

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL FOURNIER (A/L)
BENJAMIN GRANT (A/L)



SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

CITY COUNCIL MEETING - MARCH 16, 2026

The Portland City Council will hold a City Council Meeting in Council Chambers. The Honorable Mark Dion, Mayor, will preside.

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

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall.

<https://portlandme.portal.civicclerk.com/event/8377/media>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ANNOUNCEMENTS:

RECOGNITIONS:

PRESENTATIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting Minutes 03.02.2026

PROCLAMATIONS:

Proclamation 24-25/26 Recognizing Bridgit Sliwak as the 2025 Civilian of the Year for the Portland Maine Police Department - Sponsored by Mark Dion, Mayor

Proclamation 25-25/26 Recognizing Garrick Rogers as the 2025 Officer of the Year for the Portland Maine Police Department - Sponsored by Mark Dion, Mayor

Proclamation 26-25/26 Recognizing April 6 to April 12, 2026 as National Public Health Week - Sponsored by Mark Dion, Mayor

APPOINTMENTS:

Order 147-25/26 Appointing Ethan Maddix as Constable for the Parking Division - Sponsored by Danielle P. West, City Manager

This appointment would appoint Ethan Maddix as Constable and is effective from the effective date of this order until 12:00 midnight, December 31, 2026, and is made pursuant to Portland City Code, Sections 20-19 and 20-19.5. Constables are not allowed

to carry a firearm, concealed or unconcealed, in the performance of duties, or to make arrests.

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

Order 148-25/26 Granting Municipal Officers' Approval of Cherie LLC, dba Cherie. Application for Class I FSE with Outdoor Dining on Public and Private Property at 249 Congress Street - Sponsored by Danielle P. West, City Manager

Application was filed on 2/18/26. Location was previously Quanto Basta.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

Order 149-25/26 Granting Municipal Officers' Approval of The Company of Others LLC, dba The Company of Others. Application for Class XI Restaurant/Lounge with Indoor Entertainment at 67 India Street - Sponsored by Danielle P. West, City Manager

Application was filed on 2/24/26. Location was previously Coffee By Design.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

Order 150-25/26 Granting Municipal Officers' Approval of 15 Exchange LLC, dba Off Track Pizza. Application for Indoor Entertainment at 15 Exchange Street - Sponsored by Danielle P. West, City Manager

Application was filed on 2/24/26. This is an existing establishment adding Indoor Entertainment.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

Order 151-25/26 Declaring Sundays on the Boulevard Festival Days in 2026 - Sponsored by Danielle P. West, City Manager

Since 2014, Portland City Council has approved the closing of Baxter Boulevard from Vannah Avenue to Catafalque Drive (the east entrance to Payson Park) to vehicular traffic on Sundays (9:00am to 4:00pm) in order to facilitate "Sundays on the Boulevard."

The Parks, Recreation & Facilities Department would like to continue the tradition of offering this recreational opportunity to the public and requests permission to close the boulevard on Sundays, starting on May 3, 2026 through September 27, 2026, with a time frame of 9:00am to 4:00pm.

To facilitate the closure, city staff will erect barricades across Baxter Boulevard.

For "Sundays on the Boulevard," streets listed below will be closed to vehicular traffic on Sundays from 9am to 4pm: Baxter Blvd. from Vannah Avenue to the Payson Park Access Road (west entrance).

Five affirmative votes are required for passage of items on the consent calendar after public comment.

Order 152-25/26 Declaring May 1, 2026 to April 30, 2027 the Friends of Congress Square Park In the Square Festival - Sponsored by Danielle P West, City Manager

Friends of the Congress Square Park are requesting to organize and host events in Congress Square Park. The events will include a wide variety of community activities such as art interactions, dance performances, live music, films and community gatherings.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

Order 153-25/26 Declaring June 13 and 14, 2026 the Resurgam Music and Arts Festival - Sponsored by Danielle P West, City Manager

The Maine Academy of Modern Music will present its fifth annual Resurgam Music Festival on Portland's waterfront, Amethyst Park, Moon Tide Park and Ocean Gateway Parking lot on Sunday June 7th 2026. Resurgam is an inclusive community minded music and arts festival that will showcase Portland's creativity and youth. This event is free and open to the public.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

Order 154-25/26 Granting an Easement to Central Maine Power at Stevens Avenue for Utility Pole - Sponsored by Danielle P. West, City Manager

The City Council is being asked to approve an easement on the City owned property of 404 Stevens Avenue for placement of a new utility pole by Central Maine Power Company. The existing utility pole/pad 53 and 53.1, Stevens Ave, Portland will be relocated to outside of the public right of way due to a signal project being completed by the Portland Department of Public Works. The signal project being completed by the Portland Department of Public Works will be installing a signal foundation in the location of the existing utility pole.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

Order 155-25/26 Approving Transfer of Forfeiture Assets Under 15 M.R.S. §5824(3) RE: Timothy Edward Hansen - Sponsored by Danielle P. West, City Manager

This order authorizes the City Council to approve the Approval of Transfer of Forfeiture Assets from Timothy Hansen to the City of Portland from the case of the State of Maine v. Timothy Hansen. These funds were recovered by the Portland Police Department on May 4, 2020, during an investigation at a local hotel, where Hansen was found in possession of crystal methamphetamine and fentanyl, for which he was charged with Unlawful Trafficking and related charges. This is a preliminary acceptance by the Council of the funds which is required before the State will seek forfeiture from the court.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

**Order 156-25/26 Approving Transfer of Forfeiture Assets Under 15 M.R.S. §5824(3)
RE: Justin I. Williams - Sponsored by Danielle P. West, City Manager**

This order authorizes the City Council to approve the Approval of Transfer of Forfeiture Assets from Justin Williams to the City of Portland from the case of the State of Maine v. Justin Williams. These funds were recovered by the Portland Police Department following a traffic stop in August 2023, during which Williams was found in possession of approximately 45 grams of cocaine base and suspected drug proceeds. Williams was subsequently charged with Aggravated Trafficking of Scheduled Drugs and related offenses. This is a preliminary acceptance by the Council of the funds which is required before the State will seek forfeiture from the court.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

**Order 157-25/26 Approving Transfer of Forfeiture Assets Under 15 M.R.S. §5824(3)
RE: Charles Aboda - Sponsored by Danielle P. West, City Manager**

This order authorizes the City Council to approve the Approval of Transfer of Forfeiture Assets from Charles Aboda to the City of Portland from the case of the State of Maine v. Charles Aboda. These items were recovered by the Maine Drug Enforcement Agency and the Portland Police Department on April 23, 2024, following the arrest of Aboda, who was found in possession of cocaine base, cocaine HCL, and drug proceeds, with further narcotics and the firearm subsequently seized from his residence. This is a preliminary acceptance by the Council of the assets which is required before the State will seek forfeiture from the court.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

COMMUNICATIONS:

Communication 13-25/26 Adoption of Planning Board Procedural Rules - by Corporation Counsel

On February 24, 2026, per Subsection 2.1.8 (C) of the Portland Land Use Code, the Planning Board voted to adopt amendments to procedural rules that govern the conduct of the Board's business. Per the requirements of the Land Use Code, these rules were filed with the City Clerk on March 2, 2026. These rules will go into effect 45 days after the date of filing, unless any portions of the rules are vetoed by City Council.

As a communication this item requires no public comment or formal Council action.

UNFINISHED BUSINESS:

Order 142-25/26 Approving Agreement Between the Maine Department of Transportation and Portland RE: Baxter Boulevard Pavement Rehabilitation Project - Sponsored by Danielle P. West, City Manager

This project is part of the MaineDOT Municipal Partnership Initiative (MPI) Program; the City administers the project and typically receives 50% of project costs from the state. By signing the partnership agreement, it enables the City to proceed with the project and obligates MaineDOT to pay \$570,000 or approximately 50% and the City to pay for approximately 50% of the original estimated project cost; the City share is estimated to be \$570,000.

This item must be read on two separate days. It received its first reading on March 2. Five affirmative votes are required for passage after public comment.

Order 143-25/26 Approving Agreement Between the Maine Department of Transportation, Portland Area Comprehensive Transportation System, the Greater Portland Council of Governments, and the City of Portland RE: Improvements to High Street - Proposed Improvements to High Street - Sponsored by Danielle P. West, City Manager

This project is part of the Municipal Partnership Initiative (MPI) Program; the City administers the project and typically receives a portion of funding from the state MPO. By signing the partnership agreement, it enables the City to proceed with the project and obligates PACTS to pay \$300,000 or approximately 30% and the City to pay for approximately 70% of the original estimated project cost; the City share is estimated to be \$695,000.

This item must be read on two separate days. It received its first reading on March 2. Five affirmative votes are required for passage after public comment.

Order 144-25/26 Approving Agreement Between the Maine Department of Transportation and the City of Portland RE: Improvements to Signal Equipment at the the Interstate 295 Ramps & Veranda Street - Sponsored by Danielle P. West, City Manager

This project was administered through MaineDOT's Bridge Program, and was generally completed in 2023. However, additional work was done on the new traffic signal and related equipment to enhance traffic and bicycle flow along Veranda Street. By signing the maintenance agreement, it enables MaineDOT to close out the project, which obligates the City to ongoing maintenance of the equipment following project completion.

This item must be read on two separate days. It received its first reading on March 2. Five affirmative votes are required for passage after public comment.

Order 145-25/26 Amendment to Portland City Code Chapter 14 RE: Land Use Code Updates - Sponsored by Joseph Zamboni, Chair, Portland Planning Board

This is a companion order to the order below.

On January 27, 2026, the Planning Board voted unanimously (6-0, Fox recused) to recommend a set of text and map amendments to the City Council. These amendments were developed by the Planning & Urban Development Department in collaboration with Permitting & Inspections and Corporation Counsel. They are intended to address minor errors, inconsistencies, and interpretation issues that have become apparent in the year following the adoption of ReCode. They include text amendments to seven articles of the

land use code (Administration, Definitions, Use Standards, Dimensional Standards, Overlay Zones, Site Plan, and Signs) and four map amendments.

This item must be read on two separate days. It received its first reading on March 2. Five affirmative votes are required for passage after public comment.

Order 146-25/26 Amendment to Portland Zoning Map RE: Updates - Sponsored by Joseph Zamboni, Chair, Portland Planning Board

This is a companion order to the order above.

On January 27, 2026, the Planning Board voted unanimously (6–0, Fox recused) to recommend approval of a set of zoning map amendments to the City Council. These four map amendments are companion items to the zoning text amendments developed by the Planning & Urban Development Department as part of a broader package of proposed Land Use Code and zoning map updates, prepared in collaboration with Permitting & Inspections and Corporation Counsel. Together, they are intended to address minor errors, inconsistencies, and interpretation issues identified during the first year of ReCode implementation. The package of map amendments is intended to correct mapping errors and address changes in ownership affecting lots that were unintentionally split between zoning districts. This effort was informed by a comprehensive review of all split-lot conditions on the peninsula and is designed to remedy those that were unintentional, as well as to update the University of Southern Maine Overlay Zone to reflect existing conditions.

This item must be read on two separate days. It received its first reading on March 2. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 158-25/26 Accepting and Appropriating a \$500 Donation from Alireza Shahin Khojastehzad to the Shahnaz Mahager Hummingbird Grant Program - Sponsored by Danielle P. West, City Manager

At the July 15, 2024, City Council meeting, the Council authorized the Shahnaz Mahager Hummingbird Grant Program and accepted and appropriated the initial capitalization and donation for the program in the amount of \$18,105 from Alierza Shahin Khojastehzad and his sister Farnaz Khojastehzad in memory of their mother, Shahnaz Mahager.

The program grants \$1,000 annually to a Portland business whose owner's most recent annual adjusted gross income is below 80% of Area Median Income (AMI) and are female, immigrant-owned businesses located in Portland with priority given to the cosmetology business.

Mr. Khojastehzad would now like to donate an additional \$500 for the program, which is administered by the Housing and Economic Development Department. City Council is being asked to accept and appropriate this additional \$500 donation to the Program.

This item must be read on two separate days. This is its first reading.

Order 159-25/26 Approving Subaward Agreement Between MaineHealth and the City of Portland and Accepting and Appropriating \$23,815.42 for Project DHARMA - Sponsored by Danielle P. West, City Manager

This order approves a subaward agreement between the City of Portland Public Health Division and MaineHealth to participate in the research study titled "Enhancing Project DHARMA; evaluating a community-based drug checking navigator intervention to prevent overdoses." This agreement provides \$23,815.42 in federal pass-through funding to support the City's participation in the study, which includes facilitating participant recruitment, data collection, and collaboration on drug-checking result reporting.

This item must be read on two separate days. This is its first reading.

Order 160-25/26 - Approving Memorandum of Agreement and Accepting and Appropriating \$300,000 from Trinity Episcopal Church RE: Trinity Park - Sponsored by Danielle P. West, City Manager

This order approves a Memorandum of Agreement between the City of Portland and Trinity Episcopal Church related to proposed improvements to Trinity Park. Under the terms of the agreement, the Church will provide a project plan, a financial contribution of \$300,000 for improvements within Trinity Park, and ongoing maintenance of certain areas of the park. The City will manage the public bidding process, the construction contract and fund improvements within the Forest Avenue right of way adjacent to Trinity Park.

This item must be read on two separate days. This is its first reading.

Order 161-25/26 Appropriating Bond Proceeds and Other Funds for the City's FY2027 Capital Improvement Program - Sponsored by the Finance Committee, April Fournier, Chair

The Finance Committee voted on March 5, 2026 to recommend passage of this item, vote (2-0, Pelletier absent). This is a companion order to the bond authorization order below.

The Finance Committee met several times during late 2025 and early 2026 to discuss the City's Capital Improvement Plan (CIP). In last year's CIP process, changes to better incorporate equity, sustainability and other City Council goals were made. These successful changes were continued in the current year based on guidance from the Committee. The Fiscal Year 2027 Capital Improvement Plan (FY27 CIP) has been in development since mid-2025. The list of FY27 CIP calls for over \$46M of new projects but only \$17.4M this total will have a net impact to debt service in the general fund operating budget. A broad variety of other funding sources including the enterprise funds (for sewer and stormwater projects) are being used to finance the remainder of the CIP.

Two orders are required related to the CIP: one authorizing the FY27 CIP bonds; and a second appropriating the proceeds and other funding sources providing City staff with spending authority for the upcoming projects. A complete listing of the projects being authorized is included within the orders.

This item must be read on two separate days. This is its first reading.

Order 162-25/26 Authorizing General Obligation Bonds to Finance a Portion of the City's Fiscal Year FY27 Capital Improvement Program - Sponsored by the Finance Committee, April Fournier, Chair

The Finance Committee voted on March 5, 2026 to recommend passage of this item, vote (2-0, Pelletier absent). This is a companion order to the bond appropriation order above.

This item must be read on two separate days. This is its first reading.

Order 163-25/26 Accepting and Appropriating Federal Aviation Administration grants, state of Maine Grants, State of Maine Matching Grants, and Portland International Jetport Unrestricted Matching Funds - Sponsored by Danielle P. West, City Manager

The Federal Aviation Administration (FAA) issues grants to fund eligible safety, capacity, and terminal improvements to airports through several nationwide grant programs authorized under federal law. This item accepts and appropriates \$8.64 million in FAA federal grant funding to be awarded to the Jetport, \$480,000 in state of Maine matching funds, and \$480,000 in Jetport unrestricted fund matching contributions. The allocation from each grant program and funding source is listed below.

FAA Airport Grant Funds	\$8,640,000
State of Maine Matching Funds	\$480,000
Jetport Unrestricted Fund Balance Matching Funds	\$480,000
Total	\$9,600,000

The Jetport will use this appropriation, totaling \$9.6 million, to complete the following two projects:

- Terminal Apron Reconstruction Phase 2
- Long-Term Hold Area, Deicing Pad Expansion & RON Apron Construction Phase 2

This item must be read on two separate days. This is its first reading.

EXECUTIVE SESSION:

ADJOURNMENT:

ZOOM INFORMATION:

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall and via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. A recording will be available in the [Agenda Center](#) following the meeting.

For public comment via Zoom, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

To join this meeting remotely, please visit: <https://portlandmaine-gov.zoom.us/j/88939372800?pwd=PGZPn8OzWJdskYnbLzqHqsYwbGQdlh.1>

PLEDGE OF ALLEGIANCE:

Mayor Dion lead all present in the Pledge of Allegiance.

ROLL CALL:

Mayor Dion called the meeting to order at 5:15PM.

Councilors Present: Councilor Fournier, Councilor Sykes, Councilor Ali, Councilor Pelletier, Councilor Michniewicz, Councilor Bullett, Councilor Phillips, Mayor Dion, Councilor Grant joined at 5:18

5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

Mayor Dion opened the floor for public comment. The following individuals spoke: George Rheault (Hanover St)

ANNOUNCEMENTS:

Mayor Dion opened the floor for Council announcements. The following individuals spoke: Councilor Phillips

RECOGNITIONS:

PRESENTATIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting Minutes 02.23.2026

Motion for passage made by Councilor Fournier seconded by Councilor Michniewicz.
Passage 9-0

PROCLAMATIONS:

Proclamation 22-25/26 Recognizing Brandon Mazer for Their Service on the Planning Board - Sponsored by Mark Dion, Mayor

Mayor Dion read Proclamation 22-25/26 Recognizing Brandon Mazer into the record.

Proclamation 23-25/26 Recognizing South Portland Resident Juliet Shane for Her Work to Significantly Improve Tracking of Arrivals and Departures at the Portland International Jetport - Sponsored by Mark Dion, Mayor

Proclamation 23-25/26 was postponed to the April 13, 2026, City Council Meeting.

CONSENT ITEMS:

Order 140-25/26 Granting Municipal Officers' Approval of B&G James LLC, dba The Teal Duck. Application for Class X Lounge at 8 Exchange Street - Sponsored by Danielle P. West, City Manager

Order 140-25/26 was read and passed as a consent item:

Motion was made by Councilor Michniewicz and seconded by Councilor Phillips for passage. Passage: 9-0

Mayor Dion opened the floor for public comment. The following individuals spoke: No one spoke

COMMUNICATIONS:

Communication 12-25/26 Committee Work Plans - by Mark Dion, Mayor

As a communication, this item requires no public comment or formal Council action.

UNFINISHED BUSINESS:

Order 88-25/26 Approving the Police Department's Acquisition of an Unmanned Aerial Vehicle in Accordance with 25 M.R.S.A. §4501 - Sponsored by the Health & Human Services and Public Safety Committee, Councilor Anna Bullett, Chair

Motion was made by Councilor Grant and seconded by Councilor Bullett to amend.

Passage: 6-3, as amended (Councilors Ali, Pelletier, and Phillips opposed)

Mayor Dion opened the floor for public comment. The following individuals spoke:

Councilor Fournier, Councilor Bullett, Mark Dubois (Portland Police Chief), Councilor Michniewicz, Councilor Ali, Nicole Albert (Corporation Counsel), Councilor Pelletier, Councilor Grant, Micheal Goldman (Corporation Counsel)

Grant Amendment 1 RE: Free Speech and Assembly in the backup material

Order 136-25/26 Accepting and Appropriating \$10,000 in Resilient Communities Grant Funding from the Casco Bay Estuary Partnership - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Michniewicz and seconded by Councilor Ali for passage.

Passage: 9-0

Mayor Dion opened the floor for public comment. The following individuals spoke:

Danielle West (City Manager), Troy Moon (Sustainability Director), George Rheault (Hanover St), Councilor Bullett

Order 137-25/26 Accepting and Appropriating a \$1,000 Donation from Justin Alfond for the City's Natural Helpers Program - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Pelletier and seconded by Councilor Michniewicz for passage. Passage: 9-0

Mayor Dion opened the floor for public comment. The following individuals spoke:

Danielle West (City Manager), Councilor Pelletier

Order 138-25/26 Approving Agreement Between the Maine Department of Transportation and Portland RE: Improvements to Franklin Street and Marginal Way - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Bullett and seconded by Councilor Ali for passage.

Passage: 9-0

Mayor Dion opened the floor for public comment. The following individuals spoke:

Danielle West, Councilor Bullett, Mike Murray (Director of Public Works), Councilor Michniewicz, Councilor Phillips

Order 139-25/26 Approving the Payment-in-Lieu-of-Tax (PILOT) Policy - Sponsored by Finance Committee, April Fournier, Chair

**Item taken out of order immediately following Roll Call*

Motion was made by Councilor Fournier and seconded by Councilor Ali to postpone to June 1, 2026. Passage: 8-1 (Councilor Sykes opposed)

Mayor Dion opened the floor for public comment. The following individuals spoke: Councilor Pelletier

ORDERS:

Order 141-25/26 Accepting and Adopting the 2026 Jill C. Duson Housing Trust Fund Annual Plan - Sponsored by the Housing Economic Development Committee, Councilor Pious Ali, Chair

Motion was made by Councilor Ali and seconded by Councilor Michniewicz for passage. Passage: 9-0

Mayor Dion opened the floor for public comment. The following individuals spoke: George Rheault (Hanover St), George Lance

Order 142-25/26 Approving Agreement Between the Maine Department of Transportation and Portland RE: Baxter Boulevard Pavement Rehabilitation Project - Sponsored by Danielle P. West, City Manager

First reading.

Order 143-25/26 Approving Agreement Between the Maine Department of Transportation, Portland Area Comprehensive Transportation System, the Greater Portland Council of Governments, and the City of Portland RE: Improvements to High Street - Proposed Improvements to High Street - Sponsored by Danielle P. West, City Manager

First reading.

Order 144-25/26 Approving Agreement Between the Maine Department of Transportation and the City of Portland RE: Improvements to Signal Equipment at the the Interstate 295 Ramps & Veranda Street - Sponsored by Danielle P. West, City Manager

First reading.

AMENDMENTS:

Order 145-25/26 Amendment to Portland City Code Chapter 14 RE: Land Use Code Updates - Sponsored by Joseph Zamboni, Chair, Portland Planning Board

First reading.

Order 146-25/26 Amendment to Portland Zoning Map RE: Updates - Sponsored by Joseph Zamboni, Chair, Portland Planning Board

First reading.

EXECUTIVE SESSION:

ADJOURNMENT:

Motion was made by Councilor Michniewicz and seconded by Councilor Ali to adjourn. Passage: 9-0
Adjourned 6:20PM

A TRUE RECORD

Abbey Lombard, Interim City Clerk

P R O C L A M A T I O N
RECOGNIZING BRIDGIT SLIWAK AS
THE 2025 CIVILIAN OF THE YEAR FOR THE
PORTLAND MAINE POLICE DEPARTMENT

WHEREAS, The Portland Police Department hosted their annual awards ceremony in recognizing the Behavioral Health Coordinator Bridgit Sliwak as Civilian of the Year.

WHEREAS, We recognize and honor the service provided in growing the Behavioral Health Unit. Bridgit is a steady leader and helped build the program with six total staff who conduct both co-response and alternative response.

WHEREAS, Bridgit is equally adept at navigating and interacting with the multi-layered service providers in the community, while supporting BHU staff and the line officers in their everyday work. The Behavioral Health Unit routinely make our streets safer, our neighborhoods stronger, and our families more secure;

WHEREAS, A meaningful contribution from Bridgit is her vision for the Mental Health First Aid Training. The training helps create a solid and more informed community, which is beneficial for multiple city agencies eager to learn more about how they can help in mental health emergencies. Bridgit understands that BHU represents the entire department and she leads in a way that makes us proud. She has earned our gratitude and continued respect.

NOW, THEREFORE, BE IT PROCLAIMED, that I, Mark Dion, Mayor of the City of Portland, Maine and members of the City Council do hereby recognize Bridgit Sliwak the Behavioral Health Coordinator of Portland Police. I call upon the people of Portland to honor her certificate and continued service.

Signed and sealed this 16th day of March, 2026



Mayor Mark Dion
City of Portland

P R O C L A M A T I O N
RECOGNIZING GARRICK ROGERS
AS THE 2025 OFFICER OF THE YEAR FOR THE
PORTLAND MAINE POLICE DEPARTMENT

WHEREAS, The Portland Police Department hosted their annual awards ceremony in recognizing the Officer of the Year through nominations this was awarded to Garrick Rogers;

WHEREAS, Detective Garrick Rogers, a second-generation Portland Police Officer, is recognized and honored for his exceptional service. Starting in Patrol in 2019, he has consistently shown dedication and professionalism to both the City of Portland and the Police Department over the past several years. His recognition creates a unique moment in the history of Portland PD, as his father, Gary Rogers, was named Officer of the Year in 1994 before retiring in 2017.;

WHEREAS, Before being promoted to Detective, some of Garrick Rogers efforts in 2025 was a first responding officer to a shooting where he identified a suspect and gathered information from the victim before they were taken into surgery. Detective Rogers also demonstrated an Act of Bravery when using non-lethal force to an armed male who was charging a fellow officer;

WHEREAS, After being commissioned to the Criminal Investigations Division permanently, Garrick has been assigned complex investigations in which he is excelling. Detective Rogers' performance demonstrates a meaningful impact on team morale, operational effectiveness, and the overall mission to reinforce a culture of accountability within the department. Detective Rogers is deserving of recognition for his leadership, and sustained commitment.

NOW, THEREFORE, BE IT PROCLAIMED, that I, Mark Dion, Mayor of the City of Portland, Maine and members of the City Council do hereby recognize Detective Garrick Rogers as the 2025 Portland Police Officer of the Year. I call upon the people of Portland to honor him for his certificate and continued service.

Signed and sealed this 16th day of March, 2026



Mayor Mark Dion
City of Portland

PROCLAMATION

RECOGNIZING APRIL 6 TO APRIL 12, 2026 AS NATIONAL PUBLIC HEALTH WEEK

WHEREAS, the week of April 6, 2026, is National Public Health Week and the theme is “Ready. Set. Action!” to highlight that public health actions occurring through scientific discoveries, legislation and community initiatives have significantly improved the health of all Americans;

WHEREAS, since the inception of National Public Health Week in 1994, significant public health milestones have been achieved, including:

- **Disease Prevention:** HIV/AIDS-related deaths have drastically decreased from over 49,000 in 1994 to a fraction of that today due to antiretroviral therapy and PrEP, ensuring that most people with HIV can live normal lifespans;
- **Tobacco Control:** Adult smoking rates have fallen from 25.5% to 11.4% through robust smoke-free policies and taxation;
- **Maternal & Child Health:** Childhood mortality has dropped from 13.8 to 5.4 deaths per 1,000 live births thanks to expanded vaccine access, healthcare, and improved nutrition;
- **Environmental Safety:** Childhood lead poisoning rates have fallen from 4.4% to less than 0.5% through policies banning leaded gasoline and reducing lead in paint, pipes, and water systems;
- **Mental Health:** In 1994, 40% of people with mental health conditions went untreated; today, mental health parity laws and the integration of behavioral health into primary care have significantly reduced treatment gaps and destigmatized seeking help; and
- **Extreme Weather:** Once an underrecognized threat, the health impacts of climate change are now being met with local action, including cooling centers, wildfire preparedness, and regional health adaptation plans designed to protect our most vulnerable residents.

WHEREAS, despite these strides, persistent disparities remain, with racial and ethnic minority populations—including Black and American Indian/Alaska Native groups—continuing to experience higher rates of chronic illness and premature death compared to the general population; and

WHEREAS, a resident’s health is often dictated by their ZIP code, influenced by the built environment, access to healthy food, and healthcare proximity; and leads in a way that makes us proud. She has earned our gratitude and continued respect.

WHEREAS, public health organizations such as Portland Public Health use National Public Health Week to educate policymakers, public health professionals, and the community at large on issues that are important to improving the health of the people of the United States;

WHEREAS, public health professionals help communities prevent, prepare for, withstand, and recover from the impact of a full range of health threats, ranging from infectious disease outbreaks to natural disaster preparedness; and

WHEREAS, efforts to adequately support public health and the prevention of disease and injury can continue to transform a health system focused on treating illness into a health system focused on preventing disease and injury, and promoting wellness.

NOW, THEREFORE, BE IT PROCLAIMED, that I, Mark Dion, Mayor of the City of Portland, Maine and members of the City Council do hereby recognize the week of April 6-12, 2026 as National Public Health Week in Portland and call upon the people of Portland to observe this week by helping our families, friends, neighbors, co-workers, and leaders to recognize the contribution of public health in (1) improving the health of the people of our state and (2) achieving health equity, as the theme states, “Ready. Set. Action!”



**Mayor Mark Dion
City of Portland**

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 2, 2026

SUBJECT: Order 147-25/26 Appointing Ethan Maddix as Constable for the Parking Division - Sponsored by Danielle P. West, City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: No

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

This appointment would appoint Ethan Maddix as Constable and is effective from the effective date of this order until 12:00 midnight, December 31, 2026, and is made pursuant to Portland City Code, Sections 20-19 and 20-19.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of duties, or to make arrests.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Appointment - Ethan Maddix as Constable

Prepared by:

Date: 03/02/2026

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER APPOINTING ETHAN MADDIX AS CONSTABLE FOR THE PARKING
DIVISION**

ORDERED, that Ethan Maddix of the Parking Division is hereby appointed as constable for the 2026 calendar year; and

BE IT FURTHER ORDERED, that this appointment shall be effective from the effective date of this order until 12:00 midnight, December 31, 2026; and

BE IT FURTHER ORDERED, that this appointment is pursuant to Sections 20-19 and 2019.5, Portland City Code, and this constable is not allowed to carry a firearm, concealed or unconcealed, in the performance of duties, or to make arrests.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: February 27, 2026

SUBJECT: Order 148-25/26 Granting Municipal Officers' Approval of Cherie LLC, dba Cherie. Application for Class I FSE with Outdoor Dining on Public and Private Property at 249 Congress Street - Sponsored by Danielle P. West, City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: N/A

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 2/18/26. Location was previously Quanto Basta.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Cherie_Council Packet
2. 2026.03.16_Cherie_Council Order

Prepared by:

Date: 02/27/2026

Cherie LLC
Melody Medina & Quinn Williams
249 Congress Street
Portland, ME 04101

February 12, 2026

Mayor Mark Dion & City Council of Portland
389 Congress Street, Portland, ME 04101

Subject: Letter of Intent for Liquor License - Chérie

Dear Mayor & Council Members of the Portland City Council,

We are writing to submit our formal intent to apply for a Class A/Restaurant Liquor License for Chérie, located at 249 Congress Street, Portland, ME 04101.

Our restaurant will be a neighborhood bistro & cafe, aimed at bringing the people of Portland our takes on classic French & American dishes. We intend to offer beer, wine and spirits to our customers to enhance their dining experience and compliment our food offerings.

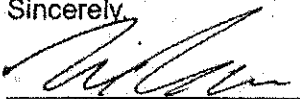
Business Details:

- Days of Operation: Thursday through Monday, closed Tuesdays & Wednesday
- Hours of Operation:
 - Dinner - Thursday & Monday 5:00 PM to 10:00 PM, Friday, Saturday & Sunday 5:00 PM to 11:00 PM
 - Lunch/Brunch - Friday, Saturday & Sunday 11:00 AM to 3:00 PM
- Alcohol Sales: On-premise beer, wine, and spirits
- Security & Compliance: We are committed to strictly adhering to all local and state regulations. We will implement mandatory staff training on responsible alcohol service and thoroughly check all identification cards to prevent sales to minors.

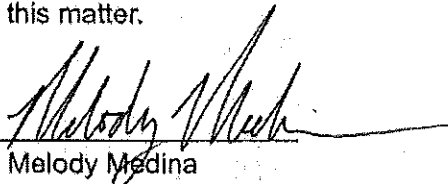
We believe that our establishment will contribute positively to the neighborhood, we know the area well as we live in it, too. We look forward to working with your office to secure the necessary licenses and become a larger part of this community.

Thank you for your attention to this matter.

Sincerely,



Quinn Williams
Chefs/Owners
Cherie LLC



Melody Medina

After an application has been approved by City Council:

- Applicants will receive an invoice for the remaining balance of the legal advertisement.
- Proceed with arranging for final inspections as the establishment is ready.
- Once the Business Licensing Office has received all approvals from the required departments, the office will approve the state license and issue the municipal license.

All applicants must pay the following fees for the application to be submitted for council approval:

Application fee: \$45

Liquor Class Fee: (see next page for amounts)

Health Inspection Fee: \$150

Background check: \$21/person

Additional fees such as Outdoor Dining and Entertainment will be listed in the Application

Liquor Classification of Establishment	Class I (Class A Restaurant) \$1,873.00
Maine B.E.L.L.S. File/Tracking Number	132831
Date of Submission of Maine B.E.L.L.S. application:	02/11/2026
Name of Establishment (Doing Business As)	Chérie
Physical Location of Establishment (Street Address)	249 Congress St
What is the business' ownership structure?	Corporation/LLC/Non-Profit Organization
Name of Corporation, LLC, or Non-Profit Organization	Cherie LLC
Business Mailing Address	12 Smith St Unit 3
City	Portland
State	Maine
ZIP	04101
Business Phone	4122281941
Establishment Email	info@cheriemaine.com
Contact Person Name	Quinn Williams
Contact Person Phone	4122281941
Contact Person Email	quinn@cheriemaine.com
What is your targeted opening date?	05/01/2026

Please list names, residence addresses, and birthdates of **ALL** owners and partners. If for a corporation please include all officers and or persons to satisfy **28-A M.R.S. §651**. Click green plus button to add persons.

Owners, Partners, and Officers

i. **Name**

Melody Medina

Street Address of Primary Residence

12 Smith St Unit 3

City

Portland

State

Maine

ZIP

04101

Birth Date

11/30/1992

ii. **Name**

Quinn Williams

Street Address of Primary Residence

12 Smith Street unti 3

City

Portland

State

Maine

ZIP

04101

Birth Date

12/05/1992

Corporation/LLC Name Cherie LLC

Corporate Mailing Address 12 Smith St Unit 3

City Portland

State Maine

ZIP 04101

Primary Contact Person Quinn Williams

Contact Phone 4122281931

Is any principal officer under the age of 21? NO

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law? NO

Please list names, addresses, and contact information for on-site managers.

On-Site Managers

i. **Name**

Quinn Williams

Date of Birth

12/05/1992

Phone

4122281941

Email

quinn@cheriemaine.com

ii. **Name**

Melody Medina

Date of Birth

11/30/1992

Phone

8188490034

Email

melody@cheriemaine.com

Owner of Premises (Landlord) Name Bryna Gootkind

Address of Premises Owner (Landlord) 255 Congress St

City Portland

State Maine

ZIP 04101

Owner of Premises (Landlord) 978-270-9151
Phone

Owner of Premises (Landlord) bryna@lbkitchenportlandme.com
Email

Type of Food Served: French American cuisine

Please select all that will be served:

- Beer
- Wine
- Liquor

Days and Hours of Operation:

Monday 5:00-10:00PM
Tuesday CLOSED
Wednesday CLOSED
Thursday 5:00-11:00PM
Friday 5:00-11:00PM
Saturday 5:00-11:00PM
Sunday 5:00-10:00PM

Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment? NO

Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.) NO

Will you permit dancing after 1:00 a.m.? NO

Will you have outside dining? (If yes, an Outdoor Dining Application is required) YES

If there will be outside dining, will it be on: PRIVATE Property / Public Property

Will you have any pool tables or amusement devices (pinball, video games, juke box)? NO

Does the Issuance of this license directly or indirectly benefit any City employee(s)? NO

Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland? NO

Application for Outdoor Dining

Please Note:

Creation or expansion of outdoor dining areas requires building permit approval from the Permitting Department. The outdoor dining area is considered an increase in occupancy for the business as a whole, and may require certain

upgrades such as increasing the number of toilet facilities, depending on the current/proposed occupancy figures and the existing plumbing capacity. Your permit application will need to include a plot plan showing the exact dimensions and layout of the proposed outdoor dining area as well as indoor floor plans showing existing facilities. If you have any questions about this process, please contact the Business Licensing Office: at BL@portlandmaine.gov or 207-874-8557

Additional Licensing Fees

Outdoor Private Dining: \$125

Parklet Outdoor Dining: 1 Parklet \$3,000/2 Parklet \$5,000

Public Outdoor Dining: \$84 + \$2/sqft

In a City Park: \$84 + \$6.30/sqft

What type(s) of Outdoor Dining will the establishment have?

- Outdoor Dining on PRIVATE Property
- Outdoor Dining on PUBLIC Sidewalk

What is total square footage of the Outdoor Dining area? 48 + 225 sqft private

What is total number of tables? 6 + 15 private

What is total number of chairs? 12

A drawing, photo or specifications of required barrier solutions.  249 Congress Drawings - rev 1.pdf

Plot plan/layout of the outdoor premises  249 Congress Drawings - rev 1.pdf

Please include the following:

- Letter of intent addressed to the Mayor and Members of the City Council
- Floorplan/Layout of the premises
- Menu
- Purchase & Sale, Deed/Title, Lease Agreement, Berthing Agreement (Vessels), or Non-Renewal Notification from previous owner (if applicable)

Letter of intent addressed to the Mayor and Members of the City Council  Signed LOI Liquor Application.pdf

Floorplan/Layout of the premises  249 Congress Drawings - rev 1.pdf

Menu  Copy of Cherie Menu Mockup 2.0.pdf

Purchase & Sale, Deed/Title, Lease Agreement, Berthing Agreement (Vessels), or Non-Renewal Notification from previous owner (if applicable)  249 Congress Lease Cherie LLC x BLAH Realty LLC.pdf

Signature Agreement

I hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature



Name of Signatory

Quinn Williams

Title of Signatory

Owner

Date

02/12/2026

Thank you for providing this information. After clicking 'Submit' your application will be processed by staff as soon as possible. You will receive an invoice of fees due by email or postal service. All fees must be paid before the application is considered complete.

You will be updated by our staff, if necessary, as your submission is processed.

Have a great day!



PORTLAND MAINE

BREAD & BUTTER	6
ADD CHEESE OF THE WEEK	+8
CHICKEN LIVER PARFAIT	13
COGNAC PRUNES, HOUSE BREAD	
PÂTÉ DE CAMPAGNE	15
MUSTARD, PICKLES, HOUSE BREAD	
LEEK VINAIGRETTE	14
POACHED LEEKS, EGGS, TARRAGON, MUSTARD	
BEETS & PLUMS	15
FRESH CHEESE, HARISSA, HERBS	
DEVILED CRAB CROQUETTES	16
LOCAL CRAB, LEMON AIOLI	
BEEF TARTARE*	23
CLASSIC ACCOUTREMENTS, FRITES	
MACKEREL CRUDO*	22
CONCORD GRAPE, FENNEL, HERBS	
ENDIVE SALAD	16
GORGONZOLA, HERBS, RHUBARB VINAIGRETTE	
BOUDIN BLANC	21
ONION SOUBISE, PUMPKIN, APPLE	
MUSHROOM AGNOLOTTI	18/23
RICOTTA, CHANTERELLE, PARMESAN	
STEAK FRITES*	MP
DAILY CUT, AU POIVRE SAUCE OR ÉCHALOTE BUTTER	
ROAST CHICKEN	34
WOOD-FIRED ½ CHICKEN, POMMES PUREE, JUS	
POACHED COD	32
GIGANTE BEANS, KIMCHI BEURRE BLANC, TURNIPS	
LEMON SOLE MEUNIÈRE	44
WOOD-FIRED, BROWN BUTTER, NEW POTATOES, CAPERS	



PORTLAND MAINE

SEASONAL FOCACCIA SLICE, CHEESE OR VEG OR BOTH	10
DEVEILED CRAB CROQUETTES LOCAL CRAB, LEMON AIOLI	12
CHICKEN LIVER MOUSSE FRUIT PRESERVES, SAVORY MADELINES	13
PÂTÉ DE CAMPAGNE MUSTARD, PICKLES, HOUSE BREAD	14
SEASONAL QUICHE WITH PETITE SALAD	15
SOCCA WINTER SQUASH, MELTED LEEKS, GOAT CHEESE	16
NIÇOISE SALAD 18 SALMON, SOFT-BOILED EGG, ARTICHOKE	18
OMLETTE DU JOUR FRITES OR GREEN SALAD	20
PORK SCHNITZEL GRIBICHE, GREEN SALAD	26
CHÉRIE BURGER * BLEU CHEESE, GARLIC AIOLI, ONION FRITES OR GREEN SALAD	22

PETITE SALAD 8

HOUSE FRITES 7
HEINZ KETCHUP, AIOLI



*CONSUMING RAW OR UNDERCOOKED MEATS, POULTRY, SEAFOOD, SHELLFISH, OR EGGS MAY INCREASE
YOUR RISK OF FOODBORNE ILLNESS, ESPECIALLY IF YOU HAVE CERTAIN MEDICAL CONDITIONS

Chérie

PORTLAND MAINE

FLAN BRÛLÉE 12
SUNSET ACRES FARM GOAT CHEESE, CARAMEL

CHOCOLATE LAYERED COUP 13
LAYERS OF CRUNCHY, CREAMY, FRUITY OR
DULCE DE LECHE, COVERED IN TEMPERED CHOCOLATE

HOUSE-MADE ICE CREAM 6
SCOOP OF VANILLA BEAN, CHOCOLATE
OR SEASONAL

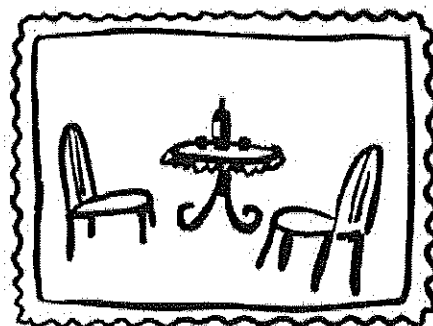
HOUSE-MADE SORBET 6
CITRUS OR SEASONAL

AFFOGATO 10
CHOICE OF ICE CREAM, DOUBLE ESPRESSO
MAKE IT BOOZY +8

IRISH COFFEE 13
RECIPE GITED TO US FROM FORT DEFIANCE

CARAJILLO 12
ESPRESSO, LICOR 43

ESPRESSO MARTINI 15
OUR WAY





PORTLAND MAINE

BAGUETTE	4.50
POTATO BRIOCHE BUNS PACK OF 4	6
ROTATING TIN LOAF	7
GLUTEN-FREE LOAF	10
SAVORY MADELINES (6 PACK)	9
SEASONAL FOCACCIA	9
SEASONAL QUICHE BUTTER CRUST	15
VEGAN SPRINKLE COOKIE	5
CHOCOLATE CHIP SABLE COOKIE GLUTEN FREE FRENCH-STYLE SHORTBREAD	4
CONCHA/NOVIA MEXICAN SWEET BUN, COOKIE TOPPING	5
BRUNSVIGER DANISH-STYLE BRIOCHE WITH CARAMELIZED TOPPING	5
SUNFLOWER SWIRL BROWNIES	6
LAYERED PASTRIES THINK HAM & CHEESE CROISSANT, ETC	5-8
SEASONAL ECLAIR	10

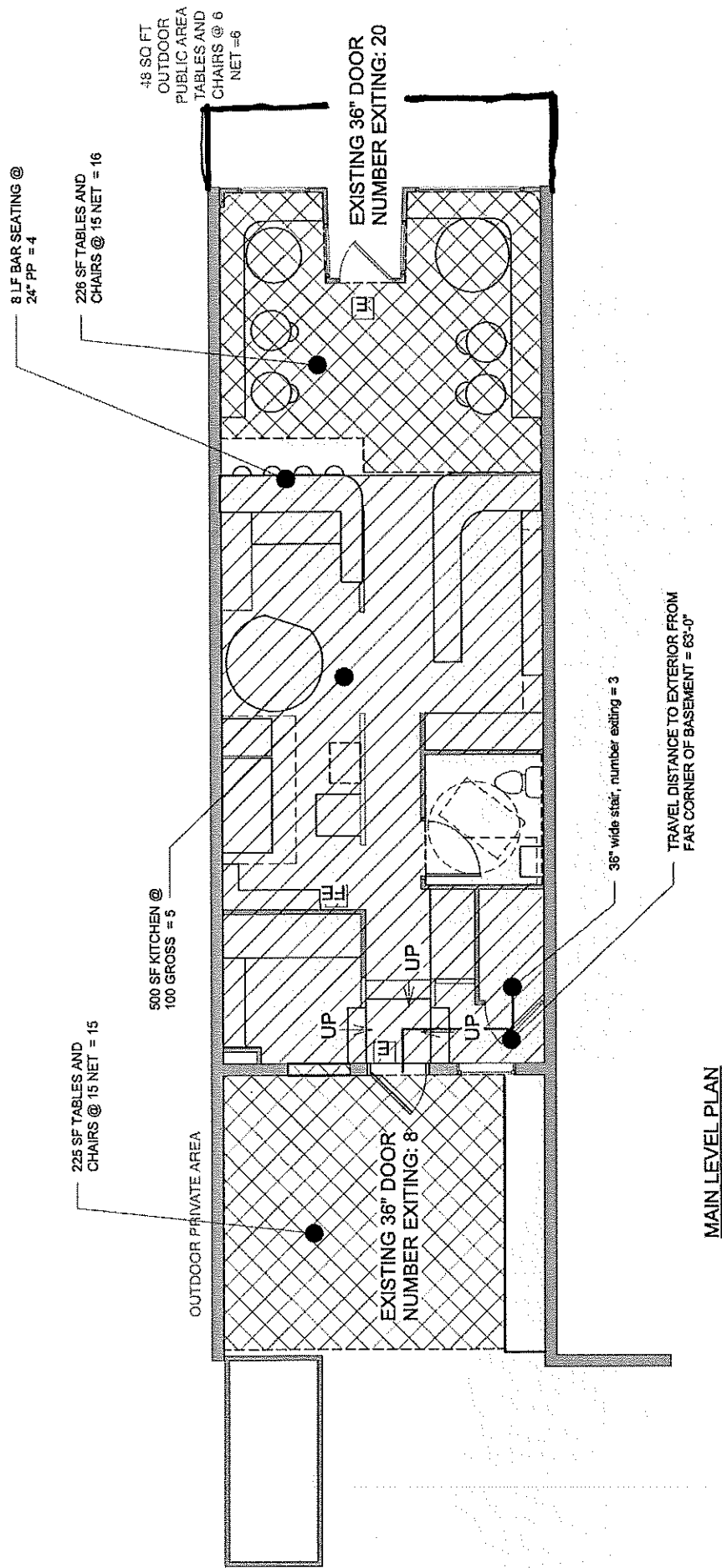
Cocktails

POTENT POTABLE PLYMOUTH GIN, MINT, PERNOD, LIME, APPLE	14
YES PLEASE TITO'S VODKA, SALTED PLUM, BENEDICTINE, LEMON	14
IN THE COMPUTER ARMANAC, CYNAR 70, LUXARDO MARACHINO	14
PINK VESPER GOLDIE'S GIN, HAKU VODKA, LILLET, COCCHI ROSA	15
CHÉRIE NEGRONI ROKU GIN, LUXARDO BITTER ROSSO, ELISIR NOVISALIS, SWEET VERMOUTH, DRY VERMOUTH	16
AGREE TO AGREE GREY GOOSE VODKA, LAVENDER, LIME, BUTTERFLY PEA FLOWER	15
ESMERELDA BUTTER-WASHED RUM, AMARO DEL ETNA, GIFFORD VANILE DE MADAGASCAR, PINEAPPLE, LIME	16
FRENCH SOUR WILD TURKEY 101 RYE, LEMON, COMBIER, BORDEAUX	15
TURN OF PHRASE OLMECA ALTOS BLANCO TEQUILA, JALAPEÑO, STRAWBERRY, COINTREAU, LIME	14

Non-Alcoholic

LIQUOR-ISH GRAPEFRUIT, TARRAGON, STAR ANISE, HONEY	10
FRENCH BULLDOG LIME, ORANGE, AGAVE, FLEUR DE SEL, N/A CORONA	11
ANYTIME SPRITZ GENTIAN, STRAWBERRY, GINGER, TART CRANBERRY	12
VICHY CATALAN SPANISH MINERAL WATER	8
COCA COLA REGULAR OR DIET	5

Chérie
PORTLAND MAINE









QUANTO BASTA
INTERIOR FIT UP

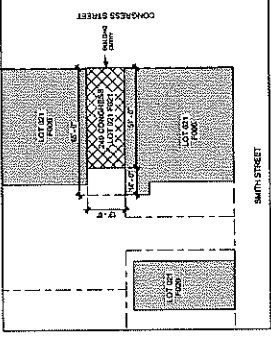
DWG NO.	
JOB NO.	2138
DRAWN	CHK
CL	
SCALE	A4 Reduced
ISSUE	12/19/22
TITLE	PLOT PLAN
SHEET	A1

QUANTO BASTA
INTERIOR FIT UP
249 CONGRESS STREET

Sheet Number	Sheet Name
A1	PLOT PLAN
A2	PLANS
A3	NOT INTERIOR ELEVATIONS

BUSINESS OWNER:
QUANTO BASTA
249 CONGRESS STREET PORTLAND ME
04103
ARCHITECT: CHELSEA LIPHAM ARCHITECTURE AND DESIGN LLC
741 SOWERS AVE PORTLAND MAINE
04103

DATE OF SUBMIT:
NO CHANGE OF USE
NO CHANGE OF USE
NO CHANGE OF USE



① PLOT PLAN
1" = 30'-0"

ALL WORK SHALL BE IN ACCORDANCE WITH THE MINIMUM BUILDING CODES AND LOCAL ORDINANCES. THE CITY OF PORTLAND HAS A ZONING DISTRICT MAP. THE ZONING DISTRICT MAP IS LOCATED AT 249 CONGRESS STREET. THE ZONING DISTRICT MAP IS LOCATED AT 249 CONGRESS STREET. THE ZONING DISTRICT MAP IS LOCATED AT 249 CONGRESS STREET.

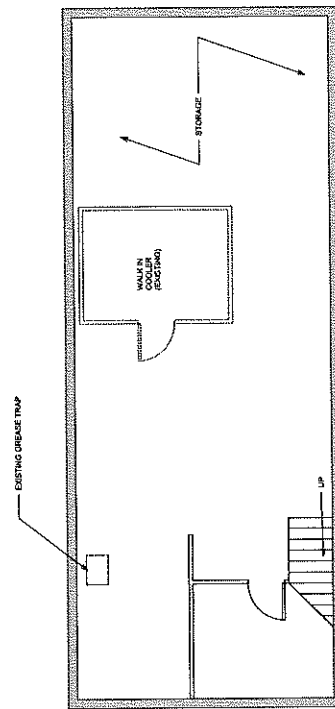
INTERIOR FIT UP ZONING DISTRICT MAP

SCOPE OF WORK: INTERIOR RENOVATIONS OF EXISTING SPACE

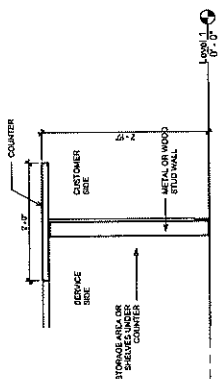
BUSINESS OCCUPANCY: 1

CONSTRUCTION TYPE: 1

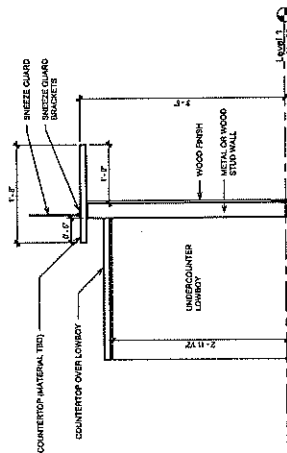
PROPOSED FLOOR FINISH: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 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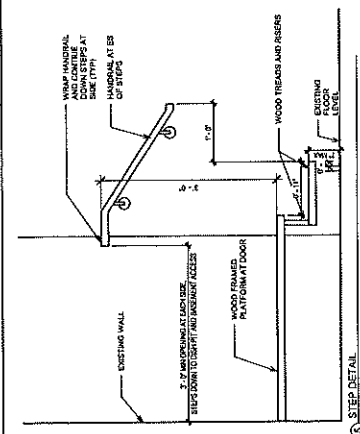
2 PROPOSED BASEMENT PLAN 1/4" = 1'-0"



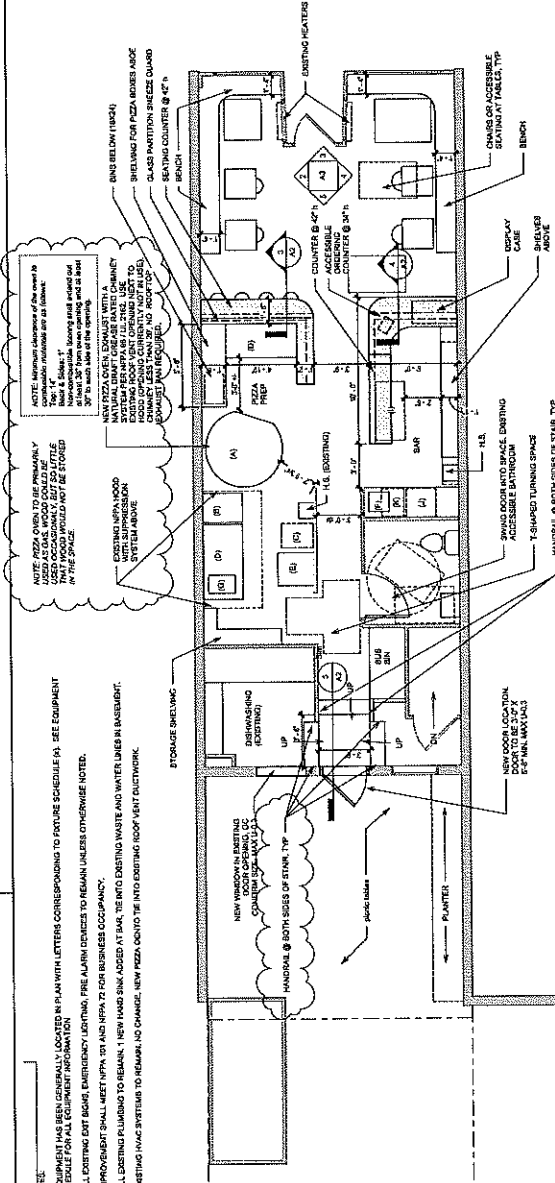
4 SECTION AT ORDERING COUNTER



③ SECTION AT SEATING COUNTER.



STEP DETAIL



① PROPOSED PLAN
1/4" = 1'-0"

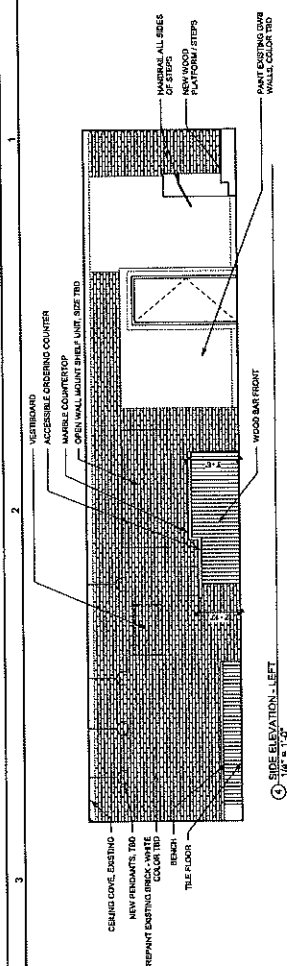
GENERAL ARCHITECTURAL NOTES

- [illegible]

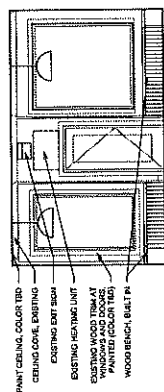
GENERAL USE NOTES

1. ALL M.E.P. WORK SHALL COMPLY WITH LOCAL CODES. SEPARATE PERMITS SHALL BE PROCURED FOR EACH TRADE.
2. HEATING SYSTEM TO BE RELOCATED OR REPLACES AS NEEDED.
3. PROVIDE ELECTRICAL OUTLETS AT ALL RENOVATED AREAS PER NEC.
4. HOOD VENT TO BE PROVIDED OVER COOKING EQUIPMENT PER

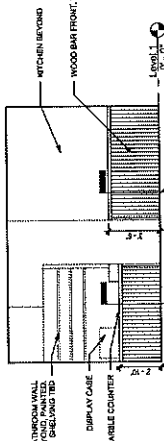
[illegible]



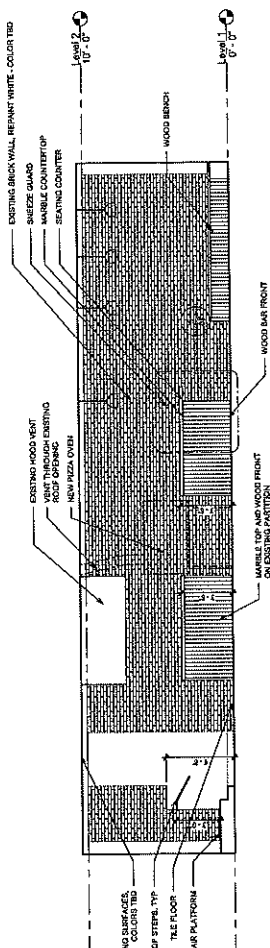
4 SIDE ELEVATION - LEFT
1/4" = 1'-0"



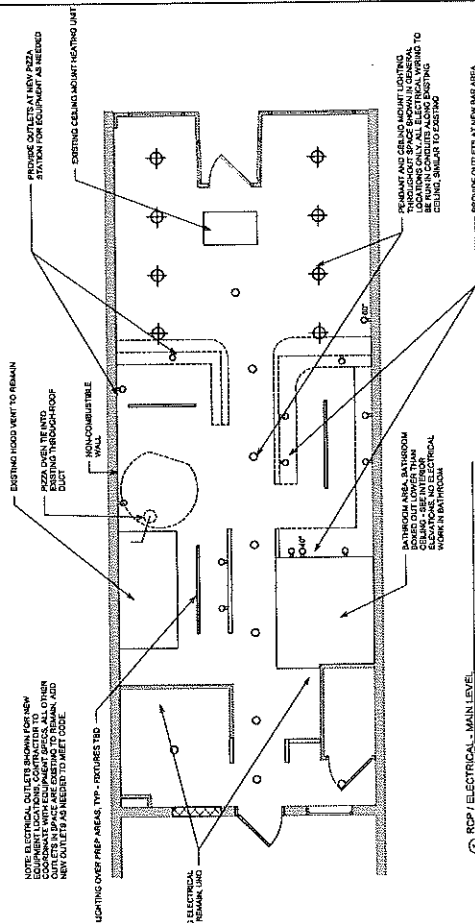
3 FRONT ELEVATION
1/4" = 1'-0"



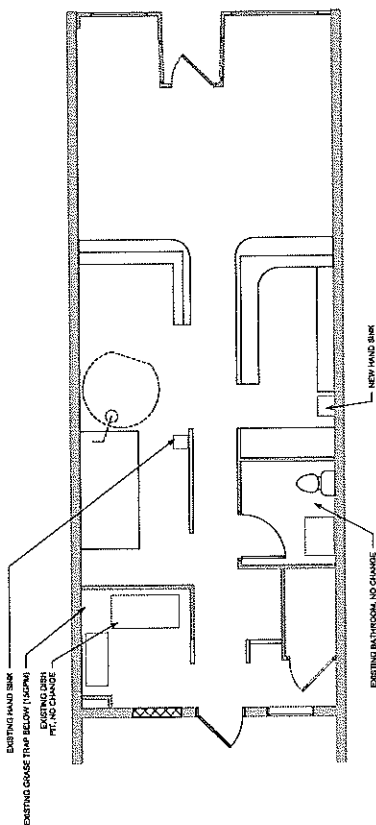
5 BAR FRONT ELEVATION
1/4" = 1'-0"



② SIDE ELEVATION
1/4" = 1'-0"



① RCP / ELECTRICAL - MAIN LEVEL
115' ± 1.00'



PLUMBING FIXTURE PLAN
1/4" = 1'-0"



Zachary Lenhart <zlenhart@portlandmaine.gov>

Cherie_Class I_249 Congress

Zoning <zoning@portlandmaine.gov>

Tue, Feb 24, 2026 at 4:13 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhart <zlenhart@portlandmaine.gov>, Zachary Finley <zackf@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Ron Kelton <rkellon@portlandmaine.gov>, Matthew Caton <mcaton@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, "Lynch, Kim" <kim.lynch@maine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Elisa Marr <emarr@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>

Good Afternoon,

The legal use for 249 Congress St is restaurant. Zoning approves.

Thank you,

Mac

--

Mac Coldwell

City of Portland
Zoning Specialist
Permitting & Inspections Department
389 Congress ST, Room #315
Email: mcoldwell@portlandmaine.gov
he/him

[Quoted text hidden]

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on March 16, 2026 at 5:00 P.M., in City Council Chambers, 389 Congress St. for approval of Cherie LLC, dba Cherie. Application for Class I FSE with Outdoor Dining on Public and Private Property at 249 Congress Street - Sponsored by Danielle P. West, City Manager

City of Portland | Permitting and Inspections
Zachary Lenhert, Licensing and Housing Safety Manager



March 6, 2026

Cherie LLC
12 Smith Street, Unit 3
Portland, ME 04101

Re: Approval of Cherie LLC, dba Cherie. Application for Class I FSE with Outdoor Dining on Public and Private Property at 249 Congress Street

Dear Cherie LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday March 16, 2026 at 5:00 p.m., for the review of application for Class I FSE with Outdoor Dining on Public and Private Property at 249 Congress Street. The meeting will take place in person at Portland City Hall, in City Council Chambers on the 2nd Floor of 389 Congress Street.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at bl@portlandmaine.gov.

Sincerely,

Zachary J. Lenhert
Licensing and Housing Safety Manager

FRAUD ALERT: The City of Portland is aware of a scam involving emails that create fake invoices and request payment for applications, inspections, or permit fees. Please note that the City of Portland will never ask you to wire funds; do not follow any such instructions. If you receive an email you believe to be a scam, please contact bl@portlandmaine.gov.



Application Copy

File Number: 132831

Job Type: New Application

LICENSE TYPE

On-Premises: Beer, Wine & Spirits

APPLICATION DATE RECEIVED

2026-02-11

SECONDARY LICENSE(S)

None selected

LICENSEE LEGAL NAME

Cherie LLC

LICENSEE TYPE

Limited Liability Company

DOING BUSINESS AS

Chérie

CORPORATE NUMBER

202601087DC

INCORPORATION DATE

2025-08-11

CORRESPONDENCE ADDRESS

249 Congress St Portland ME 04101

MAILING ADDRESS

PHYSICAL ADDRESS

CONTACT NAME

Quinn Williams

PREFERRED CONTACT METHOD

Email

CONTACT PHONE

(412) 228-1941

ALTERNATE PHONE

FAX

EMAIL

quinn@cheriemaine.com

CORPORATE STRUCTURE

None selected

ADDITIONAL INFORMATION

MANAGED BY AGENT

No

PREMISES TYPE

Class A Restaurant

PREMISES NAME

Chérie

OPERATOR

Quinn Williams

PHYSICAL ADDRESS

249 Congress St Portland ME 04101

MAILING ADDRESS

249 Congress St Portland ME 04101

CONTACT NAME

Quinn Williams

PREFERRED CONTACT METHOD

Email

CONTACT PHONE

(412) 228-1941

ALTERNATE PHONE

FAX

EMAIL

info@cheriemaine.com

QUESTIONS

On-Premises: Beer, Wine & Spirit

1. Is your business (including any DBA) registered and in good standing with the Maine Secretary of State?

Answer "No" if you are a Sole Proprietor.

Yes

202601087DC

2. What is your expected start date?

May 1, 2026

3. Has/have applicant(s) formerly held a Maine liquor license?

No

4. Does the licensee or applicant(s) have any interest in any other Maine Liquor License?

No

5. Is the applicant/licensee an individual, partnership, or association? (Not a corporation or LLC)

No

6. Are all licensees/applicants residents of the State of Maine?

Yes

7. Is your license for a club with a membership?

No

8. Is your license application for a vessel?

No

9. Do you have a valid and current health license issued by Maine Department of Health and Human Services OR the Department of Agriculture?"

No

- 10 Do you have a license from the Office of the State Fire Marshal?
Contact (207) 626-3870 to determine whether licensure is necessary.

No

11 Will any law enforcement officer directly benefit financially from this license?

No

12 Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

No

13 Is the licensee/applicant(s) directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person or business entity holding a liquor license granted by the State of Maine?

No

14 What is the full name and date of birth of the person managing this premises?

Quinn Williams

Birthday December 5, 1992

15 Has any of the listed applicants, an immediate family member of an applicant, or an employed manager been denied a liquor license or had a liquor license revoked within the last 5 years?

No

16 Is any of the listed applicants the spouse, father, mother, child or other immediate family member of a person whose liquor license has been revoked or denied in the last 6 months?

No

17 Has any licensee/applicant or employed manager ever been convicted of any violation of the liquor laws in Maine or any State of the United States within the last 5 years?

No

- 18 Has the licensee/applicant(s) or manager ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States?
- No
- 19 Does the licensee/applicant have any arrangement such as a lease where rent is based on sales, an agreement where another party receives a portion of the revenue or profits from the business, or a right to acquire an ownership interest in the business?
- No
- 20 At which address are your business records located?
- 249 Congress St
Portland, ME 04101
- 21 What will be your business hours? Please indicate each day's open and close times.
- Monday 5:00-11:00
Tuesday CLOSED
Wednesday CLOSED
Thursday 5:00-11:00
Friday 5:00-12:00
Saturday 5:00-12:00
Sunday 5:00-10:00
- 22 Please provide the name and distance from the premises to the nearest school, school dormitory and place of place of worship, measured from the main entrance of the premises to the main entrance of the school, school dormitory and place of worship by the ordinary course of travel.
- Cathedral of Immaculate Conception
0.2 miles (1300 feet)
- 23 Is your application for a Hotel or Bed & Breakfast?
- No
- 24 Do you have a food menu?
- Yes
(document uploaded)

25 How many seats do you have? Include indoor and outdoor seating.

40

26 How many bathrooms do you have available to the public?

1

DOCUMENTS

TYPE	FILE NAME	DESCRIPTION
Premises Floor Plan	249 Congress Drawings - rev 1.pdf	
Food Menu	Cherie Menu Mockup 2.0.zip - Dinner Savory.png	
Lease/Rental Agreement	249 Congress Lease Cherie LLC x BLAH Realty LLC.pdf	
Supplemental Ownership Form	102 Supplemental Ownership Form and Affidavit-2.pdf	

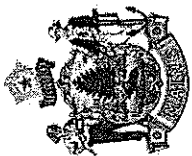
APPLICANT

Quinn Williams

DECLARATION

☒ I certify that I am the applicant as described in this application, or that I am duly authorized to submit this application on the applicant's behalf.

All information provided in this application is accurate and correct. I understand that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Supplemental Ownership Form

28-A M.R.S. §651

All Questions Must Be Answered Completely.

1. Company or sole proprietor legal name: Cherie LLC	2. Date of incorporation/registration: 08/08/2025	3. State of incorporation: Maine
---	--	-------------------------------------

List the following information for officers, directors, owners equal to or over 10%, and persons with indirect financial interest in the applicant.

Name	Date of Birth	Phone or E-mail	Address	Title	Ownership Stake (%)
Quinn Williams	12/05/1992	quinn@cheriemaine.com	12 Smith St Unit 3 Portland, ME 04101	Owner	86.90%
Melody Medina	11/30/1992	melody@cheriemaine.com	12 Smith St Unit 3 Portland, ME 04101	Owner	86.90%

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Cherie LLC, dba Cherie. Application for Class I FSE with Outdoor Dining on Public and Private Property at 249 Congress Street

MEMORANDUM
City Council Agenda Item

FROM:

DATE: February 27, 2026

SUBJECT: Order 149-25/26 Granting Municipal Officers' Approval of The Company of Others LLC, dba The Company of Others. Application for Class XI Restaurant/Lounge with Indoor Entertainment at 67 India Street - Sponsored by Danielle P. West, City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: N/A

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 2/24/26. Location was previously Coffee By Design.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Company of Others_Council Packet
2. 2026.03.16_Company of Others_Council Order

Prepared by:

Date: 02/27/2026

Letter of Intent — Liquor License Application

The Company of Others Cafe | 67 India St, Portland, ME 04101

February 23, 2026

The Honorable Mayor of Portland
Members of the Portland City Council
City Hall, 389 Congress Street
Portland, Maine 04101

Dear Mayor and Members of the City Council,

My name is Heather Gildea, and I am writing to respectfully request your support and approval for a liquor license for my new establishment, **The Company of Others**, located at 67 India Street in Portland, Maine.

About the Venue

The Company of Others Cafe is a dual-concept venue bringing together an all-day café and a curated listening lounge bar — a thoughtfully designed space where the people of Portland can gather, slow down, and connect over food, drink, and music. The concept is rooted in a deep respect for community, craft, and culture, and the space has been designed from the ground up with that intention in mind.

This is not simply another bar or restaurant. The listening lounge component is an intentional, experience-driven concept centered around high-fidelity audio and curated vinyl programming — a format that encourages unhurried, mindful enjoyment rather than high-volume drinking. It is a concept that has gained significant cultural traction in cities across the country, and I believe Portland is exactly the kind of community where it will thrive.

My Investment in Portland

I am a Maine-based entrepreneur and long-time hospitality operator. I also own and operate The Black Elephant Hostel at 33 Hampshire Street. The Company of Others represents my most significant investment to date — both financially and personally. I have invested approximately \$2,000,000 in this project, designed the entire space independently, and have been hands-on through every stage of its development.

This is not a venture capital-backed concept or an out-of-state chain. It is a deeply personal, locally owned and operated business built with real stakes and genuine commitment to this city.

Why a Liquor License is Essential

The listening lounge component of this venue is designed around the experience of enjoying a carefully curated cocktail, glass of wine, or craft beer alongside exceptional music in a beautiful, unhurried environment. Without a liquor license, the bar portion of this dual concept is not viable, and the full vision of the space cannot be realized. A liquor license is not incidental to this business — it is integral to it.

I want to be clear that responsible service is a core value of how I intend to operate. My staff will be trained in responsible alcohol service, and the intimate, lounge-oriented atmosphere of the space is inherently conducive to mindful consumption rather than excess. We also plan on having an alcohol-free day each week for our sober community. This is not a late-night bar concept — it is a hospitality experience grounded in care for guests and neighbors alike.

Community and Economic Impact

The Company of Others will bring meaningful benefits to the India Street neighborhood and to Portland more broadly. These include the creation of quality local jobs, a new cultural venue that celebrates music and community, a welcoming daytime café presence, and a destination that will attract visitors and support the local economy. I am committed to being a responsible neighbor, a thoughtful operator, and an active participant in the fabric of this city.

Closing

I respectfully ask for your support in approving a liquor license for The Company of Others Cafe. I would welcome the opportunity to speak with the Mayor, members of the Council, or any relevant staff to answer questions, provide additional documentation, or discuss any concerns. I am fully committed to working collaboratively with the City throughout this process.

Thank you sincerely for your time and your service to our community. I look forward to the opportunity to contribute something meaningful to Portland.

