

PLANNING BOARD

Tuesday, January 27, 2026 at 4:30 PM
Room 24 (Basement Level of Cty Hall)
and Zoom



MEMBERS

Joseph Zamboni, Chair
Kelsey Robertson, Vice Chair
Michael Joseph Fox
Brandon Mazer
Nicholas Messina
David Silk
Austin Smith

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PUBLIC COMMENT INFORMATION:

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AGENDA:

WORKSHOP - 4:30 PM

- i. Text Amendment to Article 7 of the Land Use Code; Peaks Island Council, Applicant. The Planning Board will hold a hybrid workshop to consider a proposed amendment to Article 7 of the Land Use Ordinance. This amendment would restrict lot coverage allowances for small island lots and would reduce the minimum lot area threshold for the creation of new small island lots within the IR-2 zone. A project and plan summary is available for viewing on the city's CSS Portal (<https://css.portlandmaine.gov/>) by referencing Plan Number ZN-003492-2025.

PUBLIC HEARING - 5:30 PM

1. ROLL CALL AND DECLARATION OF QUORUM

2. COMMUNICATION AND REPORTS

3. REPORT OF ATTENDANCE AT THE MEETING HELD ON JANUARY 13, 2026

Public Hearing

138 Auburn Street: Fox, Mazer, Messina, Robertson, Smith, Silk, and Zamboni present.

4. REPORTS OF DECISIONS AT THE MEETING HELD ON JANUARY 13, 2026

- i. Subdivision; 138 Auburn Street; DBA First Lutheran Church, Applicant. Robertson motioned and Mazer seconded a motion to approve the Subdivision application. Vote 7-0. Robertson motioned and Mazer seconded a motion to adopt the staff report and draft approval letter as the Planning Board's decision, and to authorize the Board Chair to sign the approval letter as drafted. Vote 7-0.

5. NEW BUSINESS

- i. Remand of HPBR-002814-2024; 42 Atlantic Street; LB Atlantic, LLC, Applicant. The Planning Board will hold a hybrid public hearing to remand a Certificate of Appropriateness (HPBR-002814-2024), for the development of a 30-unit housing project at 42 Atlantic Street within the Munjoy Hill Historic District, approved by the Historic Preservation Board on May 28, 2024, back to the Historic Preservation Board to make and adopt findings of fact pursuant to orders from the Maine Superior Court. A project and plan summary is available for viewing on the city's CSS Portal (<https://css.portlandmaine.gov/>) by referencing Plan Number HPBR-002814-2024. No public comment will be taken for this item.
- ii. Map and Text Amendments to the Land Use Code; City of Portland, Applicant. The Planning Board will hold a hybrid public hearing to consider and make a recommendation to the City Council on a series of proposed map and text amendments to the City's Land Use Code. The amendments include changes to eight articles based on experience implementing ReCode, adopted in November, 2024. The proposed amendments address technical corrections, clarify interpretation, and resolve issues identified since the adoption of the City's updated Land Use

Code. Materials associated with these amendments will be posted to the City of Portland Agenda Center on Wednesday, January 21, 2026.

To: Chair Zamboni & Members of the Planning Board
From: Taylor Colbeth
Date: January 22, 2026
Re: Peaks Island Council Zoning Text Amendments
Project ID: ZN-003492-2025
Meeting Date: January 27, 2026

I. INTRODUCCION

The Peaks Island Council (PIC) has submitted a Zoning Text Amendment application requesting amendments to the IR-2 Island Residential dimensional requirements, contained within Article 7 of the Land Use Code. As submitted by the applicant, the proposed amendments are intended to provide greater flexibility for lot divisions on Peaks Island to support additional residential development opportunities, while concurrently reducing allowable lot coverage in order to minimize development intensity on a lot-by-lot basis.

This application is being referred to the Planning Board for consistency with the City’s Comprehensive Plan, which will result in a recommendation to adopt, adopt with modifications, or not adopt the proposed amendment to City Council.

A legal advertisement ran in the January 15, 2026, and January 20, 2026, editions of the *Portland Press Herald*.

Applicant: Peaks Island Council

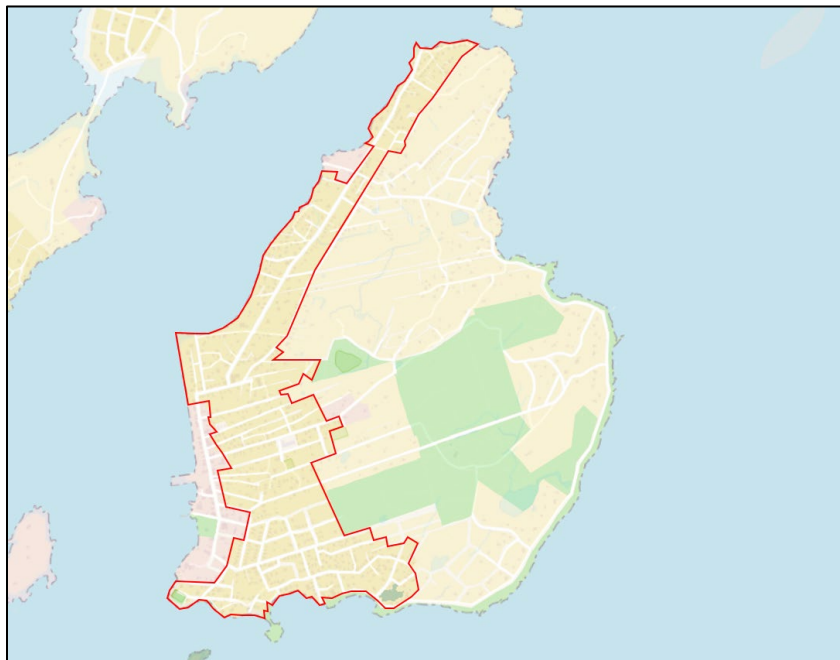


Figure 1. Peaks Island IR-2 Zone Boundary (outlined in red)

II. BACKGROUND

Island-Residential Zone - 2

Generally, the purpose of the IR-2 zone is *“to provide for a residential neighborhood environment on Portland’s islands in areas with adequate public services. Expansion or extension of IR-2 zoning is intended to be limited, generally focused on areas adjacent to existing IR-2 zones, and constrained by factors such as adequacy of access; availability of water for private use and fire protection; suitability of soils for subsurface wastewater disposal; and the presence of public sewer infrastructure. Select nonresidential uses may also be permitted within the IR-2 zone.”*

To reflect the islands’ rural character, limited utility infrastructure, and environmental sensitivities, the dimensional standards historically embodied these constraints. Specifically, development was limited to a maximum lot coverage of 20 percent on a minimum lot size of 20,000 square feet. While uses were generally limited to single-family dwellings, and Planned Residential Unit Developments.

LD 2003

In 2023 the City’s zoning framework was reshaped by changes to state law. Prior to the adoption of ReCode in November 2024, LD 2003, *An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions*, was signed into law in April 2022 and adopted locally in late 2023 (Order 85-23/24). The intent of LD 2003 was to remove regulatory barriers to housing creation in Maine, and the bill required that communities permit a minimum of two units per lot within areas zoned for residential use, outside of designated growth areas, with further allowances for accessory dwelling units (ADUs). For Portland, the Comprehensive Plan loosely defines growth areas as the mainland, with none of the islands identified as growth areas.

As part of the city’s implementation process for LD 2003, the City Council made amendments during the review process an increased the lot coverage across the city’s residential zones, including island residential zones, to allow 60 percent maximum lot coverage (Order 85-23/24). This amendment resulted in the maximum lot coverage in the IR-2 zone increasing from 20 percent to 60 percent.

ReCode

In November 2024, the City Council adopted ReCode following a multi-year effort to align Portland’s land use regulations with the goals and policies of Portland’s Plan 2030, including targeted zoning amendments applicable to the City’s island zones.

Guided by public input, adopted land use policy, and recent legislative changes, the City advanced limited expansions of the Island Business (I-B) and Island Residential (IR-2) zones. Amendments to the IR-2 zone also established a new small island lot provision intended to modestly expand housing opportunities—particularly in areas served by public water and sewer infrastructure—in response to concerns regarding the availability of year-round housing on Peaks Island.

A key objective of the island zoning amendments was to address long-standing zoning nonconformities within the IR-2 zone, where many existing lots do not meet current

dimensional standards, including minimum lot size, frontage, setbacks, and lot coverage. The small island lot provision (Section 7.6.4.A) applies to IR-2 lots smaller than 20,000 square feet and establishes reduced dimensional standards, as set forth in Table 7-B of the Land Use Code. The regulations also allow certain larger parcels, greater than 20,000 square feet, to subdivide to create a small island lot, provided the remaining larger, primary parcel retains a minimum lot size of 20,000 square feet.

In addition, the current Land Use Code permits up to two residential units by right on any developable island residential lot, with up to two additional ADUs per lot. Collectively, these amendments represent a measured expansion of residential development opportunities on the islands while maintaining development standards consistent with the IR-2 zone's rural and environmental context as well as limited transportation options.

III. PIC AMENDMENTS SUMMARY AND ANALYSIS

The Peaks Island Council (PIC) is requesting a zoning text amendment to address two of their recommendations to the City that were considered during ReCode but ultimately, not incorporated into the final Land Use Code.

- A. Small Island Lot Subdivision (Section 7.6.4.a)** The applicant is proposing that new small island lots created by a single lot division retain a minimum of 12,000 square feet, as opposed to the current requirement, 20,000 square feet. The applicant's stated rationale is that reducing the minimum retained lot size would allow additional lot divisions on Peaks Island, primarily to enable existing property owners to convey portions of their land for new homes. The applicant asserts that this approach would support modest increases in year-round housing while maintaining the island's rural character through continued limits on building scale and further subdivision.

Staff Analysis

The intent of the adopted small island lot provisions is to provide a limited tool to support modest housing creation on IR-2 lots that are able to meet base dimensional requirements, particularly larger parcels with access to existing public sewer and water infrastructure. The provision was not intended to function as an alternative minimum lot size standard for the IR-2 zone.

GIS analysis conducted as part of ReCode identified 46 potential lot divisions under current zoning, 21 of which would have access to public sewer service (see Figure 2). An additional seven lots could potentially be served with short sewer extensions. Under the proposed PIC amendments, up to 56 additional lot divisions would be possible, 29 of which would have access to public sewer service.

Maine Revised Statutes §4807-A requires that any lot smaller than 20,000 square feet be served by public sewer. As a result, fewer than half of the potential lot divisions identified would be feasible under current state law. This analysis also does not account for the practical feasibility of lot divisions given existing sewer capacity constraints on the island.

The Portland Water District, which operates the Peaks Island Wastewater Treatment Facility, has advised the City that the facility has limited remaining capacity. Under current zoning, full buildout of existing undeveloped lots could significantly constrain

available capacity. The proposed amendment would introduce additional development potential within the existing sewer service area, accelerating the point at which the facility’s capacity would be reached. The City has requested updated capacity information from the Water District to better understand the potential impacts of the amendment. At this time, there are no plans to expand the wastewater treatment capacity at the Peaks Island facility.

Finally, as part of the City’s 2017 comprehensive planning process, none of the islands were identified as priority growth areas. Priority growth areas are locations where the City intentionally directs growth based on infrastructure capacity, transportation access, and the ability to accommodate higher development intensity. This policy framework is intended to focus housing, employment, and infrastructure investments while supporting smart growth and limiting sprawl.

Lastly, state legislation LD 1829, which is currently in the rulemaking process, would require municipalities to permit a minimum lot size of 5,000 square feet in designated growth areas, as well as in areas outside of growth areas that are served by public water and sewer. As a result, staff recommend delaying any local lot size amendments until the state rulemaking process is complete and the City can advance amendments to ensure compliance with LD 1829, which may require greater lot size reductions than those currently proposed by the PIC.

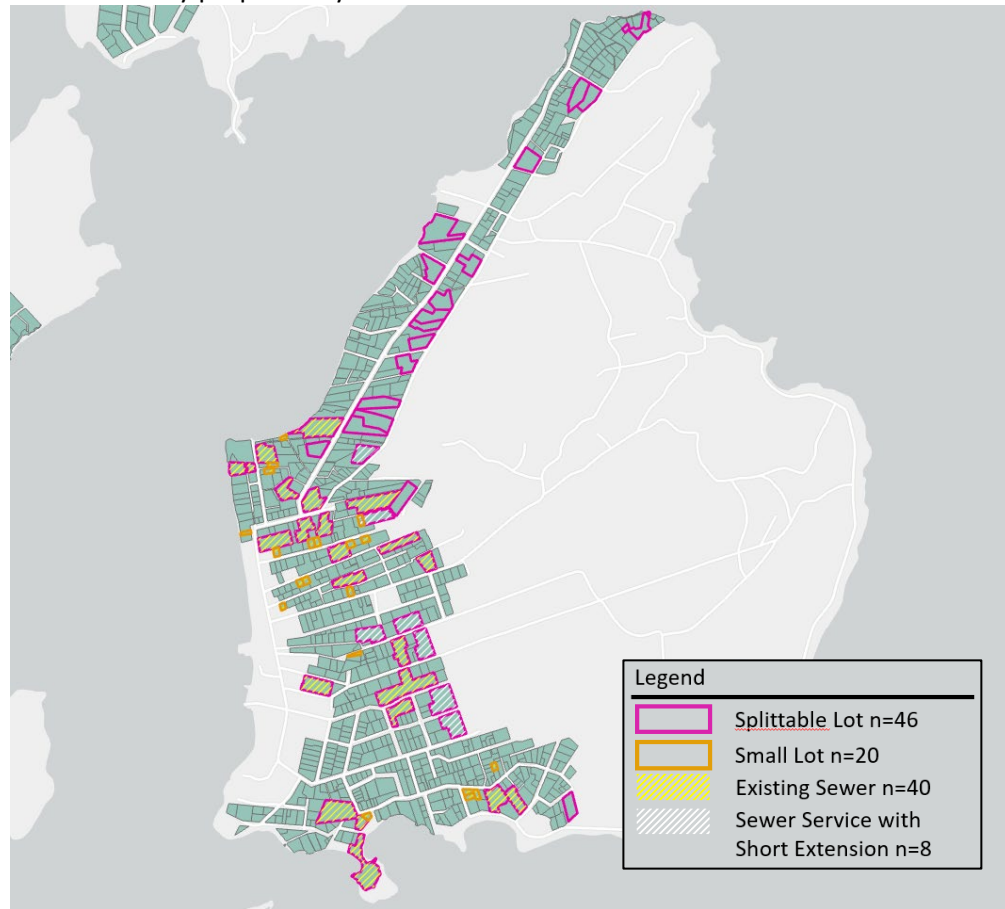


Figure 2. Possible small island lot divisions under current Zoning

- B. Lot Coverage (Table 7-B)** The applicant is proposing that the maximum lot coverage for small island lots decrease from 60% to 45% with water permeable decks up to 60%. The rationale for this proposal, according to the applicant, is that 60% lot coverage is not sustainable, consistent, or measured, and that 45% would take into account the island's environmental, social, and infrastructure carrying capacity.

Staff Analysis

Prior to ReCode, maximum lot coverage in the IR-2 zone was limited to 20 percent. This was subsequently revised to 60 percent for all IR-2 lots in response to changes associated with LD 2003, as amended and adopted by the City Council. In the final adopted Land Use Code, maximum lot coverage was reduced to 40 percent for standard-sized IR-2 lots, while the 60 percent maximum was retained for small island lots.

The adopted 60 percent maximum lot coverage standard for small island lots resulted from a floor amendment approved unanimously by the City Council during the ReCode process in response to LD 2003. This standard was retained due to the Council recently adopted the provision and further intended to provide design flexibility on smaller parcels. The minimum lot size for a small island lot is 3,000 square feet; at 60 percent lot coverage, this allows up to 1,800 square feet of building footprint, accommodating a typical single-family home with flexibility for an accessory dwelling unit (ADU). The requirement that at least 30 percent of the lot be maintained as landscaped open space along with setback requirements ensures that residential development retains meaningful vegetated areas.

Staff support reducing the maximum lot coverage to 45 percent and recommend establishing a single maximum lot coverage standard. Staff also note that decks are not included in the definition of building footprint and therefore do not count toward lot coverage. As such, including decks in this amendment is unnecessary. However, decks and other structures are considered when evaluating compliance with the 30 percent vegetated open space requirement. Staff are also proposing to clarify this distinction as part of a separate package of technical amendments to the Land Use Code currently before the Planning Board. Staff recommend eliminating the waterproof deck proposal.

IV. COMPREHENSIVE PLAN ANALYSIS

Section 1.10.4 of the Land Use Code requires that all amendments be consistent with the Comprehensive Plan. For purposes of this review, the Planning Board is evaluating the proposed text amendment for consistency with the City's Vision Statement and the six related elements, strategies, and goals outlined in the Comprehensive Plan, in order to make a recommendation to the City Council. In doing so, the Board will consider how the amendment advances housing creation while also ensuring that growth occurs in a sustainable manner that accounts for environmental and fiscal considerations.

V. NEXT STEPS

Staff will schedule a public hearing following the initial workshop. At the public hearing, the board will vote to recommend, not recommend, or recommend with amendments to City Council.

**AMENDMENT 3 TO ORDER 85-22/23
PREPARED BY CORPORATION COUNSEL FOR COUNCILOR RODRIGUEZ
RE: COMPLIANCE WITH DIMENSIONAL REQUIREMENTS**

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

*That Chapter 14, Sections 3, 6, 7, 18 and 19 are hereby
amended to read as follows, on the following pages:*

...

6.4.2. Additional residential use permissions

A. *In island zones:* Up to two units are permitted on any lawfully conforming lot that does not contain an existing dwelling unit.

Such units may be located:

~~In two separate structures, so long as the minimum lot area per dwelling unit standards of Article 7 are met, or Within a single structure, in which case the minimum lot area per dwelling unit standards of Article 7 shall not apply.~~

Such units shall comply with all dimensional requirements of the underlying zone except lot coverage and lot area per dwelling unit requirements.

This exception shall not allow a lot to exceed 60% lot coverage unless permitted by the underlying zone.

B. *In mainland zones where residential is a permitted or conditional use:* Up to four units are permitted on any lawfully conforming lot that does not contain an existing dwelling unit.

Such units may be located:

~~In separate structures, so long as the minimum lot area per dwelling unit standards of Article 7 are met, or Within a single structure, in which case the minimum lot area per dwelling unit standards of Article 7 shall not apply.~~

Such units shall comply with all dimensional requirements of the underlying zone except lot coverage and

lot area per dwelling unit requirements.

This exception shall not allow a lot to exceed 60% lot coverage unless permitted by the underlying zone.

A.C. Sections 6.4.2(A) and (B) shall not apply to lots on which a dwelling unit in existence on July 1, 2023 is demolished and a vacant lot results.

B.D. *Lots with one existing dwelling unit in any zone where residential is a permitted or conditional use:*

1. Up to two additional dwelling units are permitted on any lawfully conforming lot containing one existing dwelling unit.

2. Such units may be located:

i. In separate structures, so long as the minimum lot area per dwelling unit standards of Article 7 are met, or

ii. Within or attached to the existing structure, in which case the lot area per dwelling unit standards of Article 7 shall not apply.

3. Units created under this section 6.4.2 shall not be considered accessory dwelling units under Section 6.6.2(A).

...

Application for Text Amendment to Land Use Code
City of Portland, Maine

In re Coverage and Subdivision of Small Island Lots.

By Peaks Island Council, City of Portland, Maine.

Dated December 3, 2025.

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Introduction

A. Peaks Island Council

The Peaks Island Council is an elected municipal body that exercises advisory and delegated substantive authority. (City Charter Art. VIII § 1-B, Code of Ordinances Ch. 9 Art. IV.) Its purpose is to “provide the residents of Peaks Island with a different method of gathering input from its residents as to issues of concern to them and to provide such input to the members of the Portland city council.”

It is authorized to “exercise any powers and perform any functions on Peaks Island including but not limited to: ... Advisory or delegated substantive authority, or both, to hold public hearings, gather community input and make recommendations to the city council with respect to ... planning and zoning actions... and recommendations for ordinance amendments.” (City Code Ch. 9 § 54(a).)

B. Background on Proposed Amendments

During the multi-year ReCode process, the Peaks Island Council (“P.I.C.”) and two of its committees (Housing and Zoning Committee and the Recode and Tax Assessment Committee) worked closely with the Planning Board’s ad hoc ReCode Committee staff to ensure that the ReCode project would reflect local needs and values.

Formal P.I.C. recommendations to ReCode staff and the Planning Board reflected extensive community input from survey responses, P.I.C. meeting discussions and votes, and several well-attended informational community meetings (the most recent being standing room only).

A number of island concerns were addressed: the creation of the small island lot category, a change in setbacks, and the introduction of Cottage Court developments.

However, two items were repeatedly recommended through formal and informal channels; in the end, they were excluded from the final Land Use Code. These are:

- Increasing opportunities to subdivide Small Island Lots.
- Addressing the lot coverage limit on Small Island Lots.

These items, addressed in greater detail below, address community priorities as expressed in survey results, community meetings, and individual communications to the P.I.C.. They find a

middle ground between the preservation of the neighborhood character and the clear need for new housing. The position of the community is clear: we do want more housing, but we want it to be sustainable, and we certainly want it consistent with the City’s Comprehensive Plan.

C. Procedural History

In April of 2025, the P.I.C. completed its first reading of a recommendation to the City Council (under the authority of City Code Ch. 9 § 54(a)) that is substantially similar as that which is laid out here. In May of 2025 it had a second reading and voted to adopt said recommendation and, some time later, filed it with the City Clerk so that the City Council would “on its regular agenda schedule timely discussion and opportunity for adoption of recommendations made by the Peaks Island council.” City Code Ch. 9 §54(b).

The recommended amendments must be reviewed by the Planning Authority before it can be adopted by the City Council. 30-A MRS § 4352(9). Thus, this application is being filed.

To that end, members of the Peaks Island Council met with the Planning Authority staff in August 2025 to review the proposed changes, among other things.

The P.I.C. considered and incorporated feedback from that meeting into the proposal, voting in its October meeting to adopt the language represented here, and to move forward with the mandatory Planning Board review.

Now, it files this application such that the Planning Board’s recommendation and Peaks Island Council’s recommendation can be heard and voted on by the City Council in due course.

Standard of Review

The standard of review for text amendment applications is that “[e]xcept as otherwise required by law, amendments to the City’s Land Use Code shall be pursuant to and consistent with the Comprehensive Plan.” *See* Land Use Code 1.10.4 and 1.10.2(D) and *see also* 30-A MRS § 4352(2). This standard applies to each stage of the amendment process, at the Planning Authority, Planning Board, and City Council level.

Proposed Amendments

- 1. Subdivision.** Article 7.6.4(a)(1) of Chapter 14 of the Code of Ordinances should be amended to read as follows:

New Small Island Lots may only be created by a single lot division of an existing lot, with the remaining developed portion (a) meeting the standard dimensional requirements of the IR-2 zone, or (b) retaining at a minimum 12,000 SF, on the condition that the resulting lot is subject to an Affordable Housing Covenant as provided by 33 MRS Ch. 6. Further division of the remaining lot to create additional Small Island Lots is prohibited.

- 2. Lot Coverage.** Table 7-B of Chapter 14 of the Code of Ordinances should be amended to read as follows:

	IR-2
Lot Coverage (Max.)	40%, except 60% <u>45% with water permeable decks up to 60%</u> if small island lot per Subsection 7.6.4.

- 3. Implementation.** These amendments should not apply to projects undergoing permitting and should not become effective until 30 days from the date of adoption.

Discussion

A. Small Island Lot Division

Substance of Amendment:

Expand opportunities for lot division and affordable housing development, reinforcing historically successful development patterns.

Rationale:

Subdivision is an essential tool for sustainably increasing the island’s year-round housing stock in a way that is community-driven. This change allows more landowners to divide and convey a small lot to people within the community – this is an excellent opportunity for small growth. At the same time, the Affordable Housing Covenant requirement guards against abuse of this expanded opportunity.

A small island lot is 3,000-19,999 square feet. The proposed amendment would result in some 12,000 square feet lots– four times larger than the minimum-sized lot, rather than nearly seven times larger. And notably, the resulting lots would be constrained to affordable housing development. The City has already determined that the minimum size for the resulting lot is 3,000 square feet.

And finally, as to whether this increased opportunity is too broad and would lead to development sprawl. While it's true this change would result in more buildable lots, not all of those lots will be buildable: they are subject to environmental and setback constraints, as well as

the geometry of existing build structures on the original lot. And the City *does* recognize room for development on Peaks: "... 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." Recode Portland Phase II Land Use Code Evaluation, p. 44.

We argue here that the expanded subdivision opportunity, including an Affordable Housing Covenant requirement, is precisely such a "tool[]" to create new housing opportunities that also recognize the unique and sensitive island context." Id.

City Data:

- Currently there are 36 subdivisions possible (e.g. residential lots in IR-2 over 23,000 SF). (Estimate.)
- This change would allow up to 51 additional subdivisions. (Estimate.)

Relation to Comprehensive Plan:

The proposed change is compliant and pursuant to the City's Comprehensive Plan ("Plan 2030"). Regarding land use policies, Plan 2030 provides: "The Future Land Use framework builds on our most successful existing patterns and guides future changes... policies should encourage the distinct qualities of each [neighborhood]. This does not imply freezing neighborhoods as they are, *but allowing change that is compatible with current development patterns.*" Plan 2030, "Principles of Future Land Use: Complete Neighborhoods", p. 79. Emphasis added.

The proposed change builds on successful existing patterns and allows change compatible with those patterns: Peaks as a neighborhood is rural in character, with home- and land-ownership being an important social and economic object. Creating more opportunities for subdivision creates new opportunities for new, affordable ownership while maintaining the remarkable, close-knit community; and requiring an Affordable Housing Covenant prevents housing development that centers that community rather than profit. In fact, affordable housing only increases the economic opportunities in a community, widening the socioeconomic diversity of the island.

In short: the proposed change will make Peaks Island a more complete neighborhood– in pursuance and compliance with Plan 2030– and will encourage the distinct qualities of the neighborhood.

B. IR-2 Small Island Lot Coverage

Substance of Amendment:

Before ReCode, lot coverage was 20%. Today, for Small Island Lots, it is 60% (Land Use Code Table 7-B, p. 7-9.) Here, we are applying for a middle-ground figure of 45%, while still allowing water permeable decks up to 60%.

Rationale, generally:

45% lot coverage takes into account the island's carrying capacity – environmental,

social, and infrastructural.

With lot coverage previously set at 20%, and the actual average of affected lots being around 21%, to triple this to 60% is not consistent, sustainable, or measured when compared to existing patterns (i.e., 21%-- see *City Data* below). The balance of the natural and built landscape is essential to the island. There are around 373 Small island lots – increasing lot coverage of Small Island Lots to 60% (as in mainland Portland) denigrates this equilibrium and harms the sensitive ecology of this small island. The figure of 45% balances the City’s two goals of the preservation of the neighborhood character and the need for new housing– and complies with the City’s Plan 2030. ADUs are exempt from lot coverage calculations.

This recommendation is also rooted in the history of the ReCode project. The lot coverage set by the first draft of the ReCode was 30%. When the figure grew to 60% in the second draft, the Peaks Island Council began formally opposing the higher figure and recommending a lower figure– in line with community input captured by ReCode, the P.I.C., and Plan 2030. There were three unanimous P.I.C. votes for 40-45% lot coverage for Small Island Lots:

1. August 28, 2024, voted unanimously to “strongly oppose” the 60% figure and recommend to Planning 40% lot coverage on Small Island Lots, among other things.
2. September 25, 2024, voted unanimously to recommend 45% lot coverage on Small Island Lots, among other things.
3. October 23, 2024 voted for amendment to ReCode requesting 45% lot coverage on Small Island Lots, among other things.

Additionally, a Peaks Island ReCode open house event and community meetings clearly indicated the desire for a more measured figure. The proposed 45% achieves that objective.

City Data:

- The average lot coverage of Small Island Lots on Peaks is 21.45%. (Estimated.)
- Out of the 373 Small Island Lots, only 17 exceed the threshold of 45%. (Estimated.)

Rationale re Water Permeable Decks:

The proposed 45% lot coverage for built structures will permit owners to develop projects that balance the built environment with the natural environment. The allowance of decks to cover additional area on small island lots provides additional outdoor space for the residents while not oversizing the structure for the property, and subsequently reducing access to natural light to adjacent properties. Deck structures allow water infiltration to occur naturally on the site, unlike an impermeable surface, and the increased area would cause a less adverse effect than a structure that covered 60% of a lot area.

Relation to Comprehensive Plan:

We should heed the community’s signals that the new lot coverage figure does not “build ... on our most successful existing patterns [or] encourage the distinct qualities of each

[neighborhood]” and moreover does not adequately “protect[] the State’s rural character ... and prevent[] development sprawl.” Comprehensive Plan p. 78.

“The islands are comparatively rural, contrasting with the mainland of the city.” Comprehensive Plan with appendices p. 276. “The city’s historic land use patterns ... [traverse] a spectrum from a relatively high-density historic center to the rural character of Portland’s islands... Portland’s Plan anticipates that predominantly residential ... and open space areas will remain *largely consistent with existing patterns*.” Comprehensive Plan, p. 80. Emphasis added.

The overnight shift from 20% coverage to 60% coverage is not consistent with the existing patterns for residential and open space; it is *not* largely consistent with existing patterns; it more than triples the density of the existing pattern. When the Comprehensive Plan which governs these proceedings was adopted, it was understood that “[t]he islands are comparatively rural, contrasting with the mainland of the city.” Comprehensive Plan with appendices p. 276. If lots were to develop at 60%, Peaks would *not* contrast with the mainland of the City.

For these reasons, a 45% figure is more in line with the Comprehensive Plan over the current 60%; for “[Plan 2030’s future land use framework] does not imply freezing neighborhoods as they are, but allowing change that is compatible with current development patterns.” Comprehensive Plan p. 78.

Conclusion

The standard of review in this proceeding is “compliance and pursuance to the Comprehensive Plan”. Since the proposed amendments meet this standard, the Planning Board should recommend the text amendment be adopted, with or without modifications.

Request for Expedited Hearing

As described above, the P.I.C. has made numerous formal representations to this Board and its staff regarding these issues. For this reason, we humbly request the review and hearing be expedited by the Board.

Request for Fee Waiver

The Peaks Island Council requests the Planning Board/Authority waive the application fee in this case; the Peaks Island Council (1) is a governmental body and (2) can establish financial hardship, as it does not have budgeted the \$9,000.00 application fee. Land Use Code 1.10.2

Dated December 3, 2025.
As authorized October 22, 2025.

Respectfully submitted,

BY: /s/ Karsten Rees
krees@portlandmaine.gov

/s/ Laura Glendening
lglendening@portlandmaine.gov

Housing and Zoning Committee, Peaks Island Council
pic.housingandzoning@portlandmaine.gov

ON BEHALF OF: Peaks Island Council, City of Portland
pic@portlandmaine.gov

CC: Kevin Kraft & Hellen Donaldson
Michael Goldman, Esq.
Sarah Michniewicz
Members, Peaks Island Council / Housing and Zoning Committee

PIC ReCode recommendations
proposed by the PIC Housing & Zoning Committee
amended by the Peaks Island Council 9.25.24
sent to the Planning Department 9.26.24

The Peaks Island Council and its Housing and Zoning Committee make the following recommendations in an effort to create a an incremental approach to development:

- that recognizes the unique character and qualities of Peaks Island
- that balances sustaining a vibrant year-round community and preservation of the natural environment
- and that holds a concern for the impact of development on the infrastructure as well as the traditional culture of the island in suddenly and greatly increasing the built density we recommend the following.

New IB:

We recommend that the following lots be zoned IB with requirements for fencing and limits on outdoor lighting.

146 Central Ave
159 Central Ave
164 Central Ave
179 Central Ave
3 Central Ave Extension

Additionally, we ask that the city identify additional properties for inclusion in the I-B, be they on Central Ave, Brackett Ave, or elsewhere on the island.

We ask that the city limit hours of public operation to 9am to 5pm within the I-B zone when there is an absence of water and sewer.

Total number of units allowed on a lot:

We recommend:

In IR-1, IR-2, and Small Island lots of 5,000 SF or more, a total of three units in the form of a two family and one ADU.

On Small Island lots of 3,000-4,999 SF we recommend a total of two units, consisting of either a two family or a one family with one ADU.

Lot Coverage:

We recommend:

IR-1 - 20% (as in final ReCode draft)

IR-2 - 40% (as in final ReCode draft)

IR-2 - Small Island Lot - 45% (down from 60% in the final ReCode draft)

IB - 60% (as in final ReCode draft)

Commercial Vehicle Parking Lot:

We recommend City Planning and City Council work in conjunction with the DPW to create a commercial vehicle parking lot that would provide business owners on the island a place to park their work trucks and trailers.

Maps:

We recommend that all maps of Peaks Island include the public city owned land including shoreline access points and rights of way.

Recommendations to ReCode/Portland Planning

August 28, 2024

Submitted by the PIC Housing and Zoning Committee

1. Small Island Lot Allowance

3,000 square feet: we continue to support this number as compatible with many already built island lots in IR-2

We support the Small Island Lot allowance only with Island specific limits on short-term rentals (as the PIC voted for at their recent meeting), having been put in place prior to the city council approval of new land use code.

2. Dimensional standards on Small Island Lots:

We recommend 10' for each side (vs 5' in second draft) and 15' rear (vs. 10' in second draft). A primary consideration is ensuring safe access by emergency personnel and vehicles, especially in case of fire.

3. 40% lot coverage for all Island lots except IB-1 (50%)

We strongly oppose the proposed 60% permitted coverage for all lots. We recommend 40% for residential lots, which represents a doubling of current coverage, would allow flexibility for improving existing properties as well as building new dwellings, but still be in keeping with the character of existing neighborhoods.

4. Creating a Small Island Lot from a larger existing lot

The second draft allows owners of lots of at least 23,000 sq feet to separate off one 3000 sq ft small lot, leaving the primary lot at 20,000 (the general standard for IR-2). We recommend that in IR-2 consideration be given to allowing any occupied lot of at least 10,000 sq. ft. to separate off 3,000 for a Small Island Lot – leaving at least 7,000 for the primary lot (as long as that lot maintains all the setback requirements of IR-2).

5. Permitted number of dwellings on all formerly single-family lots

We support permitting up to 2 dwellings on any island lot, as enacted in LD 2003 by the Maine legislature. We strongly oppose permitting 3 dwellings on any island lot, as totally out of keeping with island character, and at odds with the expressed preferences of hundreds of islanders for when surveyed.

6. We support the allowance of ADUs for only year-round housing and request that this requirement is put back in the Land Use Code.

7. New Business Zone Category, IB-2

The intent of this suggested new category is to create space for additional small businesses primarily serving islanders needs, but with limitation appropriate for its

setting, such as:

Maintains setbacks of IR-2

Hour of operation limits, such as 9-5:00, to minimize noise impacts

Use limits, such as no hotels or restaurants

Rear fencing requirements to reduce visual and sound impacts

Suggested Location for IB-2

Starting at Central Ave and Ernest St intersection (at the Health Center) extending east down Central Ave and Central Ave Extension to intersection with Highland Ave.

8. Need for zoning that supports:

Sustainable year-round community.

Working waterfront, and traditions and rural culture unique to Maine island living.

Healthy and well maintained systems – ecosystems, sewer systems, road use safety.

Amended Report and Motion

RE: Land Use ReCode / May meeting
TO: Peaks Island Council (pic@portlandmaine.gov)
FROM: PIC Housing and Zoning (pic.housingandzoning@portlandmaine.gov)
CC: Sarah Michniewicz (smichniewicz@portlandmaine.gov)
DATED: May 21, 2025

Amended Report

Background

Over the last three years, the Peaks Island Council (PIC), supported by the PIC Housing and Zoning Committee and the Recode and Tax Assessment Committee, worked with ReCode staff to ensure that the ReCode process would reflect community needs and values.

Formal PIC recommendations to ReCode reflected extensive community input from survey responses, PIC meeting discussions and votes, and several well-attended informational community meetings (the most recent being standing room only).

These recommendations also reflected the Peaks Island Council's official capacity as a representative and advisory body within the City's elected government.¹ Planning staff were receptive, accessible, and adopted a number of the PIC recommendations. A number of critical island concerns were addressed: the creation of the small island lot category, a change in setbacks, and the allowance of Cottage Court developments.

However, two items were repeatedly recommended to the ReCode staff; in the end, they were excluded from the final land use code. These are:

1. Decreasing the size required to subdivide Small Island Lots.
2. Lot coverage limit on Small Island Lots.

These items, addressed in greater detail below, address community priorities as expressed in survey results, community meetings, and individual communications to the PIC. They find a middle ground between the preservation of the neighborhood character and the clear need for new housing. We want more housing, but we want it to be sustainable.

1. Small Island Lot Division

Proposed Amendment:

"New Small Island Lots may only be created by a single lot division of an existing lot, with the remaining developed portion **retaining at a minimum 12,000 SF** ~~meeting the standard dimensional requirements of the IR-2 zone~~. Further division of the remaining lot to create additional Small Island Lots is prohibited." (Land Use Code Article 7.6.4(A)(4), p. 7-24)

¹ See City Charter Art. VIII §1-B and City Code Ch. 9 Art. IV.

Rationale:

Subdivision is an essential tool for sustainably increasing the island's year-round housing stock in a way that is community-driven. This change allows landowners to transfer a small lot to people such as family members, friends, those seeking to reside on the island where they may work – this is an excellent opportunity for small growth. A small island lot is 3,000-19,999 SF, this allows for two small lots to be adjacent – which happens all across IR-2. We propose here a lot size that is just four times larger than the minimum-sized lot rather than nearly seven times larger. That is, 12,000 square feet rather than 20,000 square feet. Regardless of whether it is 12,000 square feet or 20,000 square feet, we know it will be many times larger than 3,000 square feet!

City Data:

- Currently there are 36 subdivisions possible (e.g. residential lots in IR-2 over 23,000 SF).
- Lowering the minimum size to subdivide off a piece of land to 15,000 SF (12,000 SF remaining, 3,000 new small island lot), would allow for an added 51 subdivisions subject to environmental and setback constraints.

2. IR-2 Small Island Lot Coverage

Before ReCode: 20%.

Existing: 60% (Land Use Code Table 7-B, p. 7-9.)

Proposed: 45% (Excluding projects in permitting at time of adoption.)

Rationale: 45% lot coverage takes into account the island's carrying capacity – environmental, social, and infrastructural. With lot coverage previously set at 20%, to triple this to 60% is not consistent, sustainable, or measured. The balance of the natural and built landscape is essential to the island. There are 373 Small island lots – increasing lot coverage of Small Island Lots to 60% (as in mainland Portland) denigrates this equilibrium and harms the sensitive ecology of this small island. The figure of 45% balances the City's two goals of the preservation of the neighborhood character and the need for new housing– and complies with the City's Plan 2030. ADUs are exempt from maximum lot coverage calculations.

Plan 2030 “adopts a focused approach to growth in targeted areas across the City ... Areas... are not immune from change now or in the future, but it is expected that they will largely maintain their predominant land use patterns.”

The lot coverage set by the first draft of the ReCode was 30%. When the figure grew to 60% in the second draft, we began formally opposing the higher figure and recommending a lower figure.

There were three unanimous PIC votes for 45% lot coverage for Small Island Lots:

1. August 28, [voted unanimously](#) to “strongly oppose” the 60% figure and recommend to Planning 40% lot coverage on Small Island Lots.
2. September 25, [voted unanimously](#) to recommend to Planning 45% lot coverage on Small Island Lots.
3. October 23, voted for amendment to ReCode requesting 45% lot coverage on Small Island Lots

Additionally, a Peaks Island ReCode [open house event](#) and community meetings clearly indicated the desire for a figure lower than 60%.

City Data:

- The average lot coverage of Small Island Lots on Peaks is 21.45%.
- Out of the 373 Small Island Lots, only 17 exceed the threshold of 45%.

Motion to Recommend Ordinance Amendments

Motion

I move the Peaks Island Council to recommend the following amendments:

1. Section 7.6.4(a)(1), of Chapter 14 of the Code of Ordinances should be amended to read as follows:

New Small Island Lots may only be created by a single lot division of an existing lot, with the remaining developed portion retaining at a minimum 12,000 SF meeting the standard dimensional requirements of the IR-2 zone. Further division of the remaining lot to create additional Small Island Lots is prohibited.

2. Table 7-B of Chapter 14 of the Code of Ordinances should be amended to read as follows:

	IR-2
Lot Coverage (Max.)	40%, except 45% 60% if small island lot per Subsection 7.6.4.

But that this amendment should not apply to projects undergoing permitting, and its effective date should be deferred 30 days.

... and to file such recommendations with the City Clerk for hearing and adoption by the City Council.

Legal References

This motion is made with reference to the following provisions of the City Code and City Charter.

1. **City Charter Art. 8 § 1-B:** The Peaks Island Council “shall act as an elected advisory body to the City Council.”
2. **City Code § 9-54(a):** “exercise any powers and perform any functions... including but not limited to... mak[ing] recommendations to the city council with respect to... planning and zoning actions... [and] recommendations for ordinance amendments.”
3. **City Code § 9-54(b):** “The City Council shall on its regular agenda schedule timely discussion and opportunity for adoption of recommendations made by the Peaks Island council... in the same manner as votes on other matters on the city council agenda.”

Motion to Recommend Ordinance Amendments

Motion

I move the Peaks Island Council to recommend that:

1. Article 7.6.4(a)(1) of Chapter 14 of the Code of Ordinances should be amended to read as follows:

New Small Island Lots may only be created by a single lot division of an existing lot, with the remaining developed portion (a) meeting the standard dimensional requirements of the IR-2 zone, or (b) retaining at a minimum 12,000 SF, on the condition that the resulting lot is subject to an Affordable Housing Covenant as provided by 33 MRS Ch. 6. Further division of the remaining lot to create additional Small Island Lots is prohibited.

2. Table 7-B of Chapter 14 of the Code of Ordinances should be amended to read as follows:

	IR-2
Lot Coverage (Max.)	40%, except 60% 45% with water permeable decks up to 60% if small island lot per Subsection 7.6.4.

... subject to the following restrictions: (1) These amendments should not apply to projects undergoing permitting; and (2) Should become effective only 30 days from the date of adoption.

... and to file this recommendation with the City Clerk for discussion and adoption by the City Council (*after* the Planning Board has conducted its mandatory review of this material).

Table of Authorities

1. "The City Council shall on its regular agenda schedule timely discussion and opportunity for adoption of recommendations made by the Peaks Island council... in the same manner as votes on other matters on the city council agenda." City Code § 9-54(b).
2. "The Peaks Island Council may exercise any powers and perform any functions... including but not limited to... mak[ing] recommendations to the city council with respect to... planning and zoning actions... [and] recommendations for ordinance amendments." City Code § 9-54(a).



Land Use Code Text and Map Amendments
City of Portland, Applicant

Submitted to: Portland Planning Board Public Hearing Date: January 27, 2026 Date Prepared: January 21, 2026	Prepared by: Kevin Kraft, Director Nell Donaldson, Director of Special Projects
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I. INTRODUCTION

On November 4, 2024, the City Council unanimously adopted ReCode, a multi-year effort to comprehensively rewrite the City of Portland’s land use code. ReCode went into effect on December 4, 2024.

To ensure that a code is working as intended, it is common after a time of significant policy adoption to monitor implementation and bring forward amendments to address any conflicts or inconsistencies that may arise. Since December 2024, the City’s Planning & Urban Development Department has worked with Permitting & Inspections and Corporation Counsel to record interpretation questions and issues with the code that have become apparent through a year’s worth of practice. Based on this list, the Planning Department, in collaboration with Permitting & Inspections and Corporation Counsel, has drafted a set of map and text amendments. The intent behind these amendments is not to significantly alter the policy within the land use code. For this reason, these amendments are being brought directly to a public hearing before the Planning Board.

Moving forward, the Planning & Urban Development Department intends to bring forward annual amendments to address conflicts, inconsistencies, and interpretation issues that arise during project review, in order to ensure that the code continues to advance the policy objectives of the comprehensive plan and to reduce the need for case-by-case interpretation.

A legal advertisement for this hearing was published in the *Portland Press Herald* on January 15 and 20, 2026. In addition, notice of the proposed map amendments was mailed to a total of 772 property owners within 500 feet of each property (45 addresses for 0 Hobart Street, 184 addresses for 44 Washington Avenue, 174 addresses for 108 Washington Avenue, and 369 addresses for USM).

II. PROPOSED TEXT AMENDMENTS

The package of text amendments before the Planning Board includes changes to seven articles of the land use code (*Attachments A-G*). As noted above, these amendments were generated by staff in Permitting & Inspections, Planning & Urban Development, and Corporation Counsel based on a year’s worth of experience reviewing projects and plans under the new code. Some of these amendments fix simple errors and omissions, some rectify an issue that wasn’t known at the time of ReCode, and many more are designed to clarify future interpretations. Amendments are described by article below.

A. Article 2: Administration

The Administration article sets the general rules for the three boards that play a role in administering the code - the Planning Board, the Historic Preservation Board, and the Zoning Board of Appeals (ZBA). Two edits are proposed to Article 2:

1. The first is to add build-to requirements to the list of dimensional standards that may be the subject of a practical difficulty variance from the ZBA under Subsection 2.3.11(D). This adds clarity for purposes of interpretation and is consistent with the code's treatment of setbacks in this section.
2. The second is to reinstate language prohibiting variances from Subsection 6.4.1, the street access requirements for new buildings and structures, within Subsection 2.3.11(E). This prohibition existed prior to ReCode, but when Subsection 6.4.1 was revised to add more flexibility with respect to street access, staff assumed the demand for variances from these provisions would decrease, and thus a prohibition wouldn't be necessary. In the past year, however, there have been several applications which have resulted in requests for variances from the street standards. Based on conversations with Permitting & Inspections and the Department of Public Works, there is a desire to restore the old provision, as the street standards serve a valuable public purpose in ensuring safe streets that are passable by emergency vehicles and there is sufficient flexibility in the revised standards to allow a property owner multiple pathways to safe street access.

B. Article 3: Definitions

Article 3 establishes definitions for terms used throughout the land use code. The changes to Article 3 include two amendments.

The first is a minor amendment to refine the definition of "agriculture." This definition was modified in ReCode to include "single-family dwellings and any additional dwellings that are accessory to the principal use of agriculture." This clause has caused confusion regarding accessory and principal uses, particularly in a context where other residential uses are allowed as principal uses, and where multiple principal uses are permitted within one lot. In all zones where agriculture is permitted as a principal use (the IR-1), residential is as well. As a result, this clause has been identified as unnecessary.

The changes also include the elimination of the "landmark signs" definition. This definition has caused some confusion in the context of the historic preservation ordinance, which uses the term "landmark" differently, and language elsewhere within the sign ordinance is sufficient to address the type of signs described under this definition.

C. Article 6: Use Standards

The use standards of the land use code determine how property may be used based on its zone. Changes to this article include the addition of several existing uses as permitted in mixed-use zones, amendments to accessory uses to allow additional flexibility and resolve conflicts with other provisions, and several minor corrections.

1. The first amendment reinstates single-family dwellings as permitted uses within the mixed-use zones. In ReCode, single-family dwellings were removed, given the desire for higher density in these zones. In practice, however, particularly in cases of change of use, there were instances where one residential unit was proposed within a mixed-use setting, or where a building that had

previously been used as a single-family home was proposed to return to that use. While these cases are infrequent, single-family is proposed to be restored in order to avoid future conflicts.

2. An amendment has been drafted to add veterinary services within all mixed-use zones. Prior to 2025, veterinary services were permitted in the B-2, B-4, and B-7 zones. When the B-7 was eliminated and rezoned to B-3 under ReCode, veterinarians were unintentionally removed as a permitted use from areas of the peninsula. Similarly, an amendment has been drafted to add animal-related services, which include establishments for the boarding, training, or care of animals, to the B-2 and B-5 zones, with a use provision in Subsection 6.4.4 that precludes kennel or boarding facilities. Based on recent experience with pre-application inquiries, there is demand for these services across the city, and their inclusion aligns with the intent of the mixed-use zones.
3. Under Subsection 6.4.14, the use standards for emergency shelters, an amendment has been drafted to exclude family shelters from the requirements for clear sightlines into sleeping areas, given the customary design of family sleeping arrangements.
4. Under the use standards for places of assembly in Subsection 6.4.30, an amendment is proposed to apply the street type-based location criteria for places of assembly in residential zones to off-peninsula locations only. These criteria are designed to manage impacts, particularly around parking and transportation, which are more acutely felt in locations where less infrastructure exists to absorb them.
5. Within the standards under Subsection 6.5.5 for conditional uses, an amendment is proposed to remove language regarding extensions of conditional use approvals. This clause was erroneously maintained in ReCode, although it conflicts with the first half of the sentence regarding expirations of conditional use approvals.
6. Within the home occupation language in Subsection 6.6.2, an amendment has been drafted to remove a reference prohibiting non-residential employees within a family childcare provider setting, since this prohibition conflicts with childcare ratios required under the life safety code.
7. Last, an amendment is proposed in Subsection 6.8.6 to include add noise standards for the TOD zones, which were inadvertently omitted from Table 6-H. The TOD zones have been assigned the same noise standards as the B-3 zone.

D. Article 7: Dimensional Standards

Article 7 establishes the dimensional standards that apply in different zones within the land use code. Many of the proposed amendments within this article are meant to address confusion around the interpretation of dimensional standards.

1. The first amendment is to the related rules of measurement in Section 7.2 for footprint and lot coverage. The “footprint” rule of measurement has been revised to “building footprint,” as a rule that relates to scale and mass, and in keeping with this change, a reference to decks has been eliminated. Simultaneously, an amendment is proposed to eliminate language in the rule for lot coverage which refers to the footprint of “accessory detached structures,” as a broad category of built things, many of which do not have scale and mass. Instead, the lot coverage rule is proposed to refer to area covered by “building footprint(s) and the footprint of accessory buildings.” These changes bring clarity to these rules.
2. An amendment to the setback rule of measurement has been drafted to remove references to exceptions for fences, retaining walls, and similar structures. Since these are exceptions, they have been moved to Subsection 7.6.5(A), which covers all setback exceptions.
3. A draft amendment is proposed for the front setback rule of measurement to clarify the rule when there is only one adjacent lot available for setback averaging purposes (in which case the “average”

is the setback of the adjacent lot.) Similarly, absolute measurements applicable in cases where there are no adjacent lots available for averaging have been drafted for removal in the front setback rule of measurement, and in concert with this change, moved to Table 7-A, where they are presented in the context of a “whichever is less” standard. This series of amendments restores the pre-2025 convention for front setbacks in residential zones and simplifies interpretation by placing all standards in one location.

4. Within Subsection 7.5.3(D), the language regarding side and rear setback requirements of a minimum of 35 feet for portions of buildings above 125 feet has been redrafted to clarify that these setbacks do not apply to towers developed within a single development site, where building mass may be shifted to achieve the tower separation requirements set forth in Subsection 7.5.3(D)(2) and minimum building separation requirements of 75 feet outlined in Subsection 7.5.3(D)(3).
5. Under Subsection 7.6.5(A), language regarding porch encroachments within setbacks has been redrafted, based on recent applications, to allow encroachments up to six feet within the setback, rather than six feet from the building. This change allows flexibility for deeper porches where property owners desire them.
6. Within Subsection 7.6.5(B), an amendment is proposed to exempt accessory structures from build-to requirements, based on recent cases where requiring sheds, small out buildings, and other such structures at the street edge ran counter to the urban design goals of the mixed-use zones.

E. Article 8: Overlay Zones

The Overlay Zones article of the land use code includes provisions for special zones that overlay the base zoning, including the Institutional Overlay Zone, the Waynflete School Overlay, and the USM Overlay.

Proposed changes to this article include:

1. Two amendments are proposed to the Pedestrian Activities District Overlay in Subsection 8.5.2, one to add recreation and amusement centers as a permitted use within the zone, and the other to remove prescriptive requirements regarding the portions of specialty food services permitted within the active use area. The purpose of these changes is to ensure that appropriate commercial uses are not restricted or misinterpreted within the downtown, while also maintaining flexibility and active uses that promote economic vitality, consistent with the intent of the PAD district to encourage active ground-floor uses.
2. For ease of use, the height and setback regulations of the USM Overlay Zone, which are presented as maps and are currently posted on the City’s [map archive](#) and incorporated by reference, have been recreated and moved into Subsection 8.6.5 as a text amendment. It should be noted that these maps have been updated to correspond to companion zoning map changes described below.

F. Article 13: Site Plan

The City’s site plan ordinance governs the review of development and redevelopment projects. One change is proposed within Table 13-A of the site plan ordinance, to require minor site plan review for all changes of use to residential. Under the housing objectives of ReCode, changes of use to residential were exempted from site plan review. However, this exemption conflicts with a provision of state subdivision law, which exempts multi-family residential from subdivision review only if it is otherwise subject to site plan regulation. Ideally, state law will continue to evolve on this matter.

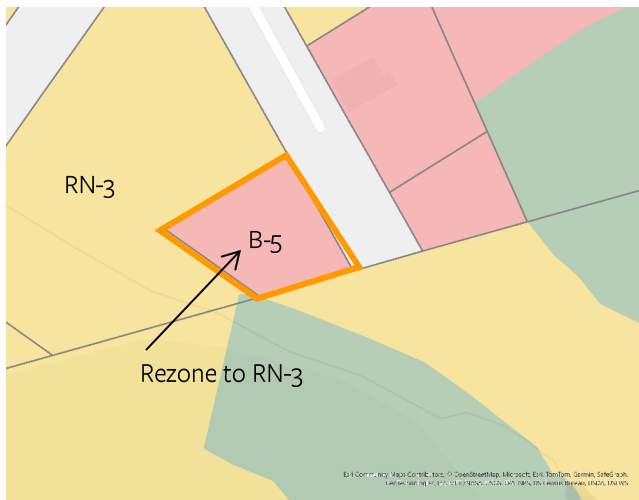
G. Article 19: Signs

The signs article of the land use code establishes standards for the construction, installation, and illumination of signs in the city. Several amendments are proposed to the sign ordinance.

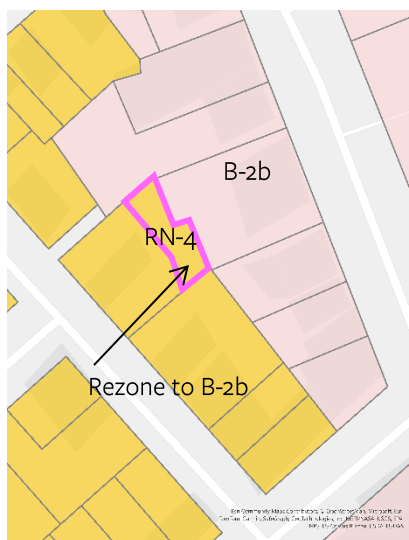
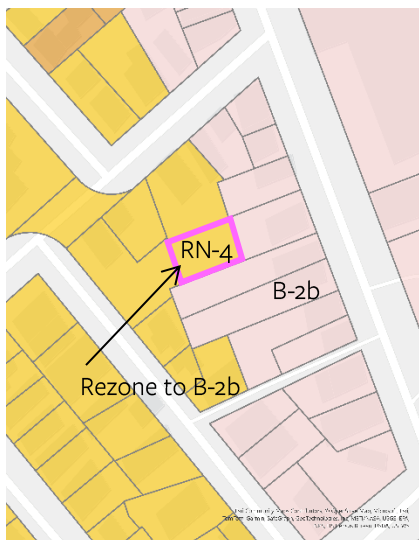
1. Two amendments are proposed relative to historic signs, both under Subsection 19.2.3. The first eliminates language referencing non-profit entities under the exemptions for historic plaques and commemorative signs, since other organizations might create such signs. The second describes as exempt what the existing iteration of the code refers to as “landmark signs,” since signs are rarely defined as “landmarks” under the provisions of the historic preservation ordinance and thus this term is proposed for removal from Article 3.
2. To fix an error in Table 19-E, an amendment to the footnote has been drafted to change a reference to the old Office-Professional zone to the Office zone and remove a duplicative reference to the B-2 zone.

III. PROPOSED MAP AMENDMENTS

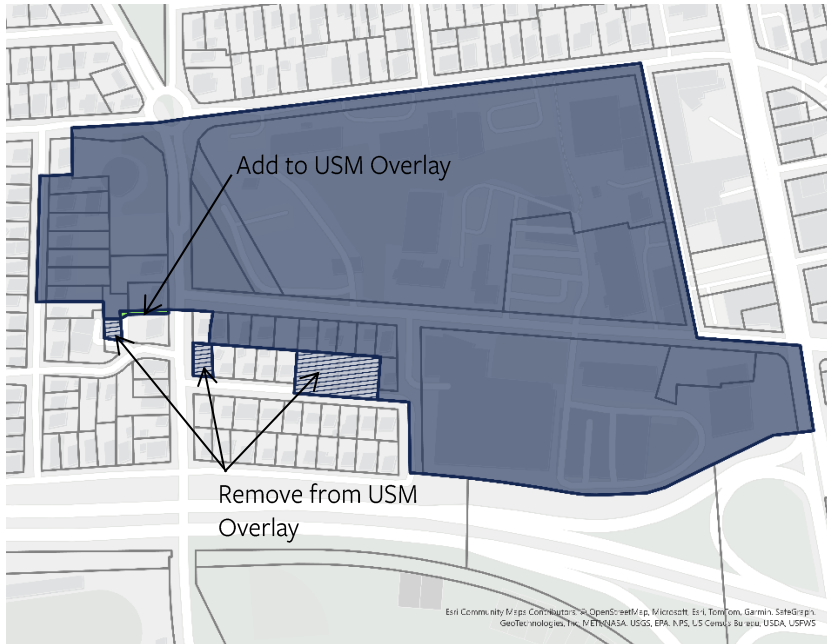
Four map amendments are proposed, all of which are designed to rectify minor issues with the zoning map.



A. o Hobart Street (B-5 to RN-3). This parcel, owned by the State of Maine, is currently zoned B-5, as this was the zoning designation prior to ReCode. Under ReCode, many of the surrounding parcels were rezoned to RN-3, better reflecting the existing land use context. The proposed rezoning of o Hobart to RN-3 would make this parcel consistent with neighboring land on the west side of the street.



B. 44 Washington Ave. (left)
C. 108 Washington Ave. (right)
(RN-4 to B-2b). These two parcels are currently under split zoning. Consistent with objectives of ReCode, the rear portions of both of these lots, which are zoned RN-4, are proposed for rezoning to B-2b, making the zoning consistent across the entire parcel.



D. USM Overlay Zone. To align with current USM property ownership, several parcels that the university has recently sold are proposed for removal from the USM Overlay Zone, and a portion of one property is proposed to be added.

IV. CONSISTENCY WITH *PORTLAND'S PLAN*

The land use code, as drafted in ReCode, is both consistent with and pursuant to *Portland's Plan 2030*, the comprehensive plan adopted by the City Council. The revisions described above will help ensure that the code advances key goals and objectives outlined in the plan's eight policy guides, as well as the future land use framework and elements of the plan regarding regional coordination. The proposed changes are intended to address interpretation issues and items requiring clarification in order to further advance the policy objectives, consistent with the broader discussions and proposals developed through the ReCode process.

V. PROPOSED MOTIONS

On the basis of material provided in this report dated January 21, 2026, public testimony, and other information provided during the Planning Board's review process and at the January 27, 2026 public hearing, the Planning Board finds that the proposed amendments to the land use code and zoning map [are / are not] consistent with the City of Portland's comprehensive plan and therefore [recommends / does not recommend] adoption of said amendments to the land use code and zoning map to the City Council.

VI. ATTACHMENTS

- A. Article 2: Administration Redline
- B. Article 3: Definitions Redline
- C. Article 6: Uses Redline
- D. Article 7: Dimensional Standards Redline
- E. Article 8: Overlay Zones Redline
- F. Article 13: Site Plan Redline
- G. Article 19: Signs Redline

2 ADMINISTRATION

2.1 PLANNING BOARD

2.1.1 Composition

There shall be a Planning Board of seven members. Members of the Planning Board shall be residents of the city and shall not be officers or employees of the City. Members shall serve without compensation.

2.1.2 Appointments

- A. Terms.** The members of the Planning Board shall be appointed by the City Council for terms of three years. Such members shall serve until their successors are duly appointed and qualified. Such terms shall be staggered so that the terms of not more than three members shall expire in any calendar year, providing, however, such service shall not extend to over 120 days after expiration of their term. Members may serve for three consecutive three-year terms.
- B. Vacancies.** Permanent vacancies on the Planning Board shall be filled by the City Council, in the same manner as other appointments hereunder, for the unexpired term of the former member.

2.1.3 Removal of members

Any member of the Planning Board may be removed for cause by the City Council at any time, provided, however, that before any such removal, such member shall be given an opportunity to be heard in their own defense at a public hearing.

2.1.4 Officers

- A. Chair.** The members of the Planning Board shall annually elect one of their number as chair

to preside at all meetings and hearings and to fulfill the customary functions of that office.

The chair may administer oaths.

- B. Vice chair.** The members of the Planning Board shall annually elect one of their number as vice chair. In the absence of the chair, the vice chair shall act as chair and shall have all the powers of the chair. The vice chair shall have such other powers and duties as may be provided by the rules of the Planning Board.
- C. Pro tempore officers.** In the absence of both the chair and the vice chair, the board shall elect a chair pro tempore from among its number and the chair pro tempore shall have all the powers of the chair during the chair's and the vice chair's absence. In the absence of the vice chair, or when the vice chair is serving as chair, the board shall elect a vice chair pro tempore from among its number and the vice chair pro tempore shall have all the powers of the vice chair during the vice chair's absence or service as chair.

2.1.5 Committees

The chair of the Planning Board shall assign the members of the board to such regular and special committees as may be established by the board. Such committees shall have no final authority but shall assist the board in the conduct of its business by making recommendations to it concerning such specific items as may be assigned to them for study and report. The board shall adopt such rules as it shall deem appropriate to govern the organization and operation of its committees. Committee meetings deliberative in nature shall be open to the public in accordance with Title 1 M.R.S. § 401 et seq.

2.1.6 Quorum and necessary vote

As to any matter requiring a hearing, no business shall be transacted by the Planning Board without a quorum, consisting of four members, being present. The vote of a majority of the members present shall be necessary to authorize any action by the board. If less than a quorum is present, the hearing may be adjourned for a period not exceeding three weeks at any one time. The Planning Authority shall notify in writing all members of the date of the adjourned hearing and shall notify such other interested parties as may be directed in the vote of adjournment.

2.1.7 Conflicts

No member of the Planning Board shall participate in the hearing or disposition of any matter in which they have an interest. Any question of whether a member has a conflict of interest sufficient for a member to be recused shall be decided by a majority vote of the members present, except the member whose possible conflict is being examined. Where such vote results in a tie, the subject member shall be recused from the matter.

2.1.8 Meetings and procedures

A. Meetings. Regular meetings of the Planning Board shall be held at the call of the chair or as provided by rule of the board. Special meetings may be called by the chair or any four members of the Board or at the request of the City Council.

1. *Workshops.* Workshops of the Planning Board or any of its committees may be held at the call of the board or committee chair, as the case may be, for the presentation of information by the Director of the Department of Planning &

Urban Development, their staff, an applicant, or others. These meetings will be open for public comment according to the rules of the Planning Board. Such meetings, unless open to the public as provided in Title 1 M.R.S. § 401 et seq. shall be informational only and shall not result in final decisions on any matter.

2. *Public hearings.* Public hearings shall be held as required by the various statutes, codes, and ordinances pursuant to which matters are brought before the Planning Board and shall be conducted in accordance with relevant state law, the Land Use Code, and the rules of the board.

B. Notice. The Planning Authority shall give notice of the time and place of public workshops and hearings, including a brief description of the application(s) to be considered, as follows:

1. *Site plan and subdivision.* Notice shall be sent by regular United States mail at least 13 calendar days in advance of the workshop or hearing date to the applicant, the owner(s) of the subject property, and all owners of property located within 500 feet of the subject property. Notice shall also be given to the general public by publication in a newspaper of general circulation in the City of Portland at least two times, the date of the first publication to be at least 12 calendar days prior to the public hearing.
2. *Land Use Code or zoning map amendment.* For map amendments, notice shall be sent by regular United States mail to at least 13 calendar days in advance of any workshop or hearing date to all property owners



within the area proposed for rezoning and all property owners 500 feet beyond said area. Notice of public hearing shall also be publicly posted in the City Clerk's office at least 13 days before the public hearing on such application. In addition, notice of said public hearing must be published at least two times in a newspaper of general circulation in the City of Portland. The date of the first publication must be at least 12 days prior to the public hearing and the date of the second publication must be at least seven days prior to the public hearing.

3. *Contract or conditional zoning.* Notice of public hearing shall be posted in the City Clerk's office at least 13 days prior to the public hearing and shall be published in a newspaper of general circulation within the city at least two times, the date of the first publication to be at least 12 days prior to the hearing. Notice shall also be sent to the owners of all property abutting the property to be rezoned at their last known address. This notice shall contain a copy of the proposed conditions and restrictions, with a map indicating the property to be rezoned.

The cost of noticing shall be charged to the applicant. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing and shall not invalidate any action of the board.

- C. **Procedures.** The Planning Board shall adopt its own rules for the conduct of its business not inconsistent with the statutes of the state and this article. Such rules shall be filed with the Planning Authority and with the City Clerk. Any

and all rule changes shall be placed on a City Council public agenda as a communication requiring a public hearing. Any rule may be vetoed, in whole or in part, by order of the Council within 45 days of the date of filing with the City Clerk. No rules change shall take effect until that time period has elapsed. If a part of a rule is vetoed, the remainder shall continue in effect. Any rule so adopted, which is not required by the statutes of the state or by this article, may be waived by the chair upon good cause being shown. Except as otherwise provided in Subsection 2.1.8(A)(1), all meetings, hearings, and deliberations of the Planning Board and its committees shall be open to the public in accordance with Title 1 M.R.S. § 401 et seq. Testimony at any hearing may be required by the Planning Board to be given under oath.

- D. **Keeping of records.** The Director of the Department of Planning & Urban Development shall designate a member of their staff who shall attend all Planning Board proceedings. The staff shall provide for the keeping of minutes of the proceedings of the Board, showing the vote of each member on every question, or their absence or failure to vote, and shall maintain the permanent records and decisions of all Board meetings, hearings, and proceedings and all correspondence of the Board, as required by statute. Such records shall be public records open to inspection during working hours upon reasonable notice.

2.1.9 Record and decisions

- A. **Record.** The minutes of the staff, and the audio or video recording or transcript if one is made, and all exhibits, papers, applications, and requests filed in any proceeding before the

Planning Board and the decision of the Board shall constitute the record.

- B. Decision.** Every final decision of the Planning Board and every recommendation of the Planning Board to the City Council shall include written findings of fact, and shall specify the reason or reasons for such decision or recommendation. The Planning Authority shall provide notice of any decision of the Planning Board to the applicant.

2.1.10 Jurisdiction and authority

In addition to the jurisdiction conferred on it by other provisions of state law and the ordinances of the City and in accordance therewith, the Planning Board shall have the following jurisdiction and authority:

- A.** To prepare and recommend a Comprehensive Plan to the City Council.
- B.** To prepare and recommend to the City Council changes in and amendments to the Comprehensive Plan.
- C.** To aid and assist the City Council and departments and agencies of the City in implementing general plans and in planning, developing, and completing specific projects.
- D.** To hear, review, and approve, conditionally approve, or deny major site plans.
- E.** To hear, review, and approve, conditionally approve, or deny applications for subdivision approval.
- F.** To hear, review, and approve or deny applications for conditional uses as specified in Article 6.
- G.** To hear, review, and offer its recommendations to the City Council on applications for amendments to, or revisions of, this Land Use Code.
- H.** To review and offer its recommendations to the City Council on certain public projects.
- I.** To review and approve, conditionally approve, or disapprove site plans for regulated projects in shoreland areas.
- J.** To prepare and offer its recommendations to the City Council with regard to the City's annual Capital Improvement Program.
- K.** Upon reasonable request, to make its special knowledge and expertise available to any official, department, board, or agency of the city, county, state, or federal governments to aid them in the performance of their respective duties relating to the planning and development of the city and its region, including request from the City Council to review proposed developments in which the developer does not have the right, title, or interest in all the property necessary for the proposed development because some or all of that property is owned by the City.
- L.** To make such investigations, maps and reports, and recommendations in connection therewith, relating to the planning and development of the city as seem desirable.
- M.** To employ or contract with such experts and other assistants as may be necessary or convenient to carry out its duties hereunder and to pay for their services and for such other expenses as may be necessary and proper, provided, however, that such expenditures shall not exceed such funds as may be appropriated for such purposes by the City Council.
- N.** To hear, review, and offer its recommendations to the City Council on petitions for street vacations and discontinuances.
- O.** To hear, review, and decide appeals where it is alleged there is an error in any decision,



requirement, or determination made by the Planning Authority.

- P. To approve, following a public hearing and at the recommendation of the Public Works Authority and the Planning Authority, *Technical Manual* and *Design Manual* standards, provided that such standards shall be additional to and consistent with the provisions of this Land Use Code, necessary and reasonable, and in accordance with sound engineering and urban design practice.

2.1.11 Administrative appeals

- A. **Application procedures.** An appeal may be taken to the Planning Board by any person affected by a final decision of the Planning Authority except as provided elsewhere in this Land Use Code. Such appeal shall be taken within 30 days of the action complained of by filing with the Planning Authority an application for appeal specifying the grounds thereof. The application shall be in such form as specified by the Planning Authority. A payment of a nonrefundable filing fee, as established by the City Council to cover administrative costs and costs of hearing, shall accompany each application. The Planning Authority shall forthwith transmit to the Planning Board all of the papers constituting the record upon which the action appealed from was taken.
- B. **Public hearing.** A public hearing shall be set, advertised and conducted by the Planning Board in accordance with the provisions of this article.
- C. **Action.** Within 30 days following the close of the public hearing, the Planning Board shall render a decision on the appeal in the manner and form specified in the provisions of this article and the statutes of the state. The failure of the board to act within 30 days shall be deemed a denial of the

appeal unless mutually extended in writing by the appellant and the board. Within five days of such decision or failure to act notice thereof shall be mailed to each party.

- D. **Conditions and limitations.** Any right granted by the reviewing board on appeal shall be subject to the same conditions and limitations as if secured without the necessity of an appeal.

2.1.12 Planning Board appeals

An appeal from any final decision of the Planning Board as to any matter over which it has final authority may be taken by any party or by any authorized officer or agent of the City to the superior court in accordance with Rule 80B of the Maine Rules of Civil Procedure. No appeal shall lie concerning any matter as to which the power of the Board is limited to the making of a recommendation.

2.2 HISTORIC PRESERVATION BOARD

2.2.1 Composition

The Historic Preservation Board shall consist of seven voting members who shall serve without compensation. Members shall not be officers or employees of the City. Members shall have demonstrated interest, knowledge, or training in historic preservation or closely related fields, including Indigenous and marginalized community histories. Members shall be residents of the city.

2.2.2 Appointments

- A. **Terms.** The members of the Historic Preservation Board shall be appointed by the City Council for terms of three years. Such members shall serve until their successors are duly appointed and qualified. Such terms shall be staggered so that the terms of not more

than three members expire in any calendar year, providing, however, such service shall not extend to over 120 days after expiration of their term. Members may serve for three consecutive three-year terms.

- B. Vacancies.** Permanent vacancies on the Historic Preservation Board shall be filled by the City council, in the same manner as other appointments hereunder, for the unexpired term of the former member.

2.2.3 Removal of members

Any member of the Historic Preservation Board may be removed for cause by the City Council at any time, provided, however, that before such removal, such member shall be given an opportunity to be heard in their own defense at a public hearing.

2.2.4 Officers

- A. Election and terms.** Officers of the Historic Preservation Board shall consist of a chair and vice chair. Officers shall be elected by the Historic Preservation Board and shall serve a term of one year and shall be eligible for re-election.
- B. Chair.** The chair shall preside at all meetings and hearings and fulfill the customary functions of that office.
- C. Vice chair.** In the absence of the chair, the vice chair shall act as chair and shall have all the powers of the chair. The vice chair shall have such other powers and duties as may be provided by the rules of the Historic Preservation Board.
- D. Pro tempore officers.** In the absence of both the chair and the vice chair, the board shall elect a chair pro tempore from among its number and the chair pro tempore shall have

all the powers of the chair during the chair's and the vice chair's absence. In the absence of the vice chair, or when the vice chair is serving as chair, the board shall elect a vice chair pro tempore from among its number and the vice chair pro tempore shall have all the powers of the vice chair during the vice chair's absence or service as chair.

2.2.5 Quorum and necessary vote

As to any matter requiring a hearing, no business shall be transacted by the Historic Preservation Board without a quorum, consisting of four members, being present. The vote of a majority of the members present shall be necessary to authorize any action by the board. If less than a quorum is present, the hearing may be adjourned for a period not exceeding three weeks at any one time. The Planning Authority shall notify in writing all members of the date of the adjourned hearing and shall notify such other interested parties as may be directed in the vote of the adjournment.

2.2.6 Conflicts

No member of the Historic Preservation Board shall participate in the hearing or disposition of any matter in which they have an interest. Any question of whether a member has a conflict of interest sufficient for a member to be recused shall be decided by a majority vote of the members present, except the member whose possible conflict is being examined. Where such vote results in a tie, the subject member shall be recused from the matter.

2.2.7 Meetings and procedures

- A. Meetings.** Regular meetings of the Historic Preservation Board shall be held no less frequently than monthly. Special meetings may

be called by the chair, any four members of the board, or at the request of the Planning Board or City Council.

1. *Workshops.* Workshops of the Historic Preservation Board or any of its committees may be held at the call of the board or committee chair, as the case may be, for the presentation of information by the Planning Authority, an applicant, or others. These meetings will be open for public comment according to the rules of the Historic Preservation Board. Such meetings, unless open to the public as provided in Title 1 M.R.S. § 401 et seq., shall be informational only and shall not result in final decisions on any matter.
 2. *Public hearings.* Public hearings shall be held as required by the various statutes, codes, and ordinances pursuant to which matters are brought before the Historic Preservation Board and shall be conducted in accordance with relevant state law, the Land Use Code, and the rules of the board.
- B. Notice.** The Planning Authority shall give notice of the time and place of Historic Preservation Board workshops and public hearings, including a brief description of the application(s) to be considered, as follows:
1. *Historic designation nomination.* Notice shall be given to the general public by publication in a newspaper of general circulation in the City of Portland at least two times, the date of the first publication to be at least 12 calendar days prior to the workshop or hearing. Notice shall be sent by regular United States mail to the nominators and to the owner(s) of the subject property or properties at least 13 calendar days in advance of any workshop or hearing date.
 2. *National Register of Historic Places nominations.* Notice shall be given to the general public by publication in a newspaper of general circulation in the City of Portland at least two times, the date of the first publication to be at least 12 calendar days prior to any workshop or hearing.
 3. *Historic preservation review.* Notice shall be given to all property owners within 100 feet of the property at least 13 days prior to the date of the workshop or public hearing.
 4. *Major site plan review.* For an application that is classified as a major site plan under Article 13, notice shall be given to all property owners within 500 feet of the property at least 13 days prior to the date of the workshop or hearing.
 5. *Appeals.* Notice shall be given to all property owners within 100 feet of the property at least 13 days prior to the date of the workshop or public hearing. Where the appealed application is classified as a major site plan under Article 13, the notice shall be given to all property owners within 500 feet of the property.
 6. The cost of noticing shall be charged to the applicant except in the following cases:
 - a. The cost of noticing National Register of Historic Places nominations shall be charged to the City.
 - b. The cost of noticing appeals shall be charged to the appellant.
 7. Failure of any property owner to receive a notice of public hearing shall not

necessitate another hearing and shall not invalidate any action of the board.

- C. Procedures.** The Historic Preservation Board may adopt procedural rules for the conduct of its business not inconsistent with the statutes of the state and this article. Any rule may be vetoed, in whole or in part, by order of the Council within 45 days of the date of filing with the City Clerk. No rules change shall take effect until that time period has elapsed. If a part of a rule is vetoed, the remainder shall continue in effect. Any rule so adopted, which is not required by the statutes of the state or by this article, may be waived by the chair upon good cause being shown. Except as otherwise provided in Subsection 2.2.7, all meetings, hearings, and deliberations of the Historic Preservation Board and its committees shall be open to the public in accordance with Title 1 M.R.S. § 401 et seq. Testimony at any hearing may be required by the Historic Preservation Board to be given under oath.

2.2.8 Record and decisions

- A. Record.** The minutes of the staff, and the audio or video recording or transcript if one is made, and all exhibits, papers, applications, and requests filed in any proceeding before the Historic Preservation Board and the decision of the Board shall constitute the record.
- B. Decision.** Every final decision of the Historic Preservation Board and every recommendation of the Historic Preservation Board to the Planning Board or City Council shall include written findings of fact, and shall specify the reason or reasons for such decision or recommendation. The Planning Authority shall

provide notice of any decision of the Historic Preservation Board to the applicant.

2.2.9 Jurisdiction and authority

The Historic Preservation Board shall have the following jurisdiction and authority:

- A.** To conduct or administer an ongoing survey to identify historically, culturally, architecturally, and archaeologically significant buildings, structures, objects, sites, and areas with special attention to Indigenous and historically marginalized heritage.
- B.** To review buildings, structures, objects, sites, and areas nominated for local historic designation, and to make recommendations to the Planning Board and City Council for their designation as landmarks, historic districts, and historic landscape districts as applicable.
- C.** To participate in the Certified Local Government Program of the National Historic Preservation Act Amendments of 1980 and the Maine Historic Preservation Commission, and carry out any responsibilities delegated to it under that program, including review and comment on any National Register of Historic Places nominations submitted to the Historic Preservation Board.
- D.** To hold workshops and public hearings to advise and assist owners of historically designated properties on historic preservation and rehabilitation, and to review applications for historic preservation review affecting historically designated properties and to approve or deny such applications.
- E.** To provide testimony to the Board of Appeals in connection with any application for a certificate of economic hardship.



- F. To develop guidelines for work affecting historic designations and to aid in the interpretation of the standards for review.
- G. To assist the Planning Board and City Council in the development of a historic preservation component in the Comprehensive Plan of the City of Portland, which includes the identification, protection, and recognition of Indigenous and marginalized communities' histories.
- H. To make recommendations to the Planning Board concerning any amendments to the Land Use Code appropriate for the protection and continued use of historically-designated properties.
- I. As requested, to provide comment, recommendations, or testimony to the Planning Board or City Council on matters pertaining to historic preservation in Portland.
- J. To inform and educate the citizens of Portland as to the cultural, historic, architectural, and archeological heritage of the city by publishing maps, newsletters, brochures, and pamphlets and by sponsoring programs and seminars. This shall include efforts to highlight the contributions and significance of Indigenous people and marginalized communities.

2.2.10 Administrative appeals

- A. **Application procedures.** An appeal may be taken to the Historic Preservation Board by any person affected by a decision of the Planning Authority relative to Article 16. Such appeal shall be taken within 30 days of the action complained of by filing with the Planning Authority an application for appeal specifying the grounds thereof. The application shall be in such form as specified by the Planning

Authority. A payment of a nonrefundable filing fee, as established by the City Council to cover administrative costs and costs of hearing, shall accompany the application. The Planning Authority shall forthwith transmit to the Historic Preservation Board all of the papers constituting the record upon which the action appealed from was taken.

- B. **Standard of review.** The standard of review for appeals pursuant to this section shall be de novo. The appellant shall bear the burden of proof.
- C. **Public hearing.** A public hearing shall be set, advertised, and conducted by the Historic Preservation Board in accordance with the provisions of this article.
- D. **Action.** Within 30 days following the close of the public hearing, the Historic Preservation Board shall render a decision on the appeal in the manner and form specified in the provisions of this article and the statutes of the state. The failure of the board to act within 30 days shall be deemed a denial of the appeal unless mutually extended in writing by the appellant and the Board. Within five days of such decision or failure to act notice thereof shall be mailed to each party.
- E. **Conditions and limitations.** Any right granted by the board on appeal shall be subject to the same conditions and limitations as if secured without the necessity of an appeal.

2.2.11 Historic Preservation Board appeal

- A. **Historic Preservation Board decision.** An appeal from any final decision of the Historic Preservation Board as to any matter over which it has final authority may be taken by any party or by any authorized officer or agent of the City

to the Planning Board, adhering to the requirements of Subsection 2.1.11 of this article.

- B. Standard of review.** The Planning Board shall deny the appeal unless it finds that the action of the Historic Preservation board was arbitrary or capricious or was not based on substantial evidence. Review by the Planning Board under this subsection is intended to be appellate in nature. Except where the Planning Board determines that injustice would result, the Planning Board shall determine the appeal without considering any facts or arguments which were not presented to the Historic Preservation Board. Where the Planning Board finds it necessary to consider such new evidence in order to do substantial justice, it shall remand the matter to the Historic Preservation Board for further consideration, unless it determines that the resulting delay is likely to result in undue hardship to the applicant.
- C. Planning Board decision.** The Planning Board's decision on an appeal from a decision of the Historic Preservation Board shall be final with respect to the application or matter initially presented to the Historic Preservation Board. An appeal from any final decision of the Planning Board as to any matter over which it has final authority may be taken by any party or by any authorized officer or agent of the city to the superior court in accordance with Rule 80B of the Maine Rules of Civil Procedure. No appeal shall lie concerning any matter as to which the power of the board is limited to the making of a recommendation.

2.3 ZONING BOARD OF APPEALS

2.3.1 Composition

There shall be a Board of Appeals of seven members. Members of the Board shall be residents of the city and shall not be officers or employees of the City or any of its agencies or departments. Members shall serve without compensation.

2.3.2 Appointments

- A. Terms.** The members of the Board of Appeals shall be appointed by the City Council for terms of three years. Terms shall be staggered so that the terms of no more than three members shall expire in any calendar year. Such members shall serve until their successors are duly elected and qualified provided, however, that such service shall not extend to over 120 days after expiration of their term. Members may serve for three consecutive three-year terms.
- B. Vacancies.** Permanent vacancies on the Board of Appeals shall be filled by the City Council, in the same manner as other appointments under this article, for the unexpired term of a former member whose place has become vacant.

2.3.3 Removal of members

Any member of the Board of Appeals may be removed for cause by the City Council at any time, provided, however, that before any such removal, such member shall be given an opportunity to be heard in their own defense at a public hearing.

2.3.4 Officers

- A. Chair.** The members of the Board of Appeals shall annually elect one of their number as chair to preside at all meetings and hearings and to fulfill the customary functions of that office. In the absence of the chair, the secretary shall act

as chair and shall have all the powers of the chair.

- B. Secretary.** The members of the Board of Appeals shall annually elect one of their number as secretary. The secretary shall fulfill the duties provided by statute and this article and have such other duties as may be provided by the rules of the board.
- C. Pro tempore officers.** In the absence of both the chair and the secretary, the board shall elect a chair pro tempore from among its number and the chair pro tempore shall have all the powers of the chair during the chair's and the secretary's absence. In the absence of the secretary, or when the secretary is serving as chair, the board shall elect a secretary pro tempore from among its number and the secretary pro tempore shall have all the powers of the secretary during the secretary's absence or service as chair.

2.3.5 Quorum and necessary vote

No business shall be transacted by the Board of Appeals without a quorum, consisting of four members, being present. The vote of a majority of the members present shall be necessary to authorize any action by the board.

2.3.6 Conflicts

No member of the Board of Appeals shall participate in the hearing or disposition of any matter in which they have an interest. Any question of whether a member has a conflict of interest sufficient to disqualify them shall be decided by a majority vote of the members, except the member who is being challenged. Where such a vote results in a tie, the challenged member shall be deemed disqualified.

2.3.7 Meetings and procedures

- A. Staff.** The Building Authority or their designee shall serve as staff to the Board of Appeals.
- B. Meetings.** Regular meetings of the Board of Appeals shall be held at the call of the chair or as provided by the rules of the board. Special meetings shall be called by the chair at the request of any two members of the board or at the request of the City Council. All meetings and hearings of the board shall be open to the public. For all matters properly brought before the Board of Appeals, the board shall select a reasonable time and place for a public hearing following the submission of the subject application.
- C. Notice.** The Building Authority shall give notice of public hearings in the form and manner and to the persons herein specified. The notice shall include the time and place of such hearing, a description of the contents of the matter to be heard and the address or location of the property involved. Where notice by mail is required, it shall be mailed at least seven days in advance of the hearing date by regular United States mail. Notices shall be given to each of the following as specified:
 - 1.** In all cases, to the petitioner.
 - 2.** In all cases, to all residents of the city by publication in a newspaper of general circulation in the city at least once, not more than 30 nor less than five days before the date of the hearing, and by mail to the applicant.
 - 3.** In the case of hearings relating to zoning appeals, a variance, or a conditional use, to the Planning Board and City Council by reasonable means.

4. In the case of hearings relating to a variance request from the provisions of Article 11, the application and all supporting information supplied by the applicant shall be forwarded to the State of Maine Department of Environmental Protection at least 20 days prior to action by the board. Any comments received from the Commissioner or their designee prior to action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.
 5. In the case of hearings related to a variance or conditional use, by mail to the owners of all the property within 500 feet of such parcel or tract.
 6. In the case of hearings related to all other appeals, by mail to the owners of property directly abutting, and directly across a street or alley from the subject property.
 7. For purposes of this subsection, the owners of property shall be considered to be the parties listed by the Assessor's Department as those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing and shall not invalidate any action of the board.
 8. The cost of noticing shall be charged to the applicant.
- D. Procedures.** The Board of Appeals shall adopt its own rules of procedure for the conduct of its business not inconsistent with the statutes of the state and this article. Such rules shall be filed with the City Clerk. Any rule so adopted which relates solely to the conduct of hearings, and which is not required by the statutes of the

state or by this article, may be waived by the board upon good cause being shown.

1. *Conduct of hearings.*
 - a. Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney, and may submit documentary evidence, provided, however, that the Board shall exclude irrelevant, immaterial and unduly repetitious evidence.
 - b. The applicant and any abutter or similar person with standing shall in addition have the right to present witnesses on their own behalf and offer rebuttal evidence, to cross examine all witnesses testifying in opposition to their position through the chair, and to examine and introduce any documents produced at the hearing.
2. All other matters pertaining to the conduct of hearings shall be governed by the provisions of the relevant state statutes, this article, and the rules promulgated by the Board of Appeals.

2.3.8 Records and decisions

- A. Record.** The recording of testimony, if any, and all exhibits, papers, applications, and requests filed in any proceeding before the Board of Appeals and the decision of the board shall constitute the record.
- B. Decision.** Every decision of the Board of Appeals shall include findings of the fact, shall refer to the evidence in the record and the exhibits, plans or specifications upon which such decision is based, shall specify the reason



or reasons for such decision, and shall contain a conclusion or statement separate from the findings of fact setting forth the specific relief granted or denying relief. The Building Authority shall hand deliver or mail a copy of the decision to the applicant, the Planning Board, and City Council within seven days of such decision, and shall also file the decision with the City Clerk.

2.3.9 Jurisdiction and authority

The Board of Appeals shall have the following jurisdiction and authority:

- A. To hear and decide appeals from the granting or denial of any permit required by Chapter 6, Article 11, or Chapter 10 of the City of Portland Code of Ordinances.
- B. To hear and decide appeals from any decision or order made by the Building Authority pursuant to the provisions of this Land Use Code or any other chapter of the City of Portland Code of Ordinances, except that decisions relating to enforcement of the Shoreland Overlay Zone provisions of this chapter may not be appealed to the Board of Appeals and may only be appealed directly to Superior Court in accordance with M.R. Civ. P. 80B and 30-A M.R.S. §§ 2691 & 4483.
- C. To review interpretations of the Zoning Administrator or their designee, except that decisions on such interpretations shall be advisory only and shall not be appealable.
- D. To hear and grant or deny applications for variances from the terms of this Land Use Code, including but not limited to terms related to use; dwelling unit conversion; space and bulk, such as lot size, density, and setbacks; parking; loading; and signs.

- E. To hear and grant or deny applications for conditional uses, as specified in Article 6.

2.3.10 Administrative appeals

- A. **Application procedures.** Application for any appeal to the board shall be submitted to the Building Authority. A payment of a nonrefundable application fee, as established by the City Council to cover administrative costs and costs of a hearing, shall accompany each application. The application shall be in such form as prescribed by the Building Authority.
- D. **Public hearing.** A public hearing shall be set, advertised and conducted by the Board of Appeals in accordance with Subsection 2.3.7.
- E. **Standard of review.** The standard of review for appeals pursuant to Subsections 2.3.9(A), (B), and (C) shall be de novo. The appellant shall bear the burden of proof.
- F. **Conditions and limitations on rights granted by appeal.** Any right granted by the Board of Appeals on appeal shall be subject to the same conditions and limitations as if secured without the necessity of an appeal.

2.3.11 Variances

- A. **Application procedures**
 - 1. Application for a variance shall be submitted to the Building Authority. A payment of 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 as prescribed by the Building Authority.

2. A public hearing shall be set, advertised, and conducted by the Board of Appeals in accordance with Subsection 2.3.7.
3. All decisions by the board shall be rendered in a manner and form not inconsistent with the statutes of this state.
4. When a decision affects property located within the Shoreland Overlay Zone, the Zoning Board of Appeals shall cause written notice of its decision to be mailed or hand-delivered to the Department of Environmental Protection within seven days of the board's decision.

B. Undue hardship variance. An undue hardship variance may be granted by the board only where strict application of the ordinance, or a provision thereof, to the petitioner and their property would cause undue hardship. The words “undue hardship” as used in this subsection mean the following:

1. The land in question cannot yield a reasonable return unless a variance is granted.
2. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.
3. The granting of a variance will not alter the essential character of the locality.
4. The hardship is not the result of action taken by the applicant or prior owner.

C. Disability variance

1. *By the Board of Appeals.* Notwithstanding the provisions of subsection (B) above, the board may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly

uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term “structures necessary for access to or egress from the dwelling” shall include railing, wall, or roof systems necessary for the safety or effectiveness of the structure. For the purpose of this subsection, a disability has the same meaning as a physical or mental disability under 5 M.R.S. § 4553.

2. *By the Building Authority.* Notwithstanding the provisions of subsections (B) and (C(1)) above, the Building Authority may issue a permit to the owner of a dwelling for the purpose of making a dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. If the permit requires a variance, the permit is deemed to include that variance solely for the installation of equipment or the construction of structures necessary for access to or egress from the dwelling for the person with a disability.

D. Practical difficulty variance. Notwithstanding the provisions of subsections (B) and (C) above, the Board of Appeals may grant a variance from the dimensional standards of this Land Use Code that relate to lot area, lot coverage, frontage, ~~and setback,~~ ~~and build-to~~ requirements when strict application of these

standards would both preclude a permitted use of the property and result in significant economic injury to the applicant. Significant economic injury shall mean that the value of the property if the variance were denied would be substantially lower than its value if the variance were granted. To satisfy this standard, the applicant need not prove that denial of the variance would mean the practical loss of all beneficial use of the land. In granting a practical difficulty variance, all of the following conditions must be found to exist:

1. The need for a variance is due to the unique circumstances of the property, and not to the general conditions in the neighborhood.
2. The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not have an unreasonably detrimental effect on either the use or fair market value of abutting properties.
3. The practical difficulty is not the result of action taken by the applicant or a prior owner.
4. No other feasible alternative is available to the applicant, except a variance.
5. The granting of a variance will not have an unreasonably adverse effect on the natural environment.
6. The property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S. § 435, nor within a Shoreland Overlay Zone or flood hazard area, as defined in this Land Use Code.

E. Specified variances prohibited

1. A variance may only be granted with respect to the generally applicable space

and bulk requirements of the zone in which the property is located and not from any provision that allows a deviation from those requirements.

2. No variance shall be granted which would permit the creation of a lot or parcel that cannot be developed in compliance with the zoning, subdivision, and other regulations applicable thereto.
3. No variance shall be granted which would result in a use or development of the lot or parcel in question which would not be in harmony with the general purpose and intent of this Land Use Code or the Comprehensive Plan; which would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, or development of property or improvement permitted in the vicinity; or which would materially impair an adequate supply of light and air to properties and improvements in the vicinity, substantially increase congestion in the public streets, increase the danger of flood or fire, or endanger the public safety.
- ~~4.~~ No variance shall be granted which would be greater than the minimum variance necessary to relieve the undue hardship or the hardship of the applicant.
- ~~4:5.~~ No variance shall be granted from the requirements of Subsection 6.4.1.

F. Conditions on variances and variances less than requested.

Reasonable conditions and safeguards relating to construction, character, location, landscaping, screening, and other matters may be imposed upon the premises benefited by a variance as considered necessary to prevent injurious effects upon

other property and improvements in the vicinity or upon public facilities and services. Such conditions shall be expressly set forth in the resolution granting the variance and in the notice informing the applicant thereof. Violation of such conditions and safeguards shall be a violation of this article. A variance less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.

- G. Limitations on variances.** No variance permitting the erection or alteration of a building shall be valid for a period longer than two years, unless a building permit for such erection or alteration is issued and construction is actually begun within that period and is thereafter diligently pursued to completion. No variance relating to the establishment or maintenance of a use not involving a building or structure shall be valid for a period longer than two years, unless an occupancy permit is issued and a use commenced within such period.
- H. Recording of variances.** No variance shall be valid unless, within 90 days of final approval of the variance, a certificate describing the variance has been recorded by the applicant for the variance in the registry of deeds as required by 30 M.R.S. § 4353(5).

2.3.12 Violations

In addition to any other remedies available, the Board of Appeals after notice and hearing may revoke any variance or other relief granted under this section when the provisions of this chapter or the conditions under which the relief was granted have not been complied with.

2.3.13 Reconsideration

The Board of Appeals may reconsider any decision within 45 days of its decision. A request to the board to reconsider a decision must be filed within 10 days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 45 days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the board members originally voting on the decision, and proper notification to the landowner, petitioner, Planning Board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The board may conduct additional hearings and receive additional evidence and testimony. Appeal of a reconsidered decision to Superior Court must be made within 15 days after the decision on reconsideration.

2.3.14 Appeals

Any aggrieved party may take an appeal, within 45 days of the vote of the original decision, from any final decision of the Board of Appeals to the superior court in accordance with Rule 80B of the Maine Rules of Civil Procedure and 30-A M.R.S. §§ 2691 & 4483, except as otherwise specifically provided in this article.

3 DEFINITIONS

Adjacent grade (within the floodplain). For the purposes of calculating floor elevation in areas of special flood hazard, the natural elevation of the ground surface prior to the construction next to the proposed wall of a 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 (including utilities such as electric, heat, water, sewer, and/or trash that the household pays separately from rent) or must pay in ownership cost (including but not limited to mortgage payments, 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, daycare, 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.

Archaeological site. A bounded geographic location containing the physical evidence of previous human occupation including but not limited to structures, artifacts, graphics (paintings or drawings) and discarded material including plants or animals.

Area of shallow flooding. Area designated AO and AH zone on the Flood Insurance Rate Map (FIRM) with a 1% or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard. The land in the floodplain 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 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).

Basement. Area of building that includes a floor that is subgrade (below ground level) on all sides.

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 provides meals on-site.

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.

Breakaway wall. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without



damage to the elevated portion of the building or supporting foundation system.

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

Building (within Article 16). A human-made construction created to shelter human activity, such as a house, barn, church, hotel or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.

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 AE Zone. The portion of the coastal high hazard area with wave heights between 1.5 feet and 3.0 feet and bounded by a line labeled the “Limit of Moderate Wave Action” (LiMWA) on a Flood Insurance Rate Map (FIRM). VE Zone floodplain construction standards are applied to development, new construction, and substantial improvements in the Coastal AE Zone.

Coastal high hazard area. An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are designated as Zone VE and Zone AE bounded by a line labeled “Limit of Moderate Wave Action” (LiMWA) on a Flood Insurance Rate Map (FIRM).

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.

Common circulation drives. Private driveways, roadways and circulation areas accessible to all on-site tenants and/or occupants of a lot within the Waterfront Central Zone providing access from/to the public street network.

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 general office uses.

Containment wall. Wall surrounding all sides of an above ground tank to contain any spills or leaks.

Critical systems. Mechanical, electrical, plumbing, fire protection, life safety, and communication systems required for the uninterrupted and safe operation and occupancy of a building.

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.

Disturbed area. All land areas of a site that are stripped, graded, grubbed, filled, excavated, or substantially altered to accommodate construction activity which results in permanent or long-term alteration of the land.

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, 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.

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.

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

Dwelling unit, accessory. 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.

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.

Elevation certificate. An official form (FEMA form FF-206-FY-22-152, as amended) that is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program.

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.

Exhibition, meeting, and convention halls. An indoor facility for the conduct of exhibitions, conventions, or other large gatherings.

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.

Façade, blank. A building façade that contains expanses of wall area with no windows, no entrances, no articulation, and no other elements or features, or is otherwise undifferentiated.

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 or flooding.

- A.** A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1.** The overflow of inland or tidal waters.
 - 2.** The unusual and rapid accumulation or runoff of surface waters from any source.
- B.** The collapse or subsidence of land along a shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined above.

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 elevation study. An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

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.

Floodplain or floodprone area. Any land area susceptible to being inundated by water from any source (see Flood or Flooding).

Floodplain management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain management regulations. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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 encroachment lines. The lines marking the limits of floodways on federal, state, and local floodplain maps.

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.

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

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

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.

Functionally-dependent use (within the floodplain). A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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.

Ground cover. Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

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

Heliport. 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.

Highest Astronomical Tide. The elevation of the highest predicted astronomical tide expected to occur at a specific tide station over the National Tidal Datum Epoch, or NTDE.

Historic rehabilitation. The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

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.

Intermodal transportation facility. A facility where two or more modes of transportation intersect, passengers can transfer between modes, and basic passenger amenities are provided.

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.

Limit of Moderate Wave Action (LiMWA). The landward limit of the 1.5 foot breaking wave within a Coastal AE Zone. These areas are bounded by a line labeled “Limit of Moderate Wave Action” (LiMWA) on a Flood Insurance Rate Map (FIRM). The LiMWA line delineates that portion of the Special Flood

Hazard Area (SFHA) landward of a VE zone in which the principal sources of flooding are astronomical high tides, storm surges, or tsunamis, not riverine sources. These areas may be subject to wave effects, velocity flows, erosion, scour, or combinations of these forces. The floodplain development and construction standards for VE Zones will be applied in the Coastal AE Zone.

Locally-established datum. For purposes of the floodplain ordinance, an elevation established for a specific site to which other elevation at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or any other established datum and is used in areas where mean sea level data is too far from a specific site to be practically used.

Lodging house. A house, building or portion thereof containing five 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 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 lawfully created parcel or area of land that is designated as an individual unit for use, development, or ownership that is either: a)

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, nonconforming. A lot which, at the effective date of adoption or amendment of this Code, does not meet the minimum lot area or minimum street frontage 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

Lowest floor (within the floodplain). 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 Article 12.

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.

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 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.

Market value. The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

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-year period.

Mean sea level (within the floodplain). For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD), 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 States Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

National Geodetic Vertical Datum (NGVD). The national vertical datum, a standard established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD is based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)".

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 principal 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.

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.

North American Vertical Datum (NAVD). The national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound and

subsidence, and the increasing use of satellite technology.

Object (within Article 16). A material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

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.

100-year flood. See base flood.

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 noncommercial public facility that serves the recreational needs of residents and visitors. Park includes, but is not limited to, playgrounds, ballfields, golf courses, gymnasiums, playing fields, 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 amphitheatres, 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.

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 eight 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 floodplain soils. Recent floodplain 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, Sunday, and Winooski.

Recreational vehicle. A vehicle that is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- C. Designed to be self-propelled or permanently towable by a motor vehicle;
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use; and
- E. Registered as a motor vehicle with tires attached and on the ground.

Recreation and amusement center. A facilities equipped for the conduct of sports and athletic events or leisure time recreation activities. Such facilities may limit admission either to members or to persons paying an entrance fee. Recreation and amusement centers may be indoor or outdoor. They do not include 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.

Regulatory 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 a designated height. When not designated on the Flood Insurance Rate Map (FIRM), 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 floodplain, as measured from the normal high-water mark to the upland limit of the floodplain.

Relocation. The act or process of taking a structure or object and moving it from its current location or orientation to a new location or orientation.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Residential care facility (small). A facility which provides, on a regular basis, medical or non-medical care and services for up to 16 individuals in separate dwelling or rooming units. 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 17 or more individuals in separate dwelling or rooming units. 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.

River. A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of 25 square miles to its mouth.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

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

Sea Level Rise-Base Flood Elevation (SLR-BFE). 13 feet NAVD88, or the predicted height of flood waters that may occur as the result of a 100 year storm in conjunction with 3.9 feet of base sea level rise.

Sea Level Rise-Design Flood Elevation (SLR-DFE). The minimum elevation required for a finished ground floor level in the Coastal Flood Resilience Overlay Zone (CFROZ).

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.

Shoreline. The normal high-water line, or upland edge of a freshwater or coastal wetland.

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 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. §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 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 an exposed 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. (See Section 19.6.3(C).)

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 or backlit (halo) 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 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 which is intended for a 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.

Site (within Article 16). The location of a significant event, an archaeological site, a landscape or traditional cultural property, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure.

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 or roof-mounted systems of any size, 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-integrated 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-integrated 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.

Special Flood Hazard Area. See area of special flood hazard.

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.

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.

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 decks 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 or subsurface wastewater disposal systems. Inside the Shoreland Overlay Zone, patios and at-grade walkways shall be considered structures.

Structure (within Article 16). A human-made construction built for purposes other than human shelter. It can be an engineering project large in scale, such as a bridge or tunnel.

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, nonconforming. A structure which does not meet applicable dimensional requirements but which is allowed solely because it was in lawful existence at the time this Code or subsequent amendments took effect.

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.

Tree, feature mature. A tree that meets at least one of the following criteria:

- A. Any tree that is on the Register of Big Trees promulgated by the Maine Department of Agriculture, Conservation & Forestry (the “Big Tree List”)
- B. Certain trees 24” in diameter or greater (diameter at breast height or DBH) as identified by the City Arborist
- C. Ornamental trees 12” in diameter or greater (diameter at breast height or DBH) as identified by the City Arborist
- D. Rare tree specimen to include either a tree species classified as rare or endangered at either the state or federal level, and/or stands of native trees that are rare or threatened as identified by the City Arborist.

Tree, hazard. 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.



Tree, ornamental. Any tree, shrub, or other plant grown primarily for decorative purposes and whose mature height can be expected to be between three feet and 25 feet.

Tree, shade. Any tree, evergreen or deciduous, planted primarily for its high crown of foliage and whose mature height can be expected to exceed 25 feet.

Tree, storm-damaged. 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.

Tree, street. Tree planted in the public right-of-way and/or private roadway.

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 astronomical 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) tall 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.

Use, nonconforming. Use of buildings, structures, or land which is not allowed in the zone in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Code or subsequent amendments took effect.

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.

Vegetation, climate resilient northeast native. Plants identified as native to the northeast as identified by the Northeast Regional Invasive Species & Climate Changes (RISCC) Network or a Maine licensed landscape architect.

Vegetation, native. Vegetation indigenous to local forests.

Vegetation, non-native invasive species. 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.

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. Inside the Shoreland Overlay zone, these uses include, but are not limited to, commercial and recreational fishing

and boating facilities, finfish and shellfish processing, fish-related storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

Wetlands (outside of the Shoreland Overlay Zone). 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.



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. A lot may contain more than one principal use, providing each use is allowed within the zone. Each principal use shall be permitted separately. 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.
- B. Notwithstanding the above, and unless otherwise specifically permitted by this Code, lots containing a single family, two-family, three-family, or four-family dwelling may contain more than one principal use only so long as the total number of dwelling units on the lot does not exceed four, or three on the islands, not including accessory dwelling units.

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	Use Standards	
Residential	Single-family dwellings	●	●	●	●			
	Two-family dwellings	●	●	●	●			
	Three-family dwellings	●	●	●	●			
	Four-family dwellings	●	●	●	●			
	Multi-family dwellings	○	●	○	●	●	●	6.4.12
	Townhouse dwellings		●		●		●	6.4.13
	Group homes	○	○	○	○	○	○	6.4.17
	Lodging houses			○	○	●	●	6.4.21
	Child care centers + small child care facilities	○	○	○	○	○	○	6.4.9
Institutional	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.	Bed and breakfasts				●/○	●/○	●/○
Hostels					●/○	●/○	●/○	6.4.18
Market gardens		○	○	○	○	○	○	6.4.25
Neighborhood nonresidential reuse		○	○	○	○	○	○	6.4.26
Other	Cemeteries	●	●	●	●	●		
	Parks and open spaces	●	●	●	●	●		
	Solar energy systems (minor)	●	●	●	●	●	●	6.4.38
	Utility substations	○	○	○	○	○	○	6.4.39

Key: ● = permitted | ○ = conditional | Blank = not permitted | ●/○ = permitted or conditional per use standards

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
	Live/work dwellings			●	
	Lodging houses		○	●	6.4.21
Institutional	Child care centers + small child care facilities	○	○	●	6.4.9
	Cultural facilities			●	
	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			●	
	General services			●	6.4.15
	Greenhouses/nurseries (retail)			○	6.4.16
	Hotels			○	6.4.19
	Market gardens	○	○	●	6.4.25
	Neighborhood nonresidential reuse	○	○		6.4.26
	Restaurants			●	6.4.34
	Retail			●	6.4.36
	Specialty food service			●	
	Agriculture	●			6.4.3
Boathouses and storehouses for fishing equipment	●	●	●		
Campgrounds	○			6.4.8	
Cemeteries	○	○			
Low-impact industrial			●		
Marinas			●		
Parks and open spaces	●	●	●		
Solar energy systems (minor)	●	●	●	6.4.38	
Studios for artists and craftspeople	●	●	●		
Other	Utility substations	○	○	○	6.4.39
	Wharves, piers, docks, and landing ramps	●	●	●	

Key: ● = permitted | ○ = conditional | Blank = not permitted | ●/○ = permitted or conditional per use standards



USE STANDARDS

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
	●	●	●	●	●	●	●	
	●	●	●	●	●	●	●	
	●	●	●	●	●	●	●	
	●	●	●	●	●	●	●	6.4.13
	●	●	●	●	●	●	●	6.4.12
	●	●	●	●	●	●	●	
	●	●	●	●	●	●	●	6.4.21
	●	●	●	●	●	●	●	6.4.9
	●	●	●	●	●	●	●	
	●	●	●	●	●	●	●	
	●	●	●	●	●	●	●	
	●	●	●	●	●	●	●	
	●	●	●	●	●	●	●	
	●	●	●	●	●	●	●	6.4.14
	●	●	●	●	●	●	●	
	●	●	●	●	●	●	●	6.4.30
	●	●	●	●	●	●	●	6.4.31
	●	●	●	●	●	●	●	6.4.35
	●	●	●	●	●	●	●	6.4.35
				●				6.4.2
		●			●			6.4.5
		●	●		●			6.4.5
		●	●	●	●	●	●	6.4.6
	●	●	●	●				6.4.7, 6.4.10
				●	●	●	●	
		●	●		●			
	●	●	●	●	●	●	●	6.4.15, 6.4.10
	●	●	●	●	●	●	●	
		●	●		●			
	●			●		●		6.4.18, 6.4.10
		●		●	●	●	●	6.4.19
		●	●	●	●	●	●	
		●		●	●			6.4.23
	●	●	●	●	●	●	●	6.4.25, 6.4.10

Key: ● = permitted | ● = conditional | Blank = not permitted | ●/● = permitted or conditional per use standards

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
Commercial/Service	Recreation and amusement centers	●	●		●	●		
	Registered marijuana dispensaries		●		●			6.4.23
	Restaurants	●	●	●	●	●	●	6.4.34, 6.4.10
	Retail	●	●	●	●	●	●	6.4.36, 6.4.10
	Small-scale marijuana caregivers		●	●	●	●		6.4.23
	Specialty food service	●	●	●	●	●	●	6.4.10
	Theaters and performance halls		●	●	●	●	●	
	Veterinary services	●	●	●	●	●	●	
	Animal-related services		●			●	●	6.4.4
	Communication studios		●	●	●	●	●	
	Dairies		●	●		●		6.4.11
	Impound lots					●		6.4.20
	Industrial	Laboratory and research facilities		○	○	○	○	○
Low-impact industrial		●	●	●	●	●	●	6.4.22
Marijuana manufacturing facilities						●		
Marijuana testing facilities						●		6.4.23
Printing and publishing					●	●	●	6.4.32
Self-storage facilities						●		6.4.37
Studios for artists and craftspeople		●	●	●	●	●	●	
Warehousing and distribution facilities						●		6.4.40
Marine uses							●	6.4.24
Off-street parking					●/○		○	6.4.27
Parks and open spaces		●	●	●	●	●	●	
Social service centers			○	○	○	○	○	
Solar energy systems (minor)		●	●	●	●	●	●	
Solar energy systems (major)					○		6.4.38	
Other	Utility substations	●	●	●	●	●	●	6.4.39
	Wind energy systems (minor)		○	○	○	○	○	6.4.41

Key: ● = permitted | ○ = conditional | Blank = not permitted | ●/○ = permitted or conditional per use standards

¹ Uses within the B-3 zone may be subject to the standards of the Pedestrian Activities District (PAD) Overlay found in Section 8.5 of this Code.

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

		TOD-1	TOD-2	Use Standards
Residential	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	●	●	
	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)	●	●	
	Bars	●	●	6.4.6
Commercial / Service	Exhibition, meeting, and convention halls		●	
	General offices	●	●	
	General services	●	●	6.4.15
	Hostels		●	6.4.18
	Hotels		●	
	Intermodal transportation facilities	●	●	
	Recreation and amusement centers		●	
	Restaurants	●	●	
	Retail	●	●	
	Specialty food service	●	●	
Industrial	Theaters and performance halls	●	●	
	Veterinary services	●	●	
	Communication studios	●	●	
	Low impact industrial	●	●	6.4.22
Other	Studios for artists and craftspeople	●	●	
	Parks and open spaces	●	●	
	Solar energy systems (minor)	●	●	6.4.38
	Utility substations	●	●	6.4.39
	Wind energy systems (minor)	⦿	⦿	6.4.41

Key: ● = permitted | ⦿ = conditional | Blank = not permitted | ●/⦿ = permitted or conditional per use standards

TABLE 6-E: PERMITTED AND CONDITIONAL USES IN OFFICE ZONES

		O	Use Standards
Inst.	Child care centers + small child care facilities	●	6.4.9
	Governmental uses	●	
Com	General offices	●	
	Office parks	●	6.4.28
Ind.	Laboratory and research facilities	●	
	Printing and publishing	●	6.4.32
Other	Parks and open space	●	
	Solar energy systems (minor)	●	6.4.38
	Utility substations		
	Wind energy systems (minor)	○	6.4.41

Key: ● = permitted | ○ = conditional | Blank = not permitted | ●/○ = permitted or conditional per use standards



USE STANDARDS

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	Live/work dwellings	●			
	Airports			●	
	Child care centers + small child care facilities	●	●		● 6.4.9
	Emergency shelters	●	●	●	6.4.14
	Places of assembly	●			6.4.30
Commercial / Service	Bars			●	6.4.6
	General offices	●	●		6.4.15
	General services				●
	Hotels				●
	Intermodal transportation facilities	●	●		
	Market gardens	●			6.4.25
	Recreation and amusement centers	●	●		
	Restaurants				●
	Self-storage facilities		●	●	6.4.37
	Specialty food service	●	●		
	Veterinary services	●	●	●	
	Animal-related services	●	●	●	6.4.4
	Auto service stations	●	●	●	● 6.4.5
	Construction & engineering services	●	●	●	
	Dairies	●	●	●	
Food & seafood processing, packing, and distribution		●	●		
High-impact industrial uses			●		
Impound lots		●	●	6.4.20	
Laboratory and research facilities	●	●	●		
Low-impact industrial	●	●	●	6.4.22	
Lumber yards	●	●	●		
Marijuana cultivation facilities	●	●	●		
Marijuana manufacturing facilities	●	●	●	6.4.23	
Marijuana testing facilities	●	●	●		
Printing and publishing	●	●	●		

Key: ● = permitted | ● = conditional | Blank = not permitted | ●/● = permitted or conditional per use standards

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	
Industrial	Recycling facilities		●	●	6.4.33	
	Solid waste disposal facilities		●	●	6.4.33	
	Studios for artists and craftspeople	●	●			
	Warehousing and distribution facilities	●	●	●	6.4.40	
	Off-street parking				●	
Other	Social service centers	⓪	⓪	⓪		
	Solar energy systems (minor)	●	●	●	6.4.38	
	Solar energy systems (major)		●	●		⓪
	Telecommunication towers (ground-mounted)		●	●		
	Utility substations	●	●	●	6.4.39	
	Wind energy systems (minor)	⓪	●	●	●	6.4.41
	Wind energy systems (major)		●	●	⓪	

Key: ● = permitted | ⓪ = conditional | Blank = not permitted | ●/⓪ = permitted or conditional per use standards

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
Cemeteries	●		
Cultural facilities	ⓘ		
Marinas	●		
Parks and open space	●	●	6.4.29
Solar energy systems (minor)	ⓘ		6.4.38, 6.5.6
Solar energy systems (major)	ⓘ		
Stadiums	ⓘ		6.5.6
Utility substations	●/ⓘ		6.4.39, 6.5.6
Wharves, piers, docks, and landing ramps	●	ⓘ	
Wind energy systems (minor)	ⓘ		6.4.41, 6.5.6

Key: ● = permitted | ⓘ = conditional | Blank = not permitted | ●/ⓘ = permitted or conditional per use standards
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 Street access

~~Street access.~~ Unless specifically excepted under Section 7.4, 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.

A. Existing, accepted streets

1. The lot has frontage on a paved and accepted City street with a minimum width of 10 feet on a one-way street and 20 feet on a two-way street, 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.

2. The lot has frontage 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.
3. 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.

- B. 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.

1. 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. In the case of a corner lot, this shall apply to the frontage of the lot from which access is taken.
 2. 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:
 - a. Meeting the standards adopted elsewhere in this Code is impracticable;
 - b. There is limited potential for further development on the street or for further connections to the City's existing street network; and
 - c. The City's ability to provide services will not be unreasonably impaired by a modification of the standards of this Code.
 3. 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.
- C. 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.

1. Accessory buildings not intended for habitation.
2. The addition of one accessory dwelling unit within an existing single-family dwelling.

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 [B-2](#), [B-4](#), [B-5](#), [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. 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.
- B. 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.
- C. 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.
- D. 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*.
- E. Car washes shall be designed to avoid the tracking of residual waters into the street.

6.4.6 Bars

- A. 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-4, RN-5, and RN-6 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-4, RN-5, and RN-6 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.
- B. Solid waste shall be stored in covered containers. Such containers shall be screened on all sides.
- C. For child care centers 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. The minimum lot area shall be 10,000 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-1 and RN-3 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.

B. Conversion standards

- 1. No multi-family conversion is allowed in an existing structure with less than 1,500 square feet of habitable floor area.
- 2. 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.

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. [This provision shall not apply for emergency shelters designed for family use.](#)

- 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 $\frac{1}{4}$ mile of fixed route transit service, or shall be within $\frac{1}{2}$ 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 Greenhouses/nurseries (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-4, RN-5, and RN-6 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. In the RN-3 and RN-4 zones, lodging houses are allowed only as conversions of existing two-family, three-family, four-family, or multi-family residential structures, provided that the lodging house shall not be located within 500 ft. of another as measured along street lines.
- B. Lodging houses shall be subject to the minimum lot area requirements for nonresidential uses.
- C. Individual rooming units in a lodging house shall be a minimum of 70 square feet in area.
- D. Lodging houses shall provide a minimum of 200 square feet of combined rooming unit and common area per rooming unit.
- E. Lodging houses, except for lodging houses located in the IR-2 and I-B zones, shall contain

common areas for use by 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.

- F. In the IR-2 and I-B zones, lodging houses are allowed with 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 shall be utilized to the extent practicable, including but not limited to service alleys, parking areas, stormwater treatment, public transportation facilities, and driveways.

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 dispensaries may not exceed a maximum gross floor area of 2,000 square feet.
- D.** Marijuana cultivation facilities shall be limited to less than 2,000 square feet of plant canopy in the I-L/I-Lb zone and less than 7,000 square feet of plant canopy in the I-M/I-Mb zone.

- E.** 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 gardens

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

- A.** 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.

- B.** The keeping of livestock, chickens or other poultry, and apiaries are prohibited.
- C.** Greenhouses, including high tunnels/hoop-houses, cold-frames, and similar structures, are permitted to extend the growing season.
- D.** 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.
- E.** 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.
- F.** 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.
- G.** 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.

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 principal use as of the effective date of this Code.

- 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 service
 - 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.
- E.** Neighborhood nonresidential reuses shall comply with the performance standards of the B-1 zone.

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, floodplains, 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. Essential services shall also be permitted.

6.4.30 Places of assembly

- A. In all [off-peninsula](#) 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 the effective date of this Code.
- 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 facilities

- 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 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 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.

Solar energy systems mounted on flat roofs shall meet the following standards:

 - a. In residential 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.
- 2. 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, except for boat storage.

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 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, 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 detached 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 unless otherwise permitted under this subsection.
3. Up to two ADUs shall be permitted per qualifying property.
4. 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.
5. An ADU shall be limited to a gross floor area of $\frac{2}{3}$ of the gross floor area of the largest principal unit on the lot. The aggregate square footage of detached ADUs on a lot shall not exceed the gross floor area of the principal structure.

6. ADUs shall be exempt from maximum lot coverage and minimum lot area per dwelling unit requirements.
7. Detached ADUs shall be limited to a maximum height of 18 feet, unless constructed above a garage, in which case the height of the structure shall be limited to 25 feet.
8. In residential zones, detached ADUs, regardless of size, shall be subject to side and rear setbacks for detached accessory structures less than 250 square feet, as established in Article 7.
9. Detached ADUs shall not be permitted between a principal structure and a front lot line.

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 the effective date of this Code.
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.

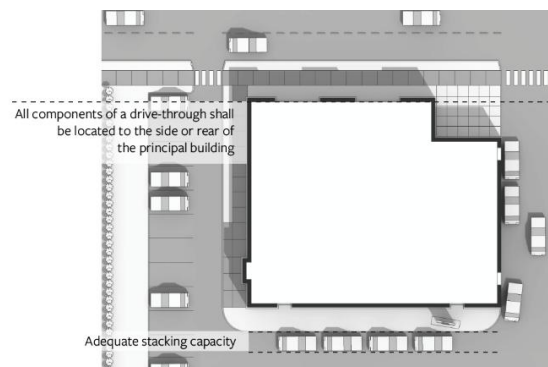


FIGURE 6-A: DRIVE-THROUGH SITING

- 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.
 1. 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.
 2. 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.
 3. 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.
 4. 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.
 5. No home occupation shall include dispensing of medication from the dwelling.
 6. 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.
 7. A home occupation shall be limited to residents of the dwelling and no more than two nonresident employees on the premises.
 8. 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.
 9. Any clients or business-related visitors shall be limited to the hours of 7:00 a.m. to 8:00 p.m.
 10. The storage of semi-trucks, trailers, or heavy equipment such as construction or landscaping equipment used in a commercial business, is prohibited.
 11. 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.
 12. 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 12 children ~~and shall have no nonresidential employees.~~



13. 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 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. Accessory solar energy systems shall be permitted in all zones except 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.
- I. **Wind energy generation.** Ground-mounted and roof-mounted accessory wind energy systems shall be permitted as accessory uses within all zones. 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 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 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 unless specifically cited as exempt. A temporary use permit may be issued for additional temporary uses not specifically listed per Subsection 6.7.2(G) below. 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. Farmstands

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. Farmstands must be set back from all public rights-of-way a distance of no less than five feet.

B. Garage/yard sales

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 offices or model units

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 residential development project. 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.
4. 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 yards

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, and shall be exempt from temporary use permit requirements.
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 trees or pumpkins, 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, and shall be exempt from temporary use permit requirements.

- 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 Planning Authority determines that such use is compatible with the surrounding land uses and proper care has been taken to address potential impacts to surrounding land uses. 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 OS-R and OS-P 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 Landscaping and screening

- A.** In all mixed-use zones, the I-B zone, TOD zones, the O 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.

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
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
TOD-1/TOD-2	60 dBA	55 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

6.8.6 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-H.
- C. Sound shall be measured as follows:
 - 1. For noise generated by a use in the 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, B-4, B-5, B-6, TOD, I-B, 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.** 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*. 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.
 - 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.

6.8.7 Odor

It shall be a violation of this article to create an odor nuisance. An odor nuisance shall be considered to exist when 10 confirmed complaints relating to odors of such intensity and character as to be detrimental to the public health and welfare occur in an area within two separate 24-hour periods. The 10 confirmed complaints must originate from 10 different households in a residential zone, or from 10 different individuals in a commercial or industrial zone.

6.8.8 Exterior stairways

Exterior stairs may be permitted, so long as such stairways shall have minimal visual impact upon the building and are located in the rear or side yard.

6.8.9 Outdoor storage

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

6.8.10 Smoke and dust

Visible emissions from a direct or fugitive emission source may not exceed an opacity of 20% for more than 2.5 minutes in any half-hour period. All visible emissions must comply with the standards of the Maine Department of Environmental Protection.

6.8.11 Storage and repair of vehicles

- A. In all residential zones, all island zones, and the B-3 zone, only one unregistered motor vehicle may be stored outside, for a period not exceeding 30 days. 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.
- B. No partially dismantled, wrecked, or junked vehicles shall be stored outdoors. This provision does not apply to vehicles undergoing repair.
- C. 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.

6.8.12 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.

TABLE 6-1: OUTDOOR STORAGE STANDARDS

	B-1	B-2/ B-2b	B-3	B-4	B-5	B-6	TOD	I-B	O	A-B	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 required for security purposes and shall meet the standards of Subsection 6.8.4.	●	●	●	●	●	●	●	●	●	●	●	●	●



- 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.

6.8.13 Vibration

- A. In any mixed-use zone, TOD zone, and the O zone, 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.

6.8.14 Entertainment businesses in the B-3 and WCZ zones

- A. In the B-3 and WCZ zones, a business with an entertainment license as required or authorized by Chapter 4, Section 4-51(a) of the City of Portland Code of Ordinance shall be considered an entertainment business for the purposes of this section, and may not be located within 100 feet of another entertainment business, as measured along or

across public ways from the main entrance or entrances of each. This dispersal requirement shall not apply to entertainment businesses that do not allow amplified entertainment.

- B. Any entertainment business located in the B-3 or WCZ zones on or before January 3, 2006 shall not be required to comply with this dispersal requirement. If located within 100 feet of another entertainment business, such business shall be considered a lawfully nonconforming use subject to the standards of Article 4 of this Code. Any such business shall continue to be considered an entertainment business for the purpose of administering this dispersal requirement for a new or relocating entertainment business in the B-3 and WCZ zones.
- C. Where two or more entertainment businesses operate on one site, and where each business entity requires or has a separate business license, or displays in a manner visible from public property separate business trademarks, logos, service marks, or other mutually identifying names or symbols, each business entity shall be counted as a separate entertainment business for the purposes of this section.
- ~~D.~~A. Following a hearing held pursuant to Chapter 15, Section 15-10 of the City of Portland Code of Ordinances, the Building Authority may impose conditions on the food service license of any entertainment business in the B-3 and WCZ zones that operates between 1:00 a.m. and 4:00 a.m. to maintain or improve public safety. Such conditions may be imposed following a written recommendation from the Portland Police Department that such conditions are necessary. The Building Authority's decision



USE STANDARDS

may be appealed to the City Manager pursuant to Chapter 15, Section 15-9 of the City of Portland Code of Ordinances. Nothing in this section shall be construed to limit the Building Authority's authority in Chapter 15 to deny, suspend, or revoke any license pursuant to the standards and process in that chapter.

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.

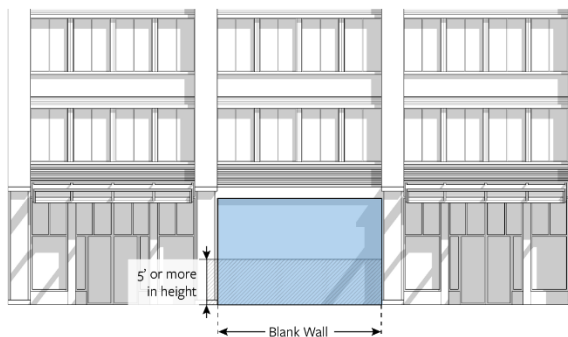


FIGURE 7-A: BLANK WALL AREA

Footprint~~Building 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. Build-to percentage is calculated as a ratio of the total building length of a principal structure, not street frontage.

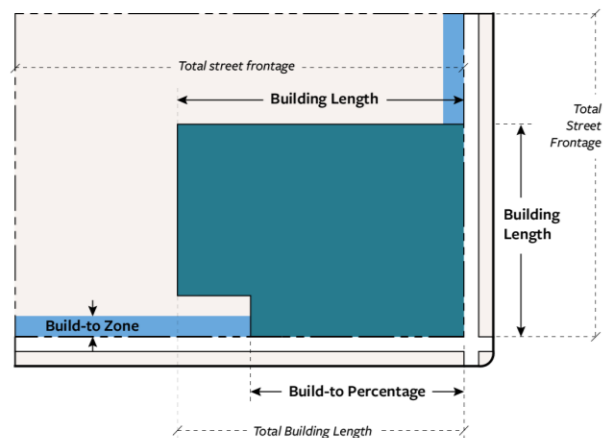


FIGURE 7-B: MINIMUM LENGTH AND BUILD-TO PERCENTAGE

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.

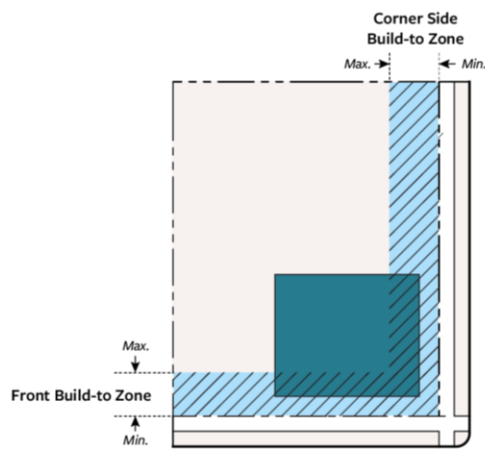


FIGURE 7-C: BUILD-TO ZONE

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, 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 where it meets the grade after construction.

Grade, pre-development. The average of elevation measurements, existing as of October 1, 2000, 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 where it meets the grade.

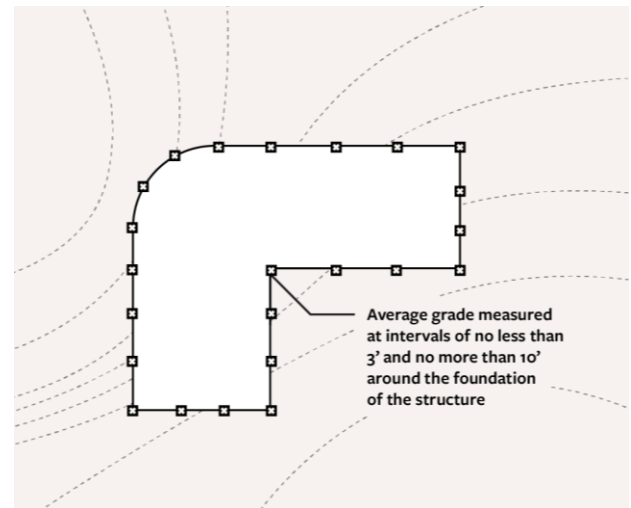


FIGURE 7-D: AVERAGE GRADE

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(s) and the footprint of accessory buildings/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.

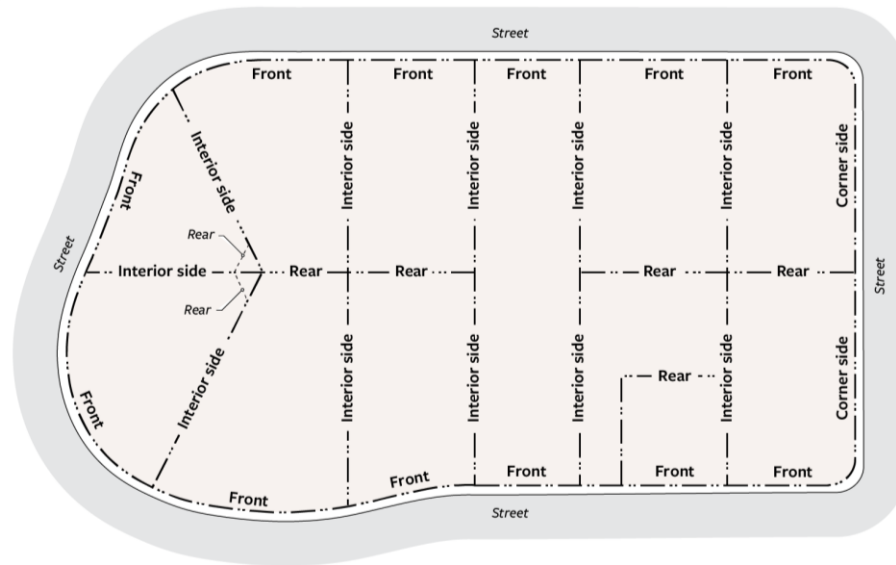


FIGURE 7-F: LOT LINES

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.*

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

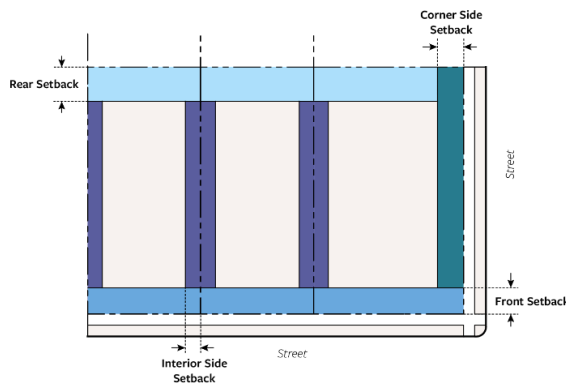


FIGURE 7-G: SETBACKS

either side, or, in the case of a corner lot, the next two adjacent lots, ~~or, 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 1 and RN 2 zones, a minimum of 15 feet in the RN 3 zone, and a minimum of five feet in the RN 4 and I B zones.~~

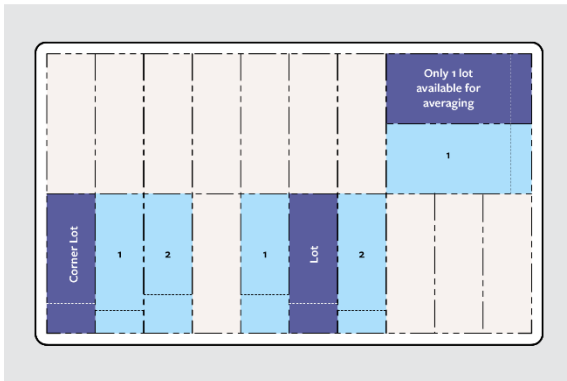


FIGURE 7-H: SETBACK AVERAGING

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

DIMENSIONAL STANDARDS

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.

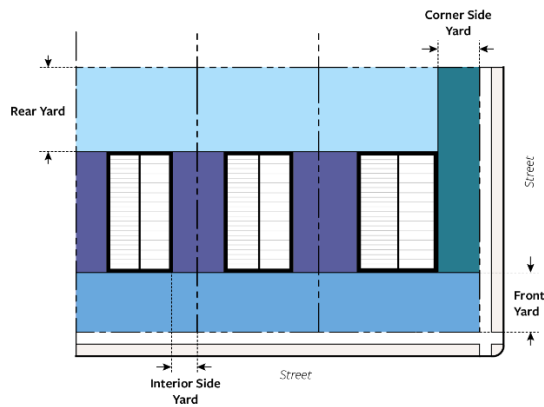


FIGURE 7-1: YARDS

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 additional standards may apply per Section 6.4 and Sections 7.4, 7.5, and 7.6.

TABLE 7-A: RESIDENTIAL NEIGHBORHOOD ZONE DIMENSIONAL STANDARDS

	RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	
Lot area (min.)	Single-family	6,500 SF	6,000	5,000 SF	2,000 SF	--	--
	Two-family	6,500 SF	6,000	5,000 SF	2,000 SF	--	--
	Three-family	6,500 SF	6,000	5,000 SF	2,000 SF	--	--
	Four-family	6,500 SF	6,000	5,000 SF	2,000 SF	--	--
	Townhouse	--	1,500 SF/unit	--	1,500 SF/unit	--	1,200 SF/unit
	Multi-family		1,200SF/unit		725 SF/unit	1,200 SF/unit, minimum of 40,000 SF	435 SF/unit
Nonresidential	6,500 SF	6,000 SF	5,000 SF	2,000 SF	40,000 SF	2,000 SF	
Street frontage (min.)	40 ft.	40 ft., except 15 ft./unit for townhouse	40 ft.	20 ft., except 15 ft./unit for townhouse	50 ft.	20 ft., except 15 ft./unit for townhouse	
Front setback (min.)	20 ft. or the <u>a</u> Average of adjacent front yards minus 5 ft., whichever is less	20 ft. or the <u>A</u> verage of adjacent front yards minus 5 ft., whichever is less	15 ft. or the <u>a</u> Average of adjacent front yards minus 5 ft., whichever is less	5 ft. or the <u>a</u> Average of adjacent front yards minus 5 ft., whichever is less	25 ft.	--	
Rear setback (min.)	Principal structures and detached accessory structures (≥ 250 SF footprint)	25 ft.	20 ft.	20 ft.	10 ft.	25 ft.	5 ft.
	Detached accessory structures (≤ 250 SF footprint)	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)	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.	7 ft., except that a side setback may be reduced to not less than 4 ft. provided that the cumulative side yards are not less than 14 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.	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.
	Detached accessory structures (≤ 250 SF footprint)	5 ft.	5 ft.	3 ft.	3 ft.	5 ft.	3 ft.
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 less	10 ft., or the depth of an adjacent front yard directly abutting the corner side yard of the lot, whichever is less	10 ft., or the depth of an adjacent front yard directly abutting the corner side yard of the lot, whichever is less	--	25 ft.	--	



DIMENSIONAL STANDARDS

TABLE 7-A (CONT.): RESIDENTIAL NEIGHBORHOOD ZONE DIMENSIONAL STANDARDS

	RN-1	RN-2	RN-3	RN-4	RN-5	RN-6
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., except 45 ft. for buildings with 3 or more dwelling units. In all cases, height shall be limited to 35 ft. within 15 ft. of a rear lot line when abutting an RN-1, RN-2, or RN-3 zone	55 ft.	65 ft., except 45 ft. within 15 ft. of an RN-1, RN-2, RN-3, RN-4, OS-R, or OS-P zone
Detached accessory structure height (max.)	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.
Building length (max.) (Multi-family + Nonresidential uses)	--	--	--	70 ft.	180 ft.	--
Lot coverage (max.)	Residential uses	60%	60%	60%	60%	100%
	Nonresidential uses	35%	50%	50%	60%	100%
Landscaped open space ratio (min.)	Residential uses	30%	30%	30%	20%	30%
	Nonresidential uses	50%	30%	30%	20%	30%
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.

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 3,000 SF if a small island lot per Subsection 7.6.4	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 3,000 SF if a small island lot per Subsection 7.6.4	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.)	100 ft.	50 ft., except 30 ft. if a small island lot per Subsection 7.6.4	40 ft.	40 ft.	
Front setback (min.)	20 ft.	20 ft. or the average of adjacent front yards, whichever is less	5 ft. or the average of adjacent front yards <u>minus- 5 ft., whichever is less</u>	5 ft. or the average of adjacent front yards <u>minus- 5 ft., whichever is less</u>	
Rear setback (min.)	Principal structures and detached accessory structures (≥250 SF footprint)	30 ft.	25 ft., except 15 ft. if a small island lot per Subsection 7.6.4	10 ft.	10 ft.
	Detached accessory structures (≤250 SF footprint)	5 ft.	5 ft., except 3 ft. if a small island lot per Subsection 7.6.4	5 ft.	5 ft.
Side setback, interior (min.)	Principal structures and detached accessory structures (≥250 SF footprint)	20 ft.	12 ft., except 8 ft. if a small island lot per Subsection 7.6.4. Small island lots may reduce one side setback to no less than 6 ft. provided that the cumulative side yards are not less than 16 ft.	10 ft.	10 ft.
	Detached accessory structures (≤250 SF footprint)	5 ft.	5 ft., except 3 ft. if a small island lot per Subsection 7.6.4	5 ft.	5 ft.
Side setback, corner (min.)	20 ft.	12 ft., except 8 ft. if a small island lot per Subsection 7.6.4	10 ft.	10 ft.	
Structure height (max.)	35 ft.	35 ft., except 27 ft. on Little Diamond Island	35 ft.	35 ft.	
Detached accessory structure height (max.)	18 ft.	18 ft.	18 ft.	18 ft.	
Lot coverage (max.)	20%	40%, except 60% if small island lot per Subsection 7.6.4	60%	60%	
Landscaped open space ratio (min.)	70%	50%, except 30% if a small island lot per Subsection 7.6.4	20%	20%	



DIMENSIONAL STANDARDS

TABLE 7-C: MIXED-USE ZONE DIMENSIONAL STANDARDS

	B-1	B-2/B-2b	B-3	B-4	B-5	B-6 ¹
Lot area (min.)	--	--	--	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 lot in a residential zone	None, except 10 ft. if abutting a lot in a residential zone	--	None, except 20 ft. if abutting a lot in a residential zone	--	--
Side setback, interior (min.)	None, except 5 ft. if abutting a lot in a residential zone	None, except 5 ft. if abutting a lot in a residential zone	--	None, except 10 ft. if abutting a lot in a residential zone	--	--
Structure height (max.)	55 ft., except 35 ft. within 20 ft. of an RN-1, RN-2, RN-3, OS-R, or OS-P zone ²	75 ft., or as shown on the City of Portland Height Map, except 50 ft. within 15 ft. of an RN-1, RN-2, RN-3, RN-4, OS-R, or OS-P zone	See City of Portland Height Map	65 ft.	75 ft., or as shown on the City of Portland Height Map	See City of Portland Height Map
Landscaped open space ratio (min.)	--	B-2: 10% B-2b: None	--	20%	--	--

¹ In the case of a conflict with the B-6 Building Height and Building Envelopes Map, the map shall control.

² In the B-1 zone on Washington Avenue north of Gould Street, structure height shall be limited to 45 ft.

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 lot in a residential zone	None, except 20 ft. if abutting a lot in a residential zone
Side setback, interior (min.)	None, except 10 ft. if abutting a lot in a residential zone	None, except 10 ft. if abutting a lot in a residential zone
Structure height (min./max.) (Unless otherwise governed by the City of Portland Height Map)	Min.: 35 ft. Max. 85 ft., except 50 ft. within 30 ft. of an RN-1, RN-2, RN-3, or RN-4 zone	Min. 35 ft. Max. 125 ft., except 50 ft. within 30 ft. of an RN-1, RN-2, RN-3, or RN-4 zone
Landscaped open space ratio (min.)	10%	--



DIMENSIONAL STANDARDS

TABLE 7-E: OFFICE PARK DIMENSIONAL STANDARDS

O	
Lot area (min.)	10,000 SF, except 3 ac. for an office park
Street frontage (min.)	40 ft., except 100 ft. for an office park
Gross floor area (max.) (Nonresidential uses)	--
Front setback (min.)	15 ft., except 50 ft. for an office park
Rear setback (min.)	20 ft., except 50 ft. for an office park
Side setback, interior (min.)	15 ft., except 25 ft. for an office park, or 40 ft. where an office park abuts a residential zone
Side setback, corner (min.)	15 ft., except 50 ft. for an office park
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.
Lot coverage (max.)	60%
Landscaped open space ratio (min.)	30%, except 40% for an office park

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., except none if abutting a parcel in the OS-R or OS-P zone	50 ft.
Side setback, interior (min.)	10 ft., except none if abutting a parcel in the OS-R or OS-P zone	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 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, 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, private way, 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 IR-2 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 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.** In the RN-1, RN-2, and RN-3 zones, 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.** In the IR-2 zone, the minimum total lot area required for a cottage court residential development is calculated as 3,000 square feet per dwelling, for all proposed dwellings.
 - c.** 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, standards for street frontage, setbacks, lot coverage, and landscaped open space ratio 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.
 - 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.** 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 curbline of the intersecting streets at points 25 feet from the corner, unless said obstruction is reviewed by the Public Works Authority and found not to be a traffic or public safety hazard.

7.5.2 Pedestrian passage required

A. Where a nonresidential or mixed-use 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 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. Passages shall be designed to accommodate pedestrians and, to the extent practicable, bicyclists. Vehicular access and circulation shall not be allowed as a component of a passage.
2. 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.

3. Ground floor uses shall be oriented toward the passage, including public entrances.
 4. 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.
 5. Passages shall be designed to maintain views from one end through to the other.
 6. Inclusion of decorative elements such as lighting installations or public art within passages is encouraged.
 7. 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.
 8. For the purposes of any build-to zone requirement, a building passage is considered part of the building façade that meets such requirement.
- B.** Where a nonresidential or mixed-use 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 (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.
 2. 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. 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.
- C.** Where another means of meeting the City’s connectivity goals may be preferable to providing a pedestrian passage as specified in this subsection, the Planning Board or Planning Authority may waive these requirements and approve an alternative design.

7.5.3 Towers

- A. 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.
- B. Stepback required**
1. 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:

- a. Structures subject to standards that require a setback below 125 feet in height shall be exempt from providing additional setback above 125 feet. This exemption applies regardless of the dimension of the required setback at lower building heights.
- b. Structures that voluntarily achieve a total setback, below 105 feet in height of 20 feet or greater from any street or public open space, with at least one setback occurring between 35 and 65 feet in height. No individual setback used to meet this standard shall be less than ten feet in depth.

- 2. Structures with multiple façades abutting a street or public open space are subject to the following:
 - a. Structures with two façades subject to the required setback must meet the standard as established in (A) above for both façades.
 - b. Structures with three façades subject to the required setback must meet the standard as established in (A) above for the two longest building façades. The third façade shall either meet the standard as established in (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.
 - c. Structures with four or more façades subject to the required setback must meet the standard as established in (A) above for the two longest building façades. The remaining building façades shall either meet the standard as established in (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.
- 3. The Planning Board shall have the authority to waive one or more of the

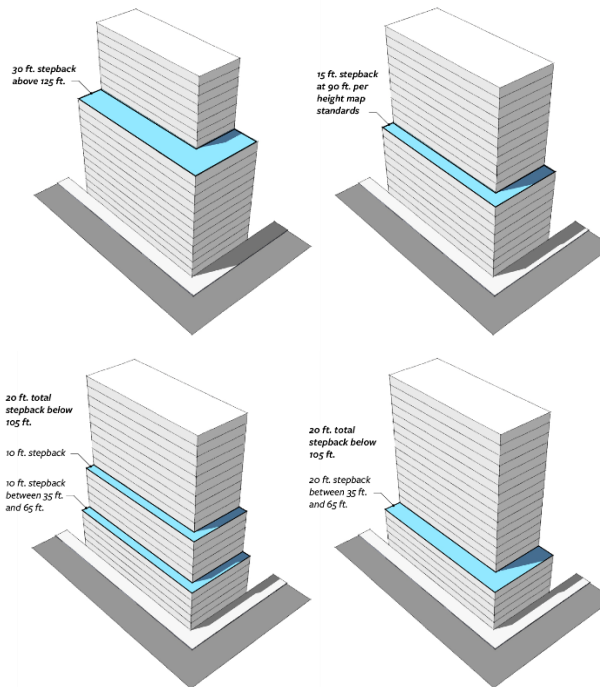


FIGURE 7-J: TOWER STEPBACK

required setbacks provided that one of the following conditions is met:

- a. The depth of the building lot precludes a building having an average minimum lot depth dimension of 170 feet.
 - b. 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.
4. In the event that the Planning Board grants a waiver for one or more of the required setbacks, the Board may require the applicant to mitigate the impacts of the waiver by requiring any or all of the following conditions:
- a. 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.
 - b. 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.

- c. The applicant shall demonstrate that building design elements and location will reasonably mitigate downdraft effects of the proposed building or buildings.
- C. **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.

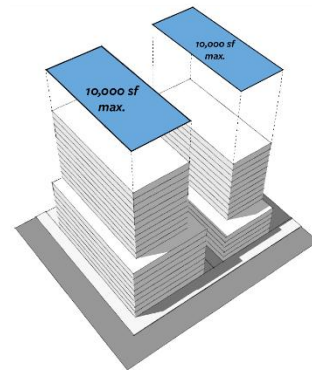


FIGURE 7-K: TOWER FLOOR PLATES

- D. **Tower separation.** In order to preserve view corridors and to maintain a varied skyline, the following tower separation requirements apply:
- 1. 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, except for towers located within a single development site.

2. Towers within a single development site shall be separated to avoid the appearance of a tall, solid block massing.
3. 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.
4. 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 shall be entitled to meet the 50% building requirement in aggregate for all such buildings over 125 feet in height, provided that view corridors are retained as each phase is built.

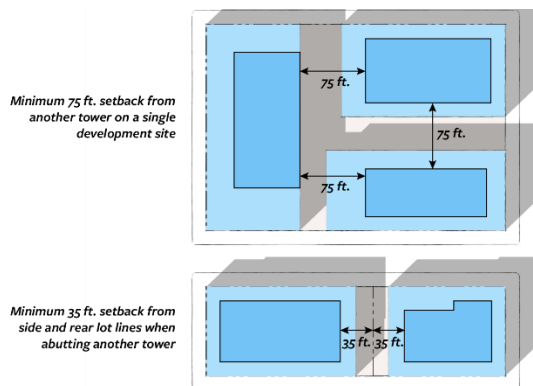


FIGURE 7-L: TOWER SEPARATION

E. Architectural cap allowance

1. 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.

2. No habitable floor area shall be created within the building envelope provided by an architectural cap, unless the following standards are met:
 - a. 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.
 - b. 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.

7.5.4 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 SPACE AND BULK EXCEPTIONS

7.6.1 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 Freedom Way.
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 20 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, access vestibules, tanks, fans, or other building operating equipment not intended for human occupancy, pedestal paver systems and decks up to 18 inches in height above the surface of the roof, deck railings or

guards, skylights, steeples, flag poles, chimneys, smokestacks, water tanks, or silos may be erected above the height limitations herein prescribed. Unenclosed shade structures covering up to 200 square feet in floor area, and other appurtenances associated with rooftop occupancy may be erected to a height not exceed ten feet above the surface of the roof.

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.

7.6.2 Building length

A. Additions to existing buildings

1. In the B-2b, additions to buildings existing as of the effective date of this Code that do not cumulatively exceed 50% of the building footprint as of the effective date of this Code 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 the effective date of this Code that do not cumulatively exceed 25% of the building footprint as of the effective date of this Code 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 Freedom Way 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.

D. The Planning Board may approve a different building length to comply with the standards of the City of Portland *Design Manual* provided that the building length standard is met to the maximum extent practicable.

7.6.3 Landscaped open space ratio

In the calculation of landscaped open space ratio in the RN-4 and B-2 zones, green roofs may be counted as landscaped open space.

7.6.4 Lot area

A. Small island lots

1. Existing developed and undeveloped lots in the IR-2 zone on Peaks Island that do not meet the 20,000 square foot minimum lot area standard as of the effective date of this Code shall be deemed to be small island lots, subject to modified lot area, street frontage, setback, lot coverage, and landscaped open space ratio requirements for residential uses. These standards apply only to lots in the IR-2 zone on Peaks Island.
2. The standards for small island lots shall apply to existing residential uses as well as new residential development on qualifying lots. The small island lot standards shall not apply to lots in nonresidential use or to nonresidential development in the IR-2 zone.
3. A new dwelling may be built on a small island lot subject to modified dimensional standards, provided that the lot is currently vacant, in residential use, used exclusively for parking, or contains structure(s) not used for residential purposes.
4. New small island lots may only be created by a single lot division of an existing lot, with the remaining developed portion meeting the standard dimensional requirements of the IR-2 zone. Further division of the remaining lot to create additional small island lots is prohibited.
5. Lots created as part of a cottage court development in the IR-2 zone shall not be

considered small island lots, and shall be subject to the standards for cottage court development.

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.

7.6.5 Setbacks

A. Permitted encroachments into required setback areas

1. Setbacks do not apply to fences, retaining walls, raised garden beds, and other similar structures.
2. 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 within the side or rear setback or 250 square feet within the front setback, ~~nor the projection from the building exceed six feet.~~ Stairs necessary to access a porch shall not be included in this calculation. The porch, including stairs, may project up to six feet into the setback. 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.
3. 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 [accessory structures](#), 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.
4. 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.
5. 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 13 and the City of Portland *Design Manual*.
6. 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 sited 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.
7. 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 Freedom Way 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.

8. 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 the effective date of this Code that do not cumulatively exceed 50% of the building footprint as the effective date of this Code. 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 the effective date of this Code that do not cumulatively exceed 25% of the building footprint as of the effective date of this Code. However, any such additions shall increase conformity with the standards to the extent practicable.

C. Minimum setback exceptions for nonconforming lots

1. In the case of a nonconforming lot existing as of June 5, 1957 in the RN-1, RN-2, RN-3, and RN-4 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 nonconforming lot 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, RN-2: No side setback shall be reduced to less than 5 feet.
 - b. RN-3: One side setback may be reduced to zero 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 zero foot setback.

7.6.6 Stepbacks and areas of limited height adjacent to RN or open space zones

- A. A cornice eave, sill, canopy, chimney, bay window, balcony, or other similar architectural feature may project into any required stepback or area of limited height adjacent to an RN or open space zone a distance of not more than two feet.
- B. Building mounted mechanical equipment may encroach into a required stepback or area of limited height adjacent to an RN or open space zone by no more than 50% of the width of such

required setback. This includes mechanical equipment related to the operation of the structure, such as heating, ventilation, and air conditioning (HVAC) equipment.

7.6.7 Street frontage

In the IR-1 and IR-2 zones, a lot 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.

7.6.8 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.



8 OVERLAY ZONES

8.1 COASTAL FLOOD RESILIENCE OVERLAY (CFROZ)

8.1.1 Purpose

The purpose of the Coastal Flood Resilience Overlay Zone (CFROZ) is to protect persons and structures from the adverse effects of sea level rise and storm surge associated with climate change by:

- A. Advancing adaptation strategies for long-term resilience.
- B. Complementing public realm resilience measures by guiding development on private property.
- C. Mitigating flood risks in a way that is specific to Portland's unique hydrological conditions and affected uses, particularly in areas that are not currently recognized as flood zones but are vulnerable to future sea level rise.
- D. Providing a balanced framework in which flood protection requirements are proportional to the vulnerability and risks of various occupancies.

8.1.2 Applicability

The provisions of the CFROZ shall apply to property or proposed projects wholly or partially within the boundaries of the Coastal Flood Resilience Overlay Zone as depicted on the City of Portland Zoning Map. However, property or proposed projects within the CFROZ boundary that are also located wholly or partially within special flood hazard areas with a BFE of 13 feet or higher as defined in Article 12 shall be exempt from the provisions of the CFROZ.

8.1.3 Relationship to underlying zoning

The CFROZ constitutes an overlay zone. The provisions

of the underlying zoning, as they may be amended from time to time, continue to apply, except as expressly superseded by this Section. Where conflicts exist between this Section and the remainder of this Code, the more restrictive provision shall govern.

8.1.4 Use classifications

- A. For the purposes of this Section, uses in the CFROZ shall be classified as follows:
 - 1. *Critical uses.* Critical uses generally include residential, governmental, educational, medical, emergency, and related high-risk uses.
 - 2. *Non-critical uses.* Non-critical uses generally include retail, restaurant, commercial, and related medium-risk uses.
 - 3. *Exempt uses.* Exempt uses generally include low risk and low occupancy uses such as parking, construction yards, and storage.
- B. Table 8-A shall determine whether a use is classified as critical, non-critical, or exempt. For uses not listed in Table 8-A, the Building Authority or the Planning Authority shall determine the classification based upon the most nearly comparable land use. Water-dependent uses shall be considered exempt.
- C. All accessory uses shall be considered non-critical, with the following exceptions:
 - 1. Accessory dwelling units.
 - 2. Child care centers and small child care facilities greater than 1,000 square feet in floor area.
 - 3. Clinics greater than 1,000 square feet in floor area.



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TABLE 8-A: CLASSIFICATION OF USES AS CRITICAL, NON-CRITICAL, OR EXEMPT

		Critical	Non-Critical	Exempt
Residential	Single-family dwellings	●		
	Two-family dwellings	●		
	Three-family dwellings	●		
	Four-family dwellings	●		
	Townhouse dwellings	●		
	Multi-family dwellings	●		
	Live/work dwellings	●		
	Group homes	●		
	Lodging houses	●		
	Child care centers + small child care facilities	●		
Institutional	Clinics	●		
	Cultural facilities	●		
	Elementary, middle, and secondary schools	●		
	Emergency shelters	●		
	Governmental uses	●		
	Hospitals	●		
	Places of assembly	●		
	Post-secondary schools	●		
	Residential care facilities (small)	●		
	Residential care facilities (large)	●		
Commercial	Adult business establishments		●	
	Animal-related services		●	
	Auto, boat, and related dealerships		●	
	Auto service stations			●
	Bars		●	
	Bed and breakfasts	●		
	Exhibition, meeting, and convention halls		●	
	Funeral homes		●	
	General offices		●	
	General services		●	
	Greenhouse/Nursery, retail			●
	Hostels	●		
	Hotels	●		
	Marijuana retail store		●	
Market garden			●	



OVERLAY ZONES

TABLE 8-A: CLASSIFICATION OF USES AS CRITICAL, NON-CRITICAL, OR EXEMPT

	Critical	Non-Critical	Exempt	
Commercial	Neighborhood nonresidential reuse	●		
	Office park	●		
	Recreation and amusement centers	●		
	Registered marijuana dispensary	●		
	Restaurants	●		
	Retail	●		
	Small-scale marijuana caregiver	●		
	Specialty food service	●		
	Theaters and performance halls	●		
	Veterinary services	●		
	Communication studios	●		
	Construction & engineering services	●		
	Dairies			●
	Fish waste processing		●	
Industrial	Food & seafood processing, packing, and distribution	●		
	High-impact industrial uses	●		
	Impound lots			●
	Intermodal transportation facilities	●		
	Laboratory and research facilities	●		
	Low-impact industrial	●		
	Lumber yards			●
	Marijuana cultivation facility (<2,000 SF plant canopy)			●
	Marijuana cultivation facility (2,000-7,000 SF plant canopy)		●	
	Marijuana cultivation facility (>7,000 SF plant canopy)		●	
	Marijuana manufacturing facilities		●	
	Marijuana testing facilities		●	
	Printing and publishing		●	
	Recycling facilities			●
Self-storage		●		
Solid waste disposal facilities			●	
Studios for artists and craftspeople		●		
Telecommunication towers (ground-mounted)			●	
Warehousing and distribution		●		



OVERLAY ZONES

TABLE 8-A: CLASSIFICATION OF USES AS CRITICAL, NON-CRITICAL, OR EXEMPT

	Critical	Non-Critical	Exempt
Agriculture			●
Boathouses and storehouses for fishing equipment			●
Campgrounds			●
Cemeteries			●
Marinas and yacht clubs			●
Marine uses			●
Off-street parking			●
Parks and open spaces			●
Social service centers	●		
Solar energy system (minor)			●
Solar energy system (major)			●
Utility substations	●		
Wharves, piers, docks, and landing ramps			●
Wind energy system (minor)			●
Wind energy system (major)			●

Other

8.1.5 Projects subject to the standards of the CFROZ

- A.** Any development located within the established boundary of the CFROZ, and which meets the thresholds listed below, shall be subject to the standards of the CFROZ.
 - 1.** All new construction containing a critical use or uses.
 - 2.** New construction of greater than 1,000 square feet containing non-critical uses only.
 - 3.** Any addition of greater than 1,000 square feet containing critical or non-critical uses.
- B.** Where a change of use occurs within the CFROZ, all portions of a building containing a critical use and the critical systems supporting such use shall meet the CFROZ standards. Changes of use to non-critical uses shall not require compliance with the CFROZ standards.

- C.** Structures within the CFROZ that are 50,000 square feet or greater in gross floor area and undergoing substantial improvement are required to meet the CFROZ standards when they contain a critical use or uses. For the purposes of this subsection, substantial improvement shall be as defined in Article 12.

8.1.6 Use and dimensional requirements

- A. Sea level rise design flood elevation (SLR-DFE).** The required SLR-DFE shall be determined by use classification. For mixed-use developments that contain uses in different classifications sharing a ground floor, each use shall be addressed independently.

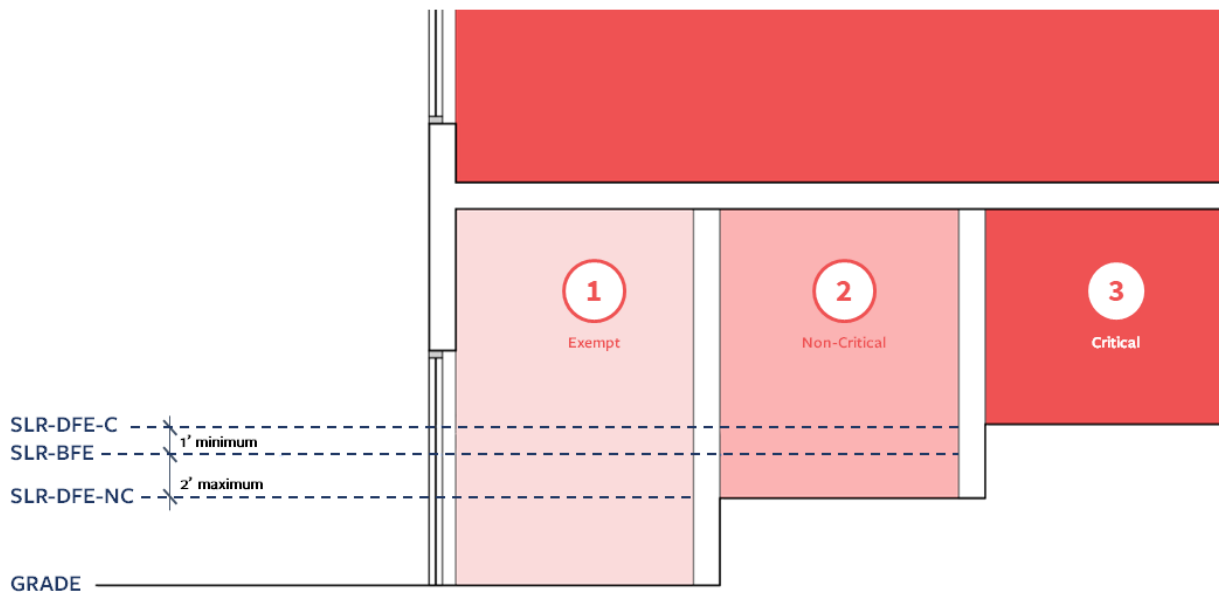


FIGURE 8-A: CFROZ USE CLASSIFICATIONS AND DESIGN FLOOD ELEVATION

1. *Critical uses.* The SLR-DFE for all critical uses (SLR-DFE-C), including the critical systems serving such uses, shall be a minimum of one foot above SLR-BFE, as defined in Article 3. In a proposed project containing critical uses, the following building and site elements are permitted to be located below the SLR-DFE:
 - a. Lobbies, entries, egress stairs, and elements required for vertical circulation from the SLR-DFE to grade, such as elevators, ramps, and stairs.
 - b. Parking.
 - c. Storage.
 - d. Flood protection equipment.
 2. *Non-critical uses.* The SLR-DFE for non-critical uses (SLR-DFE-NC), including the critical systems serving those uses, shall be no lower than two feet below SLR-BFE, as defined in Article 3. The minimum elevation of the underside of the beams supporting the second floor in a multi-story building, or the roof in a one-story building, shall be no less than 13 feet above SLR-BFE. In a proposed project containing non-critical uses, the following building and site elements are permitted to be located below SLR-DFE:
 - a. Lobbies, entries, egress stairs, and elements required for vertical circulation from the SLR-DFE to grade, such as elevators, ramps, and stairs.
 - b. Parking.
 - c. Storage.
 - d. Flood protection equipment.
 3. *Exempt uses.* Exempt uses shall not be subject to dimensional requirements with respect to SLR-BFE.
- B. Building height.** Within the CFROZ, if a proposed project contains principal critical or non-critical uses on the ground floor, height shall be measured from the SLR-DFE or from

average grade, whichever is higher.

C. Exemptions for required ramping and stairs.

Ramping and stairs necessary to meet any required SLR-DFE may be included within the calculation of area required to meet landscaped open space ratio requirements, and shall not be included within the calculation of lot coverage. Ramping and stairs necessary to meet any required SLR-DFE may be located in any required front yard, interior or corner side yard, or rear yard, and in cases where build-to requirements apply, shall be considered to meet the build-to percentage.

D. Hazardous materials. Any hazardous materials shall be fully contained and elevated a minimum of two feet above SLR-DFE.

8.2 FORT SUMNER PARK HEIGHT OVERLAY

8.2.1 Purpose

The purpose of the Fort Sumner Park Height Overlay is to protect the public interest by limiting the impact of development on the quintessential views of natural resources and the changing Portland skyline from Fort Sumner Park.

8.2.2 Applicability

A key apex point is established in Fort Sumner Park at 43° 40' 2.3359" N. 70° 15' 4.3687" W . The Fort Sumner Park Height Overlay includes all land within 200 feet to the west of this key apex point as indicated on the City of Portland Zoning Map.

8.2.3 Standards

Notwithstanding any other section of this Land Use Code, development in the Fort Sumner Park Height Overlay shall be subject to the following additional provisions:

- A.** The top of structures, including rooftop appurtenances, within the overlay shall not exceed the baseline vertical height of the apex point (160.27' City of Portland Datum (Mean Tide)). For each 25' radially away from the apex point, the vertical height permitted in the overlay is reduced by 1 foot. (See Figure 8-B.)
- B.** The minimum building setback from the park property shall be 15 feet.

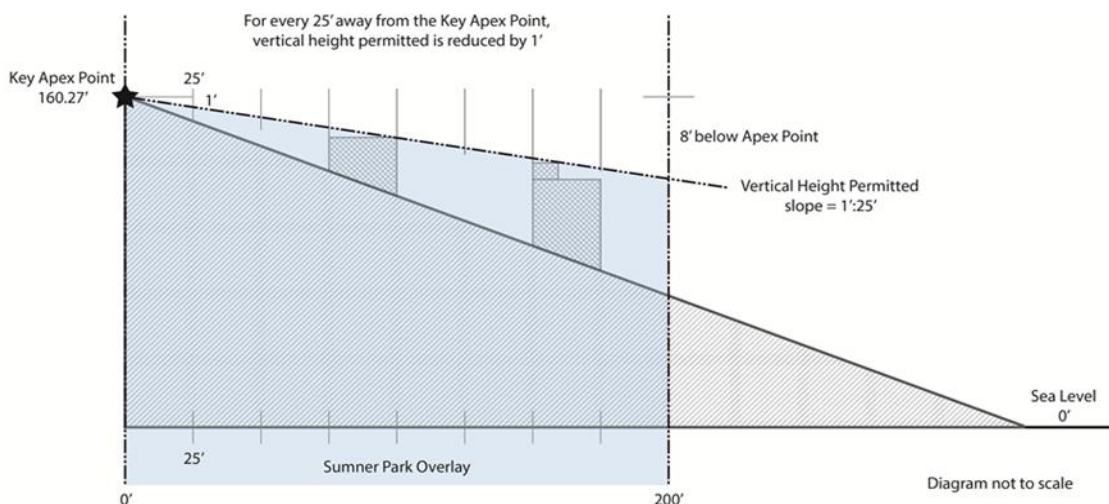


FIGURE 8-B: FORT SUMNER PARK OVERLAY PERMISSIBLE HEIGHT



8.2.4 Review process

Any project within the Fort Sumner Park Overlay shall go before the Parks Commission for a recommendation to the Planning Board regarding potential impacts on Fort Sumner Park.

8.3 INSTITUTIONAL OVERLAY (IOZ)

8.3.1 Purpose

The Institutional Overlay Zone (IOZ) provides a regulatory tool available to the city's major medical and higher education campuses where an alternative regulatory structure is needed to facilitate a consistent, predictable, and clear growth management process. The purposes of the Institutional Overlay Zone are to:

- A. Acknowledge that the city's major academic and medical institutions play a prominent role in the health and well-being of the local and regional community, and to sustain that role, these institutions need flexibility to change and grow.
- B. Encourage proactive planning for institutional change and growth which identifies and addresses likely long-term institutional needs and cumulative impacts while leveraging potential benefits at the neighborhood, city, and regional level.
- C. Ensure that institutional change and growth both complements and, as appropriate, integrates adjacent or surrounding neighborhoods through carefully planned transitions.
- D. Support the formation and continuation of mutually beneficial public-private cooperation.
- E. Support an ongoing public engagement process that benefits both the institutions and nearby neighborhoods.
- F. Reflect Comprehensive Plan and other policy

objectives.

- G. Provide a regulatory tool for Portland's major institutions that includes the flexibility required to balance the particular needs of institutions with the needs of the surrounding neighborhood and wider community.

8.3.2 Location and applicability

The city's major medical and higher education institutions are eligible to apply for designation as Institutional Overlay Zones. Use of an Institutional Overlay Zone is encouraged for these institutions, particularly where proposed future development may be inconsistent with current base zoning.

8.3.3 Establishment

A. Application for an Institutional Overlay Zone.

Where an eligible institution seeks designation as an IOZ, they shall submit a zone change application consisting of two components:

- 1. An Institutional Development Plan (IDP) in accordance with Subsection 8.3.4.
- 2. A regulatory framework in accordance with Subsection 8.3.5. If adopted, this framework shall serve as the text and map amendment to the City's Land Use Code and zoning map.

- B. **Required public involvement.** At least two neighborhood meetings shall be required to establish designation as an IOZ. The first shall be held prior to the formal submission of a zone change application, and the second shall be held during the City's review. Meetings shall identify the concerns, if any, of affected residents and property owners, and should solicit feedback to inform the Institutional Development Plan (IDP) and regulatory framework proposed. Meetings shall be held in

a convenient location proximate to the institution. The applicant shall provide written notification to property owners of record within 500 feet of the proposed IOZ boundary at least ten days prior to the meeting dates, and shall maintain written records of the meetings.

- C. Required scoping meeting.** The eligible institution shall meet with the Planning Authority after the first required neighborhood meeting and prior to submission of the zone change application to confirm the focus of the Institutional Development Plan (IDP) and regulatory framework, including associated study areas that may be outside of the proposed IOZ boundary. The IDP and regulatory framework will vary in detail and focus depending on the eligible institution and its context. The content requirements in Subsections 8.3.4 and 8.3.5 and the recorded comments from neighborhood meeting(s) shall provide direction for the content of the IDP. The Planning Authority or Planning Board may require additional information or modify content requirements as is relevant to the eligible institution.
- D. Reviewing authority.** The Planning Board shall review the zone change application, including the IDP and regulatory framework. At least one public workshop and a public hearing before the Planning Board are required. Upon recommendation of the Planning Board, the City Council shall review and consider adoption of the Institutional Overlay Zone and the accompanying regulatory framework as an amendment to the City's Code of Ordinances.
- E. Future institutional development.** All new development shall be compliant with the established IOZ and accompanying regulatory

framework. It shall also be consistent with the IDP, consistent with the Comprehensive Plan, and shall meet applicable site plan standards, unless such standards are superseded by the regulatory framework. Any development proposed by an eligible institution outside the established IOZ boundary shall be reviewed under the standards of the applicable zone, unless such development is proposed in a residential zone and is functionally related to the operations within the IOZ, in which case it shall be addressed by the IDP and require an amendment to the IDP as applicable.

8.3.4 Institutional Development Plan (IDP)

- A. Purpose.** Any use conducted by an eligible institution and any construction by an eligible institution in an Institutional Overlay Zone shall be consistent with an Institutional Development Plan (IDP) approved by the Planning Board in accordance with this section. The purpose of the IDP is to establish baseline data about institutional land uses, facilities, and services, and to measure, analyze, and address the anticipated or potential impacts of planned institutional growth and change. The IDP shall serve as a background document that supports the proposed regulatory framework and informs subsequent site plan review(s).
- B. Planning horizon.** An IDP shall provide the City and abutting neighborhoods with a clear outline of the anticipated or potential growth and change of the eligible institution for the short- to medium-term (e.g. 1-5 and 5-10 years respectively), as well as a conceptual growth plan for the long-term (e.g. 10 years or more). However, the specific planning horizons for each institution will be determined as part of



the IDP approval process.

C. Content. The IDP submission shall address the following elements unless specifically modified by the Planning Authority or Planning Board, with the scope and level of detail to be clarified at the required scoping meeting:

- 1.** Context information, including:
 - a.** The institution’s adopted mission, vision, or purpose statement.
 - b.** A summary of relevant baseline data on the institution, including:
 - i.** A neighborhood context plan.
 - ii.** An inventory of current programs and services.
 - iii.** A current census of the number of people using the institution (e.g., employees, enrollment, patients), with an indication of maximums and minimums over time.
 - iv.** An inventory and/or plan of all existing property holdings within the main campus and within the City of Portland, including an indication of functional land use links between off-campus properties and the main campus (e.g. remote parking).
 - v.** An inventory and/or plan of existing facilities, including data on use, floor area, and any existing functional connections between facilities.
 - c.** A summary of the baseline characteristics of the existing campus and context of the institution, based on identified study areas, including:

- i.** A summary of existing resources, such as historic, open space, and natural resources.
 - ii.** A summary of the existing transportation system, including vehicular, pedestrian, transit, bicycle, and parking supply, demand, and utilization.
 - iii.** A summary of existing public infrastructure supporting the institution, including demand, utilization and any capacity issues.
 - iv.** Relevant municipal plans, projects, and studies that may influence the IDP study area and opportunities for integrating institutional growth.
 - d.** A summary of public involvement in the development of the IDP, including major areas of public concern.
- 2.** Assessment of future institutional growth and change, including:
 - a.** A description of institutional needs and areas of future institutional growth and change, with:
 - i.** A projected census of users (e.g., enrollment /employment/patient/ visitor figures and anticipated variations over time).
 - ii.** Institutional objectives for property both within and outside the IOZ boundary (e.g. acquisition and/or disposition), including an indication of any functional land use connection for sites outside the IOZ boundary to the main campus.



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of the analysis and including a proposed program or set of guidelines to support sustainable growth.

- iv.** Design, with:
 - a)** An analysis of projected impacts to neighboring properties and public spaces, including potential shadow, wind, and lighting impacts, impacts of height and massing, and impacts to historic resources.
 - b)** An analysis of transition areas between the institution and adjoining neighborhoods, including identification of key character defining components of the surrounding context.
 - c)** An analysis of existing Crime Prevention Through Environmental Design issues and identification of how these principles would be addressed as part of the proposed campus development.
 - d)** A conceptual built environment/public realm plan, representing the synthesis of the analysis and including a set of guidelines for urban design, landscape, open space, and streetscape treatments, with particular attention to

the treatment of edges (both within and abutting the IOZ boundary) to achieve compatible transitions.

- v.** Neighborhood engagement, with:
 - a)** A plan for ongoing community engagement that represents best practices, promotes collaborative problem solving around community concerns, fosters transparency, and identifies mechanisms for neighborhood feedback and institutional accountability.
 - b)** A property management framework that identifies the institution’s process for handling operational property issues with neighbors.
 - c)** Strategies for assuring communication pertaining to property acquisition and disposition in surrounding neighborhoods.
 - d)** A set of construction management principles to apply to all institutional construction, that represent best practice, aim to minimize short- and long-term construction impacts on surrounding residents and businesses, and ensure a clear

communication strategy is in place in advance of construction.

D. Standards of review. The IDP shall:

1. Address all content requirements, unless explicitly modified by the Planning Authority or Planning Board.
2. Reflect the issues/topics identified in the required public process.
3. Demonstrate consistency with the City's Comprehensive Plan and the purpose of this ordinance.
4. Demonstrate how the property ownership, proposed growth, and requested regulatory framework relate to the institution's mission.
5. Demonstrate that traffic and parking impacts have been anticipated and that the proposed parking provision is justified as based on an assessment of options for reducing traffic and parking demands.
6. Outline an approach to open space, natural, and historic resources that supports preservation and enhancement.
7. Demonstrate that potential cumulative environmental impacts have been anticipated and can be minimized or satisfactorily mitigated.
8. Demonstrate that utility impacts have been anticipated and can be minimized or satisfactorily mitigated.
9. Reflect a comprehensive design approach that ensures appropriate transitions with the existing or future scale and character of the neighboring urban fabric.
10. Promote compatibility with existing or future uses in adjacent neighborhoods, maintain housing, and support local

amenities.

11. Anticipate future off-site improvements that would support the integration of the institution into the community and city-wide infrastructure.
12. Conform with the standards of Article 16 for designated landmarks or for properties within designated historic districts or designated historic landscapes, if applicable.
13. Incorporate strategies to support clear communication and ongoing public engagement between institutions and nearby neighbors.

E. Approval. Upon finding that an eligible institution's IDP meets the standards of review, the Planning Board shall approve, approve with conditions, or deny an IDP.

F. Monitoring. The IDP shall establish a schedule for reporting on IDP implementation at regular intervals of not more than ten years from the date of approval of the initial or amended IDP, and identify thresholds for IDP amendments.

G. Amendments. An approved IDP shall guide campus development unless and until amended. If at any time the eligible institutions request minor amendments to an approved IDP, the Planning Authority may approve such minor amendments, provided that they do not constitute a substantial alteration of the IDP and do not affect any condition or requirement of the Planning Board. The applicant shall apply with a written statement of the proposed amendment and proposed amended IDP to the Planning Authority, whose decision as to whether the amendment is minor shall be final. Major amendments shall be reviewed by the Planning Board. When the IDP is amended, the



baseline data in the IDP shall be updated as appropriate.

8.3.5 Regulatory framework

- A. Purpose.** The regulatory framework translates the IDP into a set of clear and specific zoning requirements for the IOZ that constitute the text and map amendments to the City's Land Use Code and zoning map. The zoning requirements are anticipated to include parameters that guide the growth and change of the institution as well as broad strategies to address potential impacts, with plans and details to be developed under site plan review.
- B. Applicability.** The regulatory framework shall apply only to properties that are within the IOZ boundary and to which the eligible institution holds right, title, or interest. For these properties, the Institutional Overlay Zone shall supersede the underlying zoning, and all new institutional development shall be conducted in compliance with the regulatory framework and the approved Institutional Development Plan. Properties located within the Institutional Overlay Zone not subject to right, title, or interest of the eligible institution shall continue to be governed by the regulations of the underlying zoning designation.
- C. Uses.** Institutional uses, including hospitals and higher education facilities, shall be permitted, as shall uses that are functionally integrated with, ancillary to, and/or substantively related to supporting the primary institutional use, consistent with the applicable approved IDP.
- D. Content.** The regulatory framework shall reflect the information and analysis of the IDP. The content shall be tailored to address the issues associated with the institution and its

neighborhoods. The regulatory framework should be succinct and use tables and graphics to address the following, if applicable:

1. *Zoning boundary of the IOZ.* The area to which the regulations apply, as shown on the zoning map, subject to other provisions of this ordinance (i.e. the map amendment to the City's zoning map).
2. *Phasing and schedules.* Requirements that relate to proposed phases; a chart showing the schedule or thresholds for submitting an amended IDP (or elements of an IDP, such as a Transportation Demand Management (TDM) Plan).
3. *Uses.* Clarification, as necessary, on permitted uses.
4. *Dimensional requirements.* Graphics, sketches, or standards, including details for transition zones within the IOZ boundary.
5. *Transportation.* Elements such as Transportation Demand Management Plan (TDM) trip reduction targets or contribution to area-wide TDM measures; broad parameters for ensuring pedestrian, vehicular, bicycle and transit access and safety; parking ratios and management strategies; thresholds for access improvements.
6. *Environment.* The approach to the inclusion of open space and preservation of environmentally-sensitive areas.
7. *Mitigation measures.* The broad approach to identified mitigation measures, which would be addressed in greater detail in the site plan review process; thresholds for addressing deficiencies; goals for preservation/protection.
8. *Design.* Graphics and standards to clarify building placement and envelope (height

and massing); guidelines for integration of site features; required treatments for transition zones and treatment for all edges (both within and abutting the IOZ boundary); guidelines for establishing campus identity.

9. *Neighborhood integration.* Thresholds and strategies for neighborhood engagement; mitigation of impacts on neighboring properties, including construction impacts; buffering requirements; objectives for pedestrian linkages and safety; other requirements that address community concerns.
10. *Monitoring.* A schedule for regular monitoring reports on IDP implementation in accordance with the IDP.

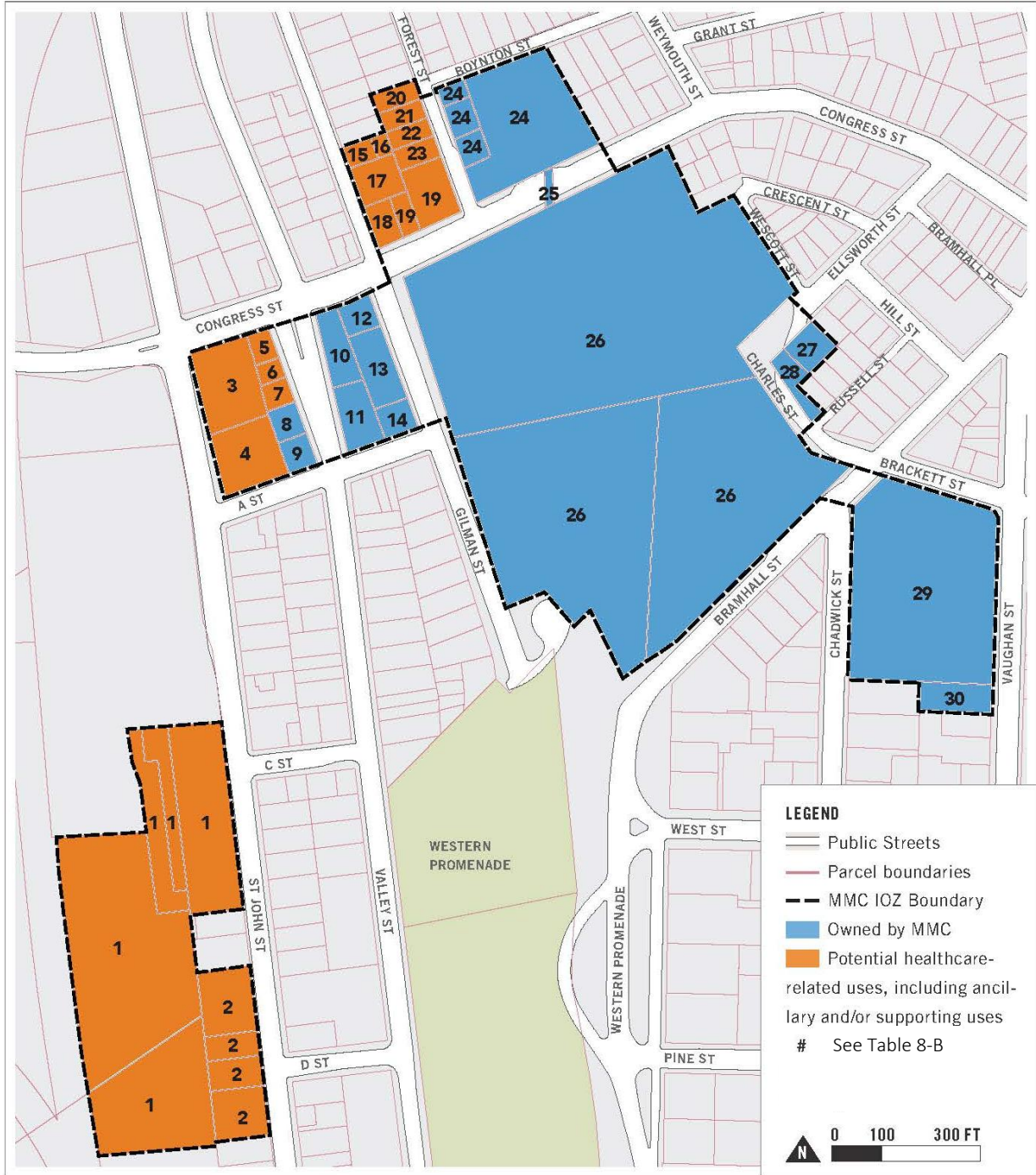
- E. Standards of review.** The regulatory framework shall:
1. Be consistent with the Comprehensive Plan and the Institutional Development Plan.
 2. Provide a clear zoning framework, using graphics and tables as appropriate, to apply to future site plan reviews.
 3. Provide specific regulatory statements as appropriate that respond to concerns raised during the required public involvement.
 4. Outline measurable goals and thresholds for improvements or other actions identified in the IDP to be advanced in subsequent site plan applications.

- F. Approval/adoption.** The Planning Board shall review the proposed regulatory framework against the standards of review and make a recommendation on the institution's IOZ designation and regulatory framework to the City Council for adoption as part of this Land Use Code.

- G. Amendments.** A regulatory framework and IOZ boundary as adopted by the City Council shall remain in force unless and until amended. Amendments to a regulatory framework and/or IOZ boundary may be brought forth by the City or eligible institution. Proposed amendments to the IOZ boundary or regulatory framework shall be reviewed by the Planning Board and adopted by the City Council subject to the provisions of this ordinance.

8.3.6 Maine Medical Center Institutional Overlay Zone Regulatory Framework

- A. Applicability.** All development proposed by Maine Medical Center (MMC) within the boundary of the MMC Institutional Overlay Zone (IOZ) shall be consistent with the approved Institutional Development Plan (IDP), consistent with the Comprehensive Plan, and meet applicable standards of the Land Use Code, unless such standards are superseded by the following regulatory framework. This regulatory framework shall govern future development by MMC within the IOZ unless amended by the Portland City Council upon formal application of MMC. The MMC Institutional Overlay Zone shall have the boundaries depicted in Figure 8-C, and shall include the properties listed in Table 8-B.
- B. Updates and amendments.** It is intended that the IDP will be updated on a regular basis to



Note: Refer to Table 8-C for a list of permitted uses.

FIGURE 8-C: MMC IOZ BOUNDARY



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TABLE 8-B: LIST OF PROPERTIES INCLUDED IN THE MMC IOZ

Map#	Legal Description	Address	Acreage	Ownership
1	64-A-2-8-9-11/74-A-7/75-A-6	222 St John St.	4.6516	Owned by others
2	68-D-1-3-13-14-16	180 St John St.	0.9494	Owned by others
3	65-G-1	950 Congress St.	0.4628	Owned by others
4	64-B-1	275 St John St.	0.4163	Owned by others
5	65-G-2	942 Congress St.	0.0659	Owned by others
6	65-G-3	940 Congress St.	0.0482	Owned by others
7	65-G-4	274 Valley St.	0.0667	Owned by others
8	65-G-5	268-270 Valley St.	0.0978	MMC
9	64-B-2	262-266 Valley St.	0.0895	MMC
10	65-H-1	932 Congress St.	0.1864	MMC
11	65-H-9	261 Valley St.	0.2185	MMC
12	65-H-2	930 Congress St.	0.1040	MMC
13	65-H-5	52 Gilman St.	0.2384	MMC
14	65-H-8	44 Gilman St.	0.1128	MMC
15	65-E-22	85 Gilman St.	0.0565	Owned by others
16	65-E-32	85 Gilman St.	0.0282	Owned by others
17	65-E-24	81 Gilman St.	0.1653	Owned by others
18	65-E-28	919 Congress St.	0.1059	Owned by others
19	65-E-29-30	909 Congress St.	0.3233	Owned by others
20	65-E-19	22 Forest St.	0.0826	Owned by others
21	65-E-21	18 Forest St.	0.0831	Owned by others
22	65-E-23	14 Forest St.	0.0826	Owned by others
23	65-E-25	12 Forest St.	0.0883	Owned by others
24	53-I-1-2-3-12	887 Congress St.	1.3400	MMC
25	53-X-1	Congress St. Pedestrian Walkway	---	MMC
26	53-D-7/54-H-1/64-C-1	22 Bramhall St.	12.563	MMC
27	54-C-6	34 Ellsworth St.	0.1341	MMC
28	54-C-10	40 Ellsworth St.	0.1155	MMC
29	54-I-1	308 Brackett St.	2.5200	MMC
30	63-B-8	214 Vaughan St.	0.1983	MMC

Properties owned by MMC are listed under MMC or MMC Realty Corp.

MMC will not extend its functionally-related Bramhall campus hospital operations beyond the boundary of the IOZ within the City of Portland without further amendment to the IDP. This includes any expansion of functionally-related operations that displace residential uses outside of the IOZ boundary. A functional relationship is defined as uses or activities that are traditionally or customarily linked to the day-to-day operations of the MMC Bramhall Campus that would relocate a significant proportion of the total employee population or activities.



ensure that the data is current and that the document remains accurate. Accordingly, monitoring reports will be filed every three years and shall include a summary of progress on IDP implementation and of acquisitions and divestment since the date of IDP approval. At the time of the submission of the monitoring report, MMC shall identify any updates to the IDP which may result from updated master planning, changes in baseline information, or changes in the adjacent neighborhoods which affect MMC, to allow the IDP to remain current. Updates and minor amendments not described below shall be reviewed administratively by the Planning Authority.

1. Minor amendments that impact phasing of the long-term development blocks or change the approach to parking, transportation, neighborhood engagement or design shall be reviewed by the Planning Board for consistency with the objectives of the IDP. In addition to consistency with the objectives of the IDP, review of phasing and development program amendments shall focus on integration with the campus and impacts on transportation or infrastructure. This review may occur simultaneously with the site plan review of an anticipated project.
2. Major amendments shall be reviewed by the Planning Board and are required under the following circumstances:
 - a. A change to the regulatory framework is required.
 - b. The IDP is no longer representative of the institutional mission or approach to community as a result of redevelopment in the area or City

TABLE 8-C: PERMITTED USES

Healthcare facilities, including but not limited to the following ancillary and/or supporting uses:

- Hospital
- Medical office/Clinic
- Laboratory center/services
- Research and development (R&D) laboratory or facility
- Educational facility/Conference center
- Administrative/Business office
- Accessory service or trade uses
- Guest house
- Multi-family housing for healthcare staff and students
- Rehab/Skilled nursing facility
- Retail
- Restaurant/cafe
- Employee service amenities
- Day care center
- Fitness center or gymnasium
- Parking lot or garage
- Bicycle storage
- Heliport
- Antenna station
- Outdoor use areas, such as green areas, parks, gardens, art installations, and other active and passive non-commercial recreation spaces

upgrades to neighborhood planning (such as roadway changes, infrastructure upgrades, community design, lighting).

- c. Development proposed by MMC is inconsistent with the master facility plan, transportation plan intent, design plan intent, or environment and infrastructure plan intent identified in the IDP.
3. Annual monitoring reports will be submitted for MMC’s Transportation

Demand Management (TDM) Plan. TDM monitoring reports shall include a summary of progress towards targets established in the TDM Plan.

- C. Uses.** In addition to the uses permitted in the underlying zone, the uses in Table 8-C are permitted as a matter of right. In recognition that MMC is part of a mixed-use area of the city, with important existing services and businesses that serve the local and wider community, healthcare facility development fronting onto Congress Street and St. John Street shall activate the public realm, to the extent able, with uses such as service and retail/restaurant, landscaping, active building entrances, pocket parks, etc., on the ground or other publicly accessible level, consistent with the design intent contained in the approved IDP. In areas identified in the IDP as “Priority zone for commercially oriented/retail uses,” usable ground floor retail, restaurant, or comparable community-oriented use that provides services to local residents and employees both during the day and evening hours is required. In areas labeled “Street activation through location of windows, entrances, etc.,” usable ground floor retail, restaurant, or community-oriented use is encouraged to the extent practicable. Such uses, where constructed or facilitated as part of a healthcare related development, are expressly permitted whether ancillary or supporting the healthcare facility or not, and shall be open and welcoming to the general public in addition to employees or visitors of MMC.
- D. Dimensional requirements.** The MMC Institutional Overlay Zone shall have the dimensional requirements listed in Table 8-D

and depicted in Figures 8-C and 8-D.

- E. Design.** New buildings within the IOZ shall adhere to the design guidelines set forth in Chapter 5: Design of the IDP and the site plan standards of Article 13.
- F. Signs**
1. At the time of first site plan review following IDP approval, a unified campus-wide signage plan shall be submitted for review and approval by the Planning Authority. Any update to such plan due to a change in name or logo shall not require amendment to the IDP.
 2. Signs shall be designed in accordance with the campus-wide signage plan. All signs shall be designed in proportion and character with building facades and adjacent street typology. All signs shall be coordinated with the building and landscaping design and be constructed of appropriate permanent, high quality materials and finishes.
- G. Transportation**
1. *Transportation Demand Management (TDM)*
 - a. At the time of the first site plan review following IDP approval, MMC shall submit a campus-wide TDM Plan substantially in accordance with those TDM objectives and strategies identified in the approved Institutional Development Plan. The TDM Plan may be phased into short-, mid-, and long-term actions to allow for progressive implementation over time.
 - b. The TDM Plan shall be designed to provide transportation choice with the goal of reducing parking demand

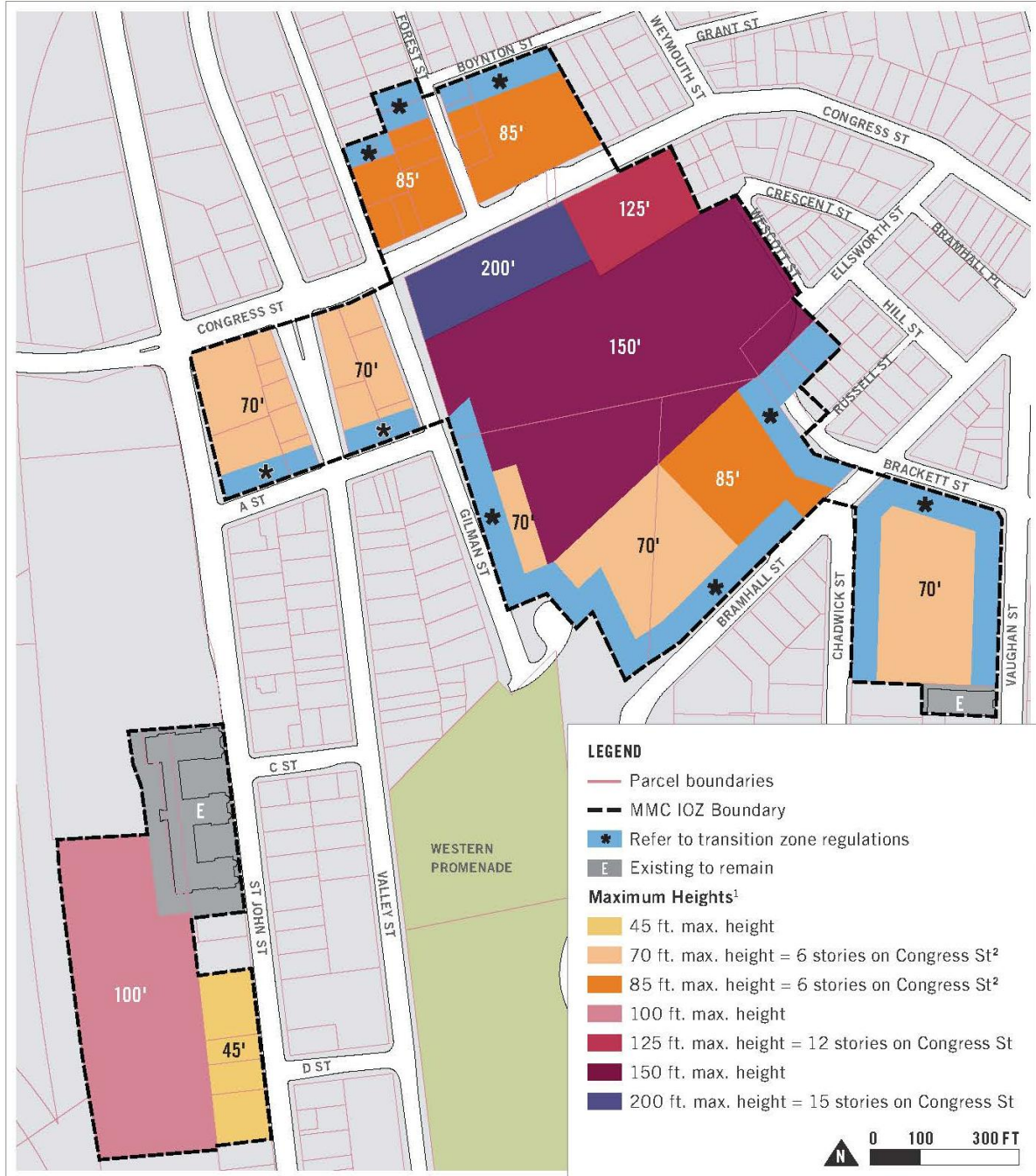


OVERLAY ZONES

TABLE 8-D: MMC IOZ DIMENSIONAL REQUIREMENTS

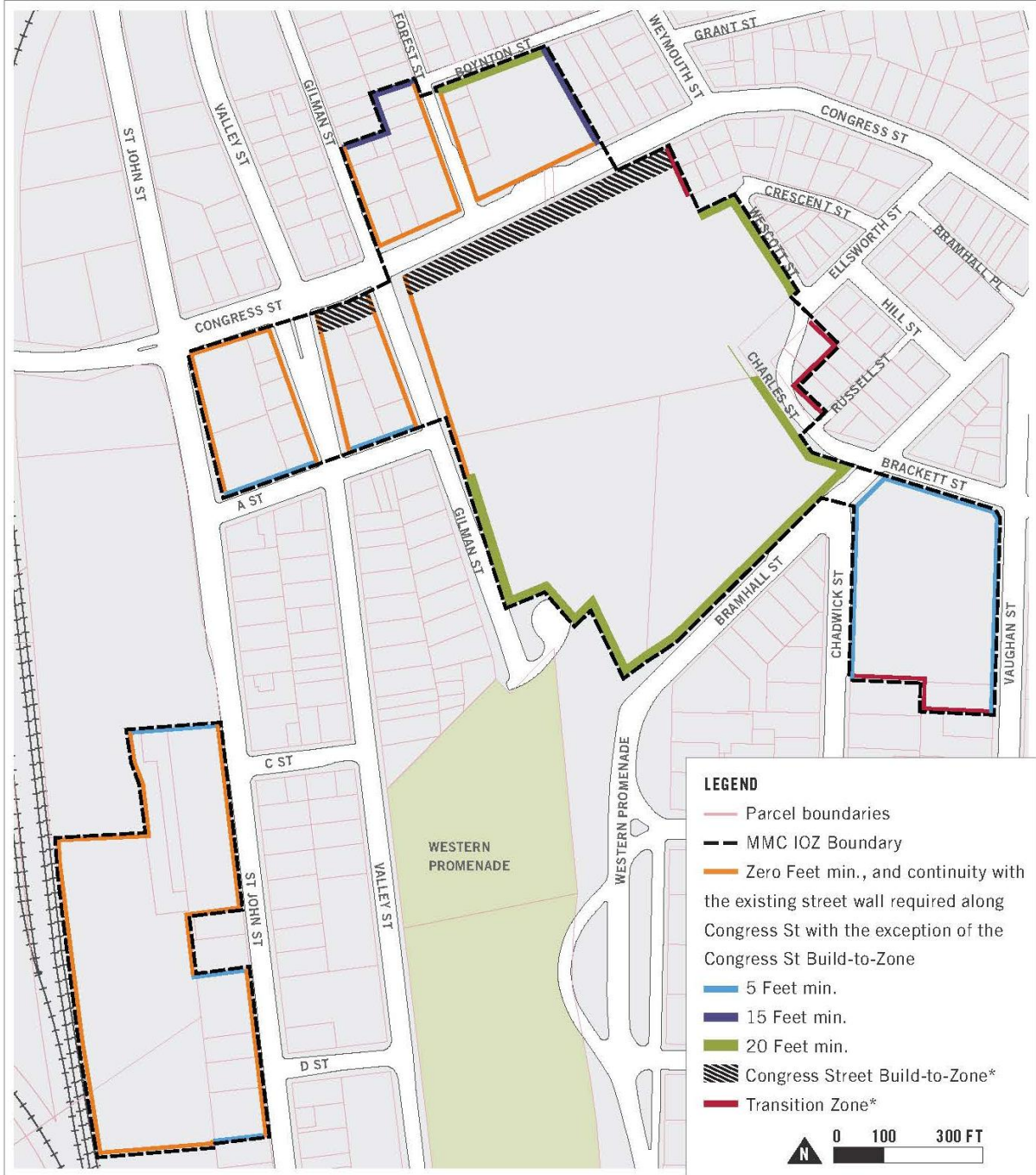
Building heights (max.)	Max. building heights for new buildings within the IOZ shall be governed by the Maximum Building Heights Map in Figure 8-D, or by the transition zones clause of this table for those buildings located in transition zones. Refer to IDP “Chapter 5. Design” for methodology on determining heights.
Building heights (min.)	Three stories, except in transition zones, where the minimum building height shall be two stories. Minimum building heights shall not apply to building awnings, associated kiosks, pavilions or similar building components.
Building length (max.)	Length of proposed parking garage at 222 St John St shall not exceed 500 feet as measured roughly parallel to St John St.
Building setbacks (min.)	Minimum building setbacks shall be governed by the Minimum Setbacks Map in Figure 8-E. Additional requirements are listed in the transition zones and Congress Street build-to zone sections of this table.
Congress Street build-to zone¹	<p>A build-to zone is identified for some properties that abut Congress Street. See Minimum Setbacks Map in Figure 8-E for the location of build-to zone.</p> <ul style="list-style-type: none"> i. The Congress Street build-to zone extends between 0 to 40 feet from the right-of-way boundary. ii. Buildings located in these parcels must have a minimum of 70% of the façade facing Congress Street located within the build-to zone.
Transition zones	<p>Transition zones are identified inside the IOZ boundary in areas where the IOZ abuts or is located across a public right-of-way from a residential zone or a historic-designated district.</p> <p>See Maximum Building Heights Map in Figure 8-D for location of transition zones.</p> <ul style="list-style-type: none"> i. Transition zones shall extend 50 feet into the parcel from the parcel boundary. ii. Transition zones that abut a Residential zone with or without an intervening public right-of-way shall have a maximum height limit that matches the maximum height permitted within that Residential zone. iii. In areas where the IOZ abuts a residential zone without an intervening public right-of-way, minimum side and rear yard requirements of the abutting residential zone apply within the IOZ boundary, unless noted otherwise in Minimum Setbacks Map in Figure 8-E.

¹A “build-to zone” is the area on the lot where all or a portion of the street-facing building facade must be located, measured as a minimum and max. yard (setback) range from the public right-of-way boundary.



Notes: 1. Minimum building heights also apply. Refer to Table 8-D.
 2. For buildings with residential use above the ground floor, the following height maximums apply:
 70 ft. maximum height = 7 stories, and 85 ft. maximum height = 8 stories.

FIGURE 8-D: MMC IOZ MAXIMUM BUILDING HEIGHTS



* Refer to Table 8-D Dimensional Requirements

FIGURE 8-E: MMC IOZ MINIMUM SETBACKS

and single-occupancy vehicle trips to and from MMC by employees and visitors.

- b. The TDM Plan shall establish parking and trip reduction targets associated with the short-term (0-2 years), mid-term (2-5 years), and the long-term (5+ years), as well as a data collection plan.

- 2. *Parking.* Parking requirements in the IOZ shall be established at the time of site plan review based on a parking study that includes a campus-wide analysis of demand and supply. The parking demand study shall determine parking requirements and shall be sufficient to alleviate parking pressure on surrounding neighborhoods. Parking studies developed by MMC shall integrate parking and trip reduction achievements and data contained in the TDM Plan.

H. Environment. Development proposed by MMC shall be designed to integrate with the surrounding context, including open space and pedestrian networks and infrastructure.

I. Mitigation measures. MMC shall mitigate site plan impacts to off-premise infrastructure in a manner proportionate to those impacts. Mitigation may include financial or in-kind contributions to existing or planned City projects focused on mitigating the impacts of MMC development. Mitigation contribution shall be determined based on the City's standard procedure in effect at the time of site plan review.

J. Neighborhood integration and engagement

- 1. For the purpose of keeping surrounding residential areas appraised of its future

development plans, and to address any neighborhood issues related to the operations of the MMC Bramhall campus, MMC shall adhere to the ongoing community engagement principles identified in the approved Institutional Development Plan.

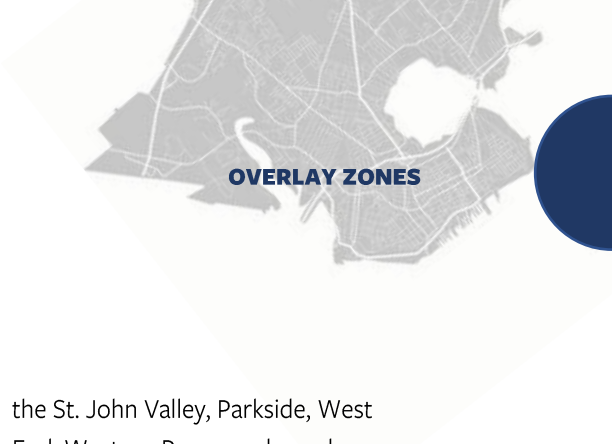
- 2. MMC shall conduct ongoing community engagement, including the formation of a Neighborhood Advisory Committee comprised of representatives of MMC, the Parkside neighborhood, the West End neighborhood, the Western Promenade Neighborhood Association, the St. John Valley neighborhood, the Libbytown neighborhood, and the City.

K. Construction management

- 1. At the time of site plan review, MMC shall submit a construction management plan substantially in accordance with those construction management principles identified in the approved Institutional Development Plan for review and approval by the Planning Authority.
- 2. The construction management plan shall include a construction schedule, as well as strategies for managing neighborhood communication and noise, air quality, traffic, and parking impacts associated with the construction as set forth on the construction management template developed by the City and attached and incorporated to the IDP as Appendix A.

L. Other requirements

- 1. *Helipad.* Proposed changes to MMC's helipads, including changes to preferred flight routes, shall be reviewed and approved by the Planning Authority in



accordance with the approved Institutional Development Plan.

2. *Snow ban parking.* When the City of Portland declares a snow parking ban, MMC shall make parking available to neighbors in a designated parking area on or near its campus upon the following condition: Due to the patterns of patient flow in the hospital, the hours of snow ban parking for registered vehicles during an announced City of Portland snow parking bans are 6:00 p.m. until 6:00 a.m. Vehicles that are not moved out of these parking areas by the applicable time each morning are subject to towing at the owner's expense.
3. *Healthy communities.* Recognizing that a stable residential and commercial environment is key to the health of any neighborhood, MMC commits to supporting its existing and future neighbors in the St. John Valley, Parkside, West End, Western Prom, and Libbytown neighborhoods. Accordingly, MMC shall implement and participate in the healthy communities programs as described below.
 - a. *Caring Community Grants.* MMC shall develop an annual grant program with available funds of up to \$30,000. Goals, priorities, eligibility requirements, program guidelines, and allocation approach will be developed by the MMC Neighborhood Advisory Committee, as described in Chapter 6 of the IDP approved on September 26, 2017. Neighborhood associations or other entities located or operating in

the St. John Valley, Parkside, West End, Western Promenade, and Libbytown neighborhoods may apply for grant funding relating to the following initiatives:

- i. *Neighborhood investment and Infrastructure:* Focused on creating strong, safe, accessible and vibrant neighborhoods.
 - ii. *Quality of life:* Focused on improving access to recreation, arts or cultural experiences in the neighborhoods.
 - iii. *Diversity and inclusion:* Focused on fostering the building of relationships and understanding among diverse groups, including capacity building and outreach activities.
 - iv. *Public Safety:* Focused on supporting public safety programs through training programs, equipment or other means in the neighborhoods.
 - v. *Environmental sustainability:* Focused on preventing waste, increasing recycling or supporting other programs that work to improve the environment.
- b. *Healthy Neighborhoods Program.* MMC shall initiate and adopt a memorandum of understanding (MOU) by and between MMC, the City of Portland, and other community partners establishing a Healthy Neighborhoods program. Such a program shall be designed to fund and execute housing and community

improvement and development programs in St. John Valley and the other neighborhoods surrounding MMC’s Bramhall Campus.

8.3.7 The Roux Institute at Northeastern University Overlay Zone Regulatory Framework

A. Applicability. All development proposed by the Roux Institute at Northeastern University (“Roux Institute”) within the boundary of the Roux Institutional Overlay Zone (IOZ) shall be consistent with the approved Institutional Development Plan (IDP), consistent with the Comprehensive Plan, and meet applicable standards of the Land Use Code, unless such standards are superseded by the following regulatory framework. This regulatory framework shall govern future development by the Roux Institute within the IOZ unless amended by the Portland City Council upon formal application of the Roux Institute. The Roux Institutional Overlay Zone shall have the boundaries depicted below and shall include the approximately thirteen-acre property located at 1 Bean Pot Circle and identified as parcels 447-A001 and A002 in the City’s assessing records.

B. Phasing and monitoring

1. The Roux Institute campus will be developed in phases, as set forth in the IDP. The IDP will be updated on a regular basis to ensure that the data is current and that the document remains accurate. Accordingly, monitoring reports will be filed every three years and shall include a summary of progress on IDP implementation and of acquisitions and



FIGURE 8-F: ROUX INSTITUTIONAL OVERLAY ZONE BOUNDARY

- divestment since the date of IDP approval. At the time of the submission of the monitoring report, any updates to the IDP shall be identified which may result from updated master planning, changes in baseline information, or changes in the adjacent neighborhood which affect the campus, to allow the IDP to remain current. Updates and minor amendments not described below shall be reviewed administratively by the Planning Authority.
2. At completion of each phase, the Roux Institute campus shall have the appearance of a complete and comprehensive design. Permanent and meaningful public space shall be established in the first phase to ensure public benefit. Interim conditions shall be designed for a pleasant pedestrian experience through planting, lighting, wayfinding, graphics, artwork, or



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ornamental fencing to provide screening, buffers, and enhancement. Interim areas of the site which are not actively used for parking or construction staging will be appropriately landscaped or accommodate gathering on lawns or other aesthetically hardened spaces.

3. Minor amendments that change the approach to parking, transportation, neighborhood engagement or design shall be reviewed by the Planning Board for consistency with the objectives of the IDP. This review may occur simultaneously with the site plan review of a proposed project.
4. Major amendments shall be reviewed by the Planning Board and are required under the following circumstances:
 - a. A change to the regulatory framework is required.
 - b. The IDP is no longer representative of the institutional mission or approach to community as a result of redevelopment in the area or City upgrades to neighborhood planning (such as roadway changes, infrastructure upgrades, community design, lighting).
 - c. A change in approach to parking, transportation, neighborhood engagement or design is inconsistent with the objectives of the IDP, resulting in a modification to the applicable objectives.
5. Review of major amendments may occur simultaneously with the site plan review of the proposed project.

C. Uses

1. The Roux Institute campus will encompass

a variety of uses to support the mission of the Institute. Campus uses will include classrooms and laboratories, housing, faculty offices, dining areas, convening spaces, fitness centers, retail facilities, entrepreneurial spaces, light manufacturing, incubator space, research and design facilities, hotel, and office space. The mixture of uses is intended to support collaboration with private industry, other institutions, and community organizations. A range of rental housing options will provide on-site opportunities for students, faculty, staff, and their families, easing some of the housing pressure and traffic that might otherwise result from new residents attracted to Portland by the institute. Housing units not occupied by residents affiliated with the Roux Institute may be made available to the public to further assist in easing the housing pressure.

2. The Roux Institute campus will be designed to include uses that will welcome neighbors to the campus, including publicly available open space, waterfront access, recreational opportunities, restaurant, dining, small neighborhood grocery, and/or other limited retail options.
3. In addition to the uses permitted in the underlying zone, laboratory and research facilities, low-impact industrial uses, and high-tech manufacturing shall also be permitted as a matter of right in all buildings that are located within the IOZ and on land owned or leased by the Roux Institute. On the pier residential uses are explicitly prohibited and any allowed use

on the pier must be a functionally water-dependent use. Ground floor retail, restaurant, or comparable community-oriented uses that provide services to local residents, students, faculty and staff shall be expressly permitted whether ancillary to or supporting the educational institution, and shall be open and welcoming to the general public.

4. Within the boundary of the IOZ, hotels shall be limited as follows:
 - a. No more than one hotel shall be located in the IOZ.
 - b. The hotel shall contain no more than 130 rooms.
 - c. The hotel shall be no more than eight stories in height, not including structured parking. There shall be no more than two levels of above grade structured parking beneath the first floor of the hotel. Nothing herein is intended to preclude the co-location of hotel use and structured parking on one or more levels of the hotel.

D. Dimensional requirements

1. *Applicability.* All principal buildings and structures located within the IOZ and located on land owned or leased by the Roux Institute shall be subject to the dimensional requirements of the underlying zone, except where modified by the provisions of this section.
2. *Rules of measurement*
 - a. Publicly accessible corridor: A corridor accessible to the general public that is open to the sky or enclosed with a minimum width of 20 feet. Enclosed portions of publicly

accessible corridors shall have a minimum height of 30 feet.

- b. Street wall: Within the Roux IOZ the term “street wall” shall mean a wall or portion of a wall that includes the principal entry to a building facing a street, public right-of-way, major pedestrian access routes, or open spaces. Orientation of the principal entry to a building shall be determined by the applicant.
3. *Maximum building heights.* Maximum building heights for new principal buildings in the IOZ shall be governed by the Roux IOZ Height Map (Figure 8-G).
4. *Minimum and maximum street wall heights.* New principal buildings in the IOZ shall rise to a minimum street wall height of 45 feet and may rise to a maximum street wall height of 105 feet.
5. *Stepback requirements.* At a height not lower than the minimum street wall height or higher than the maximum street wall height, a stepback with a minimum depth of at least 10 feet shall be provided. Required stepbacks shall only apply to a building’s street wall.
6. *Building length requirements*
 - a. For buildings with a length greater than 250 feet, a continuous, publicly accessible corridor that connects two streets, public rights-of-way, major pedestrian or bicycle access routes, or open spaces shall be provided, with the precise location to be identified, defined, and reviewed under site plan review. Building length shall be measured at grade in a straight line

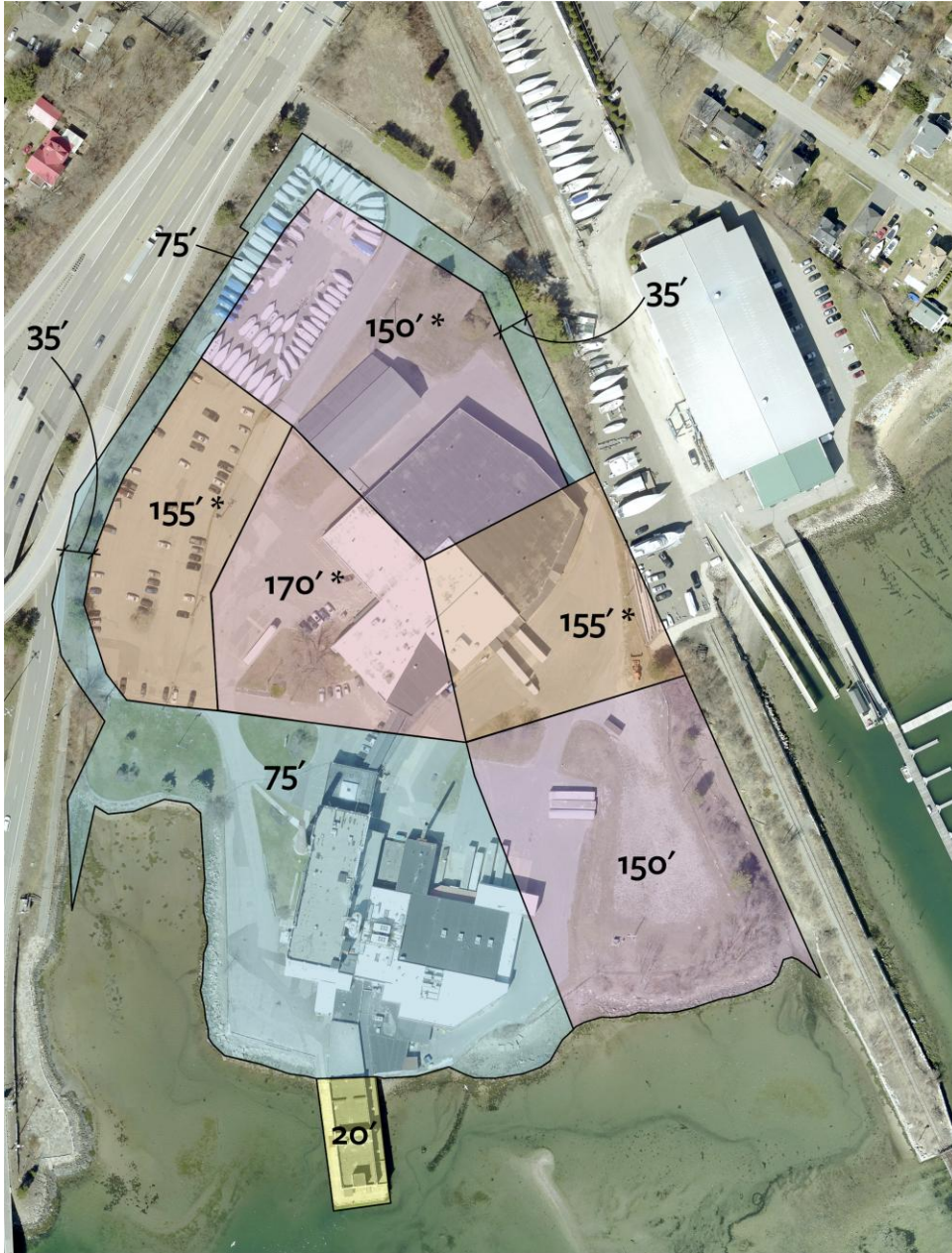
between the outer corners of the designated street wall.

- b. Publicly accessible corridors need not be linear and may have necessary grade changes.
 - c. Any building wall situated along a publicly accessible corridor shall be designed to provide sufficient architectural and graphic amenities to provide visual interest, transparency between interior activities and pedestrian activity, or active uses and relate the building, and its use to passersby.
 - d. Publicly accessible corridors shall:
 - i. Include bicycle and pedestrian amenities such as benches and other seating;
 - ii. Be illuminated to levels that are adequate but not excessive for the safety, comfort, and conveniences of occupants and users of the site, and
 - iii. Provide access to the public during regular operating hours of the institute.
 - e. The Roux Institute may close off public access to a publicly accessible corridor during special events or when determined necessary by the institute for security or public safety purposes.
7. *Transitions and buffers*
- a. The campus is surrounded by existing buffers, with I-295 to the west, state-owned vacant parcels to the north, the rail corridor and marine business to the east, and Casco Bay to the south. In addition to the existing buffers,

development shall further ease the transition to and from the campus.

- b. Public open space will ease transition from the smaller scale of Sherwood Street. A transition onto the campus will also be accomplished through thoughtful façade design at the pedestrian level. Potential nuisance features like dumpsters, air handlers, and parking will be appropriately screened. Buildings will avoid blank walls to respect the adjacent neighborhood and facilitate a sense of permeability and welcome.
- c. The shoreline transition area between the buildings and the water will serve as meaningful public open space. Building facades facing the water will be considered public-facing, with views designed for interest from the water and Eastern Promenade Trail.
- d. The transition area between the campus and I-295 contains a height limitation of 75 feet along the edge and between the highway and the B&M Cannery Building, preserving the historic view of the building from the highway and easing the transition to the greater allowable building heights in the center of campus.
- e. The transition area along the edge of the campus adjacent to the rail corridor also contains a height limitation of 75 feet along the edge of the property closest to the residential neighborhood, further easing the transition to the greater allowable

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1. *: Above height of 75 feet, no building floorplate shall exceed 35,000 square feet.
2. Above height of 50 feet, no two buildings shall be closer than 40 feet apart.
3. Building heights for buildings that span two or more height zones shall be measured by calculating the highest point (as defined in the Land Use Code) of that portion of the building within a particular height zone. If the roof is sloped, height is measured at the midpoint of that portion of the slope located within the particular height zone.
4. Functionally water-dependent structures on the pier are limited to 20 feet in height. Light poles on the pier are limited to 35 feet in height. On the pier height is measured from the top of the pier deck to the top of the roof of a functionally water-dependent structure or to the top of a light pole.

FIGURE 8-G: ROUX IOZ HEIGHT OVERLAY MAP



building heights at the center of campus, mitigating shadow impacts to adjacent properties.

E. Transportation

1. Transportation demand management (TDM)

- a.** At the time of the first site plan review following IDP approval, the developer shall submit a campus-wide TDM Plan substantially in accordance with those TDM objectives and strategies identified in the approved IDP. The TDM Plan may be phased into short-, mid-, and long term actions to allow for progressive implementation over time.
- b.** The TDM Plan shall be designed to provide transportation choice with the goal of reducing parking demand and single-occupancy vehicle trips to and from the Roux Institute campus and from the Roux Institute campus by students, faculty, staff, institutional partners, and visitors.
- c.** The TDM Plan shall establish parking, mode share, and trip reduction targets associated with each phase of development, as well as a data collection plan.
- d.** Annual monitoring reports will be submitted for the TDM Plan. TDM monitoring reports shall include a summary of progress towards targets established in the TDM Plan. If deficiencies are identified, they will be resolved in accordance with the site plan approval.

2. Traffic movement permit (TMP)

- a.** Any development that will generate over 100 passenger car equivalents will trigger TMP review which will determine applicable mitigation for that development program. There are contributions anticipated to area-wide elements to support trip reduction targets, such as contribution to the development of shared use path infrastructure and support for additional transit service to the campus. The TMP review may consider an individual site plan or may cover more than one site plan. Each of the TMP submissions and review will continue to contemplate capacity for multimodal connections to continue to reduce automobile trips.
- b.** Mode shares and trip reduction targets have been identified in the IDP and will be updated and modified with each TMP submission as necessary.

3. Bicycle and pedestrian access and safety

- a.** A Transportation, Access, and Circulation Plan has been provided in the IDP. At the time of the first site plan review, the developer shall submit an updated Plan. Where possible, the bicycle and pedestrian access routes shall connect to established bicycle and/or pedestrian facilities. The developer shall look to establish new bicycle and pedestrian bicycle and/or pedestrian facilities where feasible.

- b. The site and building design shall not prohibit the enhancement of transit service to and from the site.
 - c. Bicycle, pedestrian, transit, and motorized vehicular facilities proposed to and from the site shall provide sufficient capacity and allow for safe connections for modes of transportation.
 - d. Sherwood Street shall be improved to accommodate bicycles and pedestrians within the existing right-of-way. Separate sidewalks and bicycle lanes shall be provided where feasible.
- 4. *Parking.* Parking requirements in the IOZ, including but not limited to parking ratios, shall be established at the time of site plan review for each phase of development based on a parking study that includes a campus-wide analysis of demand and supply. Parking studies shall integrate parking and trip reduction achievements and data contained in the TDM Plan. Parking requirements shall be determined in accordance with the requirements in the Land Use Code in effect at the time of site plan review.
- 5. *Circulation*
 - a. The campus shall contain a bike and pedestrian circulation network which includes a perimeter access loop, an internal system of pathways and a major campus “promenade” which will link campus developments, the upland, and the waterfront.
 - b. The perimeter access path for bicycle and pedestrians will serve to connect the campus to primary site entry points from the community and provide a continuous recreational loop. Where appropriate, the perimeter access path will be enhanced by wayfinding, lighting, landscaping, and safe crossings at vehicular intersections. Where possible, building facades will respond to the perimeter access path for views into the building and periodic activation to building entrances.
 - c. Internal campus circulation pathways will connect major open spaces, buildings entrances, and outdoor plazas to create a network of multiple pathways including the perimeter access path. Pathways will be located along or oriented toward facades that have active programs, architectural articulation, appropriately scaled entrances, and windows. Pathways will avoid traveling along stretches of undifferentiated or blank facades back doors or service areas. Pathways will be generally lower-velocity systems than the access loop. Where appropriate, the internal campus circulation pathways will be enhanced by wayfinding, lighting, landscaping, and safe crossings at vehicular intersections.
 - d. The campus promenade will serve as a major organizing feature connecting the upland and the water and providing access to open spaces, allowing views of the principal campus of buildings, and connecting to the internal campus circulation pathways



and perimeter access path. The promenade will be enhanced by lighting, wayfinding, landscape buffers, and open spaces. Viewsheds and topography along the promenade will emphasize the Roux Institute and Burnham & Morrill (B&M) Cannery Building, pier, and other principal buildings and spaces.

F. Environment

1. The IOZ shall contain a minimum of three acres of public open space designed to enhance waterfront access and provide bicycle/pedestrian network connectivity. This open space requirement shall be met at the completion of construction of the first site plan approval and shall be maintained at all phases of development. The three acres need not be contiguous and may be provided in new and/or different locations following completion of development phases. The public open space shall be meaningful space, functioning as recreation areas, social gathering spaces, or natural buffers consisting of a diverse mix of native woody and herbaceous vegetation, including a well-distributed mix of trees. The method of assuring public access to the public open space shall be determined at site plan review.
2. A Sustainability and Resilience Charter will be created by the Roux Institute for the campus. The charter shall contain sustainability goals related to development categories such as energy, water, transportation, equity, and resilience and may be revised over time in response to evolving technology and industry standards. The charter will require all development on the campus to utilize critical components of industry standard benchmarking systems such as LEED, SITES, WELL, ILFI, and Passive House. The charter will be submitted to the Planning Authority prior to submission of the first site plan application. Proposed site plans shall be consistent with the goals outlined in the charter.
3. Development shall utilize lighting designs required for safety and comfort and that minimize impact to the night sky in accordance with light pollution reduction standards in ANSI/ASHRAE/IESNA 90.1-2007 or its most current edition.
4. Development shall be carried out in such a way as to minimize the impacts of sea level rise, protecting infrastructure and site features by designing to a minimum of 2-feet above the Base Flood Elevation (BFE) as shown on the most current FEMA Flood Insurance Rate Map.
5. The shoreline edge and immediate adjacent upland shall be protected through shoreline armoring and vegetation to prevent erosion and enhance natural resource protection. Vegetation shall consist of a diverse mix of native woody and herbaceous vegetation. Work in coastal wetlands and significant wildlife habitats (as defined by the Maine Department of Environmental Protection) will be minimized to the maximum extent practicable and shall comply with all applicable local, state and federal

permitting requirements in effect at the time.

6. Design of exterior building envelopes will be developed in compliance with the bird-friendly building and design requirements set forth in Article VII-A of Chapter 6 of the City of Portland Code of Ordinances, except that bird safe materials must be used for the entire façade of all buildings regardless of building height.

G. Mitigation measures

1. Site plan impacts to off-premise infrastructure shall be mitigated in a manner proportionate to those impacts. Mitigation may include financial or in-kind contributions to existing or planned City projects focused on mitigating the impacts of the development. Mitigation contribution shall be determined based on the City’s standard procedure in effect at the time of site plan review.
2. Impacts to natural resources shall be mitigated in accordance with local, state and federal permitting standards in effect at the time.

H. Design. All buildings within the IOZ shall adhere to the design guidelines set forth in the IDP.

I. Neighborhood integration

1. *Neighborhood engagement*
 - a. For the purposes of keeping surrounding residential areas apprised of its future development plans, and to address any neighborhood issues related to the operations of the Roux Institute campus, the Roux Institute shall adhere to the ongoing neighborhood engagement principles identified in the IDP.

- b. Ongoing community engagement shall be conducted, including the continuation of neighborhood forums and maintenance of the Roux Institute campus website.

- c. A Community Advisory Group shall be created for the purpose of sharing information on project development, planning, and seeking input. To the extent practicable, the group shall be comprised of representatives of interested groups such as the East Deering Neighborhood, East Deering Neighborhood Association, East Deering Neighborhood for Responsible Development, Front Street Area Neighborhood, a tenant representative from Portland Housing Authority’s Washington Gardens and Front Street developments, recreation, parks and trails, including the Friends of Payson Park, from sustainability, rail, bicycle/pedestrian, public transit, Portland Harbor, Portland Public Schools, including a Presumpscot School parent, higher education, and the business community.

- d. A designated community contact shall be engaged to be the point of contact for providing information to the neighborhood and receiving feedback.

2. *Construction management.* At the time of site plan review, Northeastern University shall submit a Construction Management Plan substantially in accordance with the construction management principles identified in the Institutional Development Plan for review and approval by the

Planning Authority.

J. Historic preservation

1. *Historic preservation review.* The B&M Cannery Building has been designated as a local historic landmark. The area of designation includes the B&M Cannery Building, as well as the area of the former Codfish Building and pier. The Historic Preservation Board’s review of activity within the site of the former Codfish Building and pier is limited to review of any activity that would require a Certificate of Appropriateness that is proposed on a newly constructed pier. A Certificate of Appropriateness will not be required for the demolition of the Codfish Building or construction of a new pier and related infrastructure, including future alterations to the pier structure.
2. *Required interpretive elements.* Northeastern University shall include interpretive element(s) on top of or within the surface of the new pier that convey the history and significance of the Codfish Building. Prior to construction of said elements, the University shall submit the proposal to the Historic Preservation Board for its review and approval. The interpretive elements shall be designed in a manner that does not interfere with the use and functionality of the pier as a marine passenger facility and for water access by the Roux Institute and the public.
3. *100-foot review exemption.* The B&M Cannery Building is exempt from Subsection 13.6.4(E)(2) for review of development within 100 feet of a landmark.



FIGURE 8-H: UNE IOZ BOUNDARY

8.3.8 The University of New England Overlay Zone Regulatory Framework

- A. Applicability.** The regulatory framework shall apply only to development proposed by the University of New England (UNE) within the boundary of the Institutional Overlay Zone (IOZ) and to which UNE holds right, title, or interest. The regulatory framework shall not apply to any land zoned OS-P. Properties in the UNE IOZ shall continue to be governed by the regulations applicable to the underlying zone except as specifically modified by the regulatory framework. The UNE IOZ shall have the boundaries depicted in Figure 8-H.
- B. Phasing and monitoring**
 1. UNE shall file monitoring reports every five years with the Planning Authority. Monitoring reports shall ensure that data in the IDP is current and provide a summary of progress on IDP implementation, including details of acquisitions and divestments since the date of IDP approval. Monitoring reports

shall include data on UNE’s environmental compliance and the number of Best Management Practices (BMPs) implemented to address stressors and pollutant sources identified in the Capisic Brook watershed.

2. Interim conditions shall be designed for a pleasant pedestrian experience through planting, lighting, wayfinding, graphics, artwork, or ornamental fencing to provide screening, buffers, and enhancement. Interim areas of the site which are not actively used for parking or construction staging will be appropriately left in a natural state, landscaped or accommodate gathering on lawns or other aesthetically hardened spaces.

C. Uses. Permitted uses are listed in Table 8-E.

D. Dimensional requirements.

1. For the purposes of this IOZ, “lot” is defined as the contiguous lots under UNE ownership, including land separated by a public or private right-of-way. The “lot” boundary is shown in Figure 8-H.
2. Side and rear setbacks shall not be required between buildings on contiguous lots owned by UNE on the condition that such contiguous lots shall be considered merged and shall not be separately conveyed unless required setbacks in the underlying zones are provided.
3. Maximum building heights for new principal buildings in the IOZ shall be governed by the maximum building heights map in Figure 8-I.

TABLE 8-E: PERMITTED USES

Two-family dwellings	●	
Three-family dwellings	●	
Four-family dwellings	●	
Townhouse dwellings	●	6.4.13
Multi-family dwellings	●	
Live/work dwellings	●	
Lodging houses	●	6.4.21
Child care centers + small child	●	6.4.9
Clinics	●	
Cultural facilities	●	
Elementary, middle, and secondary	●	
Governmental uses	●	
Places of assembly	●	
Post-secondary schools	●	
Bars	●	
General offices	●	
General services	●	
Hotels	●	
Intermodal transportation facilities	●	
Market gardens	●	6.4.25
Recreation and amusement	●	
Restaurants	●	
Retail	●	
Specialty food service	●	
Studios for artists	●	
Theaters and performance halls	●	
Veterinary services	●	
Animal-related services	●	
Communication studios	●	
Laboratory and research facilities	●	
Low-impact industrial	●	
Studios for artists and	●	
Off-street parking	●	
Parks and open spaces	●	
Solar energy systems (minor)	●	6.4.38
Utility substations	●	6.4.39
Wind energy systems (minor)	⦿	6.4.41

Key: ● = permitted | ⦿ = conditional



TABLE 8-F: DIMENSIONAL STANDARDS

Lot area (min.)	--
Street frontage (min.)	--
Gross floor area (max.) (Nonresidential uses on the ground floor only, unless otherwise permitted or restricted)	--
Build-to zone	O-10 ft.
Build-to percentage (min.)	100%
Building length as a percentage of street frontage (min.)	B-2: None
Blank wall area (max.)	20 ft.
Rear setback (min.)	None, except 25 ft. if abutting a lot outside of the IOZ boundary in a residential zone
Side setback, interior (min.)	None, except 5 ft. if abutting a lot in a residential zone
Structure height (min.)	75 ft., or as shown on the UNE Height Map
Landscaped open space ratio (min.)	B-2: 10%

E. Transportation

1. *Transportation demand management (TDM).* At the time of the first site plan review following IDP approval, UNE shall submit a campus-wide TDM Plan substantially in accordance with those TDM objectives and strategies identified in the approved IDP. The TDM Plan may be phased into short-, mid-, and long-term actions to allow for progressive implementation over time.
2. *Parking.* Parking requirements in the IOZ shall be established at the time of site plan review based on a parking study that includes a campus-wide analysis of demand

and supply. Parking studies shall integrate parking and trip reduction achievement and data contained in the TDM Plan.

- F. Environment.** All new buildings and parking facilities proposed by UNE shall integrate with the surrounding context to allow connectivity amongst open space, pedestrian networks, and the Evergreen Cemetery, and to protect the critical natural resources associated with the Capisic Brook watershed. The Planning Board may approve a reduction of the setback requirement for a new building to the least amount necessary to achieve the goals of the development and minimize overall impacts, provided that the setback is not reduced to less than 40 feet.

G. Mitigation measures

1. Site plan impacts to off-premise infrastructure shall be mitigated in a manner proportionate to those impacts. Mitigation may include financial or in-kind contributions to existing or planned City projects focused on mitigating the impacts of the development. Mitigation contribution shall be determined based on the City's standard procedure in effect at the time of site plan review.
2. Impacts to natural resources shall be mitigated in accordance with local, state, and federal permitting standards in effect at the time.

H. Design

1. All new development shall be designed to create a cohesive campus character.
2. New buildings shall be designed with building entrance(s) and principle facades oriented towards existing campus buildings, open space, streets, and pedestrian pathways.

3. New buildings will minimize visual impact of service areas, loading docks, and utility structures.
4. All new development shall provide a variety of open spaces that integrated into the existing campus.
5. All new development shall provide adequate lighting for clear visibility at streets, pedestrian pathways, building entries, and parking areas. All lighting shall be compliant with UNE’s lighting plan, which is included in the IDP.
6. All signage shall be compliant with UNE’s signage design standards, which are included in the IDP.

I. Neighborhood integration

1. For the purposes of keeping surrounding residential areas appraised of its future development plans, and to address any neighborhood issues related to the

2. Ongoing community engagement shall be conducted, including the continuation of posting project update’s on UNE’s Campus Planning web page and the creation of a dedicated email address for neighbor communication UNE’S Planning Department.
3. UNE shall conduct annual neighborhood outreach through neighborhood meeting(s), to be hosted on campus, and shall provide the Planning Authority with a copy of the neighborhood notice and a record of participants, content, and feedback as described in Section 13.5.5(C).
4. A designated community contact shall be engaged to be the point of contact for providing information to the neighborhood and receiving feedback.

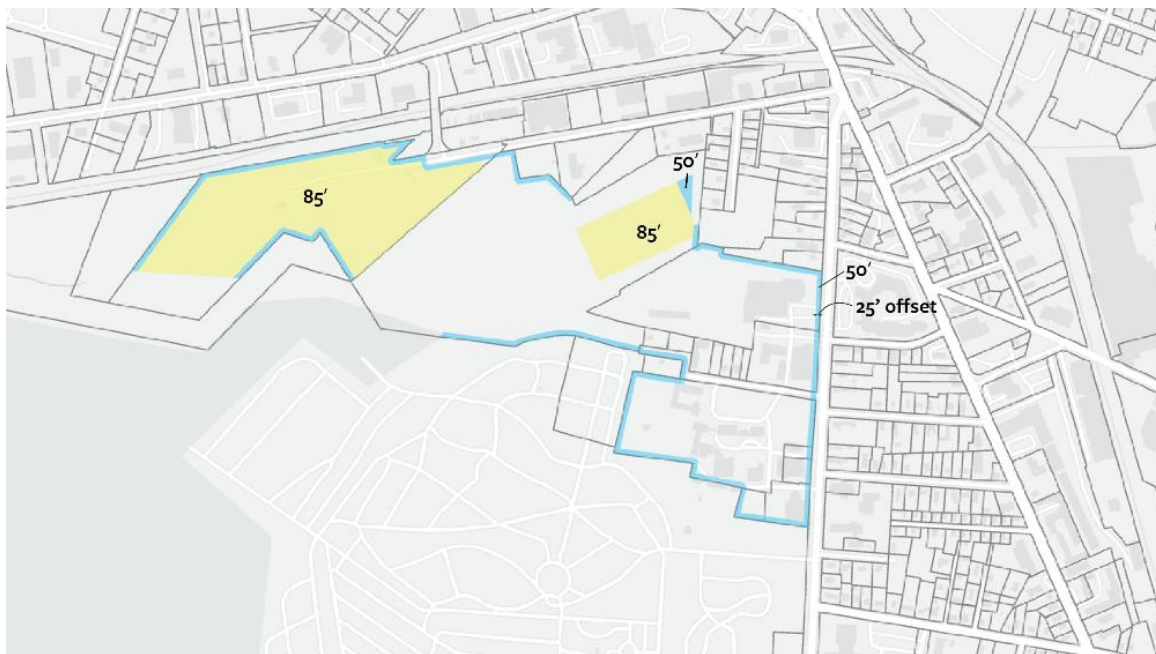


FIGURE 8-I: UNE IOZ MAXIMUM BUILDING HEIGHTS



OVERLAY ZONES

8.4 ISLAND TRANSFER STATION OVERLAY

8.4.1 Purpose

The purpose of the Island Transfer Station Overlay Zone is to establish a location for a transfer station for municipal solid waste and municipal public works activities. This zone shall be established through a conditional rezoning process in order to ensure the imposition of appropriate conditions for the protection of neighboring properties.

8.4.2 Permitted uses

- A.** Municipal solid waste facilities, including compactors and storage bins, provided that the compactor shall be located within a fully enclosed structure.
- B.** Recycling facilities, provided that all recycling areas shall be buffered and screened from neighboring properties.
- C.** Municipal garages, material storage, and parking for vehicles.
- D.** Maintenance of municipal vehicles and equipment.
- E.** Minor wind energy systems co-located with public industrial or utility facilities, subject to the applicable standards within Article 6.

8.4.3 Conditions

Requirements for setbacks and any operational limitations shall be established as part of the conditional rezoning process.

8.5 PEDESTRIAN ACTIVITIES DISTRICT (PAD) OVERLAY

8.5.1 Purpose and applicability

The purpose of the Pedestrian Activities District (PAD) Overlay is to ensure that key areas within the City, as identified on the PAD Overlay Zone map (Figure 8-J), are maintained as active, walkable,

pedestrian-oriented activity centers. As such, the overlay requires that street-level frontages within those areas identified on the PAD Overlay Zone map should be occupied with active uses as identified in this section. Buildings located within the areas identified on the PAD Overlay Zone map shall comply with the Vacant Commercial Properties Ordinance, as outlined in Chapter 6, Article XIV of the City Code.

8.5.2 Use restrictions

A. Within the PAD Overlay Zone, a minimum of 75% of the street level frontage, measured as a percentage of total building length excluding areas of vehicular and pedestrian egress, and any mechanical or electrical equipment rooms servicing the building shall consist of the uses specified below. Such uses shall occupy a minimum of 40 feet in depth, measured from the street facing façade of the building.

- 1.** Bars
- 2.** Cultural facilities
- 3.** General services
- 4.** Governmental uses
- 5.** Hotels
- 6.** Low-impact industrial, provided that only retail sales of products produced on site, or eating and drinking areas shall be located within the required active use area.

7. Recreation and amusement centers

7-8. Restaurants, including food preparation areas visually oriented toward the street.

8-9. Retail

9-10. Specialty food services, ~~provided that only retail sales of products produced on-site, or eating and drinking areas shall be located within the required active use area.~~

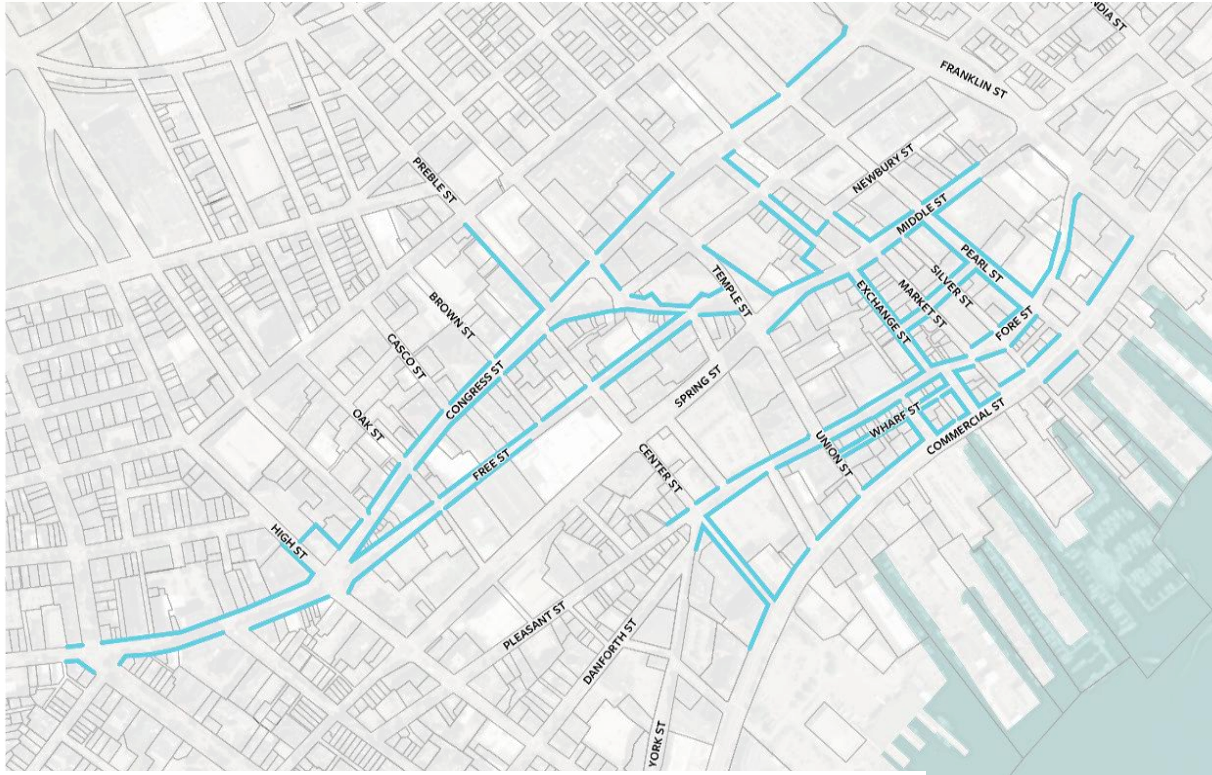


FIGURE 8-J: PEDESTRIAN ACTIVITIES DISTRICT (PAD) OVERLAY

- 10-11.** Studios for artists and craftspeople.
 - 11-12.** Theaters and performance halls, provided that only ticket and refreshment sales, lobbies, lounges and entrances shall be located within the required active use area.
 - 12-13.** Other uses may be allowed, provided the applicant can demonstrate to the Building Authority that the proposed use is substantially similar to a use listed above and will generate pedestrian interest and activity.
- B.** First floor windows shall be transparent with uses visible from the public right-of-way.
 - C.** For buildings that have frontage on more than one street located within the PAD overlay zone, the above requirements apply to each frontage.

In no event shall any required active use area be used for storage or service entrances, including loading docks, dumpsters and compactors, except as provided in Subsection 8.5.4.

8.5.3 Conditional uses

Any use permitted in the B-3 zone may be authorized as a conditional use subject to the floor area and transparency requirements of Subsection 8.5.2, provided that the Planning Authority shall be substituted for the Board of Appeals as the reviewing authority. Such uses shall meet the general conditional use standards of Section 6.5.2, and the following conditions and standards:

- A.** The applicant shall prove by competent evidence (including but not limited to reliable documentation of advertising, real estate brokerage efforts, and other sales mechanisms)



that the space has been actively marketed, and, in the case of new construction, available for permitted uses in the PAD Overlay Zone for a period of six months and that it has been unable to market the space for a permitted use in accordance with Subsection 8.5.2.

- B.** The Planning Authority may impose reasonable conditions concerning the design, appearance, use, and extent of use of the space along the street frontage to ensure maximum pedestrian compatibility and interest.
- C.** Notwithstanding the above, the Planning Authority may authorize a reduction in the percentage of required ground floor pedestrian-oriented uses where the physical limitations of an existing building so require. Any such reduction shall be the least necessary to provide relief and shall include mitigating design factors.

8.5.4 Exceptions

For buildings that have 40 feet or less of frontage on a street within the PAD Overlay Zone, the ground floor area requirements for permitted uses under Subsection 8.5.2 shall be reduced to 50% of the frontage where required to accommodate a service entrance. For buildings that have frontage on more than one street located within a PAD Overlay Zone, only one such frontage shall be permitted to reduce the required active use area to 50% of the frontage.

8.6 UNIVERSITY OF SOUTHERN MAINE OVERLAY

8.6.1 Purpose

The intention of the University of Southern Maine Overlay Zone is to establish an overlay zone in which an existing university campus can be

continued and reasonably expanded within defined boundaries, in addition to those uses permitted in the underlying zone or zones. The purpose of this section is to recognize the unique qualities of a university campus while at the same time protecting the value and integrity of established neighborhoods.

8.6.2 Location and applicability

The University of Southern Maine Overlay Zone is intended to encompass and define the University of Southern Maine campus west of Forest Avenue. Properties in the University of Southern Maine Overlay Zone shall continue to be governed by the regulations applicable to the underlying zone except as specifically modified by this section.

8.6.3 Permitted uses

- A.** In addition to the permitted uses allowed in the underlying zones and notwithstanding anything to the contrary in the use regulations for the underlying zones, post-secondary schools and university uses are permitted in the University of Southern Maine Overlay Zone, including, but not limited to:
 - 1.** Classrooms.
 - 2.** Laboratory and research facilities.
 - 3.** Student unions.
 - 4.** Dining halls.
 - 5.** Bookstores.
 - 6.** Auditoriums.
 - 7.** Concert and lecture halls.
 - 8.** Gymnasiums.
 - 9.** Libraries.
 - 10.** Outdoor use areas, such as “quads”, greens, parks, gardens, art installations, and other active and passive noncommercial recreation spaces.

11. Faculty and student housing.
 12. Parking lots and garages.
 13. Community meeting spaces.
 14. Administrative and faculty offices.
 15. Transportation facilities.
 16. Maintenance facilities.
 17. Utility buildings.
 18. Student health services.
 19. Daycare facilities, nursery schools, and kindergartens.
 20. Other buildings, structures and uses customarily incidental to a university.
- B.** On lots fronting on Chamberlain Avenue and Exeter Street, university uses shall be limited to faculty housing, graduate student housing, faculty offices, and administrative offices.

8.6.4 Conditional uses

The following uses are permitted as provided in Section 6.5:

- A.** Minor wind energy systems, subject to the standards of subsection 6.4.41.

8.6.5 Dimensional requirements

University buildings and structures shall be subject to the dimensional requirements of the underlying zone, except as follows:

- A. Minimum setbacks.** Minimum setbacks shall be the same as in the underlying zone, except as shown [on the University Campus Overlay Setback Map, incorporated herein by reference in Figure 8-K](#). Side and rear setbacks shall not be required between buildings on contiguous lots owned by the university on the condition that such contiguous lots shall be considered merged and shall not be separately conveyed unless required setbacks in the underlying zones are provided.

- B. Maximum building height.** Maximum building height shall be the same as in the underlying zone, except as shown [on the University Campus Overlay Height Map, incorporated herein by reference in Figure 8-L](#).
- C. Minimum building height.** All new freestanding buildings in height zone B and height zone C must be built to a height of at least 35 feet or designed and constructed so that they can be expanded to 35 feet or higher. As used in this paragraph, the term “new freestanding building” means any building which is not an addition to or expansion of a building which existed on the date of enactment of the University of Southern Maine Overlay Zone. Minimum building height provisions shall not apply to maintenance facilities, utility buildings, information kiosks, additions to and/or relocations of designated historic structures, and transportation facilities, including bus shelters, parking attendant booths, and other similar structures.
- D. Maximum impervious surface ratio.** A maximum of 66% of the total land area within the University of Southern Maine Overlay Zone, exclusive of public streets, shall be impervious.
- E. Maximum coverage by buildings.** 40% of the total land area within the University of Southern Maine Overlay Zone, exclusive of public streets, shall be covered by building footprint.



FIGURE 8-K: USM OVERLAY MINIMUM SETBACKS



FIGURE 8-L: USM OVERLAY MAXIMUM HEIGHTS

8.6.6 Parking

The amount of parking required for any university building or building addition shall be determined by the Planning Board during site plan review, based on an analysis of campus-wide parking demand and supply, pursuant to a comprehensive university parking management plan, and treating all contiguous land (including land on opposite sides of the street) owned by the university as one lot. In determining the amount of parking required for any university building, the Planning Board may take into account factors such as:

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

8.6.7 Loading

The amount of loading area required for any

university building shall be determined by the Planning Board during site plan review, based on a campus-wide analysis, treating all contiguous lots owned by the university as one lot. In determining the amount of loading space required for any university building, the Planning Board may take into account factors such as:

- A. The use of centrally located on-campus loading facilities so situated that vehicles making deliveries can load and unload in the central facilities, provided no single location is overburdened with loading facilities.
- B. Shared use of a single loading facility by two or more buildings.
- C. Impacts of the loading area on adjacent uses outside the University of Southern Maine Overlay Zone.

8.6.8 Signage

Signs shall comply with the requirements of Article 19, except as those regulations are modified or augmented below:

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



OVERLAY ZONES

8.6.9 Design principles and standards

All development in the University of Southern Maine Overlay Zone is subject to the requirements contained within the City of Portland *Design Manual*.

8.7 WAYNFLETE SCHOOL OVERLAY

8.7.1 Purpose

The intent of this section is to establish a Waynflete School Overlay Zone which protects the value and integrity of established residential neighborhoods, establishes clearly defined boundaries beyond which residential conversions cannot occur and results in no net loss of dwelling units, while allowing Waynflete School, an existing private day school, to continue and reasonably augment its existing uses and programs, thereby maintaining compatible development at medium densities appropriate to the existing neighborhood patterns. As used in this section, the term “Waynflete School” includes any successor institution that operates as a private day school.

8.7.2 Location and applicability

The Waynflete School Overlay Zone, as shown on the zoning map, is intended to encompass and define Waynflete School’s principal campus on the Portland peninsula. Properties in the Waynflete School Overlay Zone shall continue to be governed by the regulations applicable to the underlying zone except as specifically modified by this section.

8.7.3 Subdistricts

The Waynflete School Overlay Zone consists of two subdistricts. Except where otherwise specified in this Section 8.7, all provisions of this Waynflete School Overlay Zone apply in both subdistricts. The subdistricts, as shown on the Waynflete School

Overlay Zone subdistrict map, incorporated herein by reference, are as follows:

- A. The Campus Core subdistrict defines the interior core of the campus and is intended to allow compact development of school uses, with specific space and bulk regulations designed to accommodate school uses.
- B. The Campus Edge subdistrict is intended to preserve residential character along the streets bordering the campus by limiting the amount of residential space which can be converted to school uses, by maintaining a number of dwelling units within the subdistrict which equals the number of dwelling units existing in the subdistrict at the time of enactment of this Overlay Zone, and by encouraging mixed-use buildings along the street frontages. The space and bulk regulations of the RN-3 zone continue to apply within the Campus Edge subdistrict.

8.7.4 Permitted uses

In addition to the permitted uses allowed in the underlying zones and notwithstanding anything to the contrary in the use regulations for the underlying zones, the following uses are permitted in the Waynflete School Overlay Zone:

- A. **School uses.** Elementary, middle and secondary school uses including, but not limited to, the following:
 - 1. Classrooms.
 - 2. Laboratory facilities.
 - 3. Dining halls.
 - 4. Auditoriums.
 - 5. Concert and lecture halls.
 - 6. Gymnasiums.
 - 7. Libraries.
 - 8. Outdoor use areas, such as “quads”, greens, parks, gardens, art installations, and

other active and passive recreation spaces.

- 9. Parking lots and structures.
 - 10. Community meeting spaces.
 - 11. Administrative and faculty offices.
 - 12. Transportation facilities.
 - 13. Maintenance facilities.
 - 14. Utility buildings.
 - 15. Student health services.
 - 16. Bookstores.
 - 17. Accessory uses which are customarily incidental and subordinate to the location, function and operation of a private day school.
- B. Residential uses.** Faculty or staff housing, which shall be considered a residential use, and not a school use, for all purposes under this overlay zone.

8.7.5 Prohibited uses

- A. Boarding schools.
- B. Dormitories.

8.7.6 Residential conversions prohibited

- A. Conversions of existing residential buildings within the Waynflete School Overlay zone shall be prohibited.
- B. The existing houses at 11 Fletcher Street, 3 Storer Street, 305 Danforth Street, and 299 Danforth Street shall not be relocated from their locations existing as of January 20, 2010. This provision shall not apply to garages.
- C. At no time shall the number of dwelling units within the Waynflete School Overlay Zone be reduced below four (the number existing at the time of enactment of this Overlay Zone).

8.7.7 Dimensional requirements

Buildings and structures in the Waynflete School Overlay Zone shall be subject to the applicable

dimensional requirements of the underlying zones, except as follows:

- A. Minimum setbacks shall be the same as in the underlying zone, except that side and rear setbacks shall not be required between buildings on contiguous lots owned or occupied by Waynflete School on the condition that such contiguous lots shall be considered merged and shall not be separately conveyed unless required yard dimensions in the underlying zones are provided.
- B. Minimum street frontage shall be the same as in the underlying zone, except that all the land within the Waynflete School Overlay Zone owned or occupied by Waynflete School shall be considered a single lot for the purpose of complying with minimum street frontage.
- C. Maximum coverage by buildings shall be the same as in the underlying zone, except that in the Campus Core subdistrict the maximum coverage by buildings shall be 40% and all the land within the Campus Core subdistrict owned or occupied by Waynflete School shall be considered a single lot for the purpose of calculating maximum coverage by buildings.

8.7.8 Parking

The amount of parking required for any change of use, new building, or building addition within the zone shall be determined during site plan review, based on an analysis of school-wide demand and supply, pursuant to a comprehensive school-wide Transportation Demand Management Plan (TDM), and treating all land owned by Waynflete School within the Waynflete School Overlay Zone as one lot. Any existing parking management or TDM plan approved as part of a previous approval shall remain in effect until revised or updated pursuant to this



section. In determining the amount of parking required for any building within the Waynflete School Overlay Zone, the Planning Authority or the Planning Board may take into account factors such as:

- A.** The use of centrally located on-campus parking facilities so situated that students, faculty, staff and visitors arriving on campus can reasonably be expected to park in the central facilities and walk to their various on-campus destinations during the course of a school day.
- B.** Shared use of a single parking facility by two or more buildings when the peak parking demand periods for such buildings do not overlap.
- C.** Development and implementation of a parking management plan which discourages on-street parking.
- D.** Development and implementation of a TDM plan subject to the review and approval of the Planning Authority or the Planning Board. The TDM plan shall include elements such as public transit initiatives, parking cash-out, car sharing, car and van pooling incentives, provision of bicycle and pedestrian commuting accommodations, guaranteed ride home programs, employee surveys, newsletters, alternative transportation information sharing, and other such strategies that reduce single occupancy vehicle trips to and from Waynflete school. Waynflete School shall follow the standards and guidelines for developing a TDM plan found in the TDM section of the City of Portland *Technical Manual*.

8.7.9 Loading

The amount of loading area required for any building within the Waynflete School Overlay Zone shall be determined by the Planning Board during

site plan review, based on a campus-wide analysis, treating all land owned by Waynflete School within the Waynflete School Overlay Zone as one lot. In determining the amount of loading space required for any building within the Waynflete School Overlay zone, the Planning Board may take into account factors such as:

- A.** The use of centrally located on-campus loading facilities so situated that vehicles making deliveries can load and unload in central facilities, provided no single location is overburdened with loading facilities.
- B.** Shared use of a single loading facility by two or more buildings.
- C.** Impacts of the loading area on adjacent uses outside the Waynflete School Overlay Zone.

8.7.10 Signage

Signs shall comply with the requirements of Article 19.

8.7.11 Restrictions

Notwithstanding the conditional use provisions for institutional uses within the RN-3 or RN-5 zones, Waynflete School cannot locate a school use listed in Subsection 8.7.4 on any lot in the RN-3 or RN-5 zones outside the boundaries of the Waynflete School Overlay Zone that was occupied by a residential use or structure on or after January 20, 2010. This restriction does not prevent Waynflete School from seeking a conditional use permit for a school use, where otherwise allowed by the zoning regulations, on lots outside the Waynflete School Overlay Zone that were not occupied by a residential use or structure on or after January 20, 2010.



13 SITE PLAN

13.1 PURPOSE

Pursuant to Portland’s Comprehensive Plan, this article advances the vision for a sustainable city with shared goals for the environment, community, and economy. This article complements the zoning and subdivision regulations of this Land Use Code.

13.2 APPLICABILITY

13.2.1 Site plan approval required

- A. All development meeting any one of the thresholds of Table 13-A shall require site plan approval prior to commencing any work or undertaking any alteration or improvement of the site.
- B. A final, approved site plan is a prerequisite to issuance of building, street opening, or certificate of occupancy permits for development subject to the provisions of this article. No such permit shall be issued until such permit is determined to be consistent with the final, approved site plan and any conditions of approval. In the event of any inconsistency between the approved site plan and any permit issued, the approved site plan shall control, provided, however, site plan approval shall not excuse failure to meet any independent requirement of any other law or ordinance. Neither the acceptance of any application nor any determination or approval hereunder shall authorize the issuance of a permit under Chapter 6 of the City of Portland Code of Ordinances for any use which would violate the provisions of Articles 6, 7, 8, 9 and 10 of this Land Use Code.

13.2.2 Exceptions

- A. The Planning Authority may grant written authorization for the release of a demolition or interior building permit for a development subject to this article upon written request of the applicant describing the extent of proposed work, provided that final plans have been submitted by the applicant. Any exterior demolition requires a performance guarantee for site stabilization.
- B. The Planning Authority may grant written authorization for advanced site work, provided that final plans have been submitted by the applicant. Such permission shall be granted only after submission of a written request describing the proposed scope of work to be conducted on the site and a determination by the Planning Authority that the request is reasonable, time is imperative, and the work will not compromise any aspect of the ensuing review process. All such work shall be done in compliance with information provided as part of the site plan application including, but not limited to, an erosion control plan. Such written permission shall not be required if the only work proposed is the digging of test pits. Advanced site work shall require a performance guarantee.

13.3 PROJECT CLASSIFICATION

13.3.1 Site plan

The Planning Authority shall classify each development proposal as a major or minor site plan application according to the classifications in Table 13-A. The Planning Authority may, due to the anticipated impacts of a project, classify any project

TABLE 13-A: SITE PLAN CLASSIFICATIONS

	Minor	Major
New construction or additions¹	Single- to four-family development 1,000 – 10,000 SF 1,000 – 20,000 SF in industrial zones 1,000 – 50,000 SF in IS-FBC zone and TOD zones	Multi-family development of five or more units > 10,000 SF > 20,000 SF in industrial zones > 50,000 SF in IS-FBC zone and TOD zones
Creation of disturbed area	1,000 SF - 3 ac.	> 3 ac.
Site alterations	Alteration of watercourse or wetland	--
Creation of impervious surface	1,000 SF – 1 ac.	> 1 ac.
Construction or paving of parking	5 – 25 parking spaces	> 25 vehicles
Change of use²	10,000 – 20,000 SF	> 20,000 SF

¹ Includes cumulative expansion of building floor area within a three-year period.

² Includes any change in use of an existing building, whether or not alterations are involved, from any use in the following list to any other use on the list, ~~with the exception that changes of use to residential shall be considered exempt~~: (A) Industrial, (B) Residential, (C) Institutional, (D) Commercial/Service, (E) Water-dependent use and marine use. Changes of use to residential shall be considered minor site plans.

a review level higher than otherwise indicated in Table 13-A.

13.3.2 Phased site plan

An applicant may elect to submit a phased site plan application for a large, multi-phase development program consisting of multiple buildings and site improvements on a site of one acre or more of total land area which is designed to be cohesive and integrated within the surrounding context.

13.4 REVIEW AND APPROVAL AUTHORITY

The review and approval authority for site plans shall be determined based on the classification of the project as shown in Table 13-B. At any point in the review process, the applicant may request that

the Planning Authority reclassify the application to the next highest review level.

13.5 REVIEW PROCEDURES

13.5.1 Pre-application meeting

Applicants for site plan review are encouraged to schedule a pre-application meeting. The purpose of this meeting is to familiarize the applicant with the City of Portland, site plan submittal requirements,

TABLE 13-B: REVIEW AND APPROVAL AUTHORITY

Plan Classification	Review Authority
Minor	Planning Authority
Major	Planning Board



review procedures, and applicable review standards. A pre-application meeting shall not confer pending proceeding status under Title 1 M.R.S. § 302. No decisions relative to the plan shall be made at the pre-application meeting, nor shall any advice or information provided by the City be construed as a decision.

13.5.2 Application, plans, and submittals

All applicants shall submit a site plan application to the Planning Authority in such form as prescribed by the Planning Authority. A payment of a nonrefundable application fee, as established by the City Council to cover administrative costs, shall accompany each application.

13.5.3 Staff completion check

A. The Planning Authority shall determine whether the application, plans, and submittals meet the submittal requirements of the *Technical Manual*. If the application is deemed incomplete or not in compliance with Articles 6, 7, 8, 9, or 10, the Planning Authority shall inform the applicant in writing of the finding

and the additional plans or submittals required to complete the application. A review of the application will not be conducted until the application is found complete.

B. Once the application is determined to be complete, receipt of application notices shall be sent to all property owners within 500 feet of the subject property lines.

13.5.4 Staff review

When the application is determined to be complete, the plans and submittals shall be reviewed by the Planning Authority and other departments of the City of Portland as appropriate against the review standards of this article. If the application qualifies as a minor site plan review and is determined to meet all applicable standards of this article, the Planning Authority shall approve the application. Otherwise, written comments from reviewers shall be provided to the applicant. Written comments shall include a staff recommendation to provide a revised plan and submittals, schedule a Planning Board workshop, or schedule a public hearing.

TABLE 13-C: SITE PLAN REVIEW PROCEDURES

	Minor	Major	Public Notice Requirement
Pre-application meeting	●	●	
Site plan, application, plans, and submittals	●	●	
Staff completion check	●	●	●
Staff review	●	●	
Neighborhood outreach		●	●
Planning Board workshop		●	●
Revised plans and submittals	●	●	
Final staff review & recommendation	●*	●	
Planning Board public hearing		●*	●

● Required | ● Recommended | * Decision point: approve/approve with conditions/deny

13.5.5 Neighborhood outreach

Applicants for major site plan review shall conduct neighborhood outreach, either through neighborhood meeting(s) or another method approved by the Planning Authority, in accordance with the following:

- A. Timing and location.** The neighborhood outreach shall be conducted no less than 21 calendar days before a workshop or, in the case that no workshop is required, a public hearing on the application. The outreach shall be conducted in a manner that is accessible to stakeholders within the City of Portland neighborhood where the project is proposed. All costs associated with the neighborhood outreach shall be borne by the applicant.
- B. Notice.** The applicant shall mail notice to all property owners within 500 feet of the subject property boundaries, at least 10 calendar days prior to the neighborhood outreach or event. The notice shall contain a brief description of the proposal and information about how to access the neighborhood outreach (e.g. the date, time, and place of the neighborhood meeting or event or other relevant information regarding approved forms of neighborhood outreach). A digital copy of the neighborhood notice shall be sent to the Planning Authority, which shall be distributed to the City's list of interested citizens.
- C. Outreach procedures**
 - 1. Record of participants.** The applicant shall keep a record of neighborhood participants in the outreach. A copy of this record shall be submitted to the Planning Authority prior to final review.
 - 2. Record of presenters and/or representatives.** The applicant shall keep a

record of all presenters and/or representatives of the applicant participating in the outreach.

- 3. Content.** The neighborhood outreach shall include an explanation of the proposal and provide an opportunity for public questions and comment.
- 4. Record of feedback.** The applicant shall keep a record of feedback generated through the neighborhood outreach. In addition to any comments, questions, data, or other feedback collected, this record shall also include the start and end time(s) of the outreach and a list of the specific plans, documents, or drawings that were shared. A copy of this record shall be submitted to the Planning Authority prior to final review. Any other individual or entity also may submit comments on the neighborhood meeting to the Planning Authority.

13.5.6 Review costs

- A.** Applicants shall pay a fee to cover the review costs and administrative costs incurred by the City. The fee shall be based upon the actual hours of review time and prevailing hourly rate for reimbursement of City costs, and shall be invoiced periodically by the City.
- B.** No land use permits or applications of any kind shall be processed, reviewed or issued, and no building permits of any kind shall be issued, for any project whose permit fee is governed by this article unless all charges due under this article have been paid and the developer is otherwise in compliance with the City Code of Ordinances.



13.5.7 Notice of public meeting

- A. For all applications that are subject to Planning Board review, the applicant shall be responsible for posting a notice of public meeting sign on the property where the development is to occur. The dimensions, construction, and content of the sign shall be in accordance with standards established by the Planning Authority.
- B. The sign shall be posted at least ten days prior to the public workshop date, in the case that a workshop is required, and ten days prior to the public hearing date, and shall be removed from the site no more than three days following the workshop or hearing.
- C. Once the required notice of public meeting signage is posted, the applicant shall submit a completed certification of posting form to the Planning Authority.
- D. In the event that a required notice of public meeting sign is obstructed, removed, or made illegible, it shall be the responsibility of the applicant to promptly reset or replace the sign, though failure to do so shall not invalidate the review.

13.5.8 Planning Board workshop

Where applicable, Planning Board workshops shall be scheduled on a date that follows the neighborhood outreach and initial staff review. Workshops shall be informational and shall not result in any formal approval or disapproval of the project. At a workshop, the Planning Board shall discuss the plans and submittals, consider the staff review with respect to the review standards of this article, hear public comments and questions, and provide direction to the applicant regarding issues to be addressed.

13.5.9 Revised plans and submittals

Where staff or Planning Board review has found that plans and submittals fail to comply with the review standards of this article, applicants shall provide revised plans and submittals to the Planning Authority. The Planning Authority shall determine whether the revised plans and submittals meet the submittal requirements of the City of Portland *Technical Manual*.

13.5.10 Final staff review and recommendation

When determined to be complete, the revised plans and submittals shall be reviewed by the Planning Authority and other City departments as appropriate against the review standards of this article. Written comments from reviewers shall be provided to the applicant. In the case of a major site plan review, comments shall include a staff recommendation to either approve, approve with conditions, or deny the revised site plan and submittals. In the case of a minor site plan application, following staff review, the Planning Authority shall approve, approve with conditions, or deny the revised site plan application based on the review standards of this article.

13.5.11 Planning Board public hearing

Applicants for major site plan review must appear before the Planning Board for a public hearing. The hearing shall be scheduled on a date that meets all public noticing requirements contained in Article 2. At the hearing, the Planning Board shall approve, approve with conditions, or deny an application, based upon the review standards of this article.

13.5.12 Lapse in application

A site plan application must be diligently pursued from the date of submission. Notwithstanding the submission of a complete application, any applicant shall provide additional information, studies, or reports from qualified professionals when determined by the Planning Board or the Planning Authority to be reasonably necessary to make any of the determinations required by this article. Failure to submit required information within 120 days of the date upon which the written request was made shall cause the application to expire and be deemed null and void.

13.6 SITE PLAN REVIEW STANDARDS

The reviewing authority shall not approve a site plan application unless the development proposal meets applicable standards of the City of Portland *Technical Manual*, the City of Portland *Design Manual*, and the standards below.

13.6.1 Transportation standards

A. Impact on surrounding street systems. The provisions for vehicular loading and unloading, parking, and vehicular and pedestrian circulation on the site and onto adjacent public streets and ways and the incremental volume of vehicular, bicycle, pedestrian, and transit traffic will not:

1. Create or aggravate any significant hazard to safety on the surrounding street network.
2. Substantially increase congestion on any street without mitigation proportionate to the level of impact.

B. Access and circulation

1. In general

- a. All development subject to this article shall provide safe and reasonable access and internal circulation for all users of the site and shall comply with the transportation systems and street design standards of the *Technical Manual*.
- b. Shared circulation, parking, and transportation infrastructure shall be provided to the extent practicable, with utilization of joint curb cuts, walkways, service alleys, bus pull-out areas, and related infrastructure shared with abutting lots and roadways. Easements for access for abutting properties and shared internal access points at property lines shall be provided where possible to facilitate present or future sharing of access and infrastructure.
- c. Continuous internal walkways shall be provided between existing or planned public sidewalks adjacent to the site, transit stops and street crossings, and building entrances on the site.
- d. Where the site abuts or includes an existing or planned publicly accessible trail, a connection to or integration of such trail shall be provided to the extent practicable, including rights of public access.
- e. Points of access and egress shall be located to avoid conflicts with turning movements and traffic flows.



- 2. *Curb and sidewalks*
 - a. All development shall provide curb and sidewalks along all frontages, installed to specifications as described in the transportation systems and street design standards of the *Technical Manual*.
 - b. Where sidewalks already exist but are in substandard condition, they shall be repaired or replaced in conformance with Chapter 25 of the City of Portland Code of Ordinances and the transportation systems and street design standards of the *Technical Manual*.
 - c. An applicant may request a waiver from sidewalk installation requirements if they meet two or more applicable waiver criteria as listed below:
 - i. There is no reasonable expectation for pedestrian usage coming from, going to, and traversing the site.
 - ii. There is no sidewalk in existence or expected within 1000 feet and the construction of sidewalks does not contribute to the development of pedestrian-oriented infrastructure.
 - iii. A safe alternative walking route is reasonably available, for example, by way of a sidewalk on the other side of the street that is lightly traveled.
 - iv. The reconstruction of the street is specifically identified and approved in the first or second year of the current Capital Improvement Program (CIP) or has been funded through an earlier CIP or through other sources.
 - d. An applicant may request a waiver from curb installation requirements if they meet two or more applicable waiver criteria as listed below:
 - i. The cost to construct the curbing, including any applicable street opening fees, is in excess of 5% of the overall project cost.
 - ii. The reconstruction of the street is specifically identified and approved in the first or second year of the current CIP or has been funded through an earlier CIP or through other sources.
 - iii. The street has been rehabilitated without curbing in the last 60 months and the proposed use and design of the site does not necessitate the installation of curbing.
 - iv. Strict adherence to the curb requirement would result in the loss of significant site features
 - e. The street has been constructed or reconstructed without sidewalks within the last 24 months.
 - f. Strict adherence to the sidewalk requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of a greater public value.

related to landscaping or topography that are deemed to be of a greater public value.

- v. Runoff from the development site or within the street does not require curbing for stormwater management.

C. Public transit access

1. All residential development consisting of 20 or more dwelling units and all commercial and institutional developments of at least 20,000 square feet gross floor area shall provide a transit shelter adjacent to or within the public right-of-way along its frontage, or at a nearby high-volume transit stop without a transit shelter, when the following criteria are met:
 - a. The development is proposed along an existing public transit route on a principal or minor arterial roadway, as shown in the Federal Street Classification Map.
 - b. The nearest existing transit shelter on the route is more than ¼ mile from the site, measured along rights-of-way.
2. Transit facilities shall be connected to the public sidewalk system.
3. All or some of this standard may be waived if the review authority determines that the development is not anticipated to generate public transit usage due to particular characteristics of the development or proposed use.

D. Parking

1. *Vehicular parking*
 - a. Developments shall comply with the parking standards of Article 18.
 - b. Where provided, parking spaces and aisles shall not be located in front and corner side yards, unless the applicant can demonstrate that site constraints preclude the location of parking elsewhere on the site.
 - c. Where provided, parking spaces and aisles shall meet applicable dimensional standards as detailed in the transportation systems and street design standards of the *Technical Manual*.
2. *Bicycle parking*
 - a. All development shall provide secure bicycle parking in accordance with the parking requirements of Article 18 and the transportation systems and street design standards of the *Technical Manual*.
 - b. The review authority may reduce the required number of bicycle parking spaces if it is determined, based on evidence submitted by the applicant, that the proposed development is expected to generate reduced demand for bicycle parking due to particular site characteristics or proposed uses.
3. *Snow storage*
 - a. All developments shall include areas for snow storage or provide an acceptable snow removal plan.
 - b. Snow storage areas may not encroach on adjacent properties, public ways, and pedestrian walkways, and shall not be located where they would adversely impact the functionality of stormwater management systems.



Landscaping in designated snow storage areas shall be such that it can withstand the snow pile.

4. *Electric Vehicle (EV) charging.* All development shall meet applicable EV standards as provided in Section 1 of the *Technical Manual*.

E. Transportation Demand Management (TDM)

1. The following types of development shall design and implement a Transportation Demand Management (TDM) plan:
 - a. All commercial, institutional, or mixed-use developments of 50,000 square feet or more in total floor area.
 - b. All commercial or institutional uses designed to accommodate 100 or more employees or, for educational institutions, 100 or more students.
2. The TDM Plan shall comply with the standards for transportation studies and plans as contained in the *Technical Manual*.

13.6.2 Environmental quality standards

A. Preservation of significant natural features

1. All development shall preserve and protect significant natural features by incorporating the principles of Low-Impact Development (LID) in accordance with the LID standards of the *Technical Manual*.
2. Where complete preservation of significant natural features substantially compromises development of the site as otherwise permitted by zoning, the review authority may reduce the requirement in accordance with the LID standards of the *Technical Manual* provided that the applicant implements preservation measures to the extent practicable and

demonstrates compliance with applicable state and federal regulations.

3. The site plan shall include adequate measures to protect significant natural features to be preserved from construction impacts, in accordance with the LID standards of the *Technical Manual*.

B. Site landscaping and buffers

1. *On-site landscaping.*
 - a. All development subject to this article shall provide a minimum of one shade tree consisting of species identified on the City of Portland Recommended Tree list or six plantings, defined as one shrub, one ornamental grass, and/or three perennials, per 5,000 square feet of lot area in accordance with the landscaping standards of the *Technical Manual*.
 - b. Existing vegetation to be preserved on the site may be counted towards this requirement as described in the landscaping and landscape preservation standards of the *Technical Manual*.
 - c. Where site constraints prevent the planting of required shade trees or plantings at the development site, the reviewing authority may approve an alternative as described in the landscaping standards of the *Technical Manual*.
2. *Buffers and screening*
 - a. Loading and servicing areas, trash and recycling areas, storage areas, and roof- and ground-mounted utility structures, except for renewable energy systems, shall be screened

from view from public sidewalks, streets and adjacent properties by dense evergreen and deciduous landscaping, fencing, architectural screening products, masonry walls, building walls, or a combination thereof.

- b.** Where immediately visible from the right-of-way, surface parking areas shall be screened with dense evergreen and deciduous landscaping, fencing, or masonry wall in accordance with the landscaping standards of the *Technical Manual*.
 - c.** For nonresidential development abutting a residential zone, an evergreen, densely landscaped buffer of not less than 10 feet in depth and six feet tall is required along the side abutting the residential zone. In cases where architectural fencing is used, the depth of the landscaped buffer may be reduced, so long as the fencing is at least six feet in height and a mix of evergreen and deciduous trees spaced no further than 20 feet apart is planted abutting the residential zone.
 - d.** All residential development shall provide and/or preserve evergreen vegetated buffers where necessary to buffer the development from detrimental impacts of existing surrounding development.
- 3. Parking and vehicle display lot landscaping**
- a.** Developments with more than five parking spaces shall include at least one tree for every 750 square feet of uncovered asphalt parking area (including drive aisles), planted in landscaped islands to screen, shade, and break up parking. Trees and shrubs in parking lots may be in informal groups, straight rows, or concentrated in clusters as described in the landscaping standards of the *Technical Manual*.
 - b.** Landscaped islands shall be distributed so that uninterrupted pavement does not exceed forty parking spaces.
 - c.** Where site constraints prevent implementation of all or a portion of required parking lot landscaping, as determined by the review authority, the reviewing authority may approve an alternative as described in the landscaping standards of the *Technical Manual*.
- 4. Non-vehicular hardscape.** All uncovered paving for non-vehicular use, including pathways and patios, must either have a minimum Solar Reflective Index (SRI) of 33 initially and 28 once aged three years or include one tree for every 750 square feet of asphalt paving.
- 5. Street trees**
- a.** All development shall include one street tree per 25-35 linear feet of frontage along a city right-of-way or private roadway as specified in the landscaping standards of the *Technical Manual*. The provision of measures to enhance tree survival (such as raised planters, irrigation, and



SITE PLAN

structural soils as recommended by the City Arborist) shall be required.

- b.** Where the applicant can demonstrate that site constraints prevent the planting of required street trees in the city right-of-way, the review authority may permit an alternative subject to the landscaping standards of the *Technical Manual*.
- c.** Where the proposed development includes the removal of an existing street tree determined by the City Arborist to be a heritage or feature mature tree, the applicant shall be required to contribute to the Tree Fund at the designated rate in the *Technical Manual* so that the total replacement cost is significantly higher than planting a new street tree/contributing for a new street tree.

C. Water quality, stormwater management, and erosion control

- 1.** All development shall be designed to minimize total area of impervious surface on the site and both the volume and rate of runoff from the lot. Provisions for stormwater management shall demonstrate the following:
 - a.** Any stormwater draining onto or across the lot in its pre-improvement state will not be impeded or re-directed so as to create ponding on, or flooding of, adjacent lots.
 - b.** Any increase in volume or rate of stormwater draining from the lot onto an adjacent lot or City property following the improvement can be handled on the adjacent lot or City

property without creating ponding, flooding or other drainage problems and that the owner of the lot being improved has the legal right to increase the flow of stormwater onto the adjacent lot or City property.

- c.** Any increase in volume or rate of stormwater draining from the lot into the City's storm sewer system can be accommodated in the system without creating downstream problems or exceeding the capacity of the storm sewer system.
- 2.** All development shall comply with the stormwater management standards of the *Technical Manual*.
- 3.** Development shall not pose a risk of groundwater contamination either during or post-construction, as described in the stormwater management and water supply standards of the *Technical Manual*.
- 4.** Applicants shall demonstrate that subsurface and/or any adjacent slope conditions are suitable to support the development, and where determined necessary, shall prepare a geotechnical study to demonstrate that the development as designed will not adversely impact the development site or any abutting property. Soil surveys and/or geotechnical studies shall be prepared in accordance with the requirements of the *Technical Manual*.

13.6.3 Public infrastructure and community safety standards

A. Consistency with City master plans

1. All developments shall be designed so as to be consistent with City Council-approved master plans and facilities plans and with off-premises infrastructure.
2. The site plan shall include suitable easements, rights, and improvements to connect or continue off-premises public infrastructure as may be required by the review authority.

B. Public safety and fire prevention

1. All development shall incorporate the following public safety principles for Crime Prevention through Environmental Design (CPTED) into site design to enhance the security of public and private spaces and to reduce the potential for crime:
 - a. Natural surveillance that promotes visibility of public spaces and areas.
 - b. Access control that promotes authorized and/or appropriate access to the site.
 - c. Territorial reinforcement that promotes a sense of ownership and responsibility through environmental design.
2. All developments shall be designed to provide adequate emergency vehicle access to the site and comply with the Public Safety standards of the *Technical Manual*.

C. Public utilities

1. The development shall not overburden sanitary sewers and storm drains, water lines or supply, or other public infrastructure and utilities. Development

shall provide adequate utility infrastructure on-site and in connection to surrounding locations and facilities.

2. Electrical service shall be underground unless otherwise specified for industrial uses, or if it is determined to be unfeasible due to extreme cost, the need to retrofit properties not owned by the applicant, or complexity of revising existing overhead facilities.
3. All sanitary sewer lines, storm drains, water lines, and other utilities proposed as part of the development shall be designed to conform with the sanitary sewer and storm drain and water supply standards of the *Technical Manual*.
4. All development within 200 feet of a public sanitary collection and treatment system shall connect sanitary sewer lines into the nearest available public sewer. If a public sanitary collection and treatment system is not available, a private wastewater system may be used according to the requirements of Chapter 24 of the City Code and the sanitary sewer and storm drain standards of the *Technical Manual*.
5. All residential development of 20 units or more, commercial development, and industrial development shall provide for the temporary storage and timely removal of all trash and recyclable materials including, at a minimum, paper, corrugated cardboard, plastics, and metals. Storage containers for recyclable materials shall be separated from trash containers. All exterior storage of trash and recyclables shall be screened from view from public sidewalks, streets, and adjacent properties.



13.6.4 Site design standards

A. Massing, ventilation, wind, and heat impact

1. The bulk, location, or height of proposed buildings and structures shall not result in health or safety problems from a reduction in ventilation to abutting structures or changes to the existing wind climate that would result in unsafe wind conditions for users of the site and/or adjacent public spaces.
2. Development shall locate all HVAC venting mechanisms to direct exhaust away from public spaces and residential properties directly adjacent to the site.
3. In proposed buildings or additions with an aggregate roof area greater than 2,000 square feet, measured horizontally, and, for residential projects, greater than nine residential units, a minimum of 75% of the roof area must meet the following “cool roof” Solar Reflective Index (SRI) standards:
 - a. Roofs with a slope less than 2:12: SRI of 82+ (initial)/64+ (3-year aged)
 - b. Roofs with a slope greater than 2:12: SRI of 25+ (initial)/25+ (3-year aged)Roof areas covered by shade structures with an SRI of 39+, including photovoltaic panels that shade the roof, are considered exempt from roof area calculations for the purposes of this standard.

B. Shadow. All development over 65 feet in height shall be designed to avoid and/or mitigate the adverse impacts of shadows cast by new structures or building additions from falling on publicly accessible open space in accordance with the shadow standards of the *Technical Manual*.

C. Snow and ice loading. All development shall be designed to prevent significant amounts of accumulated snow and ice from loading or falling onto adjacent properties or public ways.

D. View corridors. The massing, location, and height of development shall not substantially obstruct public view corridors identified in the City of Portland *Design Manual*.

E. Historic resources

1. When a development affects a designated landmark or lies within a designated historic district or historic landscape district, such development shall be required to obtain historic preservation approval under Article 16.
2. All development shall document and protect state or local archaeological resources known to exist or discovered on the site.
 - a. Protection may include leaving archaeological resources untouched beneath a new development through adaptation of foundation design or architectural layout.
 - b. Where the applicant can demonstrate that complete protection is not feasible, the applicant shall excavate and document archeological resources. Such measures shall be conducted in consultation with the City’s historic preservation program and Maine Historic Preservation Commission. For resources of state significance, excavation and documentation shall be conducted by a qualified professional, in coordination with Maine Historic Preservation Commission. Local

archeological resources may or may not be recognized by the Maine Historic Preservation Commission as significant and shall include the following:

- i.** Original seawall structure located landward of Commercial Street.
 - ii.** Inactive historic family cemetery plots.
 - iii.** Historic railroad beds including but not limited to the Portland-Lewiston interurban railroad.
 - iv.** Original structure and/or landforms associated with the Cumberland and Oxford Canal.
 - v.** Buried portions of colonial and post-colonial period structures or built features located on the Portland Peninsula predating the Great Fire of 1866.
 - vi.** Pre-colonial occupation sites identified by shell middens or other evidence.
 - vii.** Sites listed or eligible for listing on the National Register of Historic Places.
- c.** In order to preserve archeological resources, the review authority may waive standards listed in the City of Portland *Technical Manual* where necessary if it is determined that such a waiver would not jeopardize the health, safety, or welfare of the development's occupants, the public, or the natural environment.

F. Exterior lighting

- 1. Site lighting**
 - a.** All exterior site lighting shall be full cutoff with no light emitted above the horizontal plane or spilled onto adjacent properties. Illumination levels shall be adequate but not excessive for the safety, comfort, and convenience of occupants and users of the site, and shall conform to the lighting standards of the *Technical Manual*.
 - b.** Where light from a proposed development may adversely impact adjacent residential properties, exterior lighting shall employ building-side shielding.
- 2. Architectural and specialty lighting.**
 - a.** Architectural and specialty lighting of such features as architectural details, monuments, public art, or other site features shall be designed to illuminate specific details or attributes only and shall meet the lighting standards of the *Technical Manual*.
 - b.** Up-lighting by any method is prohibited except for public buildings and parklands; clock towers and steeples; landscape features; designated historic landmarks; flags of state, federal, or national jurisdictions; and public art. Such light fixtures, brackets, conduits, and all other components shall be designed by a lighting professional and shall be scaled and placed to minimize their visibility and installed in accordance



with the lighting standards of the *Technical Manual*.

3. *Street lighting.* All development shall provide municipal street lighting adequate for the safety and comfort of pedestrians, bicyclists, and motorists and, where applicable, conforming to specific lighting district requirements as specified in the street lighting standards of the *Technical Manual*.

G. Noise and vibration. All heating, ventilation and air conditioning equipment (HVAC), air handling units (AHU), emergency generators, and similar equipment shall meet applicable state and federal emissions requirements and shall be located to the interior of the site, away from abutting properties.

H. Signage and wayfinding

1. On-site directional traffic signage may be provided to enable users to safely and easily navigate into, around and out of the site.
2. Signage shall not adversely affect visibility at intersections on or off the site.

I. Design standards

1. Development of certain types and/or proposed in certain zones, as specified in the City of Portland *Design Manual*, shall meet the design standards of the *Design Manual* in order to ensure that building and site design contribute to and enhance the goals and policies for specific zones within the city. The City of Portland *Design Manual* is incorporated by reference as part of this Land Use Code.
2. If the development is located in a historic district or associated with a historic

landmark, the standards of Article 16 shall supersede.

13.7 WAIVERS

13.7.1 Waiver requests

An applicant for site plan review may request a waiver with respect to the submittal requirements or review standards of this article. If a waiver is requested, the applicant shall document the rationale for the waiver request within the application.

13.7.2 Waiver criteria

Except for where waiver criteria are provided for individual review standards, the review authority, if it finds that extraordinary conditions exist or that undue hardship may result from strict compliance with the submittal requirements or review standards of this article, may vary these regulations so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect of nullifying the intent of this article.

13.8 PHASING

A major site plan may be divided into two or more phases. Each phase must be at least 20% of the total development and in addition, show the entire tract or parcel. Each phase of such project shall be independent of subsequent phases and shall conform to all standards of this article in the event that subsequent phases do not go forward.

13.9 CONDITIONS OF APPROVAL

Notwithstanding the review standards of this article, the review authority may impose any condition upon its approval of any site plan to minimize or abate any adverse impact of the proposed

development on the value or utility of other private property, or public property or facilities, to the extent feasible; to bring the development into compliance with the review standards of this article; or to minimize any other adverse environmental effects of the proposed development.

13.10 POST-APPROVAL PROCEDURES

13.10.1 Final plans

Following final site plan approval and prior to issuance of any building permit, the developer shall submit final plans meeting all the conditions of the site plan approval, including without limitation all streets, sewers, drainage structures, and landscaping. Thereafter, limited and minor departures from the approved site plan shall be approved by the Public Works Authority and/or Planning Authority as field changes pursuant to Section 13.13. Amendments or revisions to the approved site plan shall be reviewed by the Planning Authority pursuant to Section 13.12.

13.10.2 Performance and defect guarantees

The following performance and defect guarantee requirements shall apply:

A. Performance guarantee required. Following approval of site plan applications and prior to the issuance of a building permit, the developer shall post with the City a performance guarantee in the form and amount specified herein, specifying the completion of the required site plan improvements within two years from the origination date of such guarantee. In no case shall the term of such guarantee be for a period of less than one year, nor shall any performance guarantee expire between October 30 and April 15 of the following year.

B. Inspection fees. At the same time that the developer posts a performance guarantee, the developer shall also pay to the City an inspection fee as determined by the City Council. If a performance guarantee is extended beyond its original expiration date, then an additional inspection fee in an amount to be determined by the City shall be required.

C. Single- and two-family development. All single- and two-family development is exempt from performance guarantee requirements except when those projects complete construction in the winter, and site work is incomplete due to weather conditions. A performance guarantee will then be required that is sufficient to complete the remaining site work as approved on the site plan. The performance guarantee must be reviewed and approved by the Planning Authority prior to the release of a certificate of occupancy. All single- and two-family development is subject to inspection fees, as specified herein.

D. Performance guarantee amount

1. The performance guarantee shall be equal in value to 100% of the estimated cost of the required site improvements as shown on the approved site plans, as a condition of planning approval, as required in the City of Portland Code of Ordinances, and/or as required by the City of Portland *Technical Manual*.
2. The performance guarantee amount shall be estimated by the applicant or representative using the cost estimate spreadsheet provided by the City and shall be submitted for review and approval to the Planning Authority. Costs to be included in the estimate, and which shall be



covered by the performance guarantee include items such as: street and sidewalk improvements including street lights, monuments, curbing, ramps and detectible warning panels, and striping; earth work and grading; utilities infrastructure and connections including sewer, stormwater, and water service; exterior site lighting; erosion control measures as shown on the approved erosion and sedimentation control plan; open space and recreation amenities; and final site stabilization and landscaping.

3. The Planning Authority may waive all or any portion of this requirement if it determines that the property owner has a proven record of satisfactory performance and sufficient financial capability or when the overall cost of the project fails to justify the administration of a performance guarantee.

E. Phased projects. If a project is reviewed and approved as a phased project, the corresponding performance guarantee may also be phased. A separate performance guarantee shall be posted for each phase. Each phase of such project shall be independent of subsequent phases and shall conform to all standards of this article in the event that subsequent phases do not go forward.

F. Advanced site work

1. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot in a subdivision which has not received Planning Board approval.
2. On a case-by-case basis, permission for advanced site work may be granted by the

Planning Authority under Section 13.2.2(B). Such permission is solely within the discretion of the Planning Authority.

G. Acceptable forms of performance

guarantee. The performance guarantee, in the amount approved by the Planning Authority, shall be a letter of credit, an escrow account with a responsible financial institution, or the deposit to the City of Portland Finance Department and shall be in conformance with the templates and forms made available by the City. If the performance guarantee is a deposit to the City, the City shall hold such funds in a noninterest bearing account until criteria for performance guarantee release have been satisfied. The performance guarantee shall be in the name of the City and shall be approved by the finance director as to financial sufficiency and the corporation counsel as to proper form and legal sufficiency.

H. Performance guarantee reductions

1. Up to three times during the construction of a project, upon request of the developer, a performance guarantee may be reduced by the value equal to the estimated cost of the completed improvements. In no case shall any performance guarantee be reduced by any line item on the cost estimate spreadsheet where improvements remain to be completed. Requests shall be submitted on the cost estimate spreadsheet for review and approval by the Planning Authority.
2. In no case shall any performance guarantee be reduced to an amount equal to or less than the required defect guarantee until all criteria set forth for converting to the defect guarantee have

been met, as approved by the Planning Authority.

I. Extension of the performance guarantee. If the Planning Authority and/or the Public Works Authority has reasonable doubt concerning the stability or proper construction of the required site improvements, the developer shall be required to reconstruct or otherwise address the issues to the City’s satisfaction. If the performance guarantee is scheduled to expire before the extent or necessity for such further work can be determined, the developer shall be required to extend the performance guarantee covering such improvements, or secure a new guarantee, for a period and amount deemed necessary by the Planning Authority and/or the Public Works Authority.

J. Performance guarantee release/conversion to defect guarantee

1. No performance guarantee shall be released until all fees generated by the project are paid to the City, including but not limited to engineering, inspection, and administrative fees. The guarantor shall not be released from the guarantee except and until authorized in writing by the Planning Authority.
2. For roadway extension projects, no performance guarantee shall be released until the Department of Public Works has performed a final inspection of the roadway and determined satisfactory completion of the required improvements. Additionally, no performance guarantee shall be released until the City is in receipt of a petition for street acceptance, deemed complete and satisfactory by Corporation Counsel and/or the

Department of Public Works. The petition for street acceptance must include a warranty deed (with metes and bounds description) to the property within each street of the subdivision or roadway extension and any other improvements intended for City maintenance.

3. Upon the satisfactory completion of the required site improvements and compliance with all conditions of approval including the submission of as-built drawings as applicable, the Planning Authority will authorize in writing, conversion to the defect guarantee. The defect guarantee shall be 10% of the original performance guarantee amount and shall remain in place for a period of one year. The defect guarantee shall ensure the workmanship and the durability of all materials used in the construction of the required site improvements. The Planning Authority may authorize the defect guarantee to be released at any time within the one-year period, provided all required site improvements have been constructed and in-place for one year or more and the workmanship and the durability of all materials has been inspected and confirmed to be satisfactory.

K. Acceptable forms of defect guarantee. The defect guarantee, 10% of the original performance guarantee amount approved by the Planning Department, shall be a letter of credit, an escrow account with a responsible financial institution, or the deposit to the City of Portland finance department and shall be in conformance with the templates and forms



made available by the City. If the defect guarantee is a deposit to the City, the City shall hold such funds in a noninterest bearing account until the criteria for performance guarantee release have been satisfied. The performance guarantee shall be in the name of the City and shall be approved by the finance director as to financial sufficiency and the corporation counsel as to proper form and legal sufficiency.

- L. Use of the performance guarantee.** In the event that a development site is abandoned or the site improvements do not meet City standards as approved in the site plan, the performance guarantee may be utilized to stabilize, secure, complete construction, and/or restore the site as may be necessary, including, but not limited to, revegetation of areas, grading, and fencing.

13.10.3 Inspection fee

At the same time that the developer posts a performance guarantee, the developer shall also pay to the City a site plan improvement inspection fee equal to two percent of the estimated costs of required site improvements for which a performance guarantee is to be posted. At the conclusion of the project, and before a temporary or permanent certificate of occupancy is issued, the developer shall pay to the City the balance of any inspection fees actually incurred by the City in its review of the project.

13.10.4 As-built plans

Upon completion of a development (excluding single- and two-family development and minor site work as determined by the Planning Authority), the

applicant shall submit the as-built plans as specified in the *Technical Manual*.

13.10.5 Certificates of occupancy

No certificate of occupancy shall be issued to any portion of development where, in the opinion of the Planning Authority, the site conditions or work required to complete the development will endanger the health or safety of persons visiting or inhabiting the completed portion. Certificates of occupancy may be granted as follows:

A. Temporary certificates of occupancy

1. Notwithstanding any other provision of the Land Use Code, a certificate of occupancy may be issued for a development or portion of a development which has otherwise been completed in accordance with final site plan approval and all applicable provisions of this Land Use Code where the applicant submits a written request to the Planning Authority stating those improvements which remain to be completed, the reasons why such improvements have not been completed, and the cost and time to complete the remaining work. In no event shall any temporary or permanent certificate of occupancy be issued where:
 - a. Conditions exist which would justify denial of a certificate of occupancy under Chapter 6 of the City of Portland Code of Ordinances.
 - b. Required improvements to the City right-of-way remain to be completed by the developer.
 - c. Access roads, driveways, and pedestrian access required for the building or building(s) for which the

certificate(s) are requested have not been improved to a passable condition.

- d. A remaining balance for fees incurred by the City exists.
 - e. The developer otherwise is in violation of the City Code of Ordinances.
2. Where a temporary certificate of occupancy is sought for a portion of any development prior to the completion of the entire development, the following standards shall be met, in addition to all applicable requirements set forth above, prior to the issuance of any certificate of occupancy:
- a. Those parking areas required for the portion of the development for which a certificate of occupancy is sought shall be available for use. Alternative arrangements must be made on-site for parking for any periods during which such parking areas will not be available for use.
 - b. All foundation plantings and other landscaping required for the portion of a development for which a certificate of occupancy is sought shall be installed prior to the issuance of a certificate of occupancy. This requirement may only be waived where, in the opinion of the Public Works Authority, landscaping improvements cannot practically be completed due to seasonal weather conditions.
 - c. A performance guarantee shall be in place and in an amount sufficient to cover all remaining required

improvements and not less than 10% of the initial performance guarantee amount.

- B. Final certificate of occupancy.** All improvements which are not completed prior to the issuance of any temporary certificate of occupancy must be completed prior to the completion date specified in the performance guarantee or in the temporary certificate of occupancy, whichever occurs first, in order for a final certificate of occupancy to be issued by the City. Where any person accepts a temporary certificate of occupancy and does not complete the improvements as specified in the certificate, the City is authorized to enter upon such property itself or through its agents or contractors to complete such improvements with no liability therefore and may recover the costs thereof through the mechanic's lien procedure for the improvement of real property to the extent that the performance guarantee may be inadequate.

13.11 EXPIRATION OF APPROVALS

13.11.1 Site plan

Site plans approved under this article shall expire three years from the date of approval unless development has been undertaken in accordance with the approved site plan and site work or building construction is ongoing. Any lapse in construction for a period in excess of 12 months shall result in an expiration of the site plan. Approved amendments to a site plan shall have no effect on the expiration date, which is based upon the original date of approval.



13.11.2 Phased site plan

The applicant has three years to start site work or building construction undertaken in accordance with the approved phased site plan and seven years to complete the project. Approved amendments shall have no effect on the expiration date, which is based upon the original date of approval. A phased site plan may be extended by the Planning Authority up to two years from date of expiration. Extension requests must be made in writing by the applicant prior to the expiration of the approval.

13.11.3 In case of appeal

Where a site plan approval or any related land use approval granted to the same applicant by any agency of the City with respect to the same development is appealed to any court by an opponent of the development, the applicant shall be granted extensions, beyond the expiration of said approval, where the applicant has exercised due diligence with respect to defending such appeal. Extensions shall not last beyond one year from entry of final judgment.

13.12 AMENDMENTS TO APPROVED PLANS

13.12.1 Field changes

Changes associated with unforeseen difficulties that arise during the course of construction and involving such technical detail as utility location and substitution of equivalent plantings shall be approved by the Public Works Authority and/or the Planning Authority. Field changes shall not involve substantial alteration of the approved plan or conditions imposed by the review authority.

13.12.2 Minor amendments

- A.** The Planning Authority is authorized to approve minor amendments to site plans. An

applicant may request a minor amendment to an approved site plan by submitting a written statement of the proposed amendments and proposed amended plans to the Planning Authority.

B. Minor amendments:

- 1.** Are generally consistent with the approved plan.
- 2.** Do not substantially impact the layout of buildings and open space.
- 3.** Do not significantly alter the program of proposed uses.
- 4.** Do not substantially change access, circulation, or infrastructure on or adjacent to the site.
- 5.** Do not otherwise meet thresholds for site plan review as described in Table 13-A.
- 6.** Do not affect any condition or requirement of the Planning Board.

13.12.3 Major amendments

An applicant may request approval by the review authority of a major amendment to an approved site plan by submitting an application for the amendment to the Planning Authority. Major amendments include changes that exceed the limited criteria for a minor amendment under Subsection 13.12.2.

13.13 CONSISTENCY WITH APPROVED SITE PLANS

13.13.1 Sites to be developed and maintained as depicted

- A.** Sites shall be developed and maintained as depicted in the approved final site plan and the written submission of the applicant. Any deviations from an approved site plan, including, but not limited to, changes in

topography, vegetation and impervious surfaces as shown on the final site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation, and impervious surfaces shown on the site plan.

- B.** All construction or alterations to the site performed under authorization of building permits or certificates of occupancy issued for development within the scope of this Land Use Code shall be in conformance with the approved final site plan or an amendment thereto under Section 13.12. The Planning Authority shall institute or cause to be instituted any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this article.

13.13.2 Work pursuant to Chapter 24 or 25

Where work is required pursuant to the terms of Chapters 24 or 25 as part of an approval granted under this article, such work shall be accomplished in the sequence established by the Public Works Authority. Where the Public Works Authority determines that work has been completed prior to the receipt of all approvals required by this article or which is out of sequence or is not in compliance with the standards of Chapters 24 and 25 of the City of Portland Code of Ordinances, a stop work order

may be issued. Work shall recommence only after such order has been lifted by the Department of Public Works or the Building Authority on the basis of an approved mitigation plan or action by the developer.

13.13.3 After-the-fact review

Where construction, alteration, or modification to a site is performed without a valid site plan approval, an after-the-fact review shall be performed by the Planning Board or Planning Authority, as applicable.

13.14 APPEALS

13.14.1 Minor site plan

When the Planning Authority has approved, approved with conditions, or disapproved a minor site plan, any person aggrieved may appeal the decision to the Planning Board within 30 calendar days of the date of the written decision of the Planning Authority. Upon the taking of such an appeal, the application shall be reviewed as a new application.

13.14.2 Major site plan

When the Planning Board has approved, approved with conditions, or disapproved a major site plan, any person aggrieved or the City may appeal the decision to the Superior Court, pursuant to Rule 80B of the Maine Rules of Civil Procedure and 30-A M.R.S §§ 2691 & 4483. Decisions of the Planning Board are final as of the date the written decision is issued.



19 SIGNS

19.1 PURPOSE

This article has been adopted to ensure that all signs installed in the city are compatible with the unique character and environment of the community through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements. More specifically, this article is intended to:

- A. Ensure that all signs are compatible with the unique character and environment of the City of Portland, and that they support the desired urban design and development patterns of the various zones, overlay zones, and historic areas within the city.
- B. Balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages.
- C. Improve pedestrian and traffic safety by promoting the free flow of traffic and the protection of pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage.
- D. Prevent property damage, personal injury, and litter caused by signs that are improperly constructed or poorly maintained.
- E. Protect property values, the local economy, and quality of life by preserving and enhancing the appearance of the streetscape.
- F. Provide consistent sign design standards that enable the fair and consistent enforcement of these sign regulations.

19.2 APPLICABILITY

19.2.1 Applicability

This article applies to all permanent and temporary signs within the city unless specifically exempted.

- A. The provisions of this article shall be applied in a content-neutral manner. Non-communicative aspects of all signs, not related to the content of the sign, must comply with the provisions of this article. “Non-communicative aspects” include the time, place, manner, location, size, height, illumination, spacing, and orientation of signs.
- B. Nothing in this article shall be construed to prohibit a person from holding a sign while picketing or protesting on public property.

19.2.2 Substitutions and interpretations

This article is not intended to, and does not, restrict speech on the basis of its content, viewpoint, or message. No part of this article shall be construed to favor commercial speech over non-commercial speech. A non-commercial message may be substituted for any commercial or non-commercial message displayed on a sign without the need for any approval or permit from the City, provided that the sign is otherwise permissible under this article. To the extent any provision of this subsection is ambiguous, the term will be interpreted not to regulate on the basis of the content of the message.

19.2.3 Exemptions

The following signs are not regulated under this article and are not subject to the permitting requirements of Section 19.3:

- A. Numerals and letters identifying an address from the street to facilitate emergency response compliant with City requirements.

- B. Building identification signs not exceeding two square feet in area for residential buildings and four square feet in area for nonresidential and mixed-use buildings.
- C. Any sign, posting, notice, or similar signs placed, installed, or required by law by a city, county, or a federal or state governmental agency in carrying out its responsibility to protect the public health, safety, and welfare, including the following:
 1. Emergency and warning signs necessary to warn of dangerous and hazardous conditions and that serve to aid public safety or civil defense.
 2. Numerals and letters identifying an address from the street to facilitate emergency response and compliant with City requirements.
 3. Traffic signs and signs at bus stops and in bus shelters.
 4. Signs required to be displayed by any applicable federal, state, or local law, regulation, or ordinance.
 5. Signs directing the public to points of interest.
 6. Signs showing the location of public facilities.
 7. Signs subject to the provisions of 23 M.R.S. § 1913-A.
- D. Historic plaques and commemorative signs ~~erected and maintained by non-profit organizations~~, building cornerstones, and date-constructed stones not exceeding four square feet in area.
- E. Non-illuminated incidental signs which provide information including, but not limited to, credit card acceptance, business hours, open/closed, no soliciting, directions to services and facilities, or menus, provided these signs do not exceed an aggregate of two square feet in sign area in the Residential Sign District and six square feet in sign area in all other sign districts.
- F. ~~Landmark signs~~ Signs which have been designated as a historic object or identified as a character-defining feature of a historic designation.
- G. Signs posted on a community bulletin board, not to exceed 11 inches by 17 inches.
- H. Signs not readable from the public right-of-way, such as:
 - Signs or displays located entirely inside of a building and not visible from the building's exterior.
 1. Signs intended to be readable from within a parking area but not readable beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way.
 2. Signs located within City recreation facilities.
 3. Signs that are an integral part of an allowed vending machine or similar facility located outside of a business.
- I. Temporary signs placed within the public right-of-way, subject to the provisions of 23 M.R.S. §1913-A.
- J. Works of art that do not include sign copy or where sign copy is limited to no more than 10% of the total area of the artwork and the dimensional standards listed in Tables 19-G and 19-P.



19.3 REVIEW PROCEDURES

19.3.1 Review Authority

Table 19-A establishes the final review authority for

TABLE 19-A: REVIEW AUTHORITY

Application Type	Building Authority	Planning Authority – Historic Preservation
Sign permit	●	-
Signs in historic districts	●	●

sign-related applications.

19.3.2 Applications and fees

- A. Filing of applications.** An application for a permanent or temporary sign permit must be submitted to the Building Authority on an application form or in accordance with the application specifications published by the Building Authority. Each application must be accompanied by the applicable fee, which shall be established by the City Council.
- B. Review and approval**
 - 1. Following receipt of a complete application, the Building Authority shall review all sign permit applications and supporting documentation for compliance with the standards of this article.
 - 2. The Building Authority shall either:
 - a. Issue the sign permit if the sign that is the subject of the application conforms to the requirements of this article, and also provided that any other required permits as determined by the Building Authority have been obtained, or
 - b. Deny the sign permit if the sign that is the subject of the application fails to conform to the requirements of this article. If the

sign permit application is denied, the reason shall be stated in writing.

19.3.3 Permanent sign permits

- A. Sign permit required.** A sign permit is required to erect, install, construct, move, alter, replace, suspend, display, or maintain (i.e., removal of the sign so that structural elements supporting the sign may be maintained) any permanent sign, unless otherwise specified in this article. Each sign and change of copy (i.e., changing of the face or letters on a sign) requires a separate sign permit except as allowed in Subsection 19.6.4. Exceptions to the requirement for a sign permit include the exemptions listed in Subsection 19.2.3, as well as building-mounted directional signs, building-mounted directory signs, and window signs. Refer to Section 19.7 for permanent sign standards that apply even when no sign permit is required. Any sign not authorized pursuant to this article is not allowed.
- B. Assignment of permanent sign permits.** A current and valid permanent sign permit issued under this article shall be freely assignable to a successor as owner of the property or operator of the premises. The assignment shall not require approval by the Building Authority.
- C. Expiration.** A permanent sign permit will expire and become null and void if the work authorized in compliance with the permit is not commenced within 180 days from the date of issuance of the permit, or if work is suspended or abandoned for a period of 180 days or more at any time after the work has commenced.

19.3.4 Signs in historic districts

- A. Applicability.** The standards established in this subsection shall be applied within historic districts in addition to the standards otherwise established in this article.
- B. Review.** In addition to being subject to the other provisions of this article, all permanent signs proposed in historic districts must be reviewed for approval by the Planning Authority in accordance with the sign standards included in Subsection 16.6.7 and as detailed in the *Historic Resources Design Manual*. If there is a conflict between the standards included in Article 16 and the requirements of this article, the stricter shall apply.

19.3.5 Appeals

Appeals of sign permit decisions are within the jurisdiction of the Zoning Board of Appeals.

19.4 SIGN DISTRICTS ESTABLISHED

Table 19-B combines the zones established in Article 5 into sign districts based on similarity of use, building form, and character. For sign standards specific to overlay zones, see Article 8. If no sign standards exist within the overlay zone, the standards of the underlying zone shall apply.

19.5 GENERAL RESTRICTIONS FOR ALL SIGNS

19.5.1 Location restrictions

Except where specifically authorized in this article, signs may not be placed in the following locations:

- A. Public right-of-way.** Within, on, or projecting over public property, City rights-of-way, or waterways, except signs specifically authorized in this article.
- B. Obstructing traffic signals.** Any location that obstructs the view of any authorized traffic sign, signal, or other traffic control device.
- C. Obstructing intersection visibility.** At the intersections of streets or streets and driveways where the visual lines of sight for drivers of motor vehicles are obstructed. Signs shall observe corner clearance requirements as listed in Subsection 7.5.1.
- D. Ingress and egress.** Areas allowing for ingress to or egress from any door, window, vent, exit way, or fire lane required by Chapter 6 of the City of Portland Code of Ordinances or Fire Department regulations currently in effect.
- E. Landscape elements or utilities.** Tacked, painted, burned, cut, pasted, or otherwise affixed to trees, rocks, light and utility poles, posts, fences, ladders, benches, or similar supports that are visible from a public way.
- F. Off-premises.** Off the premises of the business to which the commercial advertising sign refers, except as provided in Table 19-X.
- G. Roof-mounted.** Mounted on the roof of a building or structure.



TABLE 19-B: SIGN DISTRICTS ESTABLISHED

Sign District	Zones	Description
Residential Sign District	RN-1 Residential Neighborhood Zone RN-2 Residential Neighborhood Zone RN-3 Residential Neighborhood Zone RN-4 Residential Neighborhood Zone RN-5 Residential Neighborhood Zone RN-6 Residential Neighborhood Zone IR-1 Island Residential Zone IR-2 Island Residential Zone	These zones comprise the vast majority of residential land in Portland. Signage is limited in these zones, as a variety of sign types could detract from the desired residential character.
Small Mixed-Use Sign District	B-1 Neighborhood Business Zone B-2b Community Business Zone IS-FBC UA, UN, and UT Zones I-B Island Business Zone O Office Zone	These zones allow a variety of sign types to achieve a diverse, mixed-use character appropriate for neighborhood residential, office, service, and retail uses.
Large Mixed-Use Sign District	B-2 Community Business Zone B-4 Commercial Corridor Zone EWPZ Eastern Waterfront Port Zone	These zones comprise the major commercial centers in Portland and allow a variety of sign types to achieve a diverse character appropriate for major office, service, and retail uses.
Downtown Sign District	B-3 Downtown Business Zone B-5 Urban Commercial Zone B-6 Eastern Waterfront Zone TOD-1 Transit Neighborhood Zone TOD-2 Transit Center Zone WCZ Waterfront Central Zone	The downtown core zones allow a variety of sign types to achieve a diverse, mixed-use character appropriate for office, service, retail and mixed-uses in the downtown.
Industrial and Transportation Sign District	A-B Airport Business Zone I-L Low-Impact Industrial Zone I-M Moderate-Impact Industrial Zone I-H High-Impact Industrial Zone WPDZ Waterfront Port Development Zone	These zones allow a number of sign types to achieve a character appropriate for industrial manufacturing, warehousing, and transportation uses.
Open Space Sign District	OS-R Recreation and Open Space Zone OS-P Open Space Preservation Zone	These zones prohibit most sign types, allowing only those necessary to provide information for primarily open space and recreation uses.

H. Storage containers and receptacles. On fuel tanks, storage containers, and/or solid waste receptacles or their enclosures, except for a manufacturer's or installer's identification, appropriate warning signs and placards, and information required by law.

19.5.2 Prohibited signs

Except as otherwise provided in this article, the following signs are prohibited:

- A.** Billboards.
- B.** Signs that could be confused with any authorized traffic signal or device or that interfere with, obstruct, confuse, or mislead traffic.
- C.** Bandit signs.
- D.** Signs or other devices that are inflatable or affected by the movement of the air or other atmospheric or mechanical means, including inflatable balloons, spinners, strings of flags and pennants, feather banners, fixed aerial displays, streamers, tubes, and inflated characters used as signs, whether attached to a sign or to vehicles, structures, poles, trees and other vegetation, or similar support structures, except as allowed in Section 19.8.
- E.** Any sign which advertises a business no longer in existence or a product or service no longer being sold, except for landmark signs.
- F.** Any temporary sign, other than those signs allowed pursuant to Section 19.8.
- G.** Any other signs not specifically allowed by the provisions of this article.

19.5.3 Display restrictions

Except as otherwise provided in this article, the following display features are prohibited:

- A.** Animated features which rotate, move, or give the appearance of moving by mechanical, wind,

or other means. Barber poles no more than three feet in height and 10 inches in diameter and clocks are excepted from this restriction.

- B.** Sound, odor, or any particulate matter including bubbles, smoke, fog, confetti, or ashes.
- C.** Lighting devices with intermittent, flashing, rotating, blinking, or strobe light illumination, animation, motion picture, or laser or motion picture projection, or any lighting effect creating the illusion of motion, as well as laser or hologram lights.
- D.** Search lights or laser light displays when used as attention-attracting devices.
- E.** Strings of lights used in connection with commercial premises, except when used for temporary lighting for decoration, and lights arranged in the shape of a product, arrow, or any commercial message.

19.6 GENERAL REQUIREMENTS FOR ALL SIGNS

19.6.1 Sign measurement

Sign area and height shall be measured as described in Tables 19-C and 19-D.

19.6.2 Computation of the number of signs

When determining the number of signs, a single sign shall be considered either enclosed within a single frame or composed of modular parts with identical frame elements designed to be joined together to form a single composite sign.



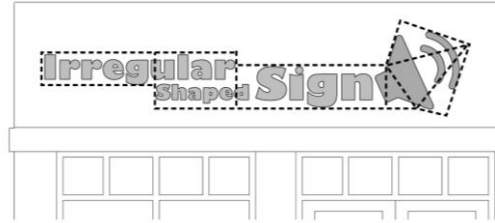
TABLE 19-C: SIGN AREA MEASUREMENT

<p>Signs on background panel</p>	<p>Sign copy mounted, affixed, or painted on a background panel or surface distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that will enclose both the sign copy and the background.</p>	
<p>Signs as individual letters</p>	<p>Sign copy mounted as individual letters or graphics against a building surface that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the sign.</p>	
<p>Signs on illuminated surface</p>	<p>Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element, which contains sign copy. Such elements may include lit canopy fascia signs, and/or interior lit awnings.</p>	

TABLE 19-C (CONT.): SIGN AREA MEASUREMENT

Irregular-shaped signs

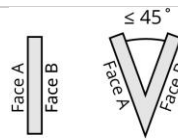
Sign area for irregular shaped signs is determined by dividing the sign into squares, rectangles, triangles, circles, arcs, or other shapes the area of which is easily calculated.



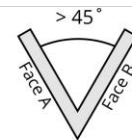
Multi-face signs

For two-face signs, if the interior angle between the two sign faces is 45 degrees or less and the sign faces are less than 42 inches apart, the sign area is determined by the measurement of one sign face only. If the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces.

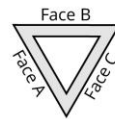
For three- or four-face signs, the sign area is 50 percent of the sum of the areas of all sign faces.



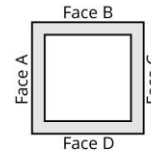
Sign Area = A



Sign Area = A + B



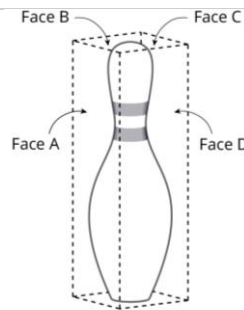
Sign Area = $(A + B + C) \div 2$



Sign Area = $(A + B + C + D) \div 2$

Spherical, free-form, or sculptural signs

Spherical, free-form, or sculptural signs are measured as 50% of the sum of the areas of the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. Signs with greater than four polyhedron faces are prohibited.



Sign Area = $(A + B + C + D) \div 2$

Note: Numerals and letters used to identify an address are not included in the determination of sign area.



TABLE 19-D: SIGN HEIGHT MEASUREMENT

<p>Building-mounted signs</p>	<p>The height of signs mounted on a building is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure.</p>	
<p>Freestanding signs</p>	<p>Sign height is measured as the vertical distance from the finished grade at the base of a sign to the top of the sign exclusive of any filling, berming, mounding, or landscaping solely for the purpose of locating the sign and excluding decorative embellishments as permitted in Section 19.7.</p>	

19.6.3 Sign illumination

A. Sign illumination by sign district

1. Table 19-E identifies the type of illumination permitted (●) or not permitted () by sign district. All allowed permanent signs may also be non-illuminated. All permanent signs for single-family residences or duplexes and all temporary signs must be non-illuminated.
2. The illumination level of a sign must be reduced if the Building Authority determines the light output to be excessive. The Building Authority shall use the following criteria to determine if the illumination is excessive:
 - a. The amount of illumination is substantially greater than the illumination level of other nearby signs.

- b. The sign’s illumination interferes with the visibility of other signs or with the perception of objects or buildings in the vicinity of the sign.
 - c. It directs glare toward streets or motorists.
 - d. It adversely impacts nearby residents or neighborhoods.
 - e. The illumination reduces the night time readability of the sign.
- B. Internal illumination.** To minimize glare, internally-illuminated signs must either be constructed with an opaque background and translucent text and symbols, or with a colored background. Backgrounds must not be white, off-white, light gray, cream, or yellow.

TABLE 19-E: SIGN ILLUMINATION BY SIGN DISTRICT

Sign District Name	Type of Illumination						
	External	Direct	Internal (Cabinet or Halo Sign)	Internal (Individual Letters /Logo)	Neon	Single or Two-Color LED	Electronic Message Signs
Residential Sign District	-- ¹			-- ¹			-- ¹
Small Mixed-Use Sign District	●	● ²	● ³	●	●	●	
Large Mixed-Use Sign District	●	●	●	●	●	●	●
Downtown Sign District	●	●	●	●	●	●	
Industrial and Transportation Sign District	●	●	●	●	●	●	● ⁴
Open Space Sign District	●						

¹ Allowed for institutional uses only.

² Only allowed in B-1, B-2b, IS-FBC, and I-B zones.

³ Only allowed in B-2 and the OP zones.

⁴ Only allowed in I-L, I-M, and I-H zones.

C. External illumination

1. Externally-illuminated signs must be illuminated only with steady, stationary, fully-shielded light sources directed solely onto the sign without causing glare.
2. The light source for externally-illuminated signs must be arranged and shielded to substantially confine all direct light rays to the sign face and away from streets and adjacent properties as illustrated in Figure 19-A.

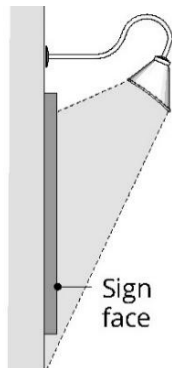


FIGURE 19-A: EXTERNAL ILLUMINATION

D. Direct illumination. All direct illumination must be turned off daily at the close of business or 10 p.m., whichever occurs last.

E. Neon. Exposed neon sign lighting must be turned off daily at the close of business or 10 p.m., whichever occurs last.

F. Single-color or two-color LED signs.

1. Single or two-color LED signs are exempt from the sign area limitations for window signs and building-mounted signs.
2. Single or two-color LED signs must be turned off daily at the close of business or 10 p.m., whichever occurs last.

G. Electronic Message Signs

1. One electronic message sign is allowed per lot.
2. Electronic message signs must not flash, blink, flutter, include intermittent or chasing lights, or display video messages (i.e., any illumination or message that is in motion or appears to be in motion). Electronic message signs may display



changing messages provided that each message is displayed for no less than 30 seconds.

- 3. Electronic message signs must be equipped with photocell technology to control and vary the intensity of light output depending on the amount of ambient light that is present to prevent overly bright luminance at night. Automatic controls must limit night luminance to a maximum of 100 nits when the display is set to show maximum brightness in 100 percent full white mode.
- 4. The applicant shall provide a written certification from the sign manufacturer that the night time luminance has been factory pre-set not to exceed 100 nits as described in (3) above, and that this setting is protected from end-user modification by password-protected software or other method as deemed appropriate by the Building Authority.
- 5. Electronic message signs must be turned off daily at the close of business or 10 p.m., whichever occurs first.

19.6.4 Changeable sign copy

Changeable sign copy must comply with the following standards:

- A. **Maximum area.** The maximum area of changeable sign copy shall be limited to 50% of the total sign area, except for marquee signs. This does not apply to any signs required by law.
- B. **Sign design.** The changeable sign copy must be an integral part of a permanent building-mounted or freestanding sign.
- C. **Illumination.** Changeable sign copy may be non-illuminated or internally-illuminated.

19.6.5 Structure and installation

- A. **Authority.** The construction of signs shall be enforced and administered by the Building Authority. All signs and advertising structures must be designed to comply with the provisions of this article and applicable provisions of Chapter 6 of the City of Portland Code of Ordinances and constructed to withstand wind loads, dead loads, and lateral forces.
- B. **Electrical features.** Where electrical service is provided to freestanding signs or landscape wall signs, all such electrical service must be placed underground and concealed. Electrical service to building-mounted signs, including conduit, housings, and wire, must be concealed or, when necessary, painted to match the surface of the structure upon which they are mounted. An electrical permit shall be issued prior to installation of any new signs requiring electrical service.

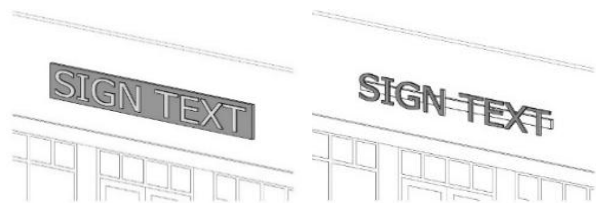


FIGURE 19-B: RACEWAY CABINET EXAMPLES

- C. **Raceway cabinets.** Raceway cabinets, as illustrated in Figure 19-B, shall only be used in building-mounted signs when access to the wall behind the sign is not feasible, shall not extend in width and height beyond the area of the sign, and shall match the color of the building to which it is attached. Where a raceway cabinet provides a contrast background to sign copy,

the colored area is counted in the total allowable sign area allowed for the site or business. A raceway cabinet is not a cabinet sign.

- D. Materials.** All permanent signs allowed by this article must be constructed of durable materials capable of withstanding continuous exposure to the elements and must be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

19.6.6 Sign maintenance

All signs must be maintained by any property owner, lessor, lessee, manager, agent, or other person having lawful possession or control over a building, structure, or parcel of land, in a condition or state of equivalent quality to which was approved or required by the City. All signs together with their supports and appurtenances must be maintained in good structural condition, in compliance with applicable provisions of Chapter 6 of the City of Portland Code of Ordinances, and in conformance with this article. Maintenance of a sign includes periodic cleaning, replacement of flickering, burned out, or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to comply with the requirements and contents of the sign permit issued for its installation and provisions of this article.

19.7 STANDARDS FOR PERMANENT SIGNS

19.7.1 Permitted sign types by sign district

Table 19-F establishes which sign types are permitted (●) or not permitted (○) in each sign district. Any combination of allowed sign types may be used within a given sign district unless specifically prohibited.

19.7.2 Permanent building-mounted sign standards

The maximum total area for all building-mounted signs is established in Table 19-G. The area of all building-mounted signs is included in the maximum total sign area, except when specifically exempted. All permanent building-mounted signs shall comply with the corresponding sign type standards provided in Tables 19-H to 19-Q.

19.7.3 Permanent freestanding sign standards

All permanent freestanding signs shall comply with the standards of Table 19-R and the corresponding sign type standards established in Tables 19-S to 19-V. Unless specifically indicated, standards applicable within a sign district apply to single- and multi-tenant buildings. There is no setback requirement for permanent freestanding signs, provided that the sign is entirely located on the property where the sign is permitted, and the sign is located in compliance with Table 19-F.



TABLE 19-F: ALLOWED SIGN TYPES BY SIGN DISTRICT

	Residential Sign District ¹	Small Mixed-Use Sign District	Large Mixed-Use Sign District	Downtown Sign District	Industrial Sign District	Open Space Sign District
Building-Mounted	Awning Sign	●	●	●	●	●
	Canopy Sign		●	●	●	
	Blade Sign		●	●	●	
	Directional Sign		●	●	●	●
	Directory Sign	● ³	●	●	●	●
	Marquee Sign			●	●	
	Projecting Sign		●	●	●	●
	Service Island Canopy Sign			●	●	
	Wall Sign	●	●	●	●	●
	Window Sign		●	●	●	●
	Freestanding	Freestanding Directional Sign	●	●	●	● ³
Freestanding Directory Sign		● ²	●	●	● ⁴	●
Monument Sign			●	●	● ⁴	●
Pole Sign			●	●	● ⁴	●

¹ For institutional uses in residential zones, all permanent sign types are allowed except for the following: awning sign, blade sign, canopy sign, marquee sign, pole sign, projecting sign, service island canopy sign; and window sign.

² Not allowed in the RN-1, RN-2, IR-1, and IR-2 zones.

³ Not allowed in the B-3 zone.

⁴ In the B-3 and B-5 zones, freestanding signs are permitted only if the front façade of the building is set back a distance of at least 20 ft. from either of the front facades of abutting buildings. In the case of a multi-tenant building, the individual tenants' frontage must be set back a distance of at least 20 ft. from other tenant's frontages.

TABLE 19-G: DIMENSIONAL STANDARDS FOR BUILDING-MOUNTED SIGNS BY SIGN DISTRICT

Sign District	Total Area for All Signs (per tenant or façade)	Number of Signs (max.)
Residential	Single-family lots 2 SF max.	1 per lot (either freestanding or building-mounted)
	Multi-family lots 10 SF max.	1 per street frontage
	Institutional use in all residential zones 1.5 SF per linear foot of building façade where the sign is placed 150 SF max.	1 per street frontage, plus 2 additional
Small Mixed-Use	Single-tenant building I-B zone: 1 SF per linear foot of building façade where the sign is placed; Max. 40 SF All other zones: 1.5 SF per linear foot of building façade where sign is placed; Max. 100 SF per facade	1 per street frontage, plus 1 additional
	Multi-tenant building 1.5 SF per linear foot of building façade where the sign is placed 150 SF max. per tenant	1 per tenant ^{5,6} , plus 1 additional for the building.
Large Mixed-Use	Single-tenant building 2 SF per linear foot of building façade where the sign is placed 200 SF max. per façade ¹	1 per street frontage, plus 2 additional
	Multi-tenant building 1.5 SF per linear foot of tenant façade where the sign is placed 150 SF max. per tenant	1 per tenant ⁶ , plus 1 additional for the building.
Downtown	Single-tenant building 2 SF per linear foot of building façade where the sign is placed	1 per street frontage, plus 2 additional
	Multi-tenant building Ground floor tenants 2 SF per linear foot of tenant frontage where the sign is placed	1 per tenant ^{5,6}
	Building ID and upper floor tenants 5% of building wall area max. for all upper floor tenant signs place on a facade.	1 per tenant, plus 2 additional for the building
Industrial & Trans.	Single-tenant building 2 SF per linear foot of building façade where sign is placed 250 SF max.	1 per street frontage, plus 2 additional
	Multi-tenant building 2 SF per linear foot of tenant frontage where the sign is placed 200 SF max.	1 per tenant, plus 2 additional for the building
Open Space	Commercial signs/facility signs^{2,3} 1 SF per linear foot of building façade where the sign is placed 20 SF max. ⁴	1 per use (either freestanding or building-mounted)
Sign placement The total sign area for signs on single-tenant or multi-tenant buildings may be placed on any building elevation, provided that at least 1 sign must be placed on the tenant facade.		

¹ Where a building features two principal entry facades facing parallel streets, each entry façade shall be eligible for the full amount of signage relative to its frontage, notwithstanding the total area.

² Standards do not apply to municipal stadiums with more than 6,000 seats. The standards for the Small Mixed-Use Sign District shall apply instead.

³ Building signs shall be visually related to the building on which they are located in terms of materials, color, scale, etc., as determined by the Building Authority.

⁴ Product trademarks limited to 5% of total sign area.

⁵ On the peninsula, each tenant may have two signs, provided that one sign is a blade sign and one sign is placed parallel to the building façade.

⁶ If a tenant faces additional street frontages, one additional sign is allowed per frontage for that tenant.



TABLE 19-H: STANDARDS FOR AWNING SIGNS

Standard	Requirements
Sign area (max.)	1 SF per linear foot of awning width
Mounting height	8 ft. min. from the bottom of the awning to the nearest grade or sidewalk 25 ft. max.
Sign placement	Must be placed above the doors and windows of the ground floor of a building. Awnings shall not project above, below, or beyond the edges of the face of the building wall or architectural element. May project into public right-of-way with permit approval.
Valance height (max.)	6 in.
Horizontal distance from back of curb (min.)	2 ft.
Illumination	Illumination allowed under the awning.

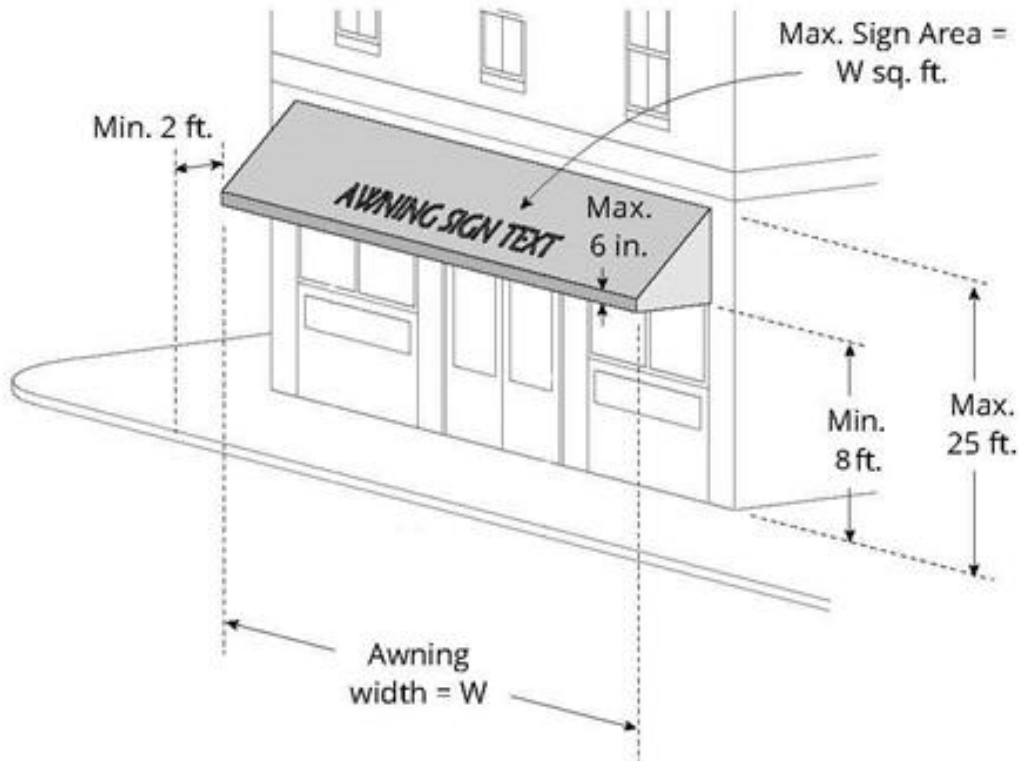




TABLE 19-1: STANDARDS FOR CANOPY SIGNS

Standard	Requirements
Sign area (max.)	1 SF per linear foot of canopy width
Mounting height	8 ft. min. from the bottom of the sign to the nearest grade or sidewalk 20 ft. max.
Sign placement	Must be placed above the doors and windows of the ground floor of a building. May project into public right-of-way with permit approval.
Horizontal distance from back of curb (min.)	2 ft.
Illumination	Direct illumination or internal illumination



TABLE 19-J: STANDARDS FOR BLADE SIGNS

Standard	Requirements
Sign area (max.)	16 SF
Mounting height	8 ft. min. from the bottom of the sign to the nearest grade or sidewalk Must be mounted perpendicular to the building face or corner of the building.
Sign placement	If mounted below the underside of a walkway or overhead structure, must not extend beyond the edge of the structure on which it is located. May project into public right-of-way with permit approval.
Illumination	External illumination

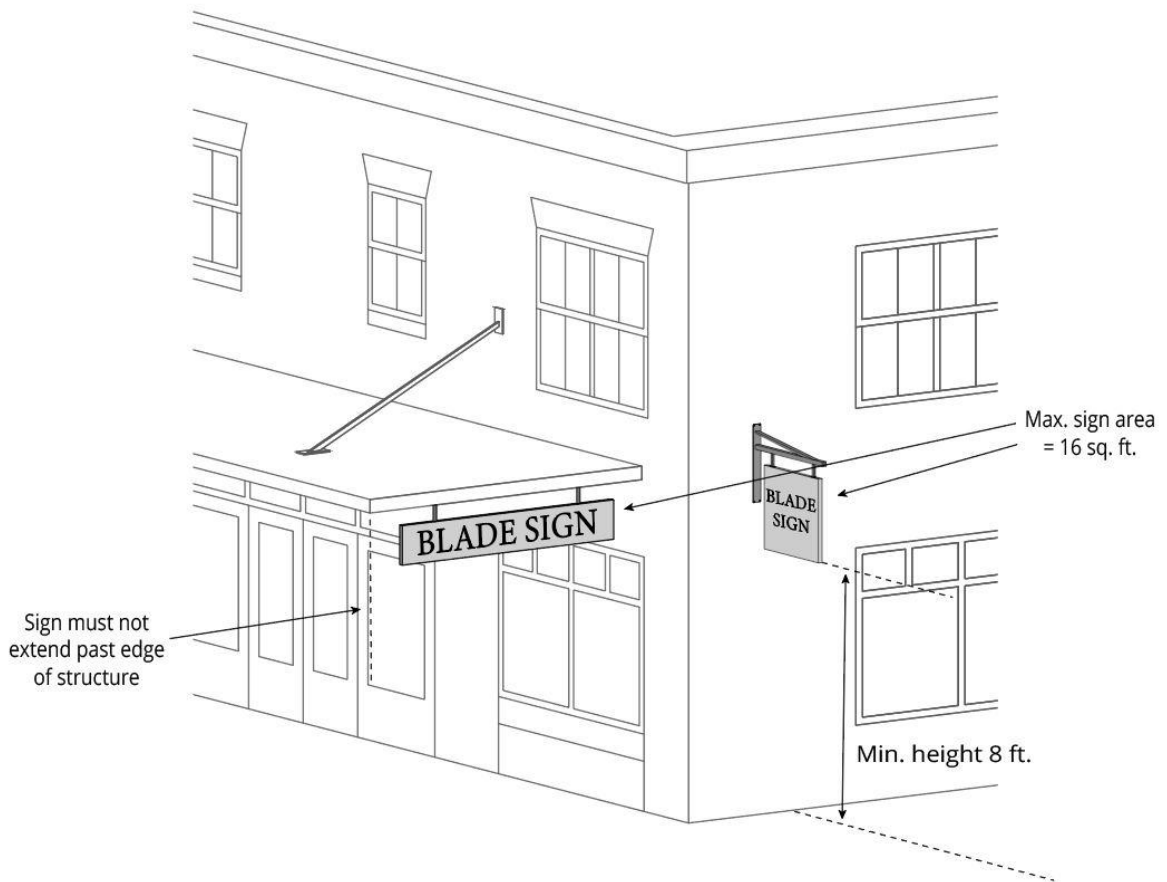
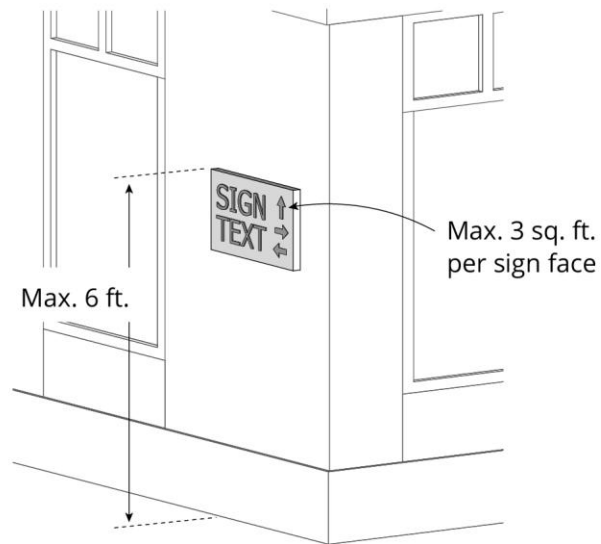


TABLE 19-K: STANDARDS FOR DIRECTIONAL SIGNS (BUILDING-MOUNTED)

Standard	Requirements
Sign area (max.)	3 SF per sign face (excluded from the total allowed sign area for all building-mounted signs)
Mounting height	6 ft. max. from nearest grade
Number of signs (max.)	1 per facade, drive-through lane, or alley, not to exceed 3 signs per lot (excluded from the total number of allowed signs for all building-mounted signs)
Illumination	Internal illumination





SIGNS

TABLE 19-L: STANDARDS FOR DIRECTORY SIGNS (BUILDING-MOUNTED)

Standard	Requirements
Sign area (max.)	1 SF per occupant of tenant space and 16 SF total max. (excluded from the total allowed sign area for all building-mounted signs)
Mounting height	8 ft. max. from nearest grade
Number of signs (max.)	1 per primary building entrance (excluded from the total number of allowed signs for all building-mounted signs)
Illumination	External illumination or internal illumination

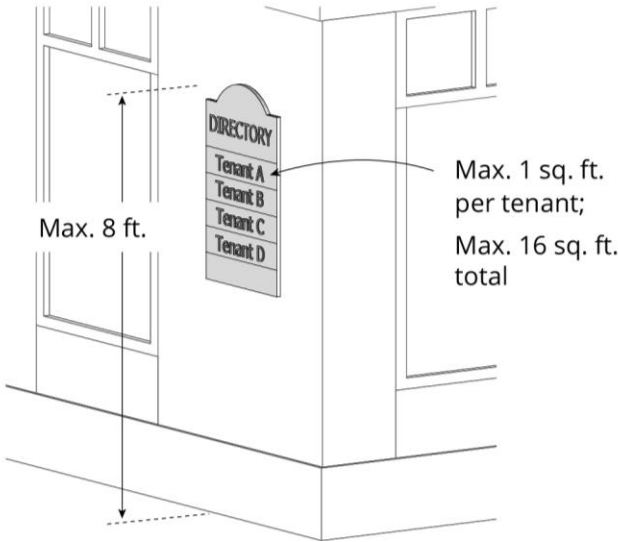


TABLE 19-M: STANDARDS FOR MARQUEE SIGNS

Standard	Requirements
Sign area (max.)	1 SF to 1 linear foot of marquee width
Mounting height	12 ft. min. from the bottom of the marquee to the nearest grade or sidewalk
Number of signs (max.)	1 per business
Sign placement	May project into public right-of-way with permit approval.
Horizontal distance from back of curb (min.)	2 ft.
Illumination	Direct illumination or internal illumination

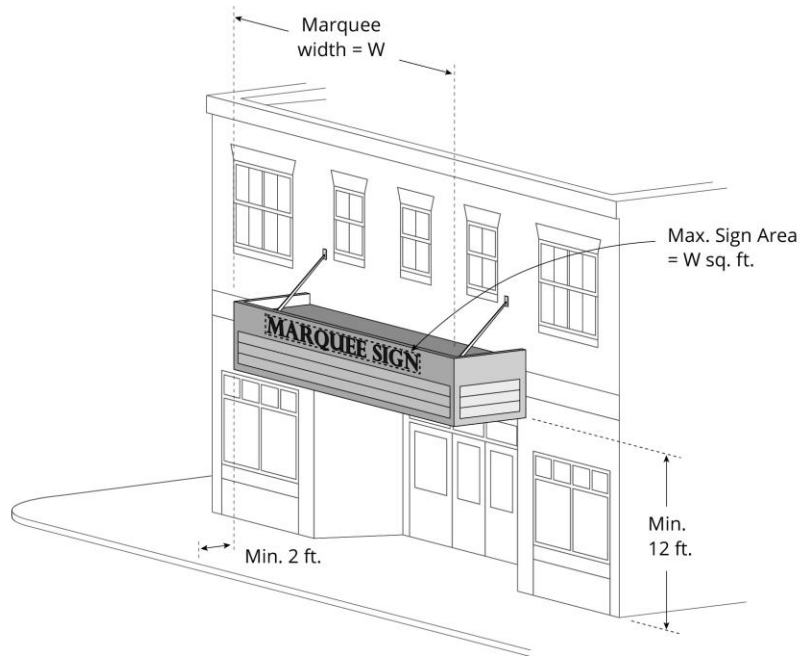




TABLE 19-N: STANDARDS FOR PROJECTING SIGNS

Standard	Requirements
Sign area (max.)	As provided in Table 19-G.
Mounting height	8 ft. min. from the bottom of the sign to the nearest grade or sidewalk.
Sign placement	Only on the wall of a building. May project into public right-of-way with permit approval.
Number of signs (max.)	1 per business
Projection (max.)	4 ft. from the building wall to the outer edge of the sign
Illumination	External illumination, direct illumination, neon, or internal illumination of individual letters or graphics only.

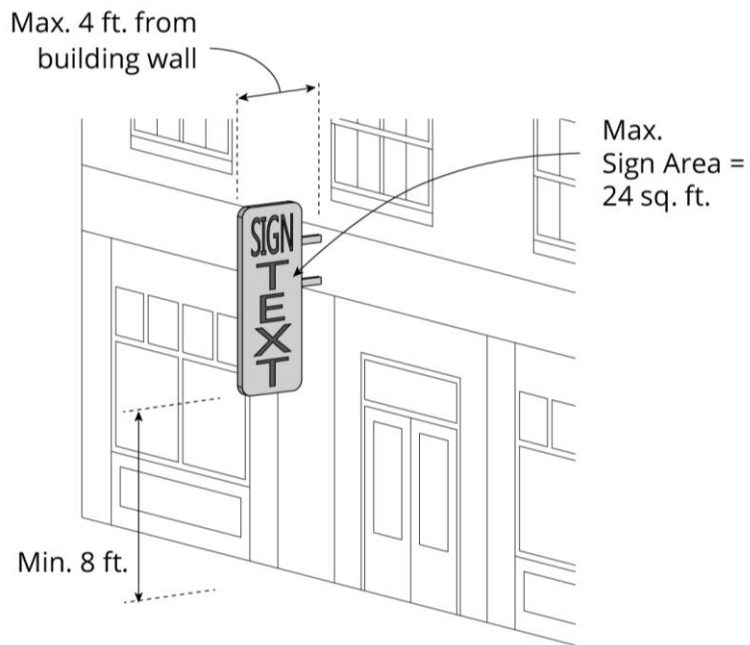


TABLE 19-O: STANDARDS FOR SERVICE ISLAND CANOPY SIGNS

Standard	Requirements
Sign area (max.)	20 SF per sign
Number of signs (max.)	1 per canopy façade, not to exceed 2 signs total
Illumination	Internal illumination

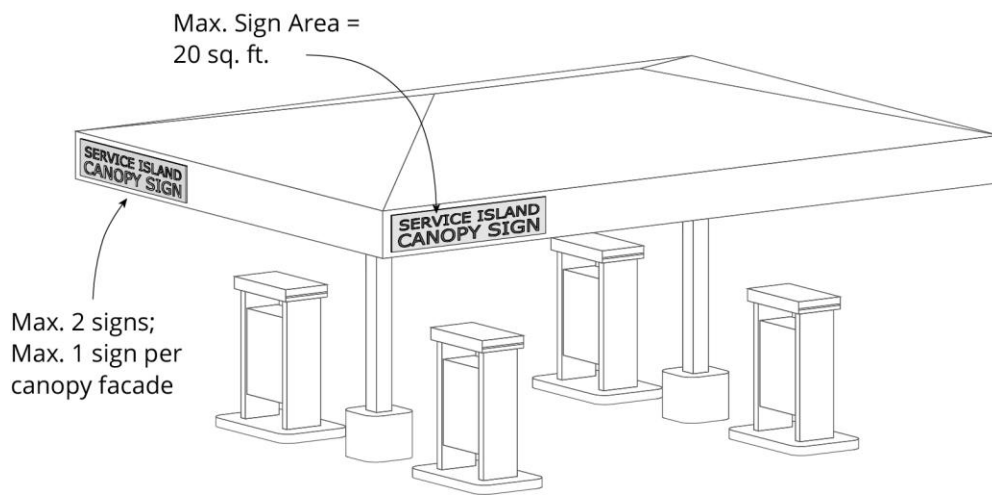


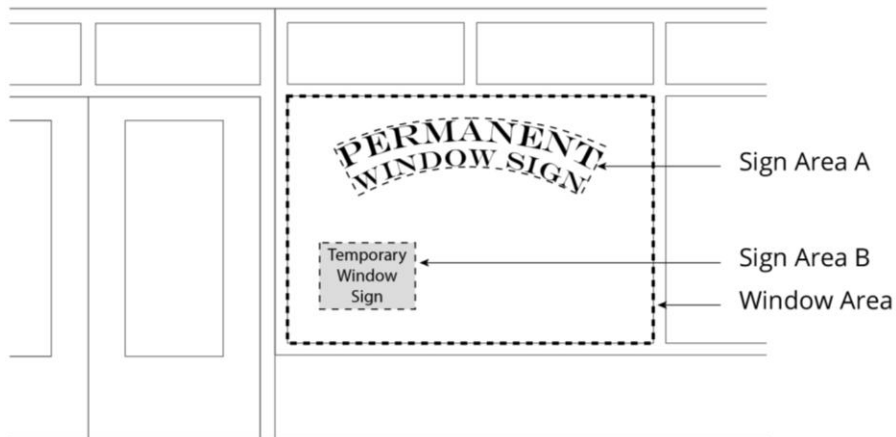


TABLE 19-P: STANDARDS FOR WALL SIGNS

Standard	Requirements
Sign area (max.)	As provided in Table 19-G
Number of signs (max.)	As provided in Table 19-G
Illumination	External illumination, direct illumination, internal illumination, or neon
Special provisions	Painted wall signs are allowed on any exterior building wall of an individual tenant space or building. The allowable area for painted wall signs shall be increased by 10% over the normal allowable sign dimensions for the zone. Murals and exterior painting that contain sign copy are allowed without a permit provided the sign copy does not comprise more than 10% percent of the total area of the artwork, complies with any applicable requirements of Article 16, and meets the dimensional standards for a wall sign within the applicable sign district, including the maximum number of signs allowed in Table 19-G.

TABLE 19-Q: STANDARDS FOR WINDOW SIGNS

Standard	Requirements
Sign area (max.)	Combined area of temporary and permanent window signs must not exceed 50% of the area of the window on which they are displayed. Painted window signs or perforated vinyl signs are included in this calculation. Excluded from the total allowed sign area for all building-mounted signs.
Sign placement	Must be mounted or displayed on the interior of the window. Allowed on 1st and 2nd story windows only.
Illumination	Neon or single- or two-color LED signs



$$\text{Sign Area A} + \text{Sign Area B} \leq 50\% \text{ Window Area}$$

TABLE 19-R: DIMENSIONAL STANDARDS FOR FREESTANDING SIGNS BY SIGN DISTRICT

Sign District		Area (max.)	Height (max.)	Number of Signs		
Residential	Single-family lots		2 SF	5 ft.	1 per lot (freestanding or building-mounted)	
	Multi-family lots		15 SF	5 ft.	1 per major vehicular entrance	
	Institutional	Street frontage ≤ 100 ft.	15 SF	6 ft.	1 per frontage ^{1,2}	
		Street frontage 100 – 250 ft.	25 SF	8 ft.	1 per frontage ^{1,2}	
		Street frontage ≥ 250 ft.	50 SF	8 ft.	1 per frontage ^{1,2}	
Small Mixed-Use	Single-tenant building		32 SF	B-1/B-1b, B-2b/B-2c		
	Multi-tenant building	< 1 acre lot	32 SF	zones: 16 ft.	1 per lot ¹	
		1 – 2.5 acre lot	100 SF	In all other zones:		
		> 2.5 acre lot	140 SF	8 ft.		
	I-B Zone³		20 SF	10 ft.	1 per use	
	OP zone	Center identification sign	50 SF	8 ft.	1 per major vehicular entrance	
Tenant sign		15 SF	5 ft.	1 per tenant ²		
Large Mixed-Use	Single-tenant building	Street frontage ≤ 200 ft.	65 SF	B-4 zone: 25 ft.		
		Street frontage > 200 ft.	100 SF	In all other zones: 18 ft.	1 per lot ¹	
	Multi-tenant building	< 1 acre lot	65 SF	B-4 zone: 25 ft.		
		1 - 2.5 acre lot	100 SF	In all other zones:	1 per lot ¹	
		> 2.5 acre lot	140 SF	18 ft.		
Industrial & Transportation	Downtown		16 SF	6 ft.	1 per frontage ¹	
	Single-tenant building		35 SF	10 ft.	1 per lot ¹	
	Multi-tenant building		100 SF	18 ft.	1 per lot ¹	
	AB zone	Single-tenant building	Street frontage ≤ 200 ft.	32 SF	16 ft.	1 per lot ¹
			Street frontage > 200 ft.	65 SF	16 ft.	1 per lot ¹
	Multi-tenant building	< 1 acre	32 SF			
		1 - 2.5 acres	100 SF	16 ft.	1 per lot ¹	
Open Space ⁴	Park identification signs⁵		30 SF	10 ft.	1 per major park entrance	
	All other signs⁵		16 SF ⁶	8 ft.	1 per use (building-mounted or freestanding)	

¹ Lots with multiple street frontages are allowed one freestanding sign for each frontage, provided that the signs are not concurrently visible from the public right-of-way.

² Where a lot contains more than one affiliated use or tenant, uses and tenants may be allocated space on a shared sign. Individual uses or tenants are not allowed to have individual freestanding signs.

³ Only allowed for marine-related uses serving vessel traffic.

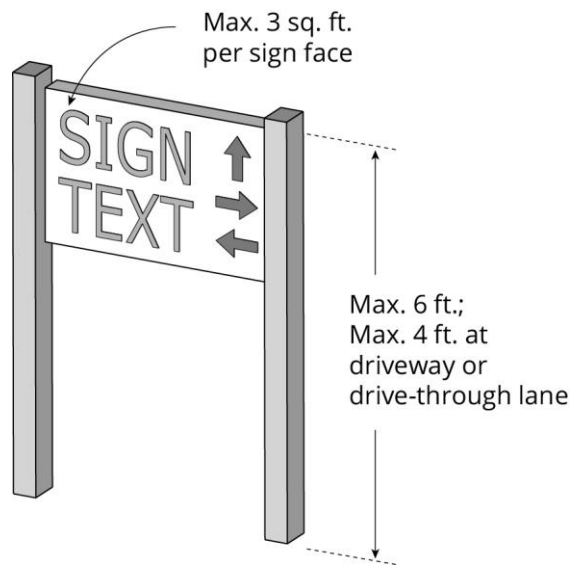
⁴ Standards do not apply to municipal stadiums with more than 6,000 seats. The standards for the Small Mixed-Use Sign District shall apply instead.

⁵ All signs must be integrated into existing landscape features or visually related to the materials, colors, scale, etc. of existing buildings as determined by the Building Authority.

⁶ Product trademarks limited to 5% of total sign area.

TABLE 19-S: STANDARDS FOR DIRECTIONAL SIGNS (FREESTANDING)¹

Standard	Requirements
Sign area (max.)	3 SF per sign face (excluded from the total allowed sign area for all freestanding signs)
Height (max.)	6 ft. from nearest grade, except 4 ft. at driveway or drive-through lanes
Number of signs (max.)	1 at each driveway or drive-through lane, not to exceed 3 signs per lot (excluded from the total number of allowed signs for all freestanding signs)
Illumination	Internal illumination

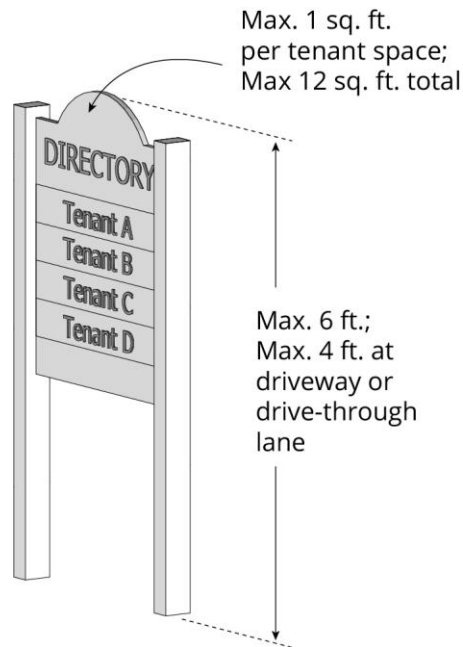


¹The maximum sign area and height standards may be further limited by the standards established in Table 19-R.



TABLE 19-T: STANDARDS FOR DIRECTORY SIGNS (FREESTANDING)¹

Standard	Requirements
Sign area (max.)	12 SF total 1 SF max. per occupant or tenant space (excluded from the total allowed sign area for all freestanding signs)
Height (max.)	6 ft. from nearest grade, except 4 ft. at driveway or drive-through lanes
Number of signs (max.)	1 per building (excluded from the total number of allowed signs for all freestanding signs)
Illumination	External illumination or internal illumination

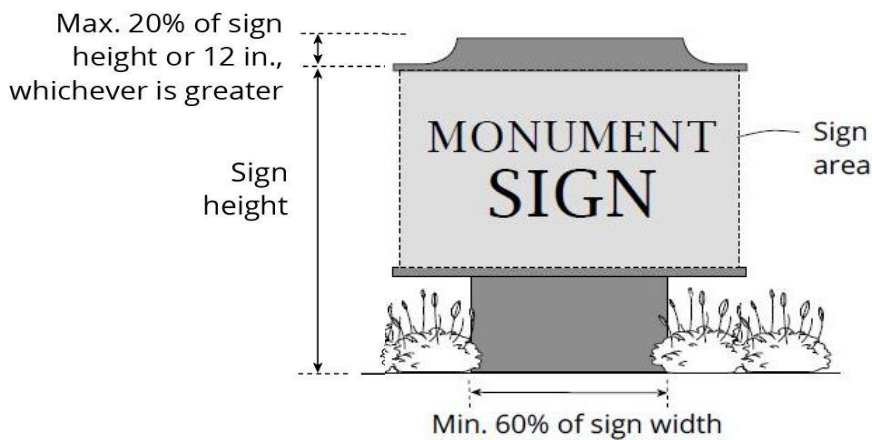


¹ The maximum sign area and height standards may be further limited by the standards established in Table 19-R.



TABLE 19-U: STANDARDS FOR MONUMENT SIGNS¹

Standard	Sign District					
	Residential Sign District ²	Small Mixed-Use Sign District	Large Mixed-Use Sign District	Downtown Sign District	Industrial Sign District	Open Space Sign District
Sign area (max.)	50 SF	50 SF	140 SF	16 SF	100 SF	20 SF
Height (max.)	8 ft.	8 ft.	18 ft.	6 ft.	18 ft.	5 ft.
Base width (min.)	The base of a monument sign must be at least 60% of the width of the sign.					
Illumination	Non-illuminated, internal illumination, or external illumination Electronic message signs are allowed as a form of illumination where permitted in Table 19-E.					
Special provisions for sign height	Elements to enhance the design of a sign structure may extend above the sign to a max. of 20% of the sign's allowed height, or 12 inches, whichever is greater.					

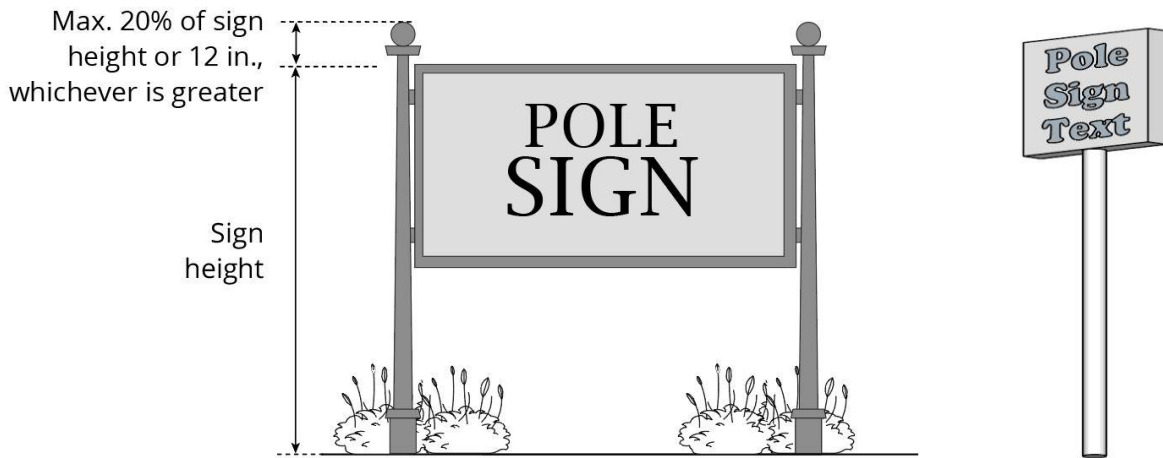


¹ The maximum sign area and sign height standards may be further limited by the standards established in Table 19-R. If no value is included in the table above, then a monument sign is not allowed in that sign district

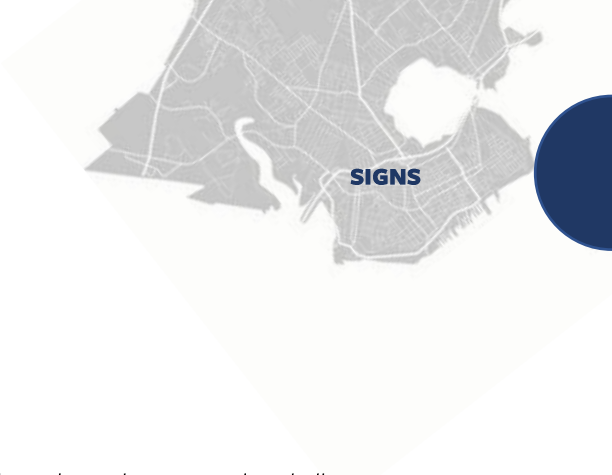
² Allowed for institutional uses in residential zones only.

TABLE 19-V: STANDARDS FOR POLE SIGNS¹

Standard		Sign District					
		Residential Sign District	Small Mixed-Use Sign District	Large Mixed-Use Sign District	Downtown Sign District	Industrial Sign District	Open Space Sign District
Sign area (max.)	Signs ≤ 8 ft. High	--	24 SF	24 SF	18 SF	24 SF	20 SF
Height (max.)		--	8 ft.	8 ft.	6 ft.	8 ft.	8 ft.
Sign area (max.)	Signs 8 - 25 ft. high	--	140 SF	140 SF		140 SF	
Height (max.)		--	16 ft.	25 ft.		16 ft.	
illumination	Non-illuminated or internal illumination Signs ≤ 8 ft. in height may have external illumination Electronic message signs are allowed as a form of illumination where permitted in Table 19-E.						
Sign placement	Signs ≥ 8 ft. in height must have minimum 75 foot separation from other pole signs ≥ 8 ft. on the same side of the street.						
Sign height	Elements to enhance the design of a sign structure ≤ 8 ft. in height may extend above the sign to a max. of 20% of the sign's allowed height, or 12 inches, whichever is greater.						



¹ The maximum sign area and sign height standards may be further limited by the standards established in Table 19-R.



19.8 STANDARDS FOR TEMPORARY SIGNS

19.8.1 In general

Temporary signs are allowed only in compliance with the provisions of this section.

- A. Information required for display.** All temporary signs are required to display the name and address of the entity placing the sign, and the date the sign was erected.
- B. Not included in permanent sign allowances.** Temporary signs are not counted toward the maximum total sign area established in Section 19.7.
- C. General time, place, and manner restrictions.** Unless specifically exempted by this section, temporary signs must be placed in compliance with Subsection 19.5.1. Temporary signs must not be placed to create a hazard for pedestrian or vehicular traffic and must allow for a four-foot wide sidewalk to comply with the Americans with Disabilities Act.
- D.** Any form of illumination, including flashing, blinking, or rotating lights; animation; reflective

materials; and attachments such as balloons, ribbons, and loudspeakers are prohibited.

- E.** Temporary signs must be of sufficient weight and durability to withstand wind gusts, storms, and other exterior elements.

19.8.2 Temporary sign permits

- A. Sign permit required.** A temporary sign permit is required to display a temporary wall banner sign and an A-frame sign placed in the public right-of-way. All other temporary sign types do not require a sign permit.
- B. Duration of temporary sign permit.** A temporary sign permit for a wall banner is valid for 60 days from the date of issuance. There are no time limitations for A-frame signs installed in public right-of-way.

19.8.3 Additional standards for temporary signs

All temporary signs shall comply with the standards of Tables 19-W and 19-X.

TABLE 19-W: TEMPORARY SIGN STANDARDS BY SIGN DISTRICT

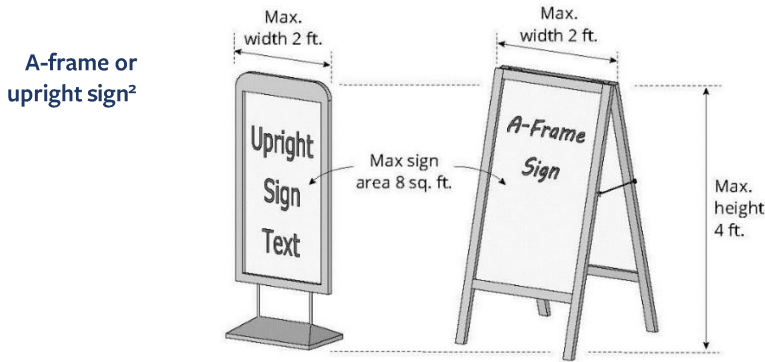
	Standard	Requirement
Residential	Total area of all temporary signs at any one time (max.)	16 SF per lot
	Number of signs (max.)	Unlimited except that the total sign area must not exceed 16 SF
	Time limit (max.)	None
Construction	Total area (max.)	24 SF per banner Where multiple building-mounted banners are proposed, the total cumulative area of all banners shall not exceed 72 SF per facade.
	Time limit (max.)	Temporary banners may be placed on a construction site until construction is complete.
Other	Total area of all temporary signs at any one time (max.)	24 SF per tenant, with a total of max. 72 SF per lot (excludes the area of temporary window signs and permitted wall banner signs) Exception: In the Downtown Sign District and historic districts, max. 12 SF per tenant (excludes the area of temporary window signs and permitted wall banner signs)
	Number of signs (max.)	1 wall banner per tenant in a multi-tenant building. All other temporary sign types unlimited, except that the total sign area of all temporary signs (excludes the area of temporary window signs and permitted wall banner signs) must not exceed the total square footage provided above. Exception: In multi-tenant shopping centers or offices, max. 2 temporary wall banner signs per 150 linear feet of property frontage, not to exceed 24 SF combined.
	Time limit (max.)	60 days per temporary sign permit per Subsection 19.8.2, and up to 180 days per calendar year.



SIGNS

TABLE 19-X: STANDARDS FOR TEMPORARY SIGN TYPES

Temporary Sign Type ¹	Standard			Other Requirements
	Height	Width (max.)	Area (max.)	
	Min. 30 in. Max. 4 ft.	2 ft.	8 SF	Prohibited in residential zones except for institutional uses. Must not be placed in public right-of-way except as permitted by the City. ³ If advertising a business, only permitted during regular business hours.



A-frame or upright sign²

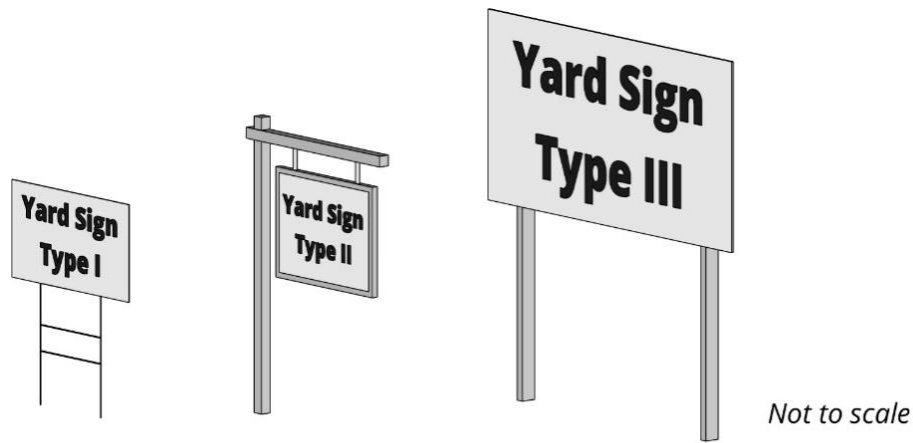
32 SF	Prohibited in residential zones except for institutional uses. Must be mounted on a building wall or on T-posts or stakes installed ≤ 6" from a wall on which the wall banner will be hung. Mounting height (max.): 25 ft. to top of banner.
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Wall banner

TABLE 19-X (CONT.): STANDARDS FOR TEMPORARY SIGN TYPES

Temporary Sign Type ¹	Standard			Other Requirements
	Height (max.)	Width (max.)	Area (max.)	
Window sign			See End Note ⁴	Mounting height (max.): Placed no higher than second story windows. Inside mounting required. Not included in the total sign area for all temporary signs.
Yard sign (Type I)	4 ft.	2 ft.	3 SF	Installation requirements: Installed securely in the ground.
Yard sign (Type II)	6 ft.	2 ft.	4 SF	Installation requirements: Installed securely in the ground.
Yard sign (Type III)	6 ft.	8 ft.	32 SF	Installation requirements: Installed securely in the ground.



¹ Other temporary sign types may be allowed (e.g. fuel pump topper signs; wrap around waste receptacles) provided the max. area limitation for all temporary signs is not exceeded.
² These signs may be used to identify businesses located down a wharf in the EWPZ and WCZ Zones that have no street frontage and where no other options for on-site permanent signage are available.
³ A min. 4-foot wide pedestrian walkway must be maintained at all times.
⁴ The area of temporary and permanent window signs combined (including signs constructed of perforated vinyl or painted on the window) must not exceed 50% of the area of the window on or within which they are displayed.



19.9 NONCONFORMING SIGNS

19.9.1 Applicability

Nonconforming signs may be maintained, expanded upon, and/or reduced only in accordance with the provisions of this section.

19.9.2 Removal or replacement of a nonconforming sign

Lawfully nonconforming signs must be made to conform or shall be removed if any of the following occurs, unless the improvements are required to achieve compliance with applicable federal, state, or local regulations, other than the provisions of this article, and the improvements do not require replacement of the nonconforming sign. In no event will the degree of nonconformity of any sign or type of signage on any lot be increased.

- A. Major site plan review.** Major site plan review is sought for any new structures or building additions on the site, except as provided in (E) below.
- B. New building permit for rehabilitation.** A building permit is sought for a rehabilitation of a building where the value of the rehabilitation exceeds 50% of the assessed value of the building, or \$100,000, whichever is less, provided that where rehabilitation is of a multi-tenant building, only the tenant or tenants whose building or area is being rehabilitated shall be required to come into conformance with this article.
- C. New sign permit.** An application is filed for a new sign permit in accordance with the following:
 - 1. When an application is filed for a new building-mounted sign, all building-mounted signs on the lot must come into compliance with all requirements of this

article for building signs including Table 19-G for building signs.

- 2. When an application is filed for a new freestanding sign, all freestanding signs on the lot must come into compliance with all requirements of this article for freestanding signs including Table 19-R for freestanding signs.

D. Modification of sign. A sign is modified in any way, except for routine maintenance or repair of sudden and accidental damage, or for a change in the message panel only, unless otherwise required to conform under this subsection. Repair of sudden and accidental damage will not include replacement of the entire sign, which is treated as a modification under this subsection. Letters on nonconforming signs designed for changeable messages may be changed without triggering the terms of this subsection as long as no other change is made to the sign. Replacement of an awning covering with substantially the same material and text is not considered a modification.

E. Signs on multi-tenant properties.

- 1. In the case of nonconforming freestanding shared signs for multi-tenant properties, signs may be added or modified to reflect a change in individual tenants without triggering the terms of this subsection, provided that the degree of nonconformity is not increased.
- 2. In the case of building signs on multi-tenant properties, this subsection shall apply only to the individual business tenant that is adding or modifying a sign or seeking major site plan review and shall not

trigger the conformance requirement for other tenants' building signs.

- F. Abandoned or vacant site.** Removal of a nonconforming sign, or replacement of a nonconforming sign with a conforming sign, is required when the use of the sign and/or the property on which the sign is located has been abandoned, ceased operations, become vacant, or been unoccupied for a period of 180 consecutive days or more, as long as the period of non-use is attributable at least in part to the property owner, tenant, or other person or entity in control of the use. For purposes of this subsection, rental payments or lease payments and taxes are not considered as a continued use. In the event this should occur, such conditions will be considered as evidence of abandonment, requiring removal of such sign by the owner of the property, their agent, or person having the beneficial use of the property, building, or structure upon which such sign or sign structure is erected within 30 days after written notification from the Building Authority. If such sign(s) is (are) not removed within the 180-day period, enforcement action will be pursued consistent with Section 19.10.

19.9.3 Nonconforming signs in residential zones

- A.** Lawfully-existing permanent signs for lawfully existing nonconforming uses in any residential zone may continue to be used.
- B.** If an application is filed for new or replacement building-mounted sign(s) for a lawfully-existing nonconforming use located in a residential zone, the building-mounted sign(s) must either be the same size and number as the lawfully existing building-mounted sign(s), or must comply with the standards established for the

Small Mixed-Use Sign District in Table 19-G, whichever is less. Sign types shall be limited to blade, directory, wall, and window signs. Illumination shall be limited to external illumination only.

- C.** If an application is filed for replacement freestanding sign(s) for a lawfully-existing nonconforming use located in a residential zone, the freestanding sign(s) must be the same size and number as the lawfully existing freestanding signs, or must comply with the standards established for the Small Mixed-Use Sign District in Table 19-R, whichever is less. No new freestanding signs for a nonconforming use in a residential zone shall be permitted. Illumination shall be limited to external illumination only.

19.10 ENFORCEMENT

19.10.1 Authority

The requirements of this article shall be enforced by the Building Authority as stated in Article 1. The Building Authority has the authority to order the repair, maintenance, or removal of any sign or sign structure that has become dilapidated or represents a hazard to public health, safety, or welfare.

19.10.2 Violations

- A.** It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, display, maintain, or use a sign within the City contrary to, or in violation of, any provision of this article. Any work commenced without a sign permit, or beyond the authorized scope of a sign permit constitutes a violation of this article and is grounds for the Building Authority to issue a correction notice and/or to stop all



work on the sign until appropriate permits are obtained.

- B.** Permits issued for work commenced without a sign permit, or any work beyond the authorized scope of a sign permit shall be assessed double the required permit fees for the sign(s).
- C.** Failure to perform any act required by this article, failure to obtain any permit required, or the performance of any act prohibited by this article constitutes a violation and is subject to penalties as set forth in 30-A M.R.S. §4452.
- D.** Each day on which a violation exists will constitute a separate violation for purposes of this section.