5, RN-6, and RN-7 zones, the minimum lot area for bed and breakfasts shall be 2,000 square feet for the first three guest rooms and 500 square feet for each additional guest room.

C. In the I-B zone, bed and breakfasts are permitted on Peaks Island only. The minimum lot area for bed and breakfasts shall be 5,000 square feet for the first three guest rooms and 5,000 square feet for each additional guest

room. When not served by public water and sewer, a bed and breakfast in the I-B zone shall require 10,000 square feet of lot area per guest room.

6.4.8 Campgrounds

A. Campgrounds shall not include recreational vehicles.

B. No tent shall be located within 75 feet of the perimeter of site.

C. The land area of the campground shall not be less than the equivalent of 5,000 square feet of land area per tent site exclusive of the roadway network.

6.4.9 Child care centers and small child care facilities

A. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.

B. Solid waste shall be stored in covered containers. Such containers shall be screened on all sides.

C. In residential and island residential zones, the following additional standards apply:

1. Outdoor play areas shall be located in the side or rear yards only, and shall be screened from adjacent properties by a fence or wall at least 48 inches in height.
2. A 10-foot-wide landscaped buffer shall be required between the fence and the adjacent property line, and shall be established in accordance with the landscaping standards of the City's *Technical Manual*.
3. The minimum lot area for a child care center shall be 20,000 square feet.

6.4.10 Commercial and service uses in the B-1 zone

A. Commercial and service uses in the B-1 zone shall be permitted provided that such uses generate less than 100 peak hour vehicle trips per 2,000 square feet of floor area and less than 100 peak hour vehicle trips in total.

B. No beverage container redemption centers shall be permitted.

6.4.11 Dairies

In the B-2 and B-2b zones, dairies are permitted only if an expansion of an existing dairy.

6.4.12 Dwellings, multi-family

A. Use limitations

1. In the RN-2 and RN-4 zones, multi-family dwellings are allowed only as conversions of existing nonresidential structures.
2. In the I-B zone, multi-family dwellings are allowed only as conversions of existing residential or nonresidential structures.
3. In the B-1 zone, multi-family dwellings shall be permitted above the ground floor only.

B. Conversion standards

1. In all RN zones, the IR-1, and the IR-2 zone, additions to existing structures being converted to multi-family dwellings shall be limited to a gross floor area equal to or less than 25% of the total existing floor area at the time of conversion. This 25% shall include any additions to the structure completed within a period of 5 years prior to the conversion.
2. Exterior stairways or fire escapes above the ground floor may be constructed during conversion of an existing structure, provided that no exterior stairways shall be

visible from a public right-of-way, not including alleys.

3. Any new off-street parking provided for multi-family conversion of existing residential structures shall be located to the side or rear of the structure.
4. No multi-family conversion is permitted which results in any dwelling unit having less than the minimum habitable floor area required below:
   a. Studio: 500 square feet
   b. One bedroom: 650 square feet
   c. Two bedroom: 800 square feet
   d. Three bedroom: 950 square feet
   e. Four bedroom: 1,100 square feet
   f. Five bedroom: 1,250 square feet
5. No multi-family conversion is allowed in an existing structure with less than 1,500 square feet of habitable floor area.

6.4.13 Dwellings, townhouse

A. For townhouse dwellings, interior side setback requirements do not apply to the interior side yard where the party wall for the structure is located. Such requirements only apply to end units without an attached party wall.

B. There shall be a minimum separation of 15 feet between exterior sidewalls of townhouse buildings. Where the front or rear wall of a townhouse faces the front or rear wall of another townhouse, the minimum required separation between such buildings shall be 30 feet. Driveways and parking areas may be located within this minimum separation area.

6.4.14 Emergency shelters

A. In the B-3 zone, no emergency shelters shall be permitted north of Oxford Street.

B. The facility shall provide adequate space for conducting security searches and other assessments.

C. The facility shall be designed with a centralized shelter operations office on each level providing sightlines to sleeping areas.

D. A management plan adequately outlining the following areas shall be provided: management responsibilities; process for resolving neighborhood concerns; staffing; access restrictions; on-site surveillance; safety measures; controls for resident behavior and noise levels; and monitoring reports.

E. Adequate access to and from fixed route transit service shall be provided. The facility shall be within a ¼ mile of fixed route transit service, or shall be within ½ mile of fixed route transit service and provide adequate indoor space to permit all shelter guests day shelter, as well as implement strategies to help residents utilize transit.

F. The facility shall provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, housing assistance, or other programs.

G. Suitable laundry, kitchen, pantry, bicycle storage, and secure storage facilities for shelter stayers shall be provided on-site.

H. An outdoor area for guest use shall be provided on-site with adequate screening to protect privacy of guests.

6.4.15 General offices and general services

A. General office and general service uses in the I-B and B-1 zones are limited to a maximum of 5,000 square feet of gross floor area.

B. General office uses in the I-L and I-Lb zones shall be limited to those involving minimal public visitation and minimal direct service to the general public, primarily to provide support services to larger organizations such as educational institutions, social service agencies, or business headquarters.

6.4.16 Greenhouse/nursery (retail)

In the I-B zone, the indoor display of retail goods and point of sale area shall be limited to a maximum of 1,000 square feet.

6.4.17 Group homes

A. Group homes shall be subject to the minimum lot area requirements for nonresidential uses.

B. A group home shall not be located within 500 feet of another, as measured along street lines to the respective property lines.

C. The Board of Appeals or Planning Board may impose conditions upon a conditional use permit concerning the creation or operation of a group home including but not limited to the following: site and building maintenance; lighting, fencing, and other appropriate security measures; screening and buffering of parking areas; compatibility of any additions or alterations with the existing residential structure; and compatibility of new structures with the architectural character of the surrounding area.

6.4.18 Hostels

A. An operations plan shall be submitted demonstrating that:

1. No unaccompanied minors under the age of 18 shall be permitted in the facility.

2. The length of stay for transient guests shall not exceed 15 days within any 60-day period.

B. In the RN-5, RN-6, and RN-7 zones, hostels are permitted if for no more than 10 overnight transient guests, and conditional if for between 11 and 20 overnight transient guests. No more than 20 overnight transient guests shall be permitted.

C. In the B-1 zone, no more than 20 overnight transient guests shall be permitted.

6.4.19 Hotels

A. Hotels in the I-B zone are limited to a maximum of 50 guest rooms.

B. The minimum gross floor area for hotels in the I-B zone shall be 5,000 square feet for the first three guest rooms and 5,000 square feet for each additional guest room. When not served by public water and sewer, a hotel in the I-B zone shall require 10,000 square feet of lot area per guest room.

C. Hotels in the B-6 zone are limited to a maximum of 150 guest rooms.

6.4.20 Impound lots

Impound lots shall be at least 300 feet from any residential zone or lawfully conforming residential use.

6.4.21 Lodging houses

A. Lodging houses shall be subject to the minimum lot area requirements for nonresidential uses.

B. Individual rooming units in a lodging house shall be a minimum of 70 square feet in area.

C. Lodging houses shall provide a minimum of 200 square feet of combined rooming unit and common area per rooming unit.

D. Lodging houses, except for lodging houses located in the IR-2 and I-B zones, shall contain common areas for use by all residents, including a kitchen. A kitchen need not be available as a part of the common areas where all meals are provided on a daily basis.

E. In the IR-2 and I-B zones, lodging houses are allowed with greater than two, but no more than nine rooming units. When not served by public water and sewer, lodging houses shall require 10,000 square feet of lot area per rooming unit.

6.4.22 Low-impact industrial

A. Low-impact industrial in the B-1, B-2b, B-3, and B-6 zones is limited to a maximum of 10,000 square feet in gross floor area.

B. In the B-6 zone, no brew pubs or microbreweries east of Waterville Street shall be permitted within 50 feet of Fore Street.

C. When a low-impact industrial use is located in any mixed-use zone, the following standards apply:

1. All circulation and maneuvering, including loading, unloading, and turnaround areas, must be located on site. No maneuvering, loading, or unloading may happen in the right-of-way.
2. Truck loading, unloading, and access shall be located in the rear or interior side yard where possible.
3. Shared infrastructure to the extent practicable, including, but not limited to, service alleys, parking areas, stormwater treatment, public transportation facilities, and driveways, shall be utilized.

6.4.23 Marijuana-related uses

A. The following standards apply to the following marijuana-related uses:

1. Marijuana cultivation facilities.
2. Marijuana manufacturing facilities.
3. Marijuana retail stores.
4. Marijuana testing facilities.
5. Small-scale marijuana caregivers.
6. Registered dispensaries.

B. Location criteria

1. No marijuana cultivation facility, marijuana manufacturing facility, marijuana testing facility, small-scale marijuana caregiver, marijuana store, or registered dispensary may be located within 500 feet of a pre-existing public school, private school, or a public preschool program, as defined by 20-A M.R.S. § 1. Distance shall be measured in a straight line from the nearest point of the lot line on the lot which the use is proposed to the nearest point of the lot line on the lot where the public school, private school, or public preschool program is located, without regard to intervening structures or objects.
2. No marijuana cultivation facility, marijuana manufacturing facility, or marijuana testing facility may be located within 300 feet of any residential zone. Distance shall be measured in a straight line from the nearest point of the lot line on the lot which the use is proposed to the nearest point of the lot line on the lot where the residential zone is located, without regard to intervening structures or objects.

C. Marijuana retail stores and registered marijuana dispensaries shall be permitted uses in the B-2 zone, and conditional uses in the B-2b zone.

D. For purposes of this ordinance, any approval issued for a marijuana cultivation facility, marijuana manufacturing facility, or marijuana testing facility operated pursuant to 22 M.R.S. § 2421 et seq. shall be deemed to constitute approval for the same corresponding marijuana cultivating, manufacturing, or testing facility use operating under 28 M.R.S. § 101 et seq. Notwithstanding the above, no marijuana cultivation facility, marijuana manufacturing facility, or marijuana testing facility may operate without the applicable state and City license.

6.4.24 Marine uses

A. In the B-5 zone, marine uses shall include marine products wholesaling and retailing; harbor and marine supplies and services; marine repair services and machine shops; shipbuilding and facilities for the construction, maintenance, and repair of vessels; marine museums and aquariums; boat repair yards; boat storage; and seafood processing, packing, and distribution for human consumption.

B. In the B-6 zone, marine uses shall include marine products wholesaling and retailing; harbor and marine supplies and services; and underground marine fuel storage provided that such storage shall be used solely for the purpose of fueling vessels.

6.4.25 Market garden

A. Market gardens may be located outdoors or fully enclosed within a permanent building, subject to the following:

1. Outdoor market gardens are limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity.

2. The keeping of livestock, chickens or other poultry, and apiaries are prohibited.

3. Greenhouses, including high tunnels/hoop-houses, cold-frames, and similar structures, are permitted to extend the growing season.

4. Accessory structures, including but not limited to a shed or utility building necessary for the use's operation may be allowed for the storage of tools and materials. All accessory structures shall be located a minimum of five feet from any lot line.

5. Farmstands are permitted, and are limited to sales of items grown at the site. Farmstands shall be removed during the time of the year when the use is not in operation. Only one farmstand is permitted per market garden.

6. When located in a fully enclosed permanent building, market gardens may include all of the forms of cultivation and production allowed for outdoor market gardens, as well as hydroponics, aquaponics, myco-culture, and other similar indoor crop-production techniques.

7. Market gardens within a fully enclosed permanent building may include an area within the building for sales of items grown at the site. Such sales area may occupy no

more than 15% of the floor area devoted to the principal use.

B. In the B-3, B-5, and B-6 zones, market gardens shall only be permitted within an enclosed structure.

6.4.26 Neighborhood nonresidential reuse

A. Neighborhood nonresidential reuse is only allowed within existing structures that are nonresidential in their original construction and/or current use as of <<effective date>>.

B. The following nonresidential uses are permitted within a neighborhood nonresidential reuse. The initial conditional use approval for the neighborhood nonresidential reuse may specify one or more uses under the list below. A modification of the conditional use approval is required for a change to any of the uses below which were not specified in the initial or subsequent conditional use approval.

1. General offices <5,000 square feet
2. General services <5,000 square feet
3. Restaurants
4. Retail <5,000 square feet
5. Specialty food services
6. Studios for artists and craftspeople

C. No off-street parking is required for a neighborhood nonresidential reuse.

D. Drive-through facilities are prohibited for any neighborhood nonresidential reuse.

6.4.27 Off-street parking

A. In the B-3 zone, structured parking is a permitted use. Surface parking within the B-3 zone shall be allowed as a conditional use.

B. Surface parking in the B-3 and B-6 zones is subject to the following standards:

1. Surface parking lots shall be laid out in a manner conducive to development of future buildings, and/or structured parking on site.
2. All surface parking areas, including parking aisles, shall be located a minimum of 35 feet from any street. This 35-foot setback shall not apply to access drives oriented perpendicularly to a street.

C. In the B-3, B-5, and B-6 zones, structured parking is subject to the following standards:

1. Parking structures shall incorporate ground-floor retail space or other non-parking and active use space along all street frontages. Such retail or active space shall maintain a minimum depth of 30 feet from all street-facing façades of the structure.
2. The Planning Board may waive the requirement for ground-floor retail or other non-parking and active use space upon demonstration that the project meets at least one of the following criteria:
   a. The applicant demonstrates that steepness of grade or the character of the adjacent street does not support retail or other non-parking and active use space.
   b. The ground floor of the garage is set back a minimum of 35 feet from the street right-of-way, and its design does not serve as an impediment for the development of space between the structure and the right-of-way for retail or other non-parking and active use in the future. Any such space located between the structure and the

right-of-way shall not be used for surface parking.

c. The applicant demonstrates, to the satisfaction of the Planning Board, that market support for ground floor retail or other non-parking active uses does not currently exist. In such cases, the structure of the garage shall be designed to accommodate such spaces in the future as follows:

i. On the ground floor of a structure, a minimum of 30 feet in depth, measured from the façade of the structure, shall be designed to accommodate retail or active uses in the future.

ii. Such space shall maintain a minimum height of 12 feet from finished floor to finished ceiling. Where a parking structure fronts on more than one public street, and where there is an existing change in grade elevation of over 5% across the footprint of the garage, this requirement only applies to the frontage facing the street with higher traffic volumes.

iii. The applicant must demonstrate that the design of the parking structure anticipates the future development of utilities and circulation necessary to support non-parking active uses.

3. In cases where the Planning Board waives the requirement for ground-floor retail or other non-parking and active use space, garages shall be designed to enhance the pedestrian experience and disguise the parking use to the greatest extent possible. Use of traditional storefront design concepts and traditional building materials is encouraged.

6.4.28 Office parks

A. Office parks shall have a minimum gross area of three acres of contiguous land, and may be developed with multiple buildings on a single lot under common ownership, or as a coordinated development on multiple parcels under unified control or management.

B. Office park development proposals shall include a master plan of the office park, which shall include the following:

1. The location of the building(s) on the site.

2. The location of infrastructure on the site.

3. The location of all common areas and landscape buffers.

4. Identification of traffic circulation patterns, traffic controls, and parking areas, including demonstration that additional traffic generated by the project itself can be reasonably accommodated on existing public streets.

5. Identification of internal sidewalks, illustrating the manner in which the developer will provide this amenity to take advantage of the topography and natural features of the site.

6. Building elevation drawings which indicate architectural style, exterior finishes and color, building height and scale, and location and scale of window and door openings. Samples of exterior building materials shall also be submitted.

7. The location and style of lighting to be used in the development.

8. Identification and description of all proposed signage.
9. A description of phasing and timing of the development.
10. A description of any proposed private development restrictions.
11. Delineation of the subdivision of land, if proposed as a coordinated development on multiple parcels.
12. Any other information necessary and sufficient to ensure compliance with the standards in this subsection.

C. Office parks shall include a landscape program that meets the following standards.

1. All land areas not covered by structures, parking areas, or circulation facilities shall be landscaped and maintained.
2. To soften the visual impact of large expanses of pavement in parking lots, vegetation shall be planted or retained in islands or planting strips where required by the site plan or subdivision ordinance.
3. Landscape buffers shall be provided to screen areas abutting a residential zone or use, and to screen parking lots and driveways from public view. The buffer shall be of a dense and continuous nature and shall incorporate trees, shrubs, fencing, berms, and related elements deemed necessary.

D. Office parks shall consider and be sensitive to the need to preserve natural features on site. Natural features include, but are not limited to existing vegetation, flood plains, rock outcroppings, surface water bodies, drainage swales and courses, and wetlands.

E. All light fixtures shall be hooded or shielded so that the light shines downward.

6.4.29 Parks and open spaces

In the OS-P zone, parks and open spaces shall be limited to passive recreational use, including but not limited to trails and paths for pedestrians and bicyclists, and areas for fishing, hiking, wildlife management and conservation activities. Parks and open spaces in the OS-P zone may also include structures for educational, scientific, or nature interpretation purposes totaling no more than 10,000 square feet in floor area.

6.4.30 Places of assembly

A. In all RN zones, construction of a new principal building as a place of assembly is permitted only on lots with frontage on collector or arterial roads. Places of assembly are allowed on streets of any classification as adaptive reuse of existing structures that are nonresidential in their original construction and/or current use as of <<effective date>>.

B. Places of assembly in the B-1, I-L, and I-Lb zones are limited to 10,000 square feet or less in gross floor area.

6.4.31 Post-secondary schools

A. In any residential zone, expansion of existing post-secondary schools onto land other than the lot(s) on which the principal use is located shall be subject to a determination that the proposed use cannot be reasonably accommodated on the existing lot(s) through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas.

B. In any residential zone, a new post-secondary school or expansion of an existing post-

secondary school shall not cause displacement or conversion of existing residential uses.

6.4.32 Printing and publishing

Printing and publishing in the B-3, B-5, B-6, and O zones is limited to a maximum of 10,000 square feet in gross floor area, unless an expansion of a printing and publishing establishment greater than 10,000 square feet and in existence as of 4/4/1988.

6.4.33 Recycling and solid waste disposal facilities

Within the I-M/I-Mb zone, recycling and solid waste disposal facilities are permitted within an enclosed structure only.

6.4.34 Restaurants

A. In the B-1 zone, restaurants are limited to a maximum of 2,000 square feet in gross floor area, shall not operate between the hours of 11 p.m. and 6 a.m., and shall not accept deliveries or services between the hours of 10 p.m. and 7 a.m. Food service and consumption shall be the primary function.

B. In the B-6 zone, restaurants located east of Waterville Street within 50 feet of Fore Street shall be limited in hours of operation to between 5 a.m. and 11 p.m. each day and food service and consumption shall be the primary function of the restaurant.

6.4.35 Residential care facilities

In the residential zones, large residential care facilities shall require a minimum lot area of 20,000 square feet.

6.4.36 Retail

A. In the I-B zone, retail uses are limited to a maximum of 10,000 square feet in gross floor area.

B. In the B-1 zone, retail uses are limited to a maximum of 5,000 square feet in gross floor area, and shall not operate between the hours of 11 p.m. and 6 a.m., and shall not accept deliveries or services between the hours of 10 p.m. and 7 a.m.

C. Retail in the B-3 and B-5 zones shall not include wholesale or bulk purchase sales of lumber and construction supplies, truck rental establishments, sales, rental, and repair of heavy equipment, or wholesale establishments, including establishments where membership is required.

6.4.37 Self-storage facility

A. Storage units shall not be used for residential occupancy or business.

B. Plumbing connections shall not be permitted in self-storage units.

C. The following additional standards apply to self-storage facilities with units accessed directly from the outdoors:

1. Outdoor self-storage facilities shall be oriented so that storage unit access doors do not face the public right-of-way.
2. Outdoor self-storage facilities are allowed to include an area for storage of recreational vehicles. Storage areas for recreational vehicles shall be located in the rear yard.
3. No storage of recreational vehicles is allowed within 25 feet of any rear lot line. No storage of recreational vehicles is allowed within 30 feet of any interior side

lot line. No storage of recreational vehicles is allowed within 50 feet of any front or corner side lot line.

4. If storage areas for recreational vehicles are provided, they shall be screened along interior side and rear lot lines with a solid fence or wall, a minimum of six feet and a maximum of seven feet in height. Shrubs shall be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity; plantings shall be placed inside the fence oriented toward the interior of the lot.

6.4.38 Solar energy systems (major and minor)

A. In general

1. All solar energy systems shall meet the technical, safety, and maintenance standards in the City of Portland *Technical Manual*.
2. Solar energy systems shall minimize impacts resulting from construction and maintenance of the solar energy system, including lighting, security measures, traffic, and grid connections.
3. Solar panel placement shall minimize or negate any solar glare impacting nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar energy system.

B. Ground-mounted solar energy systems

1. Ground-mounted solar energy systems are only permitted in the B-4, I-L, I-Lb, I-M, I-Mb, I-H, and A-B zones.
2. Ground-mounted solar energy systems shall be located away from and screened from public ways and nearby residential/institutional uses to the extent possible and shall be designed to minimize impacts on significant scenic views.
3. Layout and fencing for ground-mounted systems shall be integrated with existing landscape and minimize removal of vegetation to the extent possible.
4. Minor ground-mounted solar energy systems shall be located a minimum 50 feet from all RN zones, and the R-P, B-1, and B-2/B-2b zones.
5. Major ground-mounted solar energy systems shall be located at least 75 feet from all RN zones, and the R-P, B-1, and B-2/B-2b zones.
6. The absolute height of any ground-mounted solar energy system shall be no more than 20 feet above the ground as measured from the base of the support.
7. The following components of a ground-mounted solar energy system shall be counted as impervious in the calculation of landscaped open space ratio:
   a. Foundation systems, typically consisting of driven piles, monopoles, or helical screws with or without small concrete collars or weighted ballast.
   b. All mechanical equipment of the solar energy system, including maximum horizontal extents of any concrete pad or any pad mounted structure for batteries, switchboard, transformers, or storage cells.
   c. Paved access roads servicing the solar energy system.

C. Roof-mounted solar energy systems

1. Roof-mounted solar energy systems are not included in the calculation of maximum structure height.

2. Solar energy systems mounted on flat roofs shall meet the following standards:
   a. In residential and R-P zones, solar energy systems mounted on flat roofs are limited to a height of 5 feet above the surface of the roof upon which they are mounted, and shall be set back from the edge of the roof one foot for every one foot of solar energy system height.
   b. In B-4 and industrial zones, flat roof-mounted systems are not subject to limitations on height, or to a required setback.
   c. In all other zones, solar energy systems mounted on flat roofs are limited to a height of 8 feet above the surface of the roof upon which they are mounted, and shall be set back from the edge of the roof one foot for every one foot of solar energy system height.
3. Solar energy systems mounted on pitched roofs shall meet the following standards:
   a. Solar energy systems on pitched roofs shall be mounted with a maximum distance of one foot between the surface of the roof to the highest point of the system.
   b. Solar energy systems on pitched roofs shall be installed parallel to the roof surface on which they are mounted.
   c. Solar energy systems on pitched roofs may not extend higher than the highest point of the roof surface upon which they are mounted.

6.4.39 Utility substations

A. Utility substations shall be as small in size as practicable, and shall be set back a minimum of 35 feet from any right-of-way, not including limited-access roads.
B. Substations shall be suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood. The remainder of the lot not occupied by the utility substation and its related access shall be designed and designated for future development.
C. In the OS-R zone, sewage pumping and treatment facilities shall be permitted. Water pumping stations shall be treated as a conditional use and subject to the additional standards of subsection 6.5.6.

6.4.40 Warehousing and distribution facilities

A. Warehousing and distribution facilities in the I-L and I-Lb zones are limited to a maximum of 10,000 square feet in gross floor area.
B. No outdoor storage is permitted as a component of warehousing and distribution in the B-4 and I-L/I-lb zones.

6.4.41 Wind energy systems (major and minor)

A. **General**
   1. All wind energy generation equipment shall be approved under a certification program approved by the U.S. Department of Energy.
   2. Wind energy systems, including foundations and support structures, electrical connections, control equipment, and associated site improvements shall be designed, engineered, and installed to comply with all applicable local, state, and federal construction and electrical

regulations and Federal Aviation Administration regulations. Applicable state and local approvals shall be obtained prior to installation of any wind energy system.

3. All on-site electrical wiring associated with the proposed wind energy system shall be located within the tower/pole/supporting structure or underground. Above ground on-site connections near substations or to the electric grid shall be allowed.
4. Wind energy systems shall be designed to avoid electromagnetic interference with the transmission or reception of radio, telephone, television, microwave, navigational, or similar signals to neighboring areas.

B. Setbacks

1. Minor ground-mounted wind energy systems shall be set back from all 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, measured from the base of the system to the top of the system at maximum vertical rotation. The setback distance shall be measured to the center of the wind generator base.
2. Major ground-mounted wind energy systems shall be set back from all property boundaries and street right-of-way lines by a distance equal to or greater than 1.5 times the total height of the system, measured from the base of the system to the top of the system at maximum vertical rotation. The setback distance shall be measured to the center of the wind generator base.

C. Height

1. Ground-mounted wind energy systems are limited to a maximum height of 65 feet in the B-2/B-2b, B-5, and B-6 zones.
2. All moving components of a ground-mounted wind energy system shall be a minimum of 12 feet from ground level or accessible surface.

D. Siting and placement

1. No wind energy system shall be located within 250 feet of any significant wildlife habitat, as defined by the Maine Department of Environmental Protection/Maine Department of Inland Fisheries and Wildlife under provisions of the Natural Resources Protection Act (38 M.R.S. § 480 et seq.) including wildlife habitat for species appearing on the official state and federal list of endangered or threatened animal species.
2. For all major and minor wind energy systems, or any system over 100kW, evidence shall be provided that the Environmental Coordinator of the Maine Department of Inland Fisheries and Wildlife and the Maine Natural Area Program have been notified of the location, height, and design of the proposed wind energy system at least three weeks prior to any final determination under this subsection. Any comments received therefrom shall be addressed to the satisfaction of these state authorities prior to any final determination under this provision.
3. The support structure (e.g. tower, pole) for ground-mounted wind generating systems shall not be climbable for a

minimum height of 12 feet above the surrounding ground level. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

4. The use of guy wires is discouraged. If required, they shall be located away from pedestrian routes/access points and marked with visible, reflective, colored objects, such as flags, reflectors, or tape, which shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.
5. Ground-mounted wind energy systems shall be located away from and screened from public ways and nearby residential/institutional uses to the extent possible and shall be designed to minimize impacts on significant scenic views.

E. Illumination and signs

1. No part of the system may be illuminated, except as required by the Federal Aviation Administration (FAA) or other authorities for safety and security purposes. Where lighting is required, it shall be at the lowest intensity allowable with fixtures shielded and directed to minimize glare and visibility from the ground.
2. There shall be no signs, advertisements, flags, or decorative items on a wind energy system or any associated facilities, except for the manufacturer's/installer's/owner's identification (not exceeding one square feet in size), appropriate warning signs, or lights if required by the FAA.

6.5 CONDITIONAL USES

6.5.1 Conditional use review procedure

A. Review authority. The Zoning Board of Appeals shall review all conditional use applications, with the exception that the Planning Board shall review all conditional use applications associated with projects that are otherwise before the Planning Board.

B. Application. Applications for conditional use review shall be submitted to the Building Authority for all Zoning Board of Appeals reviews and the Planning Authority for all Planning Board reviews. A nonrefundable application fee, as established from time to time by the City Council to cover administrative costs and costs of a hearing, shall accompany each application. The application shall be in such form and shall contain such information and documentation as shall be prescribed from time to time by the review authority.

C. Public hearing. A public hearing shall be set, advertised, and conducted by the review authority in accordance with Article 2 of this Land Use Code.

D. Action. Within 30 days following the close of the public hearing, the review authority shall render its decision, in a manner and form specified by Article 2 of this chapter, approving the conditional use, approving the conditional use subject to conditions as specified in Subsection 6.5.3, or denying it. The failure of the review authority to act within 30 days shall be deemed an approval of the conditional use, unless such time period is mutually extended in writing by the applicant and the review authority. Within five days of such decision or the expiration of such period, the Building Authority or Planning Authority shall mail

notice of such decision or failure to act to the applicant and, if a conditional use is authorized, list therein any and all conditions imposed by the review authority.

6.5.2 General conditional use standards

The review authority shall, after review of the application, approve a conditional use upon a finding that the proposed conditional use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zone. The review authority shall find that this standard is satisfied if it finds that:

A. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone.

B. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter.

C. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

D. The proposed use will meet any additional zone or use-specific standards identified in Tables 6-A to 6-G and Section 6.4.

6.5.3 Conditions on conditional use approvals

The review authority may impose such reasonable conditions upon the premises benefited by a conditional use as may be necessary to prevent or minimize adverse effects therefrom upon other property in the neighborhood. Such conditions shall be expressly set forth in the resolution authorizing the conditional use. Violation of such conditions shall be a violation of this article.

6.5.4 Effect of issuance of a conditional use approval

The approval of a conditional use shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing. and processing of applications for any permits or approvals which may be required by the City of Portland Code of Ordinances, including but not limited to a building permit, a certificate of occupancy, subdivision approval, and site plan approval.

6.5.5 Limitations on conditional use approvals

No conditional use approval shall be valid for a period longer than three years from the date of approval, unless the conditional use has commenced or a building permit is issued and construction has begun within that period and is thereafter diligently pursued to completion, provided, however, that one or more extensions of said time may be granted if the facts constituting the basis of the decision have not materially changed and the two year period is not exceeded thereby. A conditional use approval shall be deemed to authorize only the particular use for which it was issued and such approval shall automatically expire

and cease to be of any force or effect if such use shall for any reason be discontinued for a period of 12 consecutive months or more.

6.5.6 Supplemental standards for certain conditional uses in the OS-R zone

In addition to general conditional use standards and supplemental use standards, the following standards shall apply to sports complexes, stadiums, solar energy systems, water pumping stations, wind energy systems, and accessory uses within structures of 2,500 square feet or more within the OS-R zone:

A. The use shall be in conformity with or satisfy a deficiency identified in a federal, state, regional, or City recreation and open space plan, including but not limited to the state *Comprehensive Outdoor Recreation Plan*, as such plans may from time to time be created or revised.

B. Buildings and structures shall not obstruct significant scenic views presently enjoyed by nearby residents, passersby, or users of the site.

C. Indoor recreation or nonrecreational uses in the OS-R zone shall serve a significant public purpose that cannot reasonably be accommodated outside of the OS-R zone.

6.6 ACCESSORY USES

6.6.1 In general

A. Accessory uses shall be permitted in conjunction with permitted or conditional principal uses. Accessory uses shall be:

1. Customarily found in association with the principal use.
2. Generally consistent with the impacts of the principal use.
3. Secondary in nature, clearly incidental and subordinate to the principal use in terms of area and function.
4. Located on the same lot as the principal use unless otherwise permitted.
5. Consistent with the intent of the zone.

B. No accessory use or uses within a building shall occupy more than a combined total of 25% of the floor area of the principal building, with the exception of required off-street parking, unless otherwise provided in Subsection 6.6.2 below. In the case of multi-tenant buildings, this standard shall apply separately to each leased portion of the principal building.

C. No accessory use or uses not within a building shall occupy more than a combined total of 25% of the unbuilt lot area, or of the required rear yard area, with the exception of off-street parking or as otherwise provided in Subsection 6.6.2.

6.6.2 Standards for specific accessory uses

A. Accessory Dwelling Units (ADUs)

1. Accessory Dwelling Units (ADUs) shall be permitted on all lawfully conforming and nonconforming lots with legal residential uses.
2. ADUs shall be permitted as new accessory structures, building additions, or within existing lawfully conforming or nonconforming structures. However, the addition of an ADU may in no way increase the degree of nonconformity of any structure.
3. Up to two ADUs shall be permitted per qualifying property.
4. At the time of an ADU's initial construction or legal creation, the owner(s) of the

property on which the accessory dwelling unit is created shall occupy at least one of the dwelling units, with the exception of legally nonconforming lots on Peaks Island.

5. On Peaks Island, neither the accessory unit(s) nor principal unit shall be used for short-term rentals as defined under Chapter 6, Section 150.1 of the City of Portland Code of Ordinances.
6. When an ADU is significantly visible from public ways, the building design shall be clearly subordinate to the principal structure(s) in scale and position in relationship with the street and principal structure(s).
7. The developer of an ADU shall record a deed restriction requiring that the ADU and at least one other non-accessory unit on-site remain under common ownership.
8. ADUs shall comply with all dimensional requirements of the underlying zone, with the exception of lot coverage and minimum lot area requirements.
9. Under circumstances where an existing nonconforming structure is converted to an ADU, the design of the ADU shall take into consideration to the extent practicable the privacy of adjacent properties.
10. An ADU shall be limited to a gross floor area of 2/3 of the gross floor area of the largest principal unit on the lot. In no circumstance shall the height of detached ADUs on a lot exceed the height of the principal structure. Additionally, the aggregate square footage of detached ADUs on a lot shall not exceed the gross floor area of the principal structure.

B. Antennas, discs, transmitting and receiving equipment. Building-mounted antennas, discs, and other transmitting and receiving equipment shall be:

1. No taller than 15 feet above the highest structural steel of the building roof.
2. Setback no less than 15 feet from the building perimeter.
3. Integrated into the architecture of the building in placement, form, color, and material so as to screen or camouflage such equipment from public view.

C. Drive-throughs

1. Drive-throughs shall be permitted as an accessory use in the B-4 zone.
2. Drive-throughs shall be permitted as conditional accessory uses in the B-2 zone only if a drive-through was located on the site as of <<effective date>>.
3. In all other zones, drive-throughs shall be prohibited.
4. Drive-throughs shall be subject to the following review standards:
   a. All components of a drive-through, including, but not limited to, signs, stacking lanes, menu/order boards, trash receptacles, and service windows shall be located to the side or rear of the principal building where practicable, except where such placement will be detrimental to an adjacent residential zone or use, and shall be located a minimum of 40 feet from any adjoining property in a residential zone. This distance shall be measured from the outermost edge of the outside drive-through feature to such property line. In addition, drive-

through features shall be located a minimum of 25 feet from a right-of-way.

b. The site shall have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular circulation or creating hazards to vehicular circulation on adjoining streets.

c. Any speakers, intercom systems, or other audible means of communication shall not play pre-recorded messages. Any speakers, intercom systems, audible signals, computer prompts, or other noises generated by drive-through services or fixtures shall not exceed 55 dB or shall be undetectable above the ambient noise level as measured by a noise meter at the property line.

d. Site and vehicular light sources shall not unreasonably spill over or be directed onto adjacent residential properties and shall otherwise conform to the lighting standards set forth in the City of Portland *Technical Manual*.

e. Where automobiles may queue, waiting for drive-through services, their impacts shall be substantially mitigated to protect adjacent residential properties from headlight glare, exhaust fumes, and noise. As deemed necessary by the review authority, mitigation measures shall consist of installation of solid fencing with landscaping along any residential property line which is exposed to the drive-through or the enclosure of the drive-through fixtures and lanes so as to buffer abutting residential properties and to further contain all associated impacts.

f. Drive-through lanes shall be designed and placed to minimize crossing principal pedestrian access-ways or otherwise impeding pedestrian access.

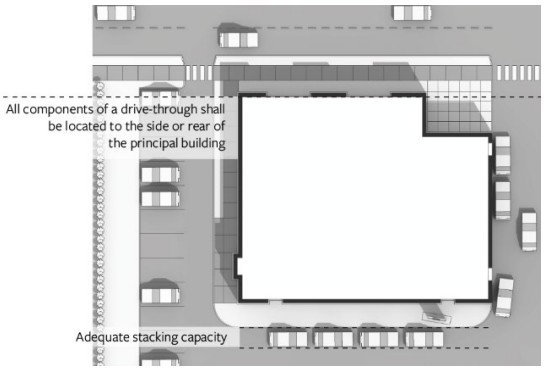


FIGURE 6-A: DRIVE-THROUGH SITING

D. Heliports. A heliport shall be designed and constructed in accordance with all federal and state regulations.

E. Home occupations

1. A home occupation shall be incidental to the residential use of a dwelling, and shall not change the essential residential character of the dwelling.

2. No interior or exterior alterations that are inconsistent with the residential use and character of the building shall be permitted. With the exception of a permitted sign, there shall be no evidence visible from the exterior of the premises that the property is used in any way other than as a dwelling. No display of products

shall be visible from the exterior of the premises.

3. Exterior signs shall be limited to one non-illuminated sign not exceeding a total area of two square feet. Such sign must be affixed to the building, and may not project more than one foot from the façade of the building.
4. The home occupation and all related activity, including any storage, equipment, and display of products shall be conducted entirely within a principal building or accessory structure. This does not apply to the home occupation of licensed family childcare provider, which may include outdoor space needed to meet state licensing requirements.
5. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, biohazardous, or other restricted materials shall be used or stored as a component of a home occupation.
6. No home occupation shall include dispensing of medication from the dwelling.
7. The home occupation shall not produce any perceptible noise, vibration, heat, smoke, odor, electrical interference, dust or other particulate matter, or other nuisance effects in excess of that normally associated with residential use.
8. A home occupation shall be limited to residents of the dwelling and no more than two nonresident employees on the premises.
9. The home occupation shall not create vehicular or pedestrian traffic in greater volumes than average for a residential neighborhood. The home occupation and any related activity shall not create any traffic hazards or nuisances in public rights-of-way.
10. Any clients or business-related visitors shall be limited to the hours of 7:00 a.m. to 8:00 p.m.
11. The storage of semi-trucks, trailers, or heavy equipment such as construction or landscaping equipment used in a commercial business, is prohibited.
12. Repair and service of any vehicles, any type of heavy machinery, or any type of engine, is prohibited. Repair of small electronics or appliances is allowed.
13. Rental services, where products for rent are stored on-site and customers visit the residence to pick-up and return products, are prohibited.
14. A family childcare provider as a home occupation shall not be subject to floor area limitations for an accessory use, but shall be limited to the care of not more than six children plus two children after school and shall have no nonresidential employees.
15. Businesses with no employees, no customers, and no external impacts are not considered home-occupations for the purposes of this subsection, and are exempt from its provisions. Remote work is also not considered a home occupation, and is exempt from these provisions.

F. **Makers' markets in the IL-b zone.** Makers' markets, including periodic or seasonal sale of handcrafted and limited production products for final consumption, which may include

prepared or raw foods, shall be permitted as an accessory use in the IL-b zone, provided that:

1. Such sales are located within a lawfully conforming principal permitted use.
2. Such sales occupy an area no larger than 45% of the floor area devoted to the principal use.
3. Such sales by any single vendor or group of vendors shall occur for no more than a total of 28 hours a week collectively.
4. Such products are produced or permitted to be produced in the IL/IL-b zone.
5. Such products are sold by the producer of the product or their designee.

G. Tasting rooms in industrial zones. Tasting rooms shall be permitted as accessory uses on the premises of facilities where beer, wine, spirits, other alcoholic or non-alcoholic beverages, or food are produced, provided that:

1. Service of food in the facility is limited to that which does not constitute a full course meal.
2. No more than 10% of the beverage menu in tasting rooms accessory to beverage production or 10% of the food menu in tasting rooms accessory to food production is produced or manufactured off-site.
3. Tasting rooms shall not be subject to the limitations on the use of unbuilt lot or yard area in Subsection 6.6.1(C).

H. Solar energy generation

1. Building-integrated systems of any size, and building-mounted, roof-mounted, or ground-mounted systems of less than 1,000 square feet in area shall be permitted as accessory uses within all zones except the Stream Protection zone and within cemeteries.
2. All accessory solar energy systems are subject to the following conditions:
   a. All systems shall meet the technical, safety, and maintenance standards in the City of Portland *Technical Manual*.
   b. Solar energy systems shall minimize impacts resulting from construction and maintenance of the solar energy system, including lighting, security measures, traffic, and grid connections.
   c. Solar panel placement shall minimize or negate any solar glare impacting nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar energy system.
   d. Ground-mounted accessory solar energy systems shall be located in side or rear yards only, and shall be subject to all dimensional standards for detached accessory structures within Article 7 unless otherwise specified.
   e. Building-mounted or roof-mounted accessory solar energy systems are not included in the calculation of maximum structure height, but must meet the following standards:
      i. Systems installed on pitched roofs shall be installed parallel to the roof surface on which they are mounted, and may project a maximum of one foot from the surface of the roof to the highest point of the system. Systems may not extend higher than the

highest point of the roof surface on which they are mounted.

ii. Systems installed on flat roofs must be set back a minimum of one foot for each foot of system height. Systems are limited to a height of five feet above the surface of the roof in all residential zones, 15 feet in the B-4 zone and industrial zones, and eight feet in all other zones.

l. **Wind energy generation.** Ground-mounted and roof-mounted accessory wind energy systems shall be permitted as accessory uses within all zones except the Stream Protection zone. Accessory wind energy systems are subject to the following standards:

1. Accessory wind energy systems shall comply with all general use standards for wind energy systems as stated under Subsection 6.4.41.A of this article.
2. Properties shall be limited to one ground-mounted accessory wind energy system and two roof-mounted accessory wind energy systems.
3. The maximum height of a ground-mounted accessory wind energy system is 25 feet in all RN zones, the R-P zone, the B-1 zone, and all island zones. In all other zones, the maximum height shall be the maximum height allowed within the zone or 45 feet, whichever is less.
4. The maximum height of any roof-mounted accessory wind energy system is 15 feet above the height of such structure. Roof-mounted systems are not included in the calculation of maximum structure height.
5. Roof-mounted accessory wind energy systems shall be set back from any edge of the building upon which they are mounted by a distance equal to or greater than the total height of the system, measured from the roof surface at the point of attachment to the top of the system at maximum vertical rotation. The setback distance shall be measured to the center of the wind generator base.
6. Ground-mounted accessory wind energy systems shall be setback from property lines by a distance equal to or greater than 1.1 times the total height of the system, measured from the base of the system to the top of the system at maximum vertical rotation. The setback distance shall be measured to the center of the wind generator base.
7. Ground-mounted accessory wind energy systems shall be located within the rear yard only and 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 natural vegetation which would result from construction or maintenance of the system.

6.7 TEMPORARY USES

6.7.1 In general

Temporary uses may be permitted from time to time as determined by the Planning Authority or Building Authority. Temporary uses on private property shall comply with the standards of this section, as well as regulations pertaining to temporary uses contained elsewhere in the City of

Portland Code of Ordinances. All temporary uses require a temporary use permit (reference to be inserted) unless specifically cited as exempt. Temporary uses do not require additional parking unless specifically cited in the temporary use standards or stipulated as a condition of approval.

6.7.2 Standards for specific temporary uses

A. Farmstand

1. A farmstand for the sale of food or non-food crops grown only on the premises is permitted, and shall be exempt from temporary use permit requirements.
2. In the island zones, such stand may include the sale of agricultural products produced on the premises or the sale of fish or shellfish caught by the occupant of the premises.
3. Acceptable stands are a portable table or cart, and cannot exceed an area of 200 square feet.
4. Farmstands are permitted for no more than 180 days per calendar year, and shall be removed when not in use.
5. Applicants may submit for a subsequent temporary use permit one calendar year from the issuance of their last permit for this purpose.
6. Farmstands must be set back from all public rights-of-way a distance of no less than 15 feet.

B. Garage/yard sale

1. A garage/yard sale is permitted as a temporary use on residential property, and shall be exempt from temporary use permit requirements.
2. Garage/yard sales are limited to no more than six days per calendar year.

C. Real estate project sales office or model unit

1. A real estate sales office/model unit(s) is allowed for a residential development.
2. No real estate sales office/model unit(s) may be located in a manufactured home or off-site.
3. The temporary use permit shall be valid for the life of the project, to be verified by open permits.
4. The real estate sales office must be removed and/or closed within 30 days after the sale or rental of the last unit within the development. The model unit(s) must be closed within 30 days after the sale or rental of the last unit of the development.
5. All activities conducted within real estate sales office/model unit(s) must be directly related to the construction and sale of properties within the particular development. Use as a general office of operation of any firm is prohibited.

D. Temporary contractor's yard

1. A temporary contractor's yard is allowed incidental to a construction project.
2. The temporary use permit shall be valid for the life of the project, to be verified by open permits.
3. The temporary contractor's yard shall be removed within 30 days of the completion of construction, and the premises shall be restored to their pre-construction state.
4. Temporary contractor's yards shall be screened on all sides by a fence a minimum of six feet in height to a maximum of eight feet in height. Fencing shall not be required on shared lot lines if the abutting lot contains a fence or other barrier that prohibits entry onto the lot.

E. Temporary outdoor sales

1. Temporary outdoor sales in residential zones are limited to those events conducted by and located on the premises of a place of assembly, an elementary, middle, or secondary school, or a post-secondary school.
2. Time limits shall be as follows:
   - **a.** Time limitations apply to the lot, not the operator of the use.
   - **b.** Temporary outdoor sales events in residential zones are limited to three events per calendar year, with a maximum of either three consecutive days, or two consecutive weekends. A minimum of 30 days between events is required.
   - **c.** Temporary outdoor sales events in nonresidential zones are limited to four events per calendar year, with a maximum duration of five days per event, and a minimum of 30 days between events.
   - **d.** Temporary outdoor sales events for seasonal sales, such as Christmas tree lots and pumpkin patches, are limited to four events per calendar year, with a maximum of 30 days per event, and a minimum of 30 days between events.
   - **e.** Temporary outdoor sales events in any nonresidential zone must be located a minimum of 125 feet from a residential zone.

F. Temporary outdoor storage containers. The use of an outdoor storage container is limited to a maximum of 90 days per calendar year.

G. Additional temporary uses. In addition to the temporary uses listed above, a temporary use permit may be issued by the Planning Authority or Building Authority for other temporary uses that are substantially similar to a temporary use listed above. A permit may be issued if the Authority determines that such use is not incompatible with the surrounding land uses and proper care has been taken to protect surrounding development, traffic patterns, and the environment. The time limit of such temporary use will be determined and approved as part of the temporary use permit.

6.8 PERFORMANCE STANDARDS

All uses shall comply with the performance standards established in this section, unless any federal, state, or local law, ordinance, or regulation establishes a more restrictive standard, in which case the more restrictive standard shall apply.

6.8.1 Development in the OS-R and OS-P zones

All development in the Open Space zones shall comply with the following development standards:

A. All ground areas not used for parking, loading, vehicular, or pedestrian areas and not left in their natural state shall be suitably landscaped and designed with quality materials that are consistent with adopted City policy or master plans, and which provide a comfortable, durable, accessible, readily maintainable, and aesthetically pleasing environment.

B. Natural features, such as mature trees and natural surface drainageways, shall be preserved to the greatest possible extent consistent with the uses of the property.

C. Loading areas shall be screened and parking areas shall be screened and landscaped so as to avoid a large continuous expanse of paved area.

D. Buildings and structures shall be sited to avoid obstructing significant scenic views presently enjoyed by nearby residents, passersby, and users of the site.

E. Storage of commodities and equipment shall be completely enclosed within buildings or provided with screening by a fence, wall, or landscaping.

F. The outer perimeter of playfields, play lots, and other active recreational areas shall be screened, or shall be located a reasonable distance from any residential use.

6.8.2 Discharges

No discharge shall be permitted at any point into any private sewage disposal system, or stream, or into the ground, of any materials in such a way or of such nature or temperature as to contaminate any water supply, or otherwise cause the emission of dangerous or objectionable elements, except in accordance with standards approved by the Public Health Authority or by the Public Works Authority. No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the Department of Public Works in accordance with Chapter 24 of the City of Portland Code of Ordinances. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of Chapter 24.

6.8.3 Electromagnetic interference

In any industrial zone, there shall be no electromagnetic interference that adversely affects the operation of any equipment other than that belonging to the creator of such interference.

6.8.4 Exterior lighting

All exterior lighting shall be designed and installed with full cut-off fixtures to direct illumination onto the site and to prevent illumination from such fixtures on neighboring properties in accordance with the City of Portland *Technical Manual*.

6.8.5 Heat, glare, radiation

Heat, glare, or radiation shall be imperceptible without instruments at lot boundaries and shall not present a safety hazard.

6.8.6 Historic resources

The exterior design of proposed or renovated structures located within historic districts shall be subject to the historic preservation provisions of Article 17. The exterior design of proposed or renovated structures located adjacent to historic districts or historic resources shall be subject to historic preservation requirements of Article 14.

6.8.7 Landscaping and screening

A. In all mixed-use and TOD zones, the O zone, the R-P zone, and the A-B zone outside of restricted access areas, sites shall be landscaped to screen parking and accessory site elements, including storage and solid waste receptacles, from the right-of-way, public open space, or abutting residential zones.

B. In the I-H zone, where a front yard abuts an arterial or a major collector street, it shall be landscaped. Rear yards, side yards, and the perimeter of any parking area for greater than 15 vehicles shall be landscaped if visible from a

right-of-way, public open space, or residential zone.

6.8.8 Noise

A. No use shall be operated so as to generate recurring noises that are unreasonably loud, cause injury, or create a nuisance to any person of ordinary sensitivities.

B. The maximum permissible sound level of any continuous, regular, or frequent source of sound produced by an activity shall be as shown in Table 6-I.

C. Sound shall be measured as follows:

1. For noise generated by a use in the B-4, B-5, B-6, I-L/I-Lb, I-M/I-Mb, and I-H zones, sound shall be measured at or within the boundaries of the nearest residential zone.

2. For noise generated by a use in the B-1, B-2/B-2b, B-3, I-B, R-P, O, and A-B zones, sound shall be measured at lot boundaries.

D. Sound levels shall be measured with a sound level meter with a frequency weighting network manufactured according to standards prescribed by the American National Standards Institute (ANSI) or its successor body.

E. Wind energy systems

1. Where the underlying zone is residential and does not specify sound requirements, or where the system will be within 100 feet of a residential zone, sound generated by the wind energy system shall not exceed 45 decibels on the A scale between the hours of 9:00 p.m. and 7:00 a.m., and 50 decibels on the A scale between 7:00 a.m. and 9:00 p.m., as measured at the nearest property line in accordance with this provision and technical standards set out in the City of Portland *Technical Manual*.

2. Audible sound levels of wind energy systems shall include sounds generated in all conditions including low and high winds (furling, yawing, and flutter) and power outages (freewheeling).

F. Exemptions

1. Noises created by construction and maintenance activities between 7:00 a.m. and 9:00 p.m. are exempt from the maximum permissible sound levels set forth in Table 6-H.

2. The following uses and activities shall also be exempt from the requirements of Table 6-H:

a. The noises of safety signals, warning devices, emergency pressure relief valves, and any other emergency devices.

b. Traffic noise on public roads or noise created by aircraft and railroads.

TABLE 6-H: NOISE STANDARDS

Zone	Daytime/Evening (7 a.m.-9 p.m.)	Night (9 p.m.-7 a.m.)
I-B	60 dBA	55 dBA
R-P	55 dBA	55 dBA
O	60 dBA	60 dBA
B-1	55 dBA	55 dBA
B-2/B-2b	60 dBA	55 dBA
B-3	60 dBA	55 dBA
B-4	65 dBA	60 dBA
B-5, B-6	60 dBA	50 dBA
I-L/I-Lb	60 dBA	50 dBA
I-M/I-Mb	70 dBA	55 dBA
I-H	75 dBA	55 dBA
A-B	60 dBA	60 dBA

c. Noise created by refuse and solid waste collection.

d. Emergency construction or repair work by public utilities, at any hour.

e. Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the City, including but not limited to concerts, parades, sporting events, and fireworks displays.

6.8.9 Odor

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the public health and welfare, or which interferes unreasonably with the comfort of the public, must be removed, stopped, or modified so as to remove the odor. It shall be a violation of this article to create an odor nuisance.

6.8.10 Exterior stairways

A. No open exterior stairways or fire escapes shall be constructed above the ground floor unless specifically allowed within this Code.

B. The Building Authority may permit exterior stairways on single- and two-family buildings. Such stairways shall have minimal visual impact upon the building and shall be located to the rear.

C. The Building Authority may permit the installation of an exterior egress stair or an upgrade of an existing exterior fire escape for a conforming or lawfully nonconforming dwelling unit existing as of January 5, 1998, if such egress is required to meet current fire or other life safety codes, provided that the owner demonstrates to the Building Authority that:

1. There is no practical and economically reasonable way to provide such egress within the interior of the building, as demonstrated by the submission of detailed floor plans showing the projected cost of and the impact on the existing dwelling from an interior stair.

2. The stairway and associated landings and other building fixtures are designed and will be constructed to have a minimal visual impact upon the building, especially as viewed from any public way or public open space, as demonstrated by photographs of the front and any other affected facades of the building and plans or drawings of the proposed egress stairs.

6.8.11 Outdoor storage

Outdoor storage shall comply with the requirements of Table 6-I.

TABLE 6-I: OUTDOOR STORAGE STANDARDS	B-1	B-2 B-2b	B-3	O	RP	A-B	B-4	B-5	B-6	I-L I-Lb	I-M I-Mb	I-H
There shall be no outdoor storage except for fully enclosed receptacles for solid waste disposal.	●		●	●	●			●	●			
All outdoor storage must be located a minimum of 20 feet from any lot line. However, when abutting a residential zone, all outdoor storage must be located a minimum of 100 feet from a lot line abutting such zone.		●				●	●			●	●	●
Outdoor storage areas must be designed and maintained so as to prevent the accumulation of debris and standing water that can attract insects and vermin. All outdoor storage areas shall employ measures to prevent displacement of materials and windblown dust or particulates, including the use of windbreaks, tarps, or other coverings to protect stored materials from the elements.		●				●	●			●	●	●
No outdoor storage shall be permitted in the front setback, except for storage for plant and tree nurseries or lumber yards if listed as a permitted use. All such storage located in the front setback shall consist of live plant materials or lumber products. No aggregate materials, machinery, or other materials or products shall be stored in the front setback.		●				●	●					
All outdoor storage shall be suitably screened from the public way and abutting properties by a landscaped buffer or solid fence at least five feet in height. This does not apply to storage of materials allowed in the front setback for plant and tree nurseries or lumber yards.		●				●	●					
Exterior lighting of outdoor storage areas shall not exceed that which is necessary for security purposes.	●	●	●	●	●	●	●	●	●	●	●	●

6.8.12 Relocation of displaced residents

In the B-3 zone, any development which results in the displacement of residents of dwelling units currently located on the development site shall meet the requirements of Section 18.5.

6.8.13 Smoke

Smoke shall not be emitted at a density exceeding the opacity level designated in Table 6-J, as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.

TABLE 6-J: SMOKE STANDARDS

Zone	Opacity Level
R-P	20%
O	
B-1	
B-2/B-2b	
B-3	
B-4	30%
B-5	40%
B-6	
Industrial and A-B zones	

6.8.14 Storage and repair of vehicles

A. In all residential zones, all island zones, the R-P zone, and the B-3 zone, only one unregistered motor vehicle may be stored outside, for a period not exceeding 30 days.

B. In all other mixed-use zones, storage of unregistered motor vehicles for more than 10 days, and outdoor storage of used automobile tires shall be prohibited.

C. No partially dismantled, wrecked, or junked vehicles shall be stored outdoors. This provision does not apply to vehicles undergoing repair.

D. All vehicle repair facilities shall be screened along interior side and rear lot lines by a landscaped buffer or solid fence a minimum of five feet in height.

6.8.15 Waste disposal

A. All solid waste disposal, including materials which might cause fumes or dust, or constitute a fire hazard if stored outdoors, shall be only in fully enclosed, covered containers or receptacles. In all nonresidential zones except for the industrial zones, such containers or receptacles shall be within designated, screened areas. In industrial zones and the B-4 zone, outdoor storage of refuse, debris, or previously used materials awaiting reuse shall either be in an appropriate container or located within a designated, screened area.

B. Containers or receptacles shall not leak or otherwise permit liquids or solids to escape from the container or be transferred beyond lot boundaries by natural causes or forces. Areas attracting large numbers of insects or vermin are prohibited.

C. Where food processing is permitted, all food processing waste shall be stored within a completely enclosed structure. If not refrigerated, such waste shall be removed from the site in an enclosed container within 48 hours of its generation. All enclosed and exterior food processing waste storage areas shall be cleaned and sanitized on a regular basis.

6.8.16 Vibration

A. In any mixed-use zone, the O, and the R-P zones, vibration inherently and recurrently generated shall be imperceptible without

instruments at lot boundaries. This shall not apply to vibration resulting from activities aboard a vessel or from railroad vehicle activities, or from activities on a pile-supported pier.

B. In all industrial zones, any use creating earthshaking vibrations, with the exception of airports, shall be controlled in such a manner as to prevent transmission beyond lot lines of vibrations causing a displacement of .003 or greater on one inch, as measured by a vibrograph or similar instrument at the property boundaries.

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

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.

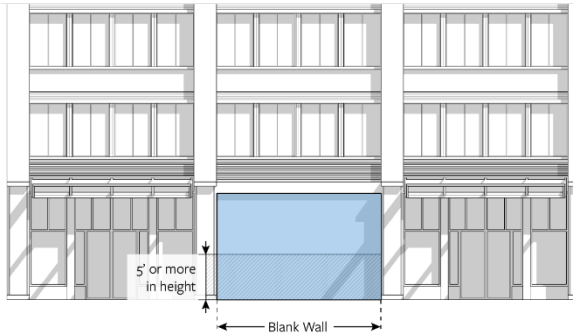


FIGURE 7-A: BLANK WALL AREA

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.

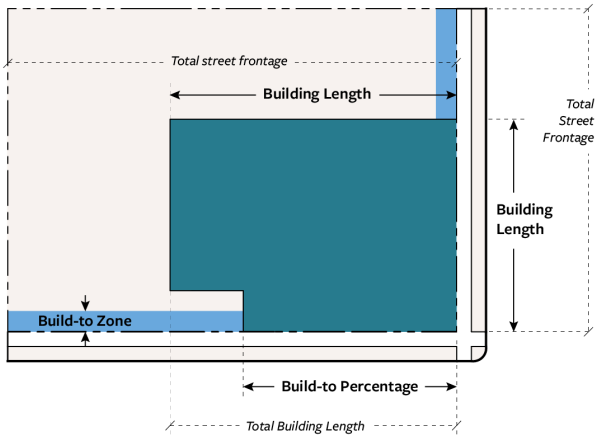


FIGURE 7-B: MINIMUM LENGTH AND BUILD-TO PERCENTAGE

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.

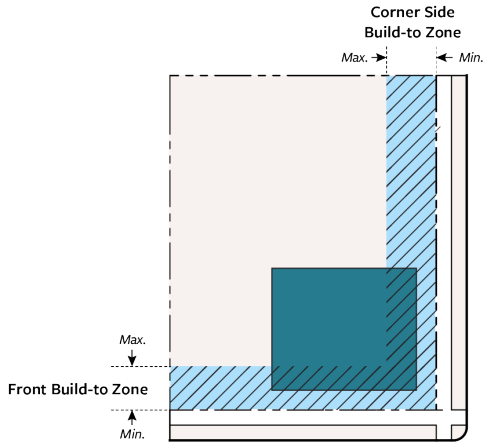


FIGURE 7-C: BUILD-TO ZONE

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, 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.

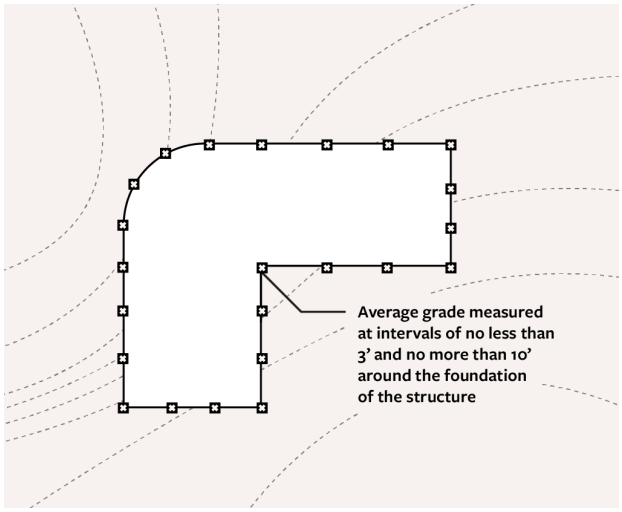


FIGURE 7-D: AVERAGE GRADE

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.

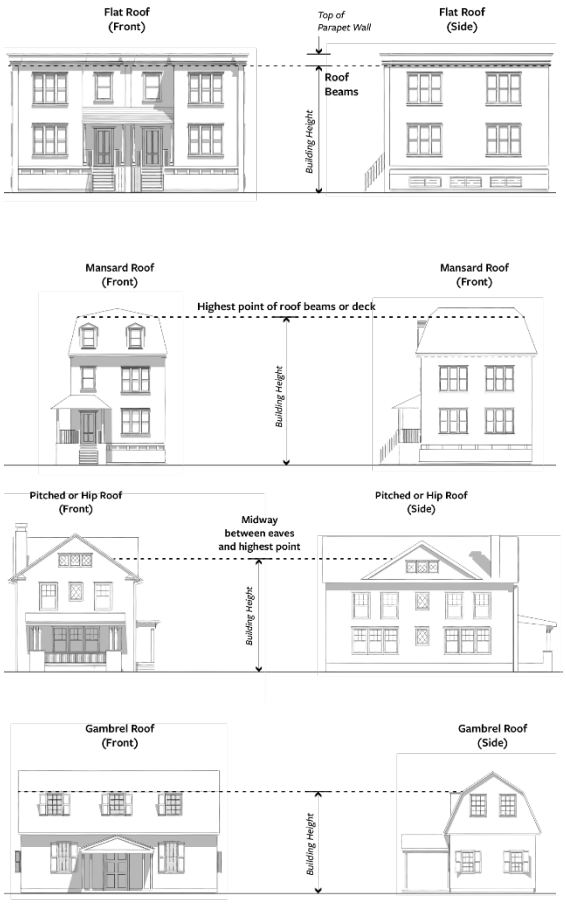


FIGURE 7-E: BUILDING HEIGHT MEASUREMENT

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 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 line. 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 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 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.

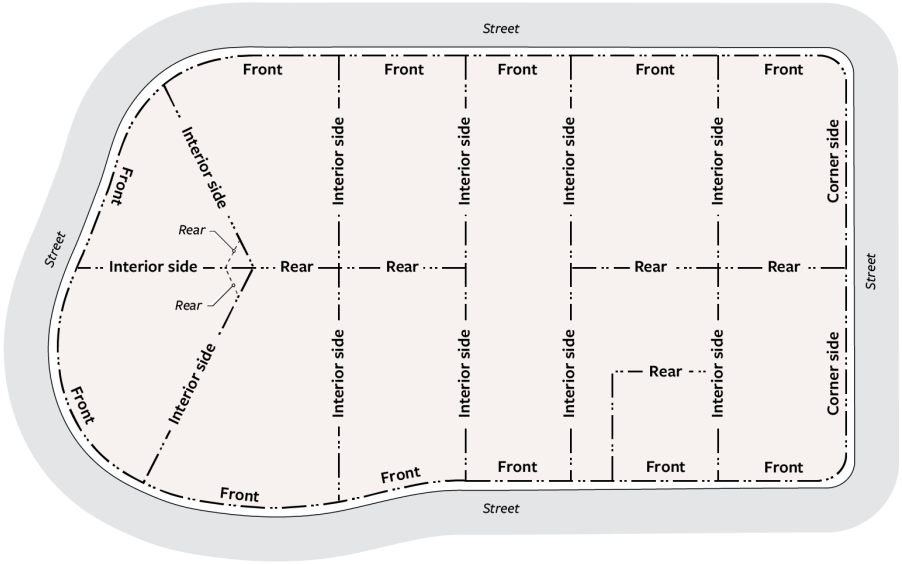


FIGURE 7-F: LOT LINES

Setback. The required minimum distance a structure shall be located from a lot line, which is open, unoccupied and unobstructed except as otherwise permitted in this code of ordinances. A setback 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 do not apply to fences, retaining walls, raised garden beds and other similar structures.

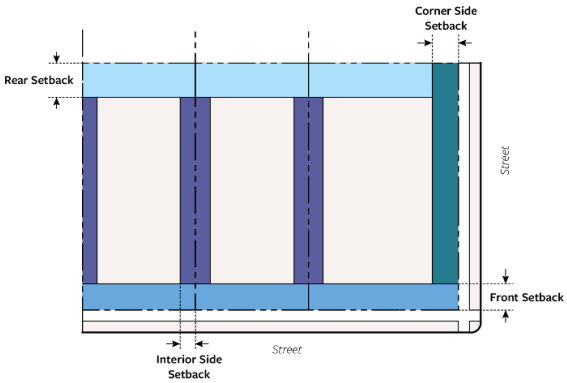


FIGURE 7-G: SETBACKS

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 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.

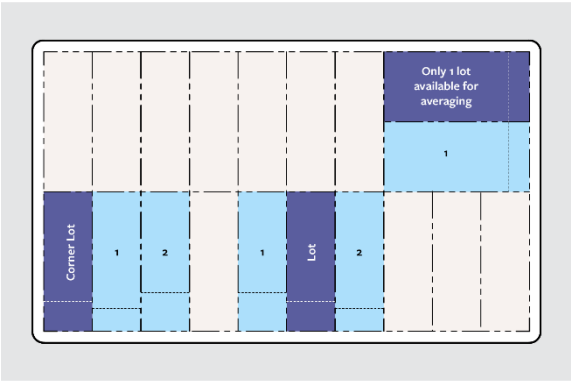


FIGURE 7-H: SETBACK AVERAGING

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

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

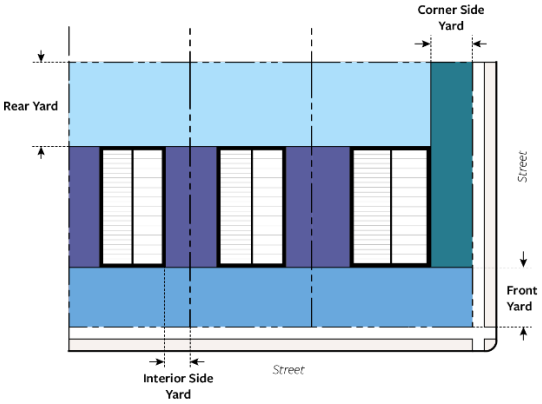


FIGURE 7-I: YARDS

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-G 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
	Nonresidential	10,000 SF	6,500 SF	6,000 SF	5,000 SF	2,000 SF	40,000 SF	2,000 SF
Street frontage (min.)	**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.

TABLE 7-A (CONT.): 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 stepback (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%

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 stepback (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%	--

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

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

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 curblines 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

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.

B. 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.

7.6 TOWERS

7.6.1 Purpose and applicability

Portions of buildings extending above a height of 125 feet shall be considered towers, and are subject to additional standards to ensure their design minimizes encroachment into view corridors, ensures adequate provision of light and air to adjacent streets, trails, and open spaces, and enhances the visual richness and aesthetic appeal of the Portland skyline.

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, 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.

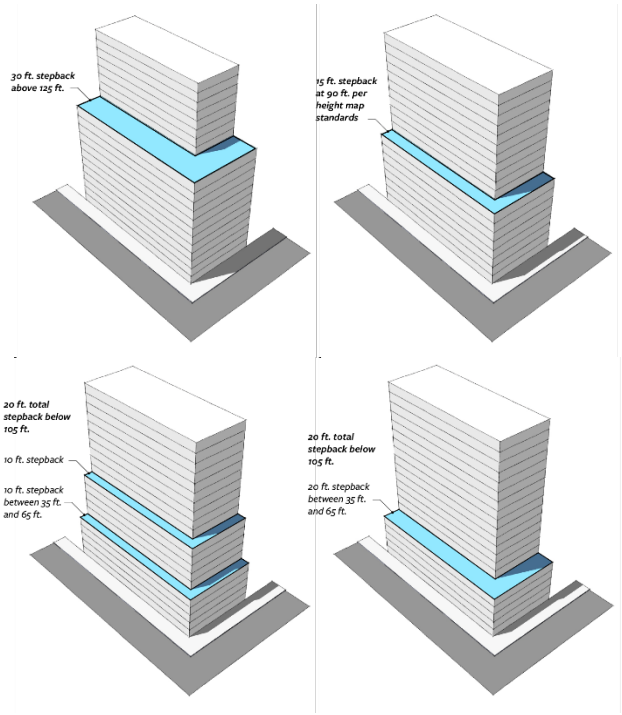


FIGURE 7-J: TOWER STEPBACK

B. Structures with multiple 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 (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 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 stepback must meet the standard as established in paragraph (A) above for the two longest building façades. The remaining building façades 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 frontages.

C. The Planning Board shall have the authority to waive one or more of the required stepbacks 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 that the Planning Board grants a waiver for one or more of the required stepbacks, 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

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.

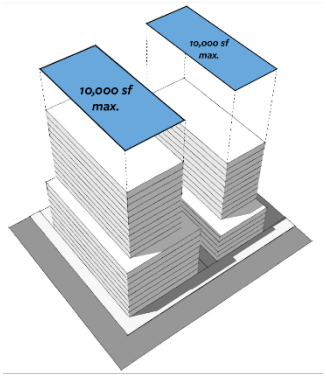


FIGURE 7-K: TOWER FLOOR PLATES

7.6.4 Tower separation

In order to preserve view corridors and to maintain a varied skyline, 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 shall be separated to avoid the appearance of a tall, solid block massing 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.

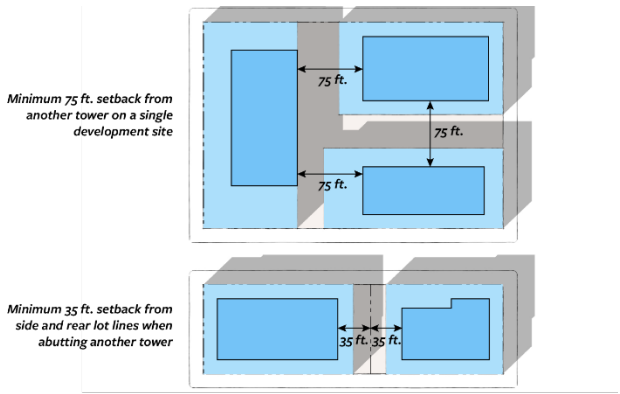


FIGURE 7-L: TOWER SEPARATION

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 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 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 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:

1. 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.

E. 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.

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

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 be exempt from the minimum building 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

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 deemed to be small island lots, subject to modified lot area, setback, and lot coverage requirements.

2. Small island lots may be used for single-family and two-family residential uses only.
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.

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 encroach into any required setback a distance of not more than two feet.
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.
3. The Planning Board or Planning Authority may approve a different front setback or build-to zone for irregularly shaped lots provided the front setback or build-to zone is met to the maximum extent practicable.
   a. 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 zone, the Planning Board may require or approve an alternative build-to zone to comply with the design standards of Article 14 and the City of Portland Design Manual.
5. Where build-to zone requirements apply to a lot with multiple street frontages, the two streets with the highest traffic volume shall meet the established standard. In the case of a lot with two street frontages and a corner, buildings shall be sited at the street corner and both frontages shall meet the required build-to zone. In the case of a lot with three or more street frontages encompassing two or more corners, buildings shall be cited at the corners, and the two streets with the highest traffic volume shall meet the established standard. Build-to zone requirements shall not apply to any frontage beyond the two with the highest traffic volumes.
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 additions to existing buildings to meet minimum height requirements.
   b. In the B-1, B-2, and B-2b zones, build to zone requirements shall not apply to additions to buildings existing as of <<effective date>> that do not cumulatively exceed 50% of the building footprint as of <<effective date>>. However, any such additions shall increase conformity with the standards to the extent practicable.
   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 RN-1, RN-2, RN-3, RN-4, and 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 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 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.

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

Height Map

Max. Height (ft)

- 35 ft
- 45 ft
- 55 ft
- 65 ft
- 85 ft
- 105 ft
- 125 ft
- 165 ft
- 180 ft
- 250 ft
- 325 ft

Min. Height

A - Minimum of 4 floors

B - Minimum of 3 floors

C - Minimum of 2 floors

Maximum Street Wall Height(ft)**

- 50’ max. street wall height with 15’ stepback
- 90’ max. street wall height with 15’ stepback
- 50’ max. street wall height with 30’ stepback
- 90’ max. street wall height with 30’ stepback

No new construction of any building shall be less than 35 ft. in height within 50 ft. of any street frontage. See Land Use Code for exceptions.

Maximum street wall height within the B-3 zone is 65 ft. unless otherwise noted.

*Boundary offsets are from street centerline unless otherwise noted.

**Multiple stepbacks cumulatively reaching at least the minimum noted above (15 and 30 ft.) are acceptable.

***No rooftop structure located between the projections of the centerlines of Emery St. and Fletcher St. shall exceed a height of 62 ft as measured from average grade of the building at its foundation.

See B-6 Building Height Overlay & Building Envelopes Map

Thompson’s Point

Commercial/Danforth***

100’ offset*

50’ offset from parcel line

40’ offset from parcel line

65’ offset from parcel line

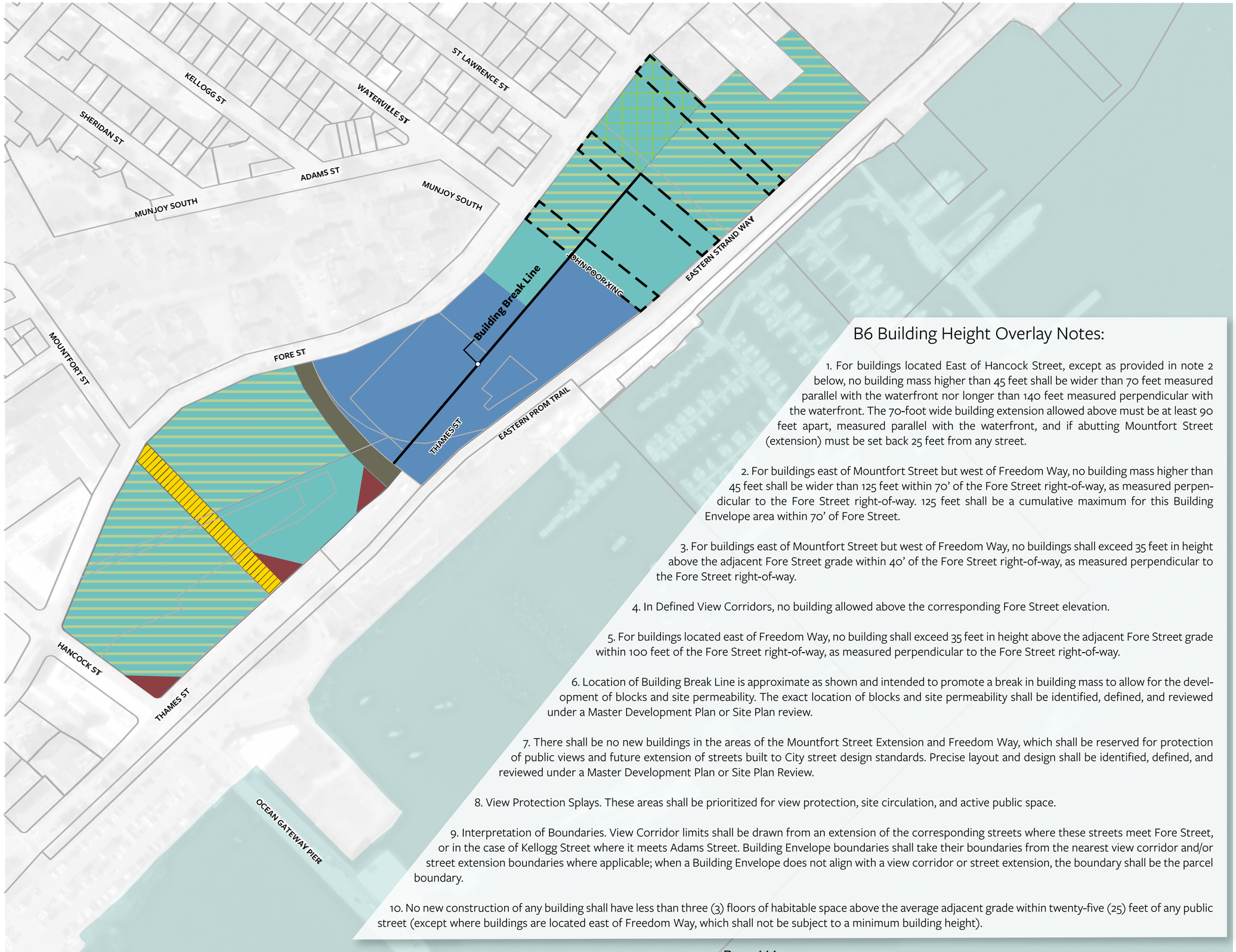
30’ offset from parcel line

DRAFT

City of portland

Portland, ME

B-6 Building Height Overlay & Building Envelopes Map



35 ft max

45 ft max

45 ft max with 55 ft extentions

45 ft max with 65 ft extentions

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

City of portland

Squarespace
Feb 9, 2021, 7:23:42 PM
to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Winston Lumpkins IV

Email Address: winston.lumpkins@gmail.com

Subject: support Multi unit buildings

Message: It is my firmly held belief that there should be absolutely no development of single unit buildings allowed, we have far too many.
3 units should be the minimum that are allowed on a single foundation. Mulit unit buildings are green, they are more affordable to rent, they look nicer. Bring back the triple Decker's! They are selling for like 500,000, there is no way they wouldn't build lots if they where allowed to.

It's f*cking disgusting all the little single unit buildings all over the place wasting perfectly good land that could house 3-4 families.

Squarespace
Apr 18, 2021, 7:49:34 AM
to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Mary Morse

Email Address: mrsm1359@outlook.com

Subject: Noise

Message: When looking at zoning and land use please considered impacts on existing neighborhoods with regard to noise pollution. We are overwhelmed with the noise (especially the bass) from music venues on the East side. These venues often go to 1 AM! It is seriously impacting the livability of our neighborhoods.

Portland Maine Yes. Google's good here.

Helen Donaldson <hcd@portlandmaine.gov>

Re: Form Submission - Contact us Re:Code - recode II suggestion

G Bahlkow <gbahlkow@gmail.com> Wed, Jul 14, 2021 at 10:28 AM
To: Helen Donaldson <hcd@portlandmaine.gov>

Hi Nell,

Thank you for your prompt reply!

Any help understanding "where" in the RECODE II process things stand will be appreciated.

Many thanks, Gary

PS Pasted below is a copy of email sent to Director and Deputy Director of Planning about a specific (to me) anomaly which seems easy to address - note there are two attached files that support the dialogue :

Good afternoon,

I am contacting you at the suggestion of Caitlin Cameron. Please let me know if this is, in fact, directed to the right people!

I have been renovating a residential property in the R6 with Munjoy Hill overlay. It is located in the newly approved Munjoy Hill Historic District. 42 Lafayette Street.

After completing renovations to the main house, I met with Caitlin, Deb Andrews and Ann Machado in January of 2019 about the possibility of replacing the existing garage (circa 1948) with a new one. My concept was to use a slightly larger footprint and have a small dwelling unit above.

I ran into a conflict with the current regs that Caitlin, Deb and Ann seemed to think was an unintended consequence of a new overlay reg - 8.7.4.A.2. (At least that was my impression of their comments at the meeting - I don't mean to put any words in their mouth).

I believe it was Caitlin who said the intent of 8.7.4.A.2. was to get more living space onto the ground floor in larger condo type projects (or avoid the sterility of nothing but garage on ground floors in condo projects). In my case, I am really just replacing a functionally obsolete accessory building with a new one. And adding a single, small dwelling unit above.

If you look at the Dimensional Table 7A for R6 you will find that I could build a 20x30 garage with 8 foot door (40%) and put the dwelling unit on top. Unfortunately, the Overlay reg in 8.7.4.A.2. currently takes that 7A allowable garage away.

If, in fact, this is an unintended consequence of the overlay I will appreciate you considering a modification in the RECODE II process.

Currently I have a permit pending for a new single family (as advised by Ann). The permit number is BLDR 2019 01144. If you look at the original submittals (with a new garage) vs the revised submittals I just uploaded today (without the garage) you might conclude, as I have, that a single bay garage/workshop on the first floor with a small dwelling unit above looks like a thoughtful accessory building (where a little house next to the big house looks, well, odd. At least to me.).

As a personal note - to give you some context on why I am pushing for this, my hobby is tinkering on old cars. I REALLY would like to replace the tiny garage there now with a slightly larger one that could accommodate a workshop on the ground level. I'd also like to add a small dwelling unit above to the housing pool on Munjoy Hill.

If this is a lost cause I will go ahead and replace the old garage with a new house with no garage/workshop but I am hoping you folks might see a path forward for me to do what I hope to do.

I know this is a long and potentially confusing email. I'd be glad to elaborate in person or by phone if that might be useful. 207-650-1551

In the meantime, I am attaching a couple items that might help you visualize the foregoing. You might have to be patient waiting for the Site Plan to load. It is a pretty big file that takes a minute or two to draw.

Thank you for your consideration.

Gary Bahlkow

[Quoted text hidden]

> [Quoted text hidden]
> Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

---

2 attachments

42LAFA~1.JPG
4229K

Bahlkow Site Plan_3B-11 x 17 (7) (1) June 25, 2019.pdf
757K

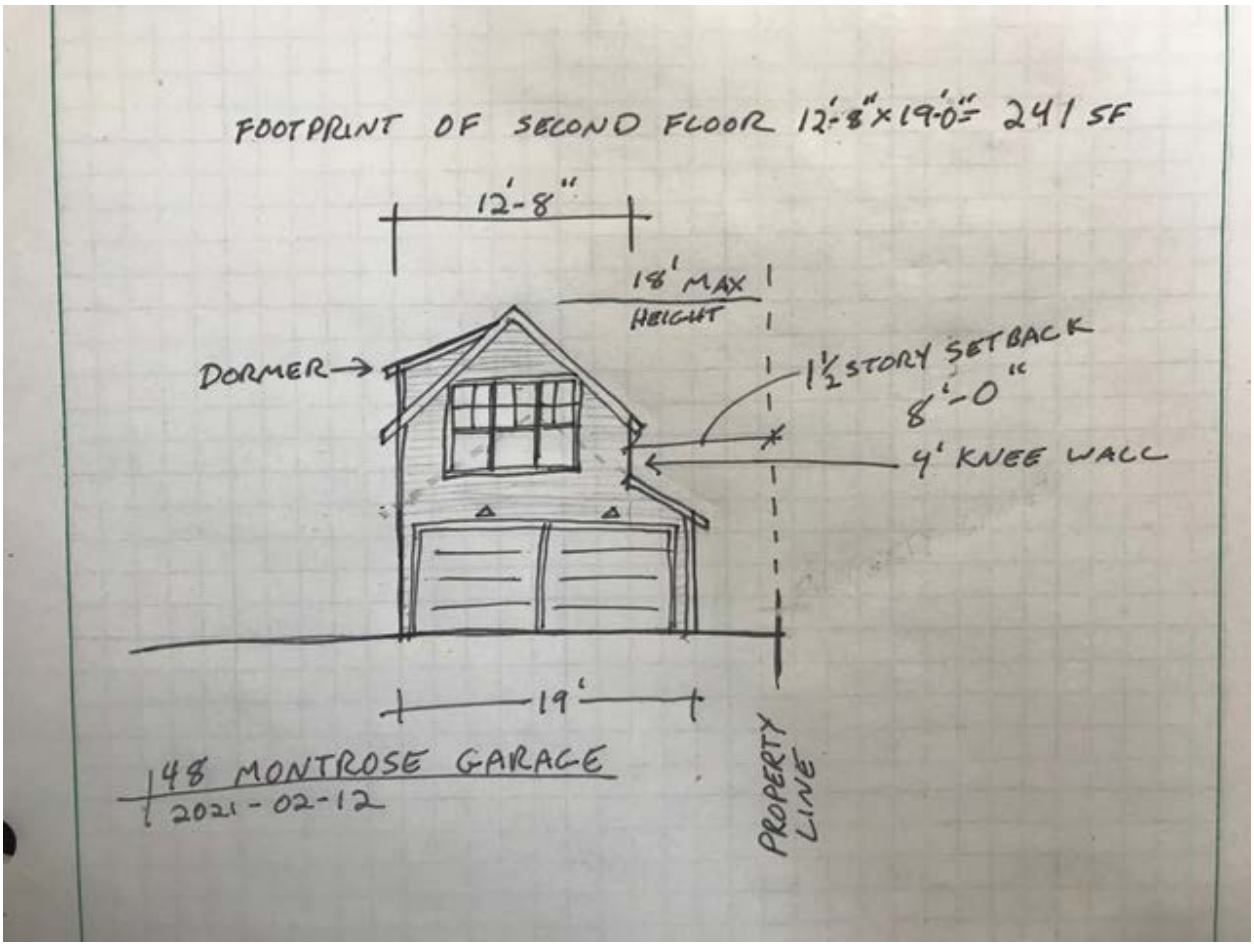
Chris Herlihy
Jul 26, 2021, 3:47:13 PM
to recodep...@portlandmaine.gov

Hello,

I am working with a clients who owns 48 Montrose Ave. We are interested in knowing if the recoding would have impact on the setback limitations of using their accessory structure (garage) for an ADU. The house is in Zone R5 and I have sketched the current limitations below, but they would like to use the whole 2nd floor, or more then I currently have allotted if they are able to.

Best Regards,

Chris Herlihy
Architectural Designer
Polestar Design
70 Center St. 2nd Floor
Portland, Maine 04101
O: 207.405.1815
M: 406.600.5069



Fwd: Form Submission - Contact us Re:Code - ADU's in R-5 and setbacks

Helen Donaldson <hcd@portlandmaine.gov> Mon, Jul 27, 2020 at 9:06 AM
To: Jennifer Munson <jmy@portlandmaine.gov>

Jen,

Can you get this into the public comments for ReCode and publish with the backup for the meeting as well?

Thanks,

Nell

---------- Forwarded message ---------
From: Squarespace <Unknown>
Date: Sunday, July 26, 2020 at 12:23:44 AM UTC-4
Subject: Form Submission - Contact us Re:Code - ADU's in R-5 and setbacks
To: recodep...@portlandmaine.gov <Unknown>

Name: Nick Aceto

Email Address: n...@acetola.com

Subject: ADU's in R-5 and setbacks

Message: Hello,

I am excited to see the city has recently published the first phase of the revised land use code. I am also very pleased to see more language included in this phase regarding ADU's in residential zones, particularly R-5. Thanks to everyone for all the hard work!

Reading through the dimensional standards I was a bit confused by a few items:

1. Rear Setbacks: It appears the rear setback for R-5 has remained the same, 20'. It also appears this requirement stands for accessory structures (ADU's). If this is the case I would strongly suggest reconsidering a more progressive standard which can allow for greater flexibility in design and more efficient use of yard space. By reducing the rear yard setback to 5' for detached ADU's you would allow what is often underutilized yard space to be repurposed as living space/floor area. For the average two car garage carriage house this represents an additional +/- 300 sf(or one additional bedroom). In the case of some smaller lots this could mean the difference between building the ADU or not. In a time when Portland so desperately needs affordable housing, I urge you to consider drastically relaxing setback standards, particularly for ADU's.

2. Detached ADU Height Limits: It appears ADU's are proposed to carry a max height limit of 18' while their counterpart principal structures are nearly double at 35'. It seems unnecessarily restrictive to set a lower height limit than the principal structure. In a time where affordable housing is needed, the height limit seems it could restrict some property owners from providing additional living space or even make the ADU project unfeasible. I would suggest making the height limit the same as the principal structure. There is already language in the code requiring accessory structures to be 'subordinate' to the principal buildings in terms of placement and bulk (2/3rds floor area limitation).

As a resident in the R-5 zone my partner and I would very much like to develop our own ADU. We think the ADU could be a very valuable tool in helping combat the lack of affordable housing, organically, within existing neighborhoods. However I would urge staff to consider relaxing dimensional standards so as to allow maximum design flexibility early in order to promote efficacy of this new strategy.

Thank you!

NIck Aceto

(Sent via *ReCode Portland*)

Squarespace
Dec 16, 2021, 2:21:16 PM (5 days ago)

to recodep...@portlandmaine.gov

Sent via form submission from ReCode Portland

Name: Daniel Higgins

Email Address: dannyhiggins207@gmail.com

Subject: R2 Zoning Questions

Message: I live on 106 Caron St. with a lot size of approx. 17,800 sq.ft. A number of years ago I contacted Marge Schmucal (spelling?) in city hall and was informed that , to sub-divide my lot for 2 lots R2 zoning requires 10, 000 sq. Ft. Per lot.. Now I see Brandi Lane sub-division approx. 50 yards away from my house, being started with many lots below the 10,000 sq.ft.. This was zoned C40. Is the ReCode Portland addressing issues like this?

Does this submission look like spam? Report it here.

Mush J
unread,

Dec 21, 2021, 5:31:08 PM (17 hours ago)

to recodep...@portlandmaine.gov

Hello,
I own a land in Hemingway Street and I'm looking to build a house there and my neighbors too, that's in my opinion is going to help with the housing needs and the economic too so I was hoping that the city is looking at this issue and waive the requirements of paving the street or helping us pave it or even split the cost,
Thank you,
Mushreq J Alsamraee
35 Hemingway street
Portland, ME
2076329523

Squarespace
unread,

9:06 AM (2 hours ago)

to recodep...@portlandmaine.gov

Sent via form submission from ReCode Portland

Name: Elizabeth C Parsons

Email Address: ecparsons33@hotmail.com

Subject: Recode Portland format

Message: Have received the email about reading and commenting on the current Recode process. Would very much like to do this and find that the format is tedious and off-putting. The document appears in a small window and navigating around it is tricky. Is it possible to receive a PDF of the document?

If this is the only way that you solicit feedback, what you are going to get are responses only from people who are already in the know and not just ordinary citizens--who may have perspectives that need to be heard. Please make a concerted effort to expand the ways of access to this important document and process.

Does this submission look like spam? Report it here.

Portland Maine Yes. Google's good here.

Matthew Grooms <mgrooms@portlandmaine.gov>

Comments

'Dennis Martin' via ReCode Portland <recodeportland@portlandmaine.gov> Wed, Dec 22, 2021 at 10:41 AM
Reply-To: Dennis Martin <dennyjrdaddy@yahoo.com>
To: recodeportland@portlandmaine.gov

Hello- We are in a historic district. We would install solar panels on our large southeast facing roof except it is also street side for the historical district. It's probably time to limit the historical districts' reach when it comes to homeowner's mitigating their carbon footprint. Wasn't sure how to comment on the document. Thanks Dennis Martin 217 Brackett St.

Recode Phase II Land Use Code Evaluation

Barbara Vestal <vestal@chesterandvestal.com> Thu, Jan 6, 2022 at 12:56 PM
To: planningboard@portlandmaine.gov, Christine Grimando <CDG@portlandmaine.gov>, Helen Donaldson <HCD@portlandmaine.gov>

Chair Mazer and Planning Board Members:

These comments are submitted for consideration as part of your workshop on the Land Use Code Evaluation (Evaluation) on January 11th. For the most part, I am submitting comments on the document in this letter format rather than using the awkward online "bubble" format.

While I think the Evaluation contains many useful observations and may trigger important discussions, I found it to be very uneven and incomplete in how substantive topics are addressed. I was hoping the document would contain a detailed assessment of the ways in which the current land use ordinance fails to implement the major principles of Portland's Plan 2030. (Those major principles are adequately summarized in the Evaluation as: One Portland, complete neighborhoods, strong downtown, thriving working waterfront, priority nodes and corridors, and connected transportation, open spaces and infrastructure, p. 7). Further, I was hoping the Evaluation would contain a comprehensive set of recommendations for amendments (or at least a list of very specific topics for further analysis) which would detail **how to move the City toward implementation of the major principles of Plan 2030**.

Instead, the Evaluation is organized around those six generic themes from Plan 2030 (equitable, sustainable, dynamic, secure, authentic, connected) which are so amorphous that they are not equal to the task of moving the discussion forward. The Evaluation is further divided into technical sections organized by seven components of any Land Use Code. There are approximately 40 substantive recommendations gathered in the "recommendation matrix" but they seem scattershot. The document does not clearly identify the fundamental choices that need to be made if the City is to move toward those major policy principles of the comprehensive plan, Plan 2030, nor does the Evaluation seem to propose a comprehensive suite of recommendations (or focused topics for further analysis) which are strategically selected to further those principles.

Figuring out how to amend the Land Use Code to actually further those substantive principles is the work that needs to be undertaken now. To be successful, it needs to be intensive and laser focused on those principles. The choices among alternative land use patterns and opportunity costs of those choices need to be clearly laid out so that appropriate decisions can be made. If true to Plan 2030 principles, some fundamental changes need to be made in the pattern of uses allowed by zoning and supported by the Land Use Code, particularly off-peninsula. Instead of confronting those decisions head on, this Evaluation seems to have gotten sidetracked on a quest to generate recommendations that will tick as many boxes as possible based on claims that they have some vague relationship to the six generic themes. To my mind, this is an unhelpful elevation of form over substance.

The chapter entitled "The Land Use Code & Portland's Plan" (pp. 7 - 19) is a bit of a puzzle. It asserts over and over and over again that revisions to a land use code **CAN** produce x, y or z (e.g. achieve complete neighborhoods, further equity goals, incentivize affordable housing, etc.). Is the word **CAN** intended to be read as **SHOULD** in relation to Portland? Are these intended as substantive recommendations? Or is this chapter just meant to educate the reader as to the theoretical power of a generic land use code? It would be a more useful document if it helped the City identify **how** to move toward plan implementation by focusing on the specific decisions that need to be made in amendments to the Land Use Code, organized by the topics called out in this chapter (equity, environmental sustainability, parking, complete neighborhoods, housing) and additional major principles goals from Plan 2030 which are not specifically highlighted in this chapter (one Portland, strong downtown, thriving working waterfront, and land use patterns related to priority nodes and corridors and connected transportation, open spaces and infrastructure).

Turing to substance, I would like to share four general observations:

AFFORDABLE HOUSING: The Evaluation seems to emphasize new housing production. (p. 8, 17-18), identifying what could be included in the toolkit to incentivize new construction to produce expanded housing opportunities. The elephants in the room, not discussed in the Evaluation, are the disincentives imposed by referenda in November 2020, specifically including rent control, which are highly likely to discourage the construction of virtually any **newly constructed rental housing.** The exception may be 1-4 unit structures intended to have an owner occupant, accessory dwelling units, government-subsidized units, or units owned by Portland Housing Authority, which are exempt from rent control. Unlike most other rent control ordinances, there is no exemption for rental units constructed after the date of enactment. Any "holistic look" at land use housing tools is a wasted effort unless it expands its focus enough to appreciate the current broader regulatory framework. Rather than focusing on new construction incentives, I believe the land use toolkit for affordable housing is going to need to focus on how Portland can adjust its provisions on nonconformities to **retain existing housing** and to encourage investment in existing affordable housing. This is mentioned very briefly on page 9 but not fleshed out.

In addition, the new construction incentives need to be adjusted so they are not counterproductive. For example, on Munjoy Hill, the height bonus for one “workforce” housing unit has actually incentivized demolition of multiple existing units, to be replaced by expensive condominium units, resulting in a **net loss** of affordable housing. A different set of incentives need to be developed (e.g. allow different types of units or smaller units, reduced minimum lot size per unit for affordable units, etc.) to replace the counterproductive height bonus.

HEIGHT: Recommendation 2.H. states: "Consider opportunities to refine height controls within the Land Use Code's ***mixed use zones***" (emphasis added). This recommendation should not be limited to mixed use zones. Height provisions need to be comprehensively reviewed throughout the City. Currently measurement methodologies are very sparsely detailed and are particularly inadequate for retaining an acceptable scale on a sloped site. Architects have developed "work arounds" that evade the intent and letter of the ordinance. Except on the islands, the current language is being interpreted, unlike almost every other jurisdiction, to allow

a developer to fill first (or resort to other artificial means) and then calculate height from a newly created grade.

The methodology to calculate height needs to be fixed. It needs to specify: 1) where measurements are to be taken on the surface of the earth relative to the footprint of the structure (what defines the corners or the location of the perimeter – the weight-bearing foundation? Incorporated retaining walls? Other?); 2) where measurements are to be taken relative to the vertical location/elevation of the corner points or perimeter (e.g. where the weight-bearing foundation pierces the ground or some other point?); 3) stipulate that calculations are to be based on pre-development grade (or natural grade as of a past date like the year 2000) so that use of fill or other artificial ground-raising techniques to increase allowable height are not permitted; and 4) as many of the remaining undeveloped sites in Portland involve steep slopes, establish standards to address height calculations for sloped lots so that the resulting structures are not out of character with their surroundings, such as a cap on the number of feet of additional height allowed as a result of averaging the grade. Ideally this height methodology fix, which has been discussed for years, should be expedited and not wait for completion of the entire Recode II process.

WATERFRONT ZONES: The Evaluation recommends that "the Code revision process should maintain the unique orientation and provisions of each of these [3 waterfront] zones, while recognizing the potential for emerging industries that can be compatible within the waterfront context." (p. 54). If the emerging industries are meant to be **water-dependent industries** (not intended to include the “hospitality industry” or similar “industries”), that is a reasonable recommendation. As these waterfront zones are so complex and have been intensely negotiated, from time to time, over the last 30 years, I strongly believe it is best for the Recode II process to leave them as they are and not undertake to "align, clarify, [or] modernize the language" even if the recommended intent would be to preserve the function and intent of these established zones. Trying to consolidate definitions into one place or tweaking performance standards so they are consistent with the language used in another zone may inadvertently upset a delicate balance.

LAND USE PATTERN: The Plan 2030 calls for off-peninsula areas to carry more of the burden of accommodating future growth, and advances priority nodes and corridors as the way to do this while supporting sustainability goals for public transportation. The zone analysis in the Evaluation contains only a very cursory analysis of the existing zones, and fails to address how these zones could and should be amended to further these important major principles. Does the City need one or more overlay zones for the priority nodes and corridors? Where would the overlay zone(s) apply? How much density would be allowed? How would they be structured to support affordable housing goals? These issues are the heart of making the Land Use Code consistent with and supportive of Plan 2030. It is unfortunate that the Evaluation does not include more helpful analysis of these issues.

Best wishes as you try to cull what is useful out of this Evaluation and come up with a plan for how to move forward with the Recode II process.

Regards,

Barbara Vestal

--
Barbara A. Vestal, Esq.
Chester & Vestal, PA
107 Congress Street
Portland, Maine 04101
(207) 772-7426 - phone
(207) 761-5822 - facsimile

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this message in error, please notify us immediately by telephone and e-mail.

PC 11

Comments on Proposed Recode

0 views

Subscribe

Cheryl Ann Leeman <cal4161@yahoo.com> 12:00 PM (4 hours ago)
to planning@portlandmaine.gov

First and foremost, there has to be a recognition for the city's neighborhoods and their value to the overall quality of life in Portland especially established neighborhoods with patterns of developments attractive to young families who want a more suburban feel similar to outlaying communities - - as stated in the city's comprehensive plan that "uniqueness and integrity of our neighborhood will be maintained and enhanced" and "compatible with current development patterns and contextually appropriate ".

1. *Urbanization* of neighborhoods will be in direct conflict with what the Comp Plan and the homeowners who purchased their homes in areas of the city where the established patterns of housing development were an indication of a desirable, well-defined and livable neighborhoods to raise one's family.
2. Until there is an actual inventory of housing stock in the R-3 and R-5, it is somewhat inaccurate to say that these zones "do not appear to acknowledge the current built forms" mapped within the city. AS stated, three and four family dwellings are not predominant housing types in these zones.
3. Greater density requires data-based documentation as to the appropriateness of where this might be applicable.
4. To suggest "context-based" solution to front and side setbacks has potential for unintended consequences of urban application with buildings closer to street and abutting properties in neighborhoods that historically have front and side yards.
5. Possible elimination of small lot residential lot option could lead to the purchasing of a house with small lot next to it, demolitioning the house and combining lots for a massive scale development, and so much more.
6. Changing R-3 zones to R-5 would affect almost every neighborhood off peninsula to higher density impacts for unwelcome multi-family buildings in well established neighborhoods like Back Cove, Deering Center, North Deering, East Deering and Riverton, etc.
7. Infill development, if carefully done, with specific standards within established context of R-3 and R-5 zones is certainly an option. However, to date, what we have experienced is amendment changes to zoning to accommodate a proposal even though it may not fit within neighborhood context.
8. Where is the neighborhood planning tool kit to enrich community input?
9. There is a need of defined process for improved neighborhood involvement prior to the finalization of projects instead of being put in a position of reacting to proposal, setting up adversial situation.

Finally, the document sent out for folks to use for evaluating the Recode was difficult to navigate. I believe the public will be hard pressed to response using this method.

Thank you, Cheryl Leeman

Public Comment on Recode Phase II

Elizabeth Parsons <ecparsons33@hotmail.com> Tue, Jan 18, 2022 at 10:51 AM
To: "recodeportland@portlandmaine.gov" <recodeportland@portlandmaine.gov>
Cc: Christine Grimando <cdg@portlandmaine.gov>, Matthew Grooms <mgrooms@portlandmaine.gov>, Helen Donaldson <hcd@portlandmaine.gov>

The Recode II documents you are circulating represent an important amount of work and the challenging part will be putting these ideas into practice. The following comments contain a few observations about practical implications of what's envisioned.

- General comments/suggestions
  - Under "Resources" please add a link to the One Climate Future (OCF) website site.
  - During the Planning Board's January 11th workshop, most discussion concerned the built environment. This is understandable given the general expertise of Planning Board members and the character of American urban society. Please, however, make a concerted effort to focus more attention on the natural world environment since without air/water/soil/light Portland can't exist.
    - Drawing more attention to the natural world could involve such things as:
      - Making sure the Planning Board is trained in all sections of the One Climate Future plan, is reminded of its crucial importance by City Council, and enforces that importance when reviewing projects. At present, it is not evident that the Board is all that familiar with the OCF plan;
      - Coordinating better communications amongst the Planning Department, Sustainability Office, and Parks and Rec (specifically Forestry);
      - Highlighting the need for increased staffing in Sustainability and Parks/Rec Forestry. These offices are understaffed yet significant elements of the Recode effort will fall within their purviews and/or affect their work;
      - Adopting an attitude that looks first for what elements of the natural world can be saved/retained/relocated during development planning and execution. Trees, for instance, are major natural elements. Removing a mature tree and planting a new sapling instead is not a one-to-one exchange.
  - Comments by Karen Snyder, Liz Trice, and Maggy Wolf at that Planning Board workshop were spot on. Please re-listen to them and take their observations to heart. Here is the link to that workshop; their remarks start at about 1 hour 41 minutes.

- Transportation
  - Eliminating previous parking requirements for new construction is a very good thing.
  - To encourage more walking and biking, particularly on the peninsula:
    - Do not simply adopt some of the strategies being implemented in places like Cambridge, Massachusetts (our bike lanes on Park Avenue resemble what's being done in Cambridge). Rather, investigate how European cities such as Copenhagen, Denmark and Malmo, Sweden have created safe ways for biking.
    - Reviving the State/High Streets two-way conversion proposal that was closely considered several years ago could help with this.

- Increased housing density

- Curtailing single family housing off the peninsula makes a lot of sense. Be prepared, however, for how new ADUs in currently single family locations will affect not only resiliency elements of the OCF plan but residential life in possibly unexpected ways. For example:
    - ADU construction will likely invite tree removal(s). The Heritage Tree Ordinance only applies to Historic Districts and, although the Sustainability Office envisions expanding it throughout the City, Councilors have said this can't be done without adequate staffing to enforce the ordinance. Given current fiscal constraints, there's no telling when additional staff might be hired. So meanwhile, please consider closely what might be done to highlight the vital role trees play; to encourage the Planning Board to emphasize this when reviewing projects; and to stress that we shouldn't be looking at an either/or choice: housing or trees. We need both—*especially* where affordable housing is being considered. This is a matter of social and ecological equity.
        - Here is the link to a recent article about this very matter that gives some important guidance.
    - ADU construction may created unintended effects on neighboring properties and neighborhood relationships. For example, prior to moving to Portland, I lived in an urban area that started allowing infill construction. When new homes went in up the street and on the lot behind our two-family condo building we started getting water in the basement. This never happened prior to that new construction and dealing with it was a years-long, unpleasant process. So, the Planning Department and Board should be prepared to ask questions not simply about proposed new infill projects but about possible ramifications on nearby properties.

Thank you for considering this comments.

All best wishes,
Elizabeth Parsons
44 Winter Street
Member, Portland Climate Action Team
Past-President, West End Neighborhood Assn.

Fwd: Form Submission - Contact us Re:Code - Changing the land use code is a bad idea

---------- Forwarded message ---------
From: Squarespace <Unknown>
Date: Monday, January 31, 2022 at 4:46:07 PM UTC-5
Subject: Form Submission - Contact us Re:Code - Changing the land use code is a bad idea
To: recodep...@portlandmaine.gov <Unknown>

Sent via form submission from *ReCode Portland*

Name: Phyllis Guevin

Email Address: phyllisguevin@icloud.com

Subject: Changing the land use code is a bad idea

Message: I do not want any land use changes.This would bring overcrowding and even more excessive traffic .Morills Corner is the busiest intersection in my state of maine and has yet to widen end,taking land by eminent domain as necessary.It has never been fixed since I was a kid growing up in Portland,me.What I already see is too many schools on one avenue,Stevens.Overbuilding has already taken place.Does anyone calculate the number of cars added by cramming more housing into Portland.No more fields and woods in my former neidhborhood.No more fields and woods behind what used to be Zaire's and Vallees .I rode horse behind there from Camelot farms which beautiful and now is doomed for more housing .Stop building and fix the roads and sidewalks that we have.Move schools out of the city and combine them into one large school outside the city.start doing studies on the traffic we have and terrible congestion as well as stop drawing crazy white lines everywhere.This is a wintry state.Bikes should be banned in the winter and on sidewalks,not on our narrow streets.Many Toyota cars have safety sense which goes with these excess white line.We need to hire a very talented new road engineer, .How many of you were born and raised in the Portlan d and greater Portland area and know what it was like as I do over sixty nine years.Kids needs Fields and wooded areas near homes to run and play.Please send me some recent traffic studies before and after this foolish plan.

Does this submission look like spam? Report it here.

Re: Watch the ReCode public forums!

Markos Miller <markossmiller@hotmail.com> Sun, Mar 6, 2022 at 12:52 PM
To: ReCode Portland <recodeportland@gmail.com>, Helen Donaldson <hcd@portlandmaine.gov>

Thanks for sending out the videos so quickly.

This appears to be very well done, a nice balance of informing and updating, clarifying, and soliciting feedback.

I appreciate the opportunity to view and offer comment after the fact.

Some questions and comments about Forum 1:

1. Definition/goal for density. 8-20 units an acre is underwhelming. I live in/own a 3 unit on Munjoy Hill. The lot is just under .9 acres. We enjoy a nice yard and parking for 4 cars. This suggests that at least 30 units per acre could be comfortable. Larger apt buildings could use land even more efficiently at high densities. "Density" should start at 20/acre and then increase.

2. I agree that the on/off peninsula distinction should be eliminated for zoning purposes.
3. Housing survey slide: I hope this is just to get a "read of the room" and not to prioritize energies. These all are important. My choices here are 3,6,5,4,2,1
4. Home ownership assistance/incentives are a great idea, even if not germane to zoning.
5. Anne Pringle's comment on Munjoy Hill R6: I think the shortcoming of the R6 changes here is that we did not connect density/setbacks/height augmentations to creation of more units/affordable units. So we got 2-3 giant condos for rich folks on a lot, not lots of smaller size units for young people, young families, working folks. Don't throw out the R6 reforms, improve them so they work to meet our goals, and expand them to all R6 zones, and maybe beyond. (Sounds like this may be a goal via other means?) Then address design guidelines.
6. Zack Barowitz' comment about Portland population vis-a-vi population of the metropolitan area is an important one. Portland population is not growing and this should be made clear. As a percentage of larger region, Portland population is shrinking. What are the goals around this? This should be a driver of our housing creatin policies.

7. Transit corridors are a great place to focus, but how wide is a transit corridor? What density (people who can walk to transit and essential business/services) in these areas is needed to support quality transit services and businesses? 20 units/acre up and down Forest Ave will not be enough.
8. Climate change survey: 1-2 (two sides of same coin),3,6. Maybe human scaled access to coast/water should be a priority, improving quality of life features while limiting development in high risk areas.
9. Transportation survey: 5,2,3
10. Redevelopment of parking lots (particularly larger ones) is a worthy goal. Impervious surfaces is one tool that also speaks to environmental goals. Increase incentives for redevelopment and disincentives for maintaining parking should be pursued. There are so many downsides to parking, and we can do better at providing other options that provide the few upsides.

Many Thanks,

Markos

Markos Miller
17 Atlantic St
Portland, ME
04101
(207) 807-2681

From: ReCode Portland <recodeportland@gmail.com>
Sent: Friday, March 4, 2022 1:46 PM
To: markossmiller@hotmail.com <markossmiller@hotmail.com>
Subject: Watch the ReCode public forums!

Squarespace
Mar 7, 2022, 11:57:31 AM (7 days ago)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Allen Armstrong

Email Address: armstrong105@gmail.com

Subject: Historic Preservation to allow addition of sustainable objects

Message: With ReCode's focus on sustainability and the goals set out in Portland's Plan 2030 and One Climate Future, I would like to suggest the following changes to the draft Land Use Code:
Section 17.7.1 A 1 I be deleted. ("installation of solar collectors")
Section 17.7.2 F be added: "Where additions consist solely of objects designed to reduce energy consumption or greenhouse gas emissions, e.g. solar collectors, heat pumps and electric vehicle chargers."

Does this submission look like spam? Report it here.

FORESIDE
PORTLAND, MAINE
254 Commercial Street, Suite 118, Portland, Maine 04101

March 11, 2022

Christine Grimando
Director of Planning & Urban Development
City of Portland
389 Congress Street
Portland, ME 04101

RE: Public Comment | RECODE Phase 2

Dear Christine:

I am writing on behalf of Portland Foreside Development Company (PFDC) regarding RECODE Phase 2 that is currently underway in the City of Portland. After reviewing the documentation available, we would like to submit the following comments:

- We propose that a Zoning Text Amendment be included in RECODE to Section 10.2.3(B)(11) and Section 10.2.7.(C)(4) of the Zoning Code. This change is associated with a Zoning Text Amendment that Portland Foreside Development Company pursued between December 2020 and January 2022. We were successful in receiving approval for this amendment from the Planning Board. The City Council did not approve this Zoning Text Amendment and among other comments, noted that this was something that could be included with RECODE. The overarching goal of this zoning text amendment change is to open up a portion of the EWPZ to the public as a space for enjoying food and beverage and experiencing the waterfront and marina located at 1 Marina Way.
    - The Zoning Text Amendment being proposed for Section 10.2.3(B)(11)(a) would read as follows:

> ***"Section 10.2.3.B.11(a):*** *Marinas located east of the eastern boundary of the parcel of land owned by the City of Portland pursuant to a deed from the State of Maine dated February 1982 and recorded in the Cumberland County Registry of Deeds at Book 4916, Page 26.*
>
> *a. Restaurants and food service establishments, **including any storage or preparatory space**, shall be permitted as accessory uses if such uses do not exceed 1,000 square feet of total **interior** floor area of the **principal marina building** and are within 100 feet of the principal marina building, **provided pedestrian circulation is not unreasonably impaired** and further provided that such accessory uses are open to the general public.*

- The language for 10.2.7(C)(4) would read as follows:

> ***"Section 10.2.7.C.4 –*** *Setback from pier line: Notwithstanding the above requirements, a minimum setback of 25 feet from the edge of any pier, wharf or working edge of the hardened shoreline shall be required for any structure, provided that marine offices, as defined in Section 10.2.3 (B)(12), may be located up to five feet from the edge of any pier, wharf, or working edge of the hardened shoreline. The setback area may be utilized for water-dependent uses, restaurants and food service establishments accessory to marinas, and public uses and activities, subject to the provisions of Subsections 10.2.2 and 10.2.4, and shall not be utilized for ~~restaurant, drinking, or~~ other non-water-dependent uses or for off-street parking. The edge of any pier, wharf, or bulkhead shall include any attached apron(s)."*

- Propose that the City consider, as a resiliency measure, allowing developers to convert height restrictions in feet to a maximum number of stories. This change would allow for the increase in floor to floor height of lower floors (thereby providing mitigation from the impacts of flooding) and encourage the thoughtful placement of mechanicals without negatively impacting uses and floors above. To qualify for additional height, should be required to demonstrate that the extra height is used for resiliency measures. The City could consider requiring that certain other sustainable development practices be met as well.

- **Use & Use Standards**
  - **1B - The Code should address additional creative uses not currently listed** - We offer support for the idea of "creative uses" not currently listed including but not limited to roof top gardens, roof decks, food and beverage offerings at marinas, etc.
  - **1D - Consider revising the definition of "agriculture" to include modern agricultural activities** - Adding to the definition of agriculture some urban agriculture concepts could include elements like rooftop gardens and amenities.
  - **1G - A comprehensive set of temporary uses should be addressed in the Code** - Temporary events should not only be modified but also more inclusive. The Temporary Event language in the Eastern Waterfront Port Zone is something that could be modified to focus on the whole Zoning District along with the City owned Ocean Gateway.

- **Dimensional & Design**
  - **2A - Consider developing bonus provisions within the residential and mixed-use zones to encourage sustainable construction and/or a walkable, urban environment** – Regulatory incentive (density bonuses and/or height increases), Tax (TIFs), economic, financial (grant programs, support for infrastructure) should be considered for projects that include a mix of uses and prioritize walkability.
  - **2B – Evaluate dimensional standards and uses permitted throughout the city in the context of risk and resilience.** Developing regulatory incentives and requirements for projects in low risk and high risk areas should be differentiated. Resiliency overlay zones should be flexible and dynamic due to and consider flood zones, stormwater and heat islands. Including flood tolerant landscaping, requiring utility systems to be flood resistant are examples of some regulatory options.

- **2G - Explore opportunities to encourage transit oriented development within appropriate areas of the city, in coordination with regional transit planning** - Consider the idea of adopting a TOD ordinance that creates incentives (density, height bonuses, tax incentives) or requires certain types of development to meet specific criteria that is focused on TOD.
- **2H - Consider opportunities to refine height controls within the Land Use Code's mixed-use zones** – Instead of just thinking about refining height controls, think about where additional density and height makes sense for the urban fabric and walkability of the City and allow flexibility for certain types of projects or projects that meet specific requirements.

- **Zones**
  - **3A - Identify barriers, and explore options and implications related to allowing for a greater diversity of housing types within the City's residential zones** – Consider a diversity of housing types for all Zones, but when doing so, also think about transportation options that serve each zone and a variety of transportation choices that are and can be offered.
  - **3C - Evaluate and refine the City's mixed-use zones to ensure they support the city's thriving mixed-use areas, and continue to enable modern, sustainable, walkable development in line with the City's vision for the future –** To further encourage mixed-use redevelopment, support new development and redevelopment in areas of the City that can occur and is already happening. Incentives and support can be tax, economic, financial, or regulatory. We support simplifying the regulations in the B6 Zone. We encourage the City to require that the majority of a street fronting ground floor in any of the urban mixed-use zones be open to the public (hotel lobby, retail, etc.) to support active pedestrian/public uses.
  - **3G - Ensure that the City's waterfront zones continue to function effectively.** To acknowledge and support prioritizing the mix of marine and non-marine uses in the EWPZ, while prioritizing the health and operational needs of the working waterfront, consider zoning text modifications that allow for the general public to more fully experience the area (see our proposed Zoning Text Amendment on page 1).
  - **3H - Consider the continued applicability of the Land Use Code's overlay zones** – Consider eliminating the Munjoy Hill Neighborhood Conservation Overlay Zone now that the Munjoy Hill Historic District has been adopted.

- **General Development Standards**
  - **4B - A comprehensive set of accessory structures and uses should be clearly defined within the Code** – This should include temporary accessory structures that could be renewed with certain time intervals.

- **Parking, Loading & Access**
  - **5C - Consider enhancing the Transportation Demand Management (TDM) Plan requirements to incorporate recommendations within One Climate Future** – There is also a need to update the TDM requirements so that consideration is given to the bigger picture of projects and activities within the City and not just the project requiring the TDM. There should be more consideration and collaboration given to what is going on with TDM as a whole.

- **Landscape**
  - **6A - Landscape requirements should address all aspects of site development, from preservation to screening and buffering** – Landscaping standards should be modified to include consideration of current landscaping on adjacent properties and consistency within an area of the City or neighborhood. Consideration should also be given to incentivizing techniques that can be used to support resiliency and flood mitigation.

Thank you for the opportunity to provide comment on ReCode Phase II.

Sincerely,

Mary McCrann, AICP
Director of Strategic Initiatives

Helen Donaldson <hcd@portlandmaine.gov>

Peaks zoning for affordable housing

Elizabeth Remage-Healey <remagehealey@gmail.com> Mon, Mar 14, 2022 at 10:23 AM
To: Christine Grimando <cdg@portlandmaine.gov>, hcd@portlandmaine.gov

Good morning. On behalf of Peaks Island Home Start, about 10 days ago I submitted comments via the ReCode website asking for revision of current zoning in IR-2 that would better support small affordable homes, similar to the proposed small lot regulations proposed for R-5.

There are many small lots on City water and sewer in IR-2 that could benefit from smaller setbacks. A 5000 square foot lot with 50 foot frontage currently requires 20 foot side set backs on each side , which leaves only 10 feet for a home. Not practical - or pretty ! Unless you're a fan of traditional trailer design.

When we originally proposed this change to Jeff Levine 5 years or so ago, we were advised to wait for Phase 2 of the ReCode. So here we are.

Does this request need further discussion? How can we best advocate for it? Of course we're happy to meet via zoom or in person, and also to solicit the support of the Peaks Island Council if that would be helpful.

Thank you for getting back to me. I know you face many bigger issues, but this is a small change that could lead to more houses built by year round Peaks residents.

Betsey Remage-Healey
President
Home Start

Matthew Grooms <mgrooms@portlandmaine.gov>

ReCode recommendations should aim high for housing

Zack Barowitz <zbarowitz@gmail.com> Fri, Mar 18, 2022 at 8:20 AM
To: recodeportland@portlandmaine.gov, Planning Board <planningboard@portlandmaine.gov>, Christine Grimando <CDG@portlandmaine.gov>, Matthew Grooms <mgrooms@portlandmaine.gov>, Helen Donaldson <hcd@portlandmaine.gov>
Cc: Timothy wells <welmaurya@gmail.com>, Wendy Cherubini <wcherubini@gmail.com>, Kara Wilbur <karawilbur@gmail.com>, Todd <todd@morsecodist.io>, Elizabeth Trice <liztrice@gmail.com>, Eric Freeman <ericphilipfreeman@gmail.com>

Dear Chair Stanley and Members of the Planning Board:

I am happy to see the ReCode process moving along, but I am a little concerned that the consultants are aiming a bit low of the target. I hope that the recommendations will be based on what is best for Portland rather than a calculus of what is least controversial. Having attended a forum and looked at the survey I see the framing of many questions to encourage incremental changes to the point of negligible. For example, the first question in the housing sections is stated as thus:

ALLOW A GREATER DIVERSITY OF HOUSING TYPES WITHIN RESIDENTIAL ZONES.

Revise permitted uses and densities within lower density residential zones (e.g. the R-3, R-4, and R-5) to allow up to three- and four-family dwellings.

Note the "up to" wording of the question limits the revision to 3-4 units. This, and questions like it, are frustrating for a survey taker who understands that 3-4 is a very low bar. Not only has LD 2003 cleared committee (which would obviate this clause), but that there are many examples of existing 4+ (including 10+) unit housing through these zones who fit in in terms of scale, massing, and style such that they are barely noticeable. Some examples include 96 Noyes Street (Twelve 2-bedroom units), 244-246 Woodford Street (18 units), and 104 Highland Street (10 units).

The above examples are taken from the Deering Highlands neighborhood. Deering Highlands is not unlike the West End (in terms of grain, styles, and demographics). Many of the older multi-unit buildings in one neighborhood could find context in another. I look, for example at 15 Clifford Street (6 unit condo), and 197 Pine Street (32 units).

This spreadsheet lists all properties over 5 units in the R3, R4, R5 zones including condos and PRUDs. Although the data (which was pulled from the tax assessor site) is not as specific as it could be, it does indicate numerous examples of multi-unit rental housing in those zones.

The information is summarized here:

Zone	Condo	5 to 10 Family	11-20 Family	20+ Family	TOTAL
R3	719	3	1	10	733
R4	18	3	0	0	21
R5	324	54	8	10	396
TOTAL	1061	60	9	20	1150

Thank you,

Zack Barowitz

--
207-838-6120
917-696-5649
ZacharyBarowitz.com

ATTENTION:
The information in this electronic mail message is private and confidential, and only intended for the addressee. Should you receive this message by mistake, you are hereby notified that any disclosure, reproduction, distribution or use of this message is strictly prohibited. Please inform the sender by reply transmission and delete the message without copying or opening it.

Fwd: Variable Setbacks

Ann Machado <amachado@portlandmaine.gov> Mon, Mar 21, 2022 at 9:08 AM
To: Helen Donaldson <hcd@portlandmaine.gov>, Matthew Grooms <mgrooms@portlandmaine.gov>

I told the person that I was forwarding their idea to the Planning group overseeing the recode.

Ann

Ann Machado
Zoning Administrator
Permitting and Inspections Department
City of Portland, Maine
(207) 874-8709
amachado@portlandmaine.gov

---------- Forwarded message ---------
From: **Christopher Parelius** <CParelius09@gmail.com>
Date: Mon, Mar 21, 2022 at 9:03 AM
Subject: Variable Setbacks
To: <amachado@portlandmaine.gov>

Hello!

I really appreciated the format of the Recode Zoom Meetings and the willingness to take and consider public comments as part of the process. However, an idea didn't occur to me until this morning and I wanted to share it here.

Has the city considered implementing variable setbacks? Say within a range of a few feet. I think would be especially useful in an area with no setbacks with the stipulation that either, A:at least some part of the building must touch the property line (bay windows, support columns for the upper stories etc.) or B: the property line is dilniated with a low wall or fence. This creates definition and continuity along the street while also allowing for variety, the visual interest that Camilo Sitte argues is so important for good public space, and what Jan Ghel in Cities for People calls "soft edges" and "semi-private space."

Think of how the brownstones in Back Bay and Beacon Hill have protrusions created by their windows but also recesses with their little front gardens or how so many old Italian cities have irregular building lines yet are picturesque.

Anyway it was just a random thought I figured I'd suggest. Thank you so much for taking the time to read this.

Your neighbor,
Chris Parelius

Form Submission - Contact us Re:Code - Peaks Presentation

Squarespace
Mar 24, 2022, 5:34:28 PM (19 hours ago)
to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Rachel Conly

Email Address: rachel@juniperdesignbuild.com

Subject: Peaks Presentation

Message: Hello! Thank you all for a well organized and informative presentation to Peaks Island last night. In follow up, I wanted to reiterate my support of a reevaluation of the dimensional standards on the island. As noted by your team, the current zoning standards are not in synch with the reality of a community with predominantly existing, non-conforming lots and structures. In addition, the standards are not in synch with the growing demands for resiliency to adapt to things like climate change, a housing crisis and a pandemic. The current setbacks, lot coverage and land per dwelling unit are all obstacles to basic amenities that would support health, wellbeing, and local economies, such as porch spaces, greenhouses, garden sheds, studios, home offices and aging in place. I have worked on renovation projects for 16 years on the island and I have found the majority of homes and lots are existing, non-conforming to current standards, with very few having a traceable permit history. This sometimes leaves people in a compromising position to pursue improvements and, in some cases, even basic maintenance for fear of risking exposure to their non-conformity. I think it would be worth considering amnesty or extending the pre-1957 "grandfather" parameters to a later date. Thank you! Rachel Conly

Does this submission look like spam? Report it here.

Squarespace
unread,
Mar 30, 2022, 10:16:42 AM (22 hours ago)
to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Nina Markov

Email Address: peaks123@gmail.com

Subject: Zoning peaks island

Message: Hi, we have property in the IR 1 on Peaks. Parcel 088-L-012-001, between Brackett and Upper A. My parents bought in the '70s and combined lots. Now, even though we have by far the biggest lot —twice as large as any other lot on Brackett or Upper A, we can't build an additional house on it, nor divide the lots again. Especially since there are 4 houses on tiny lots across from us, I think we should be allowed to build a second structure on our enormous lot.
In addition, we only have summer water, so we are not able to rent the place out during the off-season 6 mos. It is a modest summer cabin. (We have a well, but it is inadequate and does not provide consistent and reliable water that is obviously essential for a rental.) Yet we pay very high taxes— $6k plus. Since this is by definition a summer place, we should be able to rent it and/or an ADU as vacation rentals. Renting it "long term" for 1+ months at a time during the 6 mos that we have city water is just not practical, and it does not generate enough money to pay the taxes. Peaks Island is a summer colony and most of the tax payers are "summer people" (who often end up retiring on the island). We care about the island deeply and are committed to it, but we do not think summer renters are the enemy. Summer rental is a way to help support the property. I don't think owners of summer cabins can solve the affordable housing problem, nor should we be prevented from trying to support ourselves.
Thanks for listening to this perspective.

To: Members of the Portland Planning Board
Cc: Portland Planning Department
From: MEREDA Local Issues Committee
Re: ReCode II Evaluation
Date: 4/1/2022

Overview and General Support for ReCode Phase II Evaluation Findings

The Maine Real Estate and Development Association (MEREDA) has been following and participating in the ReCode efforts to date. In Phase I, MEREDA submitted comments to support the initial adoptions as well as propose changes. Now, as you begin the work of drafting Portland's new land use code, we offer the following thoughts to help shape your thinking and hopefully open up new opportunities for smart growth and development in Portland.

MEREDA is a statewide, membership-based organization founded in 1985, whose members include real estate owners, for-profit and non-profit developers, architects, engineers, bankers, property managers and other related professionals. The mission of MEREDA is to support responsible development and real estate ownership throughout Maine. Through the work of its Public Policy Committee, MEREDA pursues a more fair, practical, and predictable policy environment. MEREDA is the state's only trade association supporting responsible commercial real estate development and the positive economic growth that accompanies it.

MEREDA appreciates the hard work that has gone into the evaluation of Portland's land use code, and participated in the public forums that were held in early March. We thank the Planning Department and the City for its efforts at transparency and community collaboration. We believe the evaluation sets forth smart, effective guidelines for redrafting Portland's land use code, and we support the efforts to increase housing, promote sustainability, and encourage the creation and maintenance of complete neighborhoods.

To achieve many of the goals outlined in Portland's Plan 2030 and reflected in the evaluation, it will be necessary to make some significant changes to the land use code. The current code is restrictive, was built as a patchwork of ordinances over a long period of time, and does not necessarily reflect the policy priorities of Portland's community today. MEREDA applauds the City of Portland for recognizing that the time is right to reevaluate and rewrite Portland's land use code to better effectuate the City's broader policies and goals. MEREDA offers the following comments on each of the broad topics discussed in the evaluation.

MEREDA Comments on Specific Evaluation Topics

Uses and Use Standards

MEREDA agrees that the City needs to open up the potential uses and potentially amend use standards to allow more mixed development in the City and to better achieve complete neighborhoods. Specifically, MEREDA endorses the goal identified in the evaluation of changes that can "support the creation of middle-density housing, the creative economy,

and urban agriculture."[1] MEREDA further agrees that it is appropriate for the City to review the City's use regulations with consideration to Portland's climate resiliency goals.

Dimensional and Design Standards

MEREDA believes that modifications to the dimensional and design standards present the greatest opportunity to effectuate change and promote sustainability and housing creation. MEREDA agrees with the evaluation's recommendations, including:

- More consistent regulation of impervious surfaces;
- Height and setback restrictions that incentivize sustainability and climate resiliency;
- Height and setback bonuses for projects that "help support housing creation and transit oriented, walkable, urban development."[2]

Smart growth can enable the City to build more housing while simultaneously meeting its sustainability and climate resiliency goals. Now is the time to consider policy changes for things like height restrictions. Height restrictions were put in place, often decades ago, to prevent the construction of tall buildings, which were deemed undesirable at the time. We now know that building up prevents having to build out, and that means less cars on the road, housing closer to economic and workplace centers, and less use of materials overall.

MEREDA urges the City to think boldly about incentivizing housing development through bonuses for height and setback restrictions. These are easy tools that the City can use to move the lever for both housing and climate resiliency.

Zones

Just as with uses and use standards, MEREDA believes it is appropriate for the City to take steps to promote more mixed-use zones. Where much of the City is currently broken up into clearly residential and clearly industrial areas, there are parts of the city where mixed commercial and housing thrive – these are the most popular parts of the City, and they make up the greatest growth for the City's revenues in the past two decades. Clearly, Mainers like the model of a complete neighborhood where they can walk to what they need, including work.

By making reasonable and measured changes to Portland's zoning maps, the City could promote greater flexibility for areas currently zoned only for residential use. MEREDA also agrees that it may be appropriate and timely for the City to streamline the number of zones generally. In cases where a zone may not be achieving its purpose, it may be appropriate to rezone or modify the uses and use standards so that zones may be consolidated to achieve the same broad purposes. This would help level the playing field for housing creation across the city.

General Development Standards

MEREDA supports the evaluation's findings that there may be places where exceptions and modification of rules related to architectural elements and accessory dwelling structures and uses may be necessary. Additionally, MEREDA agrees that any such exemptions or modifications should be carefully targeted to ensure protection of the aesthetic design unique to certain areas of the city. It is critically important that Portland stay Portland, even

[1] Executive Summary, Land Use Code Evaluation, 2 of 6, available at https://static1.squarespace.com/static/5a75f43a692ebeeb1159413d/t/61c0fe443f0075242f44004d/1640037959344/LUC+Evaluation+Companion.pdf

[2] *Id.*

while it is opening up the doors to new residents and ensuring that those new residents have quality accessible housing.

MEREDA also agrees that performance standards should be consolidated and updated to facilitate easier compliance. Developers, architects, and engineers have long struggled to reconcile some of the city's standards, particularly along the waterfront. While some recent action has been taken at the state level to clarify calculations of height related to the Shoreland Zone and federal flood plain management, it will be necessary for the City to take action to ensure local standards align with those state and federal standards.

Parking, Loading and Access

MEREDA agrees that it is time to consider the importance and prominence of parking with respect to project standards. While there can be no doubt that we are a car-driven society, much of Portland's community seeks to move away from daily vehicle use, and are interested in prioritizing walkability. MEREDA does caution the City not to become too committed to the promotion or development of another specific type of technology. It will be important for any final standards to be technology-neutral, or as close as possible, to leave room for new technologies and changing living and movement patterns.

Landscape

MEREDA agrees that landscape should be considered more broadly than in a traditional aesthetic paradigm. Natural elements and landscape design have a prominent place in sustainability efforts, and local food-sourcing is becoming increasingly important. As these new uses of green space and natural elements take shape, it will be important for the City to enable them.

However, MEREDA urges the City to think carefully about how landscape standards, particularly green roof or other sustainable natural elements of building design, should be implemented. For example, incentivizing use of natural elements for sustainability is a better path than mandating them. Mandates tend to choose particular technologies or methodologies and constrain developers and innovators from finding creative solutions to climate and sustainability problems in the buildings sector. Additionally, the use of green roofs and other natural elements is still relatively new to the buildings sector in Maine. It will be important for the City not to mandate more than can be achieved.

Finally, MEREDA would note that the evaluation summary states that a new landscape chapter should be adopted to "overtly prioritize and facilitate landscaping and landscape alternatives that further the City's goals."[3] Here again, we would advise incentivizing over mandating. If landscape priorities are mandated over all other priorities, that will include the creation of much-needed housing. While landscape preservation and sustainability are critically important, we urge the City not to overlook the potential for too much regulation in this area to bog down or even break projects.

Nonconformities

MEREDA supports the evaluation's conclusions that the City's nonconforming uses rules should be updated to allow greater flexibility for the use and long-time reuse of nonconforming structures. As the City looks to make changes to the broader shape of the land use landscape, it will have to find ways to effectively use or ensure the effective use of nonconforming structures. The proposals in the evaluation to provide greater flexibility to enlarge a nonconforming structure or allow one nonconforming use to be replaced with

[3] *Id.* at 4.

another nonconforming use make sense in light of the City's existing nonconforming uses as well as the ones that will be created through rezoning and changes to the uses and use standards for those zone.

Updates to Code Structure

MEREDA supports the evaluation's recommendation that the work done in ReCode Phase I be included in the final draft of the rewritten land use code. In particular, MEREDA encourages the City to look carefully at the ADU rules and to ensure the expanded ADU rules adopted under Phase I are extended to the Phase II draft. However, we also recognize that activities on legislation at the statewide level in Augusta may require the City to rewrite, to some extent, the ADU rules adopted under Phase I.

Conclusion

By and large, MEREDA believes the evaluation of Portland's current land use code reflects the needs of the City and its inhabitants as we face climate change, seek to resolve the housing crisis, grow local food and services systems, and encourage creative entrepreneurship. MEREDA also believes the recommendations contained in the report could help level the playing field for housing creation in the City by adding more mixed uses and helping create complete neighborhoods where individuals of varying income levels can live, work, and play.

We also thank the City and its consultants for their efforts to provide public forums for feedback and suggestions as the evaluation was rolled out and before the redrafting efforts begin in earnest. We hope this kind of transparency and collaboration can continue as the drafting process begins and look forward to contributing to that process.

Sincerely,

The MEREDA Local Issues Committee

Matthew Grooms <mgrooms@portlandmaine.gov>

Form Submission - Contact us Re:Code - Potential for Point Access Blocks in Portland

'Squarespace' via ReCode Portland <recodeportland@portlandmaine.gov> Tue, Apr 5, 2022 at 5:53 PM
Reply-To: agoberlin@gmail.com
To: recodeportland@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Amy Oberlin

Email Address: agoberlin@gmail.com

Subject: Potential for Point Access Blocks in Portland

Message: Hi there,

I am a resident and condo owner on Portland's East End, and I have a proposed code change that I would like for the city to consider.

About me: I am profoundly concerned with global climate catastrophe and the national housing shortage, and I believe we need to build dense multifamily housing, eliminate cars, and convert the road and parking space into bike infrastructure and transit in order to live decarbonized lives. Here in Portland, I have had multiple friends move away due to extreme housing costs. Just this week, another neighbor was told that her apartment will be converted to a short-term rental and she will have to move out next month. I see incredible demand for dense, walkable housing all around me, and I think that Portland desperately needs to build more of it.

I am an engineer by training (though not a civil engineer or architect), and I have been reading about urbanism and development out of my own curiosity and I want to propose a zoning change for Portland that I have come across that I believe will have significant benefits.

The code change is this: to allow construction of low- and mid-rise multifamily housing accessible by just a single staircase, a building form found widely in Europe, also known as a Point Access Block.

Core Evidence for the Benefits of this Code Change:

- A report commissioned by the city of Vancouver, B.C. to evaluate the benefits and drawbacks of the Point Access Block. Report produced by Seattle architect Michael Eliason of Larch Lab https://www.larchlab.com/city-of-vancouver-report-on-point-access-blocks/

- A 1-hour video seminar with Michael Eliason covering the Vancouver report: https://www.youtube.com/watch?v=DcFZgsPZ6QE&feature=youtu.be

- Example of a single-stair apartment building in Seattle, where these buildings have been permitted for several years: 6 stories, 17 units on a 2,711 sq.ft. lot, all accessible by elevator and a single staircase. https://seattle.curbed.com/2017/7/26/16037292/capitol-core-apartments-capitol-hill , http://www.seattle.gov/dpd/AppDocs/GroupMeetings/DRProposal3018227AgendaID5140.pdf

- Architect Conrad Speckert's master's thesis on Point Access Blocks, which makes a similar argument and includes research on the building ordinances in 25 countries and a database of floorplans collected from around the world that showcase the buildings and features that we are missing out on under North American building codes. https://secondegress.ca/

- Introductory articles published in Slate and The Urbanist:
- https://slate.com/business/2021/12/staircases-floor-plan-twitter-housing-apartments.html
- https://www.theurbanist.org/2021/12/20/seattles-lead-on-single-stair-buildings/

The Argument in Summary:

The predominant form of multifamily housing in North America -- the double-loaded corridor -- is not an optimal or desirable building form. This building form is forced by the code requirement that multifamily housing have two staircases. In most of Europe, where this requirement does not exist, the double-loaded corridor likewise does not exist. The second staircase is supposedly for fire safety, but European countries that do not require a second stair do not have any greater residential fire deaths. Point Access Blocks enable better floor plate efficiency, units with greater square footage, more bedrooms, more windows, corner aspects, and cross-ventilation. Point Access Blocks also enable low- and mid-rise development on smaller lots, infill with smaller buildings, projects of a scale achievable by smaller developers. The only obstacle in permitting Point Access Blocks is, as far as I can tell, coordination with local fire departments on the height limits of their ladder rescue equipment. Instead of broadly banning single-stair multifamily housing in North America, we can unlock many potential benefits in Portland by permitting and regulating the circumstances under which it can be built.

Benefits of Point-Access Blocks I see in Portland specifically:

- Increased Accessibility - Because eliminating the second stair creates more livable/saleable footprint, multifamily projects with elevators begin to pencil, greatly increasing the number of housing units accessible by elevator.

- Harmonization of Historic Districts and New Construction - The existing 5-over-1s along Franklin Street, for example, that pencil under current zoning and building codes, stand hulking and alone -- they don't integrate with the fine-grained character of the older neighborhoods on either side of them. The general dislike of their large and neighborhood-disrupting mass is, I believe, a significant reason for opposition to new development broadly. Allowing Point Access Blocks, and connected Point Access Blocks, will enable the fine-grained, small-lot, new multifamily development that is currently just simply not geometrically feasible on small lots due to the second stair requirement. This also sidesteps the general opposition to new high-rise housing by enabling a gentle upzoning turning SFH neighborhoods into, say, 4-6 story neighborhoods to increase housing density without jumping directly from SFHs to massive high-rise eyesores to house hundreds.

- Urban Family Housing - Because Point Access Blocks enable larger unit sizes with more bedrooms, this building form enables dense construction of housing for families with children or families otherwise needing more than two bedrooms. The ability of families to live in a dense, walkable city is hugely critical for reducing GHG emissions, not to mention the benefits for community, resiliency, etc. when it is possible for residents of all ages and family sizes to live together in one building.

I think the Recode Portland project is a rare opportunity to make some really progressive changes to our building code. With any luck, we are about to experience a national housing construction boom to address the national housing shortage. The Point Access Block is one change among many that could really make a difference in the quality of the buildings and the quality of the city we're about to build.

Thanks for your time! I believe I've provided ample resources, but if you have further questions for me, please do not hesitate to ask. I hope you'll consider this change to Portland's Code.

Thanks,
Amy Oberlin

Does this submission look like spam? Report it here.

Matthew Grooms <mgrooms@portlandmaine.gov>

What exactly does recode Portland mean?How about Improve driving conditions throughout my city of birth .Widen the roadsBuild overpasses.put a limit on any mor housing of any kind.There are already too many drivers in Portland 10 years ago with no major widening of Morrills corner,Allen's corner,woodfords cornerLets get to work widening and improving our roads for safe pleasant driving.Put the few bikers back on the sidewalks where they are safer for themselves and drivers.maine is a wintry state .Let survey original Portlanders their driving safety preferences.Bikers are seasonal and are safest on sidewalks.SURVEY CITY OF pORTLAND DRIVER SAFETY WiDening of roads for real and stop drawing more lines.It's unsafe and unwise

2 messages

'Phyllis Guevin' via ReCode Portland <recodeportland@portlandmaine.gov> Fri, Apr 15, 2022 at 4:37 PM
Reply-To: Phyllis Guevin <phyllisguevin@icloud.com>
To: recodeportland@portlandmaine.gov

Sent from my iPad

Matthew Grooms <mgrooms@portlandmaine.gov> Wed, Apr 20, 2022 at 8:51 AM
To: Phyllis Guevin <phyllisguevin@icloud.com>
Cc: recodeportland@portlandmaine.gov, Helen Donaldson <hcd@portlandmaine.gov>, Zachary Powell <zpowell@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>

Hi Phyllis,

Thank you for your email. I am saving your comment to the public record for ReCode.

Best,

Matt

On Fri, Apr 15, 2022 at 4:37 PM 'Phyllis Guevin' via ReCode Portland <recodeportland@portlandmaine.gov> wrote:

> Sent from my iPad

--
Matthew Grooms, AICP
Senior Planner
City of Portland
Department of Planning & Urban Development
City Hall, 389 Congress Street, 4th Floor
Portland, Maine 04101
(207) 874-8725 (T)
(207) 756-8258 (F)
mgrooms@portlandmaine.gov
(he/him/his)

Matthew Grooms <mgrooms@portlandmaine.gov>

Form Submission - Contact us Re:Code - Recode and Zoning on Peaks Island

2 messages

'Squarespace' via ReCode Portland <recodeportland@portlandmaine.gov> Mon, Apr 18, 2022 at 1:07 PM
Reply-To: t.wyant@icloud.com
To: recodeportland@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Timothy Wyant

Email Address: t.wyant@icloud.com

Subject: Recode and Zoning on Peaks Island

Message: A month or so ago you and your consultants gave a very helpful and interesting online presentation on zoning and recode issues related to Peaks Island. Part of that presentation presented statistics on number of properties and average age of dwelling in different Peaks Island zones.

I did a more detailed summary a couple of years ago -- in particular, distinguishing "lots" from "properties." There about twice as many lots as properties. I also calculated breakdowns of number of lots and properties by size, zone, and proximity to sewer.

If this report would be of any use, you can download it from https://www.dropbox.com/sh/pv0zlxd7hpgr65w/AADxCgch3cldn9WnNMdg4f8aa?dl=0

Does this submission look like spam? Report it here.

Matthew Grooms <mgrooms@portlandmaine.gov> Wed, Apr 20, 2022 at 8:55 AM
To: Timothy Wyant <t.wyant@icloud.com>
Cc: recodeportland@portlandmaine.gov, Zachary Powell <zpowell@portlandmaine.gov>, Helen Donaldson <hcd@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>

Hi Timothy,

Thank you for your email and for the attachment. This is great info, and we appreciate you sharing. We will save this and the attachment to the ReCode public record, and will flag this for consideration as we begin the drafting process.

Best,

Matt
[Quoted text hidden]
--
Matthew Grooms, AICP
Senior Planner
City of Portland
Department of Planning & Urban Development
City Hall, 389 Congress Street, 4th Floor
Portland, Maine 04101
(207) 874-8725 (T)
(207) 756-8258 (F)
mgrooms@portlandmaine.gov
(he/him/his)

planning & urban development

Matthew Grooms <mgrooms@portlandmaine.gov>

Form Submission - Contact us Re:Code - Zoning and recode on Peaks Island

'Squarespace' via ReCode Portland <recodeportland@portlandmaine.gov> Mon, Apr 18, 2022 at 1:47 PM
Reply-To: t.wyant@icloud.com
To: recodeportland@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Timothy Wyant

Email Address: t.wyant@icloud.com

Subject: Zoning and recode on Peaks Island

Message: This note was triggered by (a) the excellent online Recode presentation you gave to Peaks Islanders a month or so ago, and (b) some recent events on Peaks Island.

Peaks Island has a very small business zone. Yet, Islanders have many needs that cannot be addressed by enterprises in the business zone, and yet would require very substantial delays and dollars to solve using businesses "across the water". As a result, there are many "businesses" on the Island -- I'm thinking mostly about construction trades and vehicle/machinery repair.

Many of the Islanders providing these essential services park trucks and other equipment on the streets in front of their house, or store equipment and materials in back yard. Frequently, there are repair, loading, and unloading activities going on in these yards.

This is fine by me, and fine by most Islanders! These are essential activities, that are well integrated in the community, and are reflective of the hard and ingenious worker-run enterprises that have characterized
Maine history.

Recently, an Islander whose views seem at odds with those of most Islanders, filed complaints with zoning enforcement about one such enterprise. The enterprise in question had made significant efforts to comply with code. It's owner comes from a family with many many decades of Peaks Island residents. Dozens of Islanders have given their total support to this enterprise on local bulletin boards. His moving off the Island would result in tremendous inconvenience and expense for many Islanders. and for many years in the future.

But without getting into a debate about the detailed history of this particular dispute, how can the Recode - and related zoning and zoning enforcement - reflect the need for these activities that are invaluable to Islanders, and yet do not fit tidily into zoning for "business" v. zoning for residences.

Is there some way to make public that a complaint has been made, so that Islanders are not suddenly faced with a fait accompli that they would have opposed had they only heard about it?

Is there some way to give weight to Islander input in when contemplating enforcement

Would there be some way to put a longevity or "while still occupied by current resident" requirement on any enforcement - or lack of enforcement - decision, so that the decision did not become binding forever?

Not my field. Hopefully you guys have better ideas.

Does this submission look like spam? Report it here.

Review for Homestart of Peaks Island properties and lots

IR-1 and IR-2 zones, proximity to sewer, boundary maps, and square footage

Timothy Wyant

2016-08-11

Introduction

Background

- Proposed zoning changes to encourage or permit:
  - Construction of affordable housing units on Peaks Island, or
  - Conversion of existing buildings or units to affordable housing

will require estimates of how many properties or lots are likely to be affected

Complications

- The Island sewer is at capacity given existing and "by right" hookups. Proposals that might allow more units within 250 feet of the sewer will be problematic. (Eyerman memo to Homestart, 7/27/16)
- Island residential zones IR-1 and IR-2 have traditionally been treated very differently in terms of minimum lot sizes for construction, and other restrictions

Properties, lots, and parcels

- As of fall 2013, on Peaks Island there were:
  - 1,259 properties
  - 2,175 lots
- This report looks at both properties and lots on Peaks
- Many properties on Peaks are "pre-subdivided" into multiple lots
- These situations usually go back to purchases of multiple lots in the big subdivisions that on Peaks were created from farms and other large properties around 1900
- Some of the State of Maine's digital boundary files refer to "parcels". The words "parcels" and "lots" are synonymous, at least for purposes of this report

Properties, lots, and parcels

Relevance of lots to Homestart

- Owners of subdivided properties can more easily sell a portion of a property – that is, one or more lots – than owners of properties that are not subdivided.
- Lots may also make some improvements possible that would be more difficult in unsubdivided properties
- The existence of lots may give Homestart some additional tools in proposing zoning changes that would encourage or allow more affordable housing units on Peaks.

Properties, lots, and parcels

Caveats

- "Properties", "lots", and "parcels" are somewhat fluid concepts. Definitions vary with contexts, counts vary both by context and over time.

For example:

- As I understand it, the City does not like dealing with lots on small properties, and is trying to merge lots to create single-lot properties when properties are sold
- To the City Assessor a condo unit is a "property". For this report, a "property" is a single piece of land – for a condo, the lot on which the condo building resides.

Disclaimer

- The boundaries and counts of lots and properties should serve for reasonably accurate statistical summaries
- I do not claim that they are perfect for each and every individual location
- For one thing, the data are three years out of date
- For another, there are occasional minor imperfections and inconsistencies within and across the datasets I obtained from the State and the City
- Finally, I did a lot of computer programming here, and there are likely to be some errors. Please tell me if you find any!

Data

Data sources

- Fall 2013 data
  - Parcel (aka “lot”) boundaries from the Maine State GIS system (available online)
  - Portland Assessor online database (available online - in a limited fashion)
  - Digital Island zone boundaries from City of Portland
- March 2015 data
  - PI sewer map from the water district

Data issues – Properties, lots, and parcels

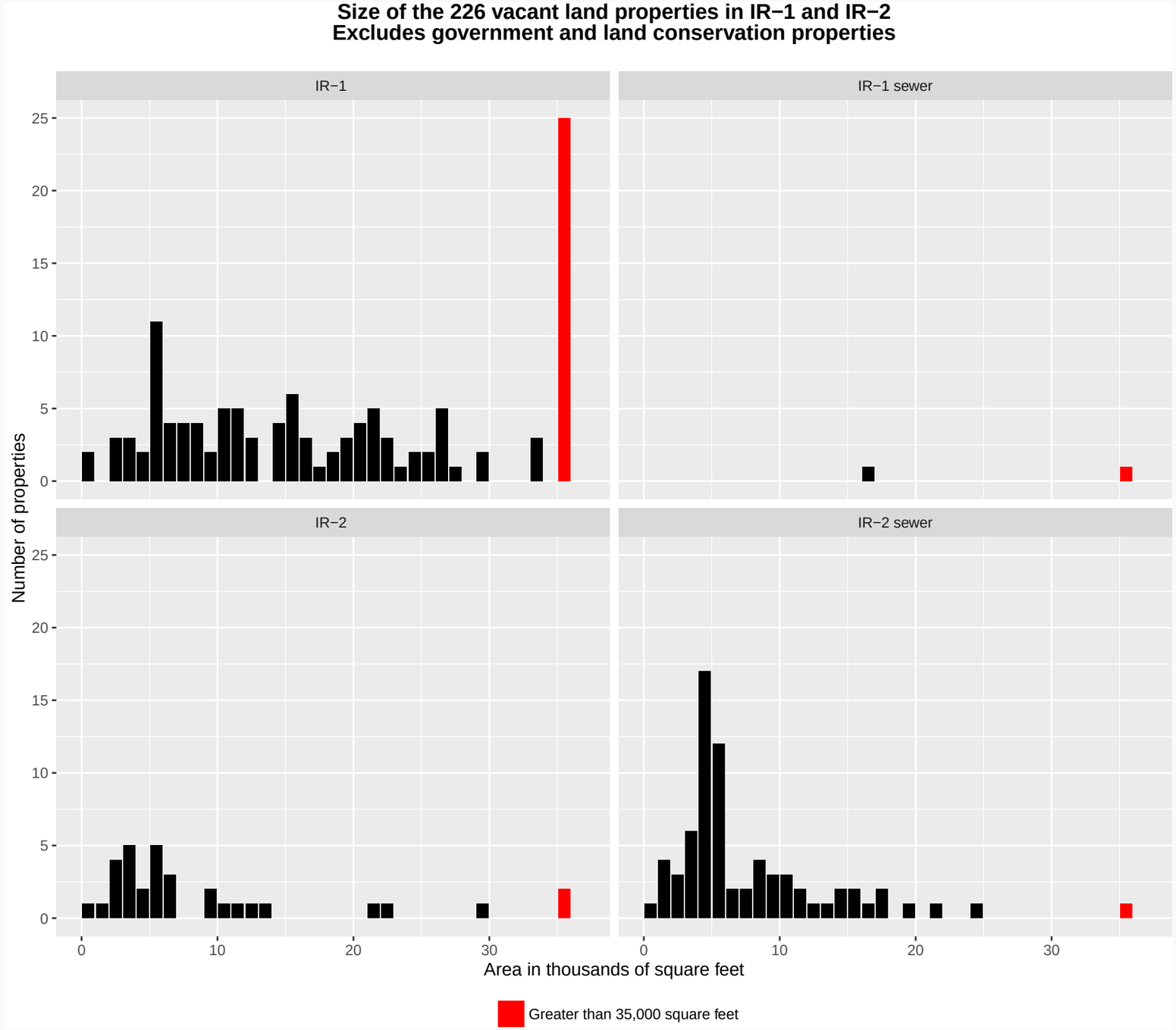
- The computerized data on which this report relies are not perfect, and there are usually a few "parcels" or "lots" in the State's boundary files that are not in the City assessor data, and vice-versa.
- Proximity of properties and parcels to the sewer
  - I have not been able to get from the Water District a list of property addresses already hooked up to the sewer (I made one request in the course of some email back-and-forths with the District.)
  - I have not been able to get from the Water Distric a dgitial GIS file of sewer locations.
  - I had to cobble together my own reasonable but ad hoc proximity algorithm (see Appendix)

Vacant land – properties

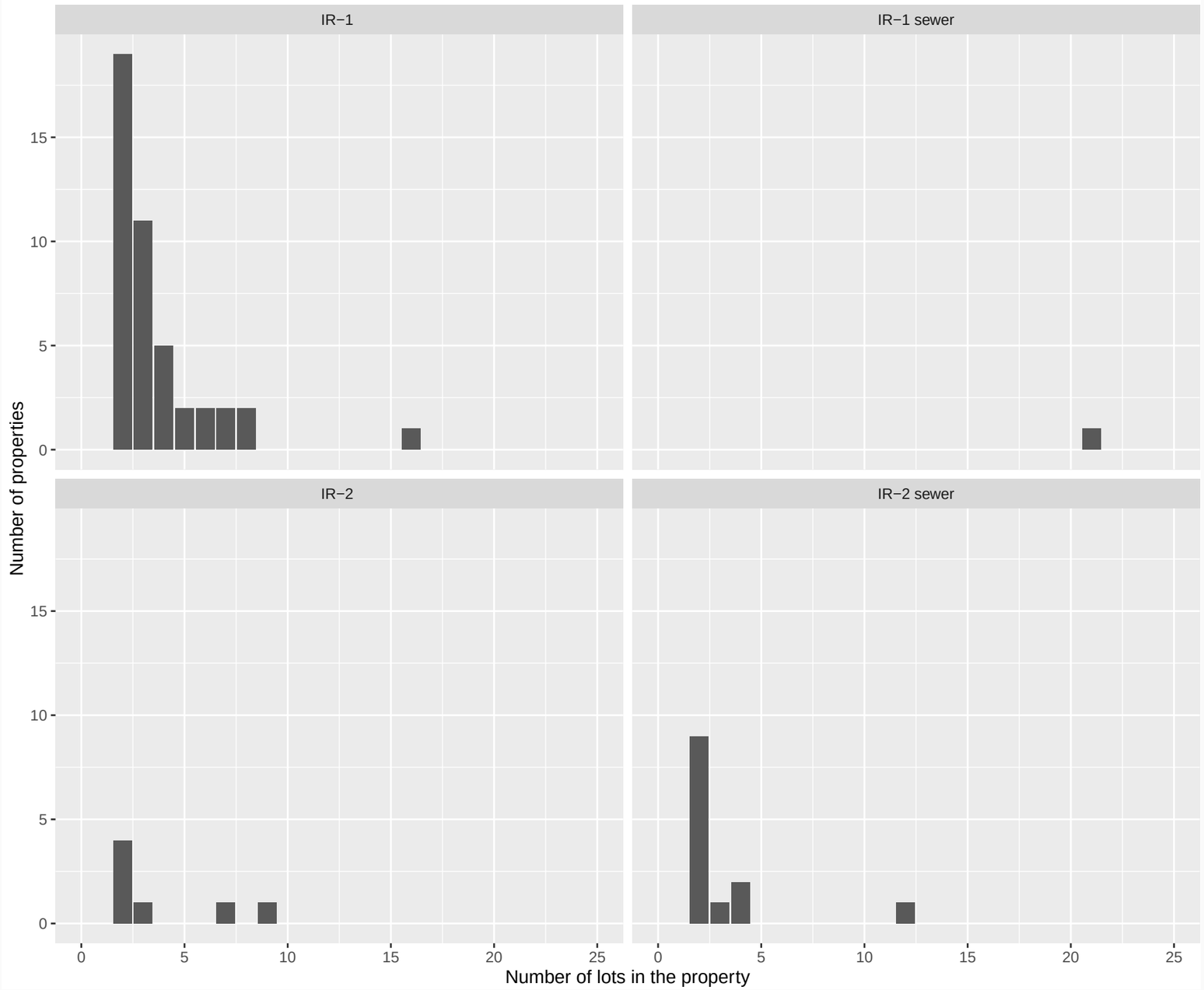
The 226 vacant land properties in IR−1 and IR−2
Excluding government and conservation properties

The 226 vacant land properties in IR−1 and IR−2
Excluding government and conservation properties

Group
- IR−1
- IR−1 sewer
- IR−2
- IR−2 sewer


Size of the 226 vacant land properties in IR−1 and IR−2
Excludes government and land conservation properties
IR−1
IR−1 sewer
IR−2
IR−2 sewer
Number of properties
25
20
15
10
5
0
0
10
20
30
Area in thousands of square feet
Greater than 35,000 square feet

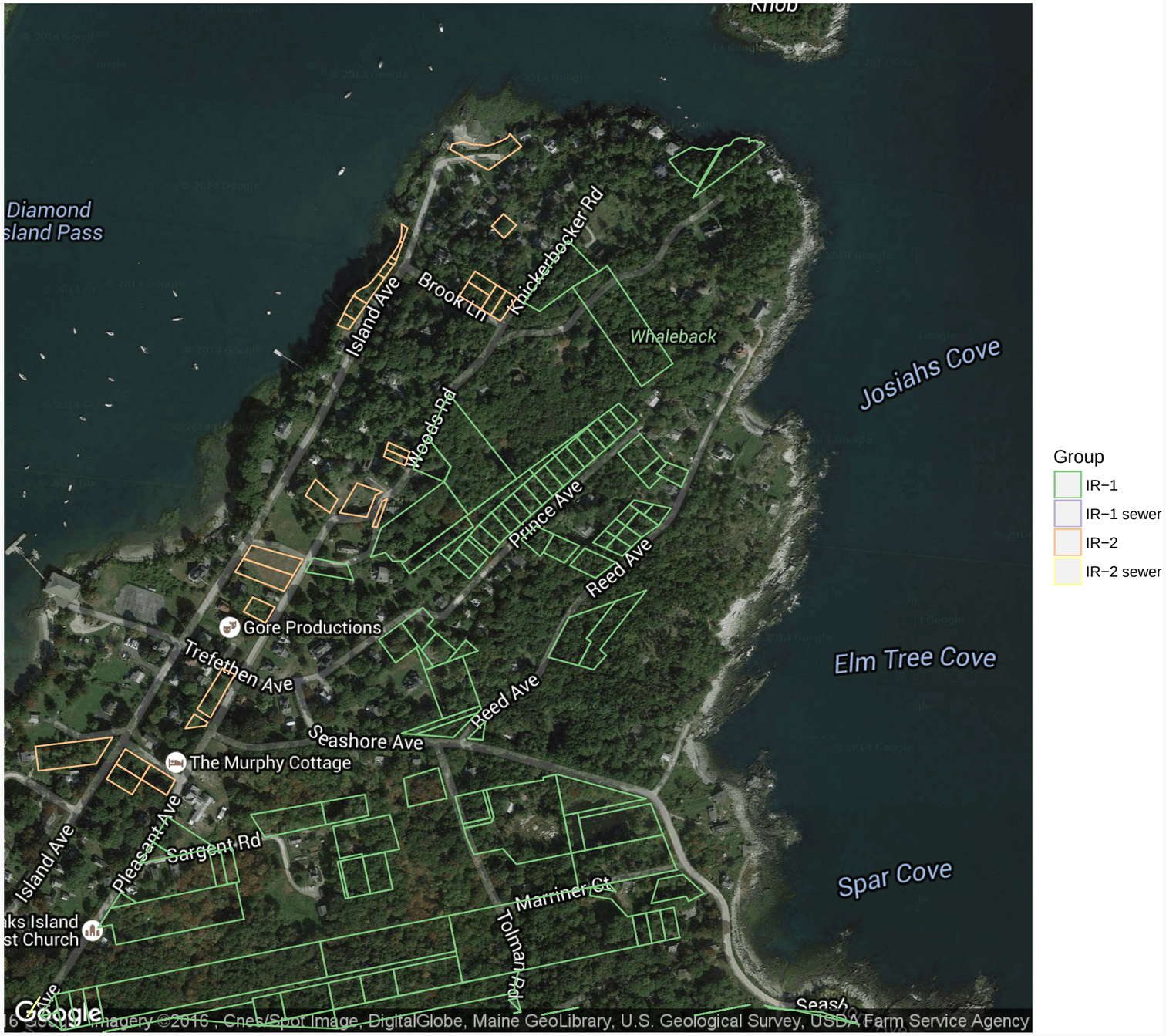
Counts of properties by number of lots
For the 65 vacant land properties in IR−1 and IR−2 that comprise more than one lot
Excludes government and land conservation properties



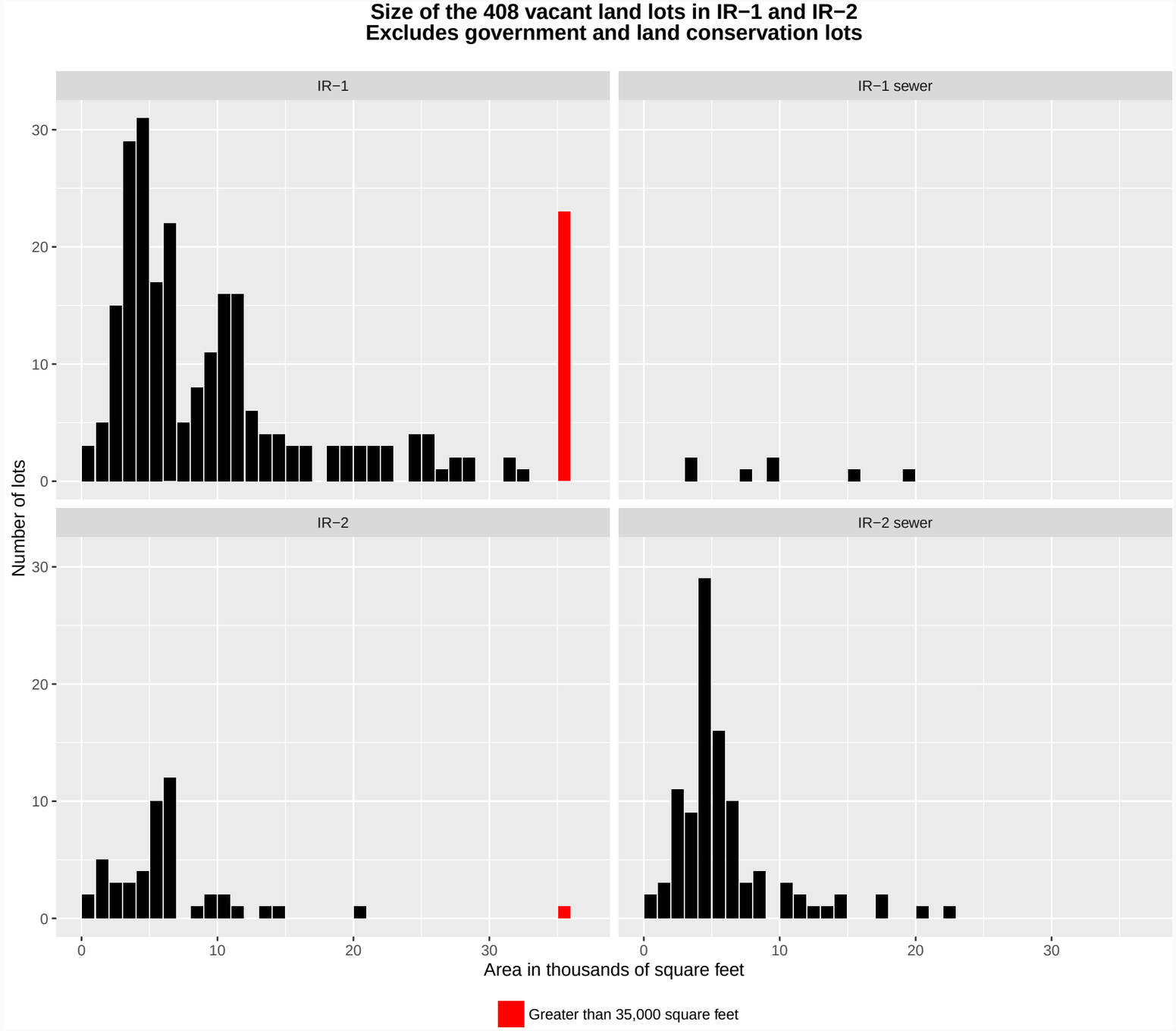
Vacant land – parcels

The 408 lots in the 226 vacant land properties, IR−1 and IR−2
Excluding government and conservation properties

The 408 lots in the 226 vacant land properties, IR−1 and IR−2
Excluding government and conservation properties



Group
- IR−1
- IR−1 sewer
- IR−2
- IR−2 sewer


Size of the 408 vacant land lots in IR−1 and IR−2
Excludes government and land conservation lots
IR−1
IR−1 sewer
IR−2
IR−2 sewer
Number of lots
0
10
20
30
Area in thousands of square feet
Greater than 35,000 square feet

Residential properties

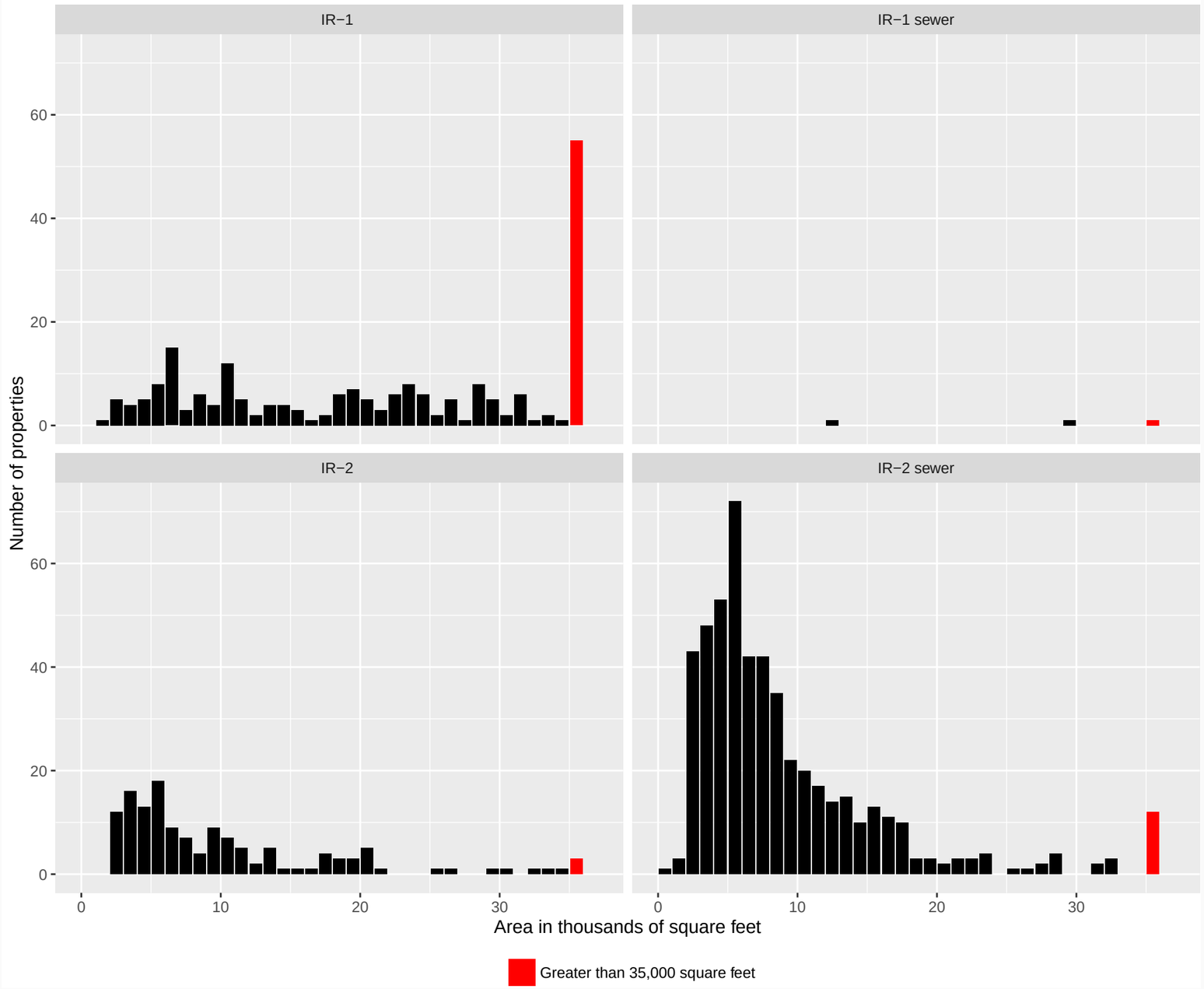
The 866 residential properties in IR−1 and IR−2
Excluding government and conservation properties

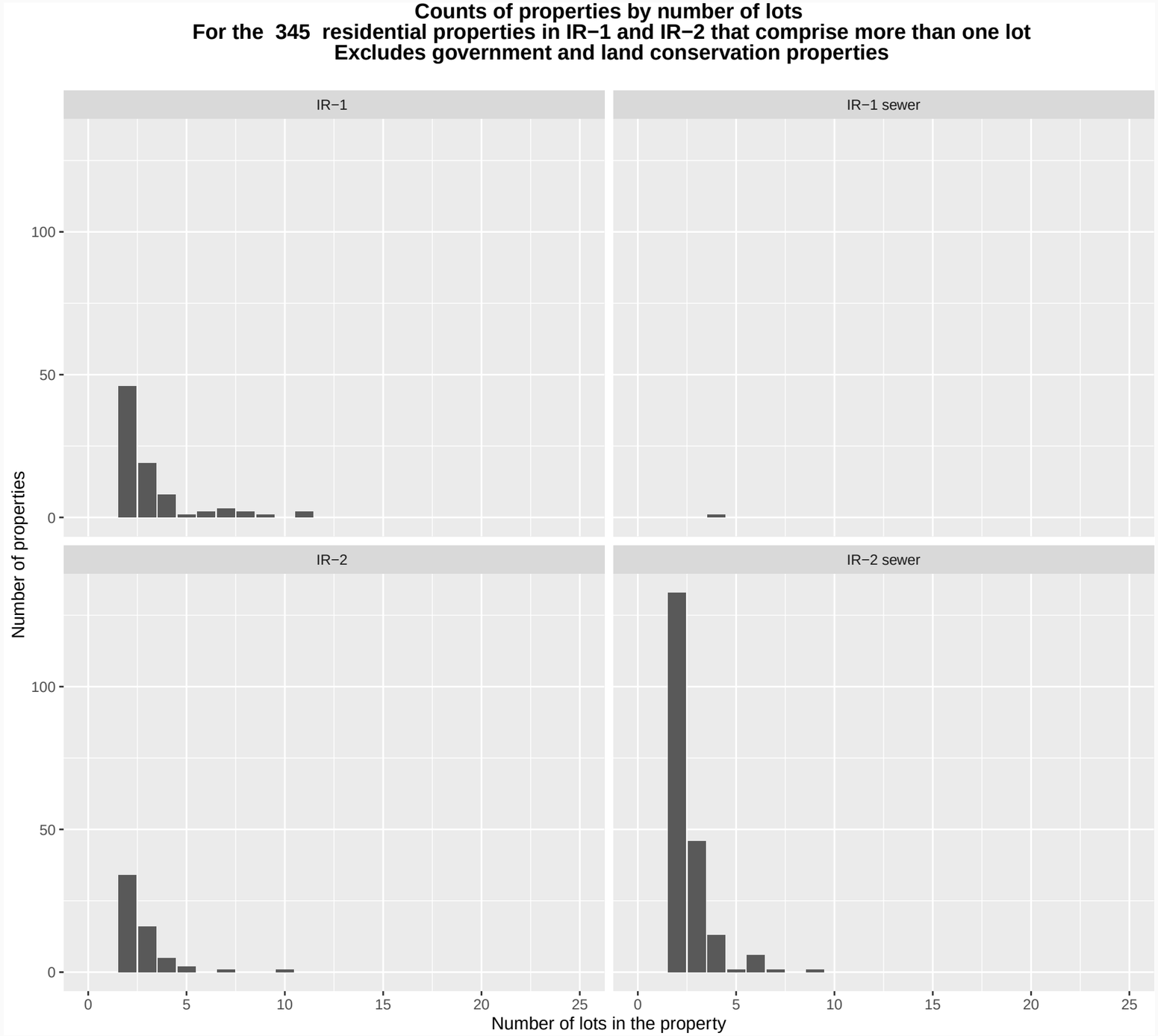
Group
- IR−1
- IR−1 sewer
- IR−2
- IR−2 sewer

The 866 residential properties in IR−1 and IR−2
Excluding government and conservation properties

Group
- IR−1
- IR−1 sewer
- IR−2
- IR−2 sewer

Size of the 866 residential properties in IR−1 and IR−2
Excludes government and land conservation properties




Counts of properties by number of lots
For the 345 residential properties in IR−1 and IR−2 that comprise more than one lot
Excludes government and land conservation properties
IR−1
IR−1 sewer
IR−2
IR−2 sewer
Number of properties
0
50
100
0
5
10
15
20
25
Number of lots in the property

Residential lots

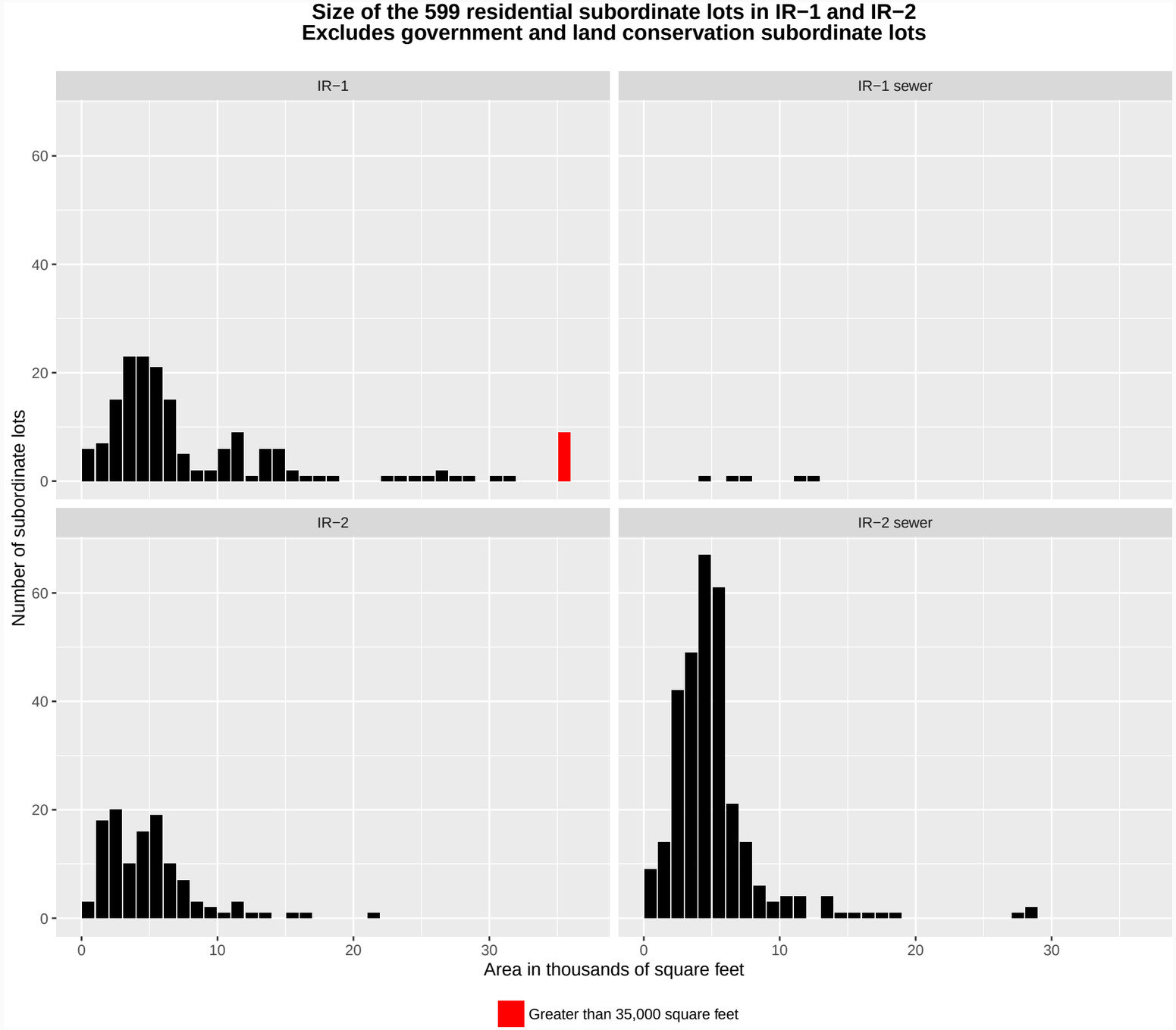
The 1,466 lots in the 866 residential properties, IR−1 and IR−2
Excluding government and conservation properties

Group
- IR−1
- IR−1 sewer
- IR−2
- IR−2 sewer

The 1,466 lots in the 866 residential properties, IR−1 and IR−2
Excluding government and conservation properties

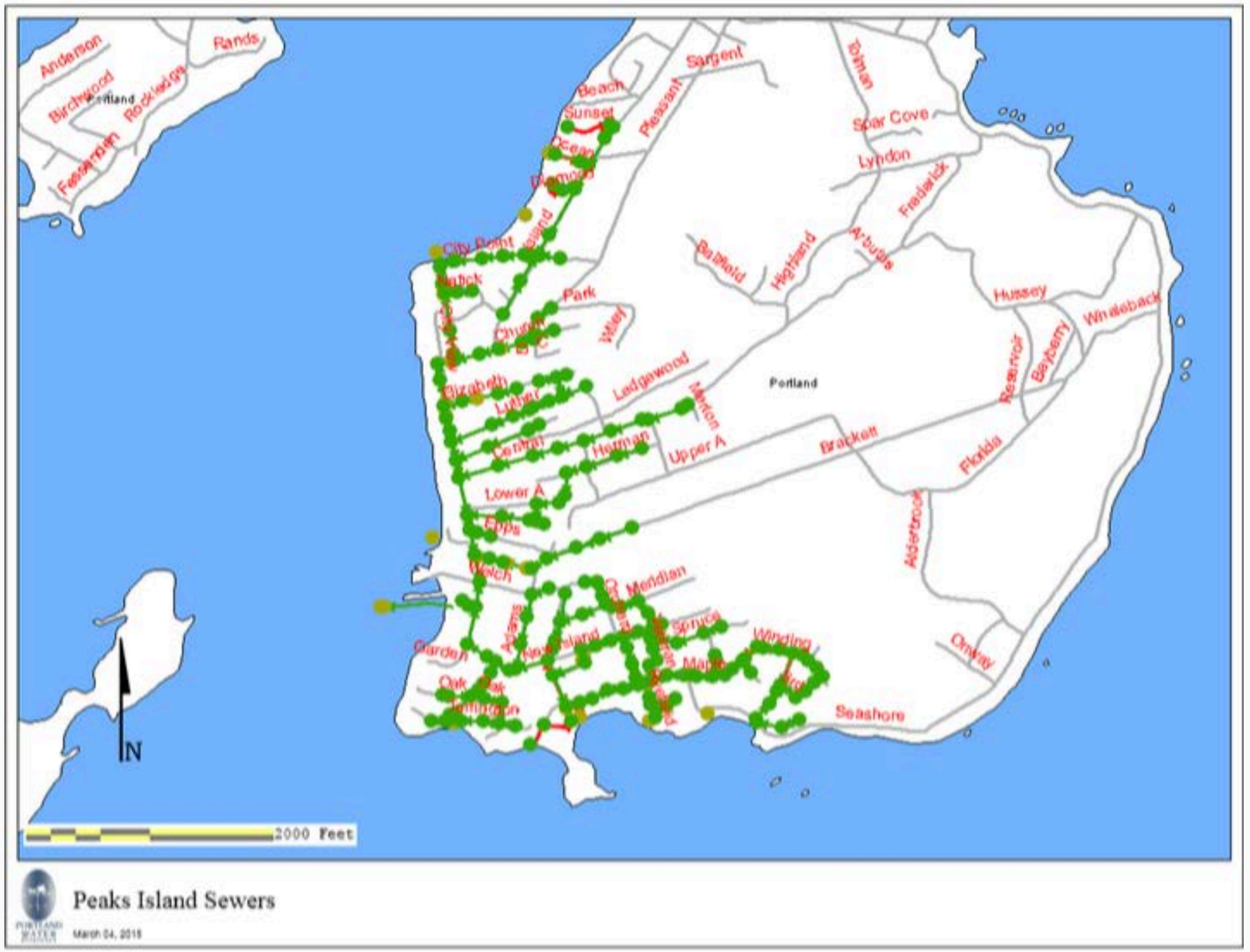
The 599 subordinate lots in the 866 residential properties, IR−1 and IR−2
Excluding government and conservation properties

The 599 subordinate lots in the 866 residential properties, IR−1 and IR−2
Excluding government and conservation properties


Size of the 599 residential subordinate lots in IR−1 and IR−2
Excludes government and land conservation subordinate lots
IR−1
IR−1 sewer
IR−2
IR−2 sewer
Number of subordinate lots
0
20
40
60
0
10
20
30
Area in thousands of square feet
Greater than 35,000 square feet

Appendix 1 – Sewer proximity

The sewer map from the Water District



Proximity to sewers

- My methods are approximate, but should serve reasonably well for statistical assessments
- I have received only the map on the preceding slide from the Water District.
- I do not have:
  - A list of addresses of current hookups
  - A digital GIS map of the exact sewer location
- I also do not know how "250 feet from the sewer" is defined. I am guessing it is to the point on a property's boundary where the hookup will be made.

My methods for determining properties within 250 feet of the sewer

- I digitized the sewer path based on the preceding path. This was not done to a high level of precision.
- I found the centroid of each lot on the Island. If the distance from the centroid to the lot was less than 250' I classified the lot as "within 250 feet of the sewer."
- If any lot in a property was classified as "within 250 feet of the sewer," I classified the property as "within 250 feet of the sewer."

Helen Donaldson <hcd@portlandmaine.gov>

Fwd: Chapter 14 (the City's Land Use Code).

1 message

jmy <jmy@portlandmaine.gov> Mon, Mar 6, 2023 at 10:55 AM
To: Kevin Kraft <kkraft@portlandmaine.gov>, Helen Donaldson <hcd@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>, Matthew Grooms <mgrooms@portlandmaine.gov>

---------- Forwarded message ---------
From: Rob Bergeron <Rob@hascallhall.com>
Date: Friday, March 3, 2023 at 8:42:20 AM UTC-5
Subject: Chapter 14 (the City's Land Use Code).
To: planning@portlandmaine.gov <planning@portlandmaine.gov>

Good morning,

I was told that you folks would be looking at the above mentioned section in the Land use code and I would like to ask that dust control be inserted in this. This is a huge issue for me and have been talking with code enforcement over the last few years about it.

My property abuts a piece of land on Presumpscot street that Nelson Property uses as a lay down area and the amount of dust that is created is crazy. Pictures have been sent where, at times, you can’t see the trucks on the property because of the dust clouds and all that dust blows on to my property coating all my HVAC equipment, employees cars as well as all the windows and stairs.

Any help would be greatly appreciated.

Regards, Rob Bergeron

273 Presumpscot Street

Zachary Powell <zpowell@portlandmaine.gov>

Re: TOD Overlay

Christine Grimando <cdg@portlandmaine.gov> Thu, Jun 23, 2022 at 5:10 PM

On Thu, Jun 23, 2022 at 4:43 PM Christopher Parelius <CParelius09@gmail.com> wrote:

> Hello to all of you on the Planning Board!
>
> As someone who wants to see Portland densify, allow more neighborhoods to be complete communities, and to see land use that generates more public transit ridership I've had an idea that I've been wanting to suggest. It's not so different from some language that I was informed was in Phase 1 of Re-Code. Essentially, it would involve the creation of a Transit Oriented Development Overlay that would allow the following within a half mile of a transit stop: 2x the density of the existing zone, ignore setback requirements (ideally the buildings would either come to the edge sidewalk or have some to semi-private space such as a patio between the building and street facing side of the lot), have a maximum of 1/3 of the lot devoted to parking (honestly I would prefer to see less than this in an ideal situation), and a minimum lot coverage of 33%.
>
> The parking maximums and the minimum lot coverage paired with the setback requirements would bring the buildings up to the sidewalk, giving better definition of the public space and creating active street frontages either from storefronts,small front gardens, stoops or patios making the street a pleasant place to walk along. Reducing the setbacks on the sides not only allows more space for units but allows a continuous building facade along the street reinforcing the effect on public space that eliminating the front setbacks creates. Think of Beacon Hill, the North End, much of Philly, or the Brownstones in NYC. In addition the maximum percentage of the lot devoted to parking also frees up more space for units and outdoor living space.
>
> Finally, the extra density ensures that the added housing and shop space is located exactly where it is needed most to create walkable, complete communities, that have high enough densities to not only support transit ridership but,to boost it, giving GP Metro the extra demand and resources to expand its service thus encourage more people to use transit. This would alos encourage more biking in the city as people choose to ride their bike to meet their needs. When

> you put it all together this overlay would allow Portland to grow in a way that does not create more traffic, that enables people to meet their daily needs without being reliant on car ownership by utilizing the existing transit infrastructure to the fullest as opposed to creating more auto oriented sprawl. We would be building smarter and it would make more units available for people like me who don't want to be burdened by car ownership.
>
> Thank you so much for taking the time to read this and hopefully my proposal came across clearly. I look forward to your response.
>
> Your neighbor,
> Chris Parelius, East Bayside

On Tue, Jul 19, 2022 at 9:32 AM Howard Lowell <holowell5@gmail.com> wrote:
I am a resident of Eastern Prom, and have been for almost 10 years. I am very frustrated by the scope, size and placement of recent projects and have to ask: are you paying any attention to aesthetics and adjusting size to the actual neighborhood?

Placing WEX and Covetrus, both big commercial buildings, smack at the edge of a quiet residential EP neighborhood just doesn't seem to make any sense since I guess most employees onsite (will there be any?) will not be able to afford living in Portland anyway, thus increasing traffic on Franklin 2x daily during commute. Why there and not on Marginal Way or better slightly west?

More recent....I'm stunned by the size of the residential project at the foot of EP below the East End School. Have you looked at this enormous project from 295, or driving down EP from the school or onto Washington from 295? It is totally out of scale with the neighborhood and now blocks from all angles what used to be a wonderful view of back cove. Well done...another viewpoint crushed!

I have to ask....what is driving your planning and decisions, because to me it clearly is not good reason and building more cohesive and aesthetic neighborhoods.

Your thoughts welcome.....and tx

Please note:
From Holo's personal email
My business email is hlowell@egcu.org

09/09/22

Dear Nell,

The Peaks island Council has formed an Affordable Housing and Zoning Committee to address these issues on the island. We recently became aware of the new survey regarding islands as part of the ReCode process by the city of Portland. Thank you for sending this out; we are trying to circulate it to gather a significant number of responses to these very important questions. However, the deadline is way too soon for us to educate islanders and encourage participation. We are asking for an extension of the deadline for at least two weeks, and even more appropriately, until after the November election if possible. As you know the referendum on STR on the island is consuming a lot of attention and conversation here on Peaks. This survey deals with similar issues but is quite distinct in purpose and would be much better addressed by us after the election.

We are sending along with this letter, a copy of the 2017 overview of draft amendments to facilitate the development of more affordable, year round housing on Peaks Island, which was done in conjunction with HomeStart. It was an extensive community based review with professional support and guidance. We believe it remains a relevant and concise document to share with the planning department. It is limited in scope, but addresses many important issues that need attention on the islands. The changes in the housing stock and the increased price of homes on Peaks Island have encouraged many of us to think beyond this initial document and to include additional housing options.

From your own Land Use Code Evaluation, “Peaks Island is the island with the most potential to accommodate some additional housing and other development, and its zoning warrants consideration for tools to create new housing opportunities that also recognize the unique and sensitive island context.” We enthusiastically agree.

We are available immediately to meet with city staff as this is a timely and critical concern in the ReCode process.

Thank you for your attention.

Natasha Markov-Riss, Chair

Anne Coughlin

Kim Peaslee

Chris Roberts

Timmi Sellers

Joanne Sterling

Form Submission - Contact us Re:Code - Chapter 14 Adopted Land Use Code - Requested Amendment to 7.5-G Rooftop Appurtenences

1 view

Subscribe

Squarespace

Jun 7, 2023, 6:23:43 PM

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Donna Buck

Email Address: dbuck@gastingerwalker.com

Subject: Chapter 14 Adopted Land Use Code - Requested Amendment to 7.5-G Rooftop Appurtenences

Message: As occupied roof terraces are becoming more popular for commercial buildings and part of today's workplace environments, it would be good to have roof pavers (w/ adjustable pedestals) add to the list of approved rooftop appurtenances. Pavers are need to provide a level walking surface. We all know flat roofs are not really flat and are sloped to roof drains. Thank you for the consideration.

Does this submission look like spam? Report it here.

Form Submission - Contact us Re:Code - Updated Phase II Zoning Map

2 views

Subscribe

Squarespace
Jun 30, 2023, 4:52:15 PM (9 days ago)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Amy Oberlin

Email Address: agoberlin@gmail.com

Subject: Updated Phase II Zoning Map

Message: Hi there,

Will you be releasing an updated zoning map to show where these new zones will be located and how the existing zones have changed? It's hard to evaluate these potential changes without knowing where they will apply.

Thank you,
Amy

Does this submission look like spam? Report it here.

Updated zoning map?

2 views

Subscribe

Robert Foster
unread,

Jul 3, 2023, 11:19:24 AM (7 days ago)

to recodep...@portlandmaine.gov

Hi - I'm looking over the most recent recode changes. Is there an updated zoning map that shows where the new transit-oriented development zones will be?

Thanks,
Rob

Sent from my iPhone

Form Submission - Contact us Re:Code - Noise Pollution

1 view

Subscribe

Squarespace
unread,

Jul 3, 2023, 2:20:34 PM (6 days ago)

to recodep...@portlandmaine.gov

Sent via form submission from ReCode Portland

Name: Jonas Eule

Email Address: weatherfurniture@gmail.com

Subject: Noise Pollution

Message: Hello. I am wondering if there is anything in these phases pertaining to noise pollution emmiting from in particular Maine Craft Distilling on Washington ave. I also have some questions about sound ordinances and decibel levels.

Does this submission look like spam? Report it here.

Form Submission - Contact us Re:Code - ReCode Review

1 view

Subscribe

Squarespace
unread,

Jul 4, 2023, 3:44:15 PM (5 days ago)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Barbara Vestal

Email Address: vestal@chesterandvestal.com

Subject: ReCode Review

Message: As an initial matter, I need help with a couple of inconsistencies to make sure I am reviewing the right thing. Your cover intro says that you have (in my opinion confusingly and unnecessarily) re numbered the residential zones so the old R-6 is now RN-5. But the purpose statements redline in Table 5-B shows old R-6 as new RN-6 (not RN-5). Maybe the problem is with the redlining. The uses in the chart for RN-6 seem to omit things that I would expect to see. Is there a map showing what the bulk of Munjoy Hill will be designated so I can confirm it that way? RN-5 or RN-6?

Are you wedded to the idea of renumbering the zones? It would seem to be much less confusing to merge R-1 and R-2 into a new RN-1, skip RN-2 and just keep the same numbering as now -- with a RN in front of it if you prefer -- for zones 3, 4, 5, 6 and 7, with R-5a/R6a to be RN-6a.

Does this submission look like spam? Report it here.

Portland Recode - Questions

1 view

Subscribe

Virginie Stanley
unread,

Jul 5, 2023, 12:50:14 PM (4 days ago)

to recodep...@portlandmaine.gov

Thank you for sending out a draft of the Portland Recode.

One item is confusing.

It looks like R-5 is changing to RN-5

R-5a is changing to RN-6

R-6 what does this change into?

R-6a is changing to RN-7

Do you have an updated zoning map showing where the Transit-Oriented Development Zone is located?

Thanks,

Ginny

Virginie Stanley, Architect, Principal

INVIVID ARCHITECTURE

631 Stevens Avenue, Suite 200

Portland, Maine, 04103

207.939.7602

Recode Question

1 view

Subscribe

Mary McCrann
unread,

Jul 6, 2023, 7:26:48 AM (4 days ago)

to recodep...@portlandmaine.gov

Good morning,

What is the timeframe currently for accepting public comment on the First Wave of Recode?

Also, what is the schedule/timeframe for the project moving forward? When are other phases coming out? When will you go to the Planning Board?

Thank you,

Mary

Mary McCrann, AICP | Director of Strategic Initiatives

Foreside Development Co.

110 Thames Street | Suite 200 | Portland, ME 04101

C: 207.318.4806 | mcm@portlandforeside.com

Public Comments on ReCode Portland 1st Wave Changes

1 view

Subscribe

Elizabeth Parsons
unread,

Jul 7, 2023, 12:32:19 PM (2 days ago)

to recodep...@portlandmaine.gov, Avery Yale Kamila

Greetings from the West End and thank you for sending around the information on proposed changes to our land use code. Herewith a few observations and wonderings:

Avery Yale Kamila's comments (email dated 1 July 2023) were spot on and I offer **a hearty "second" to everything said there, especially her point that the current times call for us to do things differently.**

For example, if planning proceeds under the assumption that our power grid will hold steady over the next several decades, this is a very risky proposition. Around the country we are already seeing power grid failures during periods of extreme heat and grids being targeted by violent political extremists. Add to that the complexity of mass conversion to renewables and we arrive back at **the importance of tree canopy coverage.**

Trees have an ancient track record of providing cooling and calm. Our One Climate Future plan implicitly acknowledges this in multiple places: TLU 1.7; CR 2.2; CFR 2.5; CR 4; and CR 5. **So it is of great concern to see that the ReCode revisions do not seem to take this into account when allowing new construction in the most densely populated and lowest income sections of the peninsula**. While there has been a lot of talk about the disaster that Victor Gruen's urban renewal effort created by destroying neighborhoods, there seems to be less talk about avoiding the other part of urban renewal's mistakes: constructing massive buildings without giving sufficient attention to physical and socio-economic contexts.

How long will the anticipated new, dense developments be expected to last—20 years? 50 years? During the hottest week ever recorded around the world, it's hard for me to imagine that conditions in urban heat islands even 10 years from now will be consistently stable. The irony here is that many residents of the peninsula's most densely-treed sections already have options that poorer people lack for fleeing the heat. ***Now* is the time to emphasize tree planting where trees are most lacking.**

Of course there are all sorts of regulations and tax/financing issues to consider when deciding what can and can't be done in particular areas. **But there are also developers doing good, thoughtful work in Portland whom I suspect would be open to brainstorming creative ways of incorporating more open/green space and trees in areas slated for dense construction.** I wonder if they've been asked about this.

Finally, a wondering about the revisions' effects across the entire city: while the impetus to eliminate single-family zoning is laudable, we should anticipate that constructing multi-family dwellings and ADUs in areas where such were previously not possible will bring with it more tree felling on private properties. **How will we be prepared to deal with this added stressor to an already stressed tree canopy?**

Assembling this document has undoubtedly been a monumental task perhaps made more onerous by soliciting citizen reactions. Nonetheless, I thank you for considering these comments.

Liz Parsons

44 Winter Street

Form Submission - Contact us Re:Code - ReCode

1 view

Subscribe

Squarespace
unread,

Jul 9, 2023, 9:46:42 AM (yesterday)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Publius Portland

Email Address: publiusmaine@proton.me

Subject: ReCode

Message: You should permit the planning board to waive the "step-back" requirements in the RN-5 Zone in the event the lot is an "in-fill" and a finding that there is no material adverse visual impact from the waiver. There are several lots in the current R-6 that could and should be built to 45 feet tall and would fit appropriately in the neighborhood, and requiring the step-back adds construction complexity for very little value.

Does this submission look like spam? Report it here.

Helen Donaldson <hcd@portlandmaine.gov>

Re: Review the First Wave of Draft ReCode Changes!

Anne Pringle <oldmayor@maine.rr.com> Sun, Jul 9, 2023 at 8:24 AM
To: ReCode Portland <recodeportland@gmail.com>, "Grimando, Christine" <CDG@portlandmaine.gov>, "Kraft, Kevin" <kkraft@portlandmaine.gov>, "Donaldson, Nell" <hcd@portlandmaine.gov>
Cc: "Snyder, Kate" <ksnyder@portlandmaine.gov>, "West, Danielle" <dwest@portlandmaine.gov>

Christine, Kevin, and Nell.

I have not digested this yet, but will do so as soon as I can.

In the text below, you note that emails comments are welcome and that in-person meetings will be held "during the summer". I SRONGLY urge you to push the public process out to September. We are now well into the summer and many people will be away and/or on vacation in August. "The City" will be roundly criticized for, after two+ years of development, putting these very important changes out for public process at the worst possible time.

Please adjust your plans!

I would appreciate a response to this email.

Anne

On 6/30/23 3:01 PM, ReCode Portland wrote:

MAY 2023

Recommendations for Portland's ReCode Phase II

EXECUTIVE SUMMARY

Urbanist Coalition of Portland

Recommendations for Portland's ReCode Phase II

EXECUTIVE SUMMARY

MAY 2023

We, the Urbanist Coalition of Portland (UCP), herein present our recommendations for the second phase of the City's ReCode process. We believe the ReCode process is a critical opportunity for Portland to allow for more middle-density, mixed-use neighborhoods that are pleasant to live in and move around. These changes make housing more affordable, encourage equity, protect the environment, make the administration of our city services more resilient and efficient, and bring communities closer together. We recommend seventeen distinct changes to the City's Land Use Code, which we introduce in this document sorted into four broad categories:

- Allow More of What We Love
- Legalize Housing
- Unlock More Transit Options
- Common Sense Fixes

We believe these goals intersect and overlap; for example, much of what we love about our city's historic character is its pre-automobile walkable density that enables car-free or car-lite living. Many of our recommendations are also necessary steps toward more sustainable city finances, more robust transit options, and safer, calmer streets. We believe that our recommendations are not only in alignment with Portland's *Comprehensive Plan* but are essential to achieving its goals. Our recommendations can be implemented separately, but we feel they will have the greatest impact if implemented as a whole.

This document is a high-level executive summary of our ReCode recommendations. Our full ReCode recommendation proposal, which includes detailed descriptions of each of our seventeen recommendations and draft language prepared to amend the Land Use Code, may be viewed on our website at urbanistportland.me/policy/recode-proposal.

Allow More of What We Love

MANY OF THE BELOVED HISTORIC FEATURES THAT MAKE PORTLAND VIBRANT AND UNIQUE ARE ILLEGAL TO BUILD TODAY. LET'S CHANGE THAT.

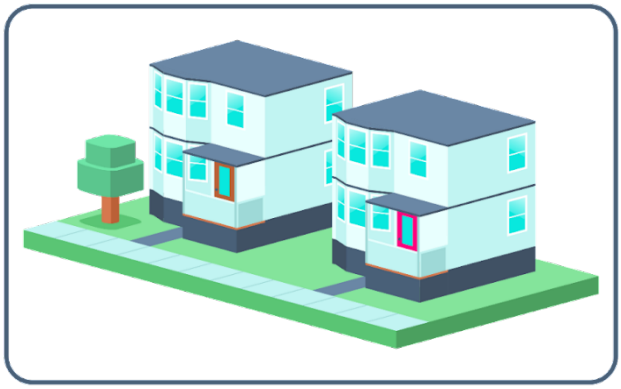
The City of Portland has a long and vibrant history. Home to twelve distinct historic districts, eight of these lie on Portland's peninsula and preserve some of our densest, most beautiful, and most economically productive mixed-use neighborhoods.

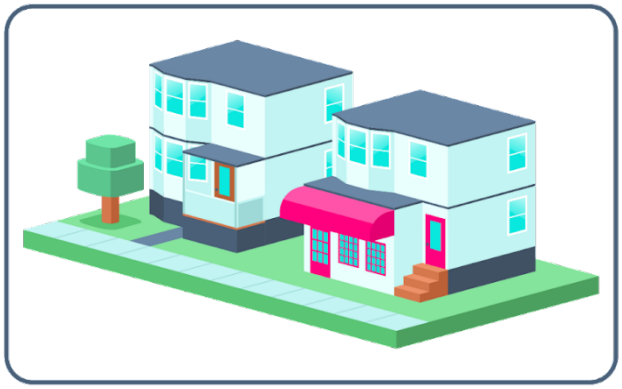
- **Allow neighborhood businesses**
- **Simplify medium-density zones**
- **Reduce setback requirements**
- **Empower neighbors to reduce setbacks together**

We feel that human-scale streets and neighborhoods with walkable amenities should be within reach of everyone who lives in the City of Portland. Portland's Comprehensive Plan agrees that "strong, complete neighborhoods are fundamental to the City's overall health," and that "basic necessities" should be available "within a walkable, bikeable distance."

But our current code restricts neighborhood businesses to tiny carve outs where there simply happened to be a business decades ago when the code was first written. It also mandates specifications for new buildings in historic districts that are out of character with the very nature the historic district protects, and completely precludes things like townhouses and shared-wall buildings that contribute to our city's vibrancy and beloved historic character.

Our city got a lot right in the past, and we are right to treasure and preserve it, but today our land use code stands in the way of building the neighborhoods that our future generations will treasure in the same way.

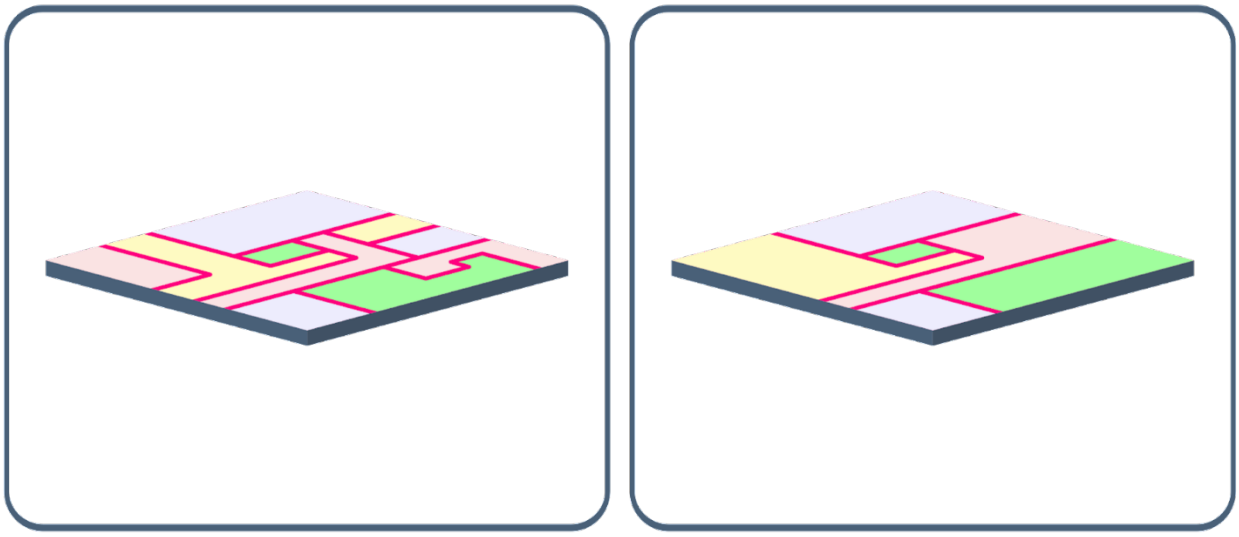




Allow Neighborhood Businesses

Neighborhood businesses are small, first-floor, low-impact businesses that are incorporated into the fabric of residential neighborhoods. Our land use code already defines these businesses and, where currently allowed, they take the form of small local shops, restaurants, and cafes that are assets to their communities. Unfortunately, the areas where they are allowed are few and far between, and some neighborhoods don't have them at all. The locations of these pockets of neighborhood business – many the size of a single building – were determined over a century ago by what businesses happened to be there when our zones were first defined. As our city grows and changes, it is hard to predict where neighborhoods will form and what their needs will be in advance. By allowing neighborhood businesses everywhere, we can allow our current and future neighborhoods to have small shops and restaurants nearby, while still protecting them from large disruptive stores that could bring in outside traffic. Small, locally-owned, neighborhood businesses like hairdressers or baby clothing stores can also become neighborhood anchors, especially for parents who may not have the time or a car to seek these services elsewhere while caring for young children.

We also recommend expanding neighborhood businesses to low- and medium-impact industrial zones. This may sound a bit odd, but recently these zones have become home to many of our local breweries. These breweries have tasting rooms and often host food trucks. Many even have semi-permanent food trucks on site. These establishments are essentially restaurants and have the same impact on their surroundings, but are limited in the services they can provide by our outdated zoning.



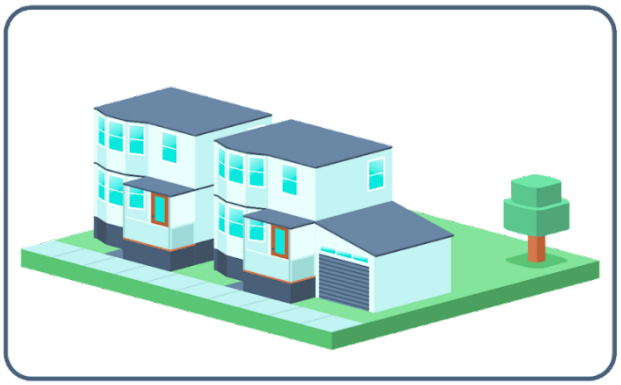
Simplify Medium-Density Zones

Our zoning code is complicated. We have dozens of zones with hundreds of pages. Some of our zones are very small and encompass a single property, while others have very minor distinctions between them. Many zones are arbitrarily split between on and off the peninsula. By combining our low-density zones into a single zone and our medium-density zones into a single zone, we can preserve the form of areas of the city with far fewer requirements.

The R-4 zone is a small zone located entirely near the Western Promenade with the intent to "preserve the unique character of the Western Promenade area". While we applaud the efforts made to protect the historic West End from the damaging effects of urban renewal, the entire R-4 zone and beyond is now covered by the West End Historic District. Meanwhile, the R-4 zone contains standards that are out of character with what is already in the neighborhood. For example, there are multi-family, middle-density buildings in the neighborhood – they are even mentioned in the purpose statement of the zone – but they are not allowed, even as a conditional use. Though the neighborhood resembles the neighboring R-6 zone to the point where most would not be able to tell when they crossed from one into the other, the setbacks and height requirements in the R-4 are more in line with typical suburban standards than what exists in the neighborhood today. The historic district already protects not only all of R-4 but also much of the neighboring R-6 zone from development that is not in

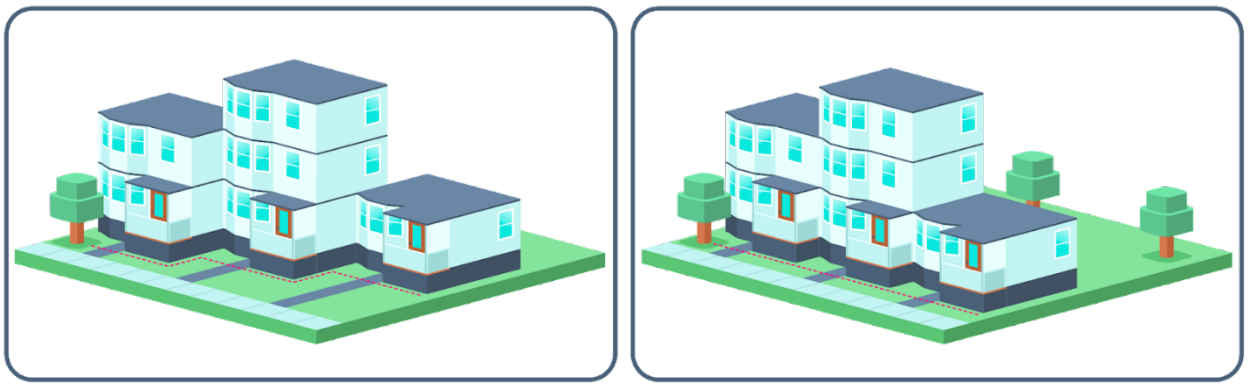
character with the neighborhood, so we feel it is time to retire this zone and let the historic district protect this unique neighborhood.

The R-5 zone is the second-densest residential zone and is mostly located along major corridors, like Congress Street, Deering Avenue, and Forest Avenue. While it is Portland's second most dense residential zone, it only allows low-density housing stock. Much of the housing in R-5 areas predates the land use code and is non-conforming with the zone's standards. Combining this zone with R-6 would ensure the zoning map better reflects the built environment and will simplify the code overall.



Reduce Setback Requirements

Setback requirements require you to build structures far away from the edge of your property. This gives people fewer options on how to build their homes. For example, if you prefer a bigger backyard that is more private than your front yard, you may not be able to have it – if there is a 25-foot front setback minimum, you will have to use that 25 feet for your front yard instead. Side setbacks prevent the construction of row homes. There is already another type of requirement – maximum lot area coverage – which prevents people from covering too much of their lot. Reducing these setback requirements will provide people with these options without reducing the total amount of green spaces.



Empower Neighbors to Reduce Setbacks Together

Front setback requirements require you to build your buildings back a certain amount from the street. In our zoning code today, front setback minimums can already be substituted for an average of the setbacks of your neighbors. This makes sense because the effects of your setback are felt by your immediate neighbors. The only problem with this is that neighbors can't do it proactively, it has to be the average of their existing setbacks. We can provide a block with more flexibility by allowing neighbors on a block to come together and decide to reduce the setback minimums for their own block if they wish. This provides people with flexibility while ensuring they can't ignore the wishes of their neighbors who will be affected.

Legalize Housing

PORTLAND HAS A HOUSING SHORTAGE, AND OUR CURRENT LAND USE CODE IS STANDING IN THE WAY OF OUR FUTURE SUPPLY. LET'S CHANGE THAT.

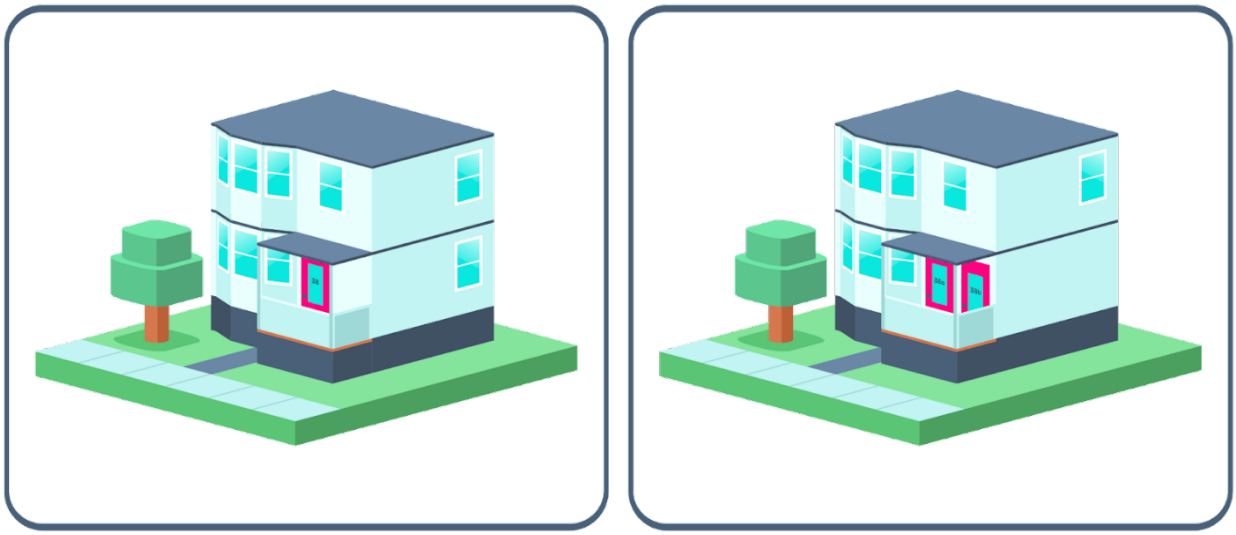
Few would deny that our city – along with the rest of the country – is in the midst of a housing crisis. It is clear our current housing supply is not meeting the needs of our city's residents.

We believe this is, in part, because much of the housing supply is mandated to be one type: single-family homes. Single-family zoning, setbacks, lot coverage maximums, and lot size minimums all add to the cost of housing and limit the amount of housing it's possible to build. This burns the proverbial candle at both ends, reducing both the number of people who are able to afford housing and the total number of homes within our city.

- **Allow multi-family housing**
- **Allow gentle density**
- **Allow renting more rooms**
- **Allow more four-story buildings**
- **Allow coliving**
- **Allow more lot coverage**
- **Allow smaller lots**

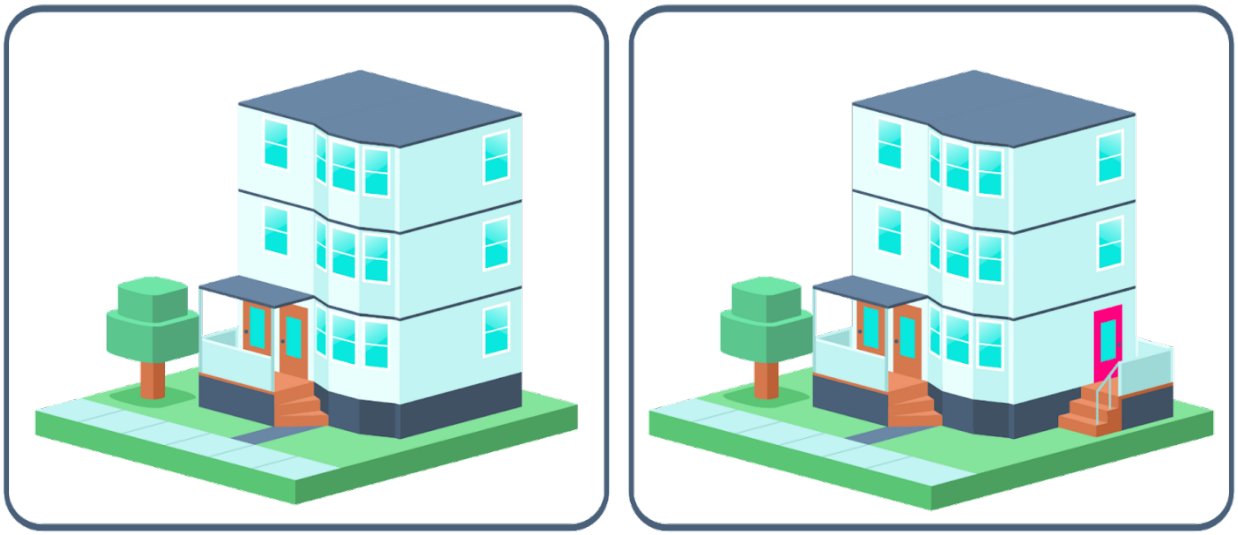
Our recommendations will not make it easier for big developers to build massive apartment blocks. They will allow for a gentler, middle density of homes that individuals will be able to afford to build, own or rent. Going from covering just 20% of your lot to 40%, or allowing a handful of units where before there could only be one, will put housing – and even home ownership – within reach of many more residents, while keeping our city beautiful and making it more livable.

These changes will not end the housing crisis on their own, but for every family that gets a new place to live that could not have been built before, we will have made a world of difference.



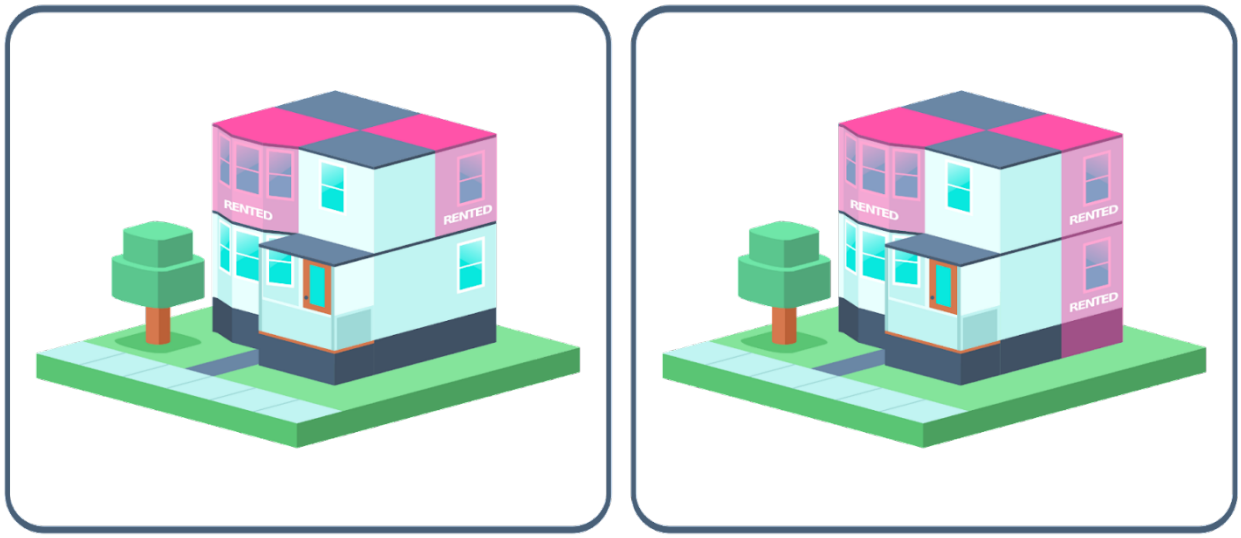
Allow Multi-Family Housing

Multi-family housing is a building with more than one housing unit per building. It can mean anything from a duplex, to a triple-decker with apartments on different levels, to apartment buildings. Currently, the construction of new multi-family housing is not allowed in over three quarters of the residential land in Portland, not including the islands, where it is also not allowed. This restriction has nothing to do with the size and shape of buildings; even duplexes of the same height and footprint as a single-family home are prohibited. This results in sprawling developments of detached single-family homes that are more expensive per unit, excluding people from huge areas of the city, and shrinking our precious green spaces. Conversions to multi-family can also help people age in place by providing a source of income. There are plenty of zoning provisions that will protect our lower-density neighborhoods from experiencing overly intensive development: heights are limited, buildings can't cover too much of their lots, lots need to be a minimum size, etc. We can lift this requirement and provide more housing to more people inside the forms we are already comfortable with.



Allow Gentle Density

Even if your building is under the height requirement, your units are large enough, you aren't using too much of your lot, and you use separate structures, you are still limited by the lot area per dwelling unit minimum requirement. This requirement limits density regardless of circumstances. This restriction is very similar to the restriction on multi-family housing but it applies even to separate structures. There are plenty of zoning provisions that will protect our lower-density neighborhoods from experiencing overly intensive development: heights are limited, buildings can't cover too much of their lots, lots need to be a minimum size, etc. Housing more people in the same space is a good thing – what we want is to mitigate the negative effects of density, like overly small units or lack of light and green space. Lifting this restriction will provide more potential for housing while keeping these effects under control.



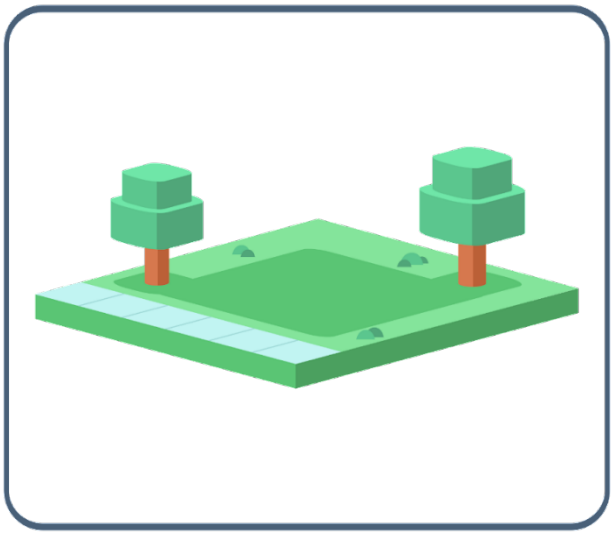
Allow Renting More Rooms

Renting out rooms in your home is a great way to help homeowners remain in their homes, age in place, and provide low-cost housing options. Many of the single-family homes in Portland are large enough to rent out more than two rooms comfortably, without changing the character of the home. We should allow people to make the most of their homes by renting out a few more rooms if they have the space.

Allow More Four-Story Buildings

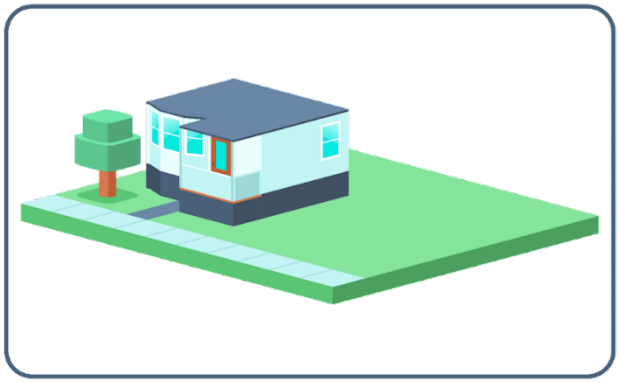
Right now, only one of our main residential zones allows four-story buildings (about four percent of the city). The rest of the residential zones in the city allow only three stories. The neighborhoods that allow these four-story buildings are Munjoy Hill and the West End. These neighborhoods are beautiful and livable. Adding that one

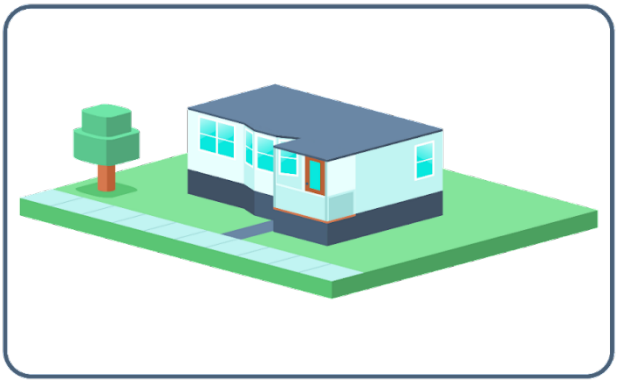
additional story can provide more housing, or a larger housing unit, while maintaining a desirable neighborhood with plenty of light and green space. A four-story building is not even considered mid-rise. We can provide more housing by allowing this extra story in our next most dense zone (about 10 percent of the city).



Allow Coliving

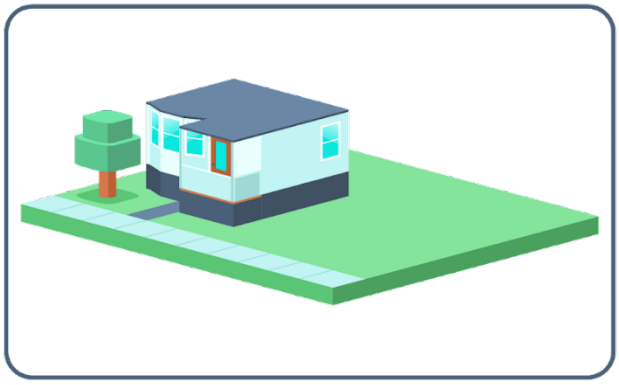
Coliving buildings create access to affordable, flexible housing by allowing people to rent a room with access to shared amenities. Rooms in these buildings are typically rented out a month at a time and are pre-furnished. These are somewhat similar to "lodging houses," which exist in our code today. However, the requirements for lodging houses enforce a very specific configuration where every piece of common space must be available to every tenant, while also regulating the conversion of part of an existing building into a lodging house. This reflects the typical lodging house structure of the past where an owner would convert a portion of their home into a lodging house. In contrast, coliving spaces are typically purpose-built buildings with a suite-style configuration, i.e. a single common area may be shared by multiple bedrooms, but not by every bedroom in the building. It is vital to ensure that every tenant has access to the same level of amenities, but there is no reason to prevent this more modern configuration.

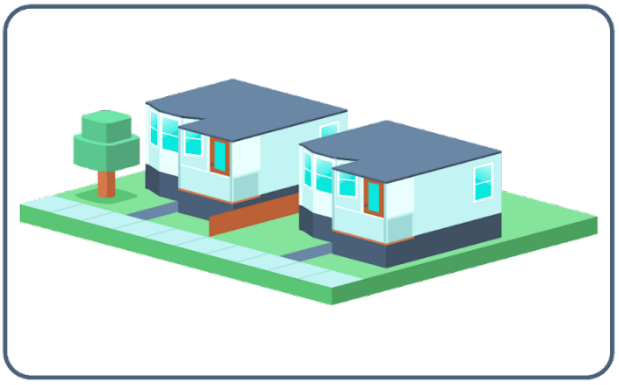




Allow More Lot Coverage

Lot coverage maximums are more sensible than lot size minimums, but in most of the city they are too low. Lot coverage maximums do restrict impermeable surfaces and allow for green space, but when taken to an extreme they can also limit homeownership to only the wealthy. In most of the residential land in Portland today, you can only build on less than 35% of your lot. While permeable surfaces and trees are essential, requiring the majority of a lot to be greenspace means that we have less contiguous land area for public parks and other green spaces that are much more beneficial to a community and wildlife. By gently easing these requirements, we can meet the need for green space and permeable surfaces while making it less difficult for people to afford housing.





Allow Smaller Lots

Currently, our residential lot size minimums are not only very large, but very unevenly distributed amongst zones. The R-6 zone, home to many pleasant neighborhoods, has

a minimum lot size requirement of 2,000 square feet. Meanwhile, the next most dense zone is three times that. By the time you reach the R-1 zone, it takes more than seven R-6 lots to make up just one lot in R-1. Current residential zoning is designed for a suburban development pattern which is inconsistent with Portland's original development pattern. Minimum lot sizes make housing more expensive because they require homeowners to own a significant amount of land just to own a home, while at the same time multiplying the build and maintenance costs of municipal infrastructure, at times causing up to a tenfold increase. The result is significantly higher property tax rates and an artificially limited pool of taxpayers who are responsible for paying these increasing municipal maintenance costs. These lot size requirements are not what maintains the ratio of houses to yards – we already have a separate rule for maximum lot coverage percentage. A lot size minimum is simply a land ownership requirement for housing. We can ease this requirement by reducing lot size minimums by half. Unless a subdivision creates a second parcel of useful land, this change will not help anyone in practice. Reducing these values by half allows an existing lot to be split once.

Unlock More Transit Options

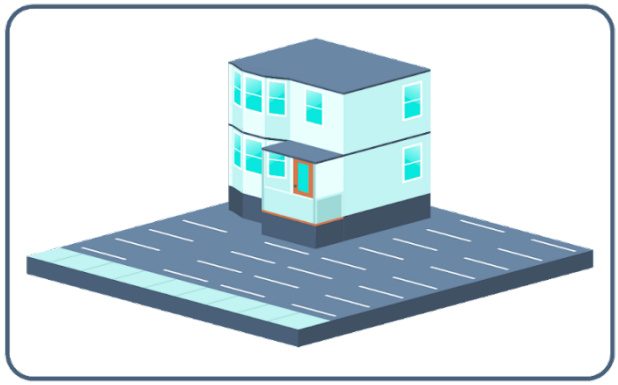
THERE ARE SERIOUS OBSTACLES TO SAFER, MORE EFFICIENT, CLIMATE-ADAPTIVE TRANSIT CHOICES IN PORTLAND. LET'S CHANGE THAT.

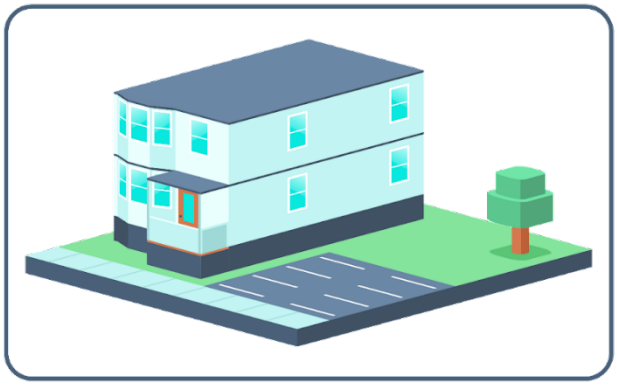
Land use code mainly deals with building forms and uses, but it also influences how a city's residents choose to get around.

- **Establish parking maximums**
- **Expand bicycle parking**
- **Ease the Transportation Demand Management Plan requirement**

When everyone chooses to get around in cars, it crowds out other modes of transportation, creating traffic that delays buses, endangers cyclists and pedestrians, and wastes everyone's time. Not everyone has the means to own a car, the desire to own a car, or the ability to drive, and the needs of these residents are currently marginalized by the existing land use code. Furthermore, the vibrancy of our city comes from people, not cars.

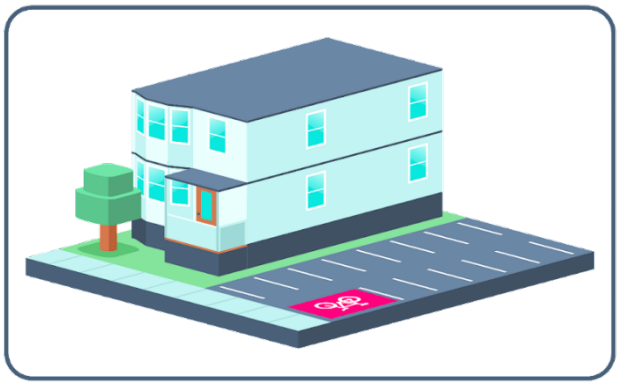
Our recommendations encourage walkable, cyclable neighborhoods. While living completely car-free in Portland right now is unrealistic for many of us, any change that allows a two-car household to become a one-car household is a significant win for that household's finances. Even replacing a single car trip with walking, biking, or bussing benefits the environment and reduces traffic within the city. With mixed-use neighborhoods, people will be located closer to their shops, restaurants, and businesses which makes our whole city more walkable and cyclable. Eliminating the requirement for parking lots where they may not be desired or needed helps use space better, and increasing bike parking enables more people to use alternatives to cars. A bit more density makes more frequent and higher quality transit service financially feasible. With fewer cars on the roads going slower, our streets will also be safer for pedestrians, cyclists, children, and anyone not inside a car. We can improve our environment while increasing convenience and our quality of life for everyone.

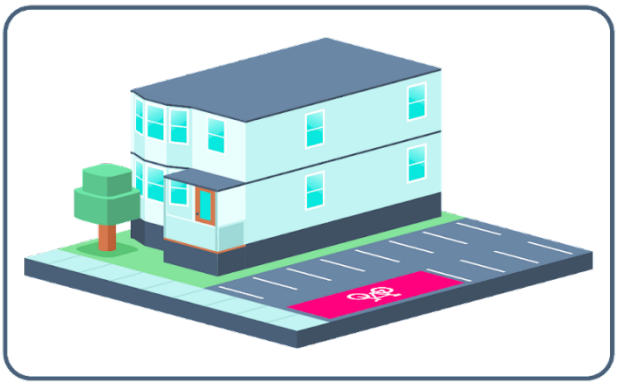




Establish Parking Maximums

The peninsula is becoming increasingly developed. There are quite a few large-scale projects planned in the next few years, and there will undoubtedly be more coming. We need to decide if we want our downtown to be for people or for cars. Around a fifth of our downtown land is already dedicated to parking. The more parking we have, the more people will drive downtown and the worse traffic will be. Air quality will suffer, biking will become less pleasant, and buses will be stuck in traffic. We can protect our downtown by creating parking maximums on new developments to keep our downtown pleasant for everybody – even drivers will appreciate less traffic.





Expand Bicycle Parking

Our city has bicycle parking minimums in place already, which is great! The only issue is they require half the capacity of car parking even though bikes already take up far less space. Bicycle parking minimums can be made equal to the minimums for cars without taking up too much space.

Ease the Transportation Demand Management Plan Requirement

In ReCode Phase One, parking minimums were removed for all new buildings near a transit stop. This is a great step towards reducing our car dependence, but to receive this benefit builders are currently required to spend a lot of time and money producing a Transportation Demand Management plan. This is administrative overhead that may push builders towards building parking instead and provides little benefit. Removing this requirement will make it even easier for builders to build less parking and encourage transit ridership. The requirement will remain in place for very large developments.

Common Sense Fixes

SOME RULES SIMPLY DON'T MAKE SENSE AND CREATE HEADACHES AND LIABILITY FOR THE PEOPLE TRYING TO FOLLOW THEM. LET'S CHANGE THAT.

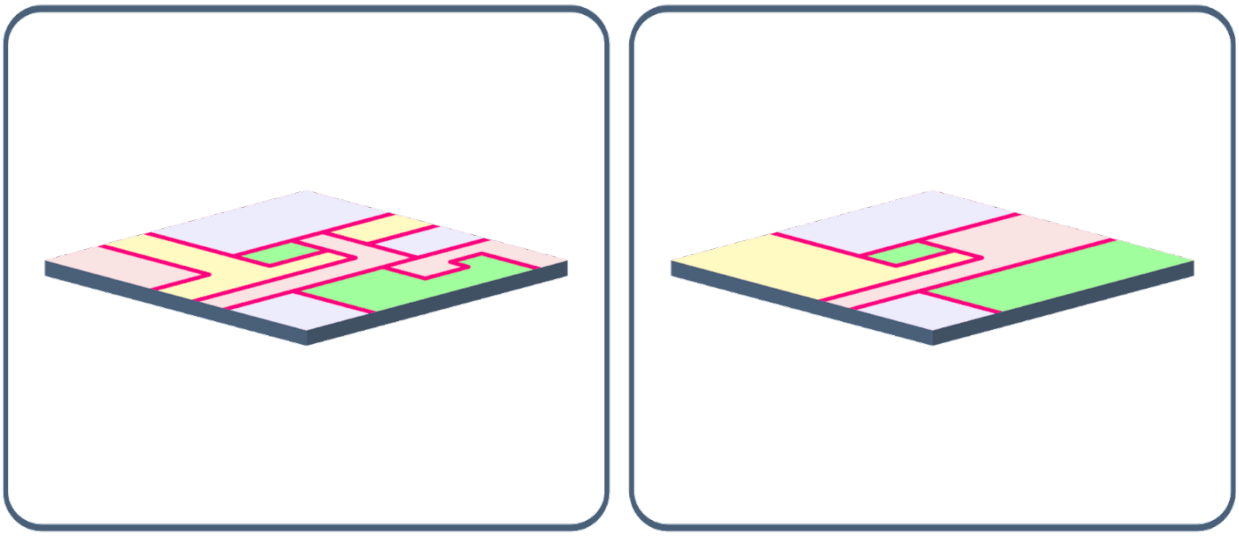
Regulating land use can be a complicated process. Sometimes, what seems like the most expedient way to achieve a particular outcome is with a roundabout rule that may have unintended consequences. Sometimes it doesn't become clear that a rule has unintended consequences until after it's been enacted.

- **Measure heights from sidewalk**
- **Simplify low-density zones**
- **Allow higher quality floors**
- **Allow renting rooms with new kitchens and bathrooms**

That's one reason why it's important to periodically revisit the land use code and revise it, like Portland's ongoing ReCode process. We've identified and drafted fixes for places where we feel the code is overly complex with no apparent benefit, where clarification is needed for a vague rule that doesn't achieve its presumed goal and has already resulted in needless lawsuits, or where a rule is simply arbitrary and doesn't make sense.

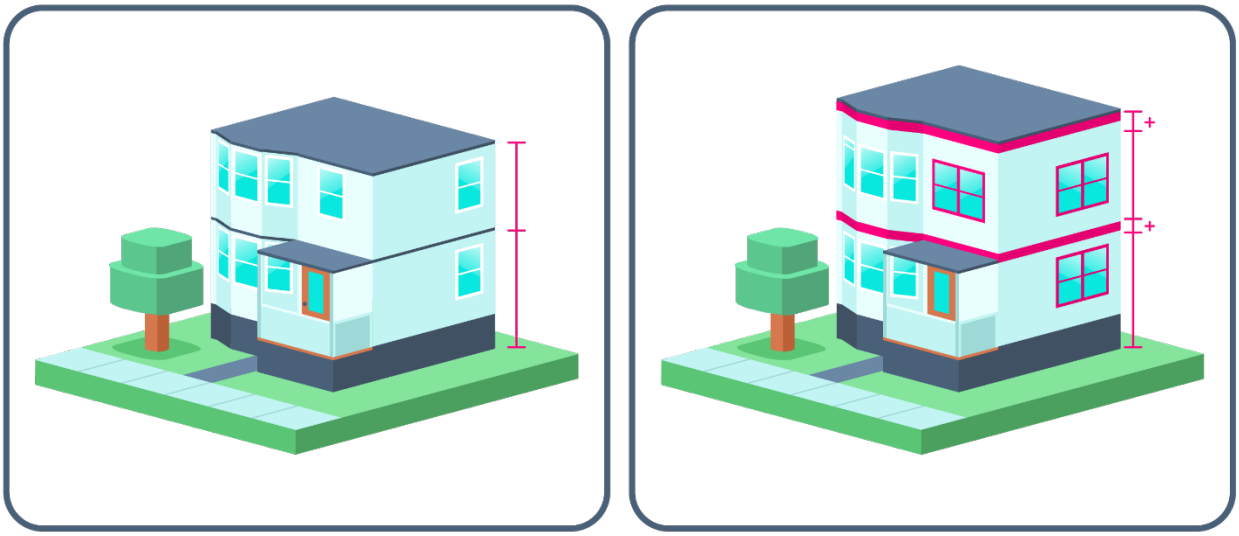
Measure Heights from Sidewalks

Currently, height is measured as average grade from the corners or multiple points along the foundation of the proposed building. This method has several drawbacks that harms the ability of the City to harness the full value of significant portions of land and prevents hundreds of additional homes being built in proposed buildings. This method penalizes land that slopes downward from the adjacent sidewalk and rewards land that slopes upward from the adjacent sidewalk without achieving any consistency in managing actual height of buildings or taking into consideration the effects on the quality of the buildings being built in terms of design aesthetics, livability, performance, fit-to-purpose, and flexibility for re-use. By measuring height from the sidewalk adjacent to the building entrance, we can clarify this rule and standardize height allowances in our more hilly neighborhoods.



Simplify Low-Density Zones

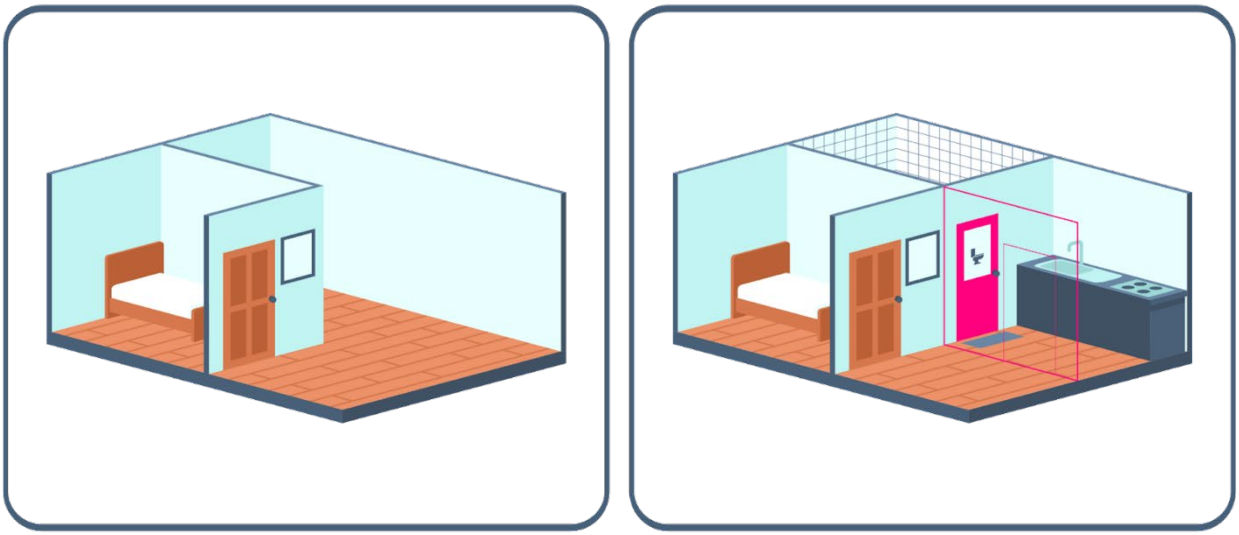
The R-1 and R-2 zones have identical purpose statements and very similar regulations. There is only a tiny amount of R-1 and it is directly near R-2. The zoning code could be simplified without substantial changes by merging these two zones.



Allow Higher-Quality Floors

Current height allowances are out-of-date with today's construction methods and don't consider the extra depth needed for higher insulation values, sound proofing between floors and homes, required floor-to-ceiling heights that allow more daylight into homes within multi-home buildings, mechanical air ventilation needed in tight

envelope buildings, and larger open spans to allow future reconfiguration of units. These features are essential to keeping buildings relevant for 200+ years, avoiding demolitions, and promoting re-use. By allowing just a little bit more height per floor we can make room for this without being noticeable from the outside.



Allow Renting Rooms with New Kitchens and Bathrooms

Wherever you live in Portland, you are allowed to rent out up to two rooms in your home. These sorts of rentals are a great way to provide low-cost housing and help people afford to stay in their homes and age in place. Unfortunately, there is a strange limitation where you can't rent out a room of your home if you added a bathroom or kitchen within the last two years. This is an arbitrary limitation that only serves to prevent people from providing amenities to their tenants or discourage them from opening up housing at all. This rule change will not help facilitate short-term rentals – not only do all short-term rental restrictions still apply, but this rule only applies to rooms within a single housing unit which means this won't help people take housing out of the long-term housing supply and move it to the short-term market.

Connect Portland
unread,
Jul 11, 2023, 11:12:01 AM (21 hours ago)

to recodep...@portlandmaine.gov

1. A meeting was organized for housing developer “stackholders” on ReCode. Will there be similar meetings for affected neighborhood resident “stackholders” in order to engage the community for their feedback on ReCode?
2. How will the real possibility of demolition of single-family homes to build multi-family structures be addressed in ReCode?
3. Where will the Transit Oriented Development (TOD) be located? Define “urban neighborhood” and “on or near peninsula”? TOD heights with a maximum of 80 ft and 125ft in or near residential seems excessive. Doesn’t the B2b transit nodes sufficiently address TOD in a more compatible way in highly residential areas in or near peninsula?
4. Did the B2 and B2b get consolidated? If so, it appears the height has increased significantly in the Dimensional Standards?
5. Are ‘Conversions’ of non-residential structures allowed in all residential and business zones? How do “Conversions” differ from proposed “Reuse” of non-residential structures?
6. New Alternative Residential Development Options (Conservation and Cottage Court developments) that allows small lot development, does it apply to all zones? Should it be added to the Use and Dimensional Tables?
7. How do these proposed changes align with the ReCode II recommendations which stated that pretty much all residential zones should be evaluated for bringing zone standards closer to historic patterns of development with decreased lot sizes, reduced dimensional requires, zone changes and allowances for a diverse range of housing types across the city’s neighborhoods to make Portland a more “equitable” city? All mainland residential would permit at least two-family dwellings (R1, R-2 and R-3) does not appear to pass the ‘straight-face test’ for fair and equitable diversity in expanding housing opportunities within residential ones. The R-5 residential zone is being proposed for the most significant changes as is R-4 in the Western Prom.
8. The ReCode II evaluation in the ‘overview” of zones grouped all neighborhoods within their respective zones which does not fairly distinguish the differences between them. For example, neighborhoods in the R-5 such as the USM area, Deering Highlands, Back Cove, East Deering, North Deering, Oakdale, Deering Center are all vey different. One size does not fit all in established neighborhoods within the same zone but in different city locations, and evaluation and recommendations are NOT sensitive to differing neighborhood context as an identified land use objective. How can this issue be addressed?

The work that has gone into these recommendations is to be commended. Thanking you in advance for a response to our questions.

Helen Donaldson <hcd@portlandmaine.gov>

Draft Recode community meeting Peaks

5 messages

Laura Glendening <lrglendening@gmail.com> Tue, Jul 11, 2023 at 1:00 PM
To: cdg@portlandmaine.gov, Helen Donaldson <hcd@portlandmaine.gov>
Cc: Anne Coughlin <annefcoughlin@gmail.com>

Hello Nell and Christine,

Now that the draft ReCode has been published the PIC (Peaks Island Council) Housing and Zoning Community is looking to support you in presenting a community meeting on Peaks Island.

Mid to late August may be a good time to schedule a meeting, as this is a time when property owners that are mostly on the island just for the summer may be able to be present as well as the year-round community. Perhaps you already have a date planned – and we are ready to support and promote a community meeting that works for your schedules. Please let us know.

In the community meeting we see the need for your department to highlight:

1. How the draft ReCode changes zoning on Peaks Island.
2. How the draft ReCode will assist with the development of affordable housing.
3. And to hear from the community the zoning needs on the island, to allow for community input in the development of the new Land Use Code.

I look forward to hearing from you.
Kind regards,
Laura

Laura Glendening
PIC Housing and Zoning Committee, Chair

Helen Donaldson <hcd@portlandmaine.gov> Wed, Jul 12, 2023 at 5:15 PM
To: Laura Glendening <lrglendening@gmail.com>
Cc: cdg@portlandmaine.gov, Anne Coughlin <annefcoughlin@gmail.com>

Laura,

Thank you for reaching out. We have been thinking about open houses this week, so you are right on time.

At this point, the day of Thursday, August 17 looks like the best opportunity for an island open house with Camiros, our consultant. We would likely be looking at a morning or early afternoon timeframe. Camiros has had success with mid-day open houses where folks can drop in during lunch hours, so perhaps that's an option?

Nell
[Quoted text hidden]
--
Nell Donaldson
Director of Special Projects

City of Portland
(207) 874-8723
hcd@portlandmaine.gov

planning & urban development

Helen Donaldson <hcd@portlandmaine.gov> Wed, Jul 12, 2023 at 5:16 PM
To: Christopher Jennette <cjennette@camiros.com>

FYI - Looks like we may do an open house on Peaks, which has the advantage of a beautiful boat ride.

Shooting for early or mid-day on Thursday 8/17.
[Quoted text hidden]
[Quoted text hidden]

Laura Glendening <lrglendening@gmail.com> Wed, Jul 19, 2023 at 7:30 AM
To: Helen Donaldson <hcd@portlandmaine.gov>, cdg@portlandmaine.gov
Cc: Anne Coughlin <annefcoughlin@gmail.com>

Hi Nell,

August 17 sounds great for us. We are wondering if you will be able to give a brief presentation before moving to the open house style format? Maybe an 11-11:30 presentation followed by an open house from 11:30-1:00?

We are also wondering if you will have maps available -- and will there be any draft changes to the zones (IR-1, IR-2, I-B) on Peaks Island?

Having a hand out with a chart of the current land use codes and the new draft will help answer a lot of questions too.

We will start posting this community meeting when you confirm the details.

Many thanks,
Laura

[Quoted text hidden]

> [Quoted text hidden]
> Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Helen Donaldson <hcd@portlandmaine.gov> Thu, Jul 20, 2023 at 10:46 AM
To: Laura Glendening <lrglendening@gmail.com>
Cc: cdg@portlandmaine.gov, Anne Coughlin <annefcoughlin@gmail.com>

Laura,

Great. Do you have suggestions about a location?

Re your questions, we have not finished sketching out the agenda in its entirety, but there will certainly include some presentation time and some less structured time, so hopefully something for everyone.

And thanks for your suggestions on materials. At this point, we will not have any proposed changes to the zoning map to share, as we're trying to focus folks on the revisions to the zones themselves. But suggestions regarding map changes are always welcome.

Nell

Squarespace
unread,

Jul 12, 2023, 1:37:21 PM (yesterday)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Jim wolf

Email Address: jmw1@maine.rr.com

Subject: recode

Message: Do you know when the city plans to enact the recode. Thank you

Does this submission look like spam? Report it here.

Rachel Conly
unread,
10:43 AM (5 hours ago)
to recodep…@portlandmaine.gov

Hello,

Thank you for sharing the draft of the Recode. I have a couple of follow up questions with regards to island zoning. Could you please advise on the following?

1. In section 7.7.3.A "Small Island Lots". Can you please clarify if this section is ONLY applicable to development on vacant lots, and not applicable to existing non-conforming previously developed small lots in IR-2? For instance, is it possible to apply the new dimensional standards to a remodel/addition in the IR-2 zone for properties that are less 20,000 SF? Or, can a previously existing single family in the IR-2 be converted into a 2 family?
2. I do not see any proposed island maps for reshaping the existing zoning boundaries. Should I assume that the boundaries are not changing?

Thank you! Rachel

--
Rachel Conly (she/her)
Owner/Design Director
Juniper Design + Build, LLC
207.766.5919

Helen Donaldson <hcd@portlandmaine.gov>

Re: Form Submission - Contact us Re:Code - ReCode Review

Barbara Vestal <vestal@chesterandvestal.com> Thu, Jul 13, 2023 at 5:11 PM
To: Helen Donaldson <hcd@portlandmaine.gov>

Hello Nell,

Asking just for myself, I can't help but notice that you have taken out the language in the purpose statement which (admittedly imperfectly) referred to conserving the existing housing stock, preserving the existing neighborhood character, and making new development consistent with the typical compact lot development found on the peninsula. Of course those are things that people living in the R-6 zone have typically valued. It would seem better to improve how they are referenced in the purpose statement rather than deleting them entirely. What was your thinking in making this change?

The "first wave" is said to only address definitions, zones, uses and dimensional standards. The design standards appear in later sections -- particularly in the site plan and historic preservation sections. It is hard to tell from this first wave release where you are going with design review issues. Is it your intent to also remove the concepts of preserving neighborhood character and consistency with the neighborhood context from the design standards? If so, what do you envision the standards will be based on? Or is it the intent to remove design considerations entirely? I would be interested in your thoughts.

Similarly the design standards seem to have stalled out from the 2020 or 2021 overhaul. What is the intent with regard to revisions to the design standards?

Barbara

[Quoted text hidden]

Helen Donaldson <hcd@portlandmaine.gov>

Re: Questions First Wave ReCode Changes

Connect Portland <connectptld@gmail.com> Fri, Jul 14, 2023 at 6:56 AM
To: Helen Donaldson <hcd@portlandmaine.gov>

Thank you, Nell. What Recode mailing list are you referring to? Who is on this list? We would like a copy. How will you notice beyond referring people to the ReCode website as most people are not aware and it is a very complicated document especially for the lay person? How will you reach a city-wide audience given the implications to every neighborhood in the city?

Sent from Mail for Windows

From: Helen Donaldson
Sent: Thursday, July 13, 2023 4:37 PM
To: ReCode Portland
Cc: Connect Portland
Subject: Re: Questions First Wave ReCode Changes

Thank you for your interest in ReCode. Please see responses below, and don't hesitate to follow up with additional questions.

[Quoted text hidden]

[Quoted text hidden]

cynthia park
Jul 15, 2023, 1:19:38 PM (yesterday)
to recodep...@portlandmaine.gov

Hello,
Please add my comments to the others under consideration..

1. Please consider allowing ADUs that meet square footage requirements to use grandfathered setbacks (ie. replacing an existing structure like an old garage) *without* needing to fit within the current structure's footprint - or alternatively, at least only ONE of the grandfathered setbacks (side or rear).

2. Please include some restrictions on density of cannabis businesses (as in, per square mile).

3. Please tighten the restrictions on business signage. Two examples:
a. the signage for the business called 'Continental' (Brighton and St John, new and not yet open for business) has lettering that is really too large for the neighborhood setting
b. internally lighted signage like the lighted numbers '449' for 449 Forest Avenue, while grandfathered, can be effective without being so bright - the light is too bright for the neighborhood setting

thank you—
Cindy Park

19 Pltt St
Oakdale

Squarespace
Jul 17, 2023, 11:21:21 AM (yesterday)
to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: brent adler

Email Address: brentadler@gmail.com

Subject: questions

Message: Hello. Thanks for all the work on this recode.. its been a long time! I had a couple things to comment on. What has been done for building on established city streets that are paved that are less than 25' wide. This was a section in the old code under chapter 14-403. This was updated a couple years ago but im concerned that the exception that is allowed to build is up to somebody's opinion. Can we not agree that these narrow streets in Portland are safe and should be allowed to have new buildings built on them. this will help with housing and density. Please remove the restriction on narrow streets to allow development.

Another comment that I had was to clearly define the difference between a boarding house,halfway house, and sober house. As the code is defined now somebody can open a boarding house in R6 and run it as a halfway house or homeless shelter. We require certain kinds of social services and onsite professional management under a shelter and somebody could use the boarding house as a loop hole. This kind of management can lead to unsafe conditions in a R6 zone.

Does this submission look like spam? Report it here.

James Wolf
Jul 17, 2023, 6:13:38 PM (6 days ago)
to Christine Grimando, plan...@portlandmaine.gov, ReCode Portland

Hi

Thanks for getting back to me.

It does not appear from reading that a great deal is being done to stimulate development in the current R-2 zone. If I am reading correctly the lot size is remaining the same and the only change is duplex construction will be allowed. In contrast, in the R-3 zone not only are duplexes being allowed, the density for multi development is much less restrictive.

I also would be curious to know if the zoning map is being altered. In the case of my land on Tucker/Newell it is currently in the R-2 zone, however, via Tucker half the road is R-3. Shouldn't the area have a consistent zone?

Thank you for the input. I do appreciate your help

Jim

Kimberly MacDonald
unread,

10:51 AM (5 hours ago)

to recodep...@portlandmaine.gov

Hello,

The ReCode Portland first wave changes page on the website state that the zones look different—some new, some consolidated and the names of the zones have shifted (ex R-3 to RN-2). However, I can't find a map of the new zones on the website. Where have they consolidated, changed or been added? Can you direct me to a link to the proposed new zoning maps so that I can view how the zones have been changed/re-defined?

Thanks in advance for you assistance,

Kimberly MacDonald

in a R6 zone.

Does this submission look like spam? Report it here.

No outside gardens should be allowed.We all know they attract critters and rats.They should only be permitted within a structure.Enough said.

0 views

Skip to first unread message

Subscribe

Phyllis Guevin
unread,
Jul 18, 2023, 5:19:46 PM (15 hours ago)
to recodep...@portlandmaine.gov

The video is useless.

0 views

Subscribe

Phyllis Guevin
Jul 18, 2023, 5:33:50 PM (15 hours ago)

to recodep...@portlandmaine.gov

I want to read about any changes and their legality word fir word in a written document.I learned nothing from the useless video and could not read for myself the tiny print.Also why is the code being changed and who authorized it and for what purpose?I hope nit to jam more housing in Portland.we need wider roads,overpasses,more traffic lanes and a comp,etc traffic oriented restructuring of the city and a moratorium on any more people settling in Portland.It's way overcrowded.I know.I was born and raised here and little has been done to manage traffic except paint ridiculous lines.we need a new engineer team brought in from other cities that are truly growing their roadways while limiting overcrowding.The bollards have to go.they are a driving impediment and dangerous distraction.Roads are built for cars and sidewalks for pedestrians.Hire a new engineering team first and foremost!Lets get Portland driver friendly.Thank you.email me the documents and the info I requested.Phyllis Guevin.

Sent from my iPad

Helen Donaldson <hcd@portlandmaine.gov>

Re: The video is useless.

Phyllis Guevin <phyllisguevin@icloud.com> Wed, Jul 19, 2023 at 3:58 PM
To: Helen Donaldson <hcd@portlandmaine.gov>

I have read or scan read The Portland Plan.I noticed there is no mention of rebuilding Morrills corner and woodfords corner and Forest avenue to allow traffic to flow freely and actually be able to move forward on a green light.These corners and streets have never been addressed.Bicycles are nonsensical for the baby boomers as well as for maines climate.We need major roadway widening,overpasses,expansion of our roads to accommodate the only sensible maine climate firm of transportation,the car!These corners have not been addressed since the fifties.We need to make getting to medical appointments,work,school,grocery stores easy to make for a better life in Portland and especially being realistic about the climate here.I did not read anything of this nature and I'm certain you missed the majority of the population who happen to drive cars in your so called search for what Portlanders want.I noticed a biking coalition mentioned three times in your contributors.It's not realistic and it's stubbornly impractical.Narrowing the roads is oppressive and dangerous as regards comfortable safe driving.Painting lines does not improve the roads.As I said get a new team of engineers involved to widen and add overpasses to accommodate the majority of travelers in Portland,the car drivers.Widen our sidewalks for bikers who do not belong in the road.You are not listening to the predominant population.What you are doing is. Nit being realistic.Pkease redo your plan to improve our roadways.Get rid of the bollards.It actually is a flawed,selfish and dangerous idea.Thank you.Please face reality.Phyllis Guevin.

Sent from my iPad

> On Jul 19, 2023, at 8:37 AM, Helen Donaldson <hcd@portlandmaine.gov> wrote:
>
> Ms. Guevin,
> [Quoted text hidden]
> Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Helen Donaldson <hcd@portlandmaine.gov>

Re: Questions First Wave ReCode Changes

Connect Portland <connectptld@gmail.com> Wed, Jul 19, 2023 at 10:24 AM
To: Helen Donaldson <hcd@portlandmaine.gov>

Good morning, Nell. We are requesting public list of ReCode mailing list.

Additional questions:

1. Have PRUDs been eliminated?
2. Zone Table 5A does not include Roux Institute at Northeastern University in the Overlay Zones.
3. Zone Purpose Statements where residential or mixture of residential in RN, Islands and B zones are reference does not clarify what type of permitted residential which are clearly spelled out in the RN1 to RN4 zones. The B-1 provides for residential uses but not in the language, page 5-7.
4. Conversions 6.4.12, additions to “existing structures” in all RN zones. What does “existing structures” mean? All residential and nonresidential structures? Should ‘Conversions’ with sub categories for additions, residential and non-residential be added to the Use Standards Table?
5. Definitions includes definition of “on-peninsula and off-peninsula, where is the definition for “on or near peninsula”?
6. No definitions for “arterials” vs corridors or other accepted street type designations?
7. No definition for “urban neighborhoods”?
8. What affect does “housing bonuses” potentially have on proposed 65 height in the B-2 and B2b zones?

Again, thank you!!

Sent from Mail for Windows

From: Helen Donaldson
Sent: Friday, July 14, 2023 12:35 PM
To: Connect Portland
Subject: Re: Questions First Wave ReCode Changes

Anyone who has subscribed via https://www.recodeportland.me/contact-us receives email updates. And of course we are making every effort to reach beyond this mailing list to spread the word as widely as possible.

Thanks again for your comments.

Nell Donaldson

On Fri, Jul 14, 2023 at 7:10 AM Connect Portland <connectptld@gmail.com> wrote:

> Thank you, Nell. What Recode mailing list are you referring to? Who is on this list? We would like a copy. How will you notice beyond referring people to the ReCode website as most people are not aware and it is a very complicated document especially for the lay person? How will you reach a city-wide audience given the implications to every neighborhood in the city?

Sent from Mail for Windows

From: Helen Donaldson
Sent: Thursday, July 13, 2023 4:37 PM
To: ReCode Portland
Cc: Connect Portland
Subject: Re: Questions First Wave ReCode Changes

Thank you for your interest in ReCode. Please see responses below, and don't hesitate to follow up with additional questions.

Nell Donaldson

On Tuesday, July 11, 2023 at 11:12:01 AM UTC-4 Connect Portland wrote:

1. A meeting was organized for housing developer “stackholders” on ReCode. Will there be similar meetings for affected neighborhood resident “stackholders” in order to engage the community for their feedback on ReCode? *In-person events are being scheduled for mid-August. The ReCode website is the best place to stay informed about these events as they are planned. Notice will also be sent via the ReCode mailing list.*

2. How will the real possibility of demolition of single-family homes to build multi-family structures be addressed in ReCode? *Generally speaking, the approach reflected in the draft changes is to allow for conversion from single-family to two-, three-, four-, or multi-family where the higher-density use is permitted within the zone, but to try to ensure that these conversions are achieved in a way that reflects the existing built context (i.e. the pattern of setbacks, heights, and design choices characteristic of the surrounding neighborhood). This is why the draft changes don't include drastic changes to residential dimensional standards. This approach is a direct response to the comprehensive plan goal to support more housing choice in Portland.*

3. Where will the Transit Oriented Development (TOD) be located? Define “urban neighborhood” and “on or near peninsula”? TOD heights with a maximum of 80 ft and 125ft in or near residential seems excessive. Doesn’t the B2b transit nodes sufficiently address TOD in a more compatible way in highly residential areas in or near peninsula? *This feedback on the TOD zones is helpful, and yes, there is some overlap with several of the mixed use zones, including the B-2b, which encourages a dense, urban form. The TOD zones would be new, so we welcome feedback on appropriate locations for them. TOD zone locations will ultimately need to align with areas that have current or planned transit service.*

4. Did the B2 and B2b get consolidated? If so, it appears the height has increased significantly in the Dimensional Standards? *No, they were not consolidated, although many of the use permissions and dimensional standards for these two zones are the same (both in the existing code and in the draft). The heights have been adjusted.*

5. Are ‘Conversions’ of non-residential structures allowed in all residential and business zones? How do “Conversions” differ from proposed “Reuse” of non-residential structures? *Neighborhood nonresidential reuse has been added as a conditional use within all residential zones. See Section 6.4.26 for use standards*

6. New Alternative Residential Development Options (Conservation and Cottage Court developments) that allows small lot development, does it apply to all zones? Should it be added to the Use and Dimensional Tables? *Section 7.4 describes which zones would allow these options. We may also consider integrating them into the use and dimensional tables in the final drafts if they can be successfully formatted as tables.*

7. How do these proposed changes align with the ReCode II recommendations which stated that pretty much all residential zones should be evaluated for bringing zone standards closer to historic patterns of

development with decreased lot sizes, reduced dimensional requires, zone changes and allowances for a diverse range of housing types across the city's neighborhoods to make Portland a more "equitable" city? All mainland residential would permit at least two-family dwellings (R1, R-2 and R-3) does not appear to pass the 'straight-face test' for fair and equitable diversity in expanding housing opportunities within residential ones. The R-5 residential zone is being proposed for the most significant changes as is R-4 in the Western Prom. *The proposed changes try to strike a balance between creating opportunities for new housing everywhere and acknowledging that not all parts of the city are the same. So while the drafts show a stepping up in terms of residential uses (and as appropriate, dimensional standards) in all residential zones, the existing residential zone structure is generally maintained, reflecting a range of residential contexts, from lower to higher density.*

8. The ReCode II evaluation in the 'overview" of zones grouped all neighborhoods within their respective zones which does not fairly distinguish the differences between them. For example, neighborhoods in the R-5 such as the USM area, Deering Highlands, Back Cove, East Deering, North Deering, Oakdale, Deering Center are all vey different. One size does not fit all in established neighborhoods within the same zone but in different city locations, and evaluation and recommendations are NOT sensitive to differing neighborhood context as an identified land use objective. How can this issue be addressed? *We appreciate that neighborhoods within zones can vary. The drafts address some variation in form by proposing context-based dimensional standards (see setbacks, for instance). Suggestions about further distinctions are more than welcome.*

The work that has gone into these recommendations is to be commended. Thanking you in advance for a response to our questions.

Sent from Mail for Windows

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

--

Nell Donaldson
Director of Special Projects

City of Portland
(207) 874-8723
hcd@portlandmaine.gov

planning & urban development

[Quoted text hidden]

Helen Donaldson <hcd@portlandmaine.gov>

Question on Proposed Language

3 messages

Andrew Schiller <aschiller@schillergroup.com> Fri, Jul 21, 2023 at 12:19 PM
To: Helen Donaldson <hcd@portlandmaine.gov>

Hi Nell,

The proposed language for width of streets has an implied assumption that the street is the same width along its length. Or at least for the segment of street upon which the subject lot fronts the street.

This assumption appears to not always be true. Small pavement width variation exists. This does not pose a problem when pavement width is far wider than the proposed language guidelines. It does introduce ambiguity when the street has small pavement width variations that vary around the target width guidelines. This is the case for Bond Street, based on my measurements.

The section to which I refer is 6.4.1 (A.1.a).

Bond Street is over 20' in width (20' 2" of pavement width, from inside of curb to inside of opposite curb). But not uniformly along its length. Sometimes it is 19' 10", and so forth. Some variation.

Should the language clarify that one rounds up to the nearest whole foot? Or conversely take the minimum width measured?

The lot is at the corner of Bond and Orange. Clearly, as I get very close to the corner (directly in front of the lot) the streets are preparing to intersect and the pavement width increases further to perhaps 21' or 22'. But numerous feet back away from the intersection on Bond, and still in front of the lot in question, the pavement width measures over 20'. But a few feet further on and it measures 19' 10".

Practically speaking, there is no safety or access difference between 20' 2" and 19' 10". So it is not a public safety issue. But the language leaves this ambiguity on where to measure and if to round to the nearest whole foot (up or down), or to use the minimum width found in front of the lot. Or simply round to the nearest whole foot for the minimum width found in front of the lot. Do you have any thoughts on this?

Alternatively, this could be such a rare case that it is better to discuss it with the Fire Chief and/or the head of the DPW. I realize this falls squarely into the '90-10' rule of potentially an edge case! But I do want to be thoughtful and engage for clarity and balance the production of housing in Portland with safety.

Yours truly,

Andrew

Helen Donaldson <hcd@portlandmaine.gov> Fri, Jul 21, 2023 at 4:32 PM
To: Andrew Schiller <aschiller@schillergroup.com>

Andrew,

Thanks for providing such a specific case study for this language. Let us consider how the language might be interpreted here. Generally, minimums are minimums (i.e. there would be no averaging or rounding), but it's worth thinking about whether the 20' would need to be held for the entire street frontage requirement.

Nell
[Quoted text hidden]
--
Nell Donaldson
Director of Special Projects
City of Portland
(207) 874-8723

hcd@portlandmaine.gov

planning & urban development

Andrew Schiller <aschiller@schillergroup.com> Fri, Jul 21, 2023 at 4:46 PM
To: Helen Donaldson <hcd@portlandmaine.gov>

Hi Nell,

Thank you for thinking about this. In this case, if my measurements are correct, the street is over 20' wide in front of the lot. But not for all of the frontage. It is just a slight variation. But it does dip below 20'.

For your consideration, since streets tend to be reasonably stable in width (although imperfectly so as in this case), I would think if the street is 20' or more wide as measured somewhere in front of the lot, that would meet the minimum width requirement.

This is because, even if it dipped below, it is always just inches of difference and thus not a safety or access issue. This would allow the production of housing per the language and be in keeping with the intent to promote fire safety and unrestricted DPW access.

Yours truly,
Andrew

[Quoted text hidden]

> [Quoted text hidden]
> Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Gabe
unread,
8:33 AM (2 hours ago) 7/25/23
to recodep...@portlandmaine.gov

I watched your video and I understand how you are consolidating the zones.

No mention was made about how the allowed uses are changing.
Are there any allowed use changes expected for the RN-2 (formerly R3) zones?

--
Gabriel Zappia
1-207-370-0743 (Text is best, calls are silenced unless scheduled in advance

Helen Donaldson <hcd@portlandmaine.gov>

Re-code phase 2

Liv Chase <livchase@yahoo.com> Wed, Jul 26, 2023 at 4:18 PM
To: Hcd@portlandmaine.gov

The following sections and suggested edits are interpretations that directly affect the property I own here in Portland. Both are over sites that I would like to bring to your attention in hopes that we can talk further.
Sincerely,
Liv Chase

Section 6.4.1- width of a street is no less than 35'.

Amendment should contain the language that this requirement does not apply to accepted city streets. The original intent of this section was to make sure that existing paper streets were designed in a manner that was up to current fire code requirements. Preventing residential construction on accepted city streets that are already built on is not in line with the overall city goal of creating more affordable housing in areas that can accommodate development.

Under R-6 allowable uses: lodging houses should be excluded from this section or the definition of lodging house needs to be amended. Currently, the city is allowing housing of homeless residents and the operation of homeless shelters under this vague language in the land use code. The original intent of this section I believe was to accommodate b and b style housing. If the definition creates a decrease in value of the homes around it then it would make sense not to include this use under any residential zone. Drug trafficking, trespassing, and vandalism are all an outcome of this loophole that has impacted my property on the West end.

Sent from my iPhone

LD2003 Related Questions

0 views

Subscribe

Damon Yakovleff
unread,
Aug 4, 2023, 3:11:48 PM (2 days ago)
to recodep...@portlandmaine.gov

Greetings,

I appreciate the outreach you have done on the recode changes! Thank you.

I have a few questions regarding how the changes interact with the requirements in LD2003. Specifically, it seems that the "growth area" is a key consideration. It is not clear exactly where the growth area is located. Please make sure this is clearly identified in the website.

Generally speaking, I'd suggest that all the dimensional requirements should be relaxed in all zones and density increased. For example, there's no need for a 5 ft. setback for 250sf accessory structures - this can be reduced to 3', etc.

Based on my reading of the proposed changes, it appears that the new RN1, and possibly the RN2 zones, are not considered the "growth area" because they do not allow 4 or more units. I would suggest that the "growth area" should be defined as "anywhere in mainland Portland served by public water and sewer'. All of these locations should be zoned for medium to high residential densities. Separate considerations for the islands make sense.

Related to this, please add clarifying information regarding the 2.5 times density bonus required by LD2003 to the recode website. It appears that this would apply in all areas except for the RN1 zone, since all these locations are served by public water and sewer and allow multifamily dwellings. The RN2 zone is a bit odd, in that it does not permit the 3 and 4 unit development required in growth zones but does allow for multifamily development. This ambiguity should be clarified.

Generally speaking, please work to include more information about how Portland is complying with LD2003 on the recode website. Look to relax dimensional requirements. And also clear up ambiguity with the RN2 zone, and provisions around the 2.5x density bonus.

If Planing staff would like to take time to discuss this with me, I'd be happy to find a time to meet up.

Again, thanks for your efforts on this, I know it is a ton of work.

Damon

Question

0 views

Subscribe

Jill Roland

Aug 6, 2023, 6:47:44 PM (18 hours ago)

to recodep...@portlandmaine.gov

Why not add the R1 and R2 zones - both higher income areas - to the process?

Jill R

Helen Donaldson <hcd@portlandmaine.gov>

Public Comment - ReCode II "First Wave"

Anne Pringle <anne.pringle.me@gmail.com> Tue, Aug 8, 2023 at 12:55 PM
Cc: "Grimando, Christine" <CDG@portlandmaine.gov>, Kevin <kkraft@portlandmaine.gov>, "Donaldson, Nell" <hcd@portlandmaine.gov>

WESTERN PROMENADE NEIGHBORHOOD ASSOCIATION

August 8, 2023

To Portland Planning Department

Re: ReCode II Comment

On March 9, 2015, the WPNA sent a formal letter (below) expressing concerns about the then-proposed (later-enacted) density changes to the R-6. On its face, it made sense to conform zoning to the then-existing development pattern, which would not have been allowed under the existing zoning.

Unfortunately, we believe that the “unintended consequences” we foresaw have come to pass on Munjoy Hill. And now, it appears that the density proposals in ReCode II might follow the same approach and thwart the policy objective that failed on Munjoy Hill – to produce more affordable housing.

Before going forward with the public review process, we **formally urge that you slow the process down and take stock of what has happened on Munjoy Hill** since the density was change. These questions must be answered:

~~How many existing units were demolished? What was the location and assessed value of each of those units? At the then-assessed value, were these units considered “affordable”?

~~How many new units were created, either on cleared land or vacant land? What was the sale price of each unit created?

~~How many “affordable units” were created on Munjoy Hill? How many units were affordable to “the missing middle” vs. subsidized housing?

~~If developers opted out of creating the required affordable units, how much money was contributed to the Duson Housing Fund? How many “affordable” units, in aggregate, would those donations have created in this expensive construction market?

~~Was there a net loss of affordable units on Munjoy hill?

ReCode II could produce very significant and unintended changes in Portland’s housing stock and affect the composition of its residential neighborhoods, as the R-6 changes sis on Munjoy Hill. Let’s take time to “get it right”.

WPNA looks forward to a formal response to this request for analysis.

This letter is intended as a formal comment on ReCode II.

Very truly yours,

(s) Anne B. Pringle

President

WPNA Letter of 3.9.15 on proposed changes to the R-6:

WESTERN PROMENADE NEIGHBORHOOD ASSOCIATION

March 9, 2015

Portland Planning Board

389 Congress Street

Portland, ME 04101

Re: Proposed Changes to the R-6

Dear Planning Board Members:

I am writing as the President of the Western Promenade Neighborhood Association to provide comments regarding the proposed changes to the R-6 zones in the City.

First, we appreciate and agree with the basic approach of better conforming zoning to the existing development pattern and to allow existing structures more flexibility in meeting the needs of owners. That said, “the devil is in the details” and we have the following comments:

1) Unintended Consequences We are very concerned that the proposed significant increase in density will result in the development of even more housing that is unaffordable to the vast majority of Portland residents. In particular, we continue to be concerned about the potential for the smaller, affordable single-family houses to be cut up to small condos for couples.

2) Focus First As suggested in a prior email comment, perhaps the focus should first be on ”stranded lots”, development of which is constrained by existing zoning. Apply the proposed new zoning regime to these lots and see what kind/cost of housing is proposed before making a wholesale change in the entire R-6.

3) Development and Development Criteria It is evident that the reduction or functional elimination of many of the R-6 zone limitations is a significant benefit to the development community. The City and its citizens should get something in exchange for the reduction in the limits:

- *Higher Building and Energy Efficiency Requirements* – As a *quid pro quo* for the elimination of many limits on building and/or renovation, the City should adopt its own building code for the R-6 which would, for example, require any new construction and/or major renovations to be done to a LEED standard or the highest energy efficiency standards that can reasonably be met.

- *Provision for Plantings and Planting Requirements* – Trees, shrubs and plantings are visually appealing, but also reflect and absorb heat. An accessible example is the difference between parking one's car on a hot day on a shopping center parking lot, versus a city street with trees and plantings. Studies have been conducted showing a "heat trap" effect in cities without plantings. With the changes in reduced set-backs, etc., the amount of trees and plantings might be minimal, if left to a developer. The City should mandate a provision for trees and plantings as part of the R-6 revisions.

4) Impacts. The R-6 proposals simply lower the restrictions on building. As described above, the City and its citizens should not, as an unintended result, lose what is now an appealing city-scape. Even renovations and conversions have an impact. Additional meters, wiring and non-owner occupations will change the current "feel" of Portland, and likely not in a positive way.

Allowing garage openings of any size in the front façade of new townhouses will bring a undesirable suburban design element to the peninsula and does not in any way reflect the current development pattern of garages or off street parking spots to the side or rear of properties. NO garage opening should be allowed in front facades, period.

The City should consider expanding the Historic District areas to allow oversight on new construction. For example, aesthetically, when previously one started up Congress into Munjoy Hill, the sense was that one was entering a neighborhood. Just the few higher elevation structures recently constructed on Congress Street have changed how that is experienced. Because of the impact of those few buildings, it feels now that one remains in an extension of an urban core area.

Lastly, we add an important general comment. The sentiment expressed by the staff and Planning Board seems to imply that new building in the R-6 will necessarily result in more affordable housing. That idea is misplaced. The most expensive and desirable land, of which there is a scarcity, is on the peninsula. If a developer is going to incur the expense of acquiring such land and building on it, it is not going to be for the purposes of creating affordable housing. It will be to capture the explosive market demand both in the sale and rental market. As Economics 101 seems to indicate that

increased density will allow a property owner to set a higher asking price, which would then be spread over the increased number of units. Depending on the market premium the added density provides, it seems unlikely that workforce housing will be produced.

The Western Promenade Neighborhood Association appreciates the early outreach to neighborhoods and encourages the Board to give very careful consideration to the many concerns being expressed by residents.

Very truly yours,

Anne B. Pringle

President

--

PLEASE NOTE that I have migrated to a new email address: anne.pringle.me@gmail.com and I will no longer be using oldmayor@maine.rr.com. Please update your address book accordingly.

Squarespace
unread,
Aug 9, 2023, 4:30:14 PM (22 hours ago)
to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Patrick Hess

Email Address: phess@avestahousing.org

Subject: Zoning along Oxford St

Message: Oxford St in West Bayside offers good opportunities for infill development, especially of much-needed housing, close to transit, services, and amenities on peninsula. The zoning however is inconsistent. For example, between Chestnut and the block between Cedar and Elm, the City should consider rezoning to extend the adjacent B7 found along Oxford east of Chestnut.

Manage Submissions

Does this submission look like spam? Report it here.

Squarespace
unread,

Aug 9, 2023, 4:09:17 PM (22 hours ago)

to recodep...@portlandmaine.gov

Sent via form submission from *ReCode Portland*

Name: Nate Howes

Email Address: nhowes@avestahousing.org

Subject: Height Limit on Peninsula - Crest of Bayside (Cumberland Ave)

Message: The block at the NE corner of Cumberland and Elm is under-zoned (85’ max height) compared to the block on the NW corner of Elm and Cumberland (105’ max height), especially given its location immediately across the street from the Metro transit hub. Portland should be prioritizing density along busy corridors like this in the core of the downtown peninsula. The 105’ height overlay should be applied on the NE corner block.

Manage Submissions

Does this submission look like spam? Report it here.

Helen Donaldson <hcd@portlandmaine.gov>

Fwd: ReCode Comments for Workshop

jmy <jmy@portlandmaine.gov> Fri, Aug 11, 2023 at 9:09 AM
To: Helen Donaldson <hcd@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>

---------- Forwarded message ---------
From: Cheryl Leeman <cal4161@yahoo.com>
Date: Friday, August 11, 2023 at 7:08:25 AM UTC-4
Subject: ReCode Comments for Workshop
To: planningboard@portlandmaine.gov <planningboard@portlandmaine.gov>

TO: Planning Board Chair Mazer and members

More public engagement is needed! Although there have been videos and there are 3 planned Open Houses, it is not enough. There should be more outreach to neighborhood groups and additional forums in the neighborhoods affected by an urban planning approach to land use codes with sweeping changes that in some cases does not appear to "respond to each areas context." And it is unfortunate that the Planning Board will not have the benefit of public comment from these forums for their Workshop.

Zone Purpose Statements:
All Zone Purpose statements should be clearly defined as to what is or what is not permitted in the zone as opposed to open ended terms such as "on or near peninsula, select areas off-peninsula and along arterials.

-RN-5 (R-6) includes new inserted text that states and "in select off-peninsula locations."

-Inconsistencies in Zone Purpose Statements regarding type of "residential" or "mixture of residential" which are not clearly spelled out in every zone.

-Transit Oriented Development (TOD) -1 is off-peninsula and -2 is on or near peninsula with no indication as to where and new zone is similar to the B2-b.

Use/Dimensional Tables:

Use/and Dimensional Tables do not include all the proposed changes – **confusing** as there are changes in the text but not included in the Use Table Examples; Conversions for Non-residential and Residential, Conservation and Cottage Court Developments and no footnote references in the Use Table that corresponds with the Dimensional Table

Business Zones:

Every Business Zone includes “residential” to encourage housing is in conflict with it stated purpose of providing for a mixture of commercial as their primary use.

Major changes to Business zones with elimination of density limits to encourage residential urban compact, high-intensity development with increased heights from 45ft to 65ft. (B-2 are major parcels of land abutting neighborhoods such as Shaw's, Hannafords, Northport, Allen Avenue intersection, Ocean Avenue, former Rainbow Mall on Washington Avenue, Congress Street, Forest Avenue, Woodfords/Morrills Corners and St. John Street). NOTE: Does not reference “density bonuses”that will impact the height (perhaps a footnote).
B-2 and B2-b consolidated yet are different in their purpose. The ReCode II recommendation states that the B2-b appears to be working well... the “gradients” in use B-2 zones appear to primarily address levels of commercial intensity and transitions to adjoining neighborhoods. As such, there is likely a need to maintain them.

Removed distinction from Dimensional Standards between on-peninsula and off-peninsula in B-1, B-2 and B2-b zones. There should be a softer approach to transitioning urban, compact development that abut highly residential areas.

NO classification of streets that identify arterials, connectors and local roads by recognized traffic standards.

RP zones added “residential” as permitted use whereas in the current language it states, “any residential use permitted in the nearest residential zone.”

Residential:

Removed Planned Residential Unit Development, (PRUDs) and Small Lot Development which have worked well to increase density more in keeping with historical pattern of neighborhoods,

Only decrease in lot size of any significance is in the R-5 (RN-4) from 6,000sf to 5,000sf with addition of three and four family dwellings including conversions.

Removed from current Use Standard Table is **Off-street parking** as Conditional use “to insure compatibility with the immediate neighborhood.”

Group home restriction that they can not be located within 500ft of another has been eliminated.

Demolition of existing structures NOT addressed as a prohibition to achieve proposed changes.

Other observations:

Section referencing to “undefined” terms (1.8 Rules of interpretation, Section 1.8.1 Meaning of word and terms if not stated are interpreted by common dictionary meaning or customary usage... To insure correct interpretation, terms to be defined should include definition of urban, urban compact development, on or near peninsula (on-peninsula south of I295 and on-peninsula north of I295), classification of streets (arterial, collector or local), Dwellings (Conservation and Cottage Court),

Changed Limitations on Conditional Use from 6 months to 5 years

Landscape and screening changes do not address residential or the recommendations in ReCode II for a stated need to evaluate and revise for consistency and clarity.

NO analysis of impact of these changes regarding traffic, parking, environment, infrastructure and city resources. Studies show that

“urbanization” can cause environmental and economic strain of land and people.

Summary of comments on first wave ReCode changes (8/11/23)

NAME	DATE	SOURCE	ARTICLE	TOPIC	COMMENT
Cheryl Leeman	08/11/2023	Email	1. Introductory Provisions	1.8.1 Meaning of words and terms	Section referencing to "undefined" terms (1.8 Rules of interpretation, Section 1.8.1 Meaning of word and terms if not stated are interpreted by common dictionary meaning or customary usage... To insure correct interpretation, terms to be defined should include definition of urban, urban compact development, on or near peninsula (on-peninsula south of I295 and on-peninsula north of I295), classification of streets (arterial, collector or local), Dwellings (Conservation and Cottage Court),
Heather Sanborn	06/30/2023	Konveio	3. Definitions	"Bar"	As written, this definition of "bar" is broad enough to encompass the definition of "tasting room." It should be narrowed to avoid confusion.
Jay	07/01/2023	Konveio	3. Definitions	"Drive-through features"	you should add language to differentiate between a drive thru where you have order boards and a pick up window. With mobile ordering and pick up windows, you can have another type of food operator that doesn't necessarily need a typical drive thru and can operate in other zones.
Heather Sanborn	06/30/2023	Konveio	3. Definitions	"Industrial, low-impact"	Given that alcohol production is specifically excluded from "specialty food" definition, it would make sense to specifically include it in "light industrial" if that is the intent (as I think it is).
Liv Chase	07/26/2023	Email	3. Definitions	"Lodging house"	Under R-6 allowable uses: lodging houses should be excluded from this section or the definition of lodging house needs to be amended. Currently, the city is allowing housing of homeless residents and the operation of homeless shelters under this vague language in the land use code. The original intent of this section I believe was to accommodate b and b style housing. If the definition creates a decrease in value of the homes around it then it would make sense not to include this use under any residential zone. Drug trafficking, trespassing, and vandalism are all an outcome of this loophole that has impacted my property on the West end.
Brent Adler	07/17/2023	Form submission	3. Definitions	Group homes'	Another comment that I had was to clearly define the difference between a boarding house,halfway house, and sober house. As the code is defined now somebody can open a boarding house in R6 and run it as a halfway house or homeless shelter. We require certain kinds of social services and onsite professional management under a shelter and somebody could use the boarding house as a loop hole. This kind of management can lead to unsafe conditions in a R6 zone.
Cheryl Leeman	08/11/2023	Email	3. Definitions	Street types	NO classification of streets that identify arterials, connectors and local roads by recognized traffic standards.
Connect Portland	07/19/2023	Email	3. Definitions	Various	Definitions includes definition of "on-peninsula and off-peninsula, where is the definition for "on or near peninsula"? No definitions for "arterials" vs corridors or other accepted street type designations? No definition for "urban neighborhoods"?
Cheryl Leeman	08/11/2023	Email	5. Zones	Various	All Zone Purpose statements should be clearly defined as to what is or what is not permitted in the zone as opposed to open ended terms such as "on or near peninsula, select areas off-peninsula and along arterials. -RN-5 (R-6) includes new inserted text that states and "in select off-peninsula locations." -Inconsistencies in Zone Purpose Statements regarding type of "residential" or "mixture of residential" which are not clearly spelled out in every zone. -Transit Oriented Development (TOD) -1 is off-peninsula and -2 is on or near peninsula with no indication as to where and new zone is similar to the B2-b.
Connect Portland	07/19/2023	Email	5. Zones	Table 5-A: Zones	Zone Table 5A does not include Roux Institute at Northeastern University in the Overlay Zones.
Barbara Vestal	07/13/2023	Email	5. Zones	Table 5-B: Residential Zones	Asking just for myself, I can't help but notice that you have taken out the language in the purpose statement which (admittedly imperfectly) referred to conserving the existing housing stock, preserving the existing neighborhood character, and making new development consistent with the typical compact lot development found on the peninsula. Of course those are things that people living in the R-6 zone have typically valued. It would seem better to improve how they are referenced in the purpose statement rather than deleting them entirely. What was your thinking in making this change?
C.M.	07/03/2023	Konveio	5. Zones	Table 5-B: Residential Zones	are the "compatibility and context sensitivity" explained anywhere? many properties have vacant spaces and cannot be properly converted to multi-units, because many cannot conform to current building code or would be too cost prohibitive for small landlords. A few examples that come to mind are stair treads dimensions and requirement of fire sprinklers. Existing multi-unit properties however don't have to conform to such code but are allowed to operate simply by being "grand-fathered-in". Such dichotomy shows a lack of commitment to either safety or compatibility. Are there any plans to address this issue?
Cameron Thompson	07/19/2023	Konveio	5. Zones	Table 5-B: Residential Zones	In the zone purpose section there is no mention of climate resilience. Following the recommendations of One Climate Future zoning should consider climate risks when designating zones. In areas where there is a low risk of flooding the city should encourage higher density through zoning. Low density zoning should only be allowed in areas where the risk of flooding is high.
Emma Rubin	07/16/2023	Konveio	5. Zones	Table 5-B: Residential Zones	Eliminate RN1 to allow for smaller lots and more housing density. Roll into RN2?
Emma Rubin	07/16/2023	Konveio	5. Zones	Table 5-B: Residential Zones	A few zones say they allow for "select nonresidential uses". Not sure exactly what this means but this code should go further to encourage mixed-use walkable neighborhoods.
Emma Rubin	07/16/2023	Konveio	5. Zones	Table 5-B: Residential Zones	It seems like these zones could be condensed/simplified. Why are 7 different residential zones needed for a small city?
Jill Roland	08/06/2023	Email	5. Zones	Table 5-B: Residential Zones	Why not add the R1 and R2 zones - both higher income areas - to the process?
Kellan	07/16/2023	Konveio	5. Zones	Table 5-B: Residential Zones	I can't see any purpose for either RN-1 or RN-2 to still exist. These are archaic zoning definitions that arbitrarily prohibit any sort of density, walkability, bike access, safety, or transit. Keeping these in existence will continue to raise housing costs and result in sprawl outside of Portland limits. The zoning definitions overall can be greatly simplified and modernized by eliminating RN-1 and RN-2 zoning.
Winston Lumpkins	7/18/2023	Konveio	5. Zones	Table 5-B: Residential Zones	Single family homes are very expensive for the city (more street, sidewalk, water, sewer etc) while typically generating less tax revenue than multi unit buildings do, while being financially out of reach for many. They also tend to encourage a level of density that can't support public transportation, encouraging car use, which is bad for wildlife, children, people who can't drive, the environment and infrastructure: walking, e-bikes, bikes, scooters etc don't wear out the road and cause fatal crashes. Cars & their effect on infrastructure is super expensive for the taxpayer. Single family homes are expensive for everyone, inequitable, and should not be encouraged. This is a city; there is a lot of Maine that is not a city, but, this is a city.
Connect Portland	07/11/2023	Email	5. Zones	Table 5-D: Mixed-Use Zones	Did the B2 and B2b get consolidated? If so, it appears the height has increased significantly in the Dimensional Standards?

Cheryl Leeman	08/11/2023	Email	5. Zones	Table 5-D: Mixed-Use Zones	Every Business Zone includes "residential" to encourage housing is in conflict with it stated purpose of providing for a mixture of commercial as their primary use.
Cheryl Leeman	08/11/2023	Email	5. Zones	Table 5-D: Mixed-Use Zones	B-2 and B2-b consolidated yet are different in their purpose. The ReCode II recommendation states that the B2-b appears to be working well... the "gradients" in use B-2 zones appear to primarily address levels of commercial intensity and transitions to adjoining neighborhoods. As such, there is likely a need to maintain them.
Connect Portland	07/19/2023	Email	5. Zones	Table 5-D: Mixed-Use Zones	Zone Purpose Statements where residential or mixture of residential in RN, Islands and B zones are reference does not clarify what type of permitted residential which are clearly spelled out in the RN1 to RN4 zones. The B-1 provides for residential uses but not in the language, page 5-7.
Cameron Thompson	07/19/2023	Konveio	5. Zones	Table 5-H: Open Space Zones	OS-P purpose should include the acknowledgement of maintaining an open space for climate resilience, i.e. high risk flood areas.
Connect Portland	07/11/2023	Email	5. Zones	Table 5-E: Mixed-Use Zones	Where will the Transit Oriented Development (TOD) be located? Define "urban neighborhood" and "on or near peninsula"? TOD heights with a maximum of 80 ft and 125ft in or near residential seems excessive. Doesn't the B2b transit nodes sufficiently address TOD in a more compatible way in highly residential areas in or near peninsula?
Andrew Schiller	07/21/2023	Email	6. Use Standards	6.4.1	The proposed language for width of streets has an implied assumption that the street is the same width along its length. Or at least for the segment of street upon which the subject lot fronts the street. This assumption appears to not always be true. Small pavement width variation exists. This does not pose a problem when pavement width is far wider than the proposed language guidelines. It does introduce ambiguity when the street has small pavement width variations that vary around the target width guidelines. This is the case for Bond Street, based on my measurements. The section to which I refer is 6.4.1 (A.1.a). Bond Street is over 20' in width (20' 2" of pavement width, from inside of curb to inside of opposite curb). But not uniformly along its length. Sometimes it is 19' 10", and so forth. Some variation. Should the language clarify that one rounds up to the nearest whole foot? Or conversely take the minimum width measured? The lot is at the corner of Bond and Orange. Clearly, as I get very close to the corner (directly in front of the lot) the streets are preparing to intersect and the pavement width increases further to perhaps 21' or 22'. But numerous feet back away from the intersection on Bond, and still in front of the lot in question, the pavement width measures over 20'. But a few feet further on and it measures 19' 10". Practically speaking, there is no safety or access difference between 20' 2" and 19' 10". So it is not a public safety issue. But the language leaves this ambiguity on where to measure and if to round to the nearest whole foot (up or down), or to use the minimum width found in front of the lot. Or simply round to the nearest whole foot for the minimum width found in front of the lot. Do you have any thoughts on this? Alternatively, this could be such a rare case that it is better to discuss it with the Fire Chief and/or the head of the DPW. I realize this falls squarely into the '90-10' rule of potentially an edge case! But I do want to be thoughtful and engage for clarity and balance the production of housing in Portland with safety. Thank you for thinking about this. In this case, if my measurements are correct, the street is over 20' wide in front of the lot. But not for all of the frontage. It is just a slight variation. But it does dip below 20'. For your consideration, since streets tend to be reasonably stable in width (although imperfectly so as in this case), I would think if the street is 20' or more wide as measured somewhere in front of the lot, that would meet the minimum width requirement. This is because, even if it dipped below, it is always just inches of difference and thus not a safety or access issue. This would allow the production of housing per the language and be in keeping with the intent to promote fire safety and unrestricted DPW access.
Brent Adler	07/17/2023	Form submission	6. Use Standards	6.4.1	Hello. Thanks for all the work on this recode.. its been a long time! I had a couple things to comment on. What has been done for building on established city streets that are paved that are less than 25' wide. This was a section in the old code under chapter 14-403. This was updated a couple years ago but im concerned that the exception that is allowed to build is up to somebody's opinion. Can we not agree that these narrow streets in Portland are safe and should be allowed to have new buildings built on them. this will help with housing and density. Please remove the restriction on narrow streets to allow development.
Liv Chase	07/26/2023	Email	6. Use Standards	6.4.1	Section 6.4.1- width of a street is no less than 35'. Amendment should contain the language that this requirement does not apply to accepted city streets. The original intent of this section was to make sure that existing paper streets were designed in a manner that was up to current fire code requirements. Preventing residential construction on accepted city streets that are already built on is not in line with the overall city goal of creating more affordable housing in areas that can accommodate development.
Emma Rubin	07/16/2023	Konveio	6. Use Standards	6.4.1(B) Number of structures on a lot	What counts as a principal structure? Can you have the main 1-,2-,3-,4- family dwelling and then also have an ADU? You should be able to.
Cameron Thompson	07/16/2023	Konveio	6. Use Standards	6.4.12(A) Multi-family conversion standards	This seems overly strict to the point that multifamily dwellings are not practically allowed in these zones. How many existing buildings are there in these zones that could potentially be converted?
Connect Portland	07/11/2023	Email	6. Use Standards	6.4.12(A) Multi-family conversion standards	How will the real possibility of demolition of single-family homes to build multi-family structures be addressed in ReCode?
Connect Portland	07/19/2023	Email	6. Use Standards	6.4.12(A) Multi-family conversion standards	Conversions 6.4.12, additions to "existing structures" in all RN zones. What does "existing structures" mean? All residential and nonresidential structures? Should 'Conversions' with sub categories for additions, residential and non-residential be added to the Use Standards Table?
Emma Rubin	07/16/2023	Konveio	6. Use Standards	6.4.12(B) Multi-family conversion standards	Why limit to 25% of existing? Seems strange that if you already have a big house you can expand way more than you could if you happened to have a tiny existing house on the same sized lot.
Cheryl Leeman	08/11/2023	Email	6. Use Standards	6.4.17 Group homes	Group home restriction that they can not be located within 500ft of another has been eliminated.

Cindy Park	07/15/2023	Email	6. Use Standards	6.4.23 Marijuana-related uses.	2. Please include some restrictions on density of cannabis businesses (as in, per square mile).
Amy Oberlin	06/30/2023	Konveio	6. Use Standards	6.4.26 Neighborhood nonresidential reuse	Despite touting the "new use" of neighborhood nonresidential reuse, this section appears to rule out all new neighborhood businesses. Was this the intent?
Nathan	07/25/2023	Konveio	6. Use Standards	6.4.26 Neighborhood nonresidential reuse	[Response to Amy Oberlin & Winston Lumpkins re neihgobhrood nonresidential reuse.] Agree with the sentiments above. The summary of Recode II progress made it sound like it would be significantly easier to introduce small scale commercial into our purely residential neighborhoods, but this language is far too restrictive. We don't just want to allow buildings originally built to be non-residental to open a business in them, we want to encourage NEW neighborhood amenity business to pop up. I like the allowance for no parking spots however.
Winston Lumpkins	7/18/2023	Konveio	6. Use Standards	6.4.26 Neighborhood nonresidential reuse	[Response to Amy Oberlin re neighborhood nonresidential reuse] This seems really problematic. It seemed like more might be allowed above.
Cheryl Leeman	08/11/2023	Email	6. Use Standards	6.5.5 Limitations on conditional use approvals	Changed Limitations on Conditional Use from 6 months to 5 years
Cindy Park	07/15/2023	Email	6. Use Standards	6.6.2(A) ADUs	1. Please consider allowing ADUs that meet square footage requirements to use grandfathered setbacks (ie. replacing an existing structure like an old garage) *without* needing to fit within the current structure's footprint - or alternatively, at least only ONE of the grandfathered setbacks (side or rear).
Winston Lumpkins	7/18/2023	Konveio	6. Use Standards	6.6.2(A)4 ADUs	Does this mean that you couldn't immediately being renting out a new ADU as a longterm rental unit?
Jay	07/01/2023	Konveio	6. Use Standards	6.6.2(C)3 Drive-throughs	This is a general comment for the all the B districts that don't allow drive thrus for food/coffee. One reason this was changed(and still allowed for a pharmacy or bank) was the thought that the higher retail rents could potentially help with more housing above. If I can get the same rent from a food operator why not allow it? If the drive thru works let them do it. Only allowing drive thrus in certain zones is shortsighted and actually increases traffic since people will travel further to go through those drive thrus. Covid taught us that drive thrus are essential. We all want our Dunkin or Starbucks in the morning and will drive to get it.
Winston Lumpkins	7/18/2023	Konveio	6. Use Standards	6.6.2(C)3 Drive-throughs	Drive throughs are dangerous for Pedestrians, and encourage anti social habits, like driving instead of walking for short errands that could be better done on foot. Pickup windows should of course be allowed, as they're safe and accessible for all modes of transport.
Heather Sanborn	06/30/2023	Konveio	6. Use Standards	6.6.2(G) Tasting rooms	I honestly don't know what this means any more. I would think that the intent is to continue to allow the kind of foods that our breweries (and/or their food truck partners) are currently offering? "Full course meal" isn't a definition that I really understand at this point.
Kellan	07/16/2023	Konveio	6. Use Standards	6.8.6 Historic resources	Suggest expressly prohibiting the historical commission from making rules that substantially hinder improving building energy efficiency. The historical commission has become unhinged in its demands that all windows remain as single pane and its forbidding of the installation of air source heat pumps.
Jonas Eule	07/03/2023	Form submission	6. Use Standards	6.8.8 Noise	Hello. I am wondering if there is anything in these phases pertaining to noise pollution emmiting from in particular Maine Craft Distilling on Washington ave. I also have some questions about sound ordinances and decibel levels.
kmsimp1	07/07/2023	Konveio	6. Use Standards	6.8.8 Noise	"Maintenance Activities" don't seem to be defined elsewhere in the document. Any commercial company not providing one-time construction services (E.G. landscapers) should be subject to the same noise standards as any other activity. Exempting lawn care from noise restrictions and allowing unlimited noise pollution creates significant externalities on the city as a whole. Exempting these activities that also generate enormous levels of air pollution is a direct contradiction of the cities one-climate future pledge.
Cheryl Leeman	08/11/2023	Email	6. Use Standards	In general	Use/and Dimensional Tables do not include all the proposed changes – confusing as there are changes in the text but not included in the Use Table Examples; Conversions for Non-residential and Residential, Conservation and Cottage Court Developments and no footnote references in the Use Table that corresponds with the Dimensional Table
Cameron Thompson	07/20/2023	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	According to definitions section the accessory level are those roof top versions less than 1000 sqft. Minor are those 1000-10000 sq ft Make it clear that accessory solar is also allowed
Cheryl Leeman	08/11/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	Removed Planned Residential Unit Development, (PRUDs) and Small Lot Development which have worked well to increase density more in keeping with historical pattern of neighborhoods,
Cheryl Leeman	08/11/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	Removed from current Use Standard Table is Off-street parking as Conditional use "to insure compatibility with the immediate neighborhood."
Cheryl Leeman	08/11/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	Demolition of existing structures NOT addressed as a prohibition to achieve proposed changes.
Connect Portland	07/19/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	Have PRUDs been eliminated?
Damon Yakovleff	08/04/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	Based on my reading of the proposed changes, it appears that the new RN1, and possibly the RN2 zones, are not considered the "growth area" because they do not allow 4 or more units. I would suggest that the "growth area" should be defined as "anywhere in mainland Portland served by public water and sewer'. All of these locations should be zoned for medium to high residential densities. Separate considerations for the islands make sense.
Emma Rubin	07/16/2023	Konveio	6. Use Standards	Table 6-A: Uses in Residential Zones	Light business use that would benefit residents like small grocers, bakeries, coffee shops, food service etc. should be allowed in residential neighborhoods. Let's make it easier to walk to things!
Gabe Zappia	07/25/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	I watched your video and I understand how you are consolidating the zones. No mention was made about how the allowed uses are changing. Are there any allowed use changes expected for the RN-2 (formerly R3) zones?
Jim Wolf	07/17/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	It does not appear from reading that a great deal is being done to stimulate development in the current R-2 zone. If I am reading correctly the lot size is remaining the same and the only change is duplex construction will be allowed. In contrast, in the R-3 zone not only are duplexes being allowed, the density for multi development is much less restrictive.
Jim Wolf	07/17/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	I also would be curious to know if the zoning map is being altered. In the case of my land on Tucker/Newell it is currently in the R-2 zone, however, via Tucker half the road is R-3. Shouldn't the area have a consistent zone?
Jim Wolf	07/18/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	While the old R3 zone seems to be allowing more development at a lesser density, the R2 lots remain significantly larger. Is there a explanation for this. I own land at the end of Tucker Avenue where the upper part of Tucker is R3 while the lower is R2. Is the an explanation as to why the old 2 zone is not being made the same as the upper part of Tucker
Phyllis Guevin	07/18/2023	Email	6. Use Standards	Table 6-A: Uses in Residential Zones	No outside gardens should be allowed.We all know they attract critters and rats.They should only be permitted within a structure.Enough said.

Tanya	7/18/2023	Konveio	6. Use Standards	Table 6-B: Uses in Island Zones	Shouldn't there be studios for artists and craftspeople allowed in IR-1 and IR-2 zones? At least studios that create minimal noise and/or smells
Cheryl Leeman	08/11/2023	Email	6. Use Standards	Table 6-B: Uses in Mixed-Use Zones	RP zones added “residential” as permitted use whereas in the current language it states, “any residential use permitted in the nearest residential zone.”
Ryan Johnson	07/14/2023	Konveio	6. Use Standards	Table formatting/key	Suggest incorporating this key on the table itself for easier reference.
Connect Portland	07/11/2023	Email	7. Dimensional Standards	7.4 Alternative Development Options	New Alternative Residential Development Options (Conservation and Cottage Court developments) that allows small lot development, does it apply to all zones? Should it be added to the Use and Dimensional Tables?
Publius Portland	07/09/2023	Form submission	7. Dimensional Standards	7.7 Space and bulk exceptions	You should permit the planning board to waive the "step-back" requirements in the RN-5 Zone in the event the lot is an "in-fill" and a finding that there is no material adverse visual impact from the waiver. There are several lots in the current R-6 that could and should be built to 45 feet tall and would fit appropriately in the neighborhood, and requiring the step-back adds construction complexity for very little value.
Nate Howes	08/09/2023	Form submission	7. Dimensional Standards	Downtown height map	The block at the NE corner of Cumberland and Elm is under-zoned (85’ max height) compared to the block on the NW corner of Elm and Cumberland (105’ max height), especially given its location immediately across the street from the Metro transit hub. Portland should be prioritizing density along busy corridors like this in the core of the downtown peninsula. The 105’ height overlay should be applied on the NE corner block.
Cameron Thompson	07/07/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards	How would these apply in a greenfield setting, or where there are no adjacent front yards?
Cameron Thompson	07/07/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards	"+/- 5 feet" This is confusing and needs some clarity here or in the preceding definition of setback averaging. e.g. If the average is 15 feet, does that mean the actual setback is 10 or 20 feet?
Cameron Thompson	07/07/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards	My understanding is that RN-4 is replacing the current R5 zone, which includes the R5 small lots (see CITY OF PORTLAND LAND USE CODE | 7-5). This new dimensional standard is more strict than the previous one for the R5 small lots. Minimum setback is 7 ft and "The width of one side setback may be reduced 1 ft. for every foot that the other side yard is correspondingly increased, but no side yard shall be less than 4 ft. in width." This proposal is more strict than the previous codes and that runs counter to the set goal of relaxing dimensional standards.
Cheryl Leeman	08/11/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards	Only decrease in lot size of any significance is in the R-5 (RN-4) from 6,000sf to 5,000sf with addition of three and four family dwellings including conversions.
Connect Portland	07/11/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards	How do these proposed changes align with the ReCode II recommendations which stated that pretty much all residential zones should be evaluated for bringing zone standards closer to historic patterns of development with decreased lot sizes, reduced dimensional requires, zone changes and allowances for a diverse range of housing types across the city’s neighborhoods to make Portland a more “equitable” city? All mainland residential would permit at least two-family dwellings (R1, R-2 and R-3) does not appear to pass the ‘straight-face test’ for fair and equitable diversity in expanding housing opportunities within residential ones. The R-5 residential zone is being proposed for the most significant changes as is R-4 in the Western Prom.
Connect Portland	07/11/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards	The ReCode II evaluation in the ‘overview” of zones grouped all neighborhoods within their respective zones which does not fairly distinguish the differences between them. For example, neighborhoods in the R-5 such as the USM area, Deering Highlands, Back Cove, East Deering, North Deering, Oakdale, Deering Center are all vey different. One size does not fit all in established neighborhoods within the same zone but in different city locations, and evaluation and recommendations are NOT sensitive to differing neighborhood context as an identified land use objective. How can this issue be addressed?
Damon Yakovleff	08/04/2023	Email	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards	Generally speaking, I'd suggest that all the dimensional requirements should be relaxed in all zones and density increased. For example, there's no need for a 5 ft. setback for 250sf accessory structures - this can be reduced to 3', etc.
Emma Rubin	07/16/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards	Setbacks for RN-1 and RN-2 should be 10ft to be consistent with RN-3 and RN-4 and allow for more ADU development/housing density.
Ryan Johnson	07/14/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards	Lot area requirement for RN-6 is way too high - unless you mean "1,200/unit and a minimum of 40,000sf" - clarify
Ryan Johnson	07/14/2023	Konveio	7. Dimensional Standards	Table 7-A: Residential Neighborhood Zone Dimensional Standards	Is this total lot coverage (i.e. impervious surface) or just building coverage? Likely too low across the board if total lot coverage.
Rachel Conly	07/13/2023	Email	7. Dimensional Standards	Table 7-B: Island Residential Zone Dimensional Standards	1. In section 7.7.3.A "Small Island Lots". Can you please clarify if this section is ONLY applicable to development on vacant lots, and not applicable to existing non-conforming previously developed small lots in IR-2? For instance, is it possible to apply the new dimensional standards to a remodel/addition in the IR-2 zone for properties that are less 20,000 SF? Or, can a previously existing single family in the IR-2 be converted into a 2 family?
Cheryl Leeman	08/11/2023	Email	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards	Major changes to Business zones with elimination of density limits to encourage residential urban compact, high-intensity development with increased heights from 45ft to 65ft. (B-2 are major parcels of land abutting neighborhoods such as Shaw's, Hannafords, Northport, Allen Avenue intersection, Ocean Avenue, former Rainbow Mall on Washington Avenue, Congress Street, Forest Avenue, Woodfords/Morrills Corners and St. John Street). NOTE: Does not reference “density bonuses”that will impact the height (perhaps a footnote).
Cheryl Leeman	08/11/2023	Email	7. Dimensional Standards	Table 7-C: Mixed-Use Zone Dimensional Standards	Removed distinction from Dimensional Standards between on-peninsula and off-peninsula in B-1, B-2 and B2-b zones. There should be a softer approach to transitioning urban, compact development that abut highly residential areas.

Elizabeth Parsons	07/07/2023	Email	14. Site Plan	Landscape preservation & planting standards	Greetings from the West End and thank you for sending around the information on proposed changes to our land use code. Herewith a few observations and wonderings: Avery Yale Kamila's comments (email dated 1 July 2023) were spot on and I offer a hearty "second" to everything said there, especially her point that the current times call for us to do things differently. For example, if planning proceeds under the assumption that our power grid will hold steady over the next several decades, this is a very risky proposition. Around the country we are already seeing power grid failures during periods of extreme heat and grids being targeted by violent political extremists. Add to that the complexity of mass conversion to renewables and we arrive back at the importance of tree canopy coverage. Trees have an ancient track record of providing cooling and calm. Our One Climate Future plan implicitly acknowledges this in multiple places: TLU 1.7; CR 2.2; CFR 2.5; CR 4; and CR 5. So it is of great concern to see that the ReCode revisions do not seem to take this into account when allowing new construction in the most densely populated and lowest income sections of the peninsula. While there has been a lot of talk about the disaster that Victor Gruen's urban renewal effort created by destroying neighborhoods, there seems to be less talk about avoiding the other part of urban renewal's mistakes: constructing massive buildings without giving sufficient attention to physical and socio-economic contexts. How long will the anticipated new, dense developments be expected to last—20 years? 50 years? During the hottest week ever recorded around the world, it's hard for me to imagine that conditions in urban heat islands even 10 years from now will be consistently stable. The irony here is that many residents of the peninsula's most densely-treed sections already have options that poorer people lack for fleeing the heat. Now is the time to emphasize tree planting where trees are most lacking. Of course there are all sorts of regulations and tax/financing issues to consider when deciding what can and can't be done in particular areas. But there are also developers doing good, thoughtful work in Portland whom I suspect would be open to brainstorming creative ways of incorporating more open/green space and trees in areas slated for dense construction. I wonder if they've been asked about this. Finally, a wondering about the revisions' effects across the entire city: while the impetus to eliminate single-family zoning is laudable, we should anticipate that constructing multi-family dwellings and ADUs in areas where such were previously not possible will bring with it more tree felling on private properties. How will we be prepared to deal with this added stressor to an already stressed tree canopy? Assembling this document has undoubtedly been a monumental task perhaps made more onerous by soliciting citizen reactions. Nonetheless, I thank you for considering these comments.
Cheryl Leeman	08/11/2023	Email	14. Site Plan		Landscape and screening changes do not address residential or the recommendations in ReCode II for a stated need to evaluate and revise for consistency and clarity.
Barbara Vestal	07/13/2023	Email	14. Site Plan/HP	Design standards	The "first wave" is said to only address definitions, zones, uses and dimensional standards. The design standards appear in later sections -- particularly in the site plan and historic preservation sections. It is hard to tell from this first wave release where you are going with design review issues. Is it your intent to also remove the concepts of preserving neighborhood character and consistency with the neighborhood context from the design standards? If so, what do you envision the standards will be based on? Or is it the intent to remove design considerations entirely? I would be interested in your thoughts.
Damon Yakovleff	08/04/2023	Email	18. Housing	Affordable housing bonuses	Related to this, please add clarifying information regarding the 2.5 times density bonus required by LD2003 to the recode website. It appears that this would apply in all areas except for the RN1 zone, since all these locations are served by public water and sewer and allow multifamily dwellings. The RN2 zone is a bit odd, in that it does not permit the 3 and 4 unit development required in growth zones but does allow for multifamily development. This ambiguity should be clarified.
Connect Portland	07/19/2023	Email	18. Housing	Affordable housing bonuses	What affect does "housing bonuses" potentially have on proposed 65 height in the B-2 and B2b zones?
Cindy Park	07/15/2023	Email	20. Signs		3. Please tighten the restrictions on business signage. Two examples: a. the signage for the business called 'Continental' (Brighton and St John, new and not yet open for business) has lettering that is really too large for the neighborhood setting b. internally lighted signage like the lighted numbers '449' for 449 Forest Avenue, while grandfathered, can be effective without being so bright - the light is too bright for the neighborhood setting
Urbanist Coalition Portland		City Council	All	All	*See compilation of emailed public comments.*
Patrick Hess	08/09/2023	Form submission	N/A	Map	Oxford St in West Bayside offers good opportunities for infill development, especially of much-needed housing, close to transit, services, and amenities on peninsula. The zoning however is inconsistent. For example, between Chestnut and the block between Cedar and Elm, the City should consider rezoning to extend the adjacent B7 found along Oxford east of Chestnut.
Kellan	07/16/2023	Konveio	N/A	Map	The existing zoning map has too many business deserts. The new map needs to allow for more small scale low impact businesses (~ < 1200 sqft) to operate within these large exclusively residential zones. Any carveouts that happen to have been grandfathered in as B-1 are wildly popular with residents who by and large would prefer to walk to businesses when given the option.
Amy Oberlin	6/30/2023	Form submission	N/A	Process	Will you be releasing an updated zoning map to show where these new zones will be located and how the existing zones have changed? It's hard to evaluate these potential changes without knowing where they will apply.
Amy Oberlin	06/30/2023	Konveio	N/A	Process	Where is the accompanying map of the new zones? It is impossible to evaluate what effect these proposed changes will have without it, particularly in regard to brand new zones like TOD.
Anne Pringle	07/09/2023	Email	N/A	Process	In the text below, you note that emails comments are welcome and that in-person meetings will be held "during thesummer". I SRONGLY urge you to push the public process out to September. We are now well into the summer andmany people will be away and/or on vacation in August. "The City" will be roundly criticized for, after two+ years ofdevelopment, putting these very important changes out for public process at the worst possible time.
Barbara Vestal	07/13/2023	Email	N/A	Process	Similarly the design standards seem to have stalled out from the 2020 or 2021 overhaul. What is the intent with regard to revisions to the design standards?

Barbara Vestal	07/04/2023	Form submission	N/A	Process	As an initial matter, I need help with a couple of inconsistencies to make sure I am reviewing the right thing. Your cover intro says that you have (in my opinion confusingly and unnecessarily) re numbered the residential zones so the old R-6 is now RN-5. But the purpose statements redline in Table 5-B shows old R-6 as new RN-6 (not RN-5). Maybe the problem is with the redlining. The uses in the chart for RN-6 seem to omit things that I would expect to see. Is there a map showing what the bulk of Munjoy Hill will be designated so I can confirm it that way? RN-5 or RN-6? Are you wedded to the idea of renumbering the zones? It would seem to be much less confusing to merge R-1 and R-2 into a new RN-1, skip RN-2 and just keep the same numbering as now -- with a RN in front of it if you prefer -- for zones 3, 4, 5, 6 and 7, with R-5a/R6a to be RN-6a.
Cheryl Leeman	08/11/2023	Email	N/A	Process	More public engagement is needed! Although there have been videos and there are 3 planned Open Houses, it is not enough. There should be more outreach to neighborhood groups and additional forums in the neighborhoods affected by an urban planning approach to land use codes with sweeping changes that in some cases does not appear to "respond to each areas context." And it is unfortunate that the Planning Board will not have the benefit of public comment from these forums for their Workshop.
Cheryl Leeman	08/12/2023	Email	N/A	Process	NO analysis of impact of these changes regarding traffic, parking, environment, infrastructure and city resources. Studies show that "urbanization" can cause environmental and economic strain of land and people.
Connect Portland	07/11/2023	Email	N/A	Process	A meeting was organized for housing developer "stackholders" on ReCode. Will there be similar meetings for affected neighborhood resident "stackholders" in order to engage the community for their feedback on ReCode?
Connect Portland	07/14/2023	Email	N/A	Process	What Recode mailing list are you referring to? Who is on this list? We would like a copy. How will you notice beyond referring people to the ReCode website as most people are not aware and it is a very complicated document especially for the lay person? How will you reach a city-wide audience given the implications to every neighborhood in the city?
Damon Yakovleff	08/04/2023	Email	N/A	Process	I have a few questions regarding how the changes interact with the requirements in LD2003. Specifically, it seems that the "growth area" is a key consideration. It is not clear exactly where the growth area is located. Please make sure this is clearly identified in the website.
Damon Yakovleff	08/04/2023	Email	N/A	Process	Generally speaking, please work to include more information about how Portland is complying with LD2003 on the recode website. Look to relax dimensional requirements. And also clear up ambiguity with the RN2 zone, and provisions around the 2.5x density bonus.
Jim Wolf	07/12/2023	Form submission	N/A	Process	Do you know when the city plans to enact the recode.
Kimberly MacDonald	07/18/2023	Email	N/A	Process	The ReCode Portland first wave changes page on the website state that the zones look different—some new, some consolidated and the names of the zones have shifted (ex R-3 to RN-2). However, I can't find a map of the new zones on the website. Where have they consolidated, changed or been added? Can you direct me to a link to the proposed new zoning maps so that I can view how the zones have been changed/re-defined?
Laura Glendening	07/11/2023	Email	N/A	Process	In the community meeting we see the need for your department to highlight: How the draft ReCode changes zoning on Peaks Island. How the draft ReCode will assist with the development of affordable housing. And to hear from the community the zoning needs on the island, to allow for community input in the development of the new Land Use Code.
Mary McCrann	07/06/2023	Email	N/A	Process	What is the timeframe currently for accepting public comment on the First Wave of Recode? Also, what is the schedule/timeframe for the project moving forward? When are other phases coming out? When will you go to the Planning Board?
Phyllis Guevin	07/18/2023	Email	N/A	Process	This video is useless. I want to read about any changes and their legality word fir word in a written document.I learned nothing from the useless video and could not read for myself the tiny print.Also why is the code being changed and who authorized it and for what purpose?I hope nit to jam more housing in Portland.we need wider roads,overpasses,more traffic lanes and a comp,etc traffic oriented restructuring of the city and a moratorium on any more people settling in Portland.It's way overcrowded.I know.I was born and raised here and little has been done to manage traffic except paint ridiculous lines.we need a new engineer team brought in from other cities that are truly growing their roadways while limiting overcrowding.The bollards have to go.they are a driving impediment and dangerous distraction.Roads are built for cars and sidewalks for pedestrians.Hire a new engineering team first and foremost!Lets get Portland driver friendly.Thank you.email me the documents and the info I requested.Phyllis Guevin.
Rachel Conly	07/13/2023	Email	N/A	Process	2. I do not see any proposed island maps for reshaping the existing zoning boundaries. Should I assume that the boundaries are not changing?
Rob Foster	07/03/2023	Email	N/A	Process	Hi - I'm looking over the most recent recode changes. Is there an updated zoning map that shows where the new transit-oriented development zones will be?
Steve Whorf	07/01/2023	Konveio	N/A	Process	Suggest directly linking the headline of the zoning section of the document to an interactive map that tells you the zone and immediately links to the description and rules applicable to that zone.
Virginie Stanley	07/05/2023	Email	N/A	Process	Thank you for sending out a draft of the Portland Recode. One item is confusing. It looks like R-5 is changing to RN-5, R-5a is changing to RN-6, R-6 what does this change into? R-6a is changing to RN-7. Do you have an updated zoning map showing where the Transit-Oriented Development Zone is located?

WPNA via Anne Pringle	08/08/2023	Email	N/A	Process	On March 9, 2015, the WPNA sent a formal letter (below) expressing concerns about the then-proposed (later-enacted) density changes to the R-6. On its face, it made sense to conform zoning to the then-existing development pattern, which would not have been allowed under the existing zoning. Unfortunately, we believe that the "unintended consequences" we foresaw have come to pass on Munjoy Hill. And now, it appears that the density proposals in ReCode II might follow the same approach and thwart the policy objective that failed on Munjoy Hill – to produce more affordable housing. Before going forward with the public review process, we formally urge that you slow the process down and take stock of what has happened on Munjoy Hill since the density was change. These questions must be answered: ~~How many existing units were demolished? What was the location and assessed value of each of those units? At the then-assessed value, were these units considered "affordable"? ~~How many new units were created, either on cleared land or vacant land? What was the sale price of each unit created? ~~How many "affordable units" were created on Munjoy Hill? How many units were affordable to "the missing middle" vs. subsidized housing? ~~If developers opted out of creating the required affordable units, how much money was contributed to the Duson Housing Fund? How many "affordable" units, in aggregate, would those donations have created in this expensive construction market? ~~Was there a net loss of affordable units on Munjoy hill? ReCode II could produce very significant and unintended changes in Portland's housing stock and affect the composition of its residential neighborhoods, as the R-6 changes sis on Munjoy Hill. Let's take time to "get it right".