Respectfully submitted,

Heather Gildea
Owner, The Company of Others Cafe
67 India Street, Portland, ME 04101
207-712-0710
hostelheather@gmail.com





CITY OF PORTLAND, MAINE
Permitting and Inspections Department
Business Licensing and Housing Safety

Application for Food Service Establishment with Alcoholic Beverages License

Maine B.E.L.L.S. Application Information	
File or Tracking Number from BELLS application: 134464	Date of Submission of BELLS application: 2/23/2020

Business Information		
Legal Business Entity Applicant Name (corporation, LLC): The Company of Others, LLC	Business Name (D/B/A): The Company of Others	
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 67 India St, Portland, Me 04101	
If applicable, what was formerly at this location: Coffee By Design cafe	Business Email Address: hostelheather@gmail.com	
Mailing Address: 41 Olympia St, Portland, Me 04103	Contact Person: Heather K Gildea	
Contact Person Phone: 207-712-0710	Contact Person Email: hostelheather@gmail.com	
Manager of Establishment: Heather Gildea	Date of Birth: 3/14/1971	Manager Phone: 207-712-0710
Owner of Premises (Landlord): Heather Gildea	Address of Premises Owner (Landlord): 41 Olympia St, Portland, Me 04103	

Sole Proprietor/Partnership Information (If Corporation, leave blank)		
Name of Owner(s):	Date of Birth:	Residence Address:
Name of Owner(s):	Date of Birth:	Residence Address:

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)			
Corporate Name: The Company of Others, LLC		Corporate Mailing Address: 41 Olympia St, Portland, Me 04103	
Contact Person: Heather Gildea		Contact Phone: 207-712-0710	
Principal Officers	Title	Date of Birth	Residence Address
Heather Gildea	managing member	03/14/1971	41 Olympia St, Portland, Me 04103



CITY OF PORTLAND, MAINE
Permitting and Inspections Department
Business Licensing and Housing Safety

Class of Liquor License (see fee schedule): <u>Class Xt Restaurant/Lounge</u>		
Type of food served:	pastries, salads, sandwiches, crepes, lasagna, quiche, bar snacks, charcuterie, chips and dips, deserts	
Please select all that will be served:	☒ Beer ☒ Wine ☒ Liquor	
Projected percentage of sales:	Generated from Food: <u>50</u>	Generated from Alcohol: <u>50</u> <u>not sure</u>
Hours & days of operation:	7 AM - 11 PM Sun - Thursday / 1AM Friday - Sat	
QUESTIONS	YES	NO
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	☒	☐
If No, please explain:		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	☐	☒
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)	☒	☐
Will you permit dancing after 1:00 a.m.?	☐	☒
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	☐	☒
If yes, will the outside dining be on: ☐ PUBLIC property or ☐ PRIVATE property		
Will you have any amusement devices (pinball, video games, juke box)?	☐	☒
If yes, please list: # of amusements: and # of pool tables:		
What is your targeted opening date? : May 1st, 2026		
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	☐	☒
If Yes, list name(s) of employee(s) and department(s):		
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	☒	☐
If Yes, please list business name(s) and location(s): Black Elephant Hostel, 33 Hampshire St, Portland, Me 04101		
Is any principal officer under the age of 21?	☐	☒
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	☒	☐
If Yes, please explain: Heather Gildea DUI in 1999 or so		

I, Heather K Gildea do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature Heather K Gildea Title owner Date 2/23/2026

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557

BL@portlandmaine.gov • www.portlandmaine.gov

Rough Outline of the Café /Lounge Menu for “The Company of Others”

67 India street, Portland, Me 04101

Please note, we do not have a hood and will not be preparing any foods with grease laden vapors on premises – most foods will be brought in from other local vendors

Drinks

Standard Coffee drinks –

International Breakfast Beverages –

Breakfast Items

Waffles - Steel Cut Oatmeal - Granola – Pastries- Mixed Cereals

Crepes & Tartines

Sweet & Savory Options

Jar salads –

Various Salads served in ball jars

Meals of Substance—

Veggie Lasagna

Shepards Pie

Chicken Pot Pie

Quiche with salad

General Bar Snacks -

– popcorn, pretzels, pickled things, Dip, charcuterie etc.



CITY OF PORTLAND
Permitting and Inspections Department

Application for an Entertainment License

☒ Indoor Entertainment \$500.00	☐ Outdoor Entertainment \$700.00	☐ Combined Entertainment \$800.00
☒ Sound Mitigation Fee \$150.00		

Business Information			
Establishment Name (d/b/a):	The Company of Others LLC / Wicked Kissah	Phone:	2077120710
Location Address:	67 India Street, Portland, Maine		Zip: 04101
Owner Name:	Heather Gildea	Phone:	207-712-0710
Owner Email:	hostelheather@gmail.com		
Contact Person responsible for Entertainment:	Heather Gildea	Phone:	207-712-0710
Contact Person Email:	hostelheather@gmail.com		
Manager of Establishment:	Heather Gildea	Phone:	207-712-0710
Manager Email:	hostelheather@gmail.com		

About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment:
 In the back section of the business at 67 India, operated by The Company of Others LLC, will be a hi-fi listening lounge. It is a space designed to immerse our guests in high quality sound. We will be playing mostly vinyl records and will also host djs to currate the sound experience. The room has been built and designed by a sound engineer to be acoustically pleasing - as well as soundproof to the outside world.

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above license and further agrees that any misstatement of material fact may result in refusal of license or revocation, if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

Signature *Heather K Gildea* Title owner Date 2/24/2026

For more information, refer to the City Code of Ordinance: Chapter 4 Amusements, at www.portlandmaine.gov



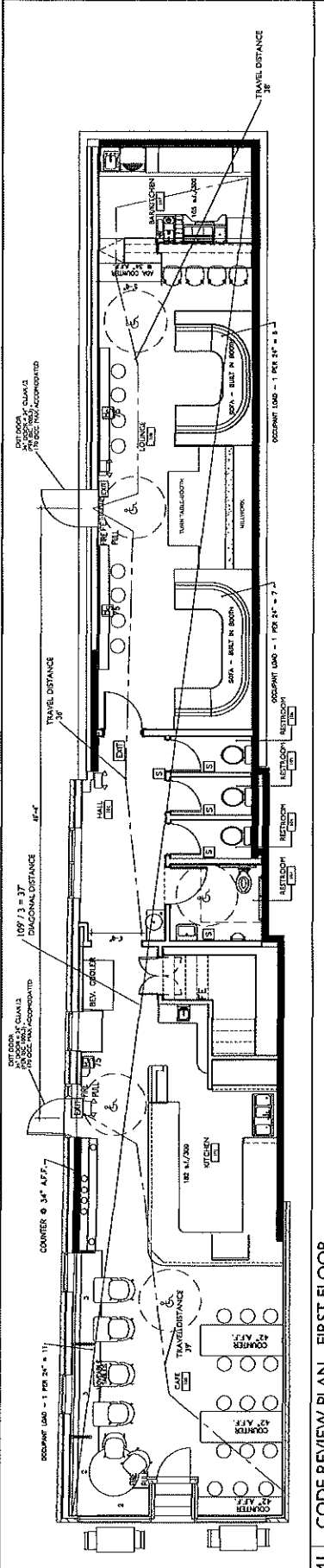
REVISIONS		DISPOSITION
DATE	BY	
10/4/92	1844/RS	CITY COMMUNITY
11/23/92	1844/RS	NOVEMBER 1992
11/23/92	1844/RS	PUBLIC CHANGE

DATE	04.03.2025
SUBJECT #	010725
PLANNING BY	DLP
RECEIVED BY	RLD
PLANNING SCALE	N/A

SHEET TITLE	CODE REVIEW PLAN LIFE SAFETY
-------------	---------------------------------

GI02

ADDITIONAL INFORMATION

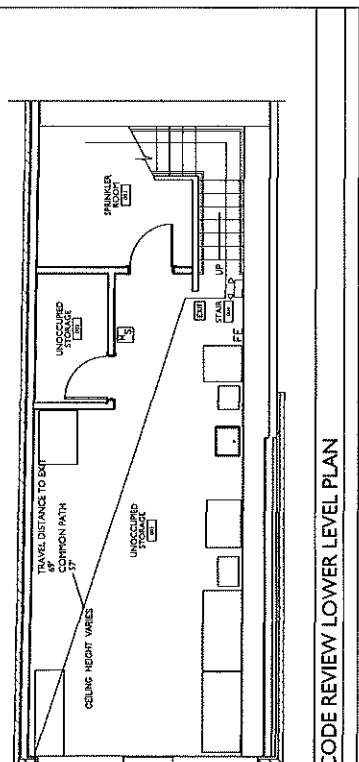


NOTE: THOMAS MOHN AND DARREN COMBERFORD WERE THE PRELIMINARY CODE REVIEWERS WITH THE CLIENT

[illegible][illegible][illegible]

CODE REVIEW PLAN DATA

Category	16yo	41yo	71yo
No	16%	10%	5%
Small	10%	20%	30%
Medium	15%	15%	20%
Large	10%	5%	10%

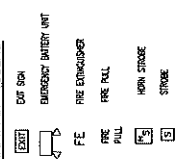


CODE REVIEW LOWER LEVEL PLAN

NO.	OCCUPANT	LOAD	AREA (S.F.)	OCCUPANT LOAD FACTOR	OCCUPANTS
1	POWER LOSE (608 S.F.)				
2	STORAGE / MECH				
3	FIRST FLOOR (1,370 S.F.)		545	300	2
4	BALCONY-BUILT IN SOFA		181	1 PER 24"	24
5	KITCHEN & BAR		267	200	2
6	DINING ROOM		218	100	3
7	BEDROOM / HALL		218	100	1
8	BATH		87	100	1
9	ASSEMBLY (UNCONCENTRATED)		559	15	40
10	ASSEMBLY (STANDING)		49	5	10
11	OUTSIDE (UNCONCENTRATED)		40	15	3
12	TOTAL				85

AREA (S.F.)	OCCUPANT LOAD FACTOR	OCCUPANTS
585	500	2
151	1 PER 24"	24
287	100	3
218	100	3
67	BOOTH	1
588	15	40
49	5	10
40	15	3
TOTAL		86

LIFE SAFETY LEGEND



Integrated Fire Alarm System to be installed per NFPA 72 National Fire Alarm and Signaling Code, 2019 Edition.

[illegible]

QJDE - Plumbing Fixture Code Reviews (UPC 2021 Table 4.22.1)



The Halo Studio LLC

58 River Road

Windham ME 04062

207.233.1770

10/7/2025

SOUND MITIGATION PLAN

Prepared for:

67 India Street LLC and City of Portland

From: Darren Elder, The Halo Studio LLC
To: Jessica Hanscombe, Licensing, City of Portland

Dear Ms. Hanscombe,

On behalf of our clients at 67 India Street LLC, The Halo Studio is pleased to provide this Sound Mitigation Plan in support of entertainment licensing for their premises at 67 India Street.

For ease of review, we have provided our findings and recommendations in order of the required items as outlined in the Code of Ordinances,

67 India Street is located in the India Street Form-Based Code (IS-FBC) Chapter 14, Division 15.2 district, a dense, mixed use urban zone.

Rationale

67 India Street LLC seeks to provide a high end listening experience for their guests ranging from curated live entertainment to ambient background music. This plan ensures compliance with all relevant city sound ordinances while prioritizing positive relationships with nearby businesses and residents.

We trust that the information provided will meet the city's needs and stand ready to answer any questions you may have.

Requirements

(a) Professional Expertise

The Halo Studio brings decades of experience and a track record of uncompromised excellence in the realm of sound engineering, acoustic design, and consulting on complex sound and audio-visual environments.

The team at The Halo Studio is routinely called upon by clients ranging from world-renowned recording artists and mastering studios to private businesses and municipalities to solve their acoustical needs and sound engineering challenges.

Over the last 21 years, we have become beta-testers for multiple cutting-edge audio software and treatment companies, which allows us to take every measure to maximize the acoustic experience within each designated space while minimizing unwanted frequencies and decibel levels. Professional references are available upon request.

(b) Identification of Surrounding Uses

67 India Street is located in the India Street Form-Based Code (IS-FBC) district, a dense, mixed-use urban zone.

- South - Facility (Institutional): ~6 ft
- North - Residential Condominiums: ~8-10 ft
- East - Mixed Retail/Commercial: ~30 ft
- West - Multi-Use Residential: ~25 ft

External ambient noise contributors in the area include:

- adjacent business operation
- moderate traffic
- ambient city noise: maintenance, construction, HVAC etc
- pedestrian activity

These factors create an existing noise floor that must be considered when measuring and mitigating entertainment-related sound.

Practicality

67 India Street LLC's sound output will remain at or below established community standards, minimizing impact on neighboring properties. Our mitigation plan incorporates the following three key elements:

1. **Sound Measurement & Mathematical Modeling with Corresponding Design Assemblies**
2. **Strategic Speaker Placement & Professional Audio Equipment**
3. **Ongoing Monitoring & Compliance Adjustments**

Each of these is detailed below:

(c) Sound Mitigation Strategy

IBC 2021, Sections 1206.2 & 1206.3 (Sound Transmission)

- Requires airborne STC ≥ 50 and impact IIC ≥ 50 for walls and floors between sound generating uses and adjacent occupancies.
- Our proposed assemblies exceed these requirements significantly (STC 70–74, Δ IIC ≥ 25 floor isolation), ensuring compliance and preventing building code issues.
- Using inverse square law calculations, we anticipate the following SPL (sound pressure level) reductions at relevant listening distances from the abutting property lines.

67 India Street LLC's entertainment area consists of the **Main Listening Room** and **Cafe' Area** with amplified background music. Measures to mitigate sound impact include:

- **Architectural Assembly** – resilient mass in ordered design to provide necessary sound containment and separation.
- **Speaker Orientation** – speakers will be positioned **inward** with a designated splay to reduce sound dispersion
- **Operator Discipline** – PA output should not exceed **88-90 dBA at the mix position** and will be measured at the perimeter of the property.

Architectural Assemblies:

- Walls: staggered-stud, 1" air gap, Rockwool insulation, dual 5/8" drywall with Green Glue - STC 70-74 - (existing outer wall concrete block & masonry)
- Ceiling: RSIC-1 (or similar decoupling), dual 5/8" drywall, R-30 mineral wool - STC 60-65 - where needed
- Windows: Triple-glazed laminated acoustic glass - STC 42-45 *where necessary
- Doors: Solid-core, sealed, vestibule system - STC 38-42
- Floors: Floating platform with filled cavity where necessary, Regupol underlayment or similar where necessary for isolation - Delta IIC ≥ 25

Sub Control:

- JL Audio IWSv2-SYS-113 or JBL ASB6115 on isolation where needed
- DSP cardioid tuning with phase alignment

Mechanical Isolation:

- Isolated HVAC
- Lined ducts, low velocity, acoustically sealed where needed

Modeled SPL at Property Lines:

- South (6 ft): ~45.3 dBA
- North (10 ft): ~38.4 dBA
- East (30 ft): ~17.4 dBA
- West (25 ft): ~28.8 dBA

*All values are significantly below the necessary dBA nighttime threshold, even accounting for tonal peaks.

Metrics

The following data is intended to present generally anticipated sound pressure levels at various points on and adjacent to 67 India Street LLC property resulting from amplified entertainment.

Though the intent of the ordinance is to include all modes of entertainment, including but not limited to live performance as well as pre-recorded music played via speakers, as a practical (and perhaps obvious) matter these modes are far less impactful than concert-level amplified music, so, to be as conservative as possible, we have utilized outdoor concert industry metrics to establish our underlying matrix and mathematical models.

For the purposes of modeling impacts, the base line for these calculations is a standard audio event with 88-90 dB (A-weighted) N.A.- for internal locations and 88 dB (A-weighted) measured SPL at the Mix Position and corresponding 6' increments concurrently.

The mathematical model used is the Inverse Square Law: $20 \cdot \log(D2/D1) = X$ where "D1" represents distance from Mix Position to Adjacent Seating, "D2" represents distance from Mix Position to perimeter location and "X" represents the reduction in dBspl from "D1" to "D2".

Using inverse square law and mass law calculations with the following stated guidance, we would expect the following resulting SPL outcomes in each given location/distance from an amplified entertainment source measuring dBA at the mix position (which is assumed to be located at the standard center reference location).

Further, it is important to note that inward facing directional sound pressure (speaker direction) is essential to focus collective decibel levels directly toward entertainment areas and away from property lines.

Practically, sound levels managed at the mix position could be higher than 88-90 dBA internally and still result in sound levels at the nearest abutting property that do not exceed 60dBA.

As discussed earlier, the surrounding conditions including but not limited to traffic, business, and city maintenance routinely create ambient sound that exceeds these levels.

But with respect to entertainment at 67 India Street LLC, the intent of our analysis has been to demonstrate that, even with an output above 88-90 dBA internally N.A. at the source, it is not mathematically plausible for any sound impact produced onsite to be in excess of 60 dBA at the nearest residential property, and the impact will most certainly be well below this level when sound engineering discipline, resilient mass in the form the corresponding design assemblies,

as well as “real world” factors such as natural diffusion, structural interference, and directional friction are introduced into the equation.

It is anticipated that dbA 6' from any outer wall of an abutting structure will be no more than 45.3 dbA within the aforementioned context even if there are compounding modal variables or directional winds. Standard post 10:00 pm venue protocol applicable and is expected to yield an additional 10 dBA cut.

Equipment Specifications

1. Primary Playback System

- **McIntosh MT5 Precision Turntable**

Belt-driven turntable with magnetic bearing, illuminated platter, and high-mass construction.

- **McIntosh C55 Preamplifier**

Analog and digital preamp with balanced inputs/outputs, 8-band EQ, and 32-bit DAC.

- **McIntosh ML1 Loudspeakers MK II**

Four-way sealed cabinet speakers providing high-fidelity analog playback and iconic McIntosh design.

2. Low-Frequency System

- **JL Audio IWSv2-SYS-113 Subwoofer System**

In-wall dual 13.5” subwoofer system with rackmount amplifier and integrated DSP control.

- **Isolation Platform Mounting**

Floating installation base for sub decoupling and vibration reduction.

3. Distributed Audio System

- **JBL Control 47LP Ceiling Speakers or equivalent**

Wide-coverage ceiling loudspeakers for distributed zones.

(Alternate option: JBL Control 24CT Micro for smaller or secondary rooms.)

- **Crown DCI 8|600N Power Amplifier or equivalent**

Eight-channel network amplifier with onboard DSP, 600W per channel.

- **Crown DCI 2|1250N Power Amplifier or equivalent**

Two-channel network amplifier with 1250W per channel for sub or high-demand zones.

- **Harman Audio Architect DSP Network Control or equivalent**

Software-based DSP management for equalization, delay, limiter, and network monitoring.

4. Power & Signal Management

- **Panamax M5400-PM Power Conditioner or Furman equipment**

Rackmount AC filtration, surge protection, and sequencing for all source components.

- **Monoprice 14/2 CL3-Rated Speaker Cable**

Oxygen-free copper in-wall cable rated for UL CL3 installation.

- **Professional XLR & RCA Interconnects**

Balanced Redco signal cabling for line-level connections.

- **AudioQuest Coax / Optical Interlinks (Standard Grade)**

Digital interconnects for DAC and source linking.

5. Source & Control (Optional)

- **Bluesound Node Wireless Music Streamer**

High-resolution network streamer supporting AirPlay 2, Tidal, Spotify, and HDMI eARC.

- **Apple iPad Air (10.5")**

Touchscreen interface for DSP control, source selection, and playback monitoring.

6. Accessories & Integration Components

- **Equipment rack mounting hardware (McIntosh + Crown)**
- **Rack cooling and cable management system**
- **DSP configuration laptop & calibration microphone**
- **In-wall back boxes and trim kits for JBL speakers**
- **Labeling, termination, and signal routing accessories**

7. DSP-tuned.

- All systems are integrated into a networked DSP matrix for real-time control and monitoring.
- **Monitoring Tool:** Decibel Meter App for ongoing sound level checks

Reference:

Location	Distance	Expected SPL
South Abutting Property	6'	45.3 dBA
North Abutting Property	10'	38.4 dBA
East Abutting Property	30'	17.4 dBA
West Abutting Property	25'	28.8 dBA

These levels ensure compliance with all city ordinances, which require that amplified sound does not exceed **60 dBA at the property boundary 7:00am-10:00pm, 55dBA 10:00pm-7:00am, as well as all Daytime and Nighttime Tonal impulses respectively not exceed 50 or 55 dBA respectively** at any abutting property checkpoint.

(d) Ongoing Monitoring

- Venue staff are trained in calibrated SPL monitoring. SPL is checked before, during, and after entertainment operations
- Peak internal SPL is capped at 90 dBA, typically 88-90 dBA.
- Routine monitoring including boundary SPL checks and envelope verification

In coordination with 67 India Street LLC management and under the direction of 67 India Street LLC staff, we will continue to assist them in maintaining adherence to necessary standards previously mentioned as needed.

67 India Street LLC staff will be trained to monitor sound levels during operational hours using a calibrated **SPL meter**. Adjustments will be made as necessary to maintain compliance.

The Halo Studio personnel are routinely deployed by our clients to perform sound monitoring with SPL meters on their premises and at selected locations nearby during relevant operational hours for the purpose of verifying and maintaining necessary standards.

67 India Street LLC's owner/operator Heather can be reached at 207-632-2162 for any compliance concerns.

Conclusion

We trust that this plan meets city requirements and ensures that 67 India Street LLC's entertainment remains within permissible sound levels. Please feel free to reach out with any questions.

Thank you,

A handwritten signature in black ink, appearing to read "Darren Elder".

Darren Elder
The Halo Studio LLC
thehalostudio@gmail.com
207.233.1770

City of Portland

Sound Mitigation Review

Date:	3/2/2026
Business	Company of Others
Applicant	Heather Gildea
DESCRIPTION	yes no
Sound system appropriate for the size venue	Yes
Performance space located in an appropriate location	Yes
Performance space facing in an appropriate direction to control sound	Yes
Surrounding surfaces appropriate to control sound	Yes
Additional sound absorbing features	Very well insulated for sound
additional notes	
Approved	Yes
DIRECT ALL INQUIRIES TO:	
Kevin Schneck	
(207) 756-8433	
kschneck@portlandmaine.gov	

Company of Others_XI Rest-Lounge_67 India St

Robert Miller <robertjm@portlandmaine.gov>

Wed, Feb 25, 2026 at 9:13 AM

To: Zachary Lenhert <zlenhert@portlandmaine.gov>

Cc: Zachary Finley <zackf@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Matthew Caton <mcaton@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, "Lynch, Kim" <Kim.Lynch@maine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Elisa Marr <emarr@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>, Christina Stacey <cstacey@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>

All set with PD

[Quoted text hidden]

Company of Others_XI Rest-Lounge_67 India St

Zoning <zoning@portlandmaine.gov>

Tue, Feb 24, 2026 at 4:17 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhart <zlenhart@portlandmaine.gov>, Zachary Finley <zackf@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Matthew Caton <mcaton@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, "Lynch, Kim" <kim.lynch@maine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Elisa Marr <emarr@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>, Robert Miller <robertjm@portlandmaine.gov>

Good Afternoon,

The legal use for 67 India ST is restaurant. Zoning approves.

Thank you,

Mac

--

Mac Coldwell

City of Portland
Zoning Specialist
Permitting & Inspections Department
389 Congress ST, Room #315
Email: mcoldwell@portlandmaine.gov
he/him

[Quoted text hidden]

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on March 16, 2026 at 5:00 P.M., in City Council Chambers, 389 Congress St. for approval of The Company of Others LLC, dba The Company of Others. Application for Class XI Restaurant/Lounge with Indoor Entertainment at 41 Olympia Street - Sponsored by Danielle P. West, City Manager

City of Portland | Permitting and Inspections
Zachary Lenhart, Licensing and Housing Safety Manager



March 4, 2026

The Company of Others LLC
41 Olympia Street
Portland, ME 04103

Re: Approval of The Company of Others LLC, dba The Company of Others. Application for Class XI Restaurant/Lounge with Indoor Entertainment at 41 Olympia Street

Dear The Company of Others LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday March 16, 2026 at 5:00 p.m., for the review of application for Class XI Restaurant/Lounge with Indoor Entertainment at 41 Olympia Street. The meeting will take place in person at Portland City Hall, in City Council Chambers on the 2nd Floor of 389 Congress Street.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at bl@portlandmaine.gov.

Sincerely,

Zachary J. Lenhart
Licensing and Housing Safety Manager

FRAUD ALERT: The City of Portland is aware of a scam involving emails that create fake invoices and request payment for applications, inspections, or permit fees. Please note that the City of Portland will never ask you to wire funds; do not follow any such instructions. If you receive an email you believe to be a scam, please contact bl@portlandmaine.gov.



Application Copy

File Number: 134464

Job Type: New Application

LICENSE TYPE

On-Premises: Beer, Wine & Spirits

APPLICATION DATE RECEIVED

2026-02-23

SECONDARY LICENSE(S)

None selected

LICENSEE LEGAL NAME

The Company of Others

LICENSEE TYPE

Limited Liability Company

DOING BUSINESS AS

CORPORATE NUMBER

202504705DC

INCORPORATION DATE

2024-08-14

CORRESPONDENCE ADDRESS

41 Olympia Street Portland ME 04103

MAILING ADDRESS

PHYSICAL ADDRESS

CONTACT NAME

Heather K Gildea

PREFERRED CONTACT METHOD

Email

CONTACT PHONE

(207) 712-0710

ALTERNATE PHONE

FAX

EMAIL

hostelheather@gmail.com

CORPORATE STRUCTURE

NAME	POSITION/TITLE	PARENT COMPANY	% INTEREST
The Company of Others	owner		100

ADDITIONAL INFORMATION

MANAGED BY AGENT

No

PREMISES TYPE

Class A Restaurant/Lounge

PREMISES NAME

The Company of Others

OPERATOR

Heather K Gildea

PHYSICAL ADDRESS

67 India Street Portland ME 04101

MAILING ADDRESS

41 Olympia Street Portland ME 04103

CONTACT NAME

Heather K Gildea

PREFERRED CONTACT METHOD

Email

CONTACT PHONE

(207) 712-0710

ALTERNATE PHONE

FAX

EMAIL

hostelheather@gmail.com

QUESTIONS

On-Premises: Beer, Wine & Spirit

1. Is your business (including any DBA) registered and in good standing with the Maine Secretary of State?

Answer "No" if you are a Sole Proprietor.

Yes

202504705DC

2. What is your expected start date?

may 1 ,2026

3. Has/have applicant(s) formerly held a Maine liquor license?

No

4. Does the licensee or applicant(s) have any interest in any other Maine Liquor License?

No

5. Is the applicant/licensee an individual, partnership, or association?
(Not a corporation or LLC)

No

6. Are all licensees/applicants residents of the State of Maine?

Yes

7. Is your license for a club with a membership?

No

8. Is your license application for a vessel?

No

9. Do you have a valid and current health license issued by Maine Department of Health and Human Services OR the Department of Agriculture?"

No

- 10 Do you have a license from the Office of the State Fire Marshal?
Contact (207) 626-3870 to determine whether licensure is necessary.

No

11 Will any law enforcement officer directly benefit financially from this license?

No

12 Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

No

13 Is the licensee/applicant(s) directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person or business entity holding a liquor license granted by the State of Maine?

No

14 What is the full name and date of birth of the person managing this premises?

Heather Krysten Gildea
03/14/1971

15 Has any of the listed applicants, an immediate family member of an applicant, or an employed manager been denied a liquor license or had a liquor license revoked within the last 5 years?

No

16 Is any of the listed applicants the spouse, father, mother, child or other immediate family member of a person whose liquor license has been revoked or denied in the last 6 months?

No

17 Has any licensee/applicant or employed manager ever been convicted of any violation of the liquor laws in Maine or any State of the United States within the last 5 years?

No

18 Has the licensee/applicant(s) or manager ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States?

Yes

Heather Gildea, January 2001, DUI in NH - negotiated plea

19 Does the licensee/applicant have any arrangement such as a lease where rent is based on sales, an agreement where another party receives a portion of the revenue or profits from the business, or a right to acquire an ownership interest in the business?

No

20 At which address are your business records located?

41 Olympia Street, Portland, Maine, 04103

21 What will be your business hours? Please indicate each day's open and close times.

7Am to 10 or 11PM Sunday thru Thursday

7AM to 1AM Fridays and Saturdays

22 Please provide the name and distance from the premises to the nearest school, school dormitory and place of place of worship, measured from the main entrance of the premises to the main entrance of the school, school dormitory and place of worship by the ordinary course of travel.

St Peters Parish is .1 miles away a 2 minute walk

23 Is your application for a Hotel or Bed & Breakfast?

No

24 Do you have a food menu?

Yes

(document uploaded)

25 How many seats do you have? Include indoor and outdoor seating.

86

26 How many bathrooms do you have available to the public?

4.5

DOCUMENTS

TYPE	FILE NAME	DESCRIPTION
Supplemental Ownership Form	102 Supplemental Ownership Form and Affidavit-2.pdf	
Food Menu	Menu Outline for License App.docx	
Premises Floor Plan	67 India LLC_construction set main diagram for license.pdf	

APPLICANT

Heather Gildea

DECLARATION

- ☒ I certify that I am the applicant as described in this application, or that I am duly authorized to submit this application on the applicant's behalf.

All information provided in this application is accurate and correct. I understand that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Supplemental Ownership Form

28-A M.R.S. §651

All Questions Must Be Answered Completely.

1. Company or sole proprietor legal name: The Company of Others	2. Date of incorporation/registration: 8/14/2024	3. State of incorporation: Maine
--	---	-------------------------------------

List the following information for officers, directors, owners equal to or over 10%, and persons with indirect financial interest in the applicant.

Name	Date of Birth	Phone or E-mail	Address	Title	Ownership Stake (%)
Heather Gildea	3/14/1971	207-712-0710	41 Olympia St, Portland, Maine 04103	owner	100

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**The Company of Others LLC, dba The Company of Others. Application for Class XI
Restaurant/Lounge with Indoor Entertainment at 67 India Street**

MEMORANDUM
City Council Agenda Item

FROM:

DATE: February 27, 2026

SUBJECT: Order 150-25/26 Granting Municipal Officers' Approval of 15 Exchange LLC, dba Off Track Pizza. Application for Indoor Entertainment at 15 Exchange Street - Sponsored by Danielle P. West, City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: N/A

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 2/24/26. This is an existing establishment adding Indoor Entertainment.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Off Track Pizza_Council Packet
2. 2026.03.16_Off Track Pizza_Council Order

Prepared by:

Date: 02/27/2026

Dear Mayor Dion & members of the Portland City Council,

I am writing on behalf Off Track Pizza to formally submit our letter of intent to obtain an entertainment license for our establishment located at 15 Exchange St in Portland.

We are seeking this license to host live acoustic music or curated performances to enhance the experience for our patrons. Our goal is to operate in full compliance with city ordinances while contributing to the vibrant local culture of Portland and the Old Port.

Thank you for your time and assistance with this matter.

Best regards,

Joshua Miranda



CITY OF PORTLAND
Permitting and Inspections Department

Application for an Entertainment License

☒ Indoor Entertainment \$500.00	☐ Outdoor Entertainment \$700.00	☐ Combined Entertainment \$800.00
☐ Sound Mitigation Fee \$150.00		

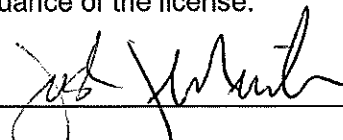
Business Information			
Establishment Name (d/b/a):	15 Exchange St. : Off Track Pizza	Phone:	207-808-8007
Location Address:	15 Exchange St, Portland ME	Zip:	04101
Owner Name:	Joshua Miranda	Phone:	207-318-7815
Owner Email:	finance@offtrackpizza.com		
Contact Person responsible for Entertainment:	Joshua Miranda	Phone:	207-318-7815
Contact Person Email:	Jmiranda@blythandburrows.com		
Manager of Establishment:	Joshua Miranda	Phone:	207-318-7815
Manager Email:	Jmiranda@Blythandburrows.com		

About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment:

Pizza Rest w/ upstairs bar. Small acoustic sets

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above license and further agrees that any misstatement of material fact may result in refusal of license or revocation, if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

Signature  Title owner Date 2/17/20

For more information, refer to the City Code of Ordinance: Chapter 4 Amusements, at www.portlandmaine.gov



Noah Cole
Stone Mountain Systems
PO Box 2534
South Portland, ME 04116
207-956-3048
noah@stonemountain.systems

February 16, 2025

Josh Miranda
Off Track Pizza
15 Exchange St
Portland, ME 04101

Dear Josh,

This letter serves as a sound mitigation plan submitted in support of the application for an entertainment license for Off Track Pizza. The information below summarizes the venue layout, performance conditions, and operational procedures that will be implemented to ensure compliance with City of Portland sound requirements and to minimize impact on neighboring properties.

Location and Building Context

Off Track Pizza is located within the four-story brick building at 15–17 Exchange Street (SMP 1.00). To the best of our knowledge, the building is entirely commercial, as are the immediately surrounding buildings. Adjacent units are either vacant or closed during evening performance hours.

The primary public entrance is at 15 Exchange Street; however, the performance area (SMP 1.01) is located on the second floor of 17 Exchange Street above Market Square Jewelers. The performance area is situated within a raised-floor area inside the footprint of the bay window (SMP 1.02; SMP 1.03).

Performances will consist exclusively of solo or duo acoustic acts, with limited reinforcement through small-format sound systems where necessary.

Operational Sound Mitigation Measures

The following are some recommendations on how to reduce the impact of concerts on the surrounding properties:

- Choose bands carefully. Certain genres of music are inherently louder than others, staying away from those genres will make all the rest of these recommendations easier to implement and enforce.
- Make sound level expectations clear in advance of the concert:
 - If you use a contract with bands, include those expectations in the signed document.
 - Note in writing that you require that bands play at the lowest volume possible.
 - Note in writing that during the performance you may need to request that they play softer – this includes the PA system and all acoustic instruments on stage.
 - Consider reiterating these expectations on the day of the concert while they are setting up.
- Provide sound system requirements to the bands you're hiring. Since bands would need to bring their own sound systems, guidelines will be crucial to keeping the volume of the concerts under control.
 - Low frequencies are going to be the biggest issue with regards to neighboring business. As such, I recommend that you prohibit bands from bringing a PA system that includes subwoofers.
 - Bass amplifiers – should they be used - are another source of low frequency propagation. While it would be unreasonable to prohibit bands from bringing them, it would be a good idea to make staff aware that potential complaints could result from the bass amplifier being too loud.
 - The position and direction of the PA system's loudspeakers should be consistent from band to band.
- Take an SPL reading within the first few songs of every concert. If the SPL reading is out of the established range, ask the band to adjust.
- Good communication with neighboring business - and a willingness to adjust the recommendations provided here based on feedback – is important in determining how well the mitigation measures are working.
- Although not directly related to sound mitigation, consistent, predictable hours when live music is being held will work to reduce the potential for complaints. A sensitivity to cumulative event days will further reduce the potential for complaints.

Expected Sound Levels

If the methods outlined in this letter are followed – and the sound system is comprised of standard equipment, such as a pair of QSC K12.2 loudspeakers – should fall within 85dBA / 95dbC.

Conclusion

Through careful selection of performers, clear communication of sound expectations to artists and visiting audio operators, thoughtful placement of sound system components, and active monitoring of sound levels during performances, every reasonable step will be taken to minimize the potential for disturbance or complaints. It is also our understanding that a prior tenant, B.GOOD restaurant, hosted entertainment at this location without reported issues, indicating the space is well suited for this type of use.

If questions come up or if clarification of anything in the letter is required, please don't hesitate to reach out.

Regards,

Noah Cole

Noah Cole
VP, Stone Mountain Systems, LLC



M Gmail

Search mail



Compose

Mail

Inbox

Chat

Starred

Snoozed

Meet

Important

Sent

Drafts

More

Labels

BABLO

My stuff

Union

Off Track Pizza Entertainment External Inbox x

**Lindsay Lamb**

Good Afternoon, Hi Josh. I am just letting you know I have not forgotten you. Jess has been out sick most of this week. She i

**Joshua Miranda**

Hey Lindsay, Thank you so much for getting back to me. I appreciate it. And if I have to give up the Blyth & Burrows entertain

**Lindsay Lamb**

Hi Josh, Sorry for the delay, we were closed yesterday due to the storm.. I am still waiting for Jess, this is her 1st day back at

**Joshua Miranda**

to me

Hi Lindsay,

Let's cancel blyth & burrows entertainment license. I have never used it really. This way it will be easier for a new one witho

Thank you for all your help with this.

Josh

**Lindsay Lamb**

Okay cool, no worries, happy to help.. I need 2 more things from you.. I do need a letter of intent to the mayor and council te

Reply

Forward

Share in chat ^{New}

CLIENT Oil Track Plaza 15 Exchange St Portland, ME 04101		PROJECT Sound Mitigation Plan		ARCHITECT N/A		DATE 16 February 2025		SCALE N/A		NOTES Building Location		REVISIONS		SMP 1.00	
--	--	---	--	-------------------------	--	---------------------------------	--	---------------------	--	-----------------------------------	--	------------------	--	-----------------	--



17 EXCHANGE

15 EXCHANGE

CLIENT Off Track Plaza 15 Exchange St Portland, ME 04101			SCALE N/A	NOTES Performance Area
PROJECT Sound Migration Plan				
ARCHITECT N/A				
DATE 15 February 2025				
REVISIONS				
SMP 1.01				

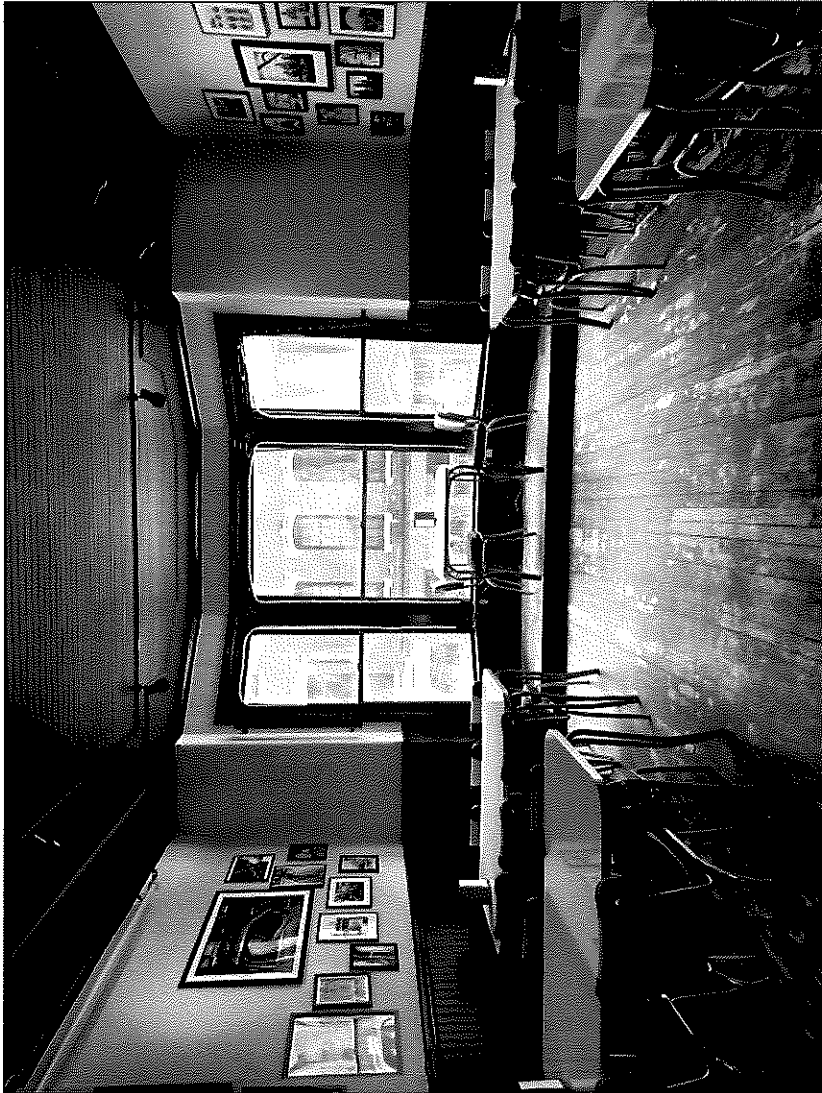


PERFORMANCE AREA

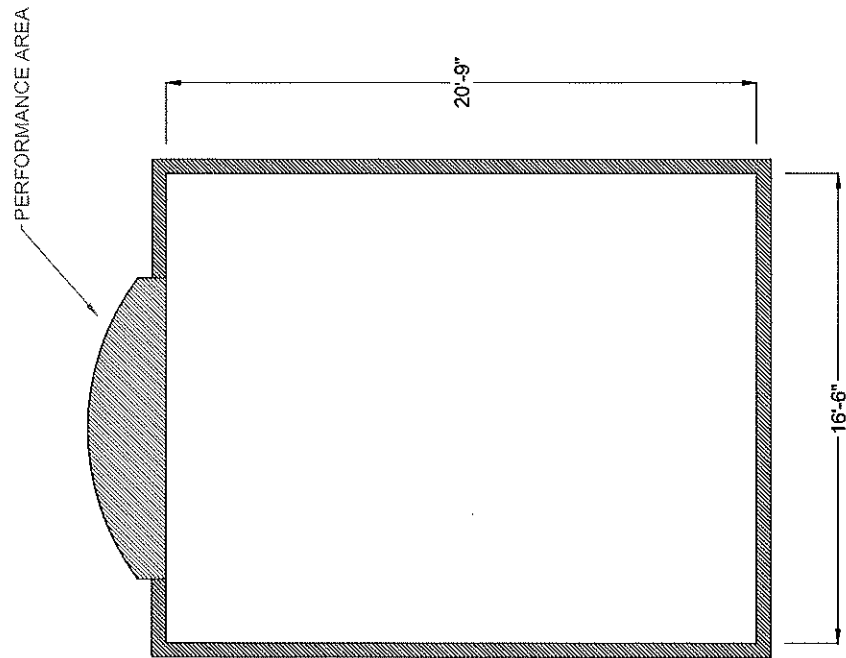


20 Bay Street
South Portland, ME 04106
207-886-3048
info@stonemountain.com

CLIENT Off Track Pizza 15 Exchange St Portland, ME 04101		PROJECT Sound Mitigation Plan		ARCHITECT N/A		DATE 16 February 2023		SCALE 3/4" = 1'-0"		NOTES	
REVISIONS											
SMP 1.02											



CLIENT Off Track Pizza 15 Exchange St Portland, ME 04101		SCALE 1/2" = 1'-0"	NOTES
PROJECT Sound Mitigation Plan	ARCHITECT N/A		
DATE 18 February 2026		REVISIONS	
SMP 1.03			



O O O

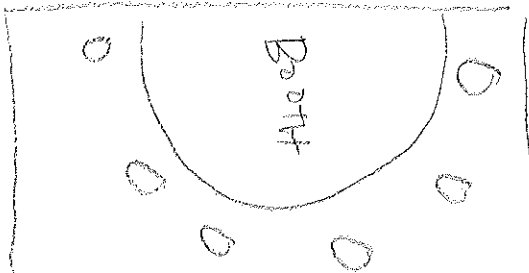
TABLE

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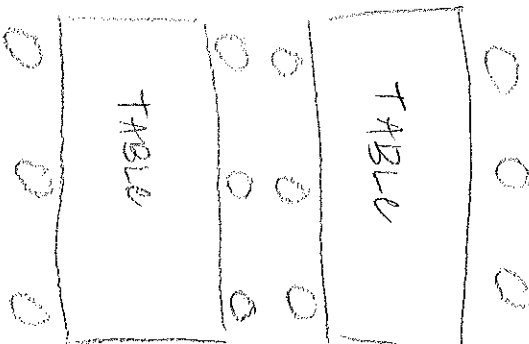
Bar



STAIRS TO FIRST FLOOR

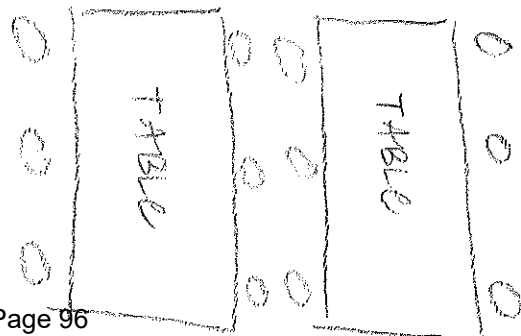


11/11/02



TABLE

11/9/91



Hallway

Bedroom

Bedroom

Office

EMERGENCY
EXIT

Sound Mitigation Review

Applicant **Joshua Miranda**

DIRECT ALL INQUIRIES TO:
Kevin Schneck
(207) 756-8433
kschneck@portlandmaine.gov



Zachary Lenhart <zlenhart@portlandmaine.gov>

Off Track_Indoor Ent_15 Exchange

Robert Miller <robertjm@portlandmaine.gov>

Wed, Feb 25, 2026 at 9:13 AM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Cc: Zachary Finley <zackf@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Matthew Caton <mcaton@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, "Lynch, Kim" <Kim.Lynch@maine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Elisa Marr <emarr@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>, Christina Stacey <cstacey@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>

All set with PD

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Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on March 16, 2026 at 5:00 P.M., in City Council Chambers, 389 Congress St. for approval of 15 Exchange LLC, dba Off Track Pizza. Application for Indoor Entertainment at 15 Exchange Street - Sponsored by Danielle P. West, City Manager

City of Portland | Permitting and Inspections
Zachary Lenhart, Licensing and Housing Safety Manager



March 6, 2026

15 Exchange LLC
P.O. Box 4835
Portland, ME 04112

Re: Approval of 15 Exchange LLC, dba Off Track Pizza. Application for Indoor Entertainment at 15 Exchange Street

Dear 15 Exchange LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday March 16, 2026 at 5:00 p.m., for the review of application for Indoor Entertainment at 15 Exchange Street. The meeting will take place in person at Portland City Hall, in City Council Chambers on the 2nd Floor of 389 Congress Street.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at bl@portlandmaine.gov.

Sincerely,

Zachary J. Lenhart
Licensing and Housing Safety Manager

FRAUD ALERT: The City of Portland is aware of a scam involving emails that create fake invoices and request payment for applications, inspections, or permit fees. Please note that the City of Portland will never ask you to wire funds; do not follow any such instructions. If you receive an email you believe to be a scam, please contact bl@portlandmaine.gov.

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**15 Exchange LLC, dba Off Track Pizza. Application for Indoor Entertainment at 15
Exchange Street**

MEMORANDUM
City Council Agenda Item

FROM: Rusty Groh
DATE: March 3, 2026
SUBJECT: Order 151-25/26 Declaring Sundays on the Boulevard Festival Days in 2026 -
Sponsored by Danielle P. West, City Manager
SPONSOR: Danielle West, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 3/16/2026

Final
Action 3/16/2026

Can action be taken at a later date: Yes The first Sunday on the Boulevard isn't until May 3rd 2026.

Does this item involve a new contract with the City: No

PRESENTATION: A member of the Parks, Recreation and Facilities Management Department will be available to answer any questions.

I. SUMMARY

Order declaring "Sundays on the Boulevard" from May 3, 2026 through September 27, 2026

II. AGENDA DESCRIPTION

Since 2014, Portland City Council has approved the closing of Baxter Boulevard from Vannah Avenue to Catafalque Drive (the east entrance to Payson Park) to vehicular traffic on Sundays (9:00am to 4:00pm) in order to facilitate "Sundays on the Boulevard."

The Parks, Recreation & Facilities Department would like to continue the tradition of offering this recreational opportunity to the public and requests permission to close the boulevard on Sundays, starting on May 3, 2026 through September 27, 2026, with a time frame of 9:00am to 4:00pm.

To facilitate the closure, city staff will erect barricades across Baxter Boulevard.

For "Sundays on the Boulevard," streets listed below will be closed to vehicular traffic on Sundays from 9am to 4pm: Baxter Blvd. from Vannah Avenue to the Payson Park Access Road (west entrance).

Five affirmative votes are required for passage of items on the consent calendar after public comment.

III. BACKGROUND

Since 2014, Portland City Council has approved the closing of Baxter Boulevard from Vannah Avenue to Catafalque Drive (the east entrance to Payson Park) to vehicular traffic on Sundays (9:00am-4:00pm) in order to facilitate "Sundays on the Boulevard".

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

For the City Council to pass the order declaring "Sundays on the Boulevard" as a festival.

V. FINANCIAL IMPACT

There will be no financial impact.

VI. STAFF ANALYSIS AND BACKGROUND

City staff are confident we can host another successful season of "Sundays on the Boulevard".

VII. RECOMMENDATION

It is recommended that the order be declared.

VIII. LIST ATTACHMENTS

1. Consent Item - Sundays on the Boulevard Festival
2. Council Memo - SOTB 2026
3. Sundays on the Boulevard Boundary Map (2026)

Prepared by:

Rusty Groh

Date: 03/03/2026

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

ORDER DECLARING SUNDAYS ON THE BOULEVARD FESTIVAL DAYS IN 2026

ORDERED, that Sundays from May 3, 2026 to September 27, 2026, are hereby declared to be Sundays on the Boulevard Festival Days; and

BE IT FURTHER ORDERED, that the Sundays on the Boulevard Festival Days area shall be Baxter Boulevard from Vannah Avenue to the east entrance to Payson Park; and

BE IT FURTHER ORDERED, that Baxter Boulevard from Vannah Avenue to Catafalque Drive (Payson Park east entrance), and the Payson Park west entrance road from the tip of the grass triangle to Baxter Boulevard shall be closed to traffic from 9:00 a.m. to 4:00 p.m. on every Sunday from May 3, 2026 to September 27, 2026; and

BE IT FURTHER ORDERED, that vehicles in violation of any “no parking” signs in the Festival Area shall be towed at owner’s expense; and

BE IT FURTHER ORDERED, that the Sundays on the Boulevard Festival Days area shall be closed to licensed street vendors as provided in §19-17 of the City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit under §25-27 of the City Code to the Sundays on the Boulevard Committee, subject to the direction and control of the City Manager and to the following specific conditions:

1. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival area; and
2. The City of Portland shall have sole authority over participating vendors at the Festival and may charge a fee to vendors for the opportunity to vend at the Sundays on the Boulevard Festival; and
3. Assistance from City Departments will be in kind; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue such other temporary licenses, including licenses for food service establishments, as may be

required by the City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.

Parks, Recreation and Facilities Management

Ethan Hipple

Director

Andy Downs

Public Assembly Facilities Director

March 3, 2026



TO: Danielle West, City Manager
FROM: Andrew J. Downs, Director of Public Assembly Facilities Division
DATE: March 3, 2026
RE: **Council Agenda Item – Sundays on the Boulevard**

I am requesting that the following order be placed on
the next City Council agenda:

Order declaring “Sundays on the Boulevard” as a weekly festival event and declaring Baxter Boulevard (from Vannah Avenue to the west entrance of Payson Park) be closed to traffic every Sunday, starting on May 3, 2026 through September 27, 2026 from 9:00am to 4:00pm, in order to allow the public to use that portion of the street as recreational space.

EVENT DESCRIPTION: Since 2014, Portland City Council has approved the closing of Baxter Boulevard from Vannah Avenue to Catafalque Drive (the east entrance to Payson Park) to vehicular traffic on Sundays (9:00am-4:00pm) in order to facilitate “Sundays on the Boulevard”.

The Parks, Recreation & Facilities Department would like to continue the tradition of offering this recreational opportunity to the public and requests permission to close the boulevard on Sundays, starting on May 3, 2026 through September 27, 2026, with a time frame of 9:00am - 4:00pm.

To facilitate the closure, city staff will erect barricades across Baxter Boulevard.

For “Sundays on the Boulevard,” streets listed below will be closed to vehicular traffic on Sundays, from 9am – 4pm:

Baxter Blvd. - from Vannah Avenue to the Payson Park Access Road (west entrance).

(continued)

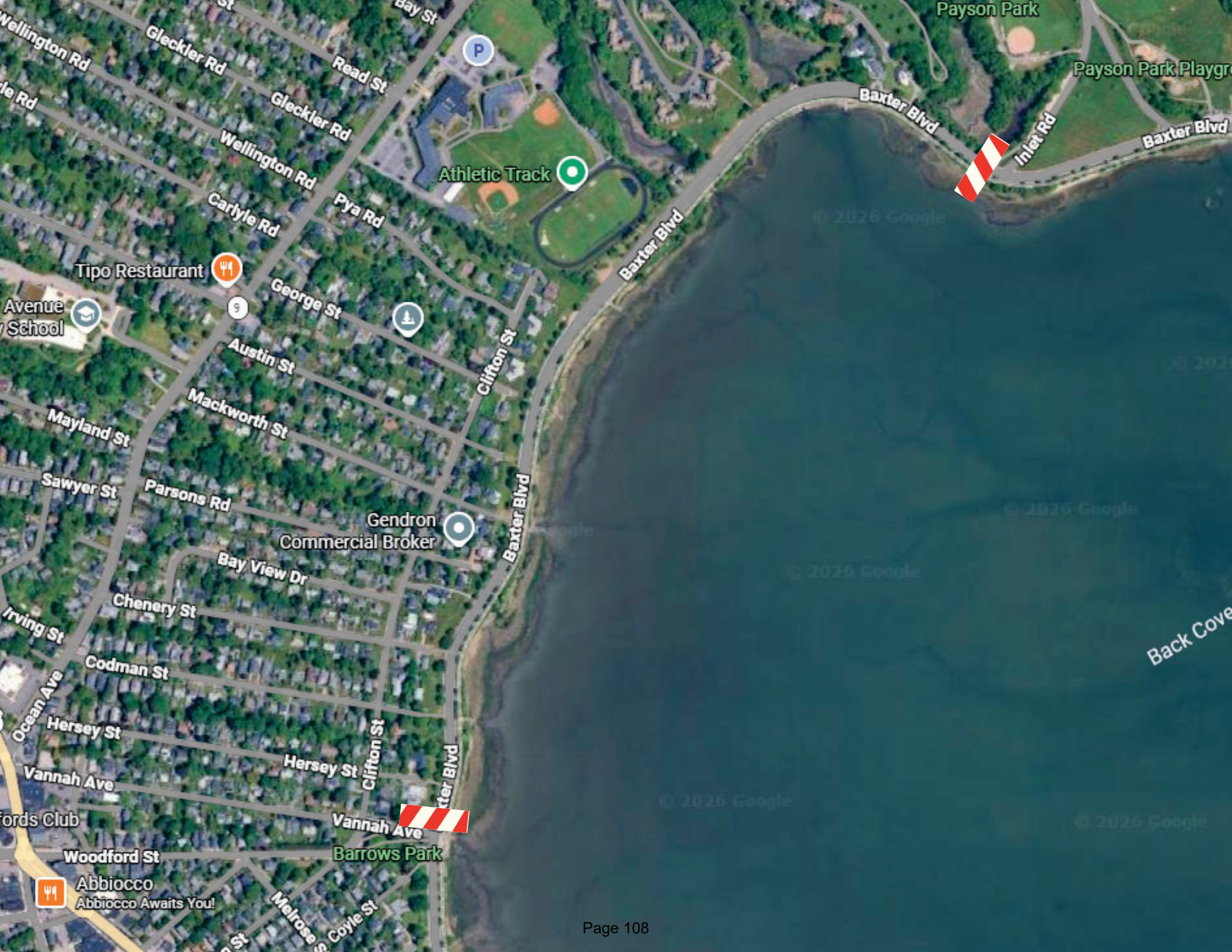
The City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the Sundays on the Boulevard Committee for the use of the above-described area for said Festival subject to the following conditions:

Under no circumstances may alcoholic beverages be consumed or sold on the streets or park areas of said area during said festival;

Assistance from City Departments will be covered in the operating budget.

The City Manager is also authorized to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable requirements of said Code have been met regarding the operation of said Festival/Event.

Document prepared by Rusty Groh, PAFD Booking Coordinator



MEMORANDUM
City Council Agenda Item

FROM: Rusty Groh
DATE: March 3, 2026
SUBJECT: Order 152-25/26 Declaring May 1, 2026 to April 30, 2027 the Friends of Congress Square Park In the Square Festival - Sponsored by Danielle P West, City Manager
SPONSOR: Danielle P West, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 3/16/2026

Final Action 3/16/2026

Can action be taken at a later date: No Organizer needs approval for planning purposes.

Does this item involve a new contract with the City: No

PRESENTATION: A member of the Parks, Recreation and Facilities Management Department will be available to answer any questions.

I. SUMMARY

Order declaring the Friends of Congress Square Park's "In the Square" event series (May 1, 2026 - April 30, 2027), as a festival.

II. AGENDA DESCRIPTION

Friends of the Congress Square Park are requesting to organize and host events in Congress Square Park. The events will include a wide variety of community activities such as art interactions, dance performances, live music, films and community gatherings.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

III. BACKGROUND

Since 2014, Friends of the Congress Square Park have scheduled and organized ongoing events for Congress Square Park. Events held in the park are free to the public and have been very well received over the past decade. Visitor attendance to the park has increased dramatically since the friends began organizing events there.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

For the City Council to pass the order declaring "In the Square" as a festival.

V. FINANCIAL IMPACT

Organizers will pay for all applicable permit fees.

VI. STAFF ANALYSIS AND BACKGROUND

City Staff are confident that Friends of Congress Square Park can host another successful season of "In the Square".

VII. RECOMMENDATION

It is recommended the order be declared.

VIII. LIST ATTACHMENTS

1. Consent Item - In the Square Festival
2. Council Memo - Friends of Congress Square Park 2026

3. Certificate of Insurance
4. Event Permit Application 2026
5. FoCSP Ent Lic 2025-2026
6. Season Calendar-All By Date
7. Sound Locations In Congress Sq - FoCSP 2025
8. Sound Mitigation Plan - FoCSP 2025

Prepared by:

Rusty Groh

Date: 03/03/2026

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER DECLARING MAY 1, 2026 TO APRIL 30, 2027 THE FRIENDS OF
CONGRESS SQUARE PARK IN THE SQUARE FESTIVAL**

ORDERED, that May 1, 2026 to April 30, 2027 is hereby declared to be the In the Square Festival, sponsored by the Friends of Congress Square Park; and

BE IT FURTHER ORDERED, that the In the Square Festival area shall be the all of Congress Square Park and the sidewalks bordering the park (Congress Street & High Street sidewalks); and

BE IT FURTHER ORDERED, that some areas of the parking lane on Congress Street (directly beside the park) may be posted No Parking on Festival days (most events will be held on Thursdays, Fridays, Saturdays & Sundays); and

BE IT FURTHER ORDERED, that vehicles in violation of the “no parking” signs in the Festival Area shall be towed at owner’s expense; and

BE IT FURTHER ORDERED, that the In the Square Festival Area shall be closed to licensed street vendors as provided in §19-17 and §19-22 of the Portland City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to the Friends of Congress Square Park under §§25-26— 25-28 of the Portland City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. The Friends of Congress Square Park shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. The Friends of Congress Square Park shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;

2. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival Area;
3. The Friends of Congress Square Park shall comply with all Public Assembly Facilities Division Conditions for use of grounds, and requirements for food service, vending sales, tent and stage installations and other items specified in that permit shall be adhered to, and all Public Assembly Facilities Division fees shall apply;
4. The Friends of Congress Square Park shall have sole authority over participating vendors at the Festival and may charge a fee to vendors for the opportunity to vend at the In the Square Festival;
5. The Business Licensing Office shall charge the usual fees for licensing food vendors, and street goods vendors for the Festival to those vendors the Friends of Congress Square Park has agreed shall participate;
6. Public Assembly Facilities Division concert license conditions shall be complied with and any and all amplified music and public announcements shall be maintained at a reasonable noise level (Volume must not exceed an A-weighted 85 decibels / C-weighted 95 decibels.) and be configured by the event organizer to focus volume away from residential housing and neighboring business, limiting any impact in the area by the sound level;

BE IT FURTHER ORDERED, that the City Manager is authorized to waive fees and to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.



TO: Danielle West, City Manager
FROM: Andrew J. Downs, Director of Public Assembly Facilities Division
DATE: March 3, 2026
RE: **Council Agenda Item – Friends of Congress Square Park’s “In The Square” Festival**

I am requesting that the following order be placed on
the next City Council agenda:

**Order declaring the Friends of Congress Square Park's "In The Square" event series
(May 1, 2026 - April 30, 2027), as a festival.**

Since 2014, the Friends of Congress Square Park have scheduled and organized ongoing events for Congress Square Park. Events held in the park are free to the public and have been very well received over the past decade. Visitor attendance to the park has increased dramatically since the Friends began organizing events there. Organizers estimate more than 150,000 people have enjoyed the programming in the park since the inception of this partnership in 2014.

EVENT DESCRIPTION: The Friends of Congress Square Park have again submitted a request to organize and host their annual event series (titled: “In The Square”). The event season (mainly Spring, Summer & Fall) will include a wide variety of community activities such as art interactions, dance performances, live music, films and community gatherings. Most events will be held on Thursday, Friday & Sunday evenings with Saturdays primarily being programmed with daytime activities. Dances and concerts at the park will end by 9pm. Additional low impact, daytime programming will also take place in the Plaza at Free Street, High Street, and Congress Street. A complete calendar of events will be published by April 15th. A draft schedule is included with this packet. From December through February, weekly S'mores Nights will be hosted in the park on Thursday evenings, as well as a winter market and one or two additional gatherings. The Friends of Congress Square Park (through the city’s Public Assembly Facilities Division), will work with other groups throughout the year so that other agencies and events, other than FoCSP organized activities, may take place in the park when not already actively programmed.

(continued)

Operational funding for the “In The Square” Festival will come directly from fundraising efforts of the Friends of Congress Square Park. There is no admission fee to attend these events. All activities/events are free to the public.

The festival zone for the “In The Square Festival” is all of Congress Square Park, the plaza at Free Street, High Street and Congress Street, and the sidewalks bordering the park (Congress Street & High Street sidewalks).

The Order should include the following items:

Friends of Congress Square Park “In The Square” Festival will be authorized for Spring, Summer & Fall of 2026 & Winter/Spring 2027 at the Congress Square Park area.

This festival area will be closed to street vendors pursuant to Section 19-17 of the Portland City Code and is reserved for the use of festival organizers for the purpose of conducting the “In The Square” Festival, subject to the direction and control of the City Manager.

In order to hold the events on city property, some areas of the parking lane on Congress Street (directly beside the park), need to be posted “No Parking” on event days. Vehicles in violation of the “No Parking” signs shall be towed at owner’s expense.

The City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the Friends of Congress Square Park for the use of the above-described area for said Festival subject to the following conditions:

The Friends of Congress Square Park shall indemnify the City and hold it harmless from and against all claims arising out of activities during said Festival, and shall take out and maintain public liability insurance coverage in the amount of at least **\$400,000** per occurrence for personal or bodily injury, death or property damage for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the “In The Square Festival”, and the City be endorsed on the policy;

The Friends of Congress Square Park shall have sole authority over participating vendors at the events and may charge a fee to vendors for the opportunity to vend at the “In The Square Festival;”

Conditions for use of grounds, specified in a permit issued from Public Assembly Facilities Division, shall be adhered to;

(continued)

Under no circumstances may alcoholic beverages be consumed or sold on the streets or park areas of said area during said festival;

Any and all amplified music/public announcements shall be maintained at a reasonable level (less than an A-weighted 85 decibels / C-weighted 95 decibels) and be configured by the event organizer to focus volume away from residential housing and neighboring businesses, limiting any sound impacts in the area; and

Public Assembly Facility Division permit fees for use of the area are waived; other fees to city departments may be due (as specified in the Memorandum of Understanding between City of Portland and Friends of Congress Square Park).

The City Manager is also authorized to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable requirements of said Code have been met regarding the operation of said Festival/Event.

Document prepared by Rusty Groh, Booking Coordinator
Public Assembly Facilities Division



FRIEOFC-02

AMCCORMACK

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

2/25/2026

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Marsh & McLennan Agency, LLC 1945 Congress St Ste A Portland, ME 04102-1967	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS:	FAX (A/C, No):
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A : TRI-STATE INSURANCE COMPANY OF MINNESOTA	31003
INSURED Friends of Congress Square Park P.O. Box 5056 Portland, ME 04101	INSURER B : MAINE EMPLOYERS' MUTUAL INSURANCE COMPANY	11149
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☐ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	X		ADV5145435-22	4/1/2026	4/1/2027	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	☐ AUTOMOBILE LIABILITY ☐ ANY AUTO OWNED AUTOS ONLY ☒ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS ONLY			ADV5145435-22	4/1/2026	4/1/2027	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	☐ UMBRELLA LIAB ☐ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y / N If yes, describe under DESCRIPTION OF OPERATIONS below	N / A	X	1810110254	3/9/2026	3/9/2027	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
City of Portland is an additional insured in respects to General Liability with regards to the insureds ongoing operations if required by written contract. A
Waiver of Subrogation applies in favor of the City of Portland in respects to Workers Compensation if required by written contract. A 30 day notice of
cancellation applies except 10 days for non-payment.

CERTIFICATE HOLDER

CANCELLATION

City of Portland 389 Congress Street #208 Portland, ME 04101	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE



PERMIT APPLICATION
USE OF PUBLIC SPACE / CITY PARK
City of Portland Public Assembly Facilities Division
212 Canco Road Suite A
Portland, Maine 04103
(207) 808-5434
Rusty Groh - rgroh@portlandmaine.gov



APPLICATION FEE \$25.00
EXPECTED/ESTIMATED ATTENDANCE 25 - 2,000

PAYMENT MUST BE MADE WHEN SUBMITTING COMPLETED APPLICATION

(This is a transferable/non-refundable fee. If your event is permitted, the \$25.00 will be credited toward your permit fee.)

For uses of city property, there are typically: 1) fees charged for use of the area, 2) a security deposit required, and 3) insurance required. There may be additional fees due and applications required from other City Departments.

TODAY'S DATE	2/27/2026	ORGANIZATION NAME	Friends of Congress Square Park		
ADDRESS (Street/City/State/Zip)	PO Box 5056, Portland, ME, 04101				
CONTACT NAME(S)	C.J. Opperthausen		TITLE(S)	Executive Director	
PHONE	248.961.1554	PHONE		PHONE	
EMAIL	cjopperthausen@congresssquarepark.org	EMAIL		EMAIL	

PARK AREA / PUBLIC SPACE REQUESTED	Congress Square Park		
EVENT DAY(S) & DATE(S)	5/1/2026 - 4/30/2027	RAIN DAY(S) & DATE(S) (50% added fee)	N/A
OVERALL EVENT START & END TIME (When setup will begin until cleanup is expected to be complete.)	Various	EVENT START & END TIME	Various

EVENT NAME		EXPECTED ATTENDANCE	
DESCRIPTION OF EVENT: Please be specific regarding the area of public space/park requested and describe EVENT in detail. Please include a detailed map of the proposed event area, proposed route &/or proposed street closures when applicable. The Friends of Congress Square Park will program a series of events and activities to occur between May 1, 2025 and April 30, 2026 primarily on Thursday, Friday, and Sunday evenings and Saturdays throughout the day. Additional daytime and evening events will occur on variable days during the week. The events and activities will be free to the public (no charge for admittance to the square). This is the 12th season for FoCSP and continues the community led creative placemaking that has successfully activated Congress Square Park through free public amenities and events. The event season will include a wide variety of community activities such as live music, films, Tai-Chi, literary events, and community gatherings. All activities will be scheduled in advance with the PAFD Office. A complete calendar of events will be published by April 15th. A draft schedule is attached to this application. Organizers will also work with other groups during the permit period so that other agencies or events, other than FoCSP events, will also take place in the square/park. Similar to previous years (and under the Memorandum of Understanding between City of Portland and Friends of Congress Square Park), tables and chairs will be set up on the sunken plaza area, portable planters brought into the park, temporary art will be placed with the approval of the Portland Public Art Committee, banners will be placed, and festive lights hung in the trees. Electricity will be needed during some events. Musical equipment and PA (and movie screen) set up on the stage area. Events and concerts at the park will end by 8pm. Film screenings will go later, ending by (at the very latest) 10pm. A concert license (covering the season's events) will be procured from the PAFD Office for \$100.			
IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?		Please check: _____ FEE _____ PLEDGES	
IF YES FOR FEES, HOW MUCH?	FEE	\$	STUDENT FEE \$

PLEASE CHECK OFF AND ANSWER:

PLEASE SEE ATTACHED FEE SCHEDULE / DEPT. INFORMATION IF YOU ANSWER YES		X-YES	X-NO	X-NOT SURE
*	Are you setting up a canopy(s) ? (10'x10' size or smaller) How many? as many as 12	x		
*	Do you wish to set up a tent(s) and/or stage(s) ? A canopy/tent or stage larger than 10'x10' needs a Temporary Tent or Stage Permit issued by Building Inspections. For permit application, please go to: Tent/Stage Permit Checklist or contact the Permitting and Inspections Department at (207) 874-8703 or email buildinginspections@portlandmaine.gov . PLEASE apply at least 30 days before your event. Tent/Stage Size(s): Exact Location(s) of Tent/Stage Placement Requested: *** In order to drive tent stakes into the ground, DIG SAFE must be contacted: (888) 344-7233. ***		x	
*	Will you be setting up tables and/or chairs ? Number of tables: Number of chairs:	x		
*	Are other items or equipment being placed on City property? (Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List:	x		
*	Will there be refreshments at the event? Do you wish to sell food ? If so, you will need approval from the Parks, Recreation and Facilities Department and possibly a Temporary Food Service License from the Business Licensing Office. PLEASE provide them at least 30 days advance notice (207) 874-8557. Application For Temporary Food Service List food and drink / Food Trucks, etc.: PLEASE NOTE: A Temporary Food Service License is NOT needed when: 1. Food Vendors have a current City of Portland Food License. 2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment. 3. Just bottled water / water is served. A TFSL is needed when food vendors are not licensed or when food is being prepared and cooked at the event.		x	
*	Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, please apply for a Street Goods Vendor License(s) at the Business Licensing Office. PLEASE provide them at least 30 days advance notice (207) 874-8557. Street Goods Vendor Permit Application Please list items you wish to sell:		x	
*	Are you setting up a PA (sound) system ? Are you planning on having Amplified Music ? Band? DJ? Boom Box? If so, your event may require an Entertainment License . PAFD will advise upon review of your application. Amplified speech (i.e. Press Conference) does not require the license, however, a Sound Security Deposit may be required. There are time restrictions for amplified music/speech in Downtown Parks & Squares: limited to 11:45am – 1:15pm and 1 hour between 5pm - 8pm.	x		
*	Will your event require electricity ? Electricity is available at Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Eastern Promenade Park, Fort Allen Park, and Lincoln Park. A \$45 activation fee is required.	x		
*	Are you planning on bringing a barbeque grill ? Grilling is subject to weather conditions and possibly Fire Dept. review.		x	
*	Will the event require reserved parking spaces / parking meters ? How many? "No Parking" signs may be purchased at the PAFD Office.		x	
*	Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow/rent: Limited safety vests, cones & barricades may be borrowed/rented from PAFD Office.		x	
*	Will your event require street closures ? (Please be specific under "Description of Event") Will the closure effect METRO BUS ROUTES ?		x	
*	Will your event require Police assistance? An event such as a road race, march or parade in the street would typically require police assistance. To reserve & hire an Officer(s) to be on site at your event, please visit: Hire an Officer		x	
*	Will your event require Fire/EMS assistance? (For a large walk/race, it may be required.) To hire or inquire about hiring city Fire/EMS staff to be on site, please email fireprevention@portlandmaine.gov well in advance of the event. For general questions, you may also call (207) 874-8400.		x	
*	Will your event require Parking Control assistance? To hire a Parking Control Officer(s) to be on site at your event, please call (207) 874-8910 well in advance to arrange.		x	
Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments & should be paid to them directly.				
*	Will your event require portable-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$75 fee is assessed for events where attendance is 150 or more.) Porta-restrooms may be rented from any local companies.		x	

INSURANCE CERTIFICATE INFORMATION

*	Will your event require liability insurance? (Commercial liability insurance is required for a walkathon, race, festival, press conference, concert, etc. Product liability insurance is also required if the event has been approved for serving food.)	x		
♦ If you answered YES, you shall procure and maintain occurrence-based Commercial General Liability and Product Liability Insurance, when required, in an amount not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage. You shall name the City of Portland as an additional insured or shall obtain a general liability extension endorsement, for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. The terms of this permit and the insurance coverage shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the CITY under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the City. You shall also be responsible for any and all deductibles and/or self-insured retentions. ♦ Both the Certificate of Insurance and Additional Insured Endorsement shall be sent to rgroh@portlandmaine.gov and must state that the policy is endorsed to name the City of Portland as an additional insured pursuant to the date of the event (and rain date).				

PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

EVENT REVIEW

The PAFD Office holds a monthly meeting where proposed events are discussed and reviewed by City Departments. For some events, organizers will be asked to present before the committee. Some potential factors may necessitate your event receiving City Council approval.

ELECTRICITY

All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you **not use** electricity, unless all connections and equipment are covered and protected from the elements. If a generator is used, please take all necessary measures to ensure safe operation. Bring a fire extinguisher, set generator up away from activities (and combustibles), store fuel source away from the generator, and keep children away from the generator.

BARBECUES - GAS GRILLS ONLY

Only GAS GRILLS are allowed in parks/public spaces (i.e. NO CHARCOAL GRILLS or OPEN BURNING). Barbecuing must first be approved by PAFD Office and is subject to weather conditions - and possible further review by the Fire Dept. Grills must be set up away from children's activities. You are required to have a fire extinguisher within the grilling area.

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where refreshments are being served. Some of Portland's parks already have portable restrooms from on site (**Back Cove** - Preble Street grass area by the parking lot (across from Hannaford's), **Payson Park** - entrance to Dyer's Flat beside playground & near the courts, **Deering Oaks Park** - playground + ravine areas, **Eastern Promenade Park** at East End Beach & near the courts, and **Riverton Trolley Park**.) If over 150 people are expected to attend the event, a \$75 user fee is required (paid to PAFD). If extra units are rented by the organizer, then no additional user fee is assessed.

TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. Do not use existing trash barrels or the metal liners inside. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible. (Please DO NOT USE STYROFOAM. It is NOT recyclable.) The area will be checked following your event; if the park is clean and conditions for use adhered to, your security deposit will be returned to you in full. Thank you in advance!

MARKING OF GROUNDS

Please DO NOT mark city property in any permanent way. DO NOT use SPRAY PAINT or SPRAY CHALK. DO NOT STAPLE or NAIL anything to trees. Children's Art Chalk can be used on hardscape areas with permission from PAFD Office. Tape may also be used. If markings remain for more than a few rain storms, event organizers are responsible for removing them. If city staff or contractors need to remove the markings, event organizers are responsible for the cost of staff time and materials. You may also place signs on stakes in the grass areas bordering trails/race routes (when applicable). Please remove all signage immediately following the event.

USE OF CANDLES

It is preferred that LED lighted candles or glow sticks are used. If flammable candles are used this may need to be approved by the Portland Fire Department, please make sure all candles have drip protectors to prevent wax from dripping on hardscape surfaces, which may cause permanent stains/damage. Please make sure all candles are extinguished before being thrown away. Please collect all spent candles so there is no trash left behind. Please take safety precautions: bring a fire extinguisher, gallon of water, etc. in case of fire. **Any damage** (dripped wax absorbed into hardscape causing stains, etc.) **will result in a forfeiture of your security deposit.**

ADA COMPLIANCE

Event organizers must comply with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act (MHRA), including maintaining the permitted use area and all public rights-of-way accessible during the entirety of the permitted event. In the event the permitted area is rendered inaccessible to disabled persons, and/or by request of PAFD staff, the organizer shall act immediately to provide accessibility. All requests to provide interpretive services shall be the responsibility of the organizer to provide and pay for such services. The organizer shall defend, indemnify, and hold the City harmless from any and all liability and damages resulting from alleged violations of the ADA and/or MHRA.

FIREWORKS

Organizers wishing to have fireworks as part of their event must contact the Portland Fire Department directly. fireprevention@portlandmaine.gov
Permits will need to be obtained through the Portland Fire Department, the State of Maine and possibly through the US Coast Guard.

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Vehicles are prohibited from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$35 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. Any tire ruts/damage to the grass areas will result in a forfeiture of your security deposit.

RESERVED PARKING

To reserve parking for your event, please contact the PAFD Office (207) 808-5400. Staff will review your request and can issue you "No Parking" signs (\$35.00/each*). You will need to label signs and tape them to meters or signposts AT LEAST 24 HOURS PRIOR TO YOUR EVENT. (NOTE: If the event is on a Sunday or Monday, NP Signs may need to be posted on the preceding Friday by noon.) Please do not cover up coin slots on meters. If the reserved parking area has no actual parking meters, you may need to tape signs to sign posts, utility poles, trees, or orange cones (placed on the sidewalk beside the street). Please make sure signs are removed once the event is complete.

ALCOHOL / SMOKE-FREE ZONES

By city ordinance, smoking a cigar, cigarette, marijuana, pipe, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Consumption of alcohol is prohibited in public spaces unless specifically approved by the Parks, Recreation & Facility Department Staff. Please inform all participants / attendees.

AMPLIFIED SOUND POLICY

Outdoor events with amplified sound may require an Entertainment License from the PAFD Office. [Entertainment License Application](#) If the Police Dept./City Staff receive noise complaints, they will respond accordingly. Please set the PA System up with speakers facing away from businesses/residences to lessen impact. Please keep volume levels low out of consideration for nearby residents and businesses. The Permittee (organizer) shall not allow the sound emanating from the event to exceed an A-weighted 85 decibels / C-weighted 95 decibels. One verbal warning shall be issued if the sound has been found to have exceeded those limits. The warning may be given to the sound board operator or the organizer/organizer's designee. If the decibel limit is found to have been exceeded a second time during the same event, the entertainment license (or permission to use a bullhorn/PA system) shall be immediately suspended, the PA system / amplification / bullhorn turned off, and the sound security deposit forfeited.

CANCELLATION POLICY

Events must be canceled with PAFD prior to the event date in order to be eligible for a refund.
If canceled within 2 weeks of the scheduled event date, a \$75 cancellation fee may be charged.

NOTIFICATION

Please keep a copy of your event permit on site at all times. City staff may require proof of permit.
If there are members of the public in the reserved space upon arrival, please present the permit as proof of reservation & approved usage. If you need assistance, please contact the Police Department at (207) 874-8574..
You may put up temporary A-frame signs to alert the public to your event or place signage on orange cones, etc. Signs are to be up DAY OF EVENT ONLY. Please remove all signage immediately following the event.
Please call the Police Dept. at (207) 874-8574 on the day of your event to remind them it is taking place.
Please notify any nearby neighborhood businesses - including restaurants that may have tables out for dining - to alert them to your event.

STREET CLOSURE NOTIFICATION

Should an event involve a Street Closure, lasting longer than an hour, PAFD Office requires organizers to give advanced notification to area businesses, residents and bus companies (in the form of a "Street Closure Sign Off Sheet"). If an event impacts METRO Buses, the organizer (in advance) must discuss detour plans with METRO.

HANDBILLS

No person shall post or otherwise attach any handbill, circular, or paper sign to or upon any sidewalk, crosswalk, curb, curbstone, street lamppost, hydrant, tree, shrub, tree stake or guard, trash receptacle, railroad trestle, utility pole or wire appurtenance, or any light pole, public bridge, drinking fountain, street sign or traffic sign, or upon any other object lawfully located in the street right-of-way per City of Portland Code of Ordinances, Chapter 17, Sec. 17-3.

REVOCABLE PERMIT

The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.
The City reserves the unconditional right to revoke or revise an issued permit.
Police or City Staff on site may use their discretion to revise conditions of use.

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES**TYPE INITIALS****CO****DATE**

2/27/2026

ASSUMPTION OF RISK & LIABILITY

Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form (should permission be granted to use city property), the above parties agree to indemnify, defend, and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.

I have read the Assumption of Risk & Liability Agreement**TYPE INITIALS****CO****DATE**

2/27/2026

PLEASE INITIAL & DATE HIGH-LIGHTED YELLOW BOXES ABOVE.

FEE SCHEDULE – UPDATED January 2026

Fees are tiered and assigned based on the level of demand placed on City resources and impact on City infrastructure.

Simple Event (no registration fee): \$75/hour	Electricity (activation/deactivation) Fee: \$45/flat
Event with registration or pledges & attendance 25 - 300: \$150/hr.	Porta Restroom User Fee (if attendance is 150+): \$75
Event with registration or pledges & attendance 301+: \$250/hr.	Entertainment License: \$50/day
Film/Photo Shoot: \$150/day	Barricades: \$5/ea. Rental Fee + \$25/ea. Security Deposit
Public Space/Park Security Deposit: \$100 - \$1,000	Bike Racks: \$10/ea. Rental Fee + \$25/ea. Security Deposit
Sound Security Deposit: \$100 - \$1,000	Flashing Lights: \$10/ea. Rental Fee + \$40/ea. Security Deposit
Impact/Street Closure Fee (variable based on impact): \$100-\$500	Cones: \$2/ea. Rental Fee + \$15/ea. Security Deposit
Staff Fee: Event Manager - \$45/hr Event Staff - \$25-\$29/hr	Safety Vests: \$15/ea. Security Deposit
Administrative Fee (event coordination support): \$45/hr. (or more)	Keys: \$50/ea. Security Deposit
"No Parking" Signs: \$35/ea.	Equipment Delivery Fee: \$100 each way (or more)
Event Cancellation Fee: \$75	Fortification Fee: TBD

CITY OF PORTLAND ACCEPTS CASH, CHECK, MONEY ORDER AND CREDIT / DEBIT CARDS FOR PAYMENT

Checks should be made payable to City of Portland
There will be a 2.65% processing fee added to all Debit / Credit Card transactions.

Helpful Links

Merchandise -Do you wish to sell **non-food items** (like T-shirts, crafts, cd's, etc.)? If so, please apply for a **Street Goods Vendor License(s)** at the Business Licensing Office (207-874-8557) [Street Goods Vendor Permit Application](#)

Tents/Stages -Do you wish to set up a **tent(s)** and/or **stage(s)**? A canopy/tent or stage larger than 10'x10' needs a **Temporary Tent or Stage Permit** issued by Building Inspections [Tent/Stage Permit Checklist](#)

Alcohol sales -Do you wish to sell **alcohol**? You must complete the application for a **Liquor License** specific to your event through the State of Maine and submit the application to the City of Portland Business Licensing office first. Application will need City of Portland's approval prior to going to the State. Questions? please contact the Division of Liquor Licensing and Enforcement at (207) 624-7220 / email-MaineLiquor@maine.gov. [Maine Bureau of Alcohol](#)

Food Sales - Will there be food vendors? If so, you must apply for a **Temporary Food Service License** from the Business Licensing Office. [Application For Temporary Food Service](#)

Police - Will your event require **Police** assistance? [Hire an officer](#)

Fire/EMS - Will your event require **Fire/EMS** assistance? Email Fire Department - fireprevention@portlandmaine.gov



City of Portland

Permitting and Inspections Department

Business Name: Congress Square Park
Business Location: 8 Congress Sq
Portland, ME 04101
Owner: City of Portland, PAFD
License Number: AMUSE-003377-2021
Issued Date: 5/27/2025
Expiration Date: 6/7/2026

Classification: Outdoor Entertainment
Description: Fees waived

A handwritten signature in cursive script that reads "Jessica Blais Hanscombe".

Jessica Blais Hanscombe,
Director of Permitting and Inspections

THIS LICENSE IS NOT TRANSFERRABLE
PLEASE POST IN A CONSPICUOUS PLACE

Dave Morrill
389 Congress St
Portland, ME 04101



City of Portland

Permitting and Inspections Department

Business Name: OCEAN GATEWAY
Business Location: 14 OCEAN GATEWAY PIER
Portland, ME 04101
Owner: CITY OF PORTLAND
License Number: AMUSE-004430-2022
Issued Date: 5/27/2025
Expiration Date: 6/10/2026

Classification: Indoor Entertainment
Description: Fees Waived

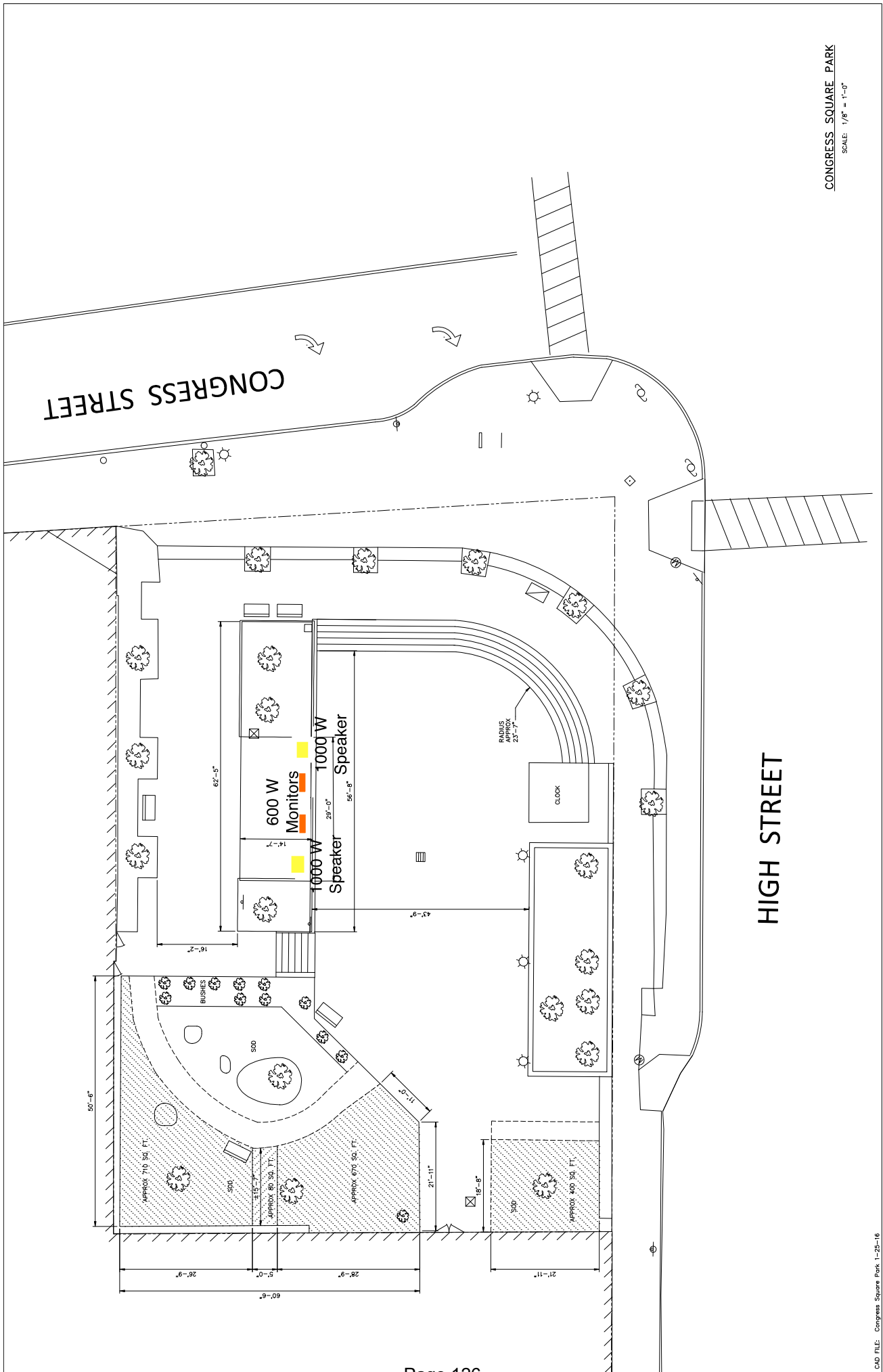
A handwritten signature in cursive script that reads "Jessica Blais Hanscombe".

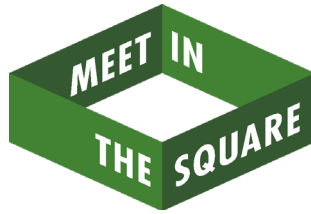
Jessica Blais Hanscombe,
Director of Permitting and Inspections

THIS LICENSE IS NOT TRANSFERRABLE
PLEASE POST IN A CONSPICUOUS PLACE

CITY OF PORTLAND
212 Canco Rd Attn Peter McFarland
Portland, ME 04103

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FRIENDS OF CONGRESS SQUARE PARK

Sound Mitigation Plan
The Friends of Congress Square Park
January 2025

As part of our sound mitigation plan, the Friends of Congress Square Park (FoCSP) will take sound readings using our decibel monitoring device during all FoCSP-coordinated amplified events in Congress Square Park. We will work with our sound technicians and/or musicians, performers, or speakers to ensure compliance with the Portland City Code.

In the event that we receive a complaint related to the volume of our amplified events, we will consider the timing of the event and what we might do to satisfy the complaint in the future.

- i) *The Friends of Congress Square Park is the 501(c)(3) non-profit place manager of Congress Square Park, an urban public open space in downtown Portland. We seek to create an inclusive, welcoming and vibrant community gathering place accessible to all through neighborhood engagement, programming, and the arts.*

CONGRESSSQUAREPARK.ORG

FOLLOW US



@congresssquare

MEMORANDUM
City Council Agenda Item

FROM: Rusty Groh
DATE: March 4, 2026
SUBJECT: Order 153-25/26 Declaring June 13 and 14, 2026 the Resurgam Music and Arts Festival - Sponsored by Danielle P West, City Manager
SPONSOR: Danielle P West, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 3/16/2026

**Final
Action 3/16/2026**

Can action be taken at a later date: No Organizer needs event approval in order to plan their event.

Does this item involve a new contract with the City: No

PRESENTATION: A representative from Maine Academy of Modern Music and Public Assembly Facilities Division will be available to answer any questions at the meeting.

I. SUMMARY

Order Declaring June 7th 2026 as Resurgam Music Festival.

II. AGENDA DESCRIPTION

The Maine Academy of Modern Music will present its fifth annual Resurgam Music Festival on Portland's waterfront, Amethyst Park, Moon Tide Park and Ocean Gateway Parking lot on Sunday June 7th 2026. Resurgam is an inclusive community minded music and arts festival that will showcase Portland's creativity and youth. This event is free and open to the public.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

III. BACKGROUND

This will be the fifth annual (fourth held on Portland's Waterfront) Resurgam Music Festival.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Council declaring Resurgam Music Festival on Sunday June 7th 2026 on Portland's waterfront as a festival.

V. FINANCIAL IMPACT

All permit, impact, staffing cost and license fees will be paid by the organizer.

VI. STAFF ANALYSIS AND BACKGROUND

The Public Assembly Facilities Division has worked with the organizers on various events in our parks and public spaces and we are confident in their ability to host the festival.

VII. RECOMMENDATION

It is recommended that the order be declared.

VIII. LIST ATTACHMENTS

1. Consent Item - Resurgam Music Festival
2. _2026_MAMM_Entertainment License Application

3. 2026_MAMM_Festival Permit Application
4. Resurgam Overview For Partners

Prepared by:

Rusty Groh

Date: 03/04/2026

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER DECLARING JUNE 13 AND 14, 2026
THE RESURGAM MUSIC AND ARTS FESTIVAL**

ORDERED, that June 13 and 14, 2026 is hereby declared to be the Resurgam Music and Arts Festival, sponsored by the Maine Academy of Modern Music; and

BE IT FURTHER ORDERED, that the Resurgam Music and Arts Festival area shall be the Amethyst Lot, Moon Tide Park, the Visitors Center, Dana Street, Novare Res Lot and a portion of the queuing lanes; and

BE IT FURTHER ORDERED, that some parking areas on adjacent streets may be posted No Parking on Festival days; and

BE IT FURTHER ORDERED, that vehicles in violation of the “no parking” signs in the Festival Area shall be towed at owner’s expense; and

BE IT FURTHER ORDERED, that the Resurgam Music and Arts Festival Area shall be closed to licensed street vendors as provided in §19-17 and §19-22 of the Portland City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to the Maine Academy of Modern Music under §§25-26—25-28 of the Portland City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. The Maine Academy of Modern Music shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. The Maine Academy of Modern Music shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;
2. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival Area except in the three 21-years-old and older only beer

gardens, one on Saturday, June 13, 2026 in the parking lot by the main stage, and two on Sunday, June 14, 2026 in the Moon Tide Park and queuing lanes;

3. The Maine Academy of Modern Music shall comply with all Public Assembly Facilities Division Conditions for use of grounds, and requirements for food service, vending sales, tent and stage installations and other items specified in that permit shall be adhered to, and all Public Assembly Facilities Division fees will apply;

4. The Maine Academy of Modern Music shall have sole authority over participating vendors at the Festival and may charge a fee to vendors for the opportunity to vend at the Resurgam Music and Arts Festival;

5. In addition, the Business Licensing Office shall charge the usual fees for licensing food vendors, and street goods vendors for the Festival to those vendors the Maine Academy of Modern Music has agreed shall participate;

6. Public Assembly Facilities Division concert license conditions shall be complied with and any and all amplified music and public announcements shall be maintained at a reasonable noise level (under 85 decibels) and be configured by the event organizer to focus volume away from residential housing and neighboring business, limiting any impact in the area by the sound level;

7. The Organizer shall have the authority to control the festival grounds, including authority to request police assistance if necessary, in order to maintain the festival area in the best interests of the festival; and

BE IT FURTHER ORDERED, that the City Manager is authorized to waive fees and to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.



Public Assembly Facilities Division
 Andrew J. Downs, Director
 212 Canco Road • Suite A • Portland, Maine 04103
 (207) 808-5434

Single Event-Entertainment License Application for PUBLIC PROPERTY(*)
Must apply at least seven (7) business days prior to event.
Permit Fee: \$50/day

* If the event is proposed for private property, you must obtain the necessary permits from the Permitting & Inspections Department. They can be reached at (207) 874-8557.

Number of Attendees:	10,000	Will Alcohol be Consumed?	<u>YES</u> or NO X
Applicant Information			
Organizer/Business/Group Name(s):	Maine Academy of Modern Music		
Organizer/Business/Group Address:	125 Presumpscot Stret #14 Portland Maine		
Applicant/Contact Person's Name:	Jeff Shaw		
Daytime Phone Number:	207-831-0990		
Phone Number Day of Event:	207-831-0990		
Email Address:	jshaw@mammusic.org		

Event Information			
Name of Event:	Resurgam Music and Arts Festival		
Event Location:	Dana St, Lot near Novare Res, 14 Ocean Gateway, Amethyst P		
Date of Event:	June 13 +14, 2026		
Time of Event (start to finish):	10-9 (13th) + 6-9	Time Frame for Amplified Music:	5-8 (13th) 12-7 (1
Type of Music/Amplified Sound (DJ, Live Band, Acoustic Performance, etc.):	Live Bands		
Please list all bands/performers (If more space is needed, please utilize the back of this page.): Performers will be local musicians TBD			

Read Carefully & Sign: I/we understand that any misstatement of material fact in the above application may result in denial of this permit or revocation if the permit has already been issued.

Signature: _____

Date: 02-17-2026

For more information about City Codes regarding Single Concert/Single Dance permits, please see Chapter 4 of the Code of Ordinances at www.portlandmaine.gov.

Email Sent:

Dept.

Fire

PD

Treasury

Approval Received

Fee:

Cash: _____

Check: _____

CC: _____



**FESTIVAL PERMIT APPLICATION
PUBLIC SPACE AND CITY PARK**
City of Portland, Public Assembly Facilities Division
212 Canco Road Suite A
Portland, Maine 04103
207-808-5434
Rusty Groh - rgroh@portlandmaine.gov



APPLICATION FEE \$50.00
EXPECTED ATTENDANCE 2000+

PAYMENT MUST BE MADE WHEN SUBMITTING COMPLETED APPLICATION

(This is a transferable/non-refundable fee. If your event is permitted, the \$50.00 will be credited toward your permit fee.)

For uses of city property, there are typically: 1) fees charged for use of the area, 2) a security deposit required, 3) insurance required and 4) Area Impact Study. There may be fees due and applications required from other City Departments.

[PLEASE REVIEW THE SPECIAL EVENTS GUIDE FOR ADDITIONAL QUESTIONS](#)

TODAY'S DATE	02/17/2026	ORGANIZATION NAME	Maine Academy of Modern Music		
ADDRESS (Street/City/State/Zip)	125 Presumpscot Street #14, Portland Maine 04103				
CONTACT NAME(S)	Jeff Shaw	TITLE(S)	Executive Director		
PHONE	207-831-0990	PHONE	207-899-3433	PHONE	
EMAIL	jshaw@mammusic.org	EMAIL	kgilg@mammusic.org	EMAIL	

PARK AREA / PUBLIC SPACE REQUESTED	Dana Street, Lot near Novare Res, (13th) and 14 Ocean Gateway, Amethyst Park, Cueing lanes (14th)		
EVENT DAY(S) & DATE(S)	June 13 + 14, 2026	RAIN DAY(S) & DATE(S) (50% added fee)	None
OVERALL EVENT START & END TIME (When setup will begin until cleanup is expected to be complete.)	10am -9pm (13th) and 6am-9pm (14th)	EVENT START & END TIME	5 -8 (13th) and Noon - 7pm (14th)

EVENT NAME	EVENT CLASSIFICATION Road Race, Parade, Public Assembly, Music Festival	EXPECTED ATTENDANCE
Resurgam Music and Arts Festival	Music Festival	10000

AREA IMPACT STUDY: Please be as specific as possible regarding the area of public space/park that you would like to permit and please describe the event in detail using the **AREA IMPACT STUDY(AIS) CHECKLIST**

AREA IMPACT STUDY

COMPLETED

1. Description of event. Brief description of event and event history so that all departments may better understand your event request. (PDF Format)	Attached
2. Detailed site plans. Include maps of venue, parade and course routes, parking/shuttle plans, evacuation plans... (PDF Format)	
3. Event components. Event time frame, security/EMS plan, waste management plans, neighborhood impacts & proposed road closures. (PDF Format)	

IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?	Please check: _____ FEE _____ PLEDGES		
IF YES FOR FEES, HOW MUCH?	FEE	\$	Student Fee \$

PLEASE CHECK OFF AND ANSWER:

		X-YES	X-NO	X-Not Sure
*	Are you setting up a canopy(s) ? (10'x10' size or smaller) How many?	X (40)		
*	Do you wish to set up a tent(s) and/or stage(s) ? A canopy/tent or stage larger than 10'x10' needs a Temporary Tent or Stage Permit issued by Building Inspections. For permit application, please go to: Stage/Tent Permit Checklist or contact the Permitting and Inspections Department at buildinginspections@portlandmaine.gov or 207-874-8703 for more information. PLEASE apply at least 2-weeks before your event. Tent/Stage Size(s): Exact Location(s) of Tent/Stage Placement Requested: *** In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233. ***		X	
*	Will you be setting up tables and/or chairs ? How many tables: chairs:	X		
*	Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List:			X
*	Will there be refreshments at the event? Do you wish to sell food ? If so, you will need approval from PAFD and possibly a Temporary Food Service License from the Business Licensing Office. PLEASE provide them at least 30 days advance notice (207-874-8557). Application For Temporary Food Service List food and drink / Food Trucks, etc.: PLEASE NOTE: A Temporary Food Service License is NOT needed when: 1. Food Vendors have a current City of Portland Food License 2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment 3. Bottled water / water is served A TFSL is needed when food vendors are not licensed or when food is being prepared and cooked at the event.	X		
*	Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, please apply for a Street Goods Vendor License(s) at the Business Licensing Office (207-874-8557) – 30 day notice. List items you wish to sell:	X		
*	Do you wish to sell or provide alcohol ? If yes , you must complete the application for a Liquor License specific to your event through the State of Maine and submit the application to the City of Portland Business office first. Application will need City of Portland's approval prior to going to the State. Questions? please contact the Division of Liquor Licensing and Enforcement at (207) 624-7220/email- MaineLiquor@maine.gov Maine Liquor Licensing	X		
*	Are you setting up a PA (sound) system ? Are you planning on having Amplified Music ? Band? DJ? Boom Box? If so, your event may require a concert license. PAFD will advise upon review of your application. Amplified speech (i.e. Press Conference) does not require the license, however, a Sound Security Deposit may be required. There are time restrictions for amplified music/speech in Downtown Parks & Squares: limited to 11:45am – 1:15pm and 1 hour between 5pm - 8pm.	X		
*	Will your event require electricity ? Electricity is available at Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Preble Street Grass Area, Eastern Prom, Fort Allen Park, and Lincoln Park. A \$45 activation fee is required.	X		
*	Are you planning on bringing a Grill for a Barbecue ? Grilling is subject to weather conditions and possibly Fire Dept. review.		X	
*	Will the event require reserved parking spaces / parking meters ? How many? "No Parking" signs may be purchased at the PAFD Office, 212 Canco Rd.		X	
*	Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow/rent: Limited safety vests, cones & barricades may be borrowed/rented from PAFD Office. Traffic signs may be borrowed/rented from Public Works if needed (207-874-8493).	X		
*	Will your event require street closures ? Will your event affect METRO BUS ROUTES ? (Please be specific under "Description of Event")		X	
	Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments & should be paid to them directly.			
*	Will your event require Police assistance? An event such as a road race, march or parade in the street, would typically require police assistance. To reserve & hire an Officer(s) to be on site at your event, please visit: Hire an Officer		X	
*	Will your event require Fire/EMS assistance? (For a large walk/race, it may be required.) To hire or inquire about hiring city Fire/EMS staff to be on site, please email fireprevention@portlandmaine.gov well in advance of the event. For general questions, you may also call 207-874-8400.		X	
*	Will your event require Parking Control assistance? To hire a Parking Control Officer(s) to be on site at your event, please call 207-874-8910 well in advance to arrange.		X	

*	Will your event require portable-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$75 fee is assessed for events where attendance is 150 or more.) Porta-restrooms may be rented from any of the local companies. Units currently on site are through Associated Septic. 1 unit/50 people when serving alcohol 1 unit/75 people with no alcohol	X		
	For events where more than two thousand (2,000) individuals anticipated to gather or participate in the event or activity in the park, the permittee shall provide a bond in the form of cash, certified check or surety bond from a surety company qualified to do business in the State of Maine in an amount of not less than two thousand dollars (\$2,000.00). Such a bond shall be utilized to guarantee cleanup of the area and shall be applied against claims by the city for excessive damage to real or personal property in the park.	X		

PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

EVENT REVIEW
The PAFD Office holds a monthly meeting where proposed events are discussed and reviewed by City Departments. For some events, organizers will be asked to present before the committee. Some potential factors may necessitate your event receiving City Council approval. Your event may require additional permits from other departments/divisions prior to issuance of your event permit.

ELECTRICITY
All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you not use electricity, unless all connections and equipment are covered and protected from the elements. If a generator is used, please take all necessary measures to ensure safe operation. Bring a fire extinguisher, set generator up away from activities (and combustibles), store fuel source away from the generator and keep children away from the generator.

BARBECUES - GAS GRILLS ONLY
Only GAS GRILLS are allowed in parks/public spaces (i.e. NO CHARCOAL GRILLS or OPEN BURNING). Barbecuing must first be approved by PAFD Office and is subject to weather conditions - and possible further review by the Fire Dept. Grills must be set up away from children's activities. You are required to have a fire extinguisher within the grilling area.

PORTA-RESTROOMS / BATHROOM FACILITIES
Porta-Restrooms are required for large events and events where refreshments are being served. Some of Portland's parks already have portable restrooms from on site (Back Cove - Preble Street grass area by the parking lot (across from Hannaford's), Payson Park - entrance to Dyer's Flat beside playground & near the courts, Deering Oaks Park - playground + ravine areas, Eastern Promenade Park at East End Beach & near the courts, and Riverton Trolley Park .) If over 150 people are expected to attend the event, a \$75 user fee is required (paid to PAFD). If extra units are rented by the organizer, then no additional user fee is assessed. Recommended quantities: 1 unit/50 people when serving alcohol or 1 unit/75 people with no alcohol.

TRASH
All groups must abide by our Carry In/ Carry Out Policy. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event; if the park is clean and conditions for use adhered to, your security deposit will be returned to you. Please include a complete description of your waste management plan. Thank you in advance!

MARKING OF GROUNDS
Please DO NOT mark city property in any permanent way. DO NOT use SPRAY PAINT or SPRAY CHALK. DO NOT STAPLE or NAIL anything to trees. Children's Art Chalk can be used on hardscape areas with permission from PAFD Office. Tape may also be used. If markings remain for more than a few rain storms, event organizers are responsible for removing them. If city staff or contractors need to remove the markings, event organizers are responsible for the cost of staff time and materials. You may also place signs on stakes in the grass areas bordering trails/race routes (when applicable). Please remove all signage immediately following the event.

USE OF CANDLES
It is preferred that LED lighted candles or glow sticks are used. If flammable candles are used this may need to be approved by the Portland Fire Department. Please make sure all candles have drip protectors to prevent wax from dripping on hardscape surfaces, which may cause permanent stains/damage. Please make sure all candles are extinguished before being thrown away. Please collect all spent candles so there is no trash left behind. Please take safety precautions: bring a fire extinguisher, gallon of water, etc. in case of fire. Any damage (dripped wax absorbed into hardscape causing stains, etc.) will result in a forfeiture of your security deposit.

ADA COMPLIANCE
Event organizer must comply with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act (MHRA), including maintaining the permitted use area and all public rights-of-way accessible during the entirety of the permitted event. In the event the permitted area is rendered inaccessible to disabled persons, and/or by request of PAFD staff, the organizer shall act immediately to provide accessibility. All requests to provide interpretive services shall be the responsibility of the organizer to provide and pay for such services. The organizer shall defend, indemnify, and hold the City harmless from any and all liability and damages resulting from alleged violations of the ADA and/or MHRA.

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES
--

Vehicles are prohibited from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$35 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas will result in a forfeiture of your security deposit.**

RESERVED PARKING

To reserve parking for your event, please contact the PAFD Office (207) 808-5400. Staff will review your request and can issue you "No Parking" signs (\$35.00/each*). You will need to label signs and tape them to meters or signposts AT LEAST 24 HOURS PRIOR TO YOUR EVENT. (NOTE: If the event is on a Sunday or Monday, NP Signs may need to be posted on the preceding Friday by noon.) Please do not cover up coin slots on meters. If the reserved parking area has no actual parking meters, you may need to tape signs to sign posts, utility poles, trees, or orange cones (placed on the sidewalk beside the street). Please make sure signs are removed once the event is complete.

FIREWORKS

Organizers wishing to have fireworks as part of their event must contact the Portland Fire Department directly. fireprevention@portlandmaine.gov Permits will need to be obtained through the Portland Fire Department, the State of Maine and possibly through the US Coast Guard.

ALCOHOL / SMOKE-FREE ZONES

By city ordinance, smoking a cigar, cigarette, pipe, marijuana, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Consumption of alcohol is prohibited in public spaces unless specifically approved by City Council. Please inform all participants / attendees.

AMPLIFIED SOUND POLICY

Outdoor events with amplified sound may require an Entertainment License from the PAFD Office. [Entertainment License Application](#) If the Police Dept./City Staff receive noise complaints, they will respond accordingly.

Please set the PA System up with speakers facing away from businesses/residences to lessen impact.

Please keep volume levels low out of consideration for nearby residents and businesses.

The Permittee (organizer) shall not allow the sound emanating from the event to exceed an A-weighted 85 decibels / C-weighted 95 decibels. One verbal warning shall be issued if the sound has been found to have exceeded those limits. The warning may be given to the sound board operator or the organizer/organizer's designee. If the decibel limit is found to have been exceeded a second time during the same event, the entertainment license (or permission to use a bullhorn/PA system) shall be immediately suspended, the PA system / amplification / bullhorn turned off, and the sound security deposit forfeited.

CANCELATION POLICY

Events must be canceled with PAFD prior to the event date in order to be eligible for a refund.

If canceled within 4 weeks of the scheduled event date, you may have a cancellation fee of \$200 or more.

NOTIFICATION

Please keep a copy of your event permit on site at all times. City staff may require proof of permit.

If there are members of the public in the reserved space upon arrival, please present the permit as proof of reservation & approved usage. If you need assistance, please contact the Police Department at (207) 874-8574..

You may put up temporary A-frame signs to alert the public to your event or place signage on orange cones, etc. Signs are to be up DAY OF EVENT ONLY. Please remove all signage immediately following the event.

Please call Portland Police Dept. (207-874-8574) on the day of your event to remind them it is taking place.

Please notify any nearby neighborhoods, businesses, including restaurants that may have tables out for dining, to alert them to your event.

STREET CLOSURE NOTIFICATION

Should an event involve a Street Closure, lasting longer than an hour, PAFD Office requires organizers to give advanced notification to area businesses, residents and bus companies (in the form of a "Street Closure Sign Off Sheet"). If an event impacts METRO Buses, the organizer (in advance) must discuss detour plans with Parks Rec and Facilities. Fortification will be required.

REVOCABLE PERMIT

The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.

The City reserves the unconditional right to revoke or revise an issued permit.

Police or City Staff on site may use their discretion to revise conditions of use.

HANDBILLS

No person shall post or otherwise attach any handbill, circular, or paper sign to or upon any sidewalk, crosswalk, curb, curbstone, street lamppost, hydrant, tree, shrub, tree stake or guard, trash receptacle, railroad trestle, utility pole or wire appurtenance, or any light pole, public bridge, drinking fountain, street sign or traffic sign, or upon any other object lawfully located in the street right-of-way per City of Portland Code of Ordinances, Chapter 17, Sec. 17-3.

INSURANCE CERTIFICATE INFORMATION

You are required to procure and maintain occurrence-based Commercial General Liability and Product Liability Insurance, when required, in an amount not less than one million dollars (\$1,000,000.00) per occurrence for bodily injury, death and property damage. You shall name the City of Portland as an additional insured or shall obtain a general liability extension endorsement, for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. The terms of this permit and the insurance coverage shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the CITY under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the City. You shall also be responsible for any and all deductibles and/or self-insured retentions. Both the **Certificate of**

Insurance and Additional Insured Endorsement shall be sent to rgroh@portlandmaine.gov and must state that the policy is endorsed to name the City of Portland as an additional insured pursuant to the date of the event (and rain date).

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES

TYPE INITIALS

JS

DATE

02-17-2026

ASSUMPTION OF RISK & LIABILITY

Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form (should permission be granted to use city property), the above parties agree to indemnify, defend, and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.

I have read the Assumption of Risk & Liability Agreement

TYPE INITIALS

JS

DATE

02/17/2026

PLEASE INITIAL & DATE HIGH-LIGHTED YELLOW BOXES ABOVE.

PLEASE RETURN FORM AT LEAST 60 DAYS IN ADVANCE TO:

♦ Public Assembly Facilities Div. ~ 212 Canco Rd. ~ Portland ~ ME ~ 04103 **EMAIL PREFERRED:** rgroh@portlandmaine.gov

FEE SCHEDULE – UPDATED April 2025

Fees are tiered and assigned based on the level of demand placed on City resources and impact on City infrastructure.

Simple Event (no registration fee): \$75/hour
 Event with registration or pledges & attendance 25 - 300: \$150/hr.
 Event with registration or pledges & attendance 301+: \$250/hr.
 Public Space/Park Security Deposit: \$100 - \$10,000
 Sound Security Deposit: \$100 - \$10,000
 Impact/Street Closure Fee(variable based on impact): \$100-\$2000
 Staff Fee: Event Manager - \$45/hr Event Staff - \$25-\$28/hr
 Administrative Fee (event coordination support): \$45/hr. (or more)
 "No Parking" Signs: \$35.00/ea.
 Event Cancellation Fee: \$200 or more

Electricity (activation/deactivation) Fee: \$45/flat
 Entertainment License: \$50/day
 Barricades: \$5/ea. Rental Fee + \$25/ea. Security Deposit
 Bike Racks: \$10/ea. Rental Fee + \$25/ea. Security Deposit
 Flashing Lights: \$10/ea. Rental Fee + \$40/ea. Security Deposit
 Cones: \$2/ea. Rental Fee + \$15/ea. Security Deposit
 Safety Vests: \$15/ea. Security Deposit
 Keys: \$50/ea. Security Deposit
 Equipment Delivery Fee: \$100 each way (or more)
 Fortification Fee: TBD

Merchandise -Do you wish to sell **non-food items** (like T-shirts, crafts, cd's, etc.)? If so, please apply for a **Street Goods Vendor License(s)** at the Business Licensing Office (207-874-8557)
[Street Goods Vendor Permit Application](#)

Tents/Stages -Do you wish to set up a **tent(s)** and/or **stage(s)**? A canopy/tent or stage larger than 10'x10' needs a **Temporary Tent or Stage Permit** issued by Building Inspections [Tent/Stage Permit Checklist](#)

Alcohol sales -Do you wish to sell **alcohol**? You must complete the application for a **Liquor License** specific to your event through the State of Maine and submit the application to the City of Portland Business Licensing office first. Application will need City of Portland's approval prior to going to the State. Questions?please contact the Division of Liquor Licensing and Enforcement at (207) 624-7220/email-MaineLiquor@maine.gov [Maine Liquor Licensing](#)

Food Sales - Will there be food vendors? If so, you must apply for a **Temporary Food Service License** from the Business Licensing Office. [License Application For Temporary Food Service](#)

Police - Will your event require **Police** assistance? [Hire an Officer](#)

Fire/EMS - Will your event require **Fire/EMS** assistance? Email Fire Department - fireprevention@portlandmaine.gov

The Resurgam Music and Arts Festival - Overview

The Maine Academy of Modern Music (MAMM) presents the annual Resurgam Music and Arts Festival on the second weekend of June. MAMM partners with the City of Portland, community arts organizations, and local businesses to offer this FREE community music and arts festival. In 2026 it expanded from a one-day event on Sunday at Ocean Gateway Park to include Saturday concerts in the Old Port.

This community-focused festival showcases a diverse lineup of musicians across multiple performance stages, integrates local arts organization activities, accommodates area merchants, includes art vendors, and more. The festival provides a stage for established Maine musicians and is also a platform for emerging talents, including the artists from MAMM.

The 2026 festival is presented by OTTO, who is returning as the headlining sponsor. The Saturday expansion is made possible by the support of Old Port Square, the City of Portland, and other sponsors.

Goals for the Resurgam Festival include:

- 1) Create a sustainable, inclusive, and replicable music and arts festival that kicks off summer in Maine and offers local musicians the opportunity to perform the music they love. Sustained by revenues from business sponsorships, vendor fees, grant funding, and in-kind donations.
- 2) Have a unifying cultural event that encourages collaboration and communication between the City, local businesses, and arts organizations that make up the Portland creative community.
- 3) Promote economic development by enhancing Portland, Maine's reputation as a youth-centered, multicultural, family-friendly city that welcomes all to participate in community-minded projects.

MAMM is a Portland-based 501c3 non-profit dedicated to youth development through music education, focusing on pop, rock, and other contemporary genres. Since 2007, MAMM has been serving people aged 8 to 18, specifically committed to students facing challenges at home or in school, including language, cultural, social, learning, or income barriers. Whether taking lessons, performing in a public concert, or participating in a music summer camp, MAMM students learn in a safe environment that promotes personal growth, well-being, and community vitality. Support for Resurgam also supports MAMM community services.

RESURGAM SATURDAY (June 13, 2026)	RESURGAM SUNDAY (June 14, 2026)
WHO: MAMM & Community Partners WHEN: 5:00 to 8:00 WHERE: Dana Street (near Amigo's) Adjacent parking lot (near Novare Res) WHY: 4,000 Attendees (Young Adult focus)	WHO: MAMM & Community Partners WHEN: Noon to 7:00 WHERE: 14 Ocean Gateway, Portland WHY: 10,000 Attendees (Family focus)

RESURGAM SATURDAY (June 13, 2026)

This free, multi-stage music event runs 5:00–8:00 PM on Saturday in the Old Port, featuring local musicians and building momentum for the weekend celebration.

The event will activate downtown by encouraging attendees to explore local businesses, dine in the area, and extend their evening at Old Port venues presenting music. A coordinated marketing campaign will promote shows at participating venues after the public concerts end, creating a transition from free afternoon performances to ticketed evening events. Local venues will independently book artists for Saturday night, with the festival providing promotional support to drive audiences from the outdoor stages to indoor shows.

RESURGAM SUNDAY (June 14, 2026)

The festival spans approximately 2.5 blocks along the Portland Waterfront, adjacent to downtown and accessible via Eastern Promenade Trail bike paths. The Narrow Gauge Railroad track separates the festival area from street traffic. Outdoor stages are positioned in Amethyst Park, Moontide Garden, and the expansive queuing lanes. Kids' activities are located at the Visitors Center. Pop-up tents hosting local businesses and organizations connect the stages throughout the site, alongside food trucks. Community organizations also offer activities like Portland Community Squash's inflatable court, Sail Maine's sailing experiences, Portland Pottery clay engagement, SPACE video making, Sal's pop-up skate park, and more. We invite local entities to bring interactive elements that showcase their work and engage the community.

History:

The Resurgam Music and Arts Festival was founded in 2022 by the Maine Academy of Modern Music (MAMM) to fill the critical cultural void left by the Old Port Festival, which ended in 2019 after a nearly 50-year run.

Named after Portland's city motto, meaning "I shall rise again" in Latin, the festival represents a mission to uplift and revitalize the community through the power of collective creativity. The event is the brainchild of MAMM's founder and executive director, Jeff Shaw, who leveraged his experience in youth development to envision a large-scale, inclusive celebration that could unite Portland's creative economy.

The festival is held annually on the second weekend of June and serves as a community-driven kickoff to summer on the Portland waterfront. Since its inception, the event has remained free and open to the public, intentionally removing economic barriers to ensure that families from all socioeconomic backgrounds can engage with the arts.

The festival has seen significant growth in both attendance and community participation:

- 2022: The inaugural festival was held at Thompson's Point, attracting 5,000 attendees.
- 2023: The event moved to Ocean Gateway Park, growing to 7,500 attendees.
- 2024: Despite morning rain, attendance held steady at 7,500, while organizational engagement surged with a 45% increase in sponsors and a 67% increase in participating cultural organizations.
- 2025: The attendance goal of 10,000 was surpassed, and the number of sponsors and participating cultural organizations also grew.

The festival serves as a catalyst for collaboration between the City of Portland, neighborhood arts organizations, and local businesses. By integrating local merchants, food trucks, and interactive activities such as video-making and storytelling, Resurgam reinforces Portland's reputation as a vibrant, family-friendly, and multicultural city. (www.resurgamfestival.com)

[Resurgam 2025](#), [Resurgam 2024](#), [Resurgam 2023](#), [Resurgam 2022](#)

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 3, 2026

SUBJECT: Order 154-25/26 Granting an Easement to Central Maine Power at Stevens Avenue for Utility Pole - Sponsored by Danielle P. West, City Manager

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No

Does this item involve a new contract with the City: Yes

PRESENTATION:

I. SUMMARY

II. AGENDA DESCRIPTION

The City Council is being asked to approve an easement on the City owned property of 404 Stevens Avenue for placement of a new utility pole by Central Maine Power Company. The existing utility pole/pad 53 and 53.1, Stevens Ave, Portland will be relocated to outside of the public right of way due to a signal project being completed by the Portland Department of Public Works. The signal project being completed by the Portland Department of Public Works will be installing a signal foundation in the location of the existing utility pole.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Consent Item - Approving Stevens Ave Easement
2. Draft CMP Easement 404 Stevens_clean for council
3. 230980 Stevens @ Pleasant As-Built_2025-10-24_REV 1

Prepared by:

Date: 03/03/2026

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER GRANTING AN EASEMENT TO CENTRAL MAINE POWER AT STEVENS
AVENUE FOR UTILITY POLE**

ORDERED, that an easement for Central Maine Power at Stevens Avenue, in substantially the form attached hereto, is hereby approved; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or designee to execute said document and any other related documents necessary or convenient to carry out the intent of said document and this Order.

EASEMENT DEED

KNOW ALL PERSONS BY THESE PRESENTS, that the **CITY OF PORTLAND**, a body politic and corporate, with a place of business at 389 Congress Street, Portland, Maine 04101 (hereinafter, "GRANTOR"), for consideration given, grants to **CENTRAL MAINE POWER COMPANY**, a Maine corporation, with a place of business at 83 Edison Drive, Augusta, Maine 04336 (hereinafter, "GRANTEE"), its successors and assigns, a right and easement over, under, through, and across the portion of Grantor's property located at the southwest corner of Stevens Avenue and Pleasant Avenue commencing at Pole/Pad Pole/Pad 53, Stevens Ave, Portland and extending to include Pole(s)/Pad(s) 53.1, Stevens Ave, Portland ("Easement Area") for the sole purpose of constructing, installing, operating, maintaining, inspecting, repairing, replacing and removing one (1) or more utility poles, guy wires, anchors, cross-arms and all fittings, equipment, and other fixtures and appurtenances necessary or useful for the provision of utility support (i.e. non-active utility components) outcomes (hereinafter, the "Utility Facilities") upon, under, over, and across the Easement Area. This easement affects a portion of land of the Grantor, specifically known as Tax Parcel ID 175 B002001, located at 404 Stevens Avenue, Portland, Maine and more particularly described in deed from Caroline A. Dunn dated June 30, 1877 and recorded in the Cumberland County Registry of Deeds in Book 438, Page 275.

Reservation of Rights and Conditions:

Grantor's Use: Grantor reserves the right to use the Easement Area for any and all purposes not inconsistent with the rights and privileges herein granted to Grantee, provided that such use shall not interfere with the Grantee's exercise of its rights or the operation, maintenance, or repair of the Utility Facilities.

Restrictions: The Grantor, its successors, and assigns shall not construct or permit to be constructed any building, structure, fence, wall, tree, shrub, landscaping, or other obstruction within the Easement Area that would, in the sole judgment of the Grantee, obstruct or interfere with the construction, installation, operation, maintenance, or removal of the Utility Facilities. The rights herein granted are subject to any leases, easement, rights, restrictions, and/or mortgages of record, insofar as the same are now in fore and applicable.

Restoration: Grantee shall be responsible for restoring the surface of the Easement Area to substantially the same condition as existed prior to its entry, excluding any permanent Utility Facilities installed pursuant to this grant, as reasonably practicable following any work performed by the Grantee.

The rights herein granted are subject to any leases, easement, rights, restrictions, and/or mortgages of record, insofar as the same are now in fore and applicable.

Nothing herein contained shall be deemed to be a gift or dedication of the fee interest in the Easement Area or any portion thereof to Grantee or to the general public.

TO HAVE AND TO HOLD the aforegranted and bargained Easement, with all privileges and appurtenances thereof, to the Grantee, its successors and assigns, to its and their use and behoof, forever.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed by its duly authorized representative.

WITNESS THE HAND AND SEAL OF THE GRANTOR, THE CITY OF PORTLAND:

Date: _____, 2025

CITY OF PORTLAND

By: _____

Name: Danielle P. West

Title: City Manager

**STATE OF MAINE
CUMBERLAND, ss.**

The foregoing instrument was acknowledged before me this _____ day of _____, 2025, by Danielle P. West, City Manager of the CITY OF PORTLAND, who acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said City of Portland.

Before me,

Notary Public/Attorney at Law

Printed Name: _____

My Commission Expires: _____

LIST OF MAJOR ITEMS

EQUIPMENT AND WORK ITEMS (ITEM 643.71)	QUANTITY
CONFIGURE AND INSTALL CITY PROVIDED ATCC MAINEDOT 32/48 SPEC MOUNT CABINET AND ATC CONTROLLER WITH LATEST FIRMWARE INSTALLED, COMPLETE WITH ALL ANCILLARY EQUIPMENT	1 EA
INSTALL CITY PROVIDED BLACK POLYCARBONATE ONE-WAY 3-SECTION 12-INCH TRAFFIC SIGNAL HEADS, WITH LED MODULES, TUNNEL VISORS, AND 5-INCH LOUVERED BACKPLATES WITH 3-INCH RETROREFLECTIVE BORDERS MOUNTED ON MAST ARM	8 EA
INSTALL CITY PROVIDED BLACK POLYCARBONATE ONE-WAY 3-SECTION 12-INCH TRAFFIC SIGNAL HEADS, WITH LED MODULES, TUNNEL VISORS, AND 5-INCH LOUVERED BACKPLATES WITH 3-INCH RETROREFLECTIVE BORDERS SIDE OF POLE MOUNTED	1 EA
INSTALL CITY PROVIDED POLYCARBONATE ONE-WAY, 16 X 18-INCH LED SIDE OF POLE MOUNTED COUNTDOWN PEDESTRIAN SIGNAL HEAD	6 EA
FURNISH AND INSTALL ALUMINUM ONE-WAY, 16 X 18-INCH LED TOP OF POST MOUNTED COUNTDOWN PEDESTRIAN SIGNAL HEAD	2 EA
INSTALL CITY PROVIDED RTB PLUS ACCESSIBLE PEDESTRIAN SIGNAL (APS) BUTTON WITH 9"x15" R10-3e INFORMATIONAL SIGN	8 EA
INSTALL CITY PROVIDED FIBER-OPTIC PATCH PANEL	1 EA
PROVIDE COMMUNICATIONS AND CONFIGURATION TO THE CITY'S TRAFFIC SERVER AND ATMS.NOW	1 LS
INSTALL ALL NEW INTERSECTION WIRING TO IMPLEMENT NEW SIGNAL HEADS	1 LS
REMOVE AND SALVAGE EXISTING SIGNAL EQUIPMENT	1 LS
IMPLEMENT LOCAL SIGNAL TIMINGS	1 LS
POWER SERVICE CONNECTION	1 LS
CONFIGURE AND INSTALL CITY PROVIDED NON-INVASIVE STOP LINE DETECTION, 4 APPROACHES, COMPLETE (ITEM 643.21)	1 LS
FURNISH AND INSTALL 14-INCH PRECAST JUNCTION BOX (ITEM 626.11)	6 EA
FURNISH AND INSTALL 4-INCH METALLIC CONDUIT (ITEM 626.21)	25 LF
FURNISH AND INSTALL 4-INCH NON-METALLIC CONDUIT (ITEM 626.22)	230 LF
FURNISH AND INSTALL 24-INCH DIAMETER FOUNDATION (ITEM 626.32)	1 EA
FURNISH AND INSTALL MAST ARM FOUNDATION (ITEM 626.34)	2 EA
FURNISH AND INSTALL CONTROLLER CABINET FOUNDATION (ITEM 626.38)	1 EA
FURNISH AND INSTALL FIBER OPTIC INTERCONNECT WIRE TO STEVENS AVENUE AT WOODFORD STREET +/- 1,600 FEET (ITEM 643.90)	1 LS
FURNISH AND INSTALL MAST ARM POLE WITH DUAL 30-FOOT ARMS (ITEM 643.91)	2 EA
INSTALL CITY PROVIDED 10-FOOT PEDESTAL POLE (ITEM 643.92)	1 EA
FURNISH AND INSTALL LED BLANK-OUT SIGN (ITEM 645.512)	4 EA

THE LISTED QUANTITIES ARE APPROXIMATE AND ARE FURNISHED FOR INFORMATION ONLY.

STRUCTURE LIST

STRUCTURE	DESCRIPTION	FOUNDATION
(A-C)	CONTROLLER CABINET	L48"xW36"xH48"
(B-M1)	30'X30' DUAL MAST ARM	TBD
(C-P1)	10' PEDESTAL POLE	24" DIAMETER
(D-M1)	30'X30' DUAL MAST ARM	TBD

DETECTOR SCHEDULE

DETECTOR ZONE NO.	LOCATION	ø CALLED	ø EXT.	MODE A=ADV. B=S.BAR	DELAY TIME	EXT. TIME
①	STEVENS AVE SB	ø2	ø2	B	-	-
②	PLEASANT AVE WB	ø4	ø4	B	-	-
③	STEVENS AVE NB	ø6	ø6	B	-	-
④	PLEASANT AVE EB	ø8	ø8	B	-	-

PROPOSED INDICATIONS

R

Y

G

A1,A2,A3,B1,B2
C1,C2,D1,D2

PED

FACE

P1-P8

NOTE:
ALL INDICATIONS SHALL BE 12" LIGHT EMITTING DIODES (LED'S) WITH 5" LOUVERED RETROREFLECTIVE BACKPLATES

ON RED

LED BLANK-OUT
24"x30"
4-PROPOSED
L1-L4

NOTE:
NO RIGHT ON RED TO DISPLAY WHEN ANY CONFLICTING PHASE IS ACTIVE

PLAN

10 0 10 20
Scale of Feet

PROPOSED LED BLANK-OUT SIGN (TYP.)

NEW CONDUIT TO BE INSTALLED WEST OF PAVEMENT LIMITS FROM 2024 STEVENS AVENUE PROJECT.

REMOVE EXISTING WOODEN STRAIN POLE AND ALL ATTACHMENTS

REMOVE EXISTING WOODEN STRAIN POLE AND ALL ATTACHMENTS

NEW CONDUIT TO BE INSTALLED EAST OF PAVEMENT LIMITS FROM 2024 STEVENS AVENUE PROJECT.

SET NEW UTILITY POLE & GUY WIRES ON SOUTHWEST CORNER. INSTALL 2 NEW CONDUIT RISERS FOR SIGNAL/INTERCONNECT WIRE AND POWER SERVICE. ATTACH AERIAL SIGNAL WIRE/INTERCONNECT BETWEEN PROP. POLE & EXIST. POLE ON SOUTHEAST CORNER.

REMOVE EXISTING UTILITY POLE, GUY WIRES & SIGNAL EQUIPMENT ON SOUTHEAST CORNER

REMOVE AND DISCARD EXISTING CABINET

PROP. FIBER OPTIC CABLE TO INTERSECTION OF STEVENS AVE/WOODFORD ST. ATTACH TO EXIST. UTILITY POLES.

PREFERENTIAL PHASE SEQUENCE

NEMA RING AND BARRIER DIAGRAM

ø2+ø6

ø4+ø8

ø9 EX. PED

PHASING NOTES:
1. PEDESTRIAN PHASE UPON PUSH BUTTON ACTIVATION ONLY.

NOTES

1. CITY SUPPLIED CABINET TO BE INSTALLED AT THIS INTERSECTION.

2. FIBER OPTIC CABLE TO BE INSTALLED FROM THE PROPOSED TRAFFIC SIGNAL CABINET AT STEVENS AVE/PLEASANT AVE TO THE EXISTING TRAFFIC SIGNAL CABINET AT STEVENS AVENUE/WOODFORD STREET VIA ATTACHMENT TO EXISTING UTILITY POLES. NEW FIBER OPTIC CABLE TO BE TERMINATED IN EXISTING FIBER PATCH PANEL AND CONNECTED TO ETHERNET SWITCH AT STEVENS AVENUE/WOODFORD STREET. COMMUNICATIONS SHALL BE ESTABLISHED TO THE CITY'S TRAFFIC SERVER AND ATMS.NOW.

3. CONTRACTOR TO PROVIDE MAST ARM FOUNDATION DESIGNS BASED ON PROVIDED BORING LOGS.

SIGNAL TIMING SCHEDULE

ITEM / PHASE	ø1	ø2	ø3	ø4	ø5	ø6	ø7	ø8	ø9
MINIMUM INITIAL	-	10.0	-	5.0	-	10.0	-	5.0	-
PASSAGE TIME	-	2.0	-	2.0	-	2.0	-	2.0	-
MAXIMUM 1	-	42.0	-	18.0	-	42.0	-	18.0	-
MAXIMUM 2	-	-	-	-	-	-	-	-	-
YELLOW	-	3.0	-	3.0	-	3.0	-	3.0	3.0
ALL RED	-	2.0	-	2.0	-	2.0	-	2.0	1.0
PED WALK	-	-	-	-	-	-	-	-	7.0
PED CLEAR	-	-	-	-	-	-	-	-	13.0
RECALL	-	S	-	O	-	S	-	O	-
DETECTOR	-	PR	-	PR	-	PR	-	PR	-
PREEMPT PRIORITY	-	-	-	-	-	-	-	-	-
FLASH	-	Y	-	R	-	Y	-	R	-
DUAL ENTRY	-	YES	-	YES	-	YES	-	YES	-

SIGNAL TIMING NOTES:
1. DEFINITIONS
S = SOFT RECALL Y = YELLOW
O = RECALL OFF R = RED
PR = PRESENCE D = DARK

PROJECT NAME:
2024 TRAFFIC SIGNAL AND LIGHTING PROJECT

CITY OF PORTLAND, MAINE
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
215 GARDEN ROAD, SUITE 100, PORTLAND, ME 04101
PHONE (207) 874-6881 FAX (207) 874-6882

DESIGN BY: DHC
DRAWN BY: GRS
CHECKED BY: BRL
SHEET NAME: TRAFFIC SIGNAL PLAN
STEVENS AVENUE AT PLEASANT AVENUE

DATE: 10/14/24
SHEET NO.: 6 OF 12
REV: 1

Page 145

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 6, 2026

SUBJECT: Order 155-25/26 Approving Transfer of Forfeiture Assets Under 15 M.R.S. §5824(3)
RE: Timothy Edward Hansen - Sponsored by Danielle P. West, City Manager

SPONSOR: City Manager

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No

Does this item involve a new contract with the City: No

PRESENTATION:

I. SUMMARY

II. AGENDA DESCRIPTION

This order authorizes the City Council to approve the Approval of Transfer of Forfeiture Assets from Timothy Hansen to the City of Portland from the case of the State of Maine v. Timothy Hansen. These funds were recovered by the Portland Police Department on May 4, 2020, during an investigation at a local hotel, where Hansen was found in possession of crystal methamphetamine and fentanyl, for which he was charged with Unlawful Trafficking and related charges. This is a preliminary acceptance by the Council of the funds which is required before the State will seek forfeiture from the court.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

III. BACKGROUND

On May 4, 2020, Portland police officers responded to a local hotel after a female called to report that her ex-boyfriend had called her and indicated he was partying there with drug dealers. The hotel room had been rented by Timothy Hansen, who was present when officers responded. The ex-boyfriend, also present in the room, was on bail with conditions which allowed police to search for drugs and/or weapons without reasonable suspicion and also had an active arrest warrant. While officers were speaking with the room's occupants, they saw a bag of what appeared to be crystal methamphetamine, as well as baggies of other suspected narcotics which later tested positive for fentanyl. Hansen acknowledged ownership of drugs found in the room, and was charged with Unlawful Trafficking and related charges. \$1,322 was seized during the investigation as suspected drug proceeds.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Consent Item - Hansen Forfeiture
2. State of Maine Memo_Hansen

Prepared by:

Date: 03/06/2026

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL FOURNIER (A/L)
BENJAMIN GRANT A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA PHILLIPS (3)
ANNA BULLET (4)
KATE SYKES (5)

**ORDER APPROVING TRANSFER OF FORFEITURE ASSETS UNDER
15 M.R.S. §5824(3) RE: TIMOTHY EDWARD HANSEN**

ORDERED, that the City Council hereby approves the transfer of forfeiture assets in the case of State of Maine vs. Timothy Edward Hansen, pursuant to 15 M.R.S. §5824(3) and as provided in the attached “Approval of Transfer.”

STATE OF MAINE
Cumberland, ss

UNIFIED CRIMINAL COURT
Docket No. CR-20-2006

State of Maine

v.

Timothy Edward Hansen
Defendant;

And

\$1,322.00 U.S. Currency
Defendant(s) In Rem

}
}
}
}
}
}
}
}
}
}
}
}

Municipality of Portland
Approval of Transfer
15 M.R.S.A. §5824(3)

NOW COMES the Municipality of Portland, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem, namely \$1,322.00 U.S. Currency or any portion thereof, on the grounds that the Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Municipality of Portland, Maine, does hereby approve of the transfer of the Defendant(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. §5824(3) & §5826(6) by vote of the Portland municipal legislative body on or about

Dated: _____

Mayor
Portland, Maine
(Impress Legislative Body Seal Here)

AARON M. FREY
ATTORNEY GENERAL



STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

REGIONAL OFFICES
84 HARLOW ST. 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

125 PRESUMPSCOT ST., SUITE 26
PORTLAND, MAINE 04103
TEL: (207) 822-0260
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

January 5, 2026

Portland Police Department
Chief Mark Dubois
109 Middle Street
Portland, ME 04101

RE: State of Maine v. Timothy Edward Hansen
Cumberland County Unified Criminal Court
Docket No. CR-20-2006
Criminal Forfeiture
Required Vote of Municipal Officers/Approval of Transfer of Forfeiture Assets

Dear Chief Dubois:

Enclosed please find a draft Approval form for submission to the municipal officers.

Please inform the municipal officers that:

A. 15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) **if subsequently ordered forfeited by the Court;**

B. Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture "approval" and a "continuing resolution" of approval cannot be accepted;

C. As with all forfeitures, an approval of a transfer by the municipal legislative body does not guarantee either that the Defendant(s) In Rem will in fact be forfeited or, if forfeited, that the Court will order the item(s) transferred to the approving Department, Agency, County or Municipality. The municipal legislative body's approval only signifies that, if the Defendant(s) In Rem are in fact ordered forfeited and, if the Attorney General and the Court agree to a transfer of all or part of the Defendant(s) In Rem to a Department, Agency, County or Municipality based upon the "substantial contribution" of that Department, Agency, County or Municipality, then that entity is in fact, willing to accept the Defendant(s) In Rem or portions thereof. In order to streamline what is

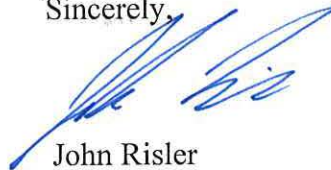
otherwise a cumbersome forfeiture process, it is our practice to seek State, county or municipal approval in anticipation of the final order of forfeiture. However, final forfeiture is not guaranteed and both the municipal legislative body and the law enforcement agency involved are **cautioned** that they **should not encumber** funds or property until a Final Order granting them lawful title to the property is delivered to them;

D. Under the provisions of the Forfeiture Statute, if the municipal legislative body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

Assuming your municipal legislative body does grant its approval, kindly see to it that the accompanying form is signed by the appropriate person and is "embossed" with the seal of the municipality. Then, please return the **original** to me for filing, and retain a copy for your records.

My sincere thanks for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,



John Risler
Assistant Attorney General

JR/ml
Enclosure

STATE OF MAINE
CUMBERLAND, ss

UNIFIED CRIMINAL COURT
Docket No. CR-20-2006

State of Maine	}	
	}	
v.	}	Municipality of Portland
	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3)
Timothy Edward Hansen	}	
Defendant;	}	
	}	
And	}	
	}	
\$1,322.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the Municipality of Portland, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem, namely \$1,322.00 U.S. Currency, or any portion thereof, on the grounds that the Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Municipality of Portland, Maine, does hereby approve of the transfer of the Defendant(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Portland municipal legislative body on or about

Dated: _____

Municipal Officer
Portland, Maine
(Impress municipal legislative body seal here)

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 6, 2026

SUBJECT: Order 156-25/26 Approving Transfer of Forfeiture Assets Under 15 M.R.S. §5824(3)
RE: Justin I. Williams - Sponsored by Danielle P. West, City Manager

SPONSOR: City Manager

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No

Does this item involve a new contract with the City: No

PRESENTATION:

I. SUMMARY

II. AGENDA DESCRIPTION

This order authorizes the City Council to approve the Approval of Transfer of Forfeiture Assets from Justin Williams to the City of Portland from the case of the State of Maine v. Justin Williams. These funds were recovered by the Portland Police Department following a traffic stop in August 2023, during which Williams was found in possession of approximately 45 grams of cocaine base and suspected drug proceeds. Williams was subsequently charged with Aggravated Trafficking of Scheduled Drugs and related offenses. This is a preliminary acceptance by the Council of the funds which is required before the State will seek forfeiture from the court.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

III. BACKGROUND

In August 2023, during a traffic stop of a driver with a suspended license, Portland Police encountered a passenger who was acting suspiciously and refused to provide his correct name and date of birth. The male was ultimately transported to Maine Medical Center after he volunteered that he had swallowed a large quantity of drugs during the traffic stop. The male, identified as Justin Williams, had an outstanding arrest warrant and was on bail. 45 grams of cocaine base and \$2,060 in mixed denominations were found on Williams' person, and additional quantities of narcotics were found in the vehicle. After being medically cleared at MMC, Williams was charged with Aggravated Trafficking of Scheduled Drugs and related charges.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Consent Item - Williams Forfeiture
2. State of Maine Memo_Williams

Prepared by:

Date: 03/06/2026

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL FOURNIER (A/L)
BENJAMIN GRANT A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA PHILLIPS (3)
ANNA BULLET (4)
KATE SYKES (5)

**ORDER APPROVING TRANSFER OF FORFEITURE ASSETS UNDER
15 M.R.S. §5824(3) RE: JUSTIN I. WILLIAMS**

ORDERED, that the City Council hereby approves the transfer of forfeiture assets in the case of State of Maine vs. Justin I. Williams, pursuant to 15 M.R.S. §5824(3) and as provided in the attached “Approval of Transfer.”

STATE OF MAINE
Cumberland, ss

UNIFIED CRIMINAL COURT
PORTLAND
Docket No. CUMCD-CR-2023-03338

State of Maine
v.
Justin I. Williams
Defendant;
And
\$2,060.00 U.S. Currency
Defendant(s) In Rem

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}

Municipality of Portland
Approval of Transfer
15 M.R.S.A. §5824(3)

NOW COMES the Municipality of Portland, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem, namely \$2,060.00 U.S. Currency or any portion thereof, on the grounds that the Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Municipality of Portland, Maine, does hereby approve of the transfer of the Defendant(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. §5824(3) & §5826(6) by vote of the Portland municipal legislative body on or about

Dated: _____

Mayor
Portland, Maine
(Impress Legislative Body Seal Here)

AARON M. FREY
ATTORNEY GENERAL



STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

TEL: (207) 626-8800
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FAX: (207) 941-3075

125 PRESUMPSHOT ST., SUITE 26
PORTLAND, MAINE 04103
TEL: (207) 822-0260
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

January 22, 2026

Chief Mark Dubois
Portland Police Department
109 Middle Street
South Portland, ME 04101

RE: State of Maine v. Justin I. Williams
Cumberland County Unified Criminal Court
Doc. No. CR-23-3338
Criminal Forfeiture
Required Vote of Municipal Officers/Approval of Transfer of Forfeiture Assets

Dear Chief Dubois:

Enclosed please find a draft Approval form for submission to the municipal officers.

Please inform the municipal officers that:

A. 15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) **if subsequently ordered forfeited by the Court;**

B. Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture "approval" and a "continuing resolution" of approval cannot be accepted;

C. As with all forfeitures, an approval of a transfer by the municipal legislative body does not guarantee either that the Defendant(s) In Rem will in fact be forfeited or, if forfeited, that the Court will order the item(s) transferred to the approving Department, Agency, County or Municipality. The municipal legislative body's approval only signifies that, if the Defendant(s) In Rem are in fact ordered forfeited and, if the Attorney General and the Court agree to a transfer of all or part of the Defendant(s) In Rem to a Department, Agency, County or Municipality based upon the "substantial contribution" of that Department, Agency, County or Municipality, then that entity is in fact, willing to accept the Defendant(s) In Rem or portions thereof. In order to streamline what is

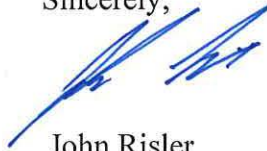
otherwise a cumbersome forfeiture process, it is our practice to seek State, county or municipal approval in anticipation of the final order of forfeiture. However, final forfeiture is not guaranteed and both the municipal legislative body and the law enforcement agency involved are **cautioned** that they **should not encumber** funds or property until a Final Order granting them lawful title to the property is delivered to them;

D. Under the provisions of the Forfeiture Statute, if the municipal legislative body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

Assuming your municipal legislative body does grant its approval, kindly see to it that the accompanying form is signed by the appropriate person and is "embossed" with the seal of the municipality. Then, please return the **original** to me for filing, and retain a copy for your records.

My sincere thanks for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,



John Risler
Assistant Attorney General

JR/ml
Enclosure

STATE OF MAINE
CUMBERLAND, ss

UNIFIED CRIMINAL COURT
PORTLAND
Docket No. CUMCD-CR-2023-03338

State of Maine

v.

Justin I. Williams

Defendant;

And

\$2,060.00 U.S. Currency

Defendant(s) In Rem

}
}
}
}
}
}
}
}
}
}
}
}

Municipality of Portland
Approval of Transfer
15 M.R.S.A. §5824(3)

NOW COMES the Municipality of Portland, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem, namely \$2,060.00 U.S. Currency or any portion thereof, on the grounds that the Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Municipality of Portland, Maine, does hereby approve of the transfer of the Defendant(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Portland municipal legislative body on or about

Dated: _____

Municipal Officer
Portland, Maine

(Impress municipal legislative body seal here)

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 6, 2026

SUBJECT: Order 157-25/26 Approving Transfer of Forfeiture Assets Under 15 M.R.S. §5824(3)
RE: Charles Aboda - Sponsored by Danielle P. West, City Manager

SPONSOR: City Manager

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No

Does this item involve a new contract with the City: No

PRESENTATION:

I. SUMMARY

II. AGENDA DESCRIPTION

This order authorizes the City Council to approve the Approval of Transfer of Forfeiture Assets from Charles Aboda to the City of Portland from the case of the State of Maine v. Charles Aboda. These items were recovered by the Maine Drug Enforcement Agency and the Portland Police Department on April 23, 2024, following the arrest of Aboda, who was found in possession of cocaine base, cocaine HCL, and drug proceeds, with further narcotics and the firearm subsequently seized from his residence. This is a preliminary acceptance by the Council of the assets which is required before the State will seek forfeiture from the court.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

III. BACKGROUND

On April 23, 2024, MDEA Agents and Portland Police arrested Charles Aboda, who had active warrants. Mr. Aboda was taken into custody during a traffic stop and found to be in possession of Cocaine base and Cocaine HCL, as well as \$1,864 in suspected drug-sale proceeds. Mr. Aboda was taken to the Cumberland County Jail where corrections officers located an additional quantity of illegal drugs on his person.

Subsequently, agents obtained a search warrant for his residence. Agents searching the residence located additional quantities of cocaine, fentanyl, and methamphetamines. A Glock 43x 9mm handgun [Ser# BUZX353] and \$11,082 US currency were located and seized from the residence along with additional evidence of illegal drug trafficking.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Consent Item - Aboda Forfeiture
2. State of Maine Memo_Aboda

Prepared by:

Date: 03/06/2026

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL FOURNIER (A/L)
BENJAMIN GRANT A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA PHILLIPS (3)
ANNA BULLET (4)
KATE SYKES (5)

**ORDER APPROVING TRANSFER OF FORFEITURE ASSETS UNDER
15 M.R.S. §5824(3) RE: CHARLES ABODA**

ORDERED, that the City Council hereby approves the transfer of forfeiture assets in the case of State of Maine vs. Charles Aboda pursuant to 15 M.R.S. §5824(3) and as provided in the attached “Approval of Transfer.”

STATE OF MAINE
Cumberland, ss

UNIFIED CRIMINAL COURT
PORTLAND
Docket No. CUMCD-CR-2024 01630

State of Maine }
 }
v. }
 }
Charles Aboda }
Defendant; }
 }
And }
 }
\$12,946.00 U.S. Currency }
Defendant(s) In Rem #1 }
 }
Glock 43x }
S/N: BUZX353 }
Defendant(s) In Rem #2 }
 }

Municipality of Portland
Approval of Transfer
15 M.R.S.A. §5824(3)

NOW COMES the Municipality of Portland, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of 40% of the above captioned Defendant(s) in Rem #1, namely \$5,188.60 U.S. Currency or any portion thereof, on the grounds that the Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Municipality of Portland, Maine, does hereby approve of the transfer of the Defendant(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. §5824(3) & §5826(6) by vote of the Portland municipal legislative body on or about

Dated: _____

Mayor
Portland, Maine
(Impress Legislative Body Seal Here)

AARON M. FREY
ATTORNEY GENERAL



STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

REGIONAL OFFICES
84 HARLOW ST. 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

125 PRESUMPSCOT ST., SUITE 26
PORTLAND, MAINE 04103
TEL: (207) 822-0260
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

January 13, 2026

Chief Mark Dubois
Portland Police Department
109 Middle Street
South Portland, ME 04101

RE: State of Maine v. Charles Aboda
Cumberland County Unified Criminal Court
Doc. No. CR-24-1630
Criminal Forfeiture
Required Vote of Municipal Officers/Approval of Transfer of Forfeiture Assets

Dear Chief Dubois:

Enclosed please find a draft Approval form for submission to the municipal officers.

Please inform the municipal officers that:

A. 15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) **if subsequently ordered forfeited by the Court;**

B. Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture "approval" and a "continuing resolution" of approval cannot be accepted;

C. As with all forfeitures, an approval of a transfer by the municipal legislative body does not guarantee either that the Defendant(s) In Rem will in fact be forfeited or, if forfeited, that the Court will order the item(s) transferred to the approving Department, Agency, County or Municipality. The municipal legislative body's approval only signifies that, if the Defendant(s) In Rem are in fact ordered forfeited and, if the Attorney General and the Court agree to a transfer of all or part of the Defendant(s) In Rem to a Department, Agency, County or Municipality based upon the "substantial contribution" of that Department, Agency, County or Municipality, then that entity is in fact, willing to accept the Defendant(s) In Rem or portions thereof. In order to streamline what is

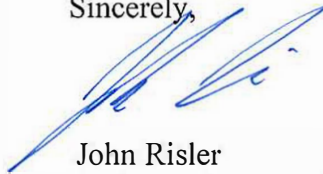
otherwise a cumbersome forfeiture process, it is our practice to seek State, county or municipal approval in anticipation of the final order of forfeiture. However, final forfeiture is not guaranteed and both the municipal legislative body and the law enforcement agency involved are **cautioned** that they **should not encumber** funds or property until a Final Order granting them lawful title to the property is delivered to them;

D. Under the provisions of the Forfeiture Statute, if the municipal legislative body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

Assuming your municipal legislative body does grant its approval, kindly see to it that the accompanying form is signed by the appropriate person and is "embossed" with the seal of the municipality. Then, please return the **original** to me for filing, and retain a copy for your records.

My sincere thanks for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,



John Risler
Assistant Attorney General

JR/ml
Enclosure

STATE OF MAINE
CUMBERLAND, ss

UNIFIED CRIMINAL COURT
PORTLAND
Docket No. CUMCD-CR-2024-01630

State of Maine	}	
	}	
v.	}	Municipality of Portland
	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3)
Charles Aboda	}	
Defendant;	}	
	}	
And	}	
	}	
\$12,946.00 U.S. Currency	}	
Defendant(s) In Rem #1	}	
	}	
Glock 43x	}	
S/N: BUZX353	}	
Defendant(s) In Rem #2	}	

NOW COMES the Municipality of Portland, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of 40% of the above captioned Defendant(s) in Rem #1, namely \$5,188.60 U.S. Currency or any portion thereof, on the grounds that the Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Municipality of Portland, Maine, does hereby approve of the transfer of the Defendant(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Portland municipal legislative body on or about

Dated: _____

Municipal Officer
Portland, Maine
(Impress municipal legislative body seal here)

RULES OF THE PORTLAND PLANNING BOARD

Adopted on Month, XX, 20XX
Communicated to Council on Month, XX, 20XX
Effective from Month, XX, 20XX

ARTICLE I. GENERAL PROVISION

- Section 1. These rules are supplementary to the provisions of ~~Chapter 14 City of Portland~~the Municipal Land Use Code (“Code”) as ~~it they~~relates to the organization, operation and procedures of the Planning Board (“Board”) and are adopted pursuant to the authority granted to the Board in Section ~~14-25(b)~~2.1.9.C of ~~said the~~ Code.
- Section 2. Roberts Rules of Order shall supplement these rules and shall control procedures not otherwise covered by the Code and these rules.

ARTICLE II. OFFICERS AND DUTIES

- Section 1. The officers of the Board shall be the Chair and Vice Chair.
- Section 2. In the event of a vacancy or absence in the positions of Chair or Vice Chair, the Board shall elect acting pro tempore officers from its number who shall possess all the authorities and duties of the respective office for the duration of the absence or until the permanent officer resumes their role.
- Section ~~32~~. The Chair and Vice Chair shall be elected annually by the regular members at the last regular meeting in December.
- Section ~~43~~. The Chair shall appoint chairs and members for those committees as may be appropriate.

ARTICLE III. MEETINGS

- Section 1. ~~Regular-Unless otherwise noticed,~~ meetings ~~shall be are~~ held on the second and fourth Tuesdays of each month, ~~commencing at 47:300 p.m. or as otherwise noticed, in City Hall or at such other location of which notice is given.~~ Where a regular meeting day falls on a recognized holiday, the regular meeting ~~shall may~~ be held on the preceding or following Tuesday. Meetings may be held in a hybrid format via Zoom or other medium pursuant to the Remote Planning Board Policy as adopted by the Board.

- Section 2. Special meetings may be called by the Chair at its ~~discretion, or~~ upon discretion, upon the request of the City Council, or by four or more Board members, provided that twenty-four hours' notice is given to each member and notice to the public is given as required.
- Section 3. Meetings of any committee of the Board shall be held at the call of the Board, ~~or~~ the committee Chair, or by agreement of at least two committee members.
- Section 4. The Chair, in consultation with the Director of Planning and Urban Development or ~~the Chief Planner,~~ their designee shall set the agenda for workshops, public hearings, and other meetings.
- ~~Section 5. The Board may, by a majority vote, specify a date for an agenda item.~~

ARTICLE IV. ORDER OF BUSINESS

- Section 1. All regular meetings of the Board shall proceed as follows:
- a. Communications
 - b. Public Workshop
 - c. Public Hearing
 - a. Roll call and declaration of quorum
 - b. Reading of attendance and decisions of the previous meeting
 - c. Unfinished business
 - d. New business
 - d. Adjournment
- ~~a. Roll call and declaration of quorum~~
~~b. Reading and approval of minutes of the previous meeting~~
~~c. Communications~~
~~d. Unfinished business~~
~~e. New business~~
~~f. Adjournment.~~

ARTICLE V. NOTICE

Notice shall be given in accordance with Section ~~14-322.1.8.B~~ of the Municipal Land Use Code; ~~provided, however, that each city councilor and all those individuals or entities included on the most current neighborhood and citizen list maintained by the planning authority, shall also be given the notice afforded under Section 14-32 of the Municipal Code.~~

Notice of a pending application for subdivision or major site plan review or for a proposed rezoning, including any contract or conditional rezoning, shall be posted in a timely fashion on the City of Portland web page.

Notice of the planning board agenda shall be posted in a timely fashion on the City of Portland web page.

ARTICLE VI. CONDUCT OF PUBLIC WORKSHOPS AND HEARINGS

A. PUBLIC WORKSHOPS

A workshop meeting provides the opportunity for the Planning & Urban Development Department and applicant to present to the Planning Board an application in order to solicit feedback from the Board and for the Board informally to determine whether ~~an~~ the application is ~~complete and~~ ready for a public hearing. It is not deliberative in nature but rather is a vehicle by which the Planning Board undertakes a preliminary review of an application, provides comments to the applicant on any items needed to complete an application, and if appropriate schedules the matter for a public hearing.

Section 1. Order of Proceedings. The following order of proceedings shall govern all public workshops conducted by the Board:

- A. The Planning & Urban Development Director ~~of his/her~~ or their designee ~~may summarize~~ reviews a narrative report that typically summarizes the application, plans and/or proposal, identifies relevant standards, and advises to the extent to which the application is complete, provides feedback from peer reviewers if any and public comments received as of the date, and may comment on any items that need ~~to be~~ addressed or submitted prior to ~~sending-noticing~~ the application ~~to for~~ a public hearing.
- B. The applicant ~~may~~ presents the application- information to the Board explaining the nature of its application, answering any questions the Board may have and to inquire of the Board as to any issues to be addressed in advance of or at the public hearing.
- C. ~~Public Comment:~~ Public Comment: Members of the public may offer evidence or statements relevant to the project under consideration. Members of the public, or a duly authorized agent or attorney, may offer verbal comments or statements relevant to matters under discussion by the Planning Board. Each speaker shall be limited to three (3) minutes. The Chair may, at its discretion, extend this period by an additional three (3) minutes. The Board may grant an initial or any further extensions upon a majority vote of those present and voting. The duration of each speaker's remarks shall be limited at the discretion of the Chair. The Chair's decision to limit the comment time per project may be based on managing the agenda in order

~~to address all items scheduled. Once the public comment period has ended, no further public comment is permitted except by majority vote of the Board.~~

- D. Members of the public also may submit written comments relative to the application either before or at a ~~public~~ workshop or public hearing and such written comment shall become part of the official ~~Planning~~ Board record.

~~E. E. After the close of the public comment session, the Planning Board shall come to a consensus as to whether the application is/not complete and may/not be scheduled for public hearing. No public comment shall be allowed at this time.~~

~~E. After the close of the public comment session, the Planning Board may identify issues of concern and questions regarding the application, and shall come through the Chair obtain responses from the applicant and/or Planning & Urban Development Staff, and endeavors to reach a consensus on whether the application is sufficiently complete and thus ready to schedule for public hearing.~~

The ~~Planning~~ Board may comment or ask questions at any time.

B. PUBLIC HEARINGS

~~A Public hearing shall be held as required by the Planning Board various statutes, codes, and ordinances pursuant to which matters are brought before the City Ordinance and upon the submission of a complete application Board.~~

Section 1. Order of Proceedings The following order of proceedings shall govern all public hearings conducted by the Board:

A. The Director of Planning & Urban Development or their Director or his/her designee may summarize the _____ application and proposal and review any written.

~~B. The Planning Department staff shall give its report prepared for the Board, and provide, commentary _____ and make recommendation, if any.~~

~~BC. The applicant shall present its opening statement application and proposal, provide any _____ testimony or other evidence in support of the application and be available to answer questions.~~

~~CD. Other City departments, staffs, and officials and peer reviewers may present reports, commentary, questions and recommendations.~~

~~D.E.~~ Public Comment. Members of the public may offer evidence or statements relevant to the project under consideration. Each speaker shall be limited to three (3) minutes. The Chair may, at its discretion, extend this period ~~for~~ by an additional three (3) minutes. The Board may grant an initial or any further extensions upon a majority vote of those present and voting. Once the public comment period has ended, no further public comment is permitted except by majority vote of the Board.

~~E.F.~~ After the close of the public comment period, ~~answers the Chair shall be provided by review and seek responses to relevant questions through the applicant, or by staff or peer reviewers as needed to questions raised during the public comment. The applicant shall be allowed to respond to public comment at this time.~~

~~F. — Response. Members of the public may respond to new issues raised by answers or information provided by the applicant or by staff. It shall be within the discretion of the Chair to determine whether a response is appropriate. In making this determination, the Chair shall decide whether the response constitutes facts or information that could not have been presented during the public comment period. The Board may override such a determination by the Chair by a majority vote.~~

~~F.H.~~ After the close of a public hearing and after responses to new issues have been completed, the Board shall commence its deliberations. ~~No public comment shall be allowed during these deliberations, except as requested by the Board.~~

~~G. — Cross examination by the applicant and members of the public shall be conducted as directed by the Chair.~~ The ~~Planning~~ Board may ask questions at any time.

Section 2. Rights of all persons. Any person may appear and testify at a public hearing, either in person or by duly authorized agent or attorney, as provided thereof and may submit documentary evidence; provided, however, that the Chair may exclude irrelevant material or unduly repetitious evidence, unless a majority of the Board votes to allow such material or evidence. Members of the public shall also have the right to examine evidence at the public hearing and reproduce any documents produced at the hearing at a later time to be arranged with staff at the expense of the person requesting the information.

Section 3. Rights of applicant. The applicant shall, in addition, have the following rights:

- a. to present witnesses and offer rebuttal evidence;
- b. to cross-examine all witnesses testifying in opposition to the applicant's position through the Chair, or, with permission of the Chair, directly; and
- c. to examine and reproduce any documents produced at the hearing.

Section 4. The rules of evidence shall not ~~be strictly applied~~.

Section 5. Submission of Exhibits. Exhibits presented by an applicant or by a member of the public shall be numbered and become part of the record. The applicant or member of the public may provide a photograph or photocopy instead of an original model or document. Said photograph~~s~~ or photocop~~ies~~y shall be numbered and shall become part of the record.

Section 6. No new agenda items will ~~be begun~~ begin after 10:00 p.m. unless at least four members of the Board vote to suspend this rule. Any agenda items that have not begun before ~~11~~10:00p.m. shall be automatically tabled to the next regularly scheduled meeting or to a date determined by the Board. Before 9:30 p.m. the ~~Planning~~ Board may, at the discretion of the Chair, temporarily suspend consideration of the agenda item currently under review in order to determine whether remaining agenda items will be reached before 10:00 p.m. The Board will at that time notify the proponents of those agenda items which will not be reached, that the items will be tabled until the next regularly scheduled meeting or a date determined by the Board. Any item tabled under the provisions of this rule shall be considered as unfinished business at the next regularly scheduled meeting or at the meeting date specified by the Board.

ARTICLE VII. DELIBERATIONS, VOTING, DECISIONS.

Section 1. ~~As to any matters not requiring a hearing. Following the close of a public hearing on an application or proposal,~~ the Board may meet and deliberate at any properly called meeting, regardless of the presence of a quorum, or may continue consideration of such matter to any later meeting. However, no final action shall be taken on such a matter without a quorum being present.

Section 2. No member absent from a significant portion of a public hearing shall be qualified to vote upon the matter heard unless that member shall first certify for the record that ~~she/he~~the member has reviewed the entire record of any such portion of the hearing during which ~~she/he~~the member was absent and has become fully informed ~~her/himself~~ of the essential facts

and issues of the matter being heard so as to be able to cast an informed and independent vote.

- Section 3. ~~Recommendations~~ Any recommendations made to the City Council shall include findings of fact and the reason or reasons for such recommendation and shall contain a separate statement setting forth the recommendation of the Board.
- Section 4. The Board will take no final or binding vote on any matter that is a final decision rather than merely a recommendation unless it shall first have stated its findings, reasons, and conclusions at a meeting open to the public. The Board can incorporate by reference and adopt as its own proposed findings prepared by the Director of Planning & Urban Development or their designee. Where a vote on a matter results in a failure to approve, the Board shall immediately vote upon a motion to either table or deny the project. A motion to deny shall include the findings, reasons and conclusions of the Board supporting a denial.
- Section 5. Any one or more members of the Board may file minority or dissenting reports in support of any position concerning any matter brought before the Board.
- Section 6. ~~When a vote is completed it shall be in order for any member who voted in the majority, in the negative in a tie vote, or otherwise on the prevailing side, to move for reconsideration thereof at the same or at the next regular meeting but not afterwards; and when the motion for reconsideration is decided, that vote shall not be reconsidered. No motion to reconsider a vote completed at a previous meeting shall be in order for consideration at the next regular meeting unless an item to that effect is contained on the agenda for such regular meeting or unless four (4) members consent to such reconsideration. Any member who voted on the prevailing side of a motion may move for its reconsideration during the same meeting or at the next regular scheduled meeting, after which the opportunity for reconsideration expires but not afterwards.; Once a motion for reconsideration has been decided, that specific vote may not be reconsidered again. A motion to reconsider a vote from a previous meeting shall only be in order if the item is included on the meeting agenda or if four (4) members consent to its consideration. If a motion to reconsider passes but the item was not on the agenda, the deliberation and vote on the matter shall be postponed until the next scheduled meeting for which it is properly listed on the agenda. The Board shall not accept comment from the applicant or the public while entertaining a motion to reconsider or when acting upon the decision being reconsidered except by majority vote by the Board to accept new evidence.~~

Section 7. Any item finally acted upon and not thereafter reconsidered shall not again be considered for a period of one year succeeding the Board's final action on the original item if the Board determines it to be in the same or substantially the same form.

Section 8. In the event of a tie vote, the matter shall be tabled to the next meeting, where it shall be considered as unfinished business.

ARTICLE VIII. TIME LIMITS.

Section 1. In any case where these rules or any other statute, code or ordinance provides that the failure of the Board to act within a fixed period shall be deemed a grant or denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Board rendered on the day following the expiration of such fixed period. Such a decision shall be appealable in the same manner as any other decision but, on such appeal, shall be entitled to no presumption of correctness. Time limits for hearings and decisions shall be those set forth in State statutes and City Ordinances.

ARTICLE IX. AMENDMENT OF RULES.

Section 1. These rules may be amended by an affirmative majority vote of the members of the Board.

Section 2. The proposed amendment must be presented in writing at a regular or special ~~Board~~ meeting preceding the meeting at which the vote is taken.

Section 3. For any amendment to become effective the process set forth in Section 2.1.8.C of the Code must also be followed.

ARTICLE X. WAIVER

Section 1. Any rule, which is not required by the statutes of the State or by the Code or other City Ordinance, may be waived by majority vote of the Board.

RULES OF THE PORTLAND PLANNING BOARD

Adopted on February 24, 2026
Communicated to Council on March, 16, 2026
Effective from April, 16, 2026

ARTICLE I. GENERAL PROVISION

- Section 1. These rules are supplementary to the provisions of City of Portland Land Use Code (“Code”) as they relate to the organization, operation and procedures of the Planning Board (“Board”) and are adopted pursuant to the authority granted to the Board in Section 2.1.9.C of the Code.
- Section 2. Roberts Rules of Order shall supplement these rules and shall control procedures not otherwise covered by the Code and these rules.

ARTICLE II. OFFICERS AND DUTIES

- Section 1. The officers of the Board shall be the Chair and Vice Chair.
- Section 2. In the event of a vacancy or absence in the positions of Chair or Vice Chair, the Board shall elect acting pro tempore officers from its number who shall possess all the authorities and duties of the respective office for the duration of the absence or until the permanent officer resumes their role.
- Section 3. The Chair and Vice Chair shall be elected annually by the regular members at the last regular meeting in December.
- Section 4. The Chair shall appoint chairs and members for those committees as may be appropriate.

ARTICLE III. MEETINGS

- Section 1. Unless otherwise noticed, meetings are held on the second and fourth Tuesdays of each month, commencing at 4:30 p.m. Where a regular meeting day falls on a recognized holiday, the regular meeting may be held on the preceding or following Tuesday. Meetings may be held in a hybrid format via Zoom or other medium pursuant to the Remote Planning Board Policy as adopted by the Board.
- Section 2. Special meetings may be called by the Chair at its discretion, upon the request of the City Council, or by four or more Board members, provided

that twenty-four hours' notice is given to each member and notice to the public is given as required.

Section 3. Meetings of any committee of the Board shall be held at the call of the Board, the committee Chair, or by agreement of at least two committee members.

Section 4. The Chair, in consultation with the Director of Planning and Urban Development or their designee shall set the agenda for workshops, public hearings, and other meetings.

ARTICLE IV. ORDER OF BUSINESS

Section 1. All regular meetings of the Board shall proceed as follows:

- a. Communications
- b. Public Workshop
- c. Public Hearing
 - a. Roll call and declaration of quorum
 - b. Reading of attendance and decisions of the previous meeting
 - c. Unfinished business
 - d. New business
- d. Adjournment

ARTICLE V. NOTICE

Notice shall be given in accordance with Section 2.1.8.B of the Land Use Code.

Notice of a pending application for subdivision or major site plan review or for a proposed rezoning, including any contract or conditional rezoning, shall be posted in a timely fashion on the City of Portland web page.

Notice of the planning board agenda shall be posted in a timely fashion on the City of Portland web page.

ARTICLE VI. CONDUCT OF PUBLIC WORKSHOPS AND HEARINGS

A. PUBLIC WORKSHOPS

A workshop meeting provides the opportunity for the Planning & Urban Development Department and applicant to present to the Board an application in order to solicit feedback from the Board and for the Board informally to determine whether the

application is ready for a public hearing. It is not deliberative in nature but rather is a vehicle by which the Board undertakes a preliminary review of an application, provides comments to the applicant on any items needed to complete an application, and if appropriate schedules the matter for a public hearing.

Section 1. Order of Proceedings. The following order of proceedings shall govern all public workshops conducted by the Board:

- A. The Planning & Urban Development Director or their designee reviews a narrative report that typically summarizes the application, plans and/or proposal, identifies relevant standards, and advises to the extent to which the application is complete, provides feedback from peer reviewers if any and public comments received as of the date, and may comment on any items that need to be addressed or submitted prior to noticing the application for a public hearing.
- B. The applicant presents the application to the Board explaining the nature of its application, answering any questions the Board may have and to inquire of the Board as to any issues to be addressed in advance of or at the public hearing.
- C. Public Comment: Members of the public may offer evidence or statements relevant to the project under consideration. Each speaker shall be limited to three (3) minutes. The Chair may, at its discretion, extend this period by an additional three (3) minutes. The Board may grant an initial or any further extensions upon a majority vote of those present and voting. Once the public comment period has ended, no further public comment is permitted except by majority vote of the Board. Members of the public also may submit written comments relative to the application either before or at a workshop or public hearing and such written comment shall become part of the official Board record.
- D. After the close of the public comment session, the Board may identify issues and questions regarding the application, and through the Chair obtain responses from the applicant and/or Planning & Urban Development Staff, and endeavors to reach a consensus on whether the application is sufficiently complete and thus ready to schedule for public hearing.

The Board may comment or ask questions at any time.

B. PUBLIC HEARINGS

Public hearing shall be held as required by the various statutes, codes, and ordinances pursuant to which matters are brought before the Board.

Section 1. Order of Proceedings The following order of proceedings shall govern all public hearings conducted by the Board:

- A. The Director of Planning & Urban Development or their designee may summarize the application and proposal and review any written report prepared for the Board, and provide commentary and make recommendation, if any.
- B. The applicant shall present its application and proposal, provide testimony or other evidence in support of the application and be available to answer questions.
- C. Other City departments, staff, officials and peer reviewers may present reports, commentary, questions and recommendations.
- D. Public Comment. Members of the public may offer evidence or statements relevant to the project under consideration. Each speaker shall be limited to three (3) minutes. The Chair may, at its discretion, extend this period by an additional three (3) minutes. The Board may grant an initial or any further extensions upon a majority vote of those present and voting. Once the public comment period has ended, no further public comment is permitted except by majority vote of the Board.
- E. After the close of the public comment period, the Chair shall review and seek responses to relevant questions through the applicant, staff or peer reviewers as needed to questions raised during the public comment. The applicant shall be allowed to respond to public comment.
- F. After the close of a public hearing and after responses to new issues have been completed, the Board shall commence its deliberations.

The Board may ask questions at any time.

Section 2. Rights of all persons. Any person may appear and testify at a public hearing, either in person or by duly authorized agent or attorney, as provided thereof and may submit documentary evidence; provided, however, that the Chair may exclude irrelevant material or unduly repetitious evidence, unless a majority of the Board votes to allow such material or evidence. Members of the public shall also have the right to examine evidence at the public hearing and reproduce any documents produced at the hearing at a later time to be arranged with staff at the expense of the person requesting the information.

Section 3. Rights of applicant. The applicant shall, in addition, have the following rights:

- a. to present witnesses and offer rebuttal evidence;
- b. to cross-examine all witnesses testifying in opposition to the applicant's position through the Chair, or, with permission of the Chair, directly; and
- c. to examine and reproduce any documents produced at the hearing.

Section 4. The rules of evidence shall not apply.

Section 5. Submission of Exhibits. Exhibits presented by an applicant or by a member of the public shall be numbered and become part of the record. The applicant or member of the public may provide a photograph or photocopy instead of an original model or document. Said photographs or photocopies shall be numbered and shall become part of the record.

Section 6. No new agenda items will begin after 10:00 p.m. unless at least four members of the Board vote to suspend this rule. Any agenda items that have not begun before 10:00p.m. shall be automatically tabled to the next regularly scheduled meeting or to a date determined by the Board. Before 9:30 p.m. the Board may, at the discretion of the Chair, temporarily suspend consideration of the agenda item currently under review in order to determine whether remaining agenda items will be reached before 10:00 p.m. The Board will at that time notify the proponents of those agenda items which will not be reached, that the items will be tabled until the next regularly scheduled meeting or a date determined by the Board. Any item tabled under the provisions of this rule shall be considered as unfinished business at the next regularly scheduled meeting or at the meeting date specified by the Board.

ARTICLE VII. DELIBERATIONS, VOTING, DECISIONS.

Section 1. Following the close of a public hearing on an application or proposal, the Board may meet and deliberate at any properly called meeting, regardless of the presence of a quorum, or may continue consideration of such matter to any later meeting. However, no final action shall be taken on such a matter without a quorum being present.

Section 2. No member absent from a significant portion of a public hearing shall be qualified to vote upon the matter heard unless that member shall first certify for the record that the member has reviewed the entire record of any such portion of the hearing during which the member was absent and has become fully informed of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote.

- Section 3. Any recommendations made to the City Council shall include findings of fact and the reason or reasons for such recommendation and shall contain a separate statement setting forth the recommendation of the Board.
- Section 4. The Board will take no final or binding vote on any matter that is a final decision rather than merely a recommendation unless it shall first have stated its findings, reasons, and conclusions at a meeting open to the public. The Board can incorporate by reference and adopt as its own proposed findings prepared by the Director of Planning & Urban Development or their designee. Where a vote on a matter results in a failure to approve, the Board shall immediately vote upon a motion to either table or deny the project. A motion to deny shall include the findings, reasons and conclusions of the Board supporting a denial.
- Section 5. Any one or more members of the Board may file minority or dissenting reports in support of any position concerning any matter brought before the Board.
- Section 6. Any member who voted on the prevailing side of a motion may move for its reconsideration during the same meeting or at the next regular scheduled meeting, but not afterwards. Once a motion for reconsideration has been decided, that specific vote may not be reconsidered again. A motion to reconsider a vote from a previous meeting shall only be in order if the item is included on the meeting agenda or if four (4) members consent to its consideration. If a motion to reconsider passes but the item was not on the agenda, the deliberation and vote on the matter shall be postponed until the next scheduled meeting for which it is properly listed on the agenda. The Board shall not accept comment from the applicant or the public while entertaining a motion to reconsider or when acting upon the decision being reconsidered except by majority vote by the Board to accept new evidence.
- Section 7. Any item finally acted upon and not thereafter reconsidered shall not again be considered for a period of one year succeeding the Board's final action on the original item if the Board determines it to be in the same or substantially the same form.
- Section 8. In the event of a tie vote, the matter shall be tabled to the next meeting, where it shall be considered as unfinished business.

ARTICLE VIII. TIME LIMITS.

- Section 1. In any case where these rules or any other statute, code or ordinance provides that the failure of the Board to act within a fixed period shall be deemed a grant or denial of an application, such failure shall, not-

withstanding the absence of required findings and conclusions, be considered to be a decision of the Board rendered on the day following the expiration of such fixed period. Such a decision shall be appealable in the same manner as any other decision but, on such appeal, shall be entitled to no presumption of correctness. Time limits for hearings and decisions shall be those set forth in State statutes and City Ordinances.

ARTICLE IX. AMENDMENT OF RULES.

- Section 1. These rules may be amended by an affirmative majority vote of the members of the Board.
- Section 2. The proposed amendment must be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.
- Section 3. For any amendment to become effective the process set forth in Section 2.1.8.C of the Code must also be followed.

ARTICLE X. WAIVER

- Section 1. Any rule, which is not required by the statutes of the State or by the Code or other City Ordinance, may be waived by majority vote of the Board.

MEMORANDUM
City Council Agenda Item

FROM: Melissa Graffam
DATE: March 4, 2026
SUBJECT: Order 142-25/26 Approving Agreement Between the Maine Department of Transportation and Portland RE: Baxter Boulevard Pavement Rehabilitation Project - Sponsored by Danielle P. West, City Manager
SPONSOR: Danielle West, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st Reading 3/2/2026

Final
Action 3/16/2026

Can action be taken at a later date: No This agreement must be approved by City Council and signed by the City Manager prior to the project going out to bid. Prompt Council approval will allow for an earlier bid date which generally improves bid pricing.

Does this item involve a new contract with the City: Yes, Corporation Council has approved.

PRESENTATION: N/A

I. SUMMARY

City Council is being asked to approve the attached MaineDOT Municipal Partnership Agreement, which would allow the City to move ahead with its plans to improve and pave Baxter Boulevard between Dartmouth Street and Preble Street Ext. and from the pump station to Inlet Road, a total of approximately 0.68 miles. The agreement obligates the City and MaineDOT to share the project costs at approximately 50/50 split.

II. AGENDA DESCRIPTION

This project is part of the MaineDOT Municipal Partnership Initiative (MPI) Program; the City administers the project and typically receives 50% of project costs from the state. By signing the partnership agreement, it enables the City to proceed with the project and obligates MaineDOT to pay \$570,000 or approximately 50% and the City to pay for approximately 50% of the original estimated project cost; the City share is estimated to be \$570,000.

This item must be read on two separate days. It received its first reading on March 2. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The Baxter Boulevard paving project is part of MaineDOT's 2026 work plan. The scope of the MPI project work includes a cold-in-place recycling on the portion of road from Dartmouth Street to Preble Street Extension and a 1.5" mill and fill between the pump station and Inlet Road, installation of sloped granite curb in areas, installation of a new sidewalk from Preble Street Extension to Hannaford, ADA ramp reconstruction, and re-striping after final paving. We are anticipating the project to go out to bid in May 2026 with construction following after. This project is classified as a pavement preservation project and is part of the MPI Program. The City will be responsible for 50% of the project cost, or \$570,000 and 100% of any overages to the original estimate.

The project includes Vision Zero and Complete Streets-compliant upgrades such as improving ADA ramps,

adding an area of sidewalk that is currently missing, updated bike lane buffers and standardizing the lane widths through striping, and installing yield markings prior to uncontrolled crossings.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The Baxter Boulevard Pavement Rehabilitation project will upgrade pavement surface and ride quality, close existing sidewalk gaps, and improve ADA ramps to ensure they comply with federal regulations. In addition, sloped granite curb will be added to the median to optimize drainage and restriping of the bike lane and buffer to ensure a consistent and standardized corridor. DOT will pay for a portion of the project costs.

V. FINANCIAL IMPACT

The City is obligated to pay 50% of the estimated project cost, or \$570,000 and 100% of any overages due to added scope or unforeseen conditions in the project area. MaineDOT is obligated to pay \$570,000. The total City cost of this project, estimated to be \$570,000, would be paid from FY27 CIP account established for this project, which is in the process of being approved by City Council. A combination of water resources and paving accounts will also be used for any overages, as needed. Please see the attached fiscal impact note for additional information.

VI. STAFF ANALYSIS AND BACKGROUND

This is a Major Collector in the City of Portland with an AADT of ~8,000 to 11,400 vehicles, is an important road in the Back Cove neighborhood, and has a large pedestrian presence due to the location to the Back Cove Trail. This area of Baxter Boulevard was ranked between 52 and 68 which is considered a 'Poor' to 'Fair' Pavement Condition Index when it was last evaluated in 2025. Without this project, the road will continue to decline.

VII. RECOMMENDATION

The Department of Public Works recommends approving and signing the subject agreement to allow the City to improve Baxter Boulevard between Dartmouth Street and Preble Street Ext. and from the pump station to Inlet Road.

VIII. LIST ATTACHMENTS

1. Order - Approving MDOT Agreement re Baxter Boulevard
2. Baxter Blvd Pavement Rehab Project Map
3. 027458.22 - Portland MPI Baxter Boulevard agreement
4. WIN 027458.22 - Baxter Blvd Fiscal Impact Note

Prepared by:

Melissa Graffam

Date: 03/04/2026

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER APPROVING AGREEMENT BETWEEN THE MAINE DEPARTMENT OF
TRANSPORTATION AND PORTLAND
RE: BAXTER BOULEVARD PAVEMENT REHABILITATION PROJECT**

ORDERED, that the Agreement between the Maine Department of Transportation (MaineDOT) and the City of Portland for the Baxter Boulevard Pavement Rehabilitation Project is hereby approved in substantially the form attached hereto:

- WIN 027458.22, MaineDOT Municipal Partnership Agreement for the Baxter Boulevard Pavement Rehabilitation Project

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or designee to execute said document and any other related documents necessary or convenient to carry out the intent of said documents and this order.



Legend

 Project Boundaries

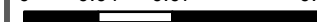


CITY OF PORTLAND, MAINE
DEPT. OF PUBLIC WORKS
212 CANCO RD STE B
PORTLAND, MAINE 04101
PHONE (207) 874-8846 FAX (207) 874-8852

Pavement Rehabilitation Project Baxter Blvd



PAGE 1 OF 1
FEBURARY 2026

0 0.04 0.07 0.14
 Miles

Internal Use Only	
TEDOCS #:	
CTM #:	
CSN #:	
Vendor #:	VC1000073476

STATE OF MAINE DEPARTMENT OF TRANSPORTATION MUNICIPAL PARTNERSHIP AGREEMENT

WIN 027458.22

REGARDING

BAXTER BOULEVARD PAVEMENT REHABILITATION PROJECT

This Cooperative Agreement (AGREEMENT) is entered into by and between the MAINE DEPARTMENT OF TRANSPORTATION (“MaineDOT”), an agency of state government with its principal administrative offices located on Child Street, Augusta, Maine, and the **City of Portland** (“MUNICIPALITY”), a municipality in the State of Maine with offices located at **389 Congress Street, Portland, ME**.

WHEREAS,

The City of Portland shall perform a Cold in Place Pavement Recycle and Mill and Fill of Baxter Boulevard. Scope of Work includes the in-place pavement recycle of 0.4 miles of Baxter Boulevard between Preble Street Extension and Dartmouth Street, and a mill and fill of Baxter Boulevard in the vicinity of the Athletic Fields toward Inlet Road (the “Project”). The City of Portland estimates this project at \$1,140,000.00.

THE CITY OF PORTLAND SHALL:

1. Procure all contracts for and oversee the Project on **Baxter Boulevard Pavement Rehabilitation Project** for the Work outlined above.
2. Cause such Work to be performed in accordance with a design by an engineer licensed in the State of Maine. The Licensed Engineer shall provide a certification to the Municipality and to MaineDOT that, in his/her professional opinion, the Project as designed will provide a smooth ride, not reduce the safety, mobility or structural quality of the state [state aid] road. All design documents must be stamped and signed in accordance with this provision by the Professional Engineer.
3. Agree to secure all necessary Federal, State and Local permits necessary to complete the work. **The City of Portland** also agrees to secure any needed property rights in accordance with all applicable State and Federal Law.
4. Agrees that any exceptions to State Design Standards shall be documented as part of this process. This documentation shall compare the new design to the existing conditions for each of the exceptions to current design standards. Any such exceptions shall be displayed on the cover sheet for the Project plans with the signature and PE stamp of the engineer responsible for the design of the Project.

5. Be responsible, within the Project limits, for the following:
 - a. Ensuring that the safety of the corridor and the life of the resulting structural and design elements are equal to or better than existing conditions and design;
 - b. Ensuring that the structures, roadways and/or design features affected by the Project work shall, at a minimum, be of improved quality in terms of materials and utility;
 - c. Ensuring that the Project does not introduce safety hazards;
 - d. Ensuring that the Project retains the same level of mobility or improves mobility of travel within the corridor, unless approved traffic calming measures are proposed;
 - e. Ensuring that the Project does not decrease the life expectancy of this component of Maine's transportation system; and,
 - f. Ensuring that the Project meets the current standards of Americans with Disabilities Act of 1990 (ADA) design requirements.
6. Provide certification through their Engineer to MaineDOT that the Project is complete and was constructed as designed.
7. Ensure that construction shall commence within EIGHTEEN (18) months and shall be certified complete within THIRTY-SIX (36) months of execution of this agreement. **The City of Portland** may forfeit the unpaid balance of this grant if these deadlines are not met or they can not demonstrate earnest and good faith efforts to meet them.
8. Be responsible for or cause its contractors to be responsible for all damage to public or private property of any kind resulting from any act, omission, neglect or misconduct of **The City of Portland** its contractors, including damage to vehicles passing through the Project limits.
9. Bear all risk of loss relating to the Project and the Work regardless of cause.

MAINEDOT SHALL:

10. **Provide a maximum \$570,000.00 in State funds supporting the Work stated above.** Reimbursement will be made by the Department at a minimum of 1/3 project completion upon receipt of supporting cost documentation from the Municipality. Payments will be made per Appendix A attached. The Department's Region Engineer shall review the costs and certify their eligibility prior to reimbursement of Municipal Partnership Initiative Funds. Payment by MaineDOT Municipal Partnership Initiative funds shall not exceed **\$570,000.00** or 50% of the actual costs incurred and paid by the Municipality.
11. **This project has been approved for Calendar Year 2025.** If the **Municipality** commences construction of the project as outlined above prior to January 1, **2025**, the Municipality assumes the risk and responsibility for costs incurred, in the event that funding levels fall below MaineDOT projections. If this occurs, the Municipality will not receive reimbursement from MaineDOT.

The **City of Portland** and MaineDOT agree to function within all applicable laws, statutes, regulations, and AGREEMENT provisions; avoid hindering each other’s performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this AGREEMENT.

IN WITNESS, WHEREOF, the parties hereto have executed this AGREEMENT effective on the day and date last signed.

CITY OF PORTLAND

Dated: _____

By: _____
Danielle West
City Manager

**STATE OF MAINE
DEPARTMENT OF TRANSPORTATION**

Dated: _____

By: _____
Kyle Hall, P.E.
Director, Maintenance and Operations

APPENDIX A
PROJECT SCOPE AND COST-SHARING
MAINE DEPARTMENT OF TRANSPORTATION

Municipal Partnership Initiative Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO: Baxter Boulevard

STATE PROJECT IDENTIFICATION NUMBER (WIN) 027458.22

FUNDED CONSTRUCTION YEAR **2025**

PROJECT SCOPE: Pavement Rehabilitation on Baxter Boulevard

FUNDING OUTLINE: The Total Project Estimated Cost is **\$1,140,000.00** and the Parties agree to share costs through all stages of the Project under the terms outlined below.

Work Element	Municipal Share		State Share		Total Cost
	%	\$	%	\$	\$
Agreement Cost Share	50%	\$570,000.00	50%	\$570,000.00	\$1,140,000.00
Estimated Additional Municipal Funds					
Maximum State Share Amount				\$570,000.00	
Total Project Estimated Costs		\$570,000.00		\$570,000.00	\$1,140,000.00

REIMBURSEMENT SCHEDULE:

MaineDOT prefers the municipality invoice upon completion the project. The Department will, however, accept monthly invoices after 1/3 project completion with a maximum invoice submittal not to exceed 3 invoices.

DESIGN EXCEPTIONS REQUIRED: ___ YES ☒ NO

FISCAL IMPACT NOTE New Program Cost Data:	Year 1		Year 2		Year 3	
	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate
Example:						
ADD: NEW ITEM ANNUAL EXPENDITURES		\$0		\$42,750		\$42,750
LESS: TOTAL NEW ITEM ANNUAL REVENUES		\$0		\$0		\$0
=NEW ITEM NET TAX RATE IMPACT PROJECTION	\$0	\$0	\$42,750	\$42,750	\$42,750	\$42,750
New Program Impact to the Mil Rate	\$0.0000	\$0.0000	\$0.0054	\$0.0054	\$0.0054	\$0.0054
New Program % Impact on Mil Rate	0.0000%	0.0000%	0.0477%	0.0241%	0.0477%	0.0241%
Mil Rate Including New Program	\$11.3400	\$22.4800	\$11.3454	\$22.4854	\$11.3454	\$22.4854

Notes: The CIP impact will begin in 2027 and remain for the 20 year life of the bond.

MEMORANDUM
City Council Agenda Item

FROM: Melissa Graffam

DATE: March 4, 2026

SUBJECT: Order 143-25/26 Approving Agreement Between the Maine Department of Transportation, Portland Area Comprehensive Transportation System, the Greater Portland Council of Governments, and the City of Portland RE: Improvements to High Street - Proposed Improvements to High Street - Sponsored by Danielle P. West, City Manager

SPONSOR: Danielle West, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 3/2/2026

**Final
Action 3/16/2026**

Can action be taken at a later date: No This agreement must be approved by City Council and signed by the City Manager prior to the project going out to bid. Prompt Council approval will allow for an earlier bid date, which generally improves bid pricing.

Does this item involve a new contract with the City: Yes, Corporation Council has reviewed.

PRESENTATION: N/A

I. SUMMARY

City Council is being asked to approve the attached Portland Area Comprehensive Transportation System (PACTS) Municipal Partnership Initiative Agreement, which would allow the City to move ahead with its plans to improve and pave High Street between Congress Square and Park Avenue, a total of approximately 0.27 miles. The agreement obligates the City and PACTS to share the project costs at approximately 70/30 split.

II. AGENDA DESCRIPTION

This project is part of the Municipal Partnership Initiative (MPI) Program; the City administers the project and typically receives a portion of funding from the state MPO. By signing the partnership agreement, it enables the City to proceed with the project and obligates PACTS to pay \$300,000 or approximately 30% and the City to pay for approximately 70% of the original estimated project cost; the City share is estimated to be \$695,000.

This item must be read on two separate days. It received its first reading on March 2. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The High Street paving project is part of MaineDOT's 2026 work plan. The scope of the MPI project work includes a 2" mill and fill, reset curb work, installation of new brick sidewalk in areas that are currently in poor condition, ADA ramp reconstruction, and re-striping after final paving. We are anticipating the project to go out to bid in May 2026 with construction following after. This project is classified as a pavement preservation project and is part of the MPI Program. The City will be responsible for 70% of the project cost, or \$695,000 and 100% of any overages to the original estimate.

The project includes Vision Zero and Complete Streets upgrades such as improving ADA ramps, replacing areas of sidewalk that are in poor condition, and installing yield markings prior to uncontrolled crossings. Bike lanes are not being proposed on this road due to road width restrictions and a larger bike pathway proposed on State Street as part of the bike network.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The High Street Improvements project will improve the pavement surface, sidewalks, ADA ramps, and ride quality on a regionally important minor arterial. The project will replace poor sidewalk and update ADA ramps for a better and safer pedestrian experience. In addition, two conduits will be installed to allow for future fiber optic installation. PACTS will pay for a portion of the project costs.

V. FINANCIAL IMPACT

The City is obligated to pay 70% of the estimated project cost, or \$695,000 and 100% of any overages due to added scope or unforeseen conditions in the project area. PACTS is obligated to pay \$300,000. The total City cost of this project, estimated to be \$695,000, would be paid from FY27 CIP account established for this project, which is in the process of being approved by City Council. A combination of water resources and paving accounts will also be used for any overages, as needed. Please see the attached fiscal impact note for additional information.

VI. STAFF ANALYSIS AND BACKGROUND

This is a Minor Arterial in the City of Portland with an AADT of ~8,800 to 13,400 vehicles, is an important road leading the heart of downtown to off peninsula, and has a large pedestrian presence due to the downtown nature of the road. This area of High Street was ranked 52/100 which is considered a 'Poor' Pavement Condition Index when it was last evaluated in 2025. Without this project, the road will continue to decline. It should be noted that the work being done will not preclude future two-way conversion.

VII. RECOMMENDATION

The Department of Public Works recommends approving and signing the subject agreement to allow the City to improve High Street between Congress Square and Park Avenue.

VIII. LIST ATTACHMENTS

1. Order - Approving MDOT Agreement re High Street
2. PACTS Muni Agreement - High Street - DRAFT
3. High St MPI Project Map
4. High St MPI Fiscal Impact Note

Prepared by:

Melissa Graffam

Date: 03/04/2026

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER APPROVING AGREEMENT BETWEEN THE MAINE DEPARTMENT OF
TRANSPORTATION, PORTLAND AREA COMPREHENSIVE TRANSPORTATION
SYSTEM, THE GREATER PORTLAND COUNCIL OF GOVERNMENTS, AND THE
CITY OF PORTLAND
RE: IMPROVEMENTS TO HIGH STREET**

ORDERED, that the Agreement between the Maine Department of Transportation (MaineDOT), the Portland Area Comprehensive Transportation System (PACTS), the Greater Portland Council of Governments (GPCOG), and the City of Portland for improvements to High Street is hereby approved in substantially the form attached hereto:

- WIN 028534.04, MaineDOT PACTS Municipal Partnership Initiative Agreement for Proposed Improvements to High Street

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or designee to execute said document and any other related documents necessary or convenient to carry out the intent of said documents and this order.



MaineDOT use only

TEDOCS #:

CTM #:

CSN #:

PROGRAM: Bureau of Planning

State of Maine
DEPARTMENT OF TRANSPORTATION
Portland Area Comprehensive Transportation System
Municipal Partnership Initiative Agreement

Proposed Improvements to High Street

(Payable to Municipality)

MaineDOT Use Only

Project Location: Portland

Estimated Project Amount: \$995,000.00

State WIN: 028534.04

MPO Share: \$300,000.00

PACTS ID#: PACTS

Municipal Share: \$695,000.00

Municipality Id#: VC1000073472

Agreement Begin Date: Upon MaineDOT Signature

Agreement End Date: 5 years from date of full execution

This Cooperative Agreement (the “Agreement”) is entered into by and between the Maine Department of Transportation (MaineDOT), an agency of state government, the City of Portland (the “Municipality”), a municipality in the State of Maine, and the Portland Area Comprehensive Transportation System, the designated Metropolitan Planning Organization for the Portland Urbanized Area (PACTS), and Greater Portland Council of Governments (GPCOG), a fiduciary agent for PACTS. (MaineDOT, the Municipality, PACTS, and GPCOG) are collectively referred to as the “Parties”).

RECITALS

- A.** MaineDOT, through its partnership with Maine’s Metropolitan Planning Organizations (MPOs), is charged with managing and dispersing state and federal funds to support capital improvement projects programmed by the MPOs. PACTS is MaineDOT’s MPO partner for the Portland Urbanized Area.
- B.** PACTS has created and administers a Municipal Partnership Initiative program (the “PACTS MPI Program”), the purpose of which is to participate in the funding of approved collector and/or arterial roadway projects (the “MPI Project(s)”) with the intention of restoring substandard State and State Aid highways to MaineDOT and PACTS minimum standards.

- C. MPI Projects are administered by the municipality in which the project is being constructed. PACTS' participation in an MPI Project is accomplished through its acceptance of the Project into the PACTS MPI Program, and the contribution of state funds allocated to PACTS and disbursed by MaineDOT to the administering municipality on PACTS' behalf (the "PACTS Share"). MPI Project costs not paid by the PACTS Share are paid by the administering municipality.
- D. The work that is the subject of this Agreement consists of mill and fill and improvements (the "Project"), and is generally outlined in **Appendix A**, made a part herewith.
- E. PACTS has selected the Project for inclusion in the 2025-2026-2027 MaineDOT Work Plan, using state capital improvement funding allocated by MaineDOT.
- F. The Municipality has approved the Project and supports the decision by MaineDOT and PACTS to program the Project, and is prepared to administer and fund the Project in accordance with the terms of this Agreement.
- G. The Parties have a mutual interest in ensuring that the Project is delivered on a reasonable schedule and within the programmed budget, using a process that maximizes communication and cooperation between the Parties.
- H. This Agreement is intended to cover the roles and responsibilities of the Parties through full Project development and construction, and to establish the financial obligations of each Party.

AGREEMENT

NOW, THEREFORE, in accordance with the foregoing, the Parties agree as follows:

1. Appendices:

The following appendices are hereby incorporated into this Agreement:

- ☒ Appendix A - PACTS Letter to MaineDOT Outlining Scope and Cost of MPI Project
- ☐ Check if no appendices attached

2. Project Cost Sharing and Payment Schedule:

a. Financial Obligations:

i. Total Project Costs.

- 1. PACTS and the Municipality agree to share in all costs associated with all phases of the Project through construction (the "Total Project Costs") in accordance with the allocations outlined below (the "Party Shares") unless otherwise negotiated by mutual agreement of the Parties.

- a. **PACTS Share** (provided through PACTS' state allocation and disbursed by MaineDOT) - 50% of eligible Project costs, up to a maximum of \$300,000.00.
 - b. **Municipal Share** (provided through the Municipality's obligation of funds) - 50% of eligible Project costs, plus 100% of any and all remaining Project Costs once the PACTS Share has been exhausted (the "Overage").
2. The estimated Total Project Costs are \$995,000.00 (the "Estimated Total Project Costs"), and are allocated in the table below. If the Estimated Total Project Costs are adjusted to reflect updated costs, the Municipality will consult with PACTS before such adjustments are approved and implemented.

Total Project Costs	PACTS Share (State MPO Funds) 50% (Max. \$300,000.00)	Municipality's Share 50 % + Overage	Estimated Total Cost
Estimated Total Project Costs: <u>\$ 995,000.00</u>			
Estimated Allocated Shares	\$300,000.00	\$300,000.00 +\$395,000.00	\$995,000.00
Total Party Share of Estimated Total Project Costs	\$300,000.00	\$695,000.00	\$995,000.00

- b. **Payment Schedule:** The Municipality shall be the sole administrator of the Project contract(s) and shall pay up front all Project costs, subject to cost sharing by the Municipality and PACTS as specified above.
- i. The Municipality may begin invoicing PACTS for the PACTS Share of eligible Project costs upon 1/3 Project completion. Invoices shall be submitted no more than monthly with a maximum number of invoice submittals not to exceed five (5) invoices for the total Project.
 - ii. The Municipality shall submit to PACTS for reimbursement detailed invoice(s) documenting actual amounts incurred for Project related costs, together with evidence of such invoices having been paid by the Municipality, and identifying PACTS' share of each invoice submitted.
 - iii. Each invoice shall include the Municipality's certification that all amounts claimed are correct, and not previously claimed.
 - iv. PACTS shall review each such invoice and, upon approval, shall forward each invoice to MaineDOT for payment to the Municipality out of PACTS'

allocated state MPO funds. MaineDOT shall reimburse the Municipality accordingly within thirty (30) days of its receipt of such approved invoice(s) in an aggregate amount not to exceed the total PACTS Share.

- v. The Municipality shall submit all invoices for reimbursement to PACTS no later than twelve (12) months after the date upon which the Municipality has certified to MaineDOT that the Project is complete. PACTS retains the right, at its sole discretion, to reject any invoices received after that time.

3. Project Milestones: The Municipality agrees to share information about the Project with PACTS and MaineDOT at the following milestones, as appropriate:

- Project kickoff/initial team meeting/formal public contact;
- Horizontal/Vertical Alignment Complete (HVAC);
- Preliminary public meeting;
- Preliminary Design Report (PDR) complete;
- Formal public meeting(s);
- Plan Impacts Complete (PIC);
- Peer reviews;
- Plans, Specifications and Estimate (PS&E) complete;
- Changes in the Project schedule or engineer's estimate of costs.

4. Project Design, Construction Plans and Specifications:

- a. The Municipality shall prepare, or cause to be prepared, all plans, specifications, engineer's estimates and contract documents for the Project within the scope of work identified above, using a standard project development process to ensure adherence to federal and state regulations (the "Preliminary Project Development Materials").
- b. The Municipality shall retain a Professional Engineer licensed in the State of Maine to oversee all Project activities (the "Project Engineer").
- c. The Project must be designed by a Professional Engineer licensed in the State of Maine (the "Design Engineer") and in compliance with MaineDOT's design standards (the "Design Standards").
 - i. The Design Engineer shall provide certification to the Parties that, in his/her professional opinion, the Project will provide a smooth ride and not reduce the safety, mobility or structural quality of the affected State and/or State Aid Highway.
 - ii. All design documents must be stamped and signed by the Design Engineer in accordance with the provisions of this Section.
- d. MaineDOT reserves the right to review and comment on all plans and specifications with the focus on ensuring that the Project will achieve the anticipated benefits and will not degrade safety.

- e. The Municipality, through its Project Engineer, shall obtain written approval from MaineDOT for any exceptions to the “Design Standards”. Submitted documentation shall compare the proposed design to the existing conditions for each proposed exception. Any and all exceptions shall be listed on the cover sheet accompanying the Project plans and submitted to MaineDOT, accompanied by a request for acceptance of the Project’s design exceptions. All such requests must include the signature and professional stamp of the Professional Engineer responsible for the design of the Project.
- f. In developing the Project, the Municipality shall ensure that the following elements are satisfied:
 - i. The Project improvements must have a minimum useful life of ten (10) years;
 - ii. The safety of the corridor and the life of the resulting structural and design elements shall be equal to or better than the existing conditions and design;
 - iii. The structures, roadways and design features affected by the Project work shall, at a minimum, be of equal dimensions to the existing features or structures and shall be of improved quality in terms of materials and utility;
 - iv. The Project shall not introduce any unanticipated safety hazards to the traveling public;
 - v. The Project shall retain the same level or an improved level of mobility of travel within the corridor;
 - vi. The Project shall not in any manner decrease the life expectancy of the affected component(s) of Maine’s transportation system;
 - vii. The Project shall meet the most recent Americans with Disabilities Act of 1990 (ADA) design requirements;
 - viii. Traffic control and the safety of pedestrians, bicyclists and the traveling public shall be provided for at all times.
- g. The Municipality shall coordinate with affected utilities to identify existing utility locations and/or any utility relocation impacts that may be created by the development of the Project.
- h. It is expected that the Project can be constructed within the existing right-of-way limits. If that is not the case, the Municipality must provide MaineDOT with a detailed explanation of the property rights required for the Project and shall acquire any such property rights in accordance with all applicable state and federal laws. The PACTS Share may only be applied to costs associated with the acquisition of property rights required for the implementation of the Project.

- i. The Municipality shall perform all necessary federal, state and local permitting activities required in connection with the Project.
- j. Project construction must commence within twelve (12) months and must be certified as complete within twenty-four (24) months of the date of execution of this Agreement. If this timeline is not met, and the Municipality cannot show that it has made a good faith effort to meet this timeline, PACTS retains the right to withdraw any unpaid portion of the PACTS Share and reallocate its remaining funding to other eligible projects in its service area.
- k. Upon completion of Project construction, the Municipality shall provide certification to MaineDOT from the Project Engineer stating that the Project is complete and has been constructed in accordance with the plans and specifications.

5. Public Involvement:

The Municipality shall be responsible for implementing and leading any and all required public involvement processes and activities, including those required by Maine's Sensible Transportation Policy Act, and any necessary media coordination associated with the any phases of the Project covered by this Agreement.

6. Changes to Project Scope:

The Municipality will consult with MaineDOT and PACTS before implementing any adjustments to the Project scope.

7. Termination:

- a. In the event the Municipality decides to terminate the Project for any reason prior to the award of a contract to construct the Project and that termination under this clause is not directed by MaineDOT and PACTS, the Municipality shall be responsible for covering all Project costs incurred up to the time of termination.
- b. This Agreement may be terminated at any time by mutual written agreement of all Parties.
- c. In no event, shall any such action taken under this subsection be deemed a breach of contract, nor shall it represent any individual Party's waiver of claims for breach of contract or its right to any other remedy it may have pursuant to this Agreement, or at law or in equity.
- d. In the event of Project termination, all provisions of this Agreement shall become null and void except for the financial obligations set forth herein, as well as those provisions to this Agreement that by their very nature are intended to survive.

8. Miscellaneous Provisions:

- a. Quality of Work. PACTS reserves the right to require the Municipality to refund all reimbursements made and to repay PACTS fully for all Projects costs incurred if the work is found to be unsatisfactory.
- b. Reprogramming of Remaining PACTS Funds. Any state MPO funds allocated to the Project that remain unspent following payment of the final invoice and reconciliation of the Project shall be made available to PACTS for reprogramming once the Project is closed out.
- c. Indemnification. To the extent permitted by law, the Municipality and PACTS shall each individually indemnify, defend and hold harmless MaineDOT, its officers, agents and employees from all claims, suits or liabilities arising from the indemnifying Party's own negligent or wrongful acts, errors or omissions or by that Party's officials, employees, agents, consultants or contractors. Nothing herein shall waive any defense immunity or limitation of liability that may be available under the Maine Tort Claims Act (14 M.R.S. Section 8101 et seq.) or any other privileges or immunities provided by law. This provision shall survive the termination or expiration of the Project.
- d. Assumption of Responsibility. The Municipality hereby assumes responsibility for all damage to public or private property of any kind resulting from any act, omission, neglect or misconduct of the Municipality, its employees, agents or representatives, and shall ensure that its contractor(s) assume the same responsibility for all damage to public or private property of any kind resulting from any act, omission, neglect or misconduct of its own employees, agents or representatives. This assumption of responsibility shall also include damage to vehicles passing through the Project limits.
- e. Obligation of State Funds. Notwithstanding anything herein to the contrary, the Municipality and PACTS acknowledge and agree that, although the execution of this Agreement by MaineDOT manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and, therefore, this Agreement does not create any obligation on behalf of MaineDOT in excess of such appropriations.
- f. Performance. The Parties will avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this Agreement.
- g. Obligation of Municipal Funds. The Municipality represents that it has received all necessary approvals or authorizations by its governing authorities to approve the Project and enter into this Agreement, and that it has obligated the necessary funds to satisfy its Municipal Share of the Project Costs set out herein.
- h. State of Maine's Rights of Set-Off. MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State of Maine's option to withhold for the purposes of set-off monies due the Municipality under a specific project contract up to any amounts due and owed to MaineDOT with regard to this Agreement, and any other agreement/contract with any State of Maine department or agency, including any agreement/contract for a term

commencing prior to the term of this Agreement, plus any amounts due and owed to the State of Maine for any reason including without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. MaineDOT shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by MaineDOT, its representatives, or the State Controller.

- i. Assignment. No assignment of this agreement is contemplated, and in no event, shall any assignment be made without the express written permission of the Parties.
- j. Independent Capacity. The Municipality and PACTS, their respective employees, agents, representatives, consultants and contractors shall not act as officers, employees or agents of MaineDOT.
- k. Governing Law. This Agreement shall be construed under the laws of the State of Maine. Additionally, all activities under this Agreement shall be performed in accordance with applicable federal laws and regulations, including without limitation Title 23 in the U.S. Code (USC) for statutory law, Title 23 in the Code of Federal Regulations (CFR) for administrative law, and Title 2 CFR, Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards."
- l. Binding Effect. The Parties shall be bound by the terms of this Agreement. This provision shall apply to the Agreement's executors, their successors, administrators and legal representatives.
- m. Notice. Any communications, requests or notices required or appropriate to be given under this Agreement shall be in writing and mailed via U.S. Mail, Certified or Registered, Return Receipt Requested or sent via a recognized commercial carrier such as, but not limited to Federal Express, that requires a return receipt delivered to the sending party. Alternatively, communication may be sent via email and shall satisfy the delivery requirements of this section through express acknowledgement of receipt by the receiving party. Said communications, requests or notices shall be sent to the other party as follows:

MaineDOT: Maine Department of Transportation
 16 State House Station
 Augusta, ME 04333-0016
 Attn.: Claire Winter, Urban Planner
 Email: claire.winter@maine.gov

Municipality: City of Portland
 389 Congress Street
 Portland, ME 04101
 Attn.: Lauren Anderson
 Email: landersen@portlandmaine.gov

PACTS: Portland Area Comprehensive Transportation System

970 Baxter Boulevard, Suite 201
Portland, ME 04103
Attn.: Harold Spetla, Regional Transportation Planner
Email: hspetla@GPCOG.org

Each Party agrees to promptly notify all other Parties of any changes to the above referenced contact information.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement effective on the day and date last signed.

Date _____
Kristina Egan, Executive Director *
Greater Portland Council of Governments and
For Portland Area Comprehensive Transportation System
Duly authorized

Date _____
Danielle West, City Manager *
Municipality of Portland
Duly authorized

Date _____
Jennifer Grant, Director, Bureau of Planning *
Maine Department of Transportation
Duly authorized

** I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.*



Legend

 Project Boundaries

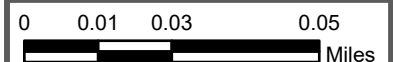


CITY OF PORTLAND, MAINE
DEPT. OF PUBLIC WORKS
212 CANCO RD STE B
PORTLAND, MAINE 04101
PHONE (207) 874-8846 FAX (207) 874-8852

PACTS MPI Paving High St. Congress Square to Park Ave



PAGE 1 OF 1
FEBRUARY 2026

0 0.01 0.03 0.05
 Miles

FISCAL IMPACT NOTE New Program Cost Data:	Year 1		Year 2		Year 3	
	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate
Example:						
ADD: NEW ITEM ANNUAL EXPENDITURES		\$0		\$52,125		\$52,125
LESS: TOTAL NEW ITEM ANNUAL REVENUES		\$0		\$0		\$0
=NEW ITEM NET TAX RATE IMPACT PROJECTION	\$0	\$0	\$52,125	\$52,125	\$52,125	\$52,125
New Program Impact to the Mil Rate	\$0.0000	\$0.0000	\$0.0066	\$0.0066	\$0.0066	\$0.0066
New Program % Impact on Mil Rate	0.0000%	0.0000%	0.0582%	0.0294%	0.0582%	0.0294%
Mil Rate Including New Program	\$11.3400	\$22.4800	\$11.3466	\$22.4866	\$11.3466	\$22.4866

Notes: The CIP impact will begin in 2027 and remain for the 20 year life of the bond.

MEMORANDUM
City Council Agenda Item

FROM: Melissa Graffam
DATE: March 4, 2026
SUBJECT: Order 144-25/26 Approving Agreement Between the Maine Department of Transportation and the City of Portland RE: Improvements to Signal Equipment at the the Interstate 295 Ramps & Veranda Street - Sponsored by Danielle P. West, City Manager
SPONSOR: Danielle West, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 3/2/2026

Final Action 3/16/2026

Can action be taken at a later date: Yes

Does this item involve a new contract with the City: Yes, Corporation Counsel has approved.

PRESENTATION: N/A

I. SUMMARY

City Council is being asked to approve the attached Municipal/State Agreement, which requires the City to maintain equipment and related facilities associated with a completed signal project at Veranda Street and the I-295 ramps.

II. AGENDA DESCRIPTION

This project was administered through MaineDOT's Bridge Program, and was generally completed in 2023. However, additional work was done on the new traffic signal and related equipment to enhance traffic and bicycle flow along Veranda Street. By signing the maintenance agreement, it enables MaineDOT to close out the project, which obligates the City to ongoing maintenance of the equipment following project completion.

This item must be read on two separate days. It received its first reading on March 2. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The signal installation work was part of MaineDOT's Veranda overpass replacement project along I-295, which included realigned roadways, bike lanes, sidewalks, multiuse path, and green space. The scope of the project also included new signals at the I-295 ramps which included a controller cabinet, mast arms, wiring, multi-modal detection, ramp queue detection, signal heads, and ADA equipment. The City's obligation is to maintain the equipment now that the project is completed.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The signal equipment is part of a much larger project that MaineDOT completed, which included provision of bicycle lanes, sidewalks, a multi-use pathway, realigned intersections, and slower vehicle speeds. All of these changes are having a beneficial impact on safety at this location, in keeping with Vision Zero and Complete Streets goals.

V. FINANCIAL IMPACT

This agreement is solely for equipment maintenance, and has no financial component.

VI. STAFF ANALYSIS AND BACKGROUND

In 2020, the Council approved a City-State Agreement to add powder-coatings to the signal structures and added conduit for existing and future lighting at a City cost of \$22,922.00. The maintenance agreement was delayed due to ongoing work by MaineDOT to adjust signal operations.

VII. RECOMMENDATION

The Department of Public Works recommends approving and signing the subject agreement.

VIII. LIST ATTACHMENTS

1. Order - Approving MDOT Agreement re Interstate 295 Ramps & Veranda Street
2. CITY OF PORTLAND - 021745.00
3. Veranda_St_Signals
4. App B_Traffic Signal Operation & Maint - City of Portland 021745.00

Prepared by:

Melissa Graffam

Date: 03/04/2026

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER APPROVING AGREEMENT BETWEEN THE MAINE DEPARTMENT OF
TRANSPORTATION AND THE CITY OF PORTLAND
RE: IMPROVEMENTS TO SIGNAL EQUIPMENT AT THE INTERSTATE 295 RAMPS
& VERANDA STREET**

ORDERED, that the Agreement between the Maine Department of Transportation (MaineDOT) and the City of Portland for improvements to signal equipment at the Interstate 295 Ramps & Veranda Street is hereby approved in substantially the form attached hereto:

- WIN 021745.00, MaineDOT Municipal-State Agreement for Proposed Improvements to Interstate 295 Ramps & Veranda Street

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or designee to execute said document and any other related documents necessary or convenient to carry out the intent of said documents and this order.



MaineDOT use only

AMS Advantage #: _____
CSN #: _____
PROGRAM: _____

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
PROPOSED IMPROVEMENTS TO Interstate 295 Ramps & Veranda Street

(MaineDOT Use Only)

Project Location: <u>Interstate Ramps & Veranda Street</u>	Estimated Municipal Share: <u>\$0.00</u>
State WIN: <u>021745.00</u>	Vendor Customer #: <u>PORTLAND</u>
Federal Aid Project #: <u>02174500</u>	Agreement Begin Date: <u>03/01/2026</u>
	Agreement End Date: <u>03/01/2027</u>

This Agreement is entered into between the **Maine Department of Transportation** (hereafter **MaineDOT**) and the **Municipality of Portland**, a municipal corporation located in the County of Cumberland (hereafter the “Municipality”) (collectively hereinafter the “Parties”).

RECITALS

- A. The scope of work that is the subject of this Agreement consists of Scope of Work/Route, Street, Etc. in Portland, Maine, (hereafter the “Project”).
- B. The Parties have a mutual interest in ensuring that the Project is delivered on a reasonable schedule and within the programmed budget, using a process that maximizes communication and cooperation between the Parties.
- C. This Agreement is intended to cover the roles and responsibilities of the Parties during the design, permitting and right-of-way phases of Project development from Project inception through completion of the Project’s Plans, Specifications and Estimate (PS&E). This Agreement is further intended to establish the financial obligations of each Party, including that of full Project development through construction.

AGREEMENT

NOW, THEREFORE, in accordance with the foregoing, the Parties agree as follows:

- D. The following checked appendices are hereby incorporated into this Agreement by reference, and any perpetual maintenance appendices shall survive the expiration of this Agreement:
 - ☐ Appendix A – Project scope, cost sharing, and payment schedule (*not required for non-monetary agreements.*)
 - ☐ Appendix B – Perpetual Bicycle/Pedestrian Facility Maintenance
 - ☐ Appendix B – Perpetual Drainage Maintenance
 - ☐ Appendix B – Perpetual Landscape Maintenance
 - ☐ Appendix B – Perpetual Operation and Maintenance of Lighting/Flashing Beacon and/or signage with associated light(s)
 - ☒ Appendix B – Perpetual Traffic Signal Operation and Maintenance
 - ☐ Appendix B – Perpetual Traffic Signal Operation and Shared Maintenance

- ☐ Appendix B – Perpetual Bridge Lighting/Approach Lighting Maintenance & Snow Plowing
- ☐ Appendix C – Additional work requested by Municipality

E. Agreement Administration:

1. MaineDOT agrees to procure and administer a contract to construct the Project in accordance with the plans and specifications developed by MaineDOT. This would include any additional plans, specifications and estimates furnished by the Municipality and approved by MaineDOT. When applicable, refer to Appendix A of this Agreement for the outline of the scope, limits of work and cost sharing.
2. MaineDOT shall be the sole administrator of the contract to construct the Project. MaineDOT will pay all Project costs, subject to cost sharing by the Municipality, when applicable, as specified in this Agreement. Neither MaineDOT nor its contractors will be required to pay for inspections and permits from the Municipality.
3. The Municipality agrees that MaineDOT and its contractors are exempt from all local ordinances, including but not limited to the Municipality Noise Ordinance.
4. Upon acceptance of plans, specifications and estimates (PS&E), MaineDOT shall solicit competitive bids for the Project. Upon acceptance of the lowest acceptable responsive, responsible bid to construct the Project and fulfillment of all terms set forth herein, MaineDOT will submit the information to the Municipality, who will have up to five (5) business days to review the information and notify MaineDOT of any questions or concerns. If MaineDOT is not presented with any questions or concerns in the time allotted all decisions pertaining to the acceptance of the bids, the award and administration of the contract and all payments thereunder shall be the sole discretion of MaineDOT.

F. Changes to Project Scope:

5. The Municipality, at its election, may request that changes be made or work added to the Project during the period of construction, provided the Municipality agrees in writing to pay any additional cost plus an amount not to exceed ten (10%) percent of such construction cost to cover all necessary engineering, inspection and administrative costs associated therewith, unless specified otherwise. All such requests shall be subject to MaineDOT approval. In the event that the cost of these changes or work are approved for federal participation, the Municipality's additional cost may be reduced by the amount of the federal contribution.

G. Traffic Control:

6. The Municipality agrees to allow MaineDOT's contractor to control all traffic through the work areas in accordance with the Traffic Control Plan approved by MaineDOT. The development of the Traffic Control Plan will follow the process outlined below:
 - i. MaineDOT's Project Manager (PM) will, when possible, submit the Project for Traffic Analysis and Movement Evaluation (TAME), approximately one year prior to advertisement. Once the results are received, the PM/Regional Traffic Engineer will discuss the proposed Project with the Municipality (scope, limits, day or night work, work window, etc).

- ii. The Municipality will comment on their concerns/issues related to the Traffic Control Plan within two (2) weeks of receipt.
- iii. MaineDOT's PM & Designer will incorporate these comments where practical based on engineering judgment.
- iv. If the Municipality desires, a meeting will be held prior to PS&E to review the Project design, Special Provision 105 – Limitations of Operations, Special Provision 107 - Time, etc.

H. Utilities:

- 7. The Municipality will, at no cost to MaineDOT, assure proper adjustment, relocation, or repair of any portion of a utility service, whether above or below ground, that is located within the limits of the highway right-of-way and connected to any municipal utility, which might become necessary to permit construction of the Project. The Municipality agrees to hold MaineDOT harmless from any claims for damages occurring as a result thereof.
- 8. The Municipality agrees that during and after construction it will apply the requirements of the most recent version of MaineDOT's "Utility Accommodation Rules" as the minimum guidelines not withstanding any municipal rules that are more lenient.
- 9. To the extent that it is statutorily responsible therefore, the Municipality agrees to provide utilities, and to maintain all improvements and fixtures constructed, installed or furnished as a part of the Project in such a manner as necessary to preserve the use and function thereof for the expected period of their normal useful life as determined by accepted engineering and/or industry standards. To the extent any warranty exists for said improvements or fixtures, said warranty shall be first relied on by MaineDOT to address maintenance and/or repairs described in this paragraph.

I. Governing Law:

- 10. The Municipality agrees that except for an emergency, or as allowed in 23 M.R.S.A. § 3351-A, it will prohibit the excavation of the highway within the limits of the Project for a period of at least five (5) years after completion of the Project, and agrees to make all necessary notifications to abutters and occupants of the highway as otherwise required of any municipal government under the provisions of 23 M.R.S.A. § 3351. Thereafter, all future excavations within the right-of-way of the Project shall be regulated and controlled in the manner specified by MaineDOT in its most recent "Utility Accommodation Rules", which is incorporated herein and made a part hereof by reference.
- 11. The Parties agree to: comply with and abide by all applicable State and Federal laws, statutes, rules, regulations, standards and guidelines, including the MUTCD and OSHA standards, and Agreement provisions; avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this Agreement.

J. Municipality's Responsibility:

- 12. When applicable, if the Municipality withdraws its financial support for the Project, leading MaineDOT to terminate the Project, the Municipality shall reimburse MaineDOT fully for all

Project costs incurred in reliance on the Municipality's financial obligations outlined herein, including, but not limited to, reimbursement of all federal and state funds expended up to the time of such termination. If the Municipality fails to reimburse MaineDOT for such costs incurred, after receiving an invoice seeking such reimbursement, MaineDOT may exercise its rights of set-off to recover the requested amount.

13. The Municipality agrees to alter, move, relocate or remove, or cause to be, at no cost to the Project, any municipal property, including all fixtures, facilities or monuments, located on, under or above the ground, as necessary to permit construction of the Project, which has not otherwise been provided for during the development of the Project. Any work necessary to do so during the period of construction shall be coordinated with the contractor for the Project.
14. The Municipality will be responsible to keep new or replaced/rehabilitated pedestrian facilities in usable condition including snow and ice control.
15. The Municipality agrees to keep the right-of-way of the Project inviolate from all encroachments and agrees to remove, or cause to be removed, anything that may encroach thereon.
16. When applicable, the Municipality agrees to regulate all entrances to the highway within the limits of the Project in accordance with the provisions of 23 M.R.S.A. § 704.
17. When applicable, the Municipality agrees to limit all on-street parking to the parking spaces as designed and constructed under the Project.

K. Termination:

18. MaineDOT reserves the right to terminate the Project for any reason prior to the award of a contract to construct the Project. MaineDOT also reserves the right to terminate all provisions pertaining to work requested by the Municipality at any time prior to the award of a contract to construct the Project due to failure by the Municipality to comply with any of the conditions and stipulations set forth in this Agreement.
19. MaineDOT may postpone, suspend, abandon or otherwise terminate this Agreement upon thirty (30) days written notice to the Municipality and in no event shall any such action be deemed a breach of contract. Postponement, suspension, abandonment or termination may be taken for any reason by MaineDOT or specifically as the result of any failure by the Municipality to perform any of the services required under this Agreement to MaineDOT's satisfaction.

In the event of Project termination, all provisions of this Agreement shall become null and void except for the financial obligations set forth herein, as well as those *provisions that by their very nature are intended to survive*.

L. Miscellaneous Provisions:

20. **Debarment.** The Municipality certifies, by signing this Agreement, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency. If the Municipality is unable to certify to this statement, it shall attach an explanation to this Agreement. The Municipality shall promptly notify MaineDOT if it or its principals becomes

debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

21. All provisions of this Agreement, *except those that by their very nature are intended to survive*, shall expire at Project final voucher, or upon final payment by the Municipality of any Project costs as hereinbefore provided, whichever occurs later.
22. **State of Maine's Rights of Set-Off.** MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State of Maine's option to withhold for the purposes of set-off monies due the Municipality under a specific project contract up to any amounts due and owed to MaineDOT with regard to this Agreement, and any other agreement/contract with any State of Maine department or agency, including any agreement/contract for a term commencing prior to the term of this Agreement, plus any amounts due and owed to the State of Maine for any reason including without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. MaineDOT shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by MaineDOT, its representatives, or the State Controller. When applicable, MaineDOT reserves the right to withhold or reduce future Local Road Assistance payments to the Municipality for purposes of set-off to recover the amount owed.
23. **Non-Appropriation.** Anything herein to the contrary notwithstanding, the Municipality acknowledges and agrees that although the execution of this agreement by MaineDOT manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and, therefore, this agreement does not create any obligation on behalf of MaineDOT in excess of such appropriations.
24. **Assignment.** No assignment of this agreement is contemplated, and in no event shall any assignment be made without the express written permission of MaineDOT.
25. **Notice.** Any communications, requests or notices required or appropriate to be given under this Agreement shall be in writing and may be sent via email which shall satisfy the delivery requirements of this section through express acknowledgement of receipt by the receiving party. Alternatively, communications can be mailed via U.S. Mail, Certified or Registered, Return Receipt Requested or sent via a recognized commercial carrier such as, but not limited to Federal Express, that requires a return receipt delivered to the sending party. Said communications, requests or notices shall be sent to the other party as follows:

MaineDOT: Maine Department of Transportation
 24 Child Street
 16 State House Station
 Augusta, ME 04333-0016
 Attn.:
 Email:

Municipality: City of Portland
389 Congress St
Portland, ME 04101
Attn.: Jeremiah Bartlett
Email:

IN WITNESS WHEREOF, the Parties hereto have executed this AGREEMENT effective on the day and date last signed below.

MUNICIPALITY OF PORTLAND

MAINE DEPARTMENT OF TRANSPORTATION

By: _____

By: _____

(Date Signed)

(Date Signed)

I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.

<u>Project Information</u> Municipality Name: _____ Federal Aid Project #: _____ WIN: _____
--

APPENDIX B

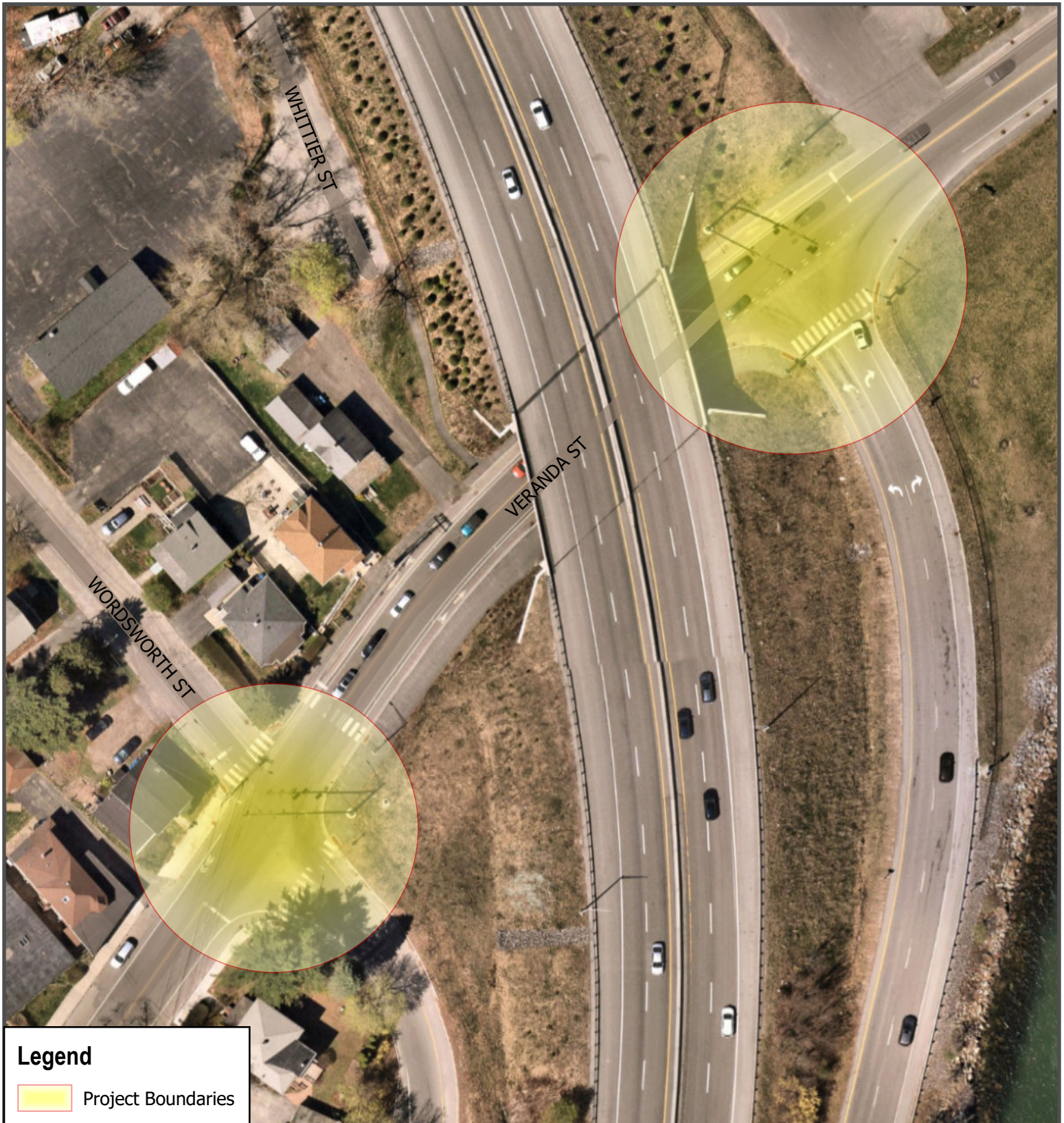
PERPETUAL TRAFFIC SIGNAL OPERATION AND MAINTENANCE

MAINE DEPARTMENT OF TRANSPORTATION

Transportation Improvement Project

- A. As part of the WIN referenced above a traffic signal is being installed in accordance with the plans and specifications developed for the project, to which reference is hereby made for a more specific description thereof. MaineDOT shall retain all ownership of the traffic signal and all equipment appurtenant thereto.
- B. Unless otherwise approved, the Municipality agrees to operate and maintain the traffic signal to function as designed and installed by MaineDOT as necessary to preserve the use and function thereof as described below:
1. All malfunctions and deficiencies in the traffic signal or any equipment appurtenant that is not covered by warrantee shall be repaired or corrected expeditiously in accordance with the Institute of Transportation Engineer's (ITE) "Traffic Signal Installation and Maintenance Manual". Any failure to repair or correct the traffic signal to function as designed could, upon written notification from MaineDOT, result in MaineDOT making all necessary repairs at the Municipality's expense.
 2. Maintain the signal with equipment technology equal to or greater than what has been installed.
 3. The visibility of the traffic signal shall be preserved and maintained at all times by removing any visual impairment thereto.
 4. Except in the case of an emergency, no change in operation or modification to the traffic signal or any equipment appurtenant thereto shall be made without the express written approval of MaineDOT.
 5. MaineDOT shall be notified in writing prior to any removal or replacement of the traffic signal or any equipment and appurtenant thereto. Upon removal, such traffic signal or equipment shall be returned to MaineDOT, at no cost to MaineDOT, unless otherwise agreed upon in writing.
 6. The Municipality agrees to be responsible for the electrical service for the traffic signal and agrees to execute any necessary documentation required to establish such service and provide any local permits necessary for the installation of such service.
 7. The Municipality agrees to maintain all pavement markings (including stop bars, lane use arrows and all striping necessary to delineate the turning lane) and all traffic control signs as furnished under the project.
- C. **TRAFFIC CONTROL PLAN.** The Municipality shall implement a Traffic Control Plan in compliance with the Manual on Uniform Traffic control Devices ("MUTCD") including a provision for Municipal employees and/or contractors entering the State's right-of-way for long-term maintenance.

This Appendix shall survive the expiration of this Agreement.



Legend

 Project Boundaries



CITY OF PORTLAND, MAINE
DEPT. OF PUBLIC WORKS
212 CANCO RD STE B
PORTLAND, MAINE 04101
PHONE (207) 874-8846 FAX (207) 874-8852

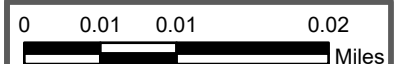
Traffic Signal Maintenance

Veranda Street, WIN 021645.00



Veranda St.

PAGE 1 OF 1
FEBRUARY 2026



<u>Project Information</u> Municipality Name: _____ Federal Aid Project #: _____ WIN: _____
--

APPENDIX B

PERPETUAL TRAFFIC SIGNAL OPERATION AND MAINTENANCE

MAINE DEPARTMENT OF TRANSPORTATION

Transportation Improvement Project

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This Appendix shall survive the expiration of this Agreement.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 4, 2026

SUBJECT: Order 145-25/26 Amendment to Portland City Code Chapter 14 RE: Land Use Code Updates - Sponsored by Joseph Zamboni, Chair, Portland Planning Board

SPONSOR: Joseph Zamboni, Chair, Portland Planning Board

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 3/2/2026

Final

Action 3/16/2026

Can action be taken at a later date: Yes If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: No

PRESENTATION: Joseph Zamboni, Planning Board Chair and Kevin Kraft, Planning and Urban Development Director (10 minutes)

I. SUMMARY

On January 27, 2026, the Planning Board unanimously (6-0, Fox recused) found the proposed amendments to the land use code and zoning map, including text amendments to seven articles of the land use code and four map amendments, consistent with the City of Portland's comprehensive plan and recommended adoption to the City Council.

II. AGENDA DESCRIPTION

This is a companion order to the order below.

On January 27, 2026, the Planning Board voted unanimously (6-0, Fox recused) to recommend a set of text and map amendments to the City Council. These amendments were developed by the Planning & Urban Development Department in collaboration with Permitting & Inspections and Corporation Counsel. They are intended to address minor errors, inconsistencies, and interpretation issues that have become apparent in the year following the adoption of ReCode. They include text amendments to seven articles of the land use code (Administration, Definitions, Use Standards, Dimensional Standards, Overlay Zones, Site Plan, and Signs) and four map amendments.

This item must be read on two separate days. It received its first reading on March 2. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

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. 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. Since ReCode went into effect, 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, drafted a set of text and map amendments, which were presented to the Planning Board on January 27, 2026.

The package of text amendments before the Planning Board includes changes to seven articles of the land use 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. The package of map amendments is intended to correct mapping errors and changes in ownership related to lots that were unintentionally split between zoning districts. This series of map amendments reviewed all split-lot conditions on the peninsula only and is designed to rectify those conditions.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

See attached report.

V. FINANCIAL IMPACT

The proposed amendments have no anticipated financial impact on the City.

VI. STAFF ANALYSIS AND BACKGROUND

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. These amendments 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.

VII. RECOMMENDATION

On January 27, 2026, the Planning Board voted unanimously (6-0, Fox recused) to recommend a set of text and map amendment to the City Council. Staff recommends adoption of the draft text and map amendments.

VIII. LIST ATTACHMENTS

1. Amendment - Ch14 Text re Recode Updates
2. City Council Report
3. A. Article 2 _Administration Redline
4. B. Article 3 _Definitions Redline
5. C. Article 6 _Uses Redline
6. D. Article 7 _Dimensional Standards Redline
7. E. Article 8 _Overlay Zones Redline
8. F. Article 13 _Site Plan Redline
9. G. Article 19 _Signs Redline
10. H. 148 Cumberland AVE - Hardship Variance ZBA
11. 2026.03.16 Public Comment - Order 145

Prepared by:

Date: 03/04/2026

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14 RE: LAND USE CODE UPDATES**

WHEREAS, based on the findings, conclusions, recommendations, and other information provided in the Planning Board Report to City Council dated February 10, 2026, which is incorporated herein by reference, as well as the testimony, public comment, and other information submitted to the City Council, at the public hearing held on March 16, 2026, the City Council adopts the findings and conclusions in the Planning Board Report and finds that the below referenced amendments to Chapter 14 of the City's Code of Ordinances is pursuant to and consistent with the City's Comprehensive Plan;

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

That Chapter 14, Articles 2, 3, 6, 7, 8, 13, and 19, are hereby amended to read as follows, on the following pages:

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

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

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

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
				●				6.4.2
		⦿			●			
		⦿	⦿		●			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				●			6.4.23
	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		○	○	○	○	○	
Other	Solar energy systems (minor)	●	●	●	●	●	●	6.4.38
	Solar energy systems (major)				○			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

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
	Exhibition, meeting, and convention halls		●	
	General offices	●	●	
	General services	●	●	6.4.15
	Hostels		●	6.4.18
Commercial / Service	Hotels		●	
	Intermodal transportation facilities	●	●	
	Recreation and amusement centers		●	
	Restaurants	●	●	
	Retail	●	●	
	Specialty food service	●	●	
	Theaters and performance halls	●	●	
	Veterinary services	●	●	
	Communication studios	●	●	
	Low impact industrial	●	●	6.4.22
Industrial	Studios for artists and craftspeople	●	●	
	Parks and open spaces	●	●	
Other	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

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

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.](#)

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

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

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.~~

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.

- 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

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.

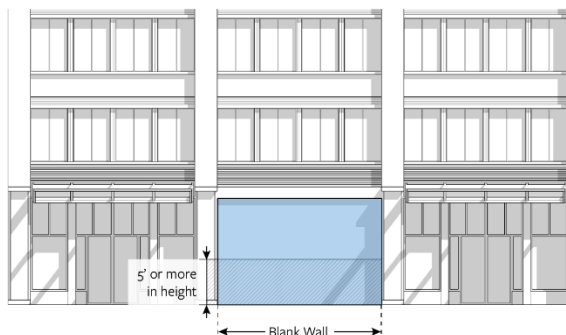


FIGURE 7-A: BLANK WALL AREA

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.

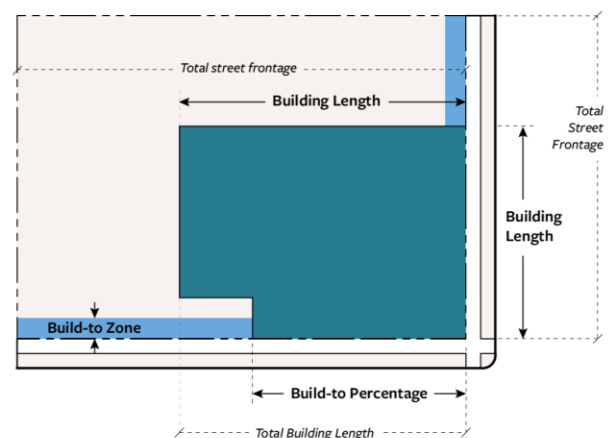


FIGURE 7-B: MINIMUM LENGTH AND BUILD-TO PERCENTAGE



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.

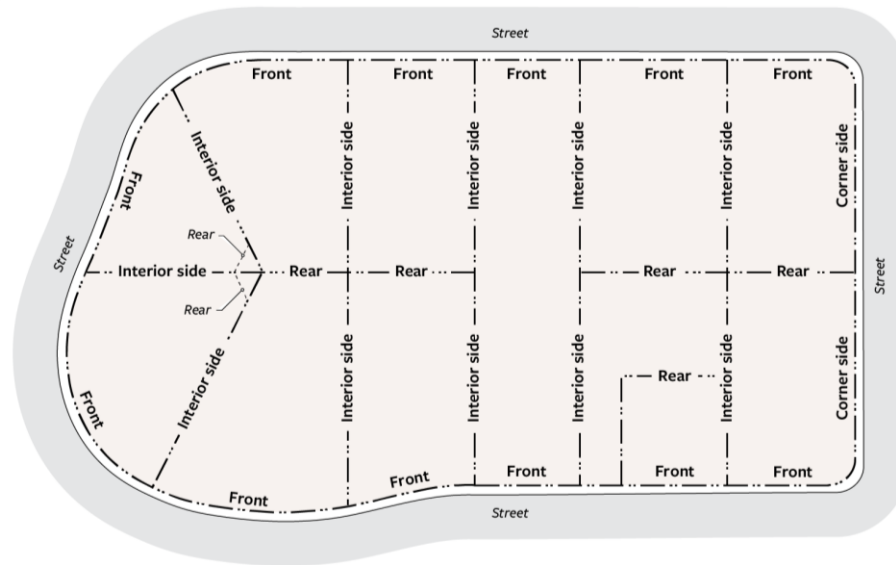


FIGURE 7-F: LOT LINES

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.~~

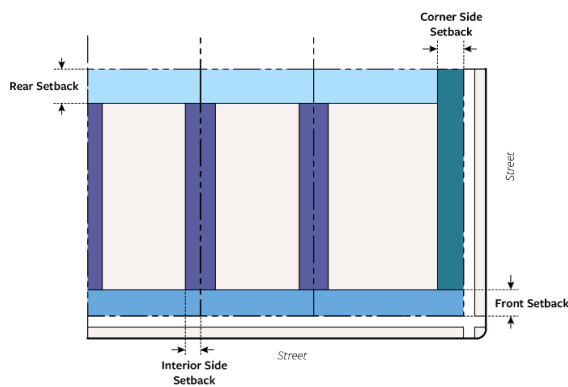


FIGURE 7-G: SETBACKS

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

Setback, front. A setback along the front lot line, extending between side lot lines, the depth of which shall be measured perpendicular to the front lot line. For flag lots, the front setback is measured from the rear lot line of the lot that separates the flag portion of the lot from the street. For through lots, the front setback shall be applied on both street frontages unless the lot is in a residential district, in which case one frontage shall meet the front setback requirement and the other shall meet the rear setback requirement. In the case of lots without frontage on a street, the property line that parallels the nearest developed street shall be considered the front. Where front yard averaging is required to determine the front setback, the average is based upon the two adjacent lots on

either side, or, in the case of a corner lot, the next two adjacent lots, ~~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.~~

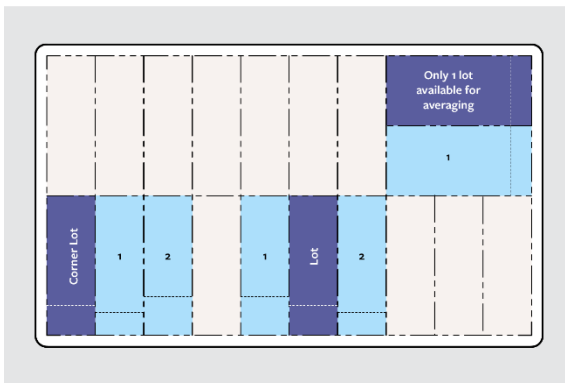


FIGURE 7-H: SETBACK AVERAGING

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

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 Average of adjacent front yards minus 5 ft., whichever is less	20 ft. or the Average of adjacent front yards minus 5 ft., whichever is less	15 ft. or the Average of adjacent front yards minus 5 ft., whichever is less	5 ft. or the 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.	--

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%	50%	100%
Landscaped open space ratio (min.)	Residential uses	30%	30%	30%	30%	--
	Nonresidential uses	50%	30%	30%	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</u> 5 ft., whichever is less	5 ft. or the average of adjacent front yards <u>minus</u> 5 ft., whichever is less
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 (≤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 (≤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%

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.

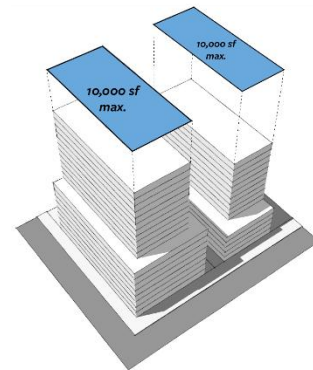


FIGURE 7-K: TOWER FLOOR PLATES

- 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.

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

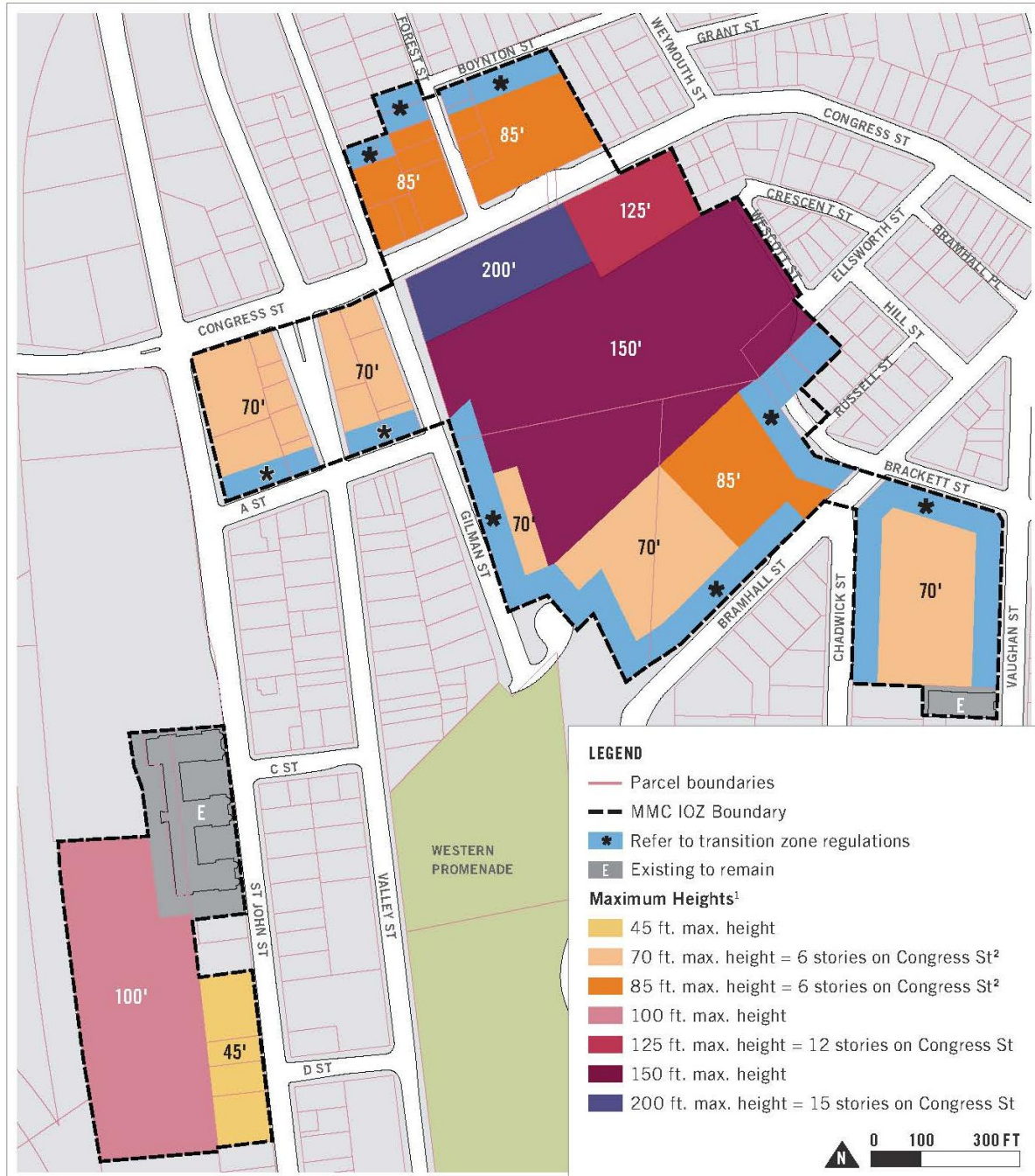
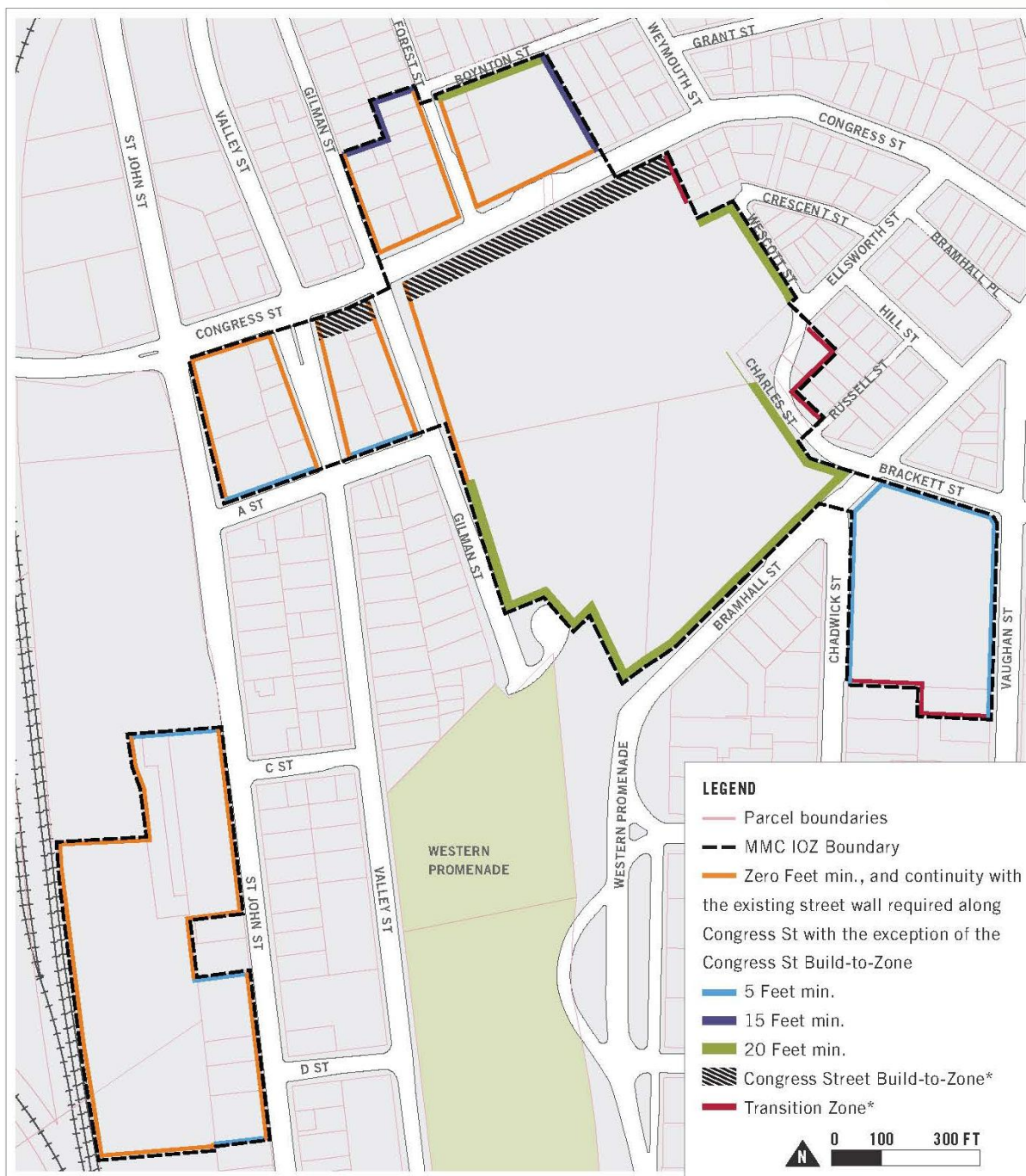
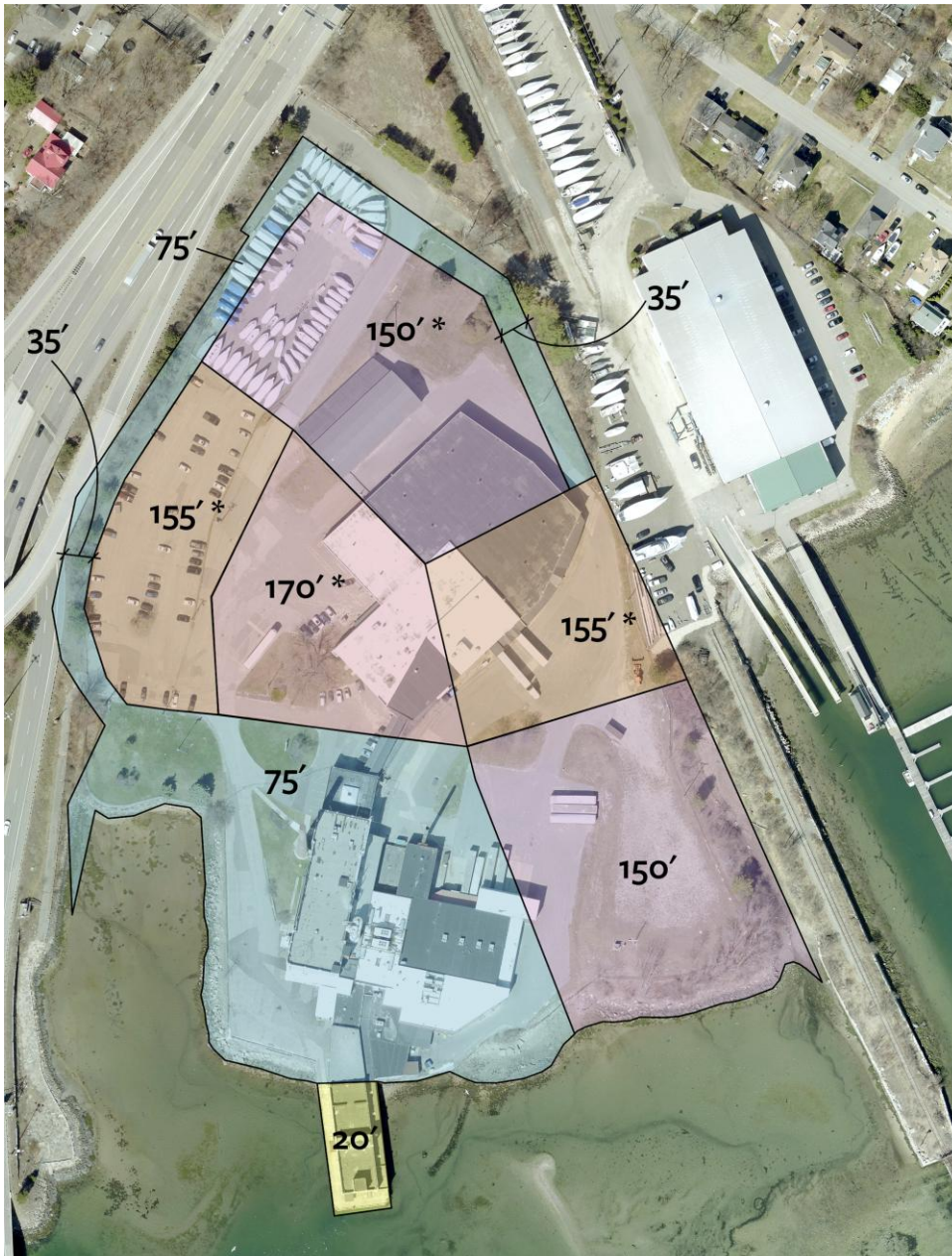


FIGURE 8-D: MMC IOZ MAXIMUM BUILDING HEIGHTS



* Refer to Table 8-D Dimensional Requirements

FIGURE 8-E: MMC IOZ MINIMUM SETBACKS



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**



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.~~

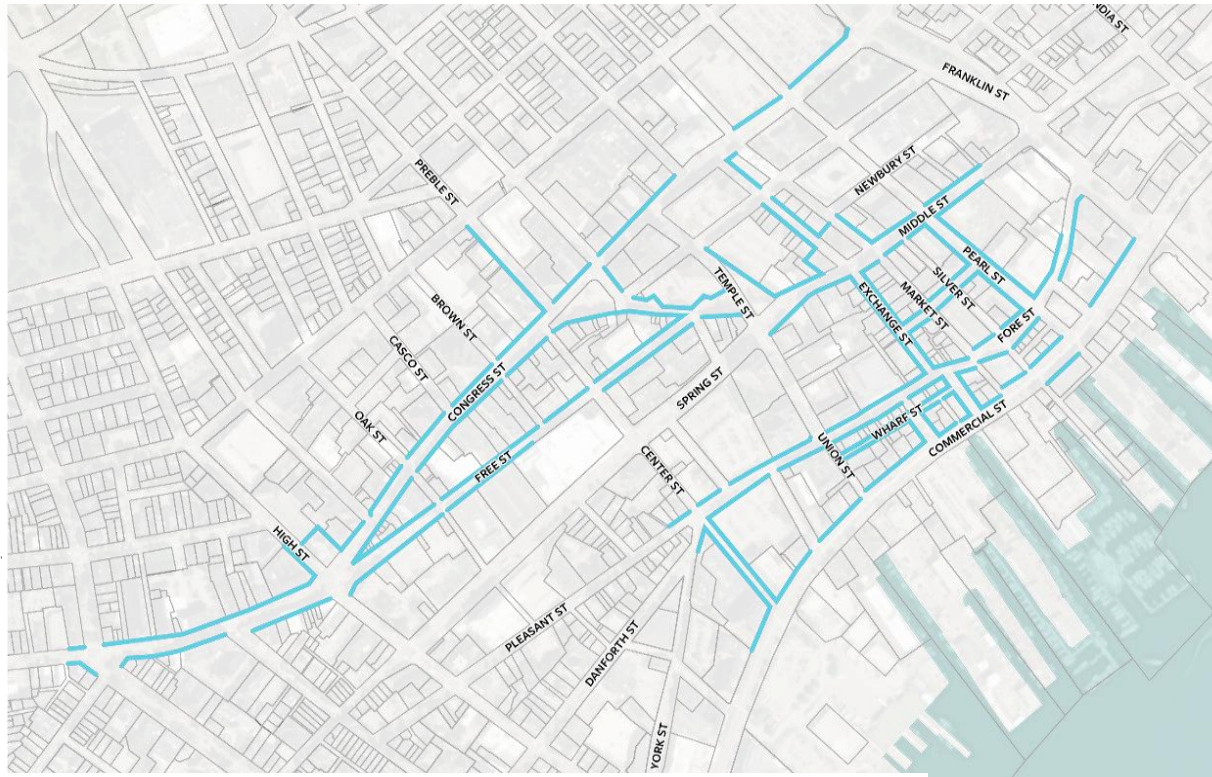


FIGURE 8-J: PEDESTRIAN ACTIVITIES DISTRICT (PAD) OVERLAY

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)

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.



1



SITE PLAN

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

- 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.

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

- Externally-illuminated signs must be illuminated only with steady, stationary, fully-shielded light sources directed solely onto the sign without causing glare.
- 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.

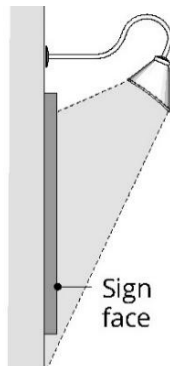


FIGURE 19-A: EXTERNAL ILLUMINATION

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.

- Single or two-color LED signs are exempt from the sign area limitations for window signs and building-mounted signs.
- 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

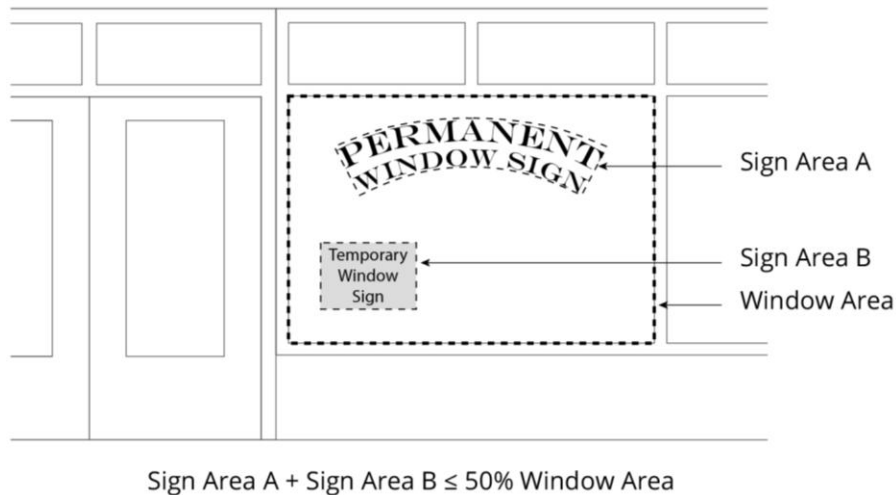
- One electronic message sign is allowed per lot.
- Electronic message signs must not flash, blink, flutter, include intermittent or chasing lights, or display video messages (i.e., any illumination or message that is in motion or appears to be in motion). Electronic message signs may display

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





PLANNING BOARD REPORT TO CITY COUNCIL
Land Use Code Text and Zoning Map Amendments
City of Portland, Applicant

Submitted to: Mayor Dion & City Councilors 1st Read: February 23, 2026 2nd Read (Public Hearing): March 2, 2026	Prepared by: Kevin Kraft, Director Nell Donaldson, Director of Special Projects Date Prepared: February 10, 2026
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I. INTRODUCTION

On [January 27, 2026](#), the Planning Board voted unanimously (6-0, Fox recused) to recommend a set of text and zoning map amendments to the City Council. These amendments were developed by the Planning & Urban Development Department in collaboration with Permitting & Inspections and Corporation Counsel. They are intended to address minor errors, inconsistencies, and interpretation issues that have become apparent in the year following the adoption of ReCode. They include text amendments to seven articles of the land use code (Administration, Definitions, Use Standards, Dimensional Standards, Overlay Zones, Site Plan, and Signs) and four map amendments.

II. BACKGROUND

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 and zoning map. ReCode went into effect on December 4, 2024.

To ensure that a land use code is functioning as intended, it is common following the adoption of significant policy changes to monitor implementation and advance amendments to address conflicts or inconsistencies that may arise. Since December 2024, the City's Planning & Urban Development Department has worked closely with Permitting & Inspections and Corporation Counsel to document interpretation questions and issues identified through a year of code implementation. Based on this review, the Planning Department, in collaboration with Permitting & Inspections and Corporation Counsel, has drafted a set of targeted map and text amendments.

The intent of these amendments is not to substantially alter the underlying policy framework of the land use code. Rather, they are intended to clarify standards, resolve inconsistencies, and improve administration. Moving forward, the Planning & Urban Development Department intends to bring forward annual amendments, as needed, to address conflicts, inconsistencies, and interpretation issues identified through project review. This approach will help ensure the code continues to advance the goals of the Comprehensive Plan while minimizing the need for case-by-case interpretations.

III. PROPOSED TEXT AMENDMENTS

The package of text amendments before the City Council includes changes to seven articles of the land use code (*Attachments A-G*). Some of these amendments fix simple errors and omissions, some rectify an issue that wasn't known at the time of ReCode or was unintentional, 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 Land Use 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 provide 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.

1. 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.
2. 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 as a permitted use 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 zone was eliminated and areas formerly within that zone were rezoned to B-3 under ReCode, veterinary services were unintentionally removed as a permitted use from portions 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, which establishes use standards for emergency shelters, an amendment has been drafted to exempt family shelters from the requirement for clear sightlines into sleeping areas, recognizing that customary family sleeping arrangements necessitate a greater level of privacy.
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 to Subsection 6.8.6 to add noise standards for the TOD zones, which were inadvertently omitted from Table 6-H. The TOD zones would be 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 addressing porch encroachments within setbacks has been redrafted, based on recent applications, to clarify that porch encroachments of up to six feet into the setback are permitted, rather than six feet measured from the building. This change provides additional flexibility for deeper porches where desired by property owners.
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 (PAD) Overlay in Subsection 8.5.2. The first would add recreation and amusement centers as a permitted use within the district, and the second would remove prescriptive requirements governing the portion of specialty food services allowed within the active use area. Together, these changes are intended to prevent the unintended restriction or misinterpretation of appropriate commercial uses in the downtown, while maintaining flexibility and encouraging active ground-floor uses that support economic vitality and align with the intent of the PAD district.
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 and no dimensional changes are being proposed.

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.

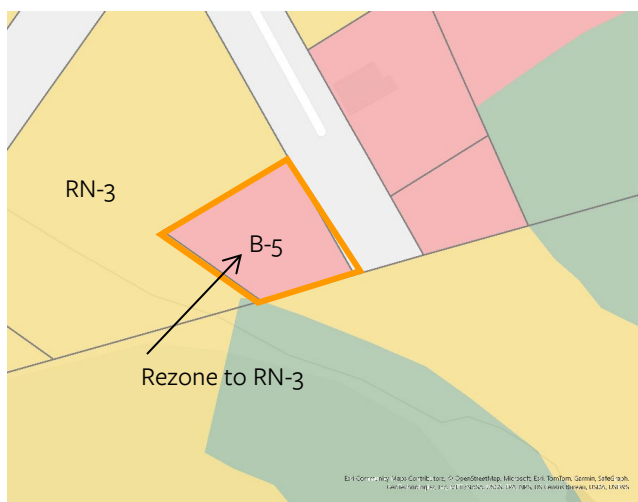
G. Article 19: Signs

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.

IV. 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 and limited accessibility. The proposed rezoning of o Hobart to RN-3 would make this parcel consistent with neighboring land on the west side of the street and eliminate the outlying B-5 zoning designation.

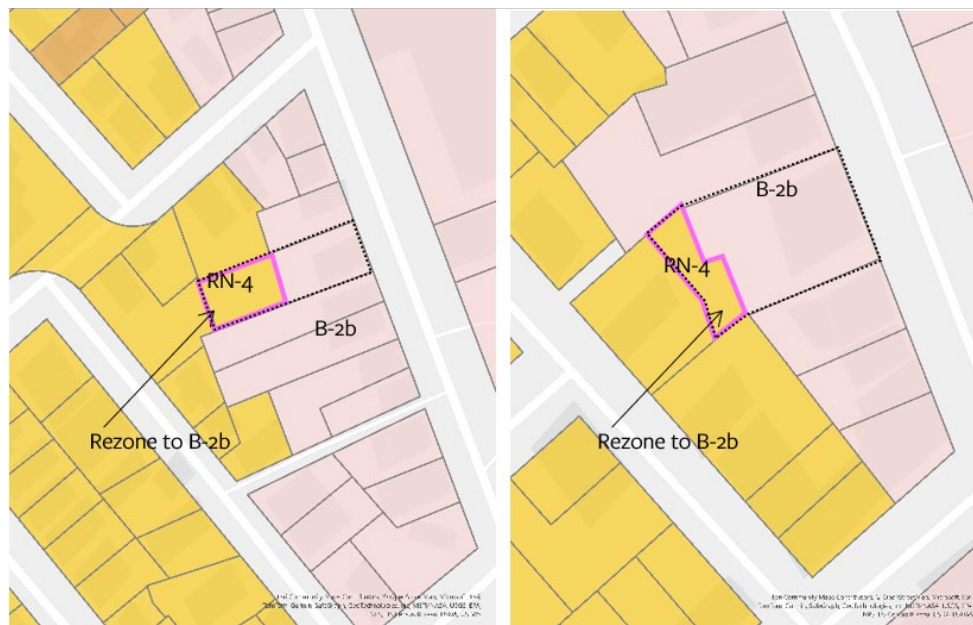


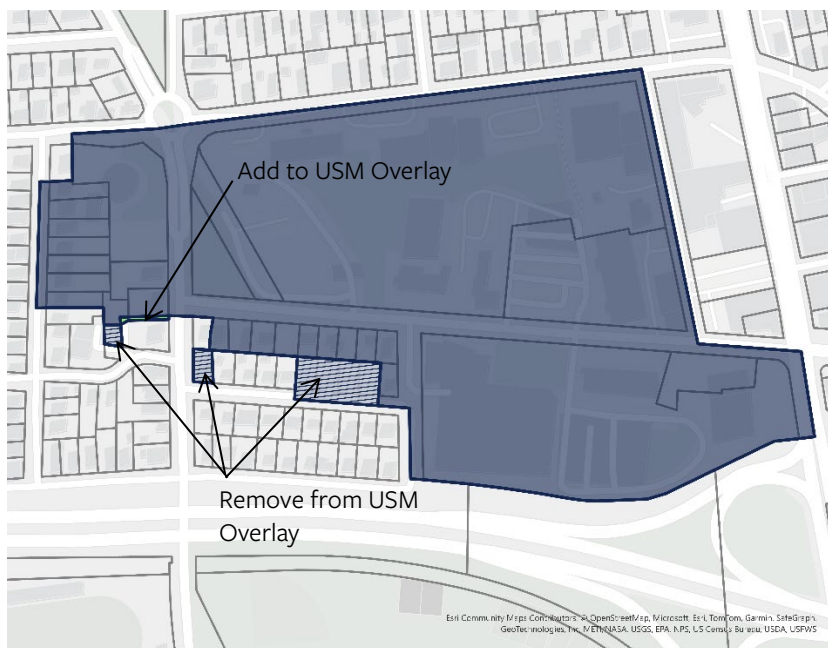
Figure 1: 44 Washington Avenue (Left); 108 Washington Avenue (Right) | The entire parcel is outlined with

a dotted black line; the pink outline indicates the portion proposed to be rezoned.

B. 44 Washington Ave. (left) & C. 108 Washington Ave. (right) (RN-4 to B-2b).

As part of staff's efforts to address minor errors and inconsistencies, staff reviewed all lots split between two or more different zones on the peninsula east of I-295 to confirm that remaining split parcels were intentional as part of ReCode and to identify any lots that may have been unintentionally split. This review also evaluated such parcels for consistency with land use intent and the Comprehensive Plan.

Through this effort, two parcels on Washington Avenue were identified as the only on-peninsula lots unintentionally remaining split between two zones (44 Washington Avenue & 108 Washington Avenue) (Figure 1). These parcels are currently subject to split zoning, B2-b and RN-4. Consistent with the objectives of ReCode, the rear portions of both parcels, which are zoned RN-4, are proposed to be rezoned to B-2b, resulting in consistent zoning across each entire parcel. Staff note that off-peninsula split lots are not being brought forward at this time, as forthcoming changes resulting from LD 1829 may have zoning implications for off-peninsula designations and will be explored as part of that broader effort.



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. PLANNING BOARD REVIEW

On January 27, 2026, the Planning Board voted unanimously (6-0, Fox recused) to recommend the proposed set of text and map amendments to the City Council. Over the course of Board deliberation, the Board was broadly supportive of the proposed changes.

The Board deliberated on the proposed text amendment to reinstate single-family dwellings as a permitted use within the mixed-use zones. Some Board members noted that ReCode intentionally and deliberately incentivized greater residential density in mixed-use areas and expressed concern that it may be premature to reinstate single-family dwellings as a permitted use. Others expressed support for reinstatement, citing the importance of flexibility and recognizing that there may be circumstances where a single dwelling unit is appropriate or provides additional flexibility.

Board Member Silk moved to amend the proposal to eliminate the reinstatement of single-family dwellings in mixed-use zones; the motion failed 3–3 (Fox recused). During Board deliberations, staff acknowledged the Board’s feedback on the proposed amendment and noted that, on June 5, 2025, the Zoning Board of Appeals granted a hardship variance allowing a property owner to construct a single-family dwelling at 148 Cumberland Avenue, located in the B-1 zone where such use is not permitted (Attachment H). Based on this ZBA decision in the B-1 zone, as well as other inquiries related to permitting single-family dwellings in mixed-use zones, staff brought the amendment forward for consideration. Staff also noted that alternative approaches for consideration could include permitting single-family dwellings in the B-1, B-2, and B-2b zones, while continuing to prohibit single-family dwellings in other mixed-use zones. Staff further highlighted that, prior to the adoption of ReCode, single-family dwellings were historically a permitted use in mixed-use zones.

The Board also asked clarifying questions in response to public comment regarding why the proposed zoning map amendments were focused primarily on two parcels, 44 Washington Avenue and 108 Washington Avenue. In response, staff explained that, as part of efforts to address minor errors and inconsistencies, all split lots on the peninsula east of I-295 were reviewed to confirm that remaining split parcels were intentional and to identify any that may have been unintentionally split. Staff noted that off-peninsula split lots are not being brought forward at this time, as forthcoming changes related to LD 1829 may have zoning implications for off-peninsula designations and will be addressed as part of that broader effort.

Through this process, two parcels on Washington Avenue were identified as the only on-peninsula lots that remained unintentionally split between the B-2b and RN-4 zones. Staff reviewed these parcels for consistency with the objectives of ReCode and determined that the rear portions of both parcels, currently zoned RN-4, should be rezoned to B-2b to create consistent zoning across each entire lot. Staff also researched to confirmed that the property owners did not acquire these portions of the lots after the adoption of ReCode; rather, these conditions predated ReCode. Accordingly, in both cases, the rear portions should have been included as part of the larger parcels and were unintentionally excluded.

Staff further noted that extending the B-2b zone across each parcel is not expected to result in significant impacts, as the dimensional standards of the B-2b zone provide appropriate transitions where lots abut residential zones, as is the case for both properties. Specifically, B-2b lots adjacent to residentially zoned lots require a minimum rear setback of 10 feet and a minimum side setback of 5 feet. In addition, building height is limited to a maximum of 50 feet within 15 feet of a residentially zoned lot, which is only five feet greater than the 45-foot height limit in the RN-4 zone. Collectively, these standards ensure that the proposed rezoning would have minimal impact in terms of building mass and bulk.

Rezoning these parcels to B-2b resolves the split-lot condition and simplifies enforcement, zoning interpretation, and analysis by eliminating the need to apply multiple zones with differing use and dimensional standards. Following staff’s response, the Board expressed support for recommending the proposed changes.

V. SUMMARY OF PUBLIC COMMENT

There were 11 written public comments submitted, in addition to in-person public testimony. Public comments generally focused on opposition to, and concerns about, the proposed zoning map amendment for 108 Washington Avenue. Many commenters expressed concern regarding the property owner’s apparent interest in constructing a hotel. Staff acknowledged the commenters concerns but noted that

the Department does not have any applications on file for the property and clarified that hotels are not a permitted use in the B2-b zone and therefore are not allowed under the proposed zoning.

Commenters also raised concerns about the potential for future development at 108 Washington Avenue to utilize Winthrop Street for vehicular access to the site. Staff acknowledged these concerns and noted that site access is outside the scope of this amendment. Zoning map amendments and zoning designations more broadly, do not determine or regulate access points, which are evaluated separately through the site plan review process.

Additional comments questioned why 108 Washington Avenue was included in the proposed zoning map amendments. Staff explained that the entire peninsula was evaluated and that two parcels, including 108 Washington Avenue, were identified as having been unintentionally split during the ReCode process. Prior to bringing the amendment forward for Board and Council consideration, staff reviewed the ownership history to confirm that the parcels were in common ownership prior to the adoption of ReCode and were not assembled after adoption to expand a development site. Staff confirmed that the parcels were in common ownership pre-ReCode and were unintentionally left split. Accordingly, and consistent with the land use framework outlined in the Comprehensive Plan, the zoning map amendments were advanced to eliminate split lots where feasible and transition to parcel-based zoning.

Other commenters expressed general support for the proposed amendments.

VI. 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.

VII. PLANNING BOARD RECOMMENDATION

On January 27, 2026, the Planning Board voted unanimously (6-0, Fox recused) to recommend a set of text and zoning map amendments to the City Council.

VIII. 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
- H. 148 Cumberland Ave – Hardship Variance ZBA

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.

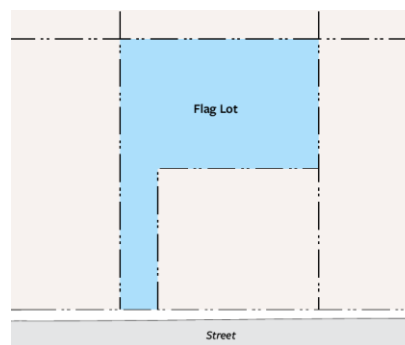


FIGURE 3-A: FLAG LOT

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 amphitheaters, accessory services such as, but not limited to, restaurant and retail establishments, and temporary outdoor uses such as festivals and performances.

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

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)	○	○	○	○	○	○	
	Bed and breakfasts				●/○	●/○	●/○	6.4.7
Comm.	Hostels				●/○	●/○	●/○	6.4.18
	Market gardens	○	○	○	○	○	○	6.4.25
	Neighborhood nonresidential reuse	○	○	○	○	○	○	6.4.26
	Cemeteries	●	●	●	●	●	●	
Other	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
Other	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	●	●	●	
	Utility substations	○	○	○	6.4.39
	Wharves, piers, docks, and landing ramps	●	●	●	

Key: ● = permitted | ○ = conditional | Blank = not permitted | ●/○ = permitted or conditional per 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
Residential	Single-family dwellings	●	●	●	●	●	●	●	
	Two-family dwellings	●	●	●	●	●	●	●	
	Three-family dwellings	●	●	●	●	●	●	●	
	Four-family dwellings	●	●	●	●	●	●	●	
	Townhouse dwellings	●	●	●	●	●	●	●	6.4.13
	Multi-family dwellings	●	●	●	●	●	●	●	6.4.12
	Live/work dwellings	●	●	●	●	●	●	●	
	Lodging houses	●	●	●	●	●	●	●	6.4.21
	Child care centers + small child care facilities	●	●	●	●	●	●	●	6.4.9
	Clinics	●	●	●	●	●	●	●	
Institutional	Cultural facilities	●	●	●	●	●	●	●	
	Elementary, middle, and secondary schools	●	●	●	●	●	●	●	
	Emergency shelters				⦿	⦿	⦿		6.4.14
	Governmental uses	●	●	●	●	●	●	●	
	Places of assembly	●	●	●	●	●	●	●	6.4.30
	Post-secondary schools		●	●	●	●	●	●	6.4.31
	Residential care facilities (small)	●	●	●	●	●	●	●	
	Residential care facilities (large)		●	●	●	●	●	●	6.4.35
	Adult business establishments				●				6.4.2
	Auto, boat, and related dealerships		⦿			●			
Commercial / Service	Auto service stations		⦿	⦿		●			6.4.5
	Bars		●	●	●	●	●	●	6.4.6
	Bed and breakfasts	●	●	●	●				6.4.7, 6.4.10
	Exhibition, meeting, and convention halls				●	●	●	⦿	
	Funeral homes		●	●		●			
	General offices	●	●	●	●	●	●	●	
	General services	●	●	●	●	●	●	●	6.4.15, 6.4.10
	Greenhouses/nurseries (retail)		⦿	⦿		⦿			
	Hostels	●			●		●		6.4.18, 6.4.10
	Hotels		●		●	●	●	●	6.4.19
Commercial / Service	Intermodal transportation facilities		●	●	●	●	●	●	
	Marijuana retail stores		●		●	●			6.4.23
	Market gardens	●	●	●	●	●	●	●	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		●	●	●	●	●	
Industrial	Dairies		●		●			6.4.11
	Impound lots		●		●			6.4.20
	Laboratory and research facilities		●	●	●	●	●	
	Low-impact industrial	●	●	●	●	●	●	6.4.22
	Marijuana manufacturing facilities				●			6.4.23
	Marijuana testing facilities				●			
	Printing and publishing			●	●	●	●	6.4.32
	Self-storage facilities				●			6.4.37
	Studios for artists and craftspeople	●	●	●	●	●	●	
	Warehousing and distribution facilities				●			6.4.40
Other	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
	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
	Exhibition, meeting, and convention halls		●	
	General offices	●	●	
	General services	●	●	6.4.15
	Hostels		●	6.4.18
Commercial / Service	Hotels		●	
	Intermodal transportation facilities	●	●	
	Recreation and amusement centers		●	
	Restaurants	●	●	
	Retail	●	●	
	Specialty food service	●	●	
	Theaters and performance halls	●	●	
	Veterinary services	●	●	
	Communication studios	●	●	
	Low impact industrial	●	●	6.4.22
Industrial	Studios for artists and craftspeople	●	●	
	Parks and open spaces	●	●	
Other	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
	Parks and open space	●	
Other	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

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
Industrial	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
Other	Off-street parking			●	
	Social service centers	⦿	⦿	⦿	
	Solar energy systems (minor)	●	●	●	6.4.38
	Solar energy systems (major)		●	⦿	
	Telecommunication towers (ground-mounted)		●		
	Utility substations	●	●		6.4.39
	Wind energy systems (minor)	⦿	●	●	6.4.41
	Wind energy systems (major)		●	⦿	

Key: ● = permitted | ⦿ = conditional | Blank = not permitted | ●/⦿ = 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.

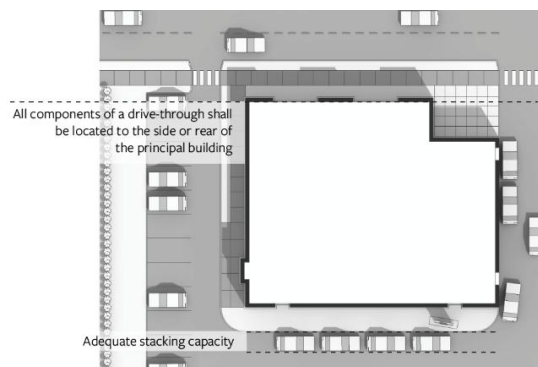


FIGURE 6-A: DRIVE-THROUGH SITING

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

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.

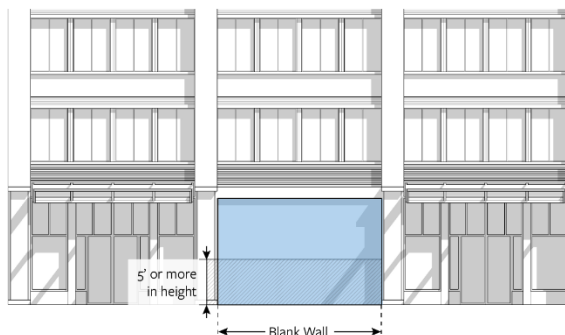


FIGURE 7-A: BLANK WALL AREA

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.

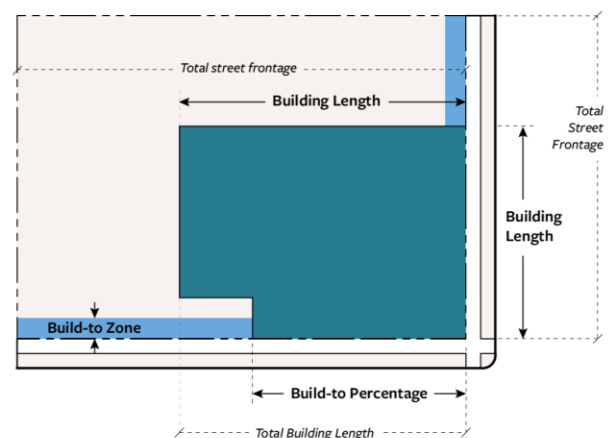


FIGURE 7-B: MINIMUM LENGTH AND BUILD-TO PERCENTAGE

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.

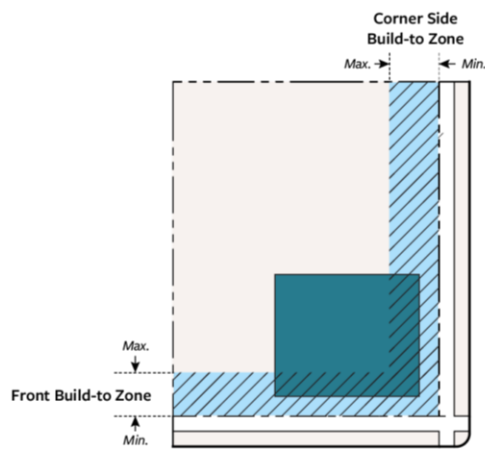


FIGURE 7-C: BUILD-TO ZONE

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.

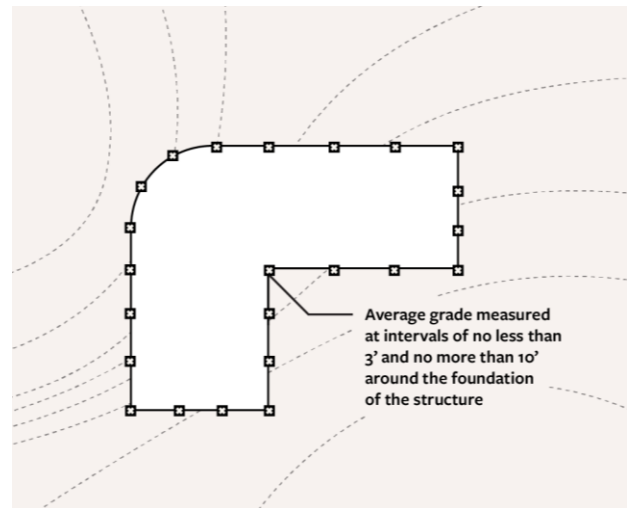


FIGURE 7-D: AVERAGE GRADE

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.

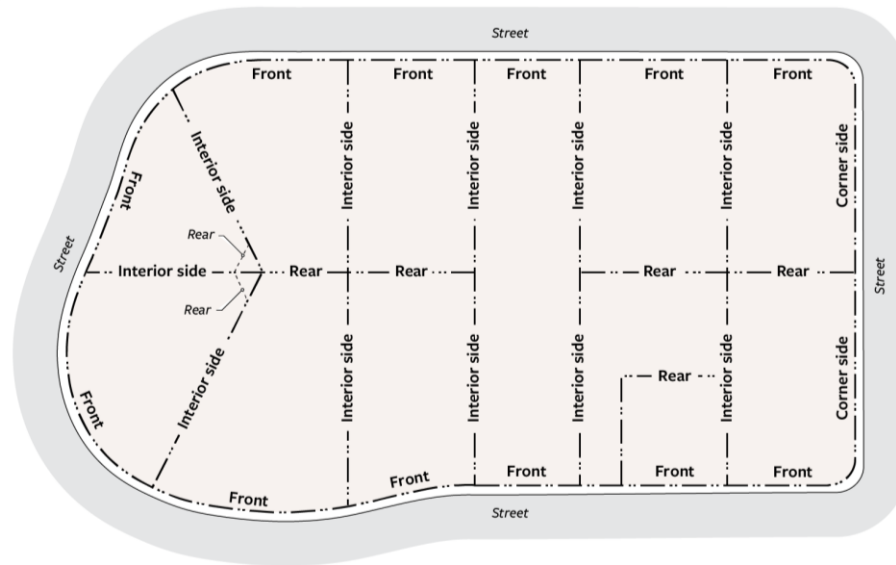


FIGURE 7-F: LOT LINES

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.~~

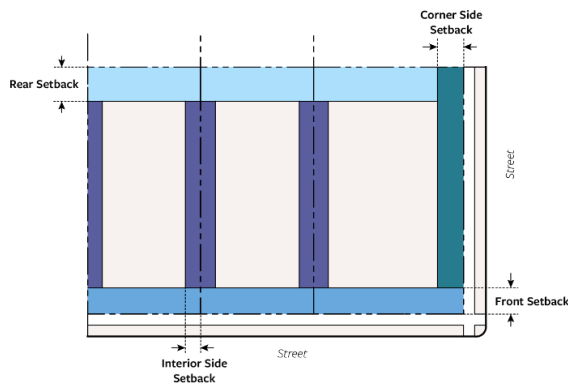


FIGURE 7-G: SETBACKS

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

Setback, front. A setback along the front lot line, extending between side lot lines, the depth of which shall be measured perpendicular to the front lot line. For flag lots, the front setback is measured from the rear lot line of the lot that separates the flag portion of the lot from the street. For through lots, the front setback shall be applied on both street frontages unless the lot is in a residential district, in which case one frontage shall meet the front setback requirement and the other shall meet the rear setback requirement. In the case of lots without frontage on a street, the property line that parallels the nearest developed street shall be considered the front. Where front yard averaging is required to determine the front setback, the average is based upon the two adjacent lots on

either side, or, in the case of a corner lot, the next two adjacent lots, ~~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.~~

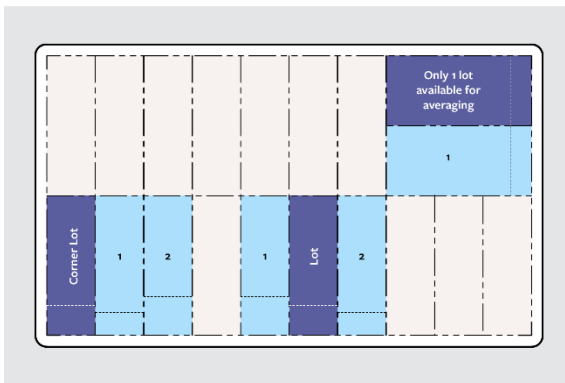


FIGURE 7-H: SETBACK AVERAGING

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.

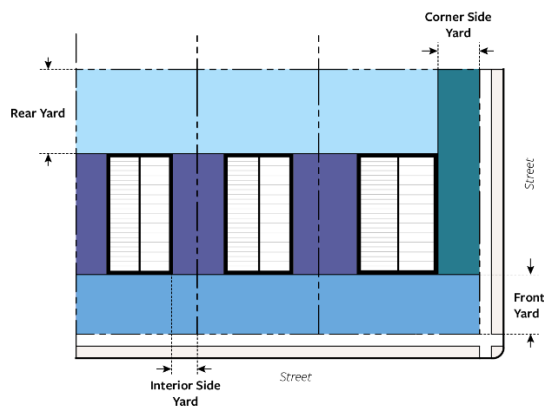


FIGURE 7-1: YARDS

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 Average of adjacent front yards minus 5 ft., whichever is less	20 ft. or the Average of adjacent front yards minus 5 ft., whichever is less	15 ft. or the Average of adjacent front yards minus 5 ft., whichever is less	5 ft. or the 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.	--

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%	50%	100%
Landscaped open space ratio (min.)	Residential uses	30%	30%	30%	30%	--
	Nonresidential uses	50%	30%	30%	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</u> 5 ft., whichever is less	5 ft. or the average of adjacent front yards <u>minus</u> 5 ft., whichever is less
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%

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%	--

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

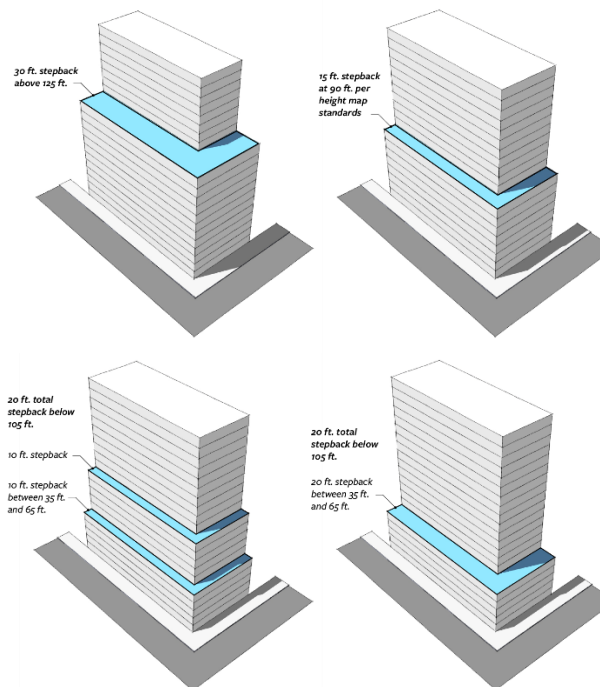


FIGURE 7-J: TOWER STEPBACK

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 stepback must meet the standard as established in (A) above for both façades.
 - b. Structures with three façades subject to the required stepback 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 stepback 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

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.

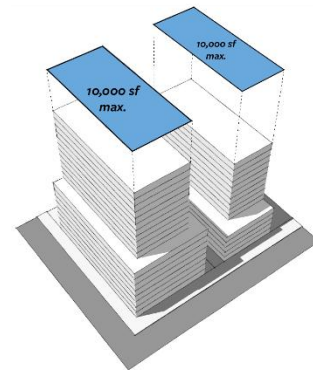


FIGURE 7-K: TOWER FLOOR PLATES

- 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.

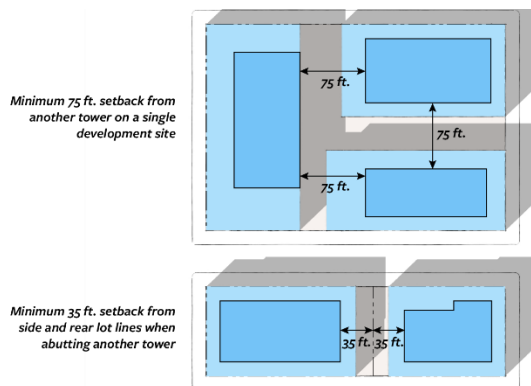


FIGURE 7-L: TOWER SEPARATION

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.



OVERLAY ZONES

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.

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			●

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	●	
Industrial	Communication studios	●	
	Construction & engineering services	●	
	Dairies		●
	Fish waste processing	●	
	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	●	

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.

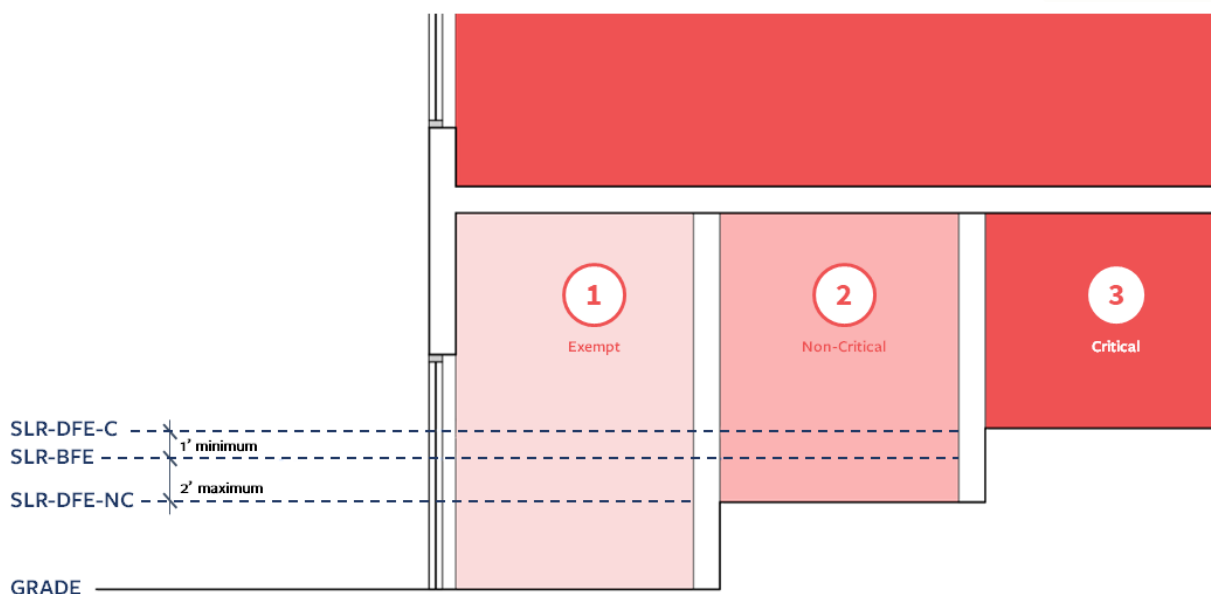


FIGURE 8-A: CFROZ USE CLASSIFICATIONS AND DESIGN FLOOD ELEVATION

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.

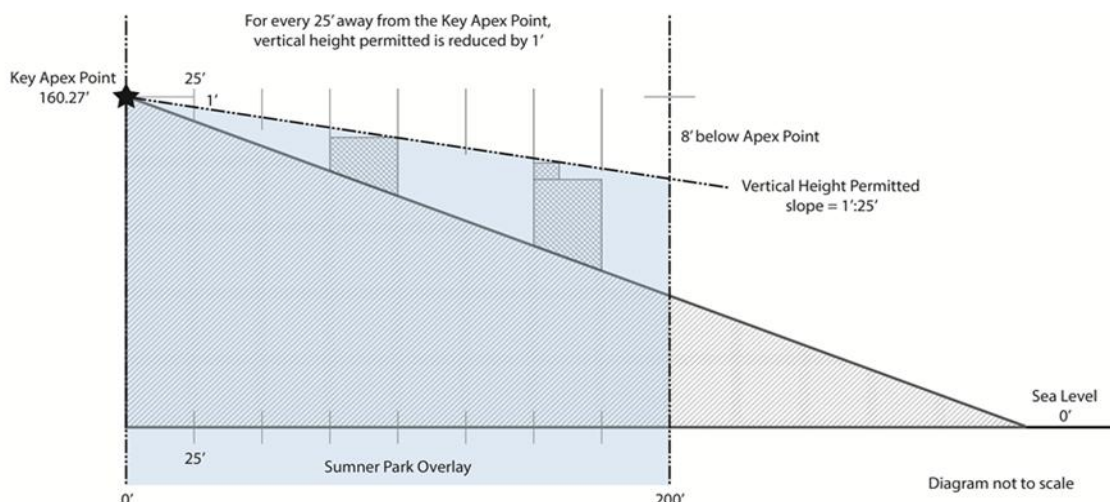


FIGURE 8-B: FORT SUMNER PARK OVERLAY PERMISSIBLE HEIGHT



OVERLAY ZONES

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.

- iii. A development plan addressing anticipated or potential institutional needs and physical improvements, including the proposed boundary of the IOZ and any phasing of the development.
- b. Analysis and associated plans that address the following elements in terms of anticipated growth or potential impacts within the identified study area, and support the development parameters as set out in the regulatory framework, including:
 - i. Transportation and access, with:
 - a) An analysis of the projected changes in parking demand, supply, and impacts to the off-street and on-street parking capacity, including an explanation of the proposed parking plan.
 - b) An analysis of the projected changes in vehicular, pedestrian, transit, and bicycle access routes and facilities, their capacity, and safety.
 - c) A transportation, access, and circulation plan, representing the synthesis of the analysis, and including a program of potential improvements or set of guidelines to address access deficiencies to and within the IOZ. The plan should outline proposed mechanisms and potential strategies to meet transportation objectives, including transportation demand management, phasing, and when a Traffic Movement Permit (TMP) may be required.
 - ii. Environment, with:
 - a) An analysis of potential cumulative impacts on natural resources and open spaces.
 - b) An analysis of projected energy consumption, hazardous materials generation, noise generation, and similar issues as relevant.
 - c) An environmental plan, representing the synthesis of the analysis and including a proposed program or set of guidelines for future preservation, enhancement, conservation, and/or mitigation.
 - iii. Infrastructure, with:
 - a) An analysis of projected public utility demand and the capacity of associated infrastructure.
 - b) An analysis of projected public safety needs and projected impacts to the capacity of these services.
 - c) An infrastructure plan, representing the synthesis

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



OVERLAY ZONES

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.

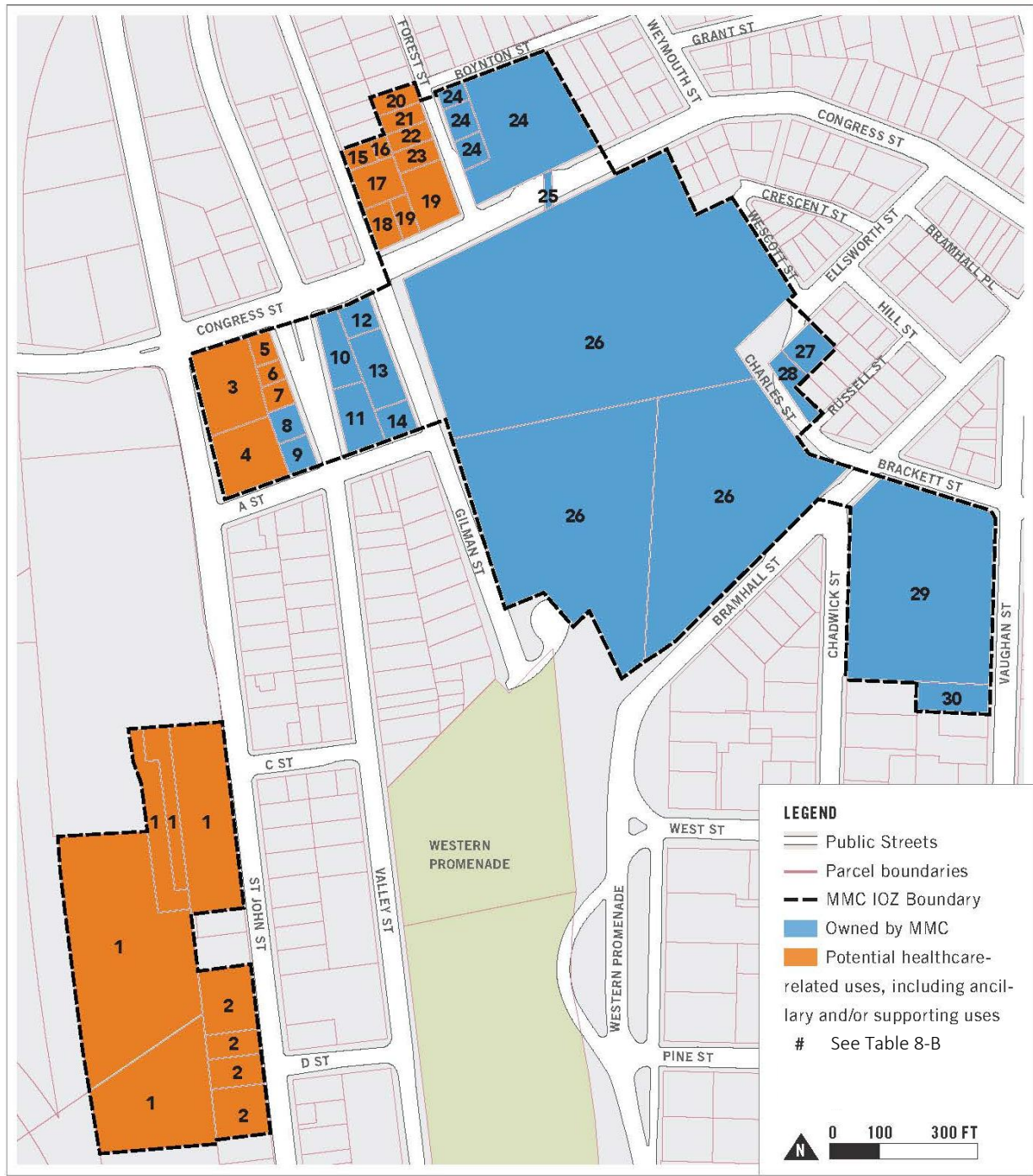
- G. Amendments.** A regulatory framework and IOZ boundary as adopted by the City Council shall remain in force unless and until amended. Amendments to a regulatory framework and/or IOZ boundary may be brought forth by the City or eligible institution. Proposed amendments to the IOZ boundary or regulatory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



OVERLAY ZONES



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

FIGURE 8-C: MMC IOZ BOUNDARY

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.



OVERLAY ZONES

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

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	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. 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	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. See Maximum Building Heights Map in Figure 8-D for location of transition zones. 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.

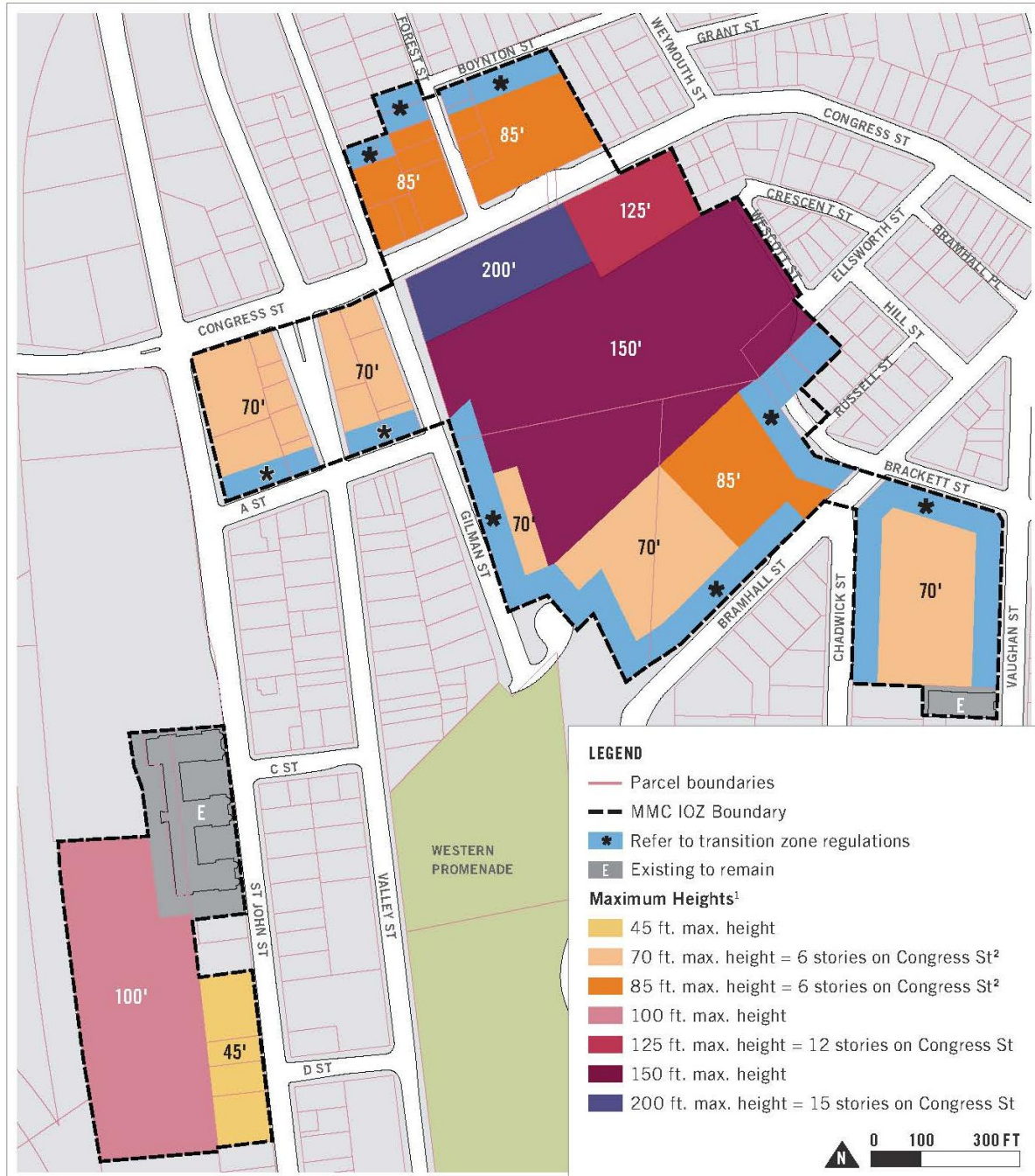
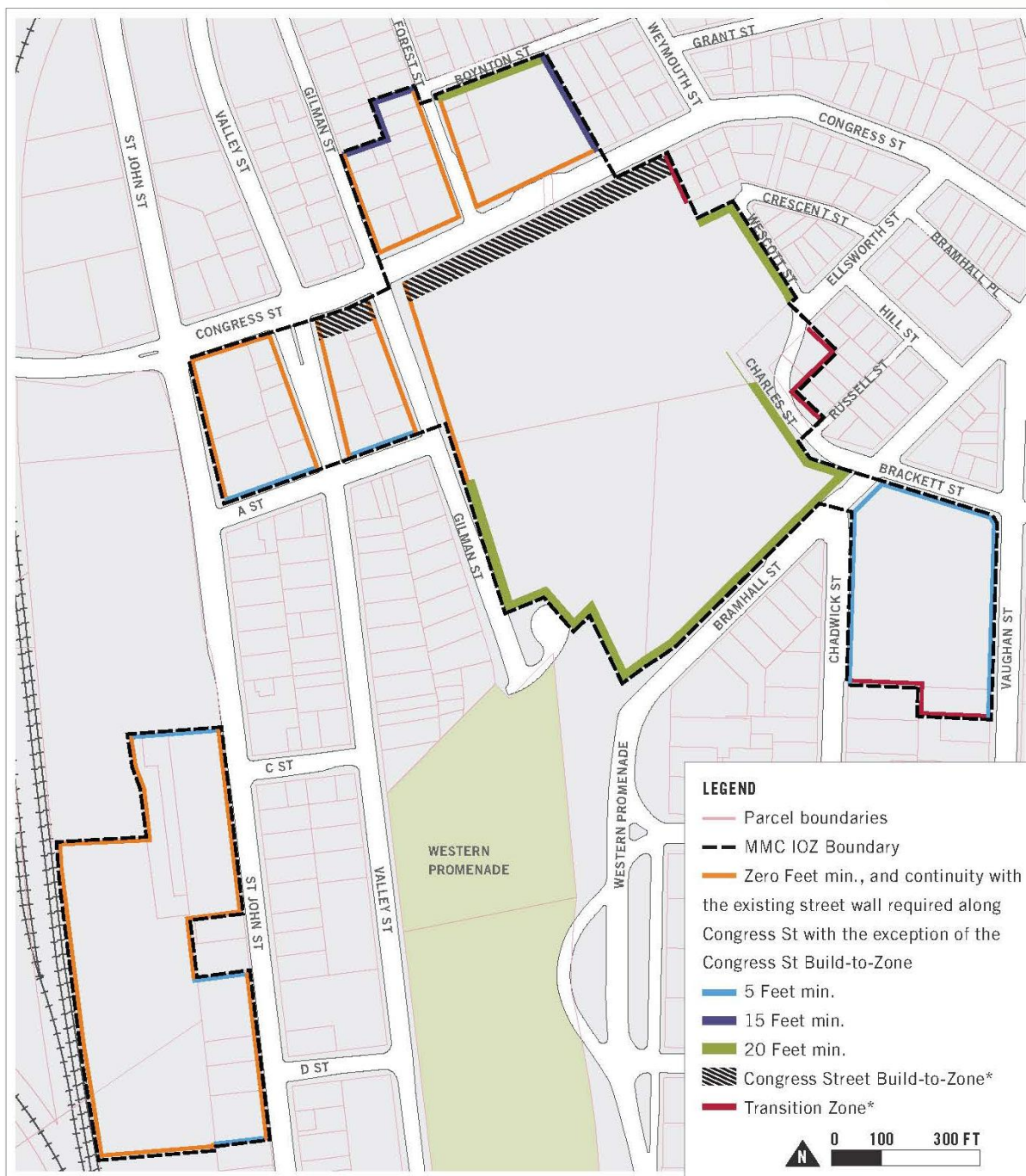


FIGURE 8-D: MMC IOZ MAXIMUM BUILDING HEIGHTS



* Refer to Table 8-D Dimensional Requirements

FIGURE 8-E: MMC IOZ MINIMUM SETBACKS

- 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.

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

J. Neighborhood integration and engagement

- 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.

- ### K. Construction management

- #### L. Other requirements

- 8-22 | CITY OF PORTLAND LAND USE CODE



OVERLAY ZONES

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



OVERLAY ZONES

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

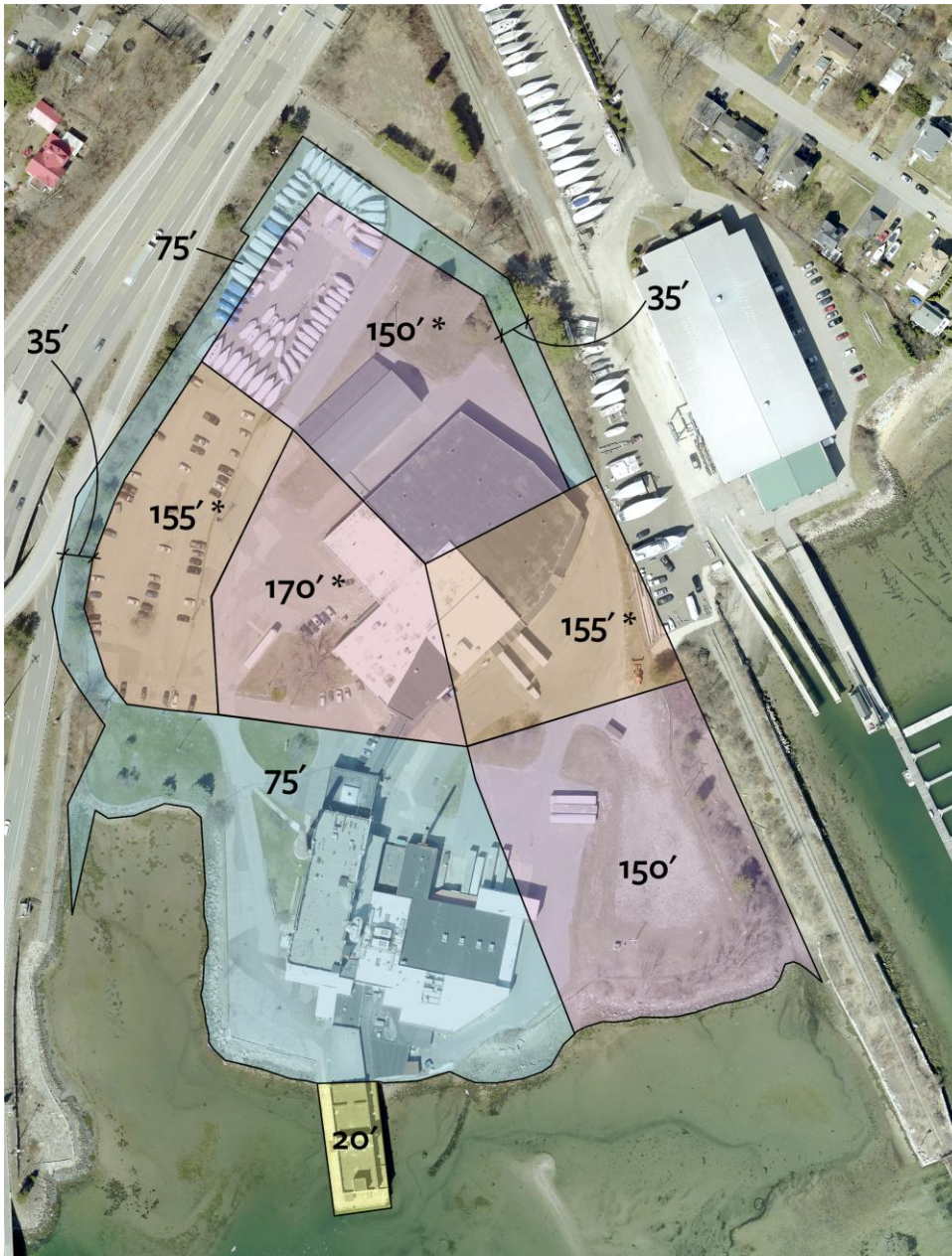


between the outer corners of the designated street wall.

- 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



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**



OVERLAY ZONES

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



OVERLAY ZONES

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 in 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



OVERLAY ZONES

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	0–10 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

- operations of the UNE campus, UNE shall adhere to the ongoing neighborhood engagement principles identified in the IDP.
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.

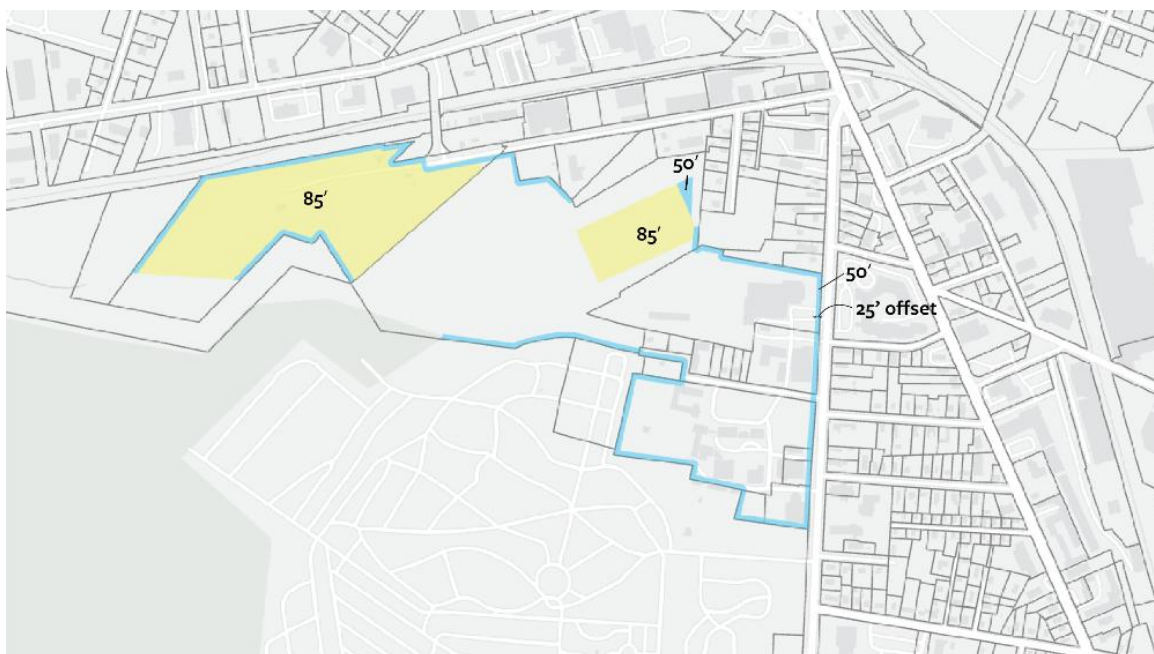


FIGURE 8-I: **UNE IOZ** MAXIMUM BUILDING HEIGHTS



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.~~

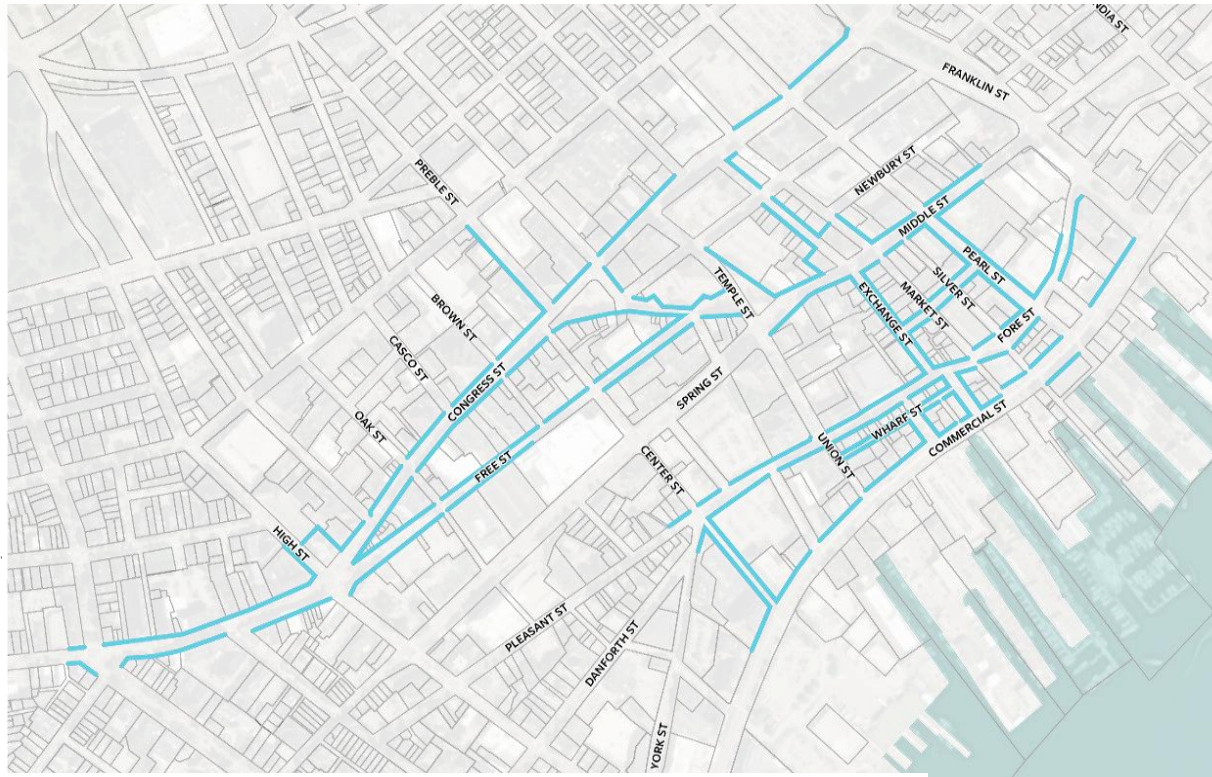


FIGURE 8-J: PEDESTRIAN ACTIVITIES DISTRICT (PAD) OVERLAY

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)



OVERLAY ZONES

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.

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.

8.6.7 Loading

The amount of loading area required for any



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



OVERLAY ZONES

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 employ 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



SITE PLAN

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.



SITE PLAN

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.



SITE PLAN

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.
- v. The street has been constructed or reconstructed without sidewalks within the last 24 months.
- vi. 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.
- 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

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 $\frac{1}{4}$ 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.



SITE PLAN

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



SITE PLAN

- covered by the performance guarantee include items such as: street and sidewalk improvements including street lights, monuments, curbing, ramps and detectable 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**
- 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.
 - The Building Authority shall either:
 - 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
 - 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.



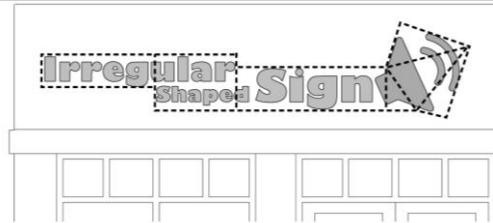
TABLE 19-C: SIGN AREA MEASUREMENT

Signs on background panel	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.	
Signs as individual letters	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.	
Signs on illuminated surface	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.	

TABLE 19-C (CONT.): SIGN AREA MEASUREMENT

Irregular-shaped signs

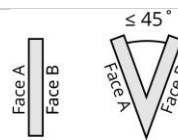
Sign area for irregular shaped signs is determined by dividing the sign into squares, rectangles, triangles, circles, arcs, or other shapes the area of which is easily calculated.



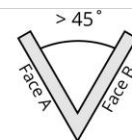
Multi-face signs

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.

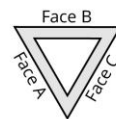
For three- or four-face signs, the sign area is 50 percent of the sum of the areas of all sign faces.



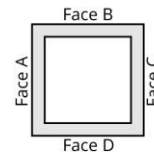
Sign Area = A



Sign Area = A + B



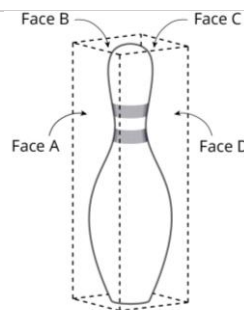
Sign Area = $(A + B + C) \div 2$



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.

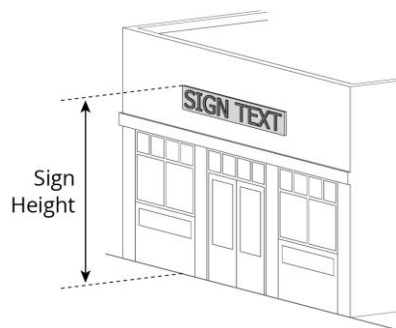


Sign Area = $(A + B + C + D) \div 2$

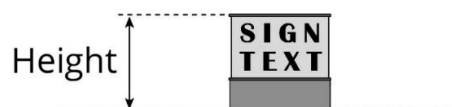
Note: Numerals and letters used to identify an address are not included in the determination of sign area.

TABLE 19-D: SIGN HEIGHT MEASUREMENT

Building-mounted signs	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.
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Freestanding signs	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.
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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

- Externally-illuminated signs must be illuminated only with steady, stationary, fully-shielded light sources directed solely onto the sign without causing glare.
- 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.

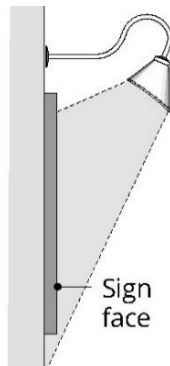


FIGURE 19-A: EXTERNAL ILLUMINATION

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.

- Single or two-color LED signs are exempt from the sign area limitations for window signs and building-mounted signs.
- 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

- One electronic message sign is allowed per lot.
- 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.

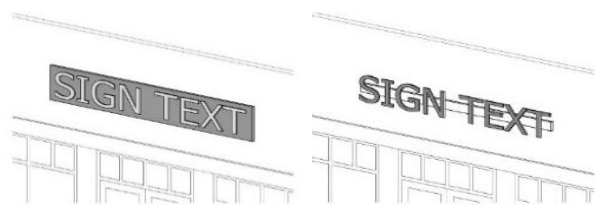


FIGURE 19-B: RACEWAY CABINET EXAMPLES

- 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

	Sign Type	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.

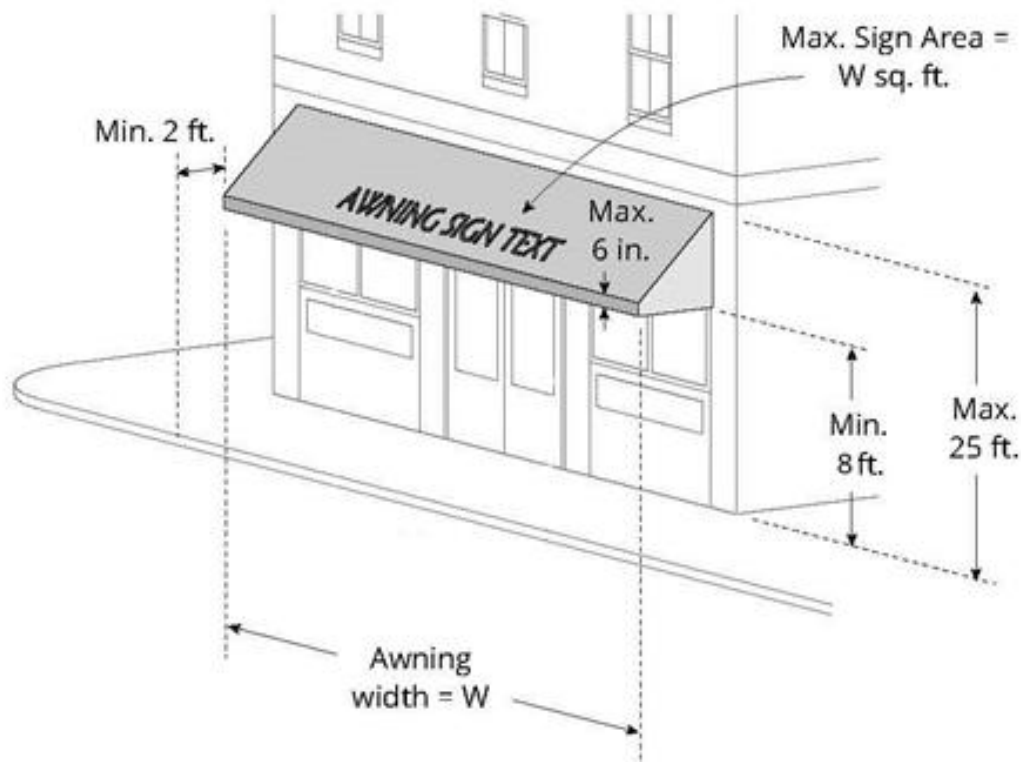


TABLE 19-1: STANDARDS FOR CANOPY SIGNS

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

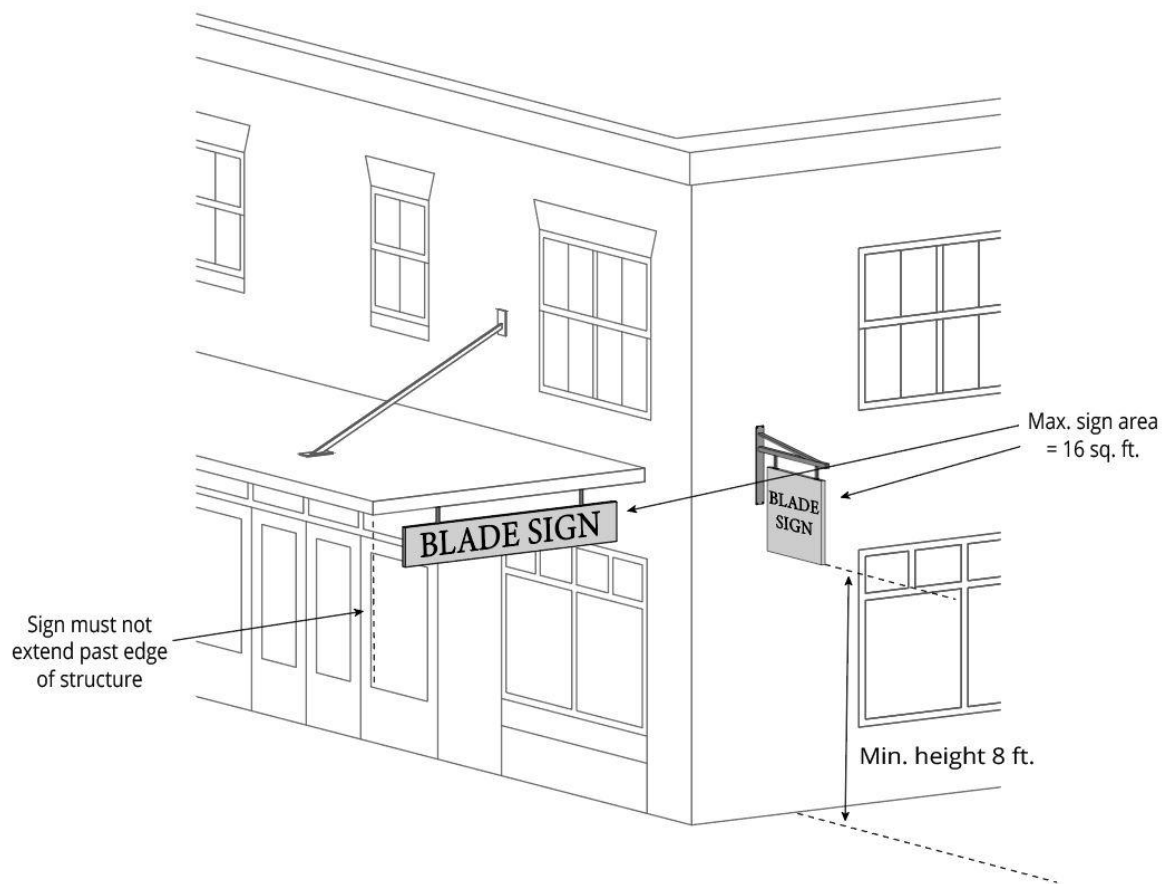


TABLE 19-K: STANDARDS FOR DIRECTIONAL SIGNS (BUILDING-MOUNTED)

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

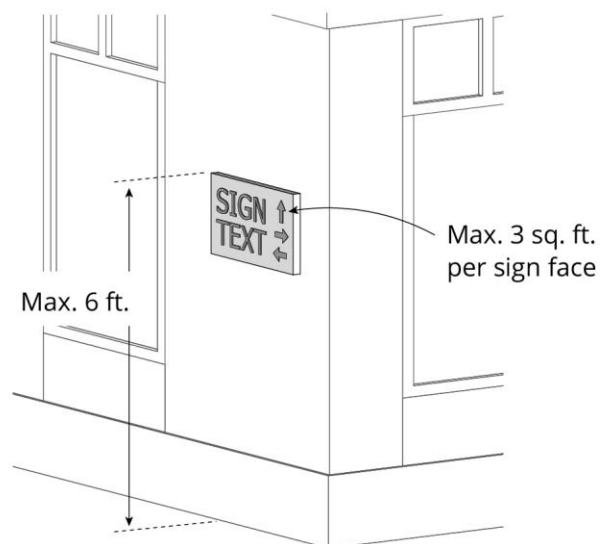


TABLE 19-L: STANDARDS FOR DIRECTORY SIGNS (BUILDING-MOUNTED)

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

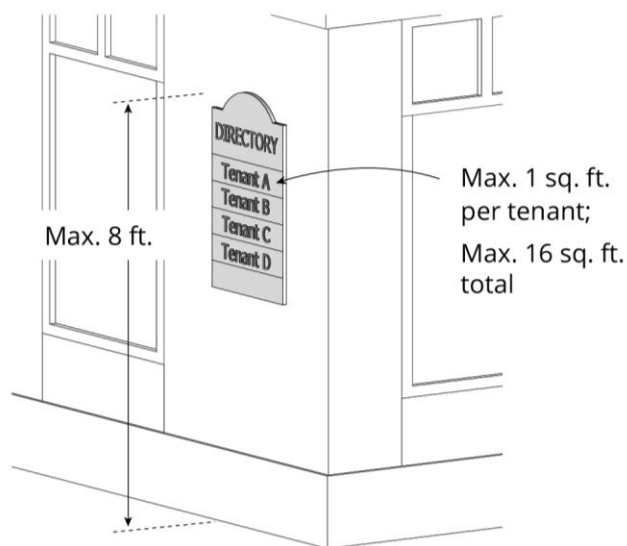


TABLE 19-M: STANDARDS FOR MARQUEE SIGNS

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

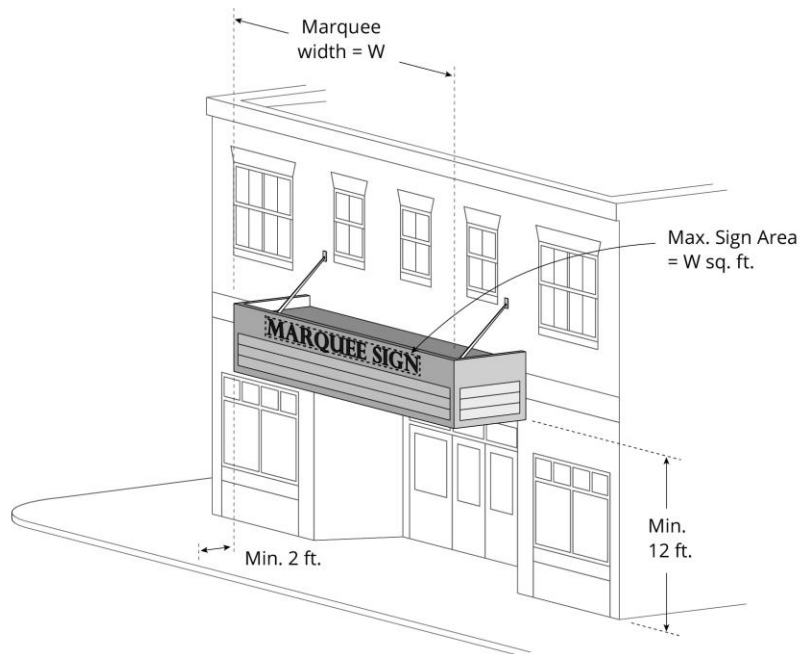


TABLE 19-N: STANDARDS FOR PROJECTING SIGNS

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.

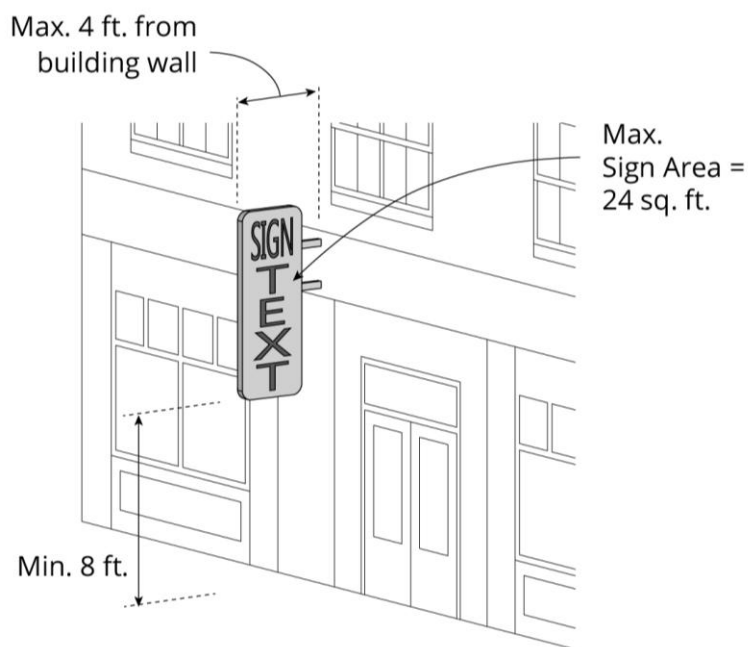


TABLE 19-O: STANDARDS FOR SERVICE ISLAND CANOPY SIGNS

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

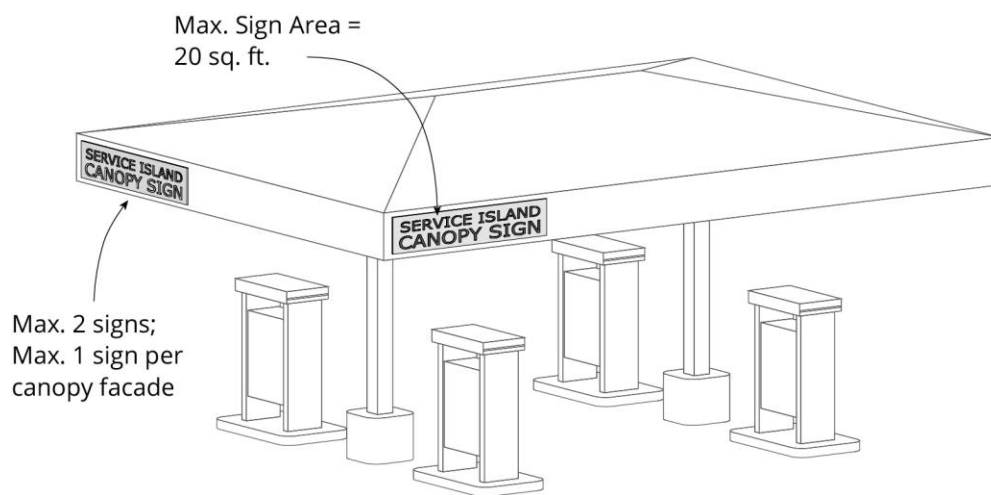


TABLE 19-P: STANDARDS FOR WALL SIGNS

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

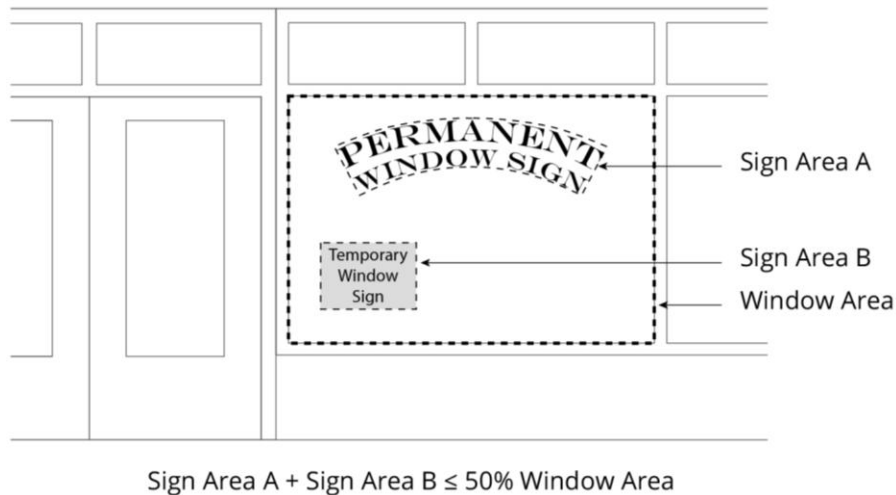


TABLE 19-R: DIMENSIONAL STANDARDS FOR FREESTANDING SIGNS BY SIGN DISTRICT

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 zones: 16 ft. In all other zones: 8 ft.	1 per lot ¹	
	Multi-tenant building	< 1 acre lot	32 SF			
		1 – 2.5 acre lot	100 SF			
		> 2.5 acre lot	140 SF			
		I-B Zone ³	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.	1 per lot ¹	
		Street frontage > 200 ft.	100 SF	In all other zones: 18 ft.		
	Multi-tenant building	< 1 acre lot	65 SF	B-4 zone: 25 ft.	1 per lot ¹	
		1 – 2.5 acre lot	100 SF	In all other zones:		
		> 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	16 ft.	1 per lot ¹
			1 – 2.5 acres	100 SF		
			≥ 2.5 acres	140 SF		
	Open Space ⁴	Park identification signs ⁵	30 SF	10 ft.	1 per major park entrance	
All other signs ⁵		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.

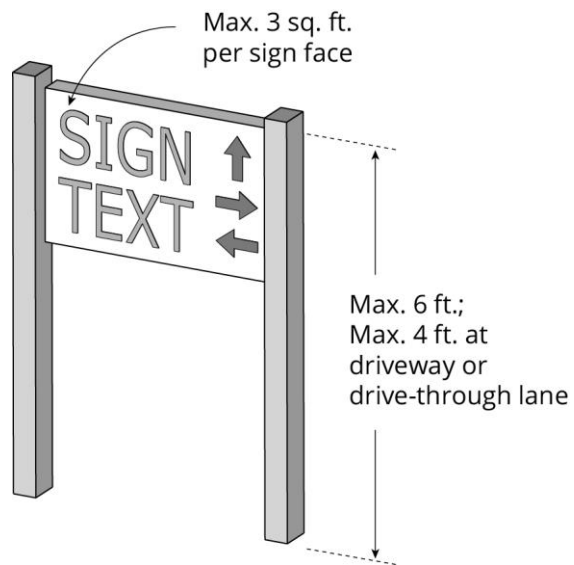
⁴ Standards do not apply to municipal stadiums with more than 6,000 seats. The standards for the Small Mixed-Use Sign District shall apply instead.

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

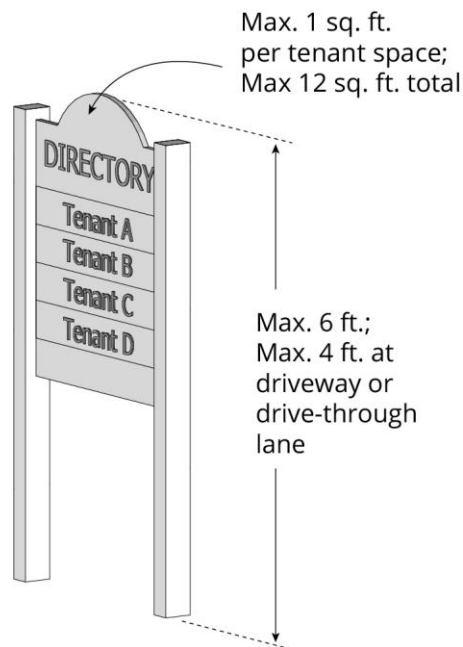
Standard	Requirements
Sign area (max.)	3 SF per sign face (excluded from the total allowed sign area for all freestanding signs)
Height (max.)	6 ft. from nearest grade, except 4 ft. at driveway or drive-through lanes
Number of signs (max.)	1 at each driveway or drive-through lane, not to exceed 3 signs 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

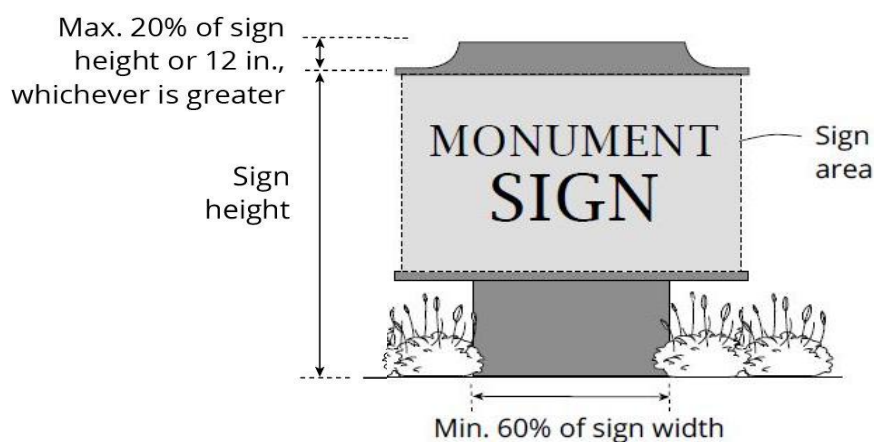
Standard	Requirements
	12 SF total
Sign area (max.)	1 SF max. per occupant or tenant space (excluded from the total allowed sign area for all freestanding signs)
Height (max.)	6 ft. from nearest grade, except 4 ft. at driveway or drive-through lanes
Number of signs (max.)	1 per building (excluded from 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.					

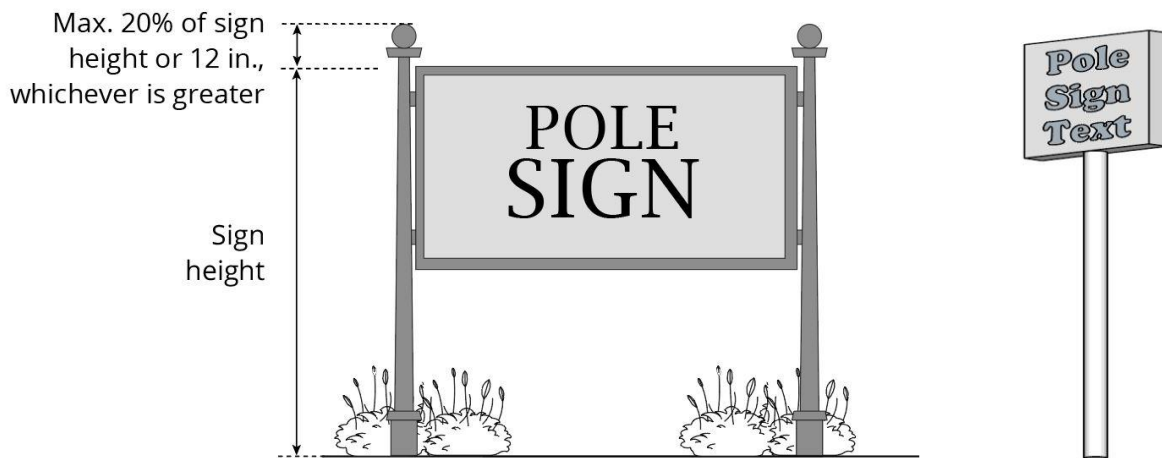


¹ The maximum sign area and sign height standards may be further limited by the standards established in Table 19-R. If no value is included in the table above, then a monument sign is not allowed in that sign district.

² Allowed for institutional uses in residential zones only.

TABLE 19-V: STANDARDS FOR POLE SIGNS¹

		Sign District					
	Standard	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

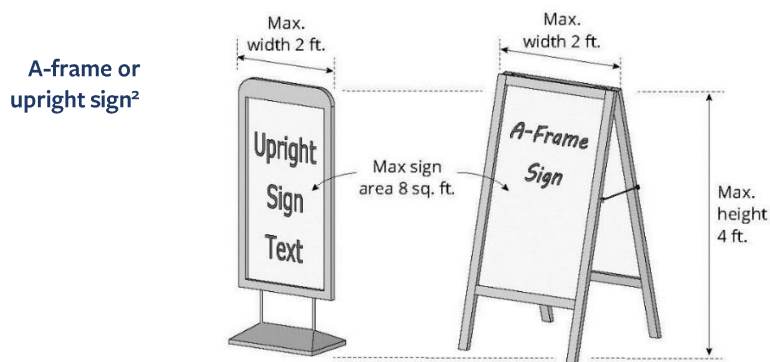
All temporary signs shall comply with the standards of Tables 19-W and 19-X.

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.

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.



32 SF

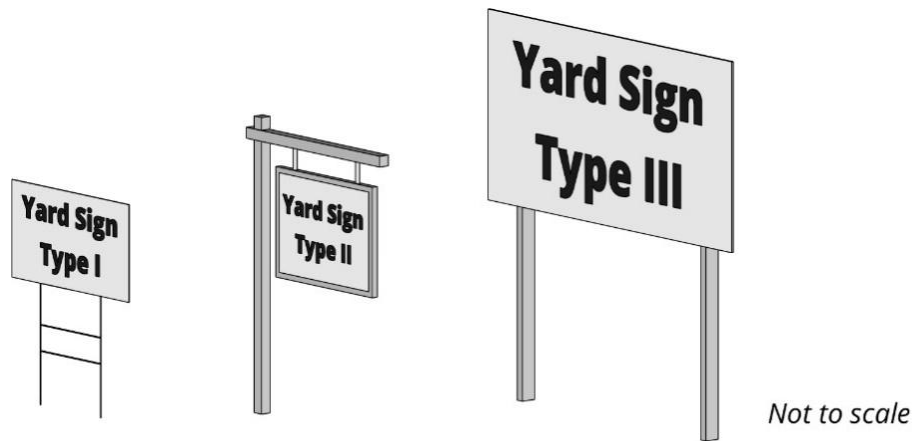
Prohibited in residential zones except for institutional uses.
Must be mounted on a building wall or on T-posts or stakes installed ≤ 6" from a wall on which the wall banner will be hung.
Mounting height (max.): 25 ft. to top of banner.

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.

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

B-1 Mixed Use Zone Undue Hardship Variance Appeal

DECISION

Date of public hearing: June 5, 2025

Name and address of appellant: John Colton
35 Cumberland Ave., Apt. 1
Portland, Maine 04101

Name and address of owners: Same as above.

Location of property under appeal: 148 Cumberland Avenue
CBL 021 E015001

INTRODUCTION

The applicant is requesting an undue hardship variance from Table 6-C of the City's Land Use Code to allow for the construction of a single-family residential dwelling in the B-1 mixed use zone. Single-family dwellings are not permitted in the B-1 zone pursuant to Table 6-C.

This Board has jurisdiction to hear this appeal pursuant to Land Use Code Section 2.3.9 (D).

FINDINGS:

Section 2.3.11(B) of the City's Land Use Code provides an undue hardship variance may be granted by the board only where strict application of the ordinance, or a provision thereof, to the applicant and his or her 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. [Note: "failure to yield a 'reasonable return' means 'the practical loss of all beneficial use of the land...Reasonable return does not mean maximum return.'" *Rowe v. City of South Portland*, 730 A.2d 673, 675 (ME 1999)(*citations omitted.*)]

The applicant has incurred considerable expense in acquisition and proposed design of the single-family dwelling project for over the eighteen months preceding this appeal while the use was permitted under the zoning at the time. Following the recent change in the City's zoning map, the project as envisioned is no longer financially viable for the applicant without a variance. Therefore, the Board finds that the land in question would not yield a reasonable return without a variance. This condition has been met.

VOTED: 5-0 in favor

2. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

The record evidence demonstrates that the surrounding neighborhood falls in a different zone where single-family dwellings are permitted, but that this is a standalone lot that is uniquely rezoned as B-1. Therefore, the Board finds this condition has been met.

VOTED: 5-0 in favor

3. The granting of a variance will not alter the essential character of the locality.

The evidence in the record demonstrates that there are other single-family dwellings in the neighborhood and therefore granting the variance will not alter the essential character of the locality. Therefore, the Board finds this condition has been met.

VOTED: 5-0 in favor

4. The hardship is not the result of action taken by the applicant or prior owner.

The applicant incurred expenses and developed plans for this project while zoning permitted the use on the lot. The hardship arose after the lot was recently rezoned and not as a result of any action taken by the applicant or prior owner. Therefore, the Board finds this condition has been met.

VOTED: 5-0 in favor

DECISION:

The Board finds that the applicant has satisfactorily met all of the standards for a variance and GRANTS the variance for a period of two years.

VOTED: 5-0

Dated: 06/06/2025

RTM Morse
Robert Todd Morse, Chair

Public Comment - Order 145 - 25/26: Please Stop Greasing The Wheels of Our Housing Crisis

George Rheault via portlandmaine.gov

Sun, Mar 15, 11:58 AM (23 hours ago)

to Mark, Danielle, Pious, April, bgrant, Kate, Anna, Regina, Wesley, smichniewicz, Public

Why is the City Council making it EASIER to build expensive MILLION DOLLAR single-family houses in areas that are designated for multi-family housing (which the city already makes it very hard to build)?

The easiest thing to get built under our land use code is a single-family residence.

No surprise then, people with deep pockets and those who cater to them to make a living, are HAPPY TO BUILD THEM instead of taking the much bigger risk of building multi-family buildings that would serve more people and bring greater benefits to our community!

See Page 6 of the redlined changes to understand what you are being asked to do:

<https://portlandme.portal.civicclerk.com/event/8377/files/attachment/30077>

Imagine how many more families we could have had on Sheridan and Hampshire Streets if the incentives for building multi-family housing had been as easy as building expensive single-family homes!

See ATTACHMENT for 26-30 Sheridan Street streetscape...

32 Hampshire Street

<https://assessors.portlandmaine.gov/idoc2/photoview.aspx?sIndex=8&idx=1&LMparent=20>

34 Hampshire Street

<https://pattifoden.com/properties/34-hampshire-st>

<https://assessors.portlandmaine.gov/datalets/datalet.aspx?mode=profileall&sIndex=3&idx=1&LMparent=20>

<https://www.redfin.com/ME/Portland/34-Hampshire-St-04101/home/173614481>

26 Sheridan Street

<https://assessors.portlandmaine.gov/datalets/datalet.aspx?mode=profileall&sIndex=5&idx=115&LMparent=20>

<https://www.redfin.com/ME/Portland/26-Sheridan-St-04101/home/179790514>

30 Sheridan Street

<https://assessors.portlandmaine.gov/datalets/datalet.aspx?mode=profileall&sIndex=7&idx=1&LMparent=20>

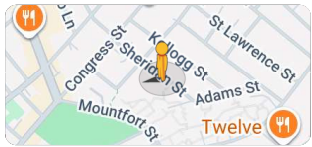
Original Listing for Vacant Land at 26-30 Sheridan Street:

<https://www.redfin.com/ME/Portland/30-Sheridan-St-04101/home/184844582>

"Here's a rare opportunity to build your East End dream home, two-three townhomes, or a multi-unit building! A rare find for sure is this sweet 6392 sq ft lot[,] is nicely situated affording harbor and city views, just steps to the attractions atop of Munjoy Hill. As we know, buildable land is scarce and the[y] just don't make any more of it!"



Image capture: Sep 2024 © 2026 Google



MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 4, 2026

SUBJECT: Order 146-25/26 Amendment to Portland Zoning Map RE: Updates - Sponsored by Joseph Zamboni, Chair, Portland Planning Board

SPONSOR: Joseph Zamboni, Chair, Portland Planning Board

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 3/2/2026

Final

Action 3/16/2026

Can action be taken at a later date: Yes If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: No

PRESENTATION: Joseph Zamboni, Planning Board Chair and Kevin Kraft, Planning and Urban Development Director (10 minutes)

I. SUMMARY

On January 27, 2026, the Planning Board unanimously (6-0, Fox recused) found the proposed amendments to the land use code and zoning map, including four map amendments, consistent with the City of Portland's comprehensive plan and recommended adoption to the City Council.

II. AGENDA DESCRIPTION

This is a companion order to the order above.

On January 27, 2026, the Planning Board voted unanimously (6–0, Fox recused) to recommend approval of a set of zoning map amendments to the City Council. These four map amendments are companion items to the zoning text amendments developed by the Planning & Urban Development Department as part of a broader package of proposed Land Use Code and zoning map updates, prepared in collaboration with Permitting & Inspections and Corporation Counsel. Together, they are intended to address minor errors, inconsistencies, and interpretation issues identified during the first year of ReCode implementation. The package of map amendments is intended to correct mapping errors and address changes in ownership affecting lots that were unintentionally split between zoning districts. This effort was informed by a comprehensive review of all split-lot conditions on the peninsula and is designed to remedy those that were unintentional, as well as to update the University of Southern Maine Overlay Zone to reflect existing conditions.

This item must be read on two separate days. It received its first reading on March 2. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

To ensure a code functions as intended, it is common practice following significant policy adoption to monitor implementation and advance amendments that address any conflicts, ambiguities, or inconsistencies that emerge. On November 4, 2024, the City Council unanimously adopted ReCode, a multi-year initiative to comprehensively rewrite the City of Portland's Land Use Code. Since ReCode took effect, the Planning & Urban Development Department has worked closely with Permitting & Inspections and Corporation Counsel to

track interpretation questions and implementation issues identified through a year of administration. Based on these findings, the Planning & Urban Development Department, in collaboration with Permitting & Inspections and Corporation Counsel, developed a set of proposed text and map amendments, which were presented to the Planning Board on January 27, 2026.

The package of map amendments is intended to correct mapping errors and changes in ownership related to lots that were unintentionally split between zoning districts. This series of map amendments was informed by a review of all split-lot conditions on the peninsula and is intended to correct those that were unintentional.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

See City Council Report associated with companion item

V. FINANCIAL IMPACT

The proposed amendments have no anticipated financial impact on the City.

VI. STAFF ANALYSIS AND BACKGROUND

See City Council Report associated with companion item.

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. These amendments 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.

VII. RECOMMENDATION

On January 27, 2026, the Planning Board voted unanimously (6-0, Fox recused) to recommend a set of text and map amendments to the City Council. Staff recommends adoption of the draft text and map amendments.

VIII. LIST ATTACHMENTS

1. Amendment - Ch14 Map re Recode Updates
2. Attachment A - Zoning Map Amendments

Prepared by:

Date: 03/04/2026

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**AMENDMENT TO PORTLAND ZONING MAP
RE: UPDATES**

WHEREAS, based on the findings, conclusions, recommendations, and other information provided in the Planning Board Report to City Council dated February 10, 2026, which is incorporated herein by reference, as well as the testimony, public comment, and other information submitted to the City Council, at the public hearing held on March 16, 2026, the City Council adopts the findings and conclusions in the Planning Board Report and finds that the below referenced zoning map amendments to Chapter 14 of the City's Code of Ordinances are pursuant to and consistent with the City's Comprehensive Plan;

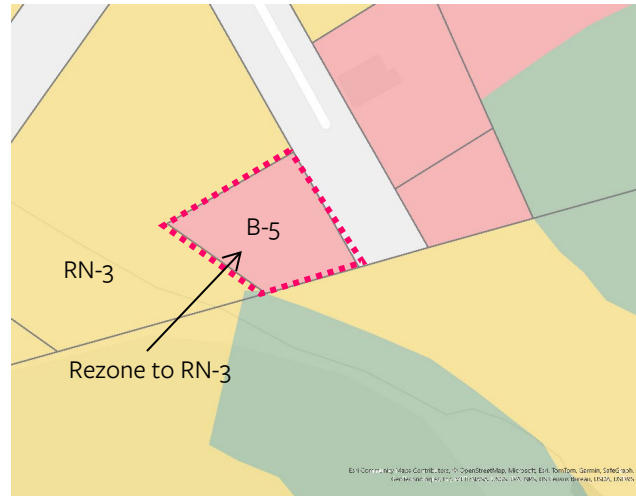
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

That the Zoning Map of the City of Portland, dated 06-19-2025, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into Portland City Code Chapter 14, the Zoning Ordinance by §1.2, be and hereby is amended pursuant to §1.10.1 by adopting the attached map amendments to rectify minor issues with the zoning map, specifically 0 Hobart Street, 44 and 108 Washington Avenue, and the USM Overlay Zone, as depicted in the maps below:

MAP CHANGES

Zone Change: B-5 to RN-3

o Hobart Street (Parcel ID: 200 Co12001)



Rezone o Hobart Street (200 Co12001) from B-5 to RN-3

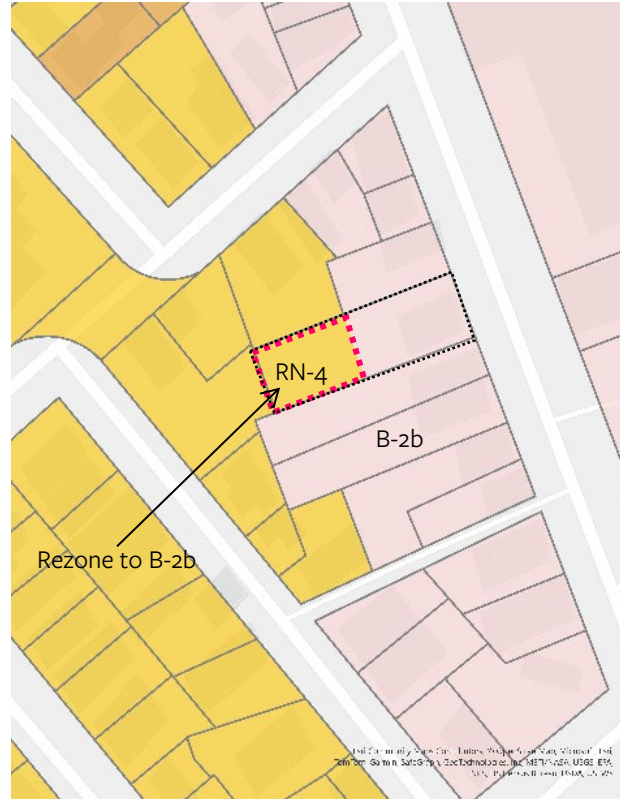


Area of parcel to be rezoned

MAP CHANGES

Zone Change: RN-4 TO B-2b

44 Washington Avenue (Parcel ID: 013 E012001)



Rezone rear portion of 44 Washington Avenue (013 E012001) from RN-4 to B-2b



Parcel boundary

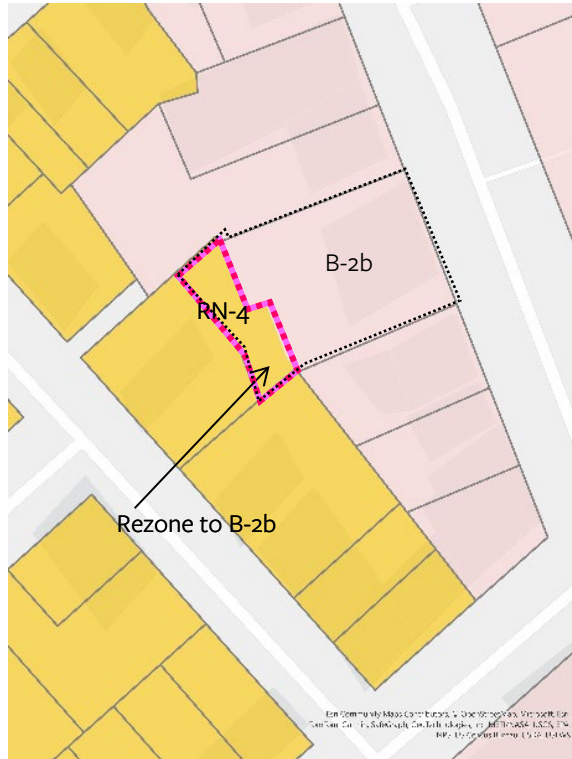


Area of parcel to be rezoned

MAP CHANGES

Zone Change: RN-4 TO B-2b

108 Washington Avenue (Parcel ID: 012 K013001)



Rezone rear portion of 108 Washington Avenue (012 K013001) from RN-4 to B-2b



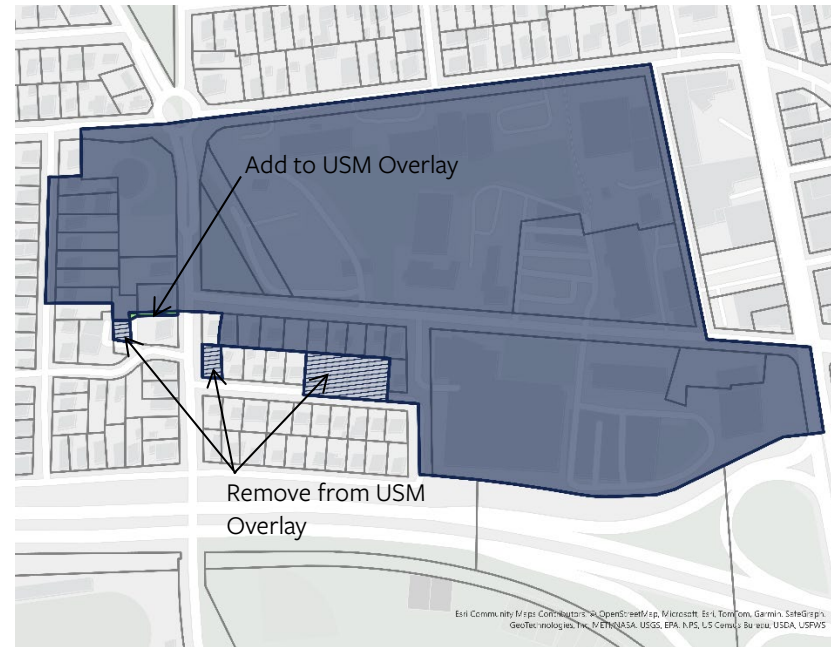
Parcel boundary



Area of parcel to be rezoned

MAP CHANGES

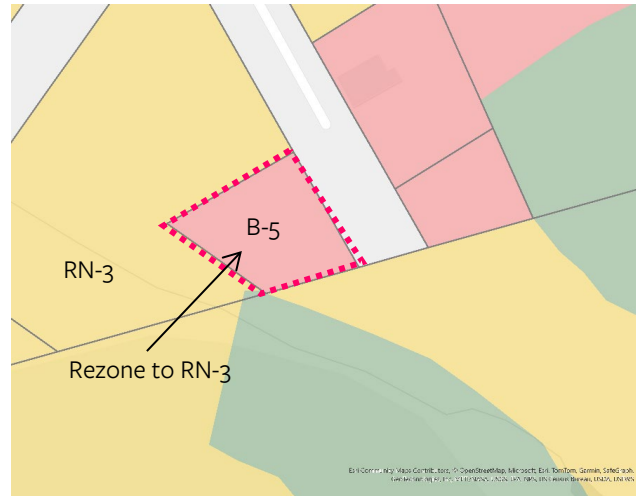
USM Overlay



MAP CHANGES

Zone Change: B-5 to RN-3

o Hobart Street (Parcel ID: 200 Co12001)



Rezone o Hobart Street (200 Co12001) from B-5 to RN-3

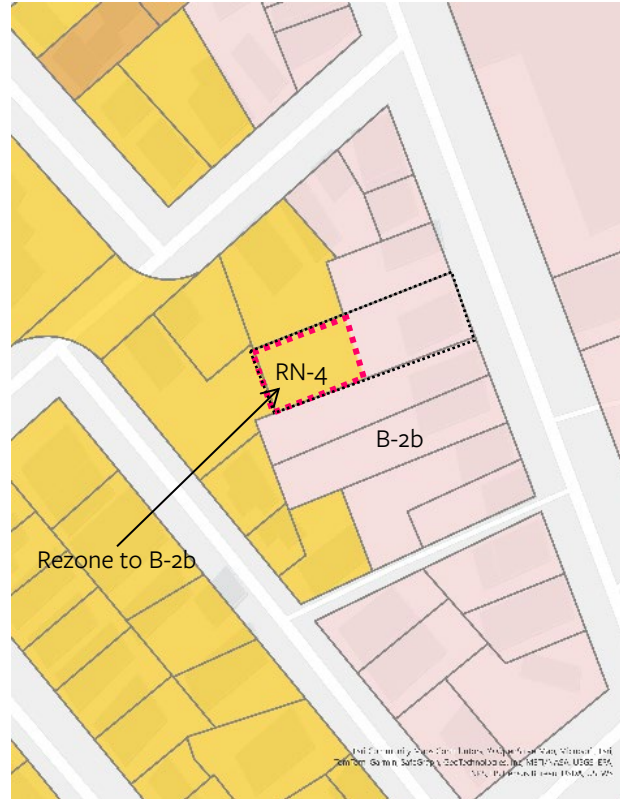


Area of parcel to be rezoned

MAP CHANGES

Zone Change: RN-4 TO B-2b

44 Washington Avenue (Parcel ID: 013 E012001)



Rezone rear portion of 44 Washington Avenue (013 E012001) from RN-4 to B-2b



Parcel boundary

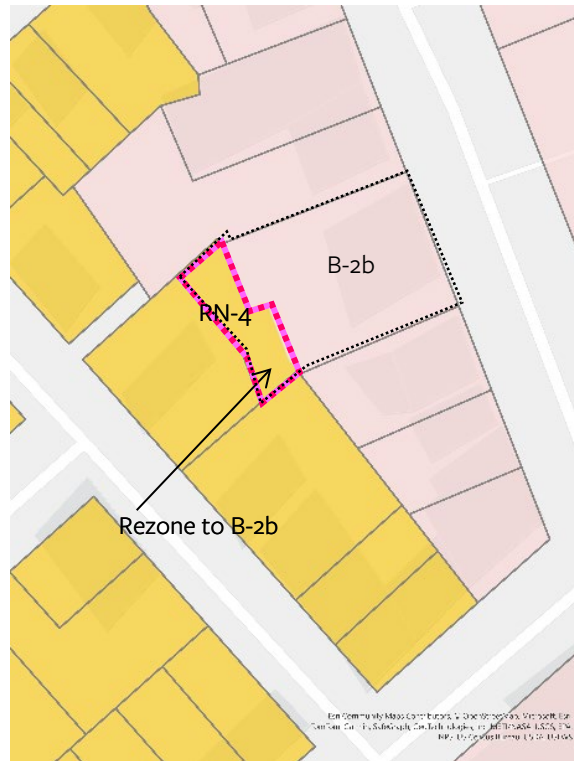


Area of parcel to be rezoned

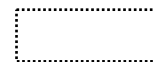
MAP CHANGES

Zone Change: RN-4 TO B-2b

108 Washington Avenue (Parcel ID: 012 K013001)



Rezone rear portion of 108 Washington Avenue (012 K013001) from RN-4 to B-2b



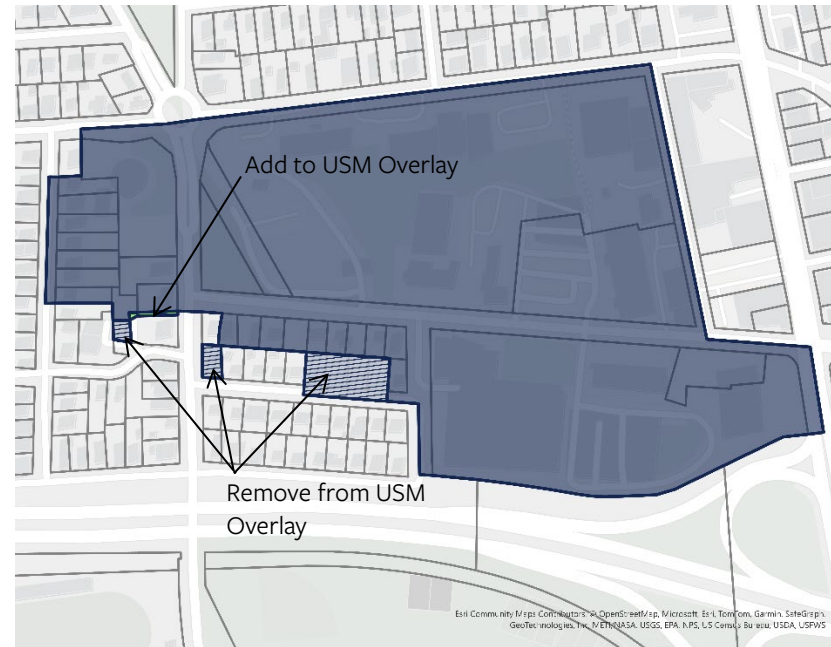
Parcel boundary



Area of parcel to be rezoned

MAP CHANGES

USM Overlay



MEMORANDUM
City Council Agenda Item

FROM: Greg Watson, Director
DATE: February 24, 2026
SUBJECT: Order 158-25/26 Accepting and Appropriating a \$500 Donation from Alireza Shahin Khojastehzad to the Shahnaz Mahager Hummingbird Grant Program - Sponsored by Danielle P. West, City Manager
SPONSOR: Danielle P. West, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st Reading 3/16/2026

Final Action 4/6/2026

Can action be taken at a later date: Yes

Does this item involve a new contract with the City: No new contract.

PRESENTATION: Greg Watson will be present to answer any questions.

I. SUMMARY

The City has been asked to accept an additional \$500 in donated funds to support the Shahnaz Mahager Hummingbird Grant Program in memory of Shahnaz Mahager, the late mother of Alireza Shahin Khojastehzad and Farnaz Khojastehzad. This grant program was created by the City Council in June of 2024 and was funded in the initial amount of \$18,105 so that the City may grant \$1,000 annually from this grant program.

II. AGENDA DESCRIPTION

At the July 15, 2024, City Council meeting, the Council authorized the Shahnaz Mahager Hummingbird Grant Program and accepted and appropriated the initial capitalization and donation for the program in the amount of \$18,105 from Alireza Shahin Khojastehzad and his sister Farnaz Khojastehzad in memory of their mother, Shahnaz Mahager.

The program grants \$1,000 annually to a Portland business whose owner's most recent annual adjusted gross income is below 80% of Area Median Income (AMI) and are female, immigrant-owned businesses located in Portland with priority given to the cosmetology business.

Mr. Khojastehzad would now like to donate an additional \$500 for the program, which is administered by the Housing and Economic Development Department. City Council is being asked to accept and appropriate this additional \$500 donation to the Program.

This item must be read on two separate days. This is its first reading.

III. BACKGROUND

Alireza Shahin Khojastehzad is a Portland-based entrepreneur. He received an ARPA-funded Microenterprise Grant of \$5,000 from the City in 2023, which he used to launch his new business. Out of gratitude to the City and to encourage future entrepreneurs, he and his sister created a \$1,000 annual grant program in their mother's honor. The first \$1,000 grant was made in May of 2025 and the next \$1,000 will be advertised and awarded this Spring.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

This grant program supports local businesses and strengthens the economic vitality of the City.

V. FINANCIAL IMPACT

There is no cost to the City; rather, the City will receive another \$500 to support this Grant Program.

VI. STAFF ANALYSIS AND BACKGROUND

This grant program was created by the City Council in June of 2024 by Council Order 258 and is fully administered by Housing and Economic Development Department staff.

VII. RECOMMENDATION

Staff recommends accepting and appropriating the \$500 in donated funds.

VIII. LIST ATTACHMENTS

1. Order - Accepting and Appropriating \$500 for Hummingbird Grant Program
2. Order #258 as Passed 7-15-2024

Prepared by:

Greg Watson, Director

Date: 02/24/2026

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER ACCEPTING AND APPROPRIATING A \$500 DONATION FROM ALIREZA
SHAHIN KHOJASTEHZAD TO THE SHAHNAZ MAHAGER HUMMINGBIRD
GRANT PROGRAM**

ORDERED, that a \$500 donation from Alireza Shahin Khojastehzad is hereby accepted and that amount appropriated to the Shahnaz Mahager Hummingbird Grant Program.

Order 258-23/24

Passage: 7-0 on 7/15/2024 (Councilor Rodriguez & Phillips absent)

Effective 7/25/2024

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER(A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER APPROVING THE HOUSING AND ECONOMIC DEVELOPMENT
DEPARTMENT SHAHNAZ MAHAGER HUMMINGBIRD GRANT PROGRAM AND
ACCEPTING AND APPROPRIATING AN \$18,105 DONATION FOR ITS CREATION**

ORDERED, that the Memorandum of Understanding outlining the terms and creating the Housing and Economic Development Department's Shahnaz Mahager Hummingbird Grant Program is hereby approved substantially in the form attached hereto; and

BE IT FURTHER ORDERED, that an \$18,105 donation is hereby accepted and that amount appropriated for the creation of the Shahnaz Mahager Hummingbird Grant Program; and

BE IT FURTHER ORDERED, that City Manager or their designee is authorized to execute any and all documents necessary to implement this program and otherwise carry out the intent of this Order.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 6, 2026

SUBJECT: Order 159-25/26 Approving Subaward Agreement Between MaineHealth and the City of Portland and Accepting and Appropriating \$23,815.42 for Project DHARMA - Sponsored by Danielle P. West, City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 3/16/2026

Final

Action 4/13/2026

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: Yes

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

This order approves a subaward agreement between the City of Portland Public Health Division and MaineHealth to participate in the research study titled "Enhancing Project DHARMA; evaluating a community-based drug checking navigator intervention to prevent overdoses." This agreement provides \$23,815.42 in federal pass-through funding to support the City's participation in the study, which includes facilitating participant recruitment, data collection, and collaboration on drug-checking result reporting.

This item must be read on two separate days. This is its first reading.

III. BACKGROUND

Project DHARMA is a collaboration between MaineHealth and community organizations dedicated to overdose and infection prevention in rural Maine. Overdose and infection prevention involves a set of evidence-based strategies that reduce the risk of overdose and the infectious complications of substance use. This grant will support costs associated with enhancing the voice of people with lived experience in programming and communication regarding risks associated with substances to affected individuals and support communities.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The funding will support efforts to address substance use disorder within our community, contributing to the improved health of individuals affected by substance use disorder and by extension, the health of the wider community. This is further related to council common goals to reduce chronic homelessness and strengthen economic vitality.

V. FINANCIAL IMPACT

This is a grant funded program with no impact on City budget.

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. City of Portland 111953-DHARMA-PPH-03
2. Order - DHARMA Grant

Prepared by:

Date: 03/06/2026

FDP Cost Reimbursement Subaward

Run Template

Federal Awarding Agency: Other [Type in Agency]		Centers for Disease Control & Prevention
Pass-Through Entity (PTE):		Subrecipient:
MaineHealth		City of Portland-Public Health Division
PTE PI: Kinna Thakrar	Sub PI: Arielle Gross	
PTE Federal Award No: 1U01CE003694-01-00	Subaward No: 111953-DHARMA-PPH-03	
Project Title: Enhancing Project DHARMA; evaluating a community-based drug checking navigator intervention to prevent overdoses		
Subaward Budget Period:		Amount Funded This Action (USD): \$ 23815.42
Start: 09/30/2025 ?	End: 09/29/2026 ?	
Estimated Period of Performance:		Incrementally Estimated Total (USD): \$ 23815.42
Start: 09/30/2025	End: 09/29/2030	

Terms and Conditions

- PTE hereby awards a cost reimbursable subaward, (as determined by 2 CFR 200.331), to Subrecipient. The Statement of Work and budget for this Subaward are as shown in Attachment 5. In its performance of Subaward work, Subrecipient shall be an independent entity and not an employee or agent of PTE.
- Subrecipient shall submit invoices not more often than monthly and not less frequently than quarterly for allowable costs incurred. Upon the receipt of proper invoices, the PTE agrees to process payments in accordance with this Subaward and 2 CFR 200.305. All invoices shall be submitted using Subrecipient's standard invoice, but at a minimum shall include current and cumulative costs (including cost sharing), breakdown by major cost category, Subaward number, and certification, as required in 2 CFR 200.415(b). Invoices that do not reference PTE Subaward number shall be returned to Subrecipient. Invoices and questions concerning invoice receipt or payments shall be directed to the party's Financial Contact, shown in Attachment 3A.
- A final statement of cumulative costs incurred, including cost sharing, marked "FINAL" must be submitted to PTE's Financial Contact, as shown in Attachment 3A, not later than 60 days after the final Budget Period end date . The final statement of costs shall constitute Subrecipient's final financial report.
- All payments shall be considered provisional and are subject to adjustment within the total estimated cost in the event such adjustment is necessary as a result of an adverse audit finding against the Subrecipient.
- Matters concerning the technical performance of this Subaward shall be directed to the appropriate party's Principal Investigator as shown in Attachments 3A and 3B. Technical reports are required as shown in Attachment 4.
- Matters concerning the request or negotiation of any changes in the terms, conditions, or amounts cited in this Subaward, and any changes requiring prior approval, shall be directed to the PTE's Administrative Contact and the Subrecipient's Administrative Contact shown in Attachments 3A and 3B. Any such change made to this Subaward requires the written approval of each party's Authorized Official as shown in Attachments 3A and 3B.
- The PTE may issue non-substantive changes to the Budget Period(s) and Budget Bilaterally . Unilateral modification shall be considered valid 14 days after receipt unless otherwise indicated by Subrecipient when sent to Subrecipient's Administrative Contact, as shown in Attachment 3B.
- Each party shall be responsible for its negligent acts or omissions and the negligent acts or omissions of its employees, officers, or directors, to the extent allowed by law.
- Either party may terminate this Subaward with 30 days written notice. Notwithstanding, if the Awarding Agency terminates the Federal Award, PTE will terminate in accordance with Awarding Agency requirements. PTE shall direct written notice to the Subrecipient's Authorized Official contact, and Subrecipient shall direct written notice to the PTE's Authorized Official contact, as shown in Attachments 3A and 3B. PTE shall pay Subrecipient for termination costs as allowable under Uniform Guidance, 2 CFR 200, or 45 CFR Part 75 Appendix IX, as applicable.
- By signing this Subaward, including the attachments hereto which are hereby incorporated by reference, Subrecipient certifies that it will perform the Statement of Work in accordance with the terms and conditions of this Subaward and the applicable terms of the Federal Award, including the appropriate Research Terms and Conditions ("RTCs") of the Federal Awarding Agency, as referenced in Attachment 2. The parties further agree that they intend this subaward to comply with all applicable laws, regulations, and requirements.

By an Authorized Official of the PTE:		By an Authorized Official of the Subrecipient:	
Name: Jessica Chertow, PhD MBA	Date	Name: Danielle West	Date
Title: Vice President of Research		Title:	

Attachment 1

Certifications and Assurances

Subaward Number:

111953-DHARMA-PPH-03

Certification Regarding Lobbying (2 CFR 200.450)

By signing this Subaward, the Subrecipient Authorized Official certifies, to the best of his/her knowledge and belief, that no Federal appropriated funds have been paid or will be paid, by or on behalf of the Subrecipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement in accordance with 2 CFR 200.450.

If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or intending to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Subrecipient shall complete and submit Standard Form -LLL, "Disclosure Form to Report Lobbying," to the PTE.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Debarment, Suspension, and Other Responsibility Matters (2 CFR 200.214 and 2 CFR 180)

By signing this Subaward, the Subrecipient Authorized Official certifies, to the best of his/her knowledge and belief that neither the Subrecipient nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency, in accordance with 2 CFR 200.214 and 2 CFR 180.

Audit and Access to Records

Subrecipient certifies that it will provide PTE with notice of any adverse findings which impact this Subaward. Subrecipient certifies compliance with applicable provisions of 2 CFR 200.501-200.521. If Subrecipient is not required to have a Single Audit as defined by 200.501, Awarding Agency requirements, or the Single Audit Act, then Subrecipient will provide notice of the completion of any required audits and will provide access to such audits upon request. Subrecipient will provide access to records as required by parts 2 CFR 200.332 (a)(5), 200.337, and 200.338 as applicable.

Program for Enhancement of Contractor Employee Protections (41 U.S.C 4712)

Subrecipient is hereby notified that they are required to: inform their employees working on any federal award that they are subject to the whistleblower rights and remedies of the program; inform their employees in writing of employee whistleblower protections under 41 U.S.C §4712 in the predominant native language of the workforce; and include such requirements in any agreement made with a subcontractor or subgrantee.

The Subrecipient shall require that the language of the certifications above in this Attachment 1 be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Use of Name

Neither party shall use the other party's name, trademarks, or other logos in any publicity, advertising, or news release without the prior written approval of an authorized representative of that party. The parties agree that each party may use factual information regarding the existence and purpose of the relationship that is the subject of this Subaward for legitimate business purposes, to satisfy any reporting and funding obligations, or as required by applicable law or regulation without written permission from the other party. In any such statement, the relationship of the parties shall be accurately and appropriately described.

Prohibition on Certain Telecommunication and Video Surveillance Services or Equipment

Pursuant to 2 CFR 200.216, Subrecipient will not obligate or expend funds received under this Subaward to: (1) procure or obtain; (2) extend or renew a contract to procure or obtain; or (3) enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services (as described in Public Law 115-232, section 889) as a substantial or essential component of any system, or as a critical technology as part of any system.

Attachment 2

Federal Award Terms and Conditions

Subaward Number

111953-DHARMA-PPH-03

Required Data Elements

The data elements required by Uniform
Guidance are incorporated in the attached Federal Award ☐ ?

This Subaward Is:

☐ Research & Development ☐ Subject to FFATA

Awarding Agency Institute (If Applicable)

Centers for Disease Control and Prevention

Federal Award Issue Date FAIN Assistance Listing No.

09/30/25

U01CE003694

93.136

Assistance Listing Program Title (ALPT)

Injury Prevention & Control Research & State & Community Based Programs

Key Personnel Per NOA

?

General Terms and Conditions

By signing this Subaward, Subrecipient agrees to the following:

1. To abide by the conditions on activities and restrictions on expenditure of federal funds in appropriations acts that are applicable to this Subaward to the extent those restrictions are pertinent. This includes any recent legislation noted on the Federal Awarding Agency's website:
2. 2 CFR 200
3. The Federal Awarding Agency's grants policy guidance, including addenda in effect as of the beginning date of the period of performance or as amended found at:
4. Applicable Research Terms and Conditions, including any Federal Awarding Agency's Specific Requirements found at:
 except for the following :
 - a. No-cost extensions require the written approval of the PTE. Any requests for a no-cost extension shall be directed to the Administrative ☐ Contact shown in Attachment 3A, not less than 30 days prior to the desired effective date of the requested change.
 - b. Any payment mechanisms and financial reporting requirements described in the applicable Federal Awarding Agency Terms and Conditions and Agency-Specific Requirements are replaced with Terms and Conditions (1) through (4) of this Subaward; and
 - c. Any prior approvals are to be sought from the PTE and not the Federal Awarding Agency.
 - d. Title to equipment as defined in 2 CFR 200.1 that is purchased or fabricated with research funds or Subrecipient cost sharing funds, as direct costs of the project or program, shall vest in the Subrecipient subject to the conditions specified in 2 CFR 200.313.
 - e. Prior approval must be sought for a change in Subrecipient PI or change in Key Personnel (defined as listed on the NOA).
5. Treatment of program income: Additive ☐

Special Terms and Conditions:

Data Sharing and Access:

Subrecipient agrees to comply with the Federal Awarding Agency's data sharing and/or access requirements as reflected in the NOA or the Federal Awarding Agency's standard terms and conditions as referenced in General Terms and Conditions 1-4 above.

 No additional requirements ☐

Data Rights:

Subrecipient grants to PTE the right to use data created in the performance of this Subaward solely for the purpose of and only to the extent required to meet PTE's obligations to the Federal Government under its PTE Federal Award.

Copyrights:

Subrecipient Grants ☐ to PTE an irrevocable, royalty-free, non-transferable, non-exclusive right and license to use, reproduce, make derivative works, display, and perform publicly any copyrights or copyrighted material (including any computer software and its documentation and/or databases) first developed and delivered under this Subaward solely for the purpose of and only to the extent required to meet PTE's obligations to the Federal Government under its PTE Federal Award.

Subrecipient grants to PTE the right to use any written progress reports and deliverables created under this Subaward solely for the purpose of and only to the extent required to meet PTE's obligations to the Federal Government under its Federal Award.

Promoting Objectivity in Research (COI):

Subrecipient must designate herein which entity's Financial Conflicts of Interest policy (COI) will apply: Subrecipient ☐

If applying its own COI policy, by execution of this Subaward, Subrecipient certifies that its policy complies with the requirements of the relevant Federal Awarding Agency as identified herein: Centers for Disease Control & Prevention

Subrecipient shall report any financial conflict of interest to PTE's Administrative Representative or COI contact, as designated on Attachment 3A. Any financial conflicts of interest identified shall, when applicable, subsequently be reported to Federal Awarding Agency. Such report shall be made before expenditure of funds authorized in this Subaward and within 45 days of any subsequently identified COI.

Work Involving Human or Vertebrate Animals (Select Applicable Options)☐ No Human or Vertebrate Animals

IRB

Exempt and determination will be provided upon request ☒ Human Subjects Exempt☐ Vertebrate Animals*The PTE requires verification of IRB and/or IACUC approval be sent to*Administrative Contact *as required above:*

Subrecipient agrees that any non-exempt human and/or vertebrate animal research protocol conducted under this Subaward shall be reviewed and approved by the appropriate Institutional Review Board (IRB) and/or its Institutional Animal Care and Use Committee (IACUC), as applicable and that it will maintain current and duly approved research protocols for all periods of the Subaward involving human and/or vertebrate animal research. Subrecipient certifies that the appropriate IRB and/or IACUC are in full compliance with applicable state and federal laws and regulations. The Subrecipient certifies that any submitted IRB / IACUC approval represents a valid, approved protocol that is entirely consistent with the Project associated with this Subaward. In no event shall Subrecipient invoice or be reimbursed for any human or vertebrate animals related expenses incurred in a period where any applicable IRB / IACUC approval is not properly in place.

Human Subjects Data (Select One) Not Applicable 

This section left intentionally blank

This section left intentionally blank

Additional Terms **Impacts Resulting from Court Orders or Legislative Changes:**

The Subrecipient agrees that, to the extent future state or federal legislation or court orders may impact the services or activities performed under this Subaward, the PTE reserves the right to unilaterally modify service priorities, funding allocations, and/or expenditure requirements under this Subaward to ensure compliance with such legal or regulatory changes. The Prime Recipient will notify the Subrecipient of any changes under this provision through a written memorandum or an amendment to the Subaward.

The Subrecipient ' s obligations under this Agreement are subject to and limited by the defenses, immunities, and limitations of liability available to the Subrecipient under the Maine Tort Claims Act, 14 M.R.S.A. §8101 et seq. and other applicable law.

Attachment 3A
Pass-Through Entity (PTE) Contacts

Subaward Number:
111953-DHARMA-PPH-01

PTE Information

Entity Name:

Legal Address:

Website:

PTE Contacts

Central Email:

Principal Investigator Name:

Email: Telephone Number:

Administrative Contact Name:

Email: Telephone Number:

COI Contact email (if different to above):

Financial Contact Name:

Email: Telephone Number:

Email invoices? ☒ Yes ☐ No Invoice email (if different):

Authorized Official Name:

Email: Telephone Number:

PI Address:

22 Bramhall Street
Portland, ME 04102

Administrative Address:

81 Research Drive
Scarborough, ME 04074

Invoice Address:

Maine Medical Center
Attn: Finance
1 Medical Center Drive
P.O. Box 626
Biddeford, ME 04005

Attachment 3B

Subrecipient Contacts

Subaward Number:

111953-DHARMA-PPH-03

Subrecipient Information for [FFATA](#) reporting

Entity's UEI Name:

EIN No.: Institution Type:

UEI: Currently registered in SAM.gov: ☐ Yes ☐ No

Parent UEI: Exempt from reporting executive compensation: ☐ Yes ☐ No (if no, complete 3Bpg2)

Place of Performance Address **This section for U.S. Entities:** Zip Code [Look-up](#)

Congressional District: Zip Code+4:

Subrecipient Contacts

Central Email:

Website:

Principal Investigator Name:

Email: Telephone Number:

Administrative Contact Name:

Email: Telephone Number:

Financial Contact Name:

Email: Telephone Number:

Invoice Email:

Authorized Official Name:

Email: Telephone Number:

Legal Address:

Administrative Address:

Payment Address:

Attachment 3B-2
Highest Compensated Officers

Subaward Number:

111953-DHARMA-PPH-03

Subrecipient:

Institution Name: City of Portland-Public Health Division

PI Name: Arielle Gross

Highest Compensated Officers

The names and total compensation of the five most highly compensated officers of the entity(ies) must be listed if the entity in the preceding fiscal year received 80 percent or more of its annual gross revenues in Federal awards; and \$25,000,000 or more in annual gross revenues from Federal awards; and the public does not have access to this information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. See FFATA § 2(b)(1) Internal Revenue Code of 1986.

Officer 1 Name:

Officer 1 Compensation:

Officer 2 Name:

Officer 2 Compensation:

Officer 3 Name:

Officer 3 Compensation:

Officer 4 Name:

Officer 4 Compensation:

Officer 5 Name:

Officer 5 Compensation:

Attachment 4

Reporting and Prior Approval Terms

Subaward Number:

111953-DHARMA-PPH-03

Subrecipient agrees to submit the following reports (PTE contacts are identified in Attachment 3A):

Technical Reports:

- ☐ Monthly technical/progress reports will be submitted to the PTE's within days of the end of the month.
- ☐ Quarterly technical/progress reports will be submitted within 30 days after the end of each project quarter to the PTE's .
- ☐ Annual technical / progress reports will be submitted within days prior to the end of each budget period to the PTE's . Such report shall also include a detailed budget for the next Budget Period, updated other support for key personnel, certification of appropriate education in the conduct of human subject research of any new key personnel, and annual IRB or IACUC approval, if applicable.
- ☒ A Final technical/progress report will be submitted to the PTE's within days of the end of the Project Period or after termination of this award, whichever comes first.
- ☒ Technical/progress reports on the project as may be required by PTE's in order for the PTE to satisfy its reporting obligations to the Federal Awarding Agency.

Prior Approvals:

Carryover:

Other Reports:

- ☒ In accordance with 37 CFR 401.14, Subrecipient agrees to notify both the Federal Awarding Agency via designated portal and PTE's within 60 days after Subrecipient's inventor discloses invention(s) in writing to Subrecipient's personnel responsible for patent matters. The Subrecipient will submit a final invention report using Federal Awarding Agency specific forms to the PTE's within 60 days of the end of the Project Period to be included as part of the PTE's final invention report to the Federal Awarding Agency.
- A negative report is required:
- ☒ Property Inventory Report (only when required by Federal Awarding Agency), specific requirements below.

Additional Technical and Reporting Requirements:

Attachment 5
Statement of Work, Cost Sharing, Indirects & Budget

Subaward Number:

111953-DHARMA-PPH-03

Statement of Work

☒ Below ☐ Attached, pages

If award is FFATA eligible and SOW exceeds 4000 characters, include a *Subrecipient Federal Award Project Description*

For Yr 1 (9/30/2025 – 9/29/2026), Subrecipient shall:

- 1) Facilitate recruitment for focus groups.
- 2) Participate in and facilitate recruitment for four (4) co-design workshops/meetings to occur over the course of approximately one (1) year.
- 3) Facilitate survey data collection from clients using drug checking services.
- 4) Complete human subjects training and submit completion certificates as requested.
- 5) Collaborate with MaineHealth team relating to drug checking result reporting.
- 6) Attend monthly (possibly more frequent) MaineHealth team meetings (in person, hybrid, or remote) as scheduled and as needed with advanced notice.
- 7) Attend drug checking trainings as scheduled with advanced notice.

Budget Information

Indirect Cost Rate Information	Rate Applied: 18.22 %	Cost Sharing ? No
Type: Negotiated Rate	Base: Modified Total Direct Costs	If Yes, include Amount: \$

Budget Details ☒ Below ☐ Attached, pages

Budget Totals

Direct Costs	\$ 20145
Indirect Costs	\$ 3670.42
Total Costs	\$ 23815.42

All amounts are in United States Dollars

Attachment 6**Notice of Award (NOA) and any additional documents**

The following pages include the NOA and if applicable any additional documentation referenced throughout this Subaward.



Not incorporating the NOA or any additional documentation to this Subaward.

UEI: Enter name of Organization:

Portland Public Health

Budget Type: ☐ Project ☒ Subaward/Consortium

Budget Period: 1 Start Date:

09/30/2025

 End Date:

09/29/2026

A. Senior/Key Person

Prefix	First	Middle	Last	Suffix	Base Salary (\$)	Months		Requested Salary (\$)	Fringe Benefits (\$)	Funds Requested (\$)
						Cal.	Acad. Sum.			
	Arielle		Gross			0.00		0.00	0.00	0.00
Project Role: PD/PI										

Additional Senior Key Persons:

Add Attachment

Delete Attachment

View Attachment

Total Funds requested for all Senior Key Persons in the attached file

0.00

Total Senior/Key Person

B. Other Personnel

Number of Personnel	Project Role	Months		Requested Salary (\$)	Fringe Benefits (\$)	Funds Requested (\$)
		Cal.	Acad. Sum.			
	Post Doctoral Associates					
	Graduate Students					
	Undergraduate Students					
	Secretarial/Clerical					
1	Drug Checking Navigator	0.25		15,000.00	5,145.00	20,145.00

1

Total Number Other Personnel

20,145.00

Total Salary, Wages and Fringe Benefits (A+B)

20,145.00

C. Equipment Description

List items and dollar amount for each item exceeding \$5,000

Equipment item		Funds Requested (\$)

Additional Equipment:		Add Attachment	Delete Attachment	View Attachment
Total funds requested for all equipment listed in the attached file				
Total Equipment				

D. Travel

	Funds Requested (\$)
1. Domestic Travel Costs (Incl. Canada, Mexico and U.S. Possessions)	
2. Foreign Travel Costs	
Total Travel Cost	

E. Participant/Trainee Support Costs

	Funds Requested (\$)
1. Tuition/Fees/Health Insurance	
2. Stipends	
3. Travel	
4. Subsistence	
5. Other	
Number of Participants/Trainees	Total Participant/Trainee Support Costs

F. Other Direct Costs			Funds Requested (\$)
1.	Materials and Supplies		
2.	Publication Costs		
3.	Consultant Services		
4.	ADP/Computer Services		
5.	Subawards/Consortium/Contractual Costs		
6.	Equipment or Facility Rental/User Fees		
7.	Alterations and Renovations		
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
Total Other Direct Costs			
G. Direct Costs			Funds Requested (\$)
Total Direct Costs (A thru F)			20,145.00
H. Indirect Costs			
Indirect Cost Type	Indirect Cost Rate (%)	Indirect Cost Base (\$)	Funds Requested (\$)
MTDC	18.22	20,145.00	3,670.42
Total Indirect Costs			
Cognizant Federal Agency (Agency Name, POC Name, and POC Phone Number)			
I. Total Direct and Indirect Costs			Funds Requested (\$)
Total Direct and Indirect Institutional Costs (G + H)			23,815.42
J. Fee			Funds Requested (\$)
K. Total Costs and Fee			Funds Requested (\$)
Total Costs and Fee (I + J)			23,815.42
L. Budget Justification			
(Only attach one file.)			
Add AttachmentDelete AttachmentView Attachment			

RESEARCH & RELATED BUDGET - Cumulative Budget

Section A, Senior/Key Person		Totals (\$)	
Section B, Other Personnel			0.00
Total Number Other Personnel	1		20,145.00
Total Salary, Wages and Fringe Benefits (A+B)			20,145.00
Section C, Equipment			
Section D, Travel			
1. Domestic			
2. Foreign			
Section E, Participant/Trainee Support Costs			
1. Tuition/Fees/Health Insurance			
2. Stipends			
3. Travel			
4. Subsistence			
5. Other			
6. Number of Participants/Trainees			
Section F, Other Direct Costs			
1. Materials and Supplies			
2. Publication Costs			
3. Consultant Services			
4. ADP/Computer Services			
5. Subawards/Consortium/Contractual Costs			
6. Equipment or Facility Rental/User Fees			
7. Alterations and Renovations			
8. Other 1			
9. Other 2			
10. Other 3			
11. Other 4			
12. Other 5			
13. Other 6			
14. Other 7			
15. Other 8			
16. Other 9			
17. Other 10			

Section G, Direct Costs (A thru F)
Section H, Indirect Costs
Section I, Total Direct and Indirect Costs (G + H)
Section J, Fee
Section K, Total Costs and Fee (I + J)

20,145.00
3,670.42
23,815.42
23,815.42



DEPARTMENT OF HEALTH AND HUMAN SERVICES
Centers for Disease Control and Prevention

Notice of Award

Award# 1 U01CE003694-01-00

FAIN# U01CE003694

Federal Award Date: 09/23/2025

Recipient Information

1. Recipient Name

MAINEHEALTH
22 Bramhall St
Portland, ME 04102-3134
[NoPhoneRecord]

2. Congressional District of Recipient

01

3. Payment System Identifier (ID)

1010238552A1

4. Employer Identification Number (EIN)

010238552

5. Data Universal Numbering System (DUNS)

071732663

6. Recipient's Unique Entity Identifier (UEI)

MAYKB1LWD5U9

7. Project Director or Principal Investigator

Ms. KINNA THAKARAR
INFECTIOUS DISEASE PHYSICIAN
KINNA.THAKARAR@MAINEHEALTH.ORG
207-774-5816

8. Authorized Official

Carolyn Elliott-Farino
Director, Research Grant Services
carolyn.elliott-farino@mainehealth.org
2073968188

Federal Agency Information

CDC Office of Financial Resources

9. Awarding Agency Contact Information

Dwayne Cooper
yih4@cdc.gov
770-488-2874

10. Program Official Contact Information

Tamara Crawford
Program Officer
nmq3@cdc.gov
(404) 498-1783

Federal Award Information

11. Award Number

1 U01CE003694-01-00

12. Unique Federal Award Identification Number (FAIN)

U01CE003694

13. Statutory Authority

301, 391(a)(2) and 392(a)(1) of the Public Health Service Act

14. Federal Award Project Title

CE25-149 - Enhancing Project DHARMA; evaluating a community-based drug checking navigator intervention to prevent overdoses

15. Assistance Listing Number

93.136

16. Assistance Listing Program Title

Injury Prevention and Control Research and State and Community Based Programs

17. Award Action Type

New

18. Is the Award R&D?

Yes

Summary Federal Award Financial Information

19. Budget Period Start Date 09/30/2025 - **End Date** 09/29/2026

20. Total Amount of Federal Funds Obligated by this Action \$700,000.00

20a. Direct Cost Amount \$406,676.00

20b. Indirect Cost Amount \$293,324.00

21. Authorized Carryover \$0.00

22. Offset \$0.00

23. Total Amount of Federal Funds Obligated this budget period \$0.00

24. Total Approved Cost Sharing or Matching, where applicable \$0.00

25. Total Federal and Non-Federal Approved this Budget Period \$700,000.00

26. Period of Performance Start Date 09/30/2025 - **End Date** 09/29/2030

27. Total Amount of the Federal Award including Approved Cost Sharing or Matching this Period of Performance \$700,000.00

28. Authorized Treatment of Program Income

ADDITIONAL COSTS

29. Grants Management Officer - Signature

Brownie Anderson-Rana
Supervisory Grants Management Officer

30. Remarks



DEPARTMENT OF HEALTH AND HUMAN SERVICES
Centers for Disease Control and Prevention

Notice of Award

Award# 1 U01CE003694-01-00

FAIN# U01CE003694

Federal Award Date: 09/23/2025

Recipient Information

Recipient Name

MAINEHEALTH
22 Bramhall St
Portland, ME 04102-3134
[NoPhoneRecord]

Congressional District of Recipient

01

Payment Account Number and Type

1010238552A1

Employer Identification Number (EIN) Data

010238552

Universal Numbering System (DUNS)

071732663

Recipient's Unique Entity Identifier (UEI)

MAYKB1LWD5U9

31. Assistance Type

Cooperative Agreement

32. Type of Award

Research

33. Approved Budget

(Excludes Direct Assistance)

I. Financial Assistance from the Federal Awarding Agency Only

II. Total project costs including grant funds and all other financial participation

a. Salaries and Wages	\$141,338.00
b. Fringe Benefits	\$0.00
c. Total Personnel Costs	\$141,338.00
d. Equipment	\$0.00
e. Supplies	\$57,103.00
f. Travel	\$3,000.00
g. Construction	\$0.00
h. Other	\$151,711.00
i. Contractual	\$53,524.00
j. TOTAL DIRECT COSTS	\$406,676.00
k. INDIRECT COSTS	\$293,324.00
l. TOTAL APPROVED BUDGET	\$700,000.00
m. Federal Share	\$700,000.00
n. Non-Federal Share	\$0.00

34. Accounting Classification Codes

FY-ACCOUNT NO.	DOCUMENT NO.	ADMINISTRATIVE CODE	OBJECT CLASS	ASSISTANCE LISTING	AMT ACTION FINANCIAL ASSISTANCE	APPROPRIATION
5-9390E4X	25U01CE003694	CE	410L	93.136	\$700,000.00	75-25-0952

AWARD ATTACHMENTS

MAINEHEALTH

1 U01CE003694-01-00

1. Terms and Conditions - Maine Health - CE003694-01 - FY25 New Cont.

AWARD INFORMATION

Incorporation: In addition to the federal laws, regulations, policies, and CDC General Terms and Conditions for Research awards at <https://www.cdc.gov/grants/federal-regulations-policies/index.html>, the Centers for Disease Control and Prevention (CDC) hereby incorporates Notice of Funding Opportunity (NOFO) number **CE25-149, “Rigorous Evaluation of Primary and Secondary Overdose Prevention Activities Among Populations Disproportionately Affected by Overdose”**, and application dated November 20, 2024, as may be amended, which are hereby made a part of this Research award hereinafter referred to as the Notice of Award (NOA).

Note: Due to grants management administration system parameters, the budget category names on Page 1 of this NOA may be altered from the budget categories submitted with the SF-424 Research and Related Budget application.

Applicable Regulatory Provisions: Prior to October 1, 2025, this award is subject to 45 CFR 75 except for eight flexibilities from 2 CFR 200 adopted by HHS on October 1, 2024. After October 1, 2025, this award will be subject to any applicable provisions of 2 CFR 200 and 2 CFR 300.

Termination: Prior to October 1, 2025, this award is subject to the termination provisions at 45 CFR 75.372. Starting on October 1, 2025, this award is subject to the termination provisions at 2 CFR 200.340. Pursuant to 2 CFR 200.340, the recipient agrees by accepting this award that continued funding for the award is contingent upon the availability of appropriated funds, recipient satisfactory performance, compliance with the terms and conditions of the award, and a decision by the agency that the award continues to effectuate program goals or agency priorities.

Assurance of Compliance: The applicant hereby agrees that it will comply with Title VI of the Civil Rights act of 1964, as amended (codified at 42 U.S.C. 2000d et seq.), and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 80); Section 504 of the Rehabilitation Act of 1973, as amended (codified at 29 U.S.C. 794), and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 84); Title IX of the Education Amendments of 1972, as amended (codified at 20 U.S.C. § 1681 et seq.), and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 86); The Age Discrimination Act of 1975, as amended (codified at 42 U.S.C. § 6101 et seq.), and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 91); and Section 1557 of the Patient Protection and Affordable Care Act, as amended (codified at 42 U.S.C. § 18116), and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 92).

Total Approved Funding is included in Summary Federal Award Financial Information on page 1 of the NOA. All future year funding will be based on satisfactory programmatic progress and the availability of funds.

Approved Funding: Funding in the amount of **\$700,000** is approved for the Year 01 budget period, which is **September 30, 2025 through September 29, 2026**. All future year funding will be based on satisfactory programmatic progress and the availability of funds.

The federal award amount is subject to adjustment based on total allowable costs incurred and/or the value of any third party in-kind contribution when applicable.

Note: Refer to the Payment Information section for draw down and Payment Management System (PMS) subaccount information.

Financial Assistance Mechanism: Cooperative Agreement

CDC staff has substantial programmatic involvement that is above and beyond the normal stewardship role in awards, as described below. CDC staff will work collaboratively with the PIs/PDs, as described below:

- Assist the PI, as needed, in complying with the investigator responsibilities described in the Policy on Public Health Research and Non-research Data Management and Access <https://www.cdc.gov/grants/additionalrequirements/ar-25.html>
- Provide suggestions for refining research protocols (e.g., for sampling, recruitment, assessment, and data management).
- Participate in the analysis, interpretation, and dissemination of study findings (may include co-authorship of peer-reviewed manuscripts and scientific presentations). CDC will not initiate or direct data collection, own or manage the data, require the use of a specific methodological approach, or disseminate findings as part of an official CDC report. Monitoring and evaluating the scientific and operational accomplishments of the project through conference calls, site visits, and review of technical reports. Provide ongoing suggestions as needed to ensure project success.
- Collaborate with the grant recipient to ensure human subjects assurances are in place as needed.
- As necessary, collaborate in the development or amendment of a research protocol involving human subjects for Institutional Review Board (IRB) review by all collaborating institutions, including CDC if applicable.
- Obtain IRB approvals as required by CDC when CDC is engaged in research involving human subjects. If applicable, the CDC IRB will review the protocol initially and on an annual basis until the project is complete.
- Monitor and evaluate the scientific and operational accomplishments of the project through conference calls, site visits, and review of technical reports.
- Provide ongoing suggestions as needed to ensure project success.
- The agency Scientific Program Official (SPO) and CIO program director will be responsible for the normal scientific and programmatic stewardship of the award. The SPO will be named in the award notice.

Areas of Joint Responsibility include:

- The grant recipient and CDC will agree upon and establish a schedule for regular phone calls to discuss ongoing research project progress.
- The recipient agrees that upon award, their application and the summary of reviewers' comments will be shared with the CDC staff, who will provide support as described above. Recipient organization will retain custody of and have primary rights to the

information, data, and software developed under this award, subject to U.S. Government rights of access consistent with current HHS/CDC policies.

Technical Review Response: Any strengths and weaknesses of the proposal performance progress will be communicated via email directly from the CDC Scientific Program Officer/Program Official (SPO/PO) noted in the Staff Contacts section of this NOA. A response must be submitted via email to the SPO/PO by the due date of, **October 30, 2025**. Failure to respond will cause delay in programmatic progress and may adversely affect the future funding of this project.

Expanded Authority: The recipient is permitted expanded authorities in the administration of the award.

The expanded authorities selected below apply to this NoA.

☒ Carryover of unobligated balances from one budget period to a subsequent budget period. Unobligated funds may be used for purposes within the scope of the project as originally approved. Recipients will report use, or intended use, of unobligated funds in Section 12 "Remarks" of the annual Federal Financial Report submitted in eRA Commons. If the GMO determines that some or all the unobligated funds are not necessary to complete the project, the GMO may restrict the recipient's authority to automatically carry over unobligated balances in the future, use the balance to reduce or offset CDC funding for a subsequent budget period, or use a combination of these actions.

☒ Extension of final budget period of a period of performance without additional funds up to 12 months with no change in the scope of work to ensure adequate completion of the originally approved project or program. The recipient must notify the awarding office, in writing, of the extension 10 days before the expiration date of the period of performance. Upon notification, the awarding office will revise the period of performance ending date and provide an acknowledgement to the recipient.

FUNDING RESTRICTIONS AND LIMITATIONS

Certificate of Confidentiality: Institutions and investigators are responsible for determining whether research they conduct is subject to Section 301(d) of the Public Health Service (PHS) Act. Section 301(d), as amended by Section 2012 of the 21st Century Cures Act, P.L. 114-255 (42 U.S.C. 241(d)), states that the Secretary shall issue Certificates of Confidentiality (Certificates) to persons engaged in biomedical, behavioral, clinical, or other research activities in which identifiable, sensitive information is collected. In furtherance of this provision, CDC supported research commenced or ongoing after December 13, 2016 in which identifiable, sensitive information is collected, as defined by Section 301(d), is deemed issued a Certificate and therefore required to protect the privacy of individuals who are subjects of such research. Certificates issued in this manner will not be issued as a separate document, but are issued by application of this term and condition to this award. See Additional Requirement 36 to ensure compliance with this term and condition. The link to the full text is at: <https://www.cdc.gov/grants/additionalrequirements/ar-36.html>

Indirect Costs:

Indirect costs are approved based on the negotiated indirect cost rate agreement dated December 3, 2023, which calculates indirect costs as follows, a Provisional rate is approved at a

rate of **76%** of the base, which includes total direct costs excluding capital expenditures (building, individual items of equipment; alterations and renovations), and that portion of each subaward in excess of \$25,000. The effective dates of this indirect cost rate are from December 1, 2026 to September 30, 2029.

REPORTING REQUIREMENTS

Required Disclosures for Federal Awardee Performance and Integrity Information System

(FAPIIS): Consistent with 45 CFR 75.113, applicants and recipients must disclose in a timely manner, in writing to the CDC, with a copy to the HHS Office of Inspector General (OIG), all information related to violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Subrecipients must disclose, in a timely manner in writing to the prime recipient (pass through entity) and the HHS OIG, all information related to violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Disclosures must be sent in writing to the CDC and to the HHS OIG at the following addresses:

CDC, Office of Grants Services

Dwayne R. Cooper, Sr., Grants Management Specialist

Centers for Disease Control and Prevention

Office of Grant Services

The District, Building 2939, Mailstop: TV2

(formerly, University Park, Vanderbilt Bldg)

Atlanta, Georgia 30341

Email: dcooper1@cdc.gov (Include "Mandatory Grant Disclosures" in subject line)

AND

U.S. Department of Health and Human Services

Office of the Inspector General

ATTN: Mandatory Grant Disclosures, Intake Coordinator

330 Independence Avenue, SW

Cohen Building, Room 5527

Washington, DC 20201

Fax: (202)-205-0604 (Include "Mandatory Grant Disclosures" in subject line) or

Email: MandatoryGranteeDisclosures@oig.hhs.gov

Recipients must include this mandatory disclosure requirement in all subawards and contracts under this award.

Failure to make required disclosures can result in any of the remedies described in 45 CFR 75.371. Remedies for noncompliance, including suspension or debarment (See 2 CFR parts 180 and 376, and 31 U.S.C. 3321).

CDC is required to report any termination of a federal award prior to the end of the period of performance due to material failure to comply with the terms and conditions of this award in the OMB-designated integrity and performance system accessible through SAM. (45 CFR 75.372(b)) CDC must also notify the recipient if the federal award is terminated for failure to

comply with the federal statutes, regulations, or terms and conditions of the federal award. (45 CFR 75.373(b)).

CDC General Terms and Conditions for Research awards at
<https://www.cdc.gov/grants/federal-regulations-policies/index.html>.

PAYMENT INFORMATION

Payment Management System Subaccount: Funds awarded in support of approved activities have been obligated in a newly established subaccount in the PMS, herein identified as the “P Account”. Funds must be used in support of approved activities in the NOFO and the approved application. All award funds must be tracked and reported separately.

The grant document number identified on the first page of the NOA must be known in order to draw down funds.

Subaccount Title: **25U01CE003694**

CDC STAFF CONTACTS

Grants Management Specialist: The GMS is the federal staff member responsible for the day-to-day management of grants and cooperative agreements. The GMS is the primary contact of recipients for business and administrative matters pertinent to grant awards. Many of the functions described in the GMO section are performed by the GMS, on behalf of the GMO.

Grants Management Specialist Contact:

Dwayne R. Cooper, Sr., Grants Management Specialist
Centers for Disease Control & Prevention
Office of Grant Services
The District, Building 2939, Mailstop: **TV2**
(formerly, University Park, Vanderbilt Bldg)
Atlanta, Georgia 30341
Telephone: (770) 488-2874
Email: dcooper1@cdc.gov

Scientific Program Official/Project Officer: The SPO is the federal official responsible for the programmatic, scientific, and/or technical aspects of grants and cooperative agreements.

Programmatic Contact:

PO/SPO Contact:

Tamara N. Crawford, DBH, MPH
Health Scientist | Scientific Program Official
Extramural Research Program Operations | Office of Science
National Center for Injury Prevention and Control
Centers for Disease Control and Prevention
Email: TCrawford@cdc.gov
Phone: 404.498.1783

Grants Management Officer: The GMO is the federal official responsible for the business and other non-programmatic aspects of grant awards. The GMO is the only official authorized to

obligate federal funds and is responsible for signing the NOA, including revisions to the NOA that change the terms and conditions. The GMO serves as the counterpart to the business officer of the recipient organization. GMO contact information appears on Page 1 of the NOA.

Grants Management Officer Contact:

Brownie Anderson-Rana

Supervisory Grants Management Specialist

Centers for Disease Control and Prevention

Department of Health & Human Services

770-488-2771 (Office)

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER APPROVING SUBAWARD AGREEMENT BETWEEN MAINEHEALTH AND
THE CITY OF PORTLAND AND ACCEPTING AND APPROPRIATING A \$23,815.42
FOR PROJECT DHARMA**

ORDERED, that the Subaward agreement between MaineHealth and the City of Portland, substantially in the form attached hereto, is hereby approved and \$23,815.42 in federal pass-through funds from MaineHealth is hereby accepted and that amount appropriated to the Department of Health and Human Services Public Health Division to support its Project DHARMA initiative; and

BE IT FURTHER ORDERED, that the City Manager or designee is authorized to execute the grant agreement attached in substantially the form attached hereto any and all other documents necessary to apply for, accept and appropriate the grant, and otherwise carry out the intent of this order.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 5, 2026

SUBJECT: Order 160-25/26 - Approving Memorandum of Agreement and Accepting and Appropriating \$300,000 from Trinity Episcopal Church RE: Trinity Park - Sponsored by Danielle P. West, City Manager

SPONSOR: City Manager

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No

Does this item involve a new contract with the City: Yes

PRESENTATION:

I. SUMMARY

II. AGENDA DESCRIPTION

This order approves a Memorandum of Agreement between the City of Portland and Trinity Episcopal Church related to proposed improvements to Trinity Park. Under the terms of the agreement, the Church will provide a project plan, a financial contribution of \$300,000 for improvements within Trinity Park, and ongoing maintenance of certain areas of the park. The City will manage the public bidding process, the construction contract and fund improvements within the Forest Avenue right of way adjacent to Trinity Park.

This item must be read on two separate days. This is its first reading.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Order - Approving MOA with Trinity Church
2. Trinity Memorandum of Agreement version CLEAN for council 3.5.26

Prepared by:

Date: 03/05/2026

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER APPROVING MEMORANDUM OF AGREEMENT AND ACCEPTING AND
APPROPRIATING \$300,000 FROM TRINITY EPISCOPAL CHURCH
RE: TRINITY PARK**

ORDERED, that a Memorandum of Agreement, substantially in the form attached hereto, is hereby approved and the \$300,000 contribution from Trinity Episcopal Church is hereby accepted and that amount appropriated to be utilized for the construction of certain improvements to the City's Trinity Park pursuant to the terms of the Memorandum of Agreement; and

BE IT FURTHER ORDERED, that the City Manager or designee is hereby authorized to execute said Memorandum of Agreement and whatever other documents are necessary to effect the intent and purpose of this Order.

Memorandum of Agreement

City of Portland

And

Trinity Episcopal Church

Project: Trinity Park Improvements

This Memorandum of Agreement is made this ___ day of _____, 2026 by and between the City of Portland ("City"), a body politic and corporate existing under the laws of the State of Maine with a mailing address of 389 Congress Street, Portland, Maine 04101 and Trinity Episcopal Church ("Church"), a Religious Organization with a mailing address of 580 Forest Avenue, Portland, Maine 04101.

Whereas, the City owns a park known as Trinity Park, located on Forest Avenue, which abuts the property of the Church and is more particularly depicted on the Boundary and Topographic Survey by St. Clair Associates dated April 26, 2025, attached hereto as Exhibit A and incorporated herein by reference ("Trinity Park"); and

Whereas, City and Church seek to make improvements to Trinity Park ("Improvements"); and

Whereas, Church seeks to make a financial contribution towards the Improvements; and

Whereas, the purpose of this Memorandum of Understanding ("MOU") is to define the responsibilities of each party with respect to the performance of the Improvements:

NOW THEREFORE, in consideration of the following, the City and Church agree as follows:

1. The Church shall:
 - a. Provide a plan ("Plan") to the City for improvements to Trinity Park, which plan shall be suitable for inclusion in a bid package to be issued for the Improvements. A copy of the Plan is attached here as Exhibit B and incorporated herein by reference.
 - b. Provide a construction cost estimate for the Improvements which shall be utilized in creating a budget for the construction of the Improvements. A copy of the construction cost estimate is attached hereto as Exhibit C and incorporated herein by reference.
 - c. Provide a financial contribution to the City in the amount of \$300,000 to be utilized for the construction of the Improvements outside the Forest Avenue right of way, as shown on the Plan.
 - d. Provide a license agreement to the City to allow access to City employees, agents and contractors to enter Church property as necessary to facilitate the construction of the Improvements.
 - e. Provide continued gardening, lawn maintenance and snow removal outside of the Forest Ave, Lincoln Street and Coyle Street right of ways at no cost to the City.

2. The City shall:
 - a. Receive and hold funds provided by the Church in a separate account until the funds are applied to the construction of the Improvements.
 - b. Review all plan submissions and cost estimates and provide final approval of the plans necessary for the Improvements;
 - c. Review and finalize a bid package and put the Improvement project out to public bid;
 - d. Administer the construction contract for the Improvements and assure that the Improvements are completed according to the Plan;
 - e. Accept and utilize the Church's contribution of funds solely for the construction of the Improvements outside the Forest Avenue right of way.
 - f. Cover the cost of any construction of the Improvements detailed on Exhibit B that are located within the Forest Avenue right of way.
 - g. Provide a License Agreement or other Agreement allowing the existing Trinity Day School playground and fencing which encroach into the Trinity Park boundaries as depicted in a Boundary and Topographic Survey by St. Clair Associates dated April 26, 2025, attached hereto as Exhibit A and incorporated herein by reference.
 - h. Provide a License Agreement or other Agreement to the Church for purposes of maintaining, constructing or replacing the Church entryway concrete steps, associated foundations, ramps and pads as may be requested by the Church Vestry for the purpose of safe passage for all persons exiting or entering the Church.
 - i. Retain ownership of a Portland Water District fed water service from its curb stop to the new fountain location, along with responsibility for fountain maintenance and water usage within Trinity Park, including but not limited to water usage for the fountain and irrigation.
 - j. Supply and maintain electrical services to Trinity Park including but not limited to new bollard type LV site lighting, service to the fountain and site signs and exterior wall mounted plugs for external use. The Church agrees to grant to the City any necessary utility easement(s) to supply and maintain said electrical services.
3. All Improvements shall be constructed in accordance with City Code and any applicable State law.
4. The City agrees to consult with the Church about responses received to the published bid package, but the City shall have sole discretion to select the appropriate bid proposal pursuant to the City's Code of Ordinances. Once the bid is awarded, the Church and City agree to work collaboratively towards the completion of the Improvements. The City agrees to provide at least seven days' notice to the Church prior to construction commencing. The City further agrees to schedule on-site meetings with a representative from the Church and the contractor at least once every two weeks while construction is ongoing in order to discuss the progress of the project and next steps. In the event of a dispute as to the amount, nature or scope of work required under the Plan, bid documents or contract between the City and its contractor, the design and judgment of the City shall be final and binding.
5. If additional funds are required to complete the Improvements, a written amendment to this Agreement will designate which further funds are required and which party shall supply the funds. The City is under no obligation to proceed with the Improvements if no acceptable bid proposals are received or if bids for work done outside the Forest Avenue right of way are over

the Church's \$300,000 contribution. The City agrees to consult with the Church about the bids received before making the final decision about whether or not to move forward.

6. The City may terminate this Agreement for its convenience upon 30 days written notice to Church provided that any unused funds are returned to the Church.
7. This Agreement represents the entire agreement between the Church and the City and supersedes and replaces all terms and conditions of any prior agreements, arrangements, negotiations and/or representations. This Agreement may not be modified except in a writing executed by the Church and the City.

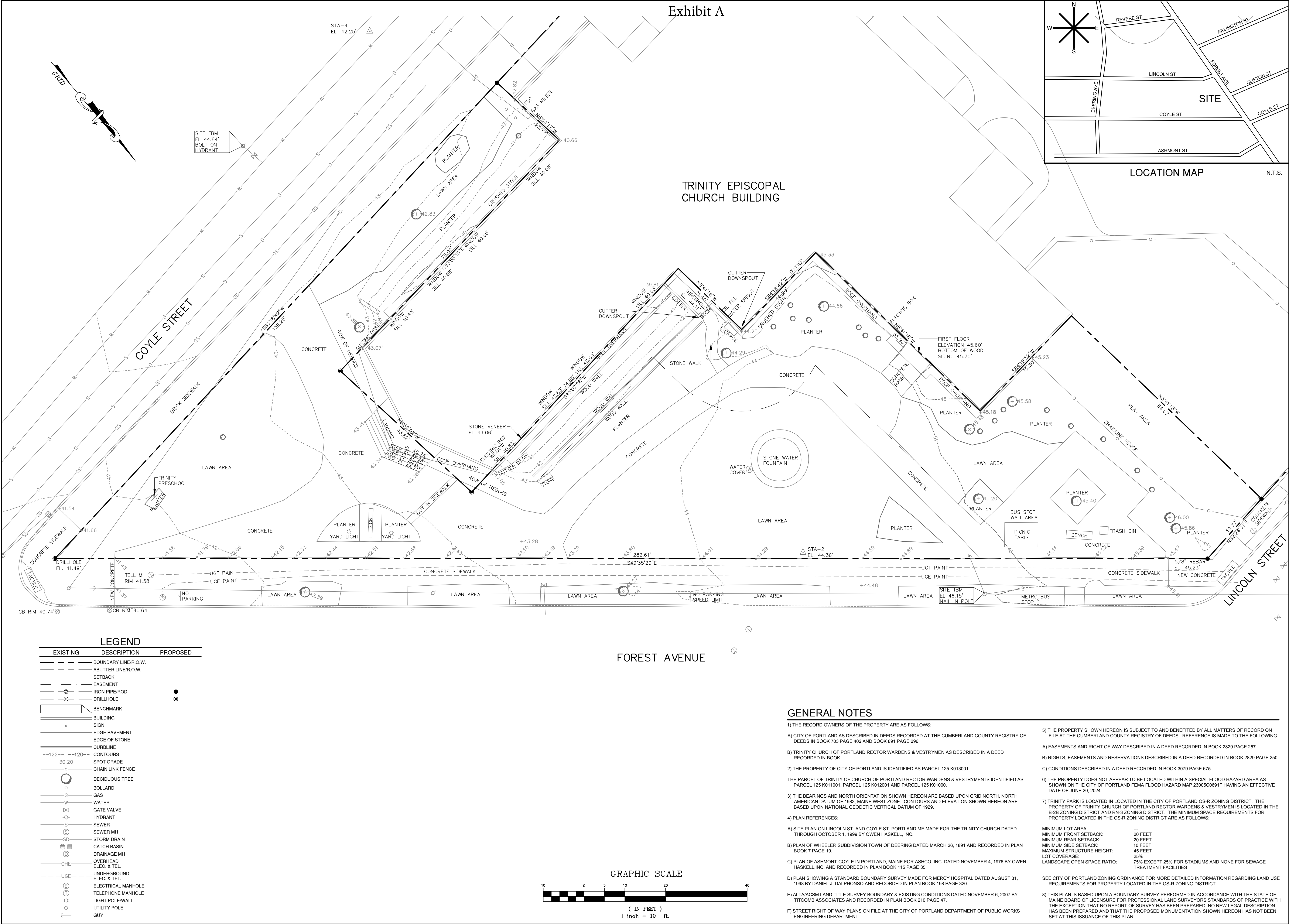
Seen and Agreed to this ____ day of _____, 2026

City of Portland

By:
Its:

Trinity Episcopal Church

By:
Its:



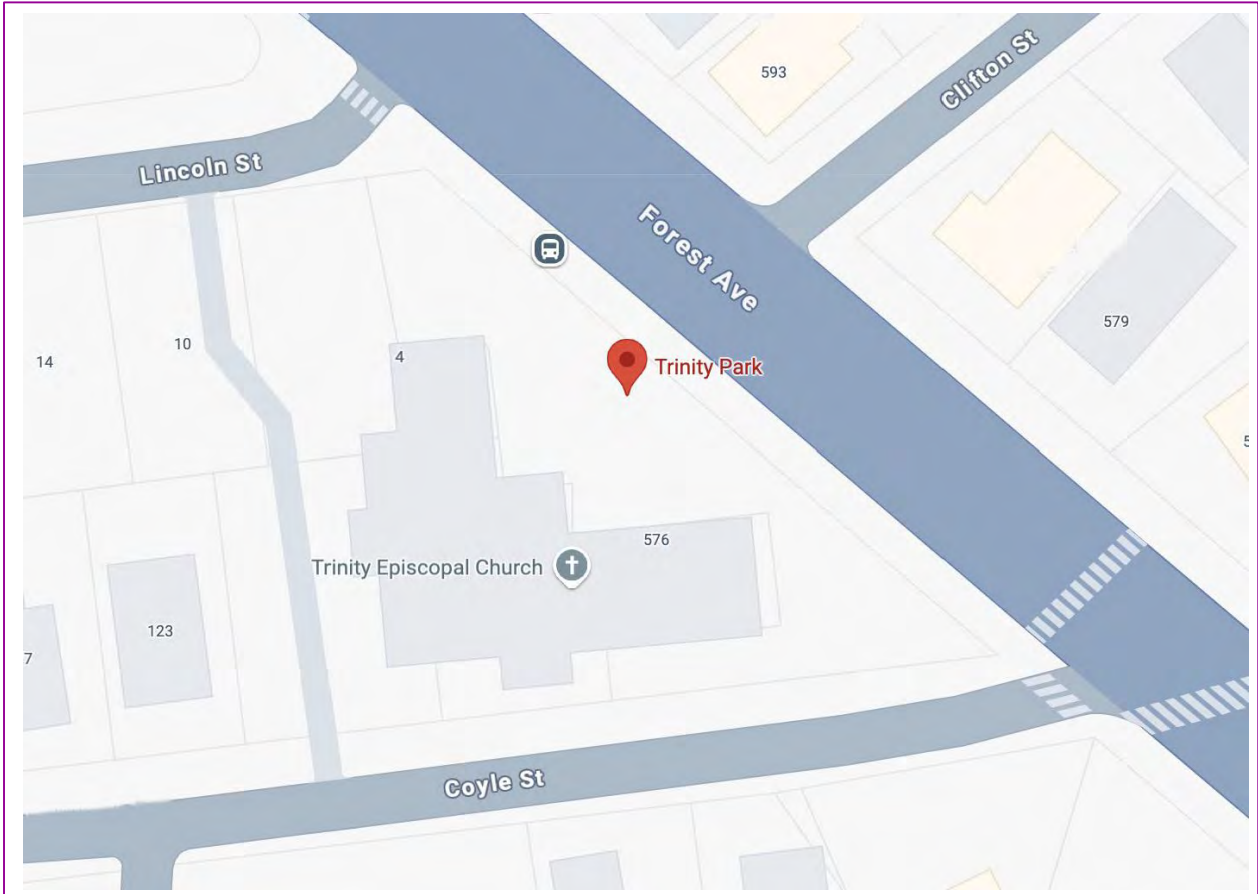
CITY OF PORTLAND PARKS, RECREATION & FACILITIES

CONTRACT DRAWINGS

PREPARED BY:

Joshua Tompkins Landscape Architecture LLC
36 Marina Road
Yarmouth, Maine 04096

IMPROVEMENTS TO Trinity Park & Forest Avenue Right of Way BID # XX x/xx/xx



LOCATION MAP

INDEX OF PLANS

NO.	TITLE
L0.0	COVER SHEET
	BOUNDARY & TOPOGRAPHIC SURVEY, BY ST. CLAIR ASSOCIATES (FOR REFERENCE ONLY)
L1.0	EROSION AND SEDIMENTATION CONTROL PLAN
L2.0	DEMOLITION PLAN
L3.0	GRADING, DRAINAGE AND UTILITIES PLAN
L4.0	LAYOUT AND MATERIALS PLAN
L5.0	PLANTING PLAN — WEST & PLANTING DETAILS
L5.1	PLANTING PLAN — EAST
L6.0	SITE DETAILS
L6.1	SITE DETAILS



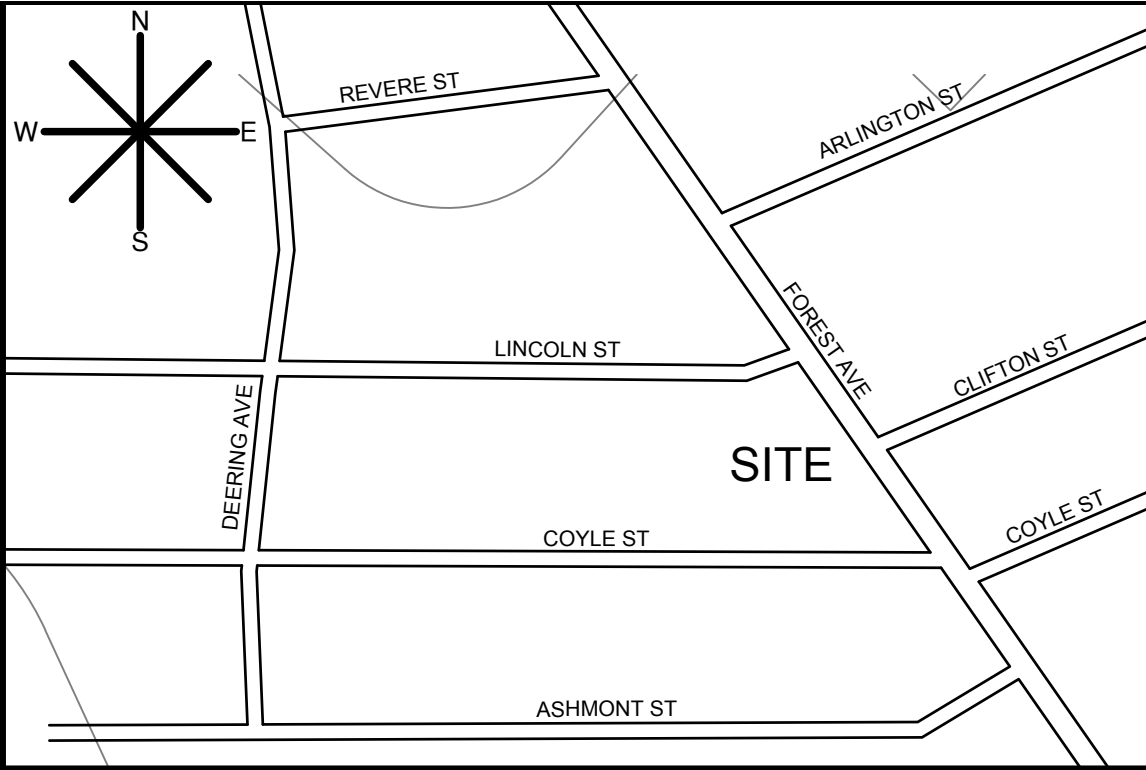
REV.	DATE:	8/20/2025	PRICING SET — PROGRESS PRINT
	BY:	9/9/2025	PRICING SET — PROGRESS PRINT
		9/30/2025	PRICING SET — PROGRESS PRINT
		2/5/2026	PRICING SET

PROJECT NAME:
**TRINITY PARK &
FOREST AVE RIGHT OF WAY**
CITY OF PORTLAND, MAINE
PARKS, RECREATION & FACILITIES
212 CANCO RD. SUITE A, PORTLAND, MAINE 04101
PHONE (207) 598-5400



Project No.	PROJECT NO.
Date	2/5/2026
Scale	
Drawn	JT, PS
Checked	

SHEET 1 OF 10 VAULT #:
L 0.0



N.T.S.

FOREST AVENUE

GRAPHIC SCALE

(IN FEET)
1 inch = 10 ft.

- 1) THE RECORD OWNERS OF THE PROPERTY ARE AS FOLLOWS:
- A) CITY OF PORTLAND AS DESCRIBED IN DEEDS RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 703 PAGE 402 AND BOOK 891 PAGE 296.
- B) TRINITY CHURCH OF PORTLAND RECTOR WARDENS & VESTRYMEN AS DESCRIBED IN A DEED RECORDED IN BOOK
- 2) THE PROPERTY OF CITY OF PORTLAND IS IDENTIFIED AS PARCEL 125 K013001.
- THE PARCEL OF TRINITY OF CHURCH OF PORTLAND RECTOR WARDENS & VESTRYMEN IS IDENTIFIED AS PARCEL 125 K011001, PARCEL 125 K012001 AND PARCEL 125 K01000.
- 3) THE BEARINGS AND NORTH ORIENTATION SHOWN HEREON ARE BASED UPON GRID NORTH, NORTH AMERICAN DATUM OF 1983, MAINE WEST ZONE. CONTOURS AND ELEVATION SHOWN HEREON ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM OF 1929.
- 4) PLAN REFERENCES:
- A) SITE PLAN ON LINCOLN ST. AND COYLE ST. PORTLAND ME MADE FOR THE TRINITY CHURCH DATED THROUGH OCTOBER 1, 1999 BY OWEN HASKELL, INC.
- B) PLAN OF WHEELER SUBDIVISION TOWN OF DEERING DATED MARCH 26, 1891 AND RECORDED IN PLAN BOOK 7 PAGE 19.
- C) PLAN OF ASHMORE-COYLE IN PORTLAND, MAINE FOR ASHCO, INC. DATED NOVEMBER 4, 1976 BY OWEN HASKELL, INC. AND RECORDED IN PLAN BOOK 115 PAGE 35.
- D) PLAN SHOWING A STANDARD BOUNDARY SURVEY MADE FOR MERCY HOSPITAL DATED AUGUST 31, 1999 BY DANIEL J. DALPHONSO AND RECORDED IN PLAN BOOK 198 PAGE 320.
- E) ALTA/ACSM LAND TITLE SURVEY BOUNDARY & EXISTING CONDITIONS DATED NOVEMBER 6, 2007 BY TITCOMB ASSOCIATES AND RECORDED IN PLAN BOOK 210 PAGE 47.
- F) STREET GRID OF WAY PLANS ON FILE AT THE CITY OF PORTLAND DEPARTMENT OF PUBLIC WORKS ENGINEERING DEPARTMENT.

THE PROPERTY SHOWN HEREON IS SUBJECT TO AND BENEFITED BY ALL MATTERS OF RECORD ON FILE AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS. REFERENCE IS MADE TO THE FOLLOWING:

A) EASEMENTS AND RIGHT OF WAY DESCRIBED IN A DEED RECORDED IN BOOK 2829 PAGE 257.

B) RIGHTS, EASEMENTS AND RESERVATIONS DESCRIBED IN A DEED RECORDED IN BOOK 2829 PAGE 250.

C) CONDITIONS DESCRIBED IN A DEED RECORDED IN BOOK 3079 PAGE 675.

D) THE PROPERTY DOES NOT APPEAR TO BE LOCATED WITHIN A SPECIAL HAZARD AREA AS SHOWN ON THE CITY OF PORTLAND FEMA FLOOD HAZARD MAP 2305-C008917 HAVING AN EFFECTIVE DATE OF JUNE 20, 2024.

E) TRINITY PARK IS LOCATED IN LOCATED IN THE CITY OF PORTLAND OS-R ZONING DISTRICT. THE CITY OF PORTLAND TRINITY CHURCH OF PORTLAND RECTOR WARREN & VESTRYMEN IS REQUESTING THE B-2B ZONING DISTRICT AND RM-3 ZONING DISTRICT. THE MINIMUM SPACE REQUIREMENTS FOR PROPERTY LOCATED IN THE OS-R ZONING DISTRICT ARE AS FOLLOWS:

MINIMUM LOT AREA:	***
MINIMUM FRONT SETBACK:	20 FEET
MINIMUM REAR SETBACK:	20 FEET
MINIMUM SIDE SETBACK:	10 FEET
MAXIMUM STRUCTURE HEIGHT:	45 FEET
LOT COVERAGE:	25%
LANDSCAPE OPEN SPACE RATIO:	75% EXCEPT 25% FOR STADIUMS AND NONE FOR SEWAGE TREATMENT FACILITIES

SEE CITY OF PORTLAND ZONING ORDINANCE FOR MORE DETAILED INFORMATION REGARDING LAND USE REQUIREMENTS FOR PROPERTY LOCATED IN THE OS-R ZONING DISTRICT.

F) THIS PLAN IS BASED UPON A BOUNDARY SURVEY PERFORMED IN ACCORDANCE WITH THE STATE OF MAINE BOARD OF LICENSEURE FOR PROFESSIONAL LAND SURVEYORS STANDARDS OF PRACTICE WITH THE EXCEPTION THAT NO REPORT OF SURVEY HAS BEEN PREPARED, NO NEW LEGAL DESCRIPTION HAS BEEN PREPARED, AND THAT THE PROPOSED MONUMENTATION SHOWN HEREON HAS NOT BEEN SET AT THIS ISSUANCE OF THIS PLAN.

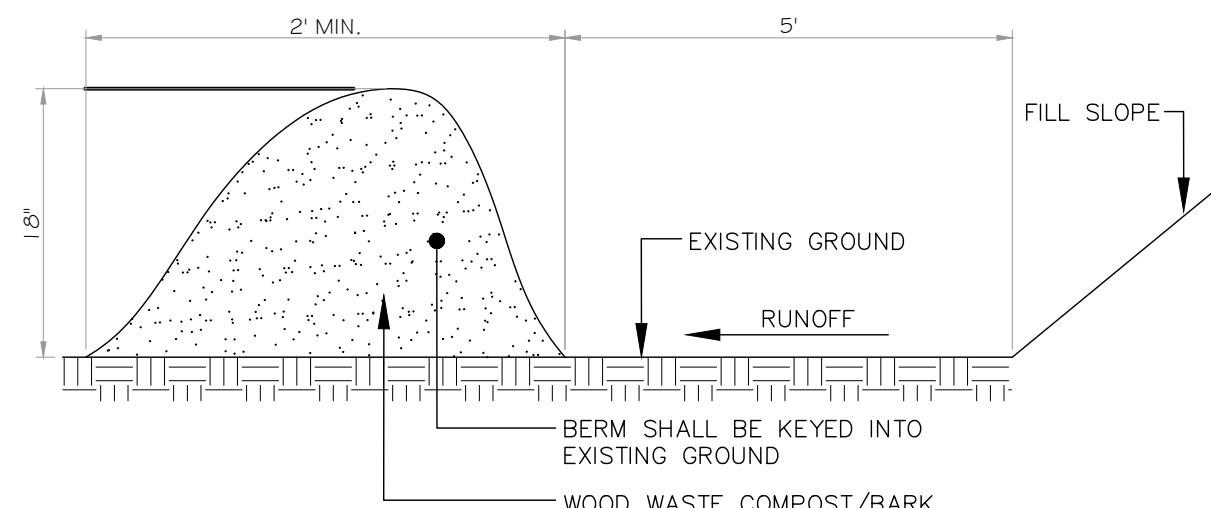
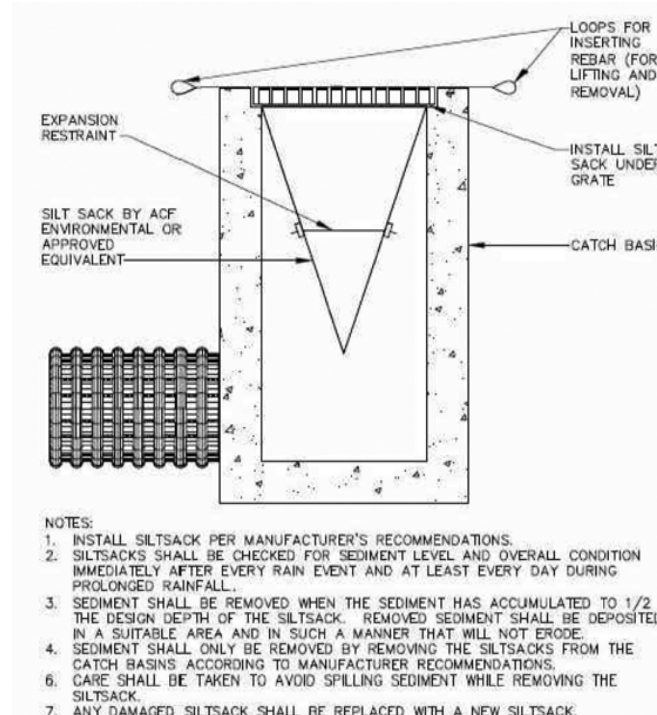
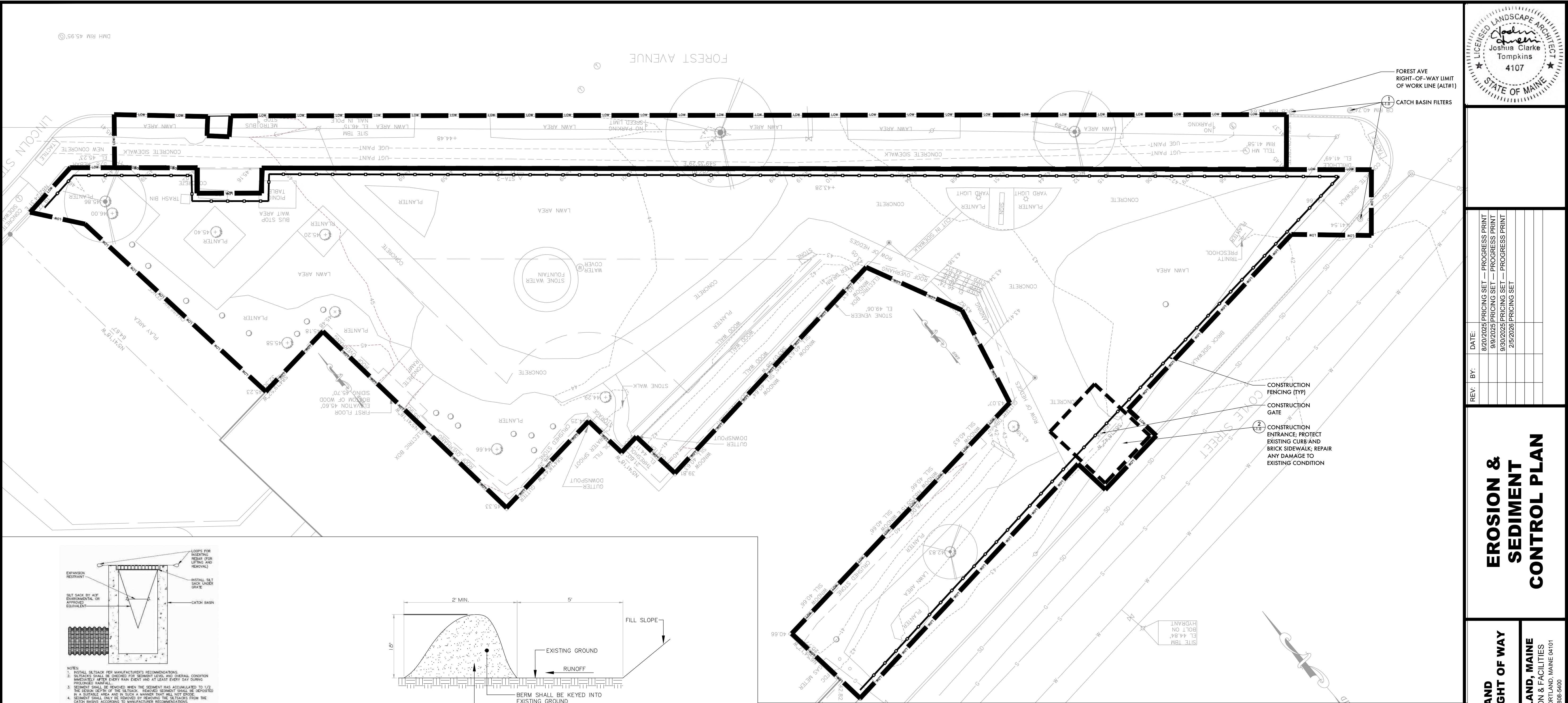
ST. CLAIR ASSOCIATES
 LAND SURVEYING AND CIVIL ENGINEERING
 34 Forest Lane
 Cumberland, ME 04021
 Tel. (207) 829-5558

580 FOREST AVENUE
PORTLAND, ME 04101

DATE	SCALE
04-26-2025	1"=10'

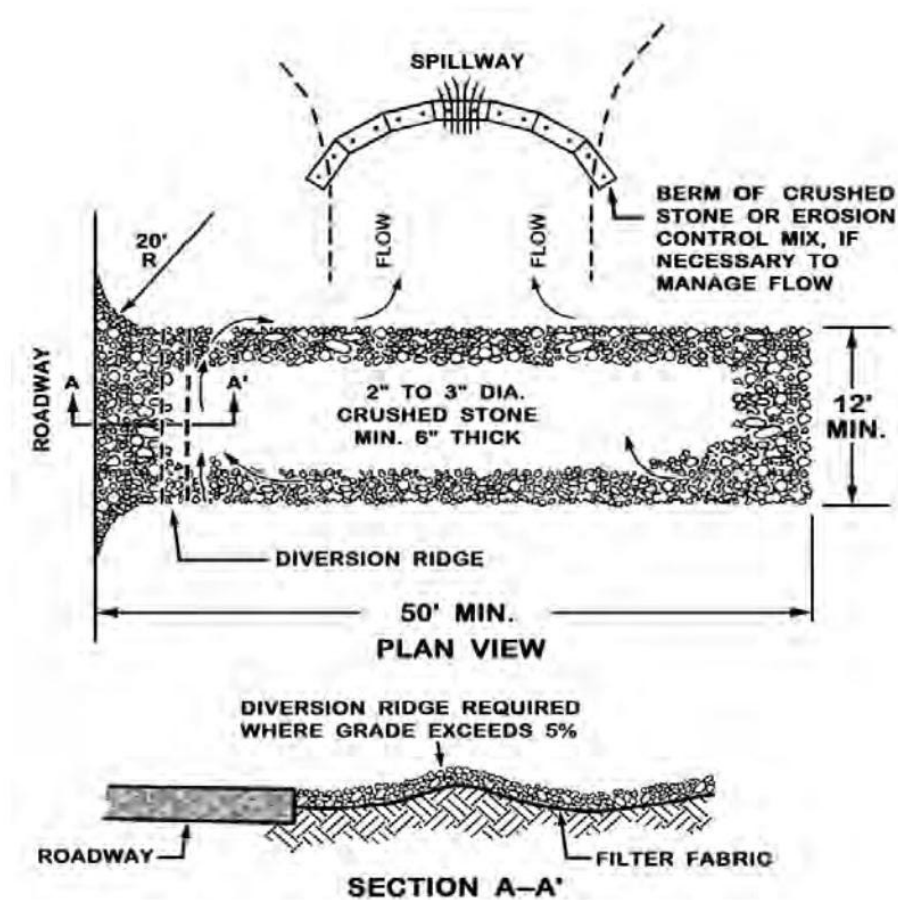
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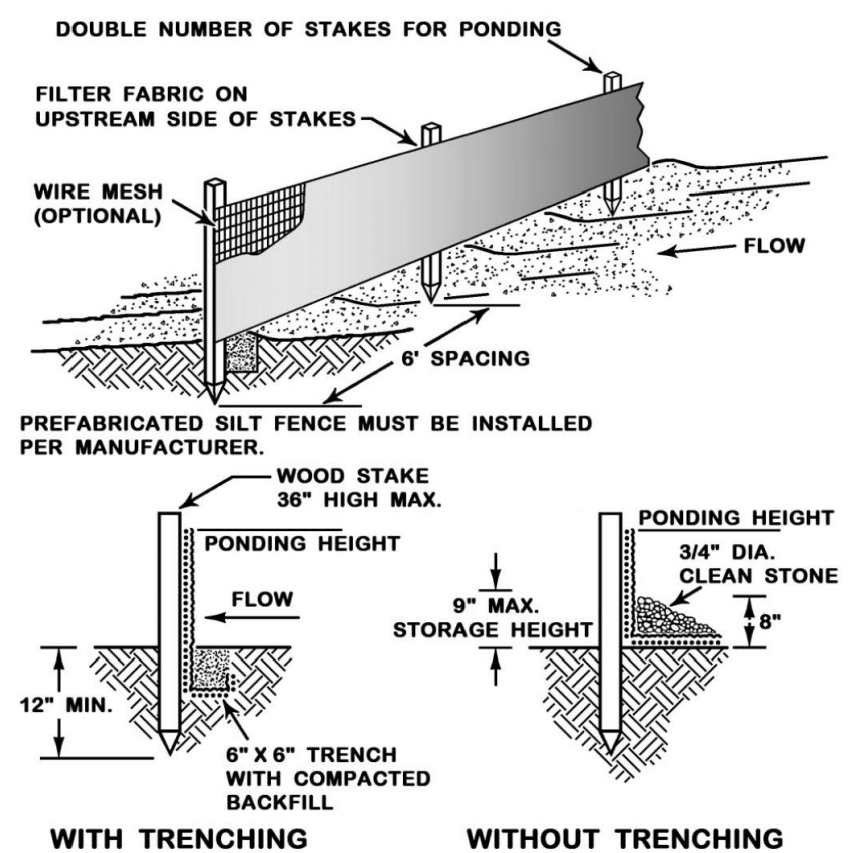


1 CATCH BASIN FILTERS
SCALE: N.T.S.

3 EROSION CONTROL MULCH BERM
SCALE: N.T.S.



2 TYPICAL CONSTRUCTION ENTRANCE/EXIT DETAIL
SCALE: N.T.S.



4 TYPICAL SILT FENCE DETAIL
SCALE: N.T.S.

EROSION AND SEDIMENT CONTROL NOTES:

For a complete reference see, Maine Erosion and Sediment Control (BMPs), Manual for Designers and Engineers, Maine Department of Environmental Protection, October 2016. For a partial reference covering areas that may be applicable to this project, see the following:

- 1. SITE DEVELOPMENT**
Considerations of the existing site conditions, and phasing the construction and development will reduce site vulnerability to uncontrolled erosion and sedimentation. The potential for erosion is related to the type of soil, the presence of water and the slope's length and steepness.
A. CONSTRUCTION ENTRANCE / EXIT
A pad of coarse aggregate at the construction entrance/exit will reduce the tracking of soil from construction traffic onto a public street. Sediments from the tire treads are knocked loose by the angular stones and are trapped in the voids between the stones.
Construction Specifications:
 - The entrance/exit pad should have a length of 50 feet or more and a 12-foot minimum width (or as appropriate to contain the wheel base of construction vehicles plus 3 feet on either side).
 - The pad should be 6 inches or more thick with angular aggregate (2-3 inch diameter). Appropriate reclaimed concrete material may be used.
 - The aggregate should be placed over a geotextile filter to prevent the stones from pushing into the native soil.
 - At the bottom of slopes, a diversion ridge should be provided to intercept runoff.
 - Berms may be necessary to divert water around any exposed soil, and runoff should be directed to a sediment trap.
 - The wheels of construction equipment may be washed prior to exiting the site. Washing should be performed in an area that drains to a sediment trap or basin.
 - The pad should be inspected weekly, and before and after each storm. The pad may have to be replaced if the voids become filled with sediment. Street sweeping may be necessary.**B. OVERWINTER CONSTRUCTION**
The winter construction period runs from November 1st through April 15th; however no vegetation growth should be anticipated past October 15th in southern Maine and even earlier in the northern areas. Additional stabilization measures should be provided by November 1st for winter and spring snowmelt if a construction site is not permanently stabilized with pavement, a gravel road base, 90% mature vegetation cover, erosion control mulch, or riprap. Ideally, permanent seeding should occur 45 days before the first killing frost (different dates for different Maine locations); otherwise, overwinter mulching is necessary. See the Vegetation section of the manual for more information. Erosion control mix is the best overwinter cover, but is not recommended for slopes steeper than 1:1 or in areas with flowing water. If construction occurs after November 1st, all disturbed areas should be stabilized daily if the construction is active. Any erosion or discharges should be repaired immediately. Any measures necessary to control erosion/sedimentation should be installed for the conditions of the site (soil erodibility, slope, groundwater, size, weather conditions, etc.). For over-winter protection, a double row of sediment barriers (silt fence backed with hay bales or erosion control mix, etc.) should be placed within 75 feet of a protected natural resource.

- 2. SEDIMENT CONTROLS**
A. SILT FENCE
Silt fence is a permeable geotextile fabric which intercepts overland runoff, reduces flow velocity, and promotes the settlement of sediments. The geotextile fabric will degrade due to sun exposure and its life span is approximately one field season. Pre-manufactured silt fencing with attached posts is used in most situations.
Construction Specifications:
 - The fence should be anchored to resist pull-out, and be stretched tightly between stakes to prevent sagging.
 - A 6-inch wide and 6-inch deep trench should be excavated upgradient of the fence line to key the "flap" of the fabric. The trench is backfilled and compacted.
 - When joints are necessary, filter cloth should be spliced by wrapping and stakes together.
 - In areas where the flap cannot be keyed properly (due to frozen ground, bedrock, stony soil, roots, near a protected natural resource, etc.), the silt fence should be anchored with aggregate, crushed stone, erosion control mix, or other material.**B. EROSION CONTROL MIX BERM**
Berms of erosion control mix (ECM) are effective on frozen ground, outcrops of bedrock, and heavily rooted forested areas, or when other temporary erosion and sediment control measures are not practicable. Erosion control mix should contain a well-graded mixture of particle sizes and may contain rocks less than 4" in diameter. Erosion control mix should be free of refuse, physical contaminants, and material toxic to plant growth such as fly ash or yard scraping. Large portions of silts, clays or fine sands are not acceptable in the mix. A great source of erosion control mix is stump grindings. The soil within the root ball should not be removed before grinding as it adds structure to the media.
Erosion Control Mix material specifications:
 - The organic matter content should be between 80% and 100%, dry weight basis.
 - Particle size by weight should be 100% passing a 6" screen and 70% to 85% passing a 0.75" screen.
 - The organic portion needs to be fibrous and elongated.
 - Soluble salts content shall be < 4.0 mmhos/cm.
 - The pH should be between 5.0 and 8.0.**Construction specifications:**
 - It may be necessary to cut, pack down or remove tall grasses, brush or woody vegetation to avoid voids and bridges that allow the washing away of fine soil particles.
 - The ECM berm should be a minimum of 12" high and a minimum of two feet wide. On longer or steeper slopes, the berm will need to be wider and higher.
 - Berms composed of ECM can be reshaped when necessary. Depending upon the type of material, the berm may be placed by hand, machinery, or pneumatic blower.**Two rows of sediment barriers (i.e. silt fence and a berm of erosion control mix) may be preferred for controlling sediment discharge near a natural resource**, for large disturbances or on steep slopes of wet loose soils.

- 3. MULCHING**
Mulching is the application of an organic cover over exposed soil to protect its structure from the impact of raindrops, to reduce the potential for erosion, and to maintain soil permeability and moisture for vegetation uptake. Erosion will occur where the soil does not have firm and continuous contact with an erosion control cover. Mulch must remain until the site is permanently stabilized or revegetated.
Apply mulch per weather prediction, soil erodibility, season, extent of disturbance, etc. within 7 days in sensitive areas (within 100 feet of a natural resource) or within 14 to 30 days in other areas.
 - Mulch should be used with trees, shrubs, vines and for all ground cover plantings.
 - Anchor hay mulch with stapled mesh netting or by stretching twine in a crisscross pattern between pegs (4-6 pegs per square yard, 2-3 inch deep). Drive the pegs flush with soil where moving is planned.
 - The recommended thickness for erosion control mix is 4 inch plus an additional 1/2 inch per 20 feet of slope up to 100 feet if the slope is steeper than 3:1.
 - A temporary road or an unfinished road (without its final driving surface of gravel) may require mulching prior to a rain event.
 - Hay, hydraulic mulch or erosion control blankets should be installed immediately over a new seeded bed, or if near a protected natural resource.
 - Mulching is recommended before any expected rain, and in the winter. Inspect the mulch cover weekly and prior to, during and after any storm event until full vegetation uptake. New mulch should be applied if the soil becomes exposed and before washouts occur. Areas which cannot be revegetated before winter must be mulched at the winter rate with double the mulch.
 - If the mulch needs to be removed for better vegetation growth (as in the spring time), it can be spread out.
 - A site will be considered permanently stabilized when supporting a ground cover of 90% vegetation.
 - See Maine Erosion and Sediment Control BMPs for a table of mulch types, application rates, and specifications.

LICENSED LANDSCAPE ARCHITECT
Joshua Clarke
Tompkins
4107
STATE OF MAINE

DATE:	8/20/2025 PRICING SET - PROGRESS PRINT
BY:	9/9/2025 PRICING SET - PROGRESS PRINT
REV:	9/30/2025 PRICING SET - PROGRESS PRINT
	2/5/2026 PRICING SET

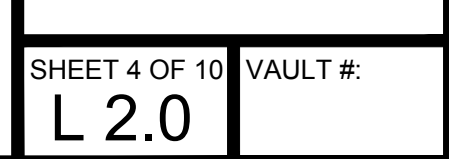
PROJECT NAME:
**TRINITY PARK AND
FOREST AVE RIGHT OF WAY**
CITY OF PORTLAND, MAINE
PARKS, RECREATION & FACILITIES
212 CANCO RD., SUITE A, PORTLAND, MAINE 04101
PHONE (207) 868-5400

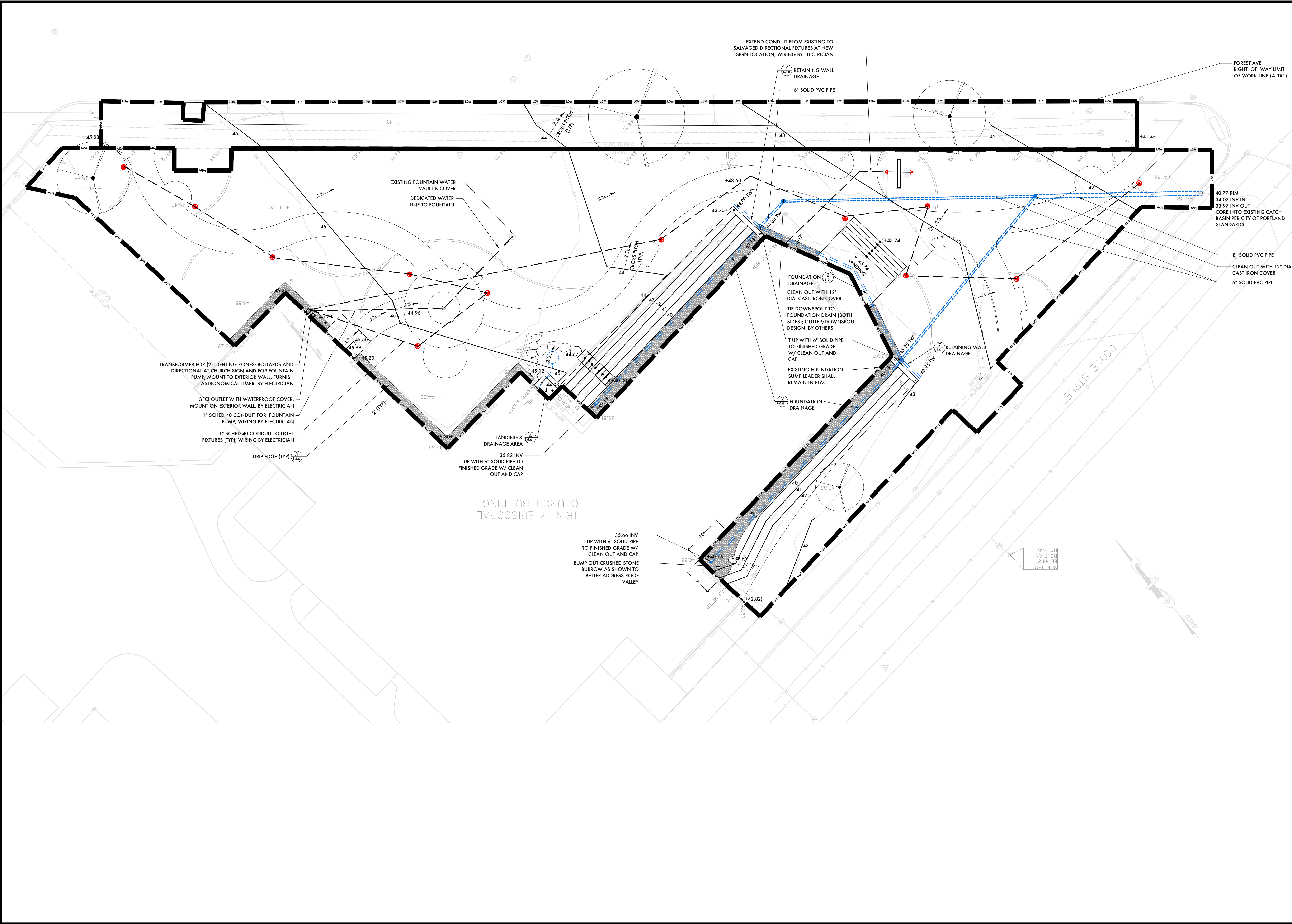
CITY OF PORTLAND, MAINE

Bid Number	XXXXXX
Date	2/5/2026
Scale	1" = 10'
Drawn	JT
Checked	

SHEET 3 OF 10
L 1.0

VAULT #:





LICENSED LANDSCAPE ARCHITECT
Joshua Clarke
Tompkins
4107
STATE OF MAINE

NORTH

REV	BY	DATE	DESCRIPTION
1		8/20/2025	PRICING SET - PROGRESS PRINT
2		9/9/2025	PRICING SET - PROGRESS PRINT
3		9/30/2025	PRICING SET - PROGRESS PRINT
4		2/5/2026	PRICING SET

GRADING,
DRAINAGE &
UTILITIES PLAN

PROJECT NAME:
**TRINITY PARK AND
FOREST AVE RIGHT OF WAY**

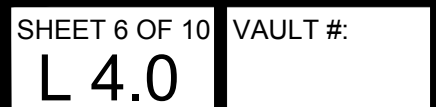
CITY OF PORTLAND, MAINE
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PHONE (207) 888-5400

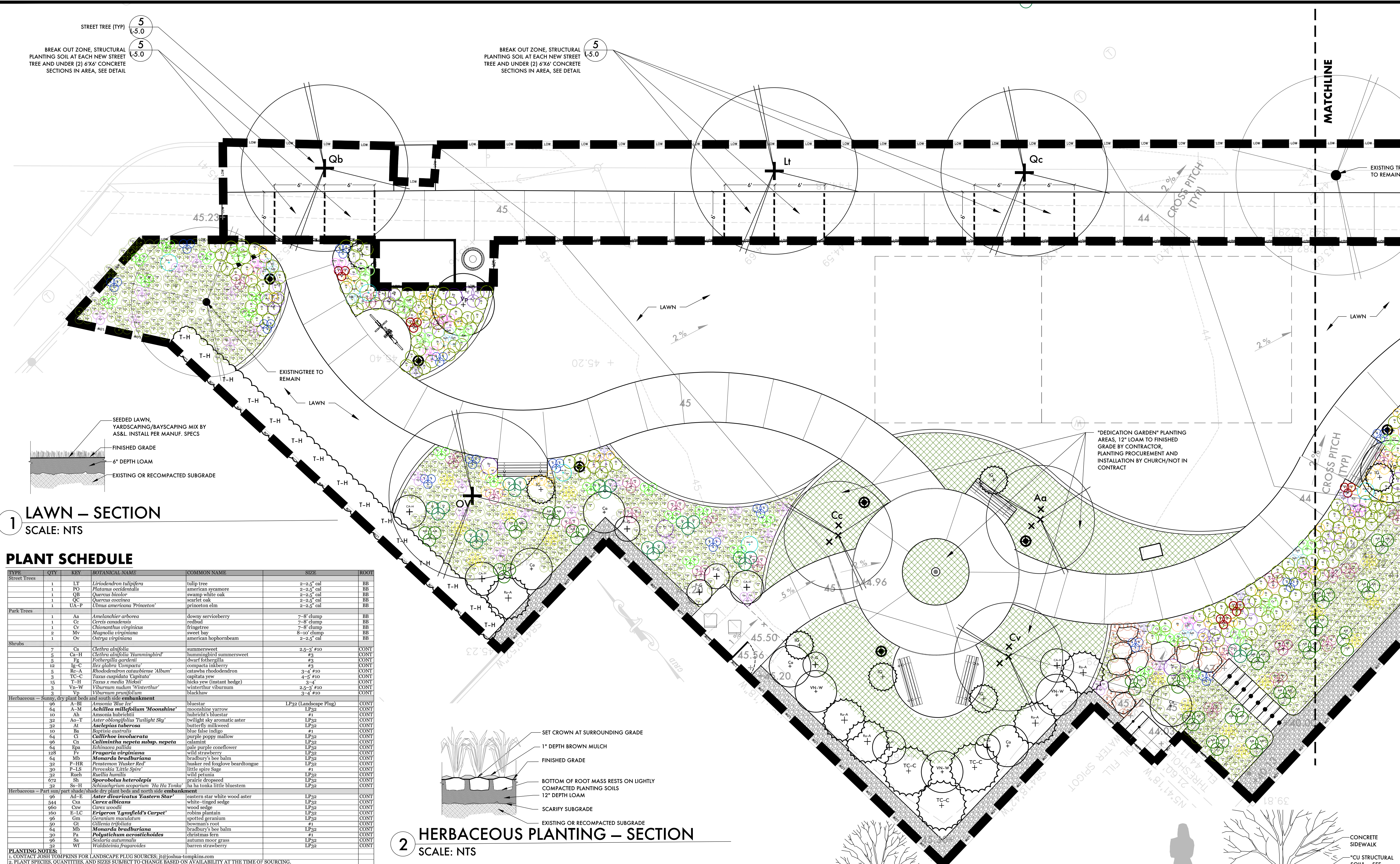
CITY OF PORTLAND, MAINE

Bid Number	XXXXXX
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Drawn	JT, PS
Checked	

SHEET 5 OF 10
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VAULT #:





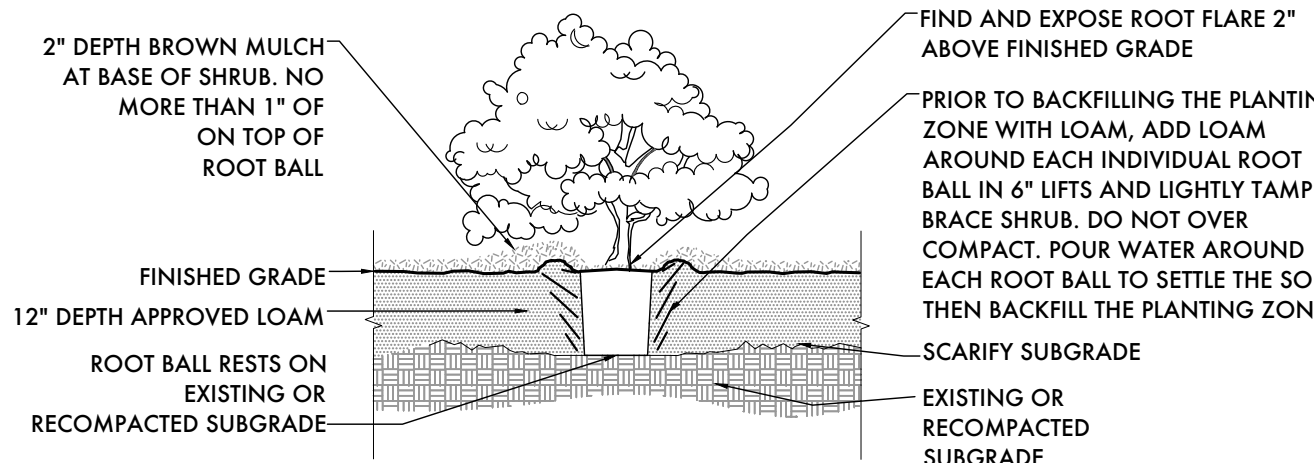
1 **LAWN – SECTION**
SCALE: NTS

PLANT SCHEDULE

TYPE	QTY	KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT
Street Trees	1	Lt	<i>Liriodendron tulipifera</i>	tulip tree	2-2.5" cal	BB
	1	PO	<i>Platanus occidentalis</i>	american sycamore	2-2.5" cal	BB
	1	QB	<i>Quercus bicolor</i>	swamp white oak	2-2.5" cal	BB
	1	QC	<i>Quercus coccinea</i>	scarlet oak	2-2.5" cal	BB
Park Trees	1	UA-P	<i>Ulmus americana 'Princeton'</i>	princeton elm	2-2.5" cal	BB
	1	Aa	<i>Amelanchier arborea</i>	downy serviceberry	7-8" clump	BB
	1	Cc	<i>Cercis canadensis</i>	redbud	7-8" clump	BB
	1	Cv	<i>Chionanthus virginicus</i>	fringetree	7-8" clump	BB
Shrubs	2	Mv	<i>Magnolia virginiana</i>	sweet bay	8-10" clump	BB
	1	Ov	<i>Ostrya virginiana</i>	american hophornbeam	2-2.5" cal	BB
	7	Ca	<i>Clethra alnifolia</i>	summersweet	2.5-3" #10	CONT
	5	Ca-H	<i>Clethra alnifolia 'Hummingbird'</i>	hummingbird summersweet	#3	CONT
Herbaceous – Sunny, dry plant beds and south side embankment	5	Pg	<i>Persea glandulosa</i>	giant foeniculum	#3	CONT
	12	Ig-C	<i>Ilex glabra 'Compacta'</i>	compact inkberry	#3	CONT
	5	Ca-A	<i>Rhododendron catawbiense 'Album'</i>	catwaba rhododendron	3-4" #10	CONT
	3	TC-C	<i>Taxus canadensis 'Capitata'</i>	capitata yew	4-5" #10	CONT
	15	T-H	<i>Teucrium x media 'Hicksii'</i>	hicks yew (instant hedge)	3-4"	CONT
	3	Vn-W	<i>Viburnum nudum 'Winterthur'</i>	winterthur viburnum	2.5-3" #10	CONT
	3	Vp	<i>Viburnum prunifolium</i>	blackhaw	3-4" #10	CONT
	96	A-M	<i>Aster multiflorus</i>	bluestar	LP32 (Landscape Plug)	CONT
	64	A-M	<i>Achillea millefolium 'Moonshine'</i>	moonshine yarrow	LP32	CONT
	10	Ah	<i>Aster hubrichtii</i>	hubricht's bluestar	#1	CONT
	32	As-T	<i>Aster oblongifolius 'Twilight Sky'</i>	twilight sky aromatic aster	LP32	CONT
	32	At	<i>Asclepias tuberosa</i>	butterfly milkweed	LP32	CONT
	10	Ba	<i>Baptisia australis</i>	blue false indigo	#1	CONT
	64	Ci	<i>Culicis involuta</i>	purple poppy mallow	LP32	CONT
	96	Cn	<i>Culmintha nepeta subsp. nepeta</i>	calaminth	LP32	CONT
Herbaceous – Part sun/part shade/dry plant beds and north side embankment	64	Bpa	<i>Echinacea pallida</i>	pale purple coneflower	LP32	CONT
	128	Pv	<i>Prunella virginiana</i>	wild strawberry	LP32	CONT
	64	Mb	<i>Monarda bradburiana</i>	bradbury's bee balm	LP32	CONT
	32	P-HR	<i>Penstemon 'Husker Red'</i>	husker red foxglove beardtongue	LP32	CONT
	32	P-LS	<i>Penstemon 'Little Spire'</i>	little spire sage	LP32	CONT
	32	Rueh	<i>Ruellia humilis</i>	wild petunia	LP32	CONT
	672	Sh	<i>Sporobolus heterolepis</i>	prairie dropseed	LP32	CONT
	32	Se-H	<i>Schizanthus litoralis 'Ha Ha Tonka'</i>	ha ha tonka little bluestem	LP32	CONT
	96	Ad-E	<i>Aster divaricatus 'Eastern Star'</i>	eastern star white wood aster	LP32	CONT
	54	Cu	<i>Carex alba</i>	white-tipped sedge	LP32	CONT
	960	Cw	<i>Carex woodii</i>	wood sedge	LP32	CONT
	160	E-LC	<i>Erigeron 'Lynfield's Carpet'</i>	robins plantain	LP32	CONT
	96	Gm	<i>Geranium maculatum</i>	spotted geranium	LP32	CONT
	50	Gi	<i>Gillenia trifoliata</i>	bowman's root	#1	CONT
	64	Mb	<i>Monarda bradburiana</i>	bradbury's bee balm	LP32	CONT
Planting Notes	30	Pa	<i>Polyactis acrostichoides</i>	christmas fern	#1	CONT
	96	Sa	<i>Sesleria autumnalis</i>	autumn moor grass	LP32	CONT
	32	Wt	<i>Waldsteinia fragaroides</i>	barren strawberry	LP32	CONT

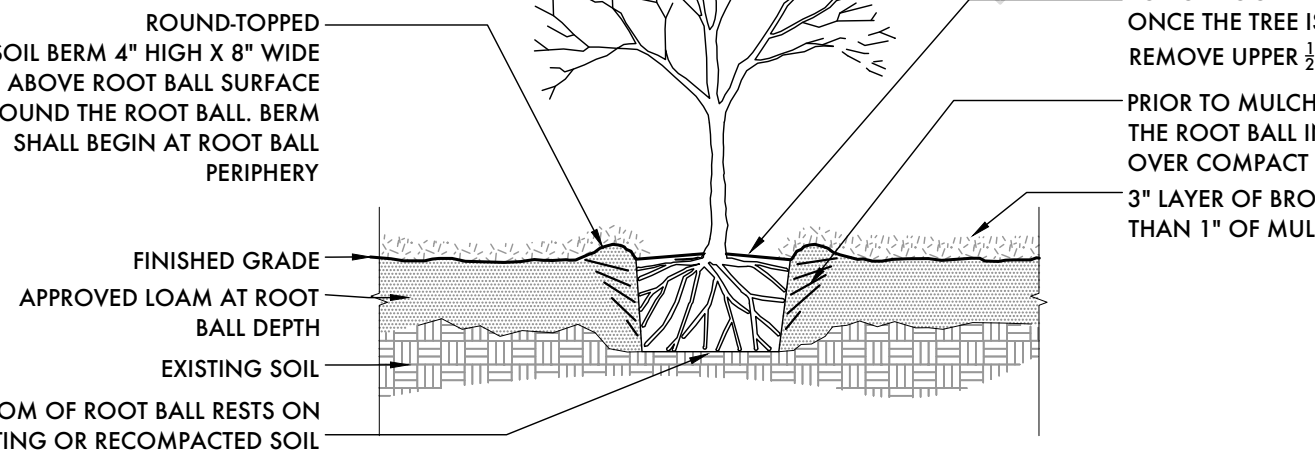
PLANTING NOTES:
1. CONTACT JOSH TOMPKINS FOR LANDSCAPE PLUG SOURCES: jto@joshua-tompkins.com
2. PLANT SPECIES, QUANTITIES, AND SIZES SUBJECT TO CHANGE BASED ON AVAILABILITY AT THE TIME OF SOURCING.
3. IF LANDSCAPE PLUG (LP32) IS NOT AVAILABLE, ROUND UP TO LP32.
4. SPECIES OR CULTIVAR SUBSTITUTIONS ARE GENERALLY NOT ACCEPTABLE. LA TO REVIEW AND APPROVE ALL PLANT SPECIES AND CULTIVARS PRIOR TO ORDERING.
5. THIS PLAN IS FOR THE GENERAL LAYOUT OF PLANTINGS ONLY.
6. LANDSCAPE ARCHITECT SHALL FIELD MARK AND LAYOUT OF PLANTS PRIOR TO INSTALLATION.
7. ALL LAWN AREAS SHALL RECEIVE 6" DEPTH APPROVED LOAM; SEED MIX SHALL BE YARDSCAPING/BAYSAPING MIX BY ALLEN STERLING LOTTOP. INSTALL AT RATE PER MANUF. SPECS.
8. ALL PLANT BED AREAS SHALL RECEIVE 12" DEPTH APPROVED LOAM.
9. ALL PLANT BEDS SHALL RECEIVE 1" DEPTH APPROVED BROWN MULCH AT BASE OF PLANT AFTER PLANTING; SEE SHRUB PLANTING DETAIL.
10. ALL SHRUBS SHALL RECEIVE 2" DEPTH BROWN MULCH AT BASE OF PLANT AFTER PLANTING; SEE SHRUB PLANTING DETAIL.
11. ALL TREES SHALL RECEIVE 3" DEPTH BROWN MULCH AFTER PLANTING; SEE TREE PLANTING DETAIL.
IRRIGATION NOTES:
1. ALL PLANT BEDS AND LAWNS SHALL HAVE PERMANENT IRRIGATION SYSTEM.
2. IRRIGATION ZONE AND SLEEVE LOCATIONS SHALL BE COORDINATED WITH LANDSCAPE ARCHITECT AND IRRIGATION CONTRACTOR (TBD ON PLAN).
3. IRRIGATION SHALL BE POP UP ROTARY HEADS (4" HT. LAWN AREAS, 12" HT. PLANT BED AREAS); DEDICATION GARDEN IRRIGATION SYSTEM TBD BY CHURCH.
4. IRRIGATION SHALL INCLUDE DIGITAL CONTROLLER WITH WEATHER AWARE SYSTEM.
5. BY AND LARGE, THE PLANT SPECIES, AS SHOWN, HAVE DROUGHT TOLERANCE ONCE ESTABLISHED; IRRIGATION WILL BE NEEDED IMMEDIATELY FOLLOWING PLANTING TO PLANT ESTABLISHMENT (ABOUT 1 YEAR DURATION); DURING THE FIRST YEAR WATER INFREQUENTLY BUT DEEPLY TO PROMOTE DEEP ROOT GROWTH AND HEALTHY PLANTS. DURING AN AVERAGE RAINFALL YEAR, FIRST YEAR IRRIGATION NEEDS SHALL DELIVER NO MORE THAN 1" DEPTH IRRIGATION PER WEEK DURING SUMMER MONTHS OF JUNE, JULY, AUGUST, SEPTEMBER (I.E. 45 MINUTES FOR 1/2" DEPTH, TWICE PER WEEK), ONCE PLANTS ARE ESTABLISHED, IRRIGATION NEEDS SHOULD BE VERY LIMITED.

2 **HERBACEOUS PLANTING – SECTION**
SCALE: NTS

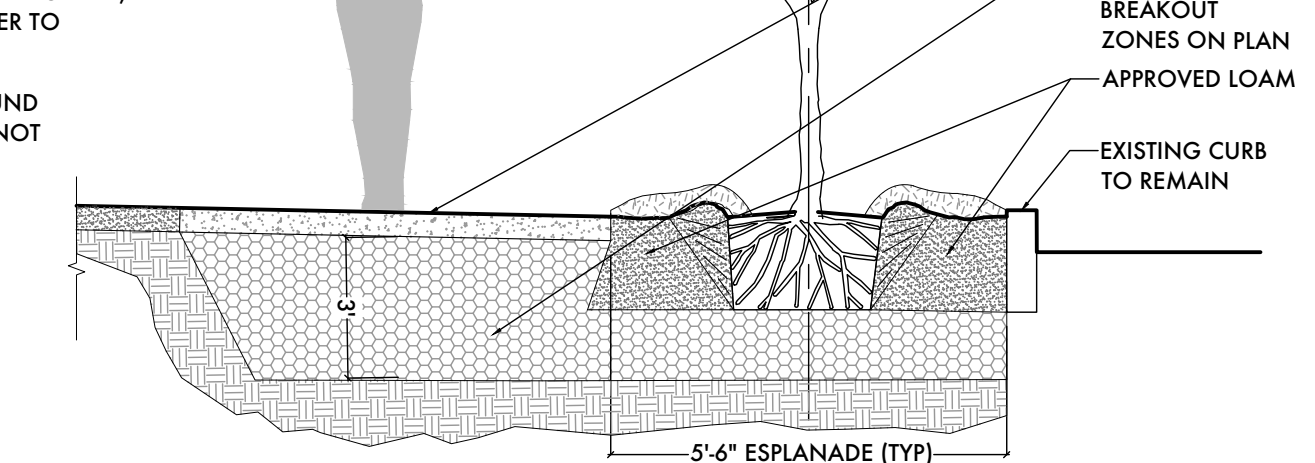


3 **SHRUB PLANTING – SECTION**
SCALE: NTS

4 **LAWN TREE PLANTING – SECTION**
SCALE: NTS



5 **STREET TREE & BREAKOUT ZONES**
SCALE: NTS



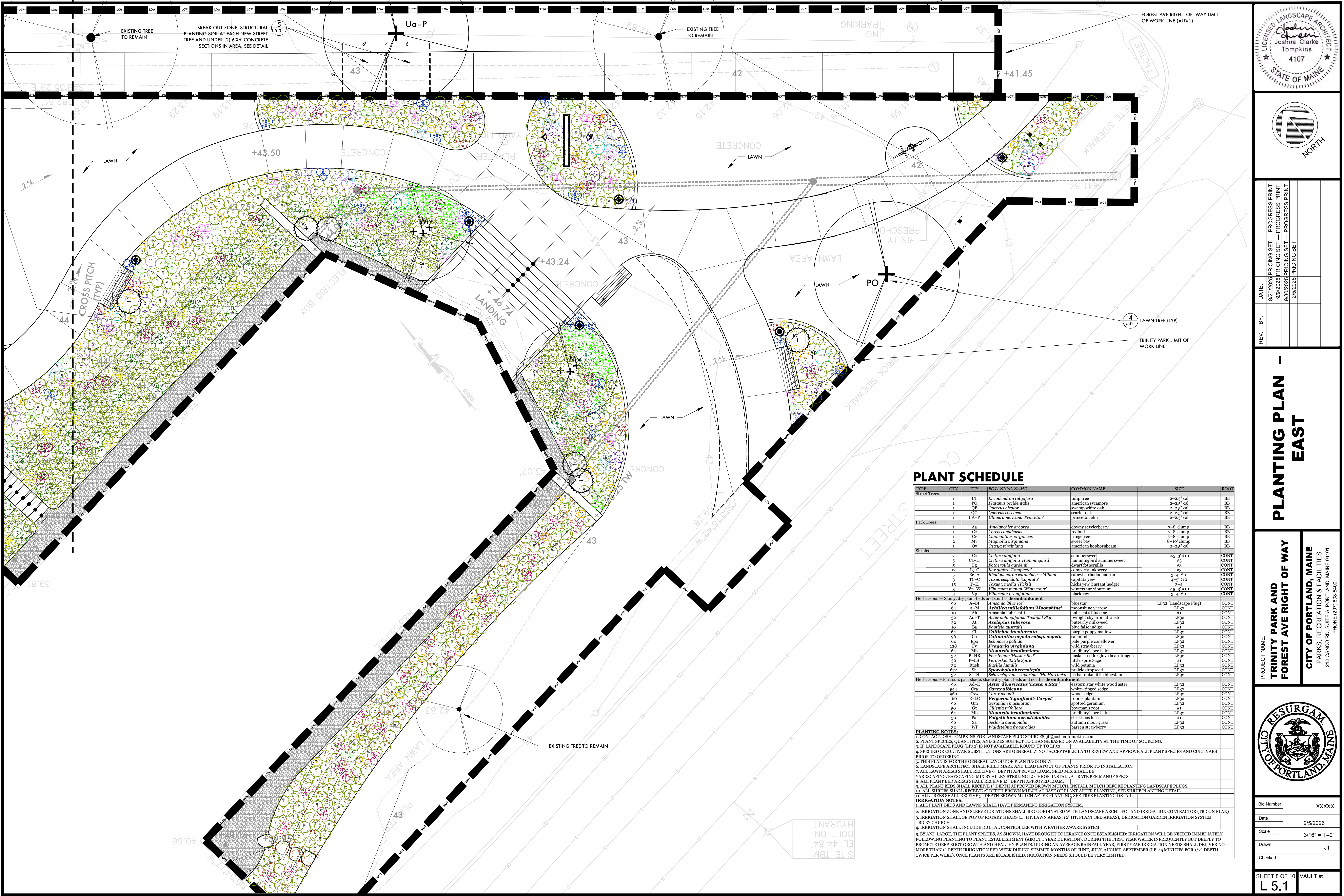
LICENSED LANDSCAPE ARCHITECT
Joshua Clarke
Tompkins
4107
STATE OF MAINE

NORTH

DATE:	8/20/2025 PRICING SET – PROGRESS PRINT
REV:	9/9/2025 PRICING SET – PROGRESS PRINT
BY:	9/30/2025 PRICING SET – PROGRESS PRINT
	2/5/2026 PRICING SET

PROJECT NAME:
TRINITY PARK AND FOREST AVE RIGHT OF WAY
CITY OF PORTLAND, MAINE
PARKS, RECREATION & FACILITIES
212 CANCO RD., SUITE A, PORTLAND, MAINE 04101
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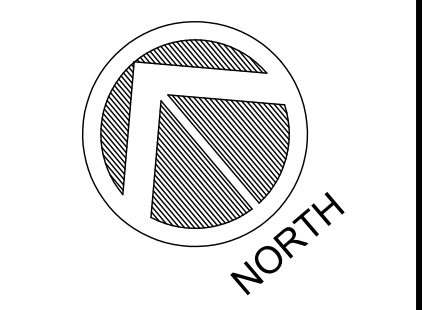
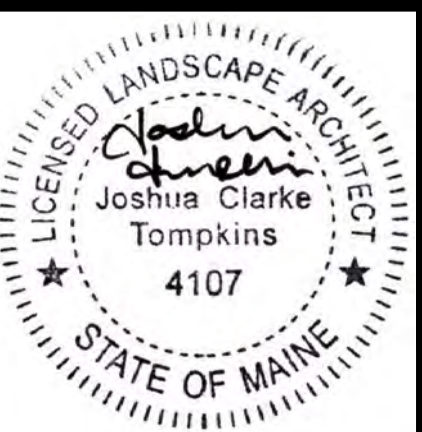
Bid Number: XXXXXX
Date: 2/5/2026
Scale: 3/16" = 1'-0"
Drawn: JT
Checked:
SHEET 7 OF 10
L 5.0
VAULT #:



PLANT SCHEDULE

TYPE	QTY	KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT
Street Trees	1	LT	Liriodendron tulipifera	tulip tree	2-2.5' cal	BB
	1	PO	Platanus occidentalis	american sycamore	2-2.5' cal	BB
	1	QB	Quercus bicolor	swamp white oak	2-2.5' cal	BB
	1	QC	Quercus coccinea	scarlet oak	2-2.5' cal	BB
	1	UA-P	Ulmus americana 'Princeton'	princeton elm	2-2.5' cal	BB
Park Trees	1	Aa	Amelanchier arborea	downy serviceberry	7-8' clump	BB
	1	Gc	Cercis canadensis	redbud	7-8' clump	BB
	1	Ov	Chionanthus virginicus	fringetree	7-8' clump	BB
	2	Mv	Magnolia virginiana	sweet bay	8-10' clump	BB
	1	Ov	Ostrya virginiana	american hophornbeam	2-2.5' cal	BB
Shrubs	7	Ca	Clethra alnifolia	summersweet	2.5-3' #10	CONT
	5	Ca-H	Clethra alnifolia 'Hummingbird'	hummingbird summersweet	#3	CONT
	5	Lg	Fothergilla gardenii	dwarf fothergilla	#3	CONT
	12	Je-C	Ilex glabra 'Compacta'	compacta holly	#3	CONT
	5	Re-A	Rhododendron catawbiense 'Album'	catawba rhododendron	3-4' #10	CONT
	3	TC-C	Taxus canadensis 'Capitata'	capitata yew	4-5' #10	CONT
	15	T-H	Taxus media 'Hicksii'	Hicks yew (instant hedge)	3-4'	CONT
	3	Vn-W	Viburnum nudum 'Winterthur'	winterthur viburnum	2.5-3' #10	CONT
	3	Vv	Viburnum prunifolium	blackhaw	3-4' #10	CONT
	3	Vv	Viburnum prunifolium	blackhaw	3-4' #10	CONT
Herbaceous - Sunny, dry plant beds and south side embankment						
96	A-BI	Amsonia 'Blue Ice'	Amsonia 'Blue Ice'	bluestar	LP32 (Landscape Plug)	CONT
64	A-M	Achillea millefolium 'Moonshine'	Achillea millefolium 'Moonshine'	moonshine yarrow	LP32	CONT
10	Ah	Amsonia hubrichtii	Amsonia hubrichtii	hubricht's bluestar	#1	CONT
32	Ao-T	Aster oblongifolius 'Twilight Sky'	Aster oblongifolius 'Twilight Sky'	twilight sky aromatic aster	LP32	CONT
32	At	Asclepias tuberosa	Asclepias tuberosa	butterfly milkweed	LP32	CONT
10	Ba	Baptisia australis	Baptisia australis	blue false indigo	#1	CONT
64	Cl	Callirhoe involucrata	Callirhoe involucrata	purple poppy mallow	LP32	CONT
96	Ct	Calamintha nepeta subsp. nepeta	Calamintha nepeta subsp. nepeta	calaminth	LP32	CONT
64	Epa	Echinacea pallida	Echinacea pallida	pale purple coneflower	LP32	CONT
128	Fv	Fragaria virginiana	Fragaria virginiana	wild strawberry	LP32	CONT
64	Mb	Monarda bradburiana	Monarda bradburiana	bradbury's bee balm	LP32	CONT
32	P-HR	Penstemon 'Husker Red'	Penstemon 'Husker Red'	husker red foxglove beardtongue	LP32	CONT
30	P-LS	Perovskia 'Little Spire'	Perovskia 'Little Spire'	little spire Sage	#1	CONT
32	Ruhb	Ruellia humilis	Ruellia humilis	wild petunia	LP32	CONT
672	Sh	Sporobolus heterolepis	Sporobolus heterolepis	prairie dropseed	LP32	CONT
32	Ss-H	Schizachyrium scoparium 'Ha Ha Tonka'	Schizachyrium scoparium 'Ha Ha Tonka'	ha ha tonka little bluestem	LP32	CONT
Herbaceous - Part sun, plant shade and north side embankment						
96	Ad-E	Aster divaricatus 'Eastern Star'	Aster divaricatus 'Eastern Star'	eastern star white wood aster	LP32	CONT
544	Csa	Carex albicans	Carex albicans	white-tinged sedge	LP32	CONT
960	Cw	Carex obovata	Carex obovata	wood sedge	LP32	CONT
160	E-LC	Erigeron 'Lynnfield's Carpet'	Erigeron 'Lynnfield's Carpet'	robins plantain	LP32	CONT
96	Gm	Geranium maculatum	Geranium maculatum	spotted geranium	LP32	CONT
20	Gt	Gillenia triflora	Gillenia triflora	bowman's root	#1	CONT
64	Mb	Monarda bradburiana	Monarda bradburiana	bradbury's bee balm	LP32	CONT
30	Pa	Polystichum acrostichoides	Polystichum acrostichoides	christmas fern	#1	CONT
96	Sa	Scirpus autumnalis	Scirpus autumnalis	autumn moor grass	LP32	CONT
32	Wf	Waldsteinia fragaroides	Waldsteinia fragaroides	barren strawberry	LP32	CONT

- PLANTING NOTES:**
1. CONTACT JOSH TOMPKINS FOR LANDSCAPE PLUG SOURCES: j@joshua-tompkins.com
 2. PLANT SPECIES, QUANTITIES, AND SIZES SUBJECT TO CHANGE BASED ON AVAILABILITY AT THE TIME OF SOURCING.
 3. PLANTING PLUGS (LP32) IS NOT AVAILABLE, ROUND UP TO LP32.
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 7. ALL LAWN AREAS SHALL RECEIVE 6" DEPTH APPROVED LOAM; SEED MIX SHALL BE YARDSCAPING/PAVING MIX BY ALLEN STERLING LOTROP. INSTALL AT RATE PER MANUF SPECS.
 8. ALL PLANT BED AREAS SHALL RECEIVE 12" DEPTH APPROVED LOAM.
 9. ALL PLANT BEDS SHALL RECEIVE 1" DEPTH APPROVED BROWN MULCH. INSTALL MULCH BEFORE PLANTING LANDSCAPE PLUGS.
 10. ALL SHRUBS SHALL RECEIVE 2" DEPTH BROWN MULCH AT BASE OF PLANT AFTER PLANTING. SEE SHRUB PLANTING DETAIL.
 11. ALL TREES SHALL RECEIVE 5" DEPTH BROWN MULCH AFTER PLANTING. SEE TREE PLANTING DETAIL.
- IRRIGATION NOTES:**
1. ALL PLANT BEDS AND LAWNS SHALL HAVE PERMANENT IRRIGATION SYSTEM.
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1		8/20/2025	PRICING SET - PROGRESS PRINT
2		9/9/2025	PRICING SET - PROGRESS PRINT
3		9/30/2025	PRICING SET - PROGRESS PRINT
4		2/5/2026	PRICING SET

PLANTING PLAN - EAST

PROJECT NAME: TRINITY PARK AND FOREST AVE RIGHT OF WAY

CITY OF PORTLAND, MAINE
PARKS, RECREATION & FACILITIES
212 CANCO RD., SUITE A, PORTLAND, MAINE 04101
PHONE (207) 868-5400



Bid Number	XXXXXX
Date	2/5/2026
Scale	3/16" = 1'-0"
Drawn	JT
Checked	

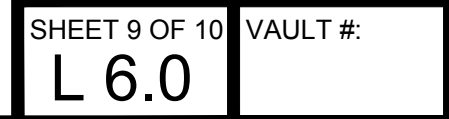
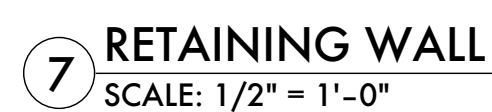
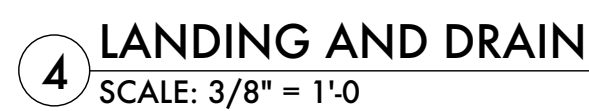


EXHIBIT C

		\$	Updates 11/18/25 Cost	15% OH&P	Total Bid	Forest Ave Cost	Forest Ave plus OH&P
Site Demo and Erosion Control							
Existing Concrete sidewalks and slabs removal	150 cy	\$ 30.00	\$ 4,500.00	\$ 675.00	\$ 5,175	\$ 1,530	\$ 1,760
Remove front yew hedges, smaller bushes, small trees	1 LS	\$ 5,000.00	\$ 5,000.00	\$ 750.00	\$ 5,750		\$ -
Salvage and stockpile loose existing cobble stones	1 LS	\$ 500.00	\$ 500.00	\$ 75.00	\$ 575		\$ -
Remove and dispose off site existing water feature	1 LS	\$ 2,000.00	\$ 2,000.00	\$ 300.00	\$ 2,300		\$ -
Construction Fencing- EC Control	1 LS	\$ 1,500.00	\$ 1,500.00	\$ 225.00	\$ 1,725		\$ -
Strip existing lawn sods/loam	200 cy	\$ 20.00	\$ 4,000.00	\$ 600.00	\$ 4,600	\$ 2,200	\$ 2,530
Ex and Remove existing Embankment Groundcover and stone walls, salvage stones for reuse	175 cy	\$ 20.00	\$ 3,500.00	\$ 525.00	\$ 4,025		\$ -
			\$ 21,000.00	\$ 3,150.00	\$ 24,150	\$ 3,730	\$ 4,290
Large Norway Maple Tree Removal							
Large Norway Maple Tree Removal	2 each	\$ 2,500.00	\$ 5,000.00	\$ 750.00	\$ 5,750		\$ -
Stump Removal - By grinding	2 each	\$ 350.00	\$ 700.00	\$ 105.00	\$ 805		\$ -
			\$ 5,700.00	\$ 855.00	\$ 6,555.00	\$ -	\$ -
New Concrete Sidewalks							
Excavate to subgrade and 10" Type A gravel for new sidewalks	220 cy	\$ 60.00	\$ 13,200.00	\$ 1,980.00	\$ 15,180	\$ 3,235	\$ 3,720
4" fiber concrete SW's - Scored joints with Salt Guard Sealer	427 sy	\$ 260.00	\$ 111,020.00	\$ 16,653.00	\$ 127,673	\$ 46,628	\$ 53,622
6" Concrete slabs - doorway landing & Bus Shelter	7 sy	\$ 400.00	\$ 2,800.00	\$ 420.00	\$ 3,220	\$ 3,000	\$ 3,450
			\$ 127,020.00	\$ 19,053.00	\$ 146,073.00	\$ 52,863.00	\$ 60,792.45
Underdrain-River Stone Drip Strip-Retaining Walls-Stone work- Loaming Lawns & Beds							
6" UD wrapped in stone and fabric & 8" SD	335 lf	\$ 60.00	\$ 20,100.00	\$ 3,015.00	\$ 23,115		\$ -
Drip Strip with River Stone	35 cy	\$ 100.00	\$ 3,500.00	\$ 525.00	\$ 4,025		\$ -
Small Block Retaining Walls	60 sf	\$ 55.00	\$ 3,300.00	\$ 495.00	\$ 3,795		\$ -
Granite steps down embankment	1 ls	\$ 3,000.00	\$ 3,000.00	\$ 450.00	\$ 3,450		\$ -
Cobblestone edging	270 lf	\$ 25.00	\$ 6,750.00	\$ 1,012.50	\$ 7,763		\$ -
Loaming Lawns and beds	275 cy	\$ 70.00	\$ 19,250.00	\$ 2,887.50	\$ 22,138	\$ 2,450	\$ 2,818
			\$ 55,900.00	\$ 8,385.00	\$ 64,285.00	\$ 2,450.00	\$ 2,817.50
Trees & Plantings & Sod							
Larger Trees - Forest Ave & Coyle	8 each	\$ 610.00	\$ 4,880.00	\$ 732.00	\$ 5,612	\$ 4,880	\$ 5,612
Small Ornamentals along walkway	13 each	\$ 250.00	\$ 3,250.00	\$ 487.50	\$ 3,738		\$ -
Other plantings	1 LS	\$ 34,650.00	\$ 34,650.00	\$ 5,197.50	\$ 39,848		\$ -
low maintenance ground cover for embankments	800 sf	\$ 3.00	\$ 2,400.00	\$ 360.00	\$ 2,760		\$ -
Sod	7400 sf	\$ 1.60	\$ 11,840.00	\$ 1,776.00	\$ 13,616	\$ 2,352	\$ 2,705
			\$ 57,020.00	\$ 8,553.00	\$ 65,573.00	\$ 7,232.00	\$ 8,316.80
Site Furnishings							
Site Lighting - Conduit, and LV Bollard Lights Bases	13 each	\$ 3,000.00	\$ 39,000.00	\$ 5,850.00	\$ 44,850		\$ -
Water Feature,Concrete base, Electrician, Extend water and electrical service	1 LS	\$ 5,000.00	\$ 5,000.00	\$ 750.00	\$ 5,750		\$ -
Bike Racks	2 each	\$ 1,200.00	\$ 2,400.00	\$ 360.00	\$ 2,760		\$ -
Trash Receptacle	1 each	\$ 719.00	\$ 719.00	\$ 107.85	\$ 827	\$ 1,000	\$ 1,150
Signage	2 each	\$ 750.00	\$ 2,500.00	\$ 375.00	\$ 2,875		\$ -
Bus Shelter	1 each	\$ 12,000.00	\$ 12,000.00	\$ 1,800.00	\$ 13,800	\$ 13,800	\$ 15,870
Dedication Plack	1 ls	\$ 3,000.00	\$ 3,000.00	\$ 450.00	\$ 3,450		\$ -
Benches	7 each	\$ 750.00	\$ 5,250.00	\$ 787.50	\$ 6,038		\$ -
			\$ 69,869.00	\$ 10,480.35	\$ 80,349.35	\$ 14,800.00	\$ 17,020.00
P&P Bonds	1 ls	\$ 4,580.00	\$ 4,580.00	\$ 687.00	\$ 5,267	\$ 1,399	\$ 1,609
					\$ 392,253	\$ 82,474	\$ 93,236
Total Contract outside Forest Ave ROW					\$ 299,017		
Front Entry Stairs with Handrails					\$ 70,000		

MEMORANDUM
City Council Agenda Item

FROM: Brendan O'Connell
DATE: March 6, 2026
SUBJECT: Order 161-25/26 Appropriating Bond Proceeds and Other Funds for the City's FY2027 Capital Improvement Program - Sponsored by the Finance Committee, April Fournier, Chair
SPONSOR: The Finance Committee voted on March 5, 2026 to recommend passage of this item, vote (2-0, Pelletier absent).

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 3/16/2026

**Final
Action 4/13/2026**

Can action be taken at a later date: No Many projects are related to work which needs to occur immediately.

Does this item involve a new contract with the City: No

PRESENTATION: None

I. SUMMARY

This order appropriates funding for \$46.1M of new projects within the FY27 Capital Improvement Plan.

II. AGENDA DESCRIPTION

The Finance Committee voted on March 5, 2026 to recommend passage of this item, vote (2-0, Pelletier absent). This is a companion order to the bond authorization order below.

The Finance Committee met several times during late 2025 and early 2026 to discuss the City's Capital Improvement Plan (CIP). In last year's CIP process, changes to better incorporate equity, sustainability and other City Council goals were made. These successful changes were continued in the current year based on guidance from the Committee. The Fiscal Year 2027 Capital Improvement Plan (FY27 CIP) has been in development since mid-2025. The list of FY27 CIP calls for over \$46M of new projects but only \$17.4M this total will have a net impact to debt service in the general fund operating budget. A broad variety of other funding sources including the enterprise funds (for sewer and stormwater projects) are being used to finance the remainder of the CIP.

Two orders are required related to the CIP: one authorizing the FY27 CIP bonds; and a second appropriating the proceeds and other funding sources providing City staff with spending authority for the upcoming projects. A complete listing of the projects being authorized is included within the orders.

This item must be read on two separate days. This is its first reading.

III. BACKGROUND

Over the course of several Finance Committee meetings in late 2025 and early 2026, the City's Finance Committee reviewed and recommended the new FY27 CIP projects and the associated bond authorizations to the full City Council for review.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Approval of the FY27 Capital Improvement Plan

V. FINANCIAL IMPACT

The City typically issues bonds related to the CIP in the spring or early summer preceding project construction or estimated completion. Debt related to this CIP will likely not be issued until 2027 (i.e. no fiscal impact for FY27). For FY28 and FY29, the estimated impact to the mill rate will be a 6 cent increase, however the debt service increases planned per this capital improvement plan are timed to offset other decreases in debt service related to older CIP.

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

Move passage

VIII. LIST ATTACHMENTS

1. FY27 CIP Bonds Appropriation Order

Prepared by:

Brendan O'Connell

Date: 03/06/2026

**CITY OF PORTLAND
IN THE CITY COUNCIL**

**ORDER APPROPRIATING BOND PROCEEDS AND OTHER FUNDS FOR
THE CITY'S FY2027 CAPITAL IMPROVEMENT PROGRAM**

IT IS HEREBY ORDERED THAT

1. Subject to paragraph 2 and 3 below, the sum of \$46,120,000, plus the investment earnings and original issue premium arising, if any, associated with issuance of the City's general obligation bonds, be and hereby is appropriated to finance the projects more particularly described in the project list for the City's FY27 Capital Improvement Program attached hereto as Exhibit A (the "FY27 CIP Project List"), as follows:
 - a. The sum of \$17,435,000 is appropriated from the proceeds of the City's general obligation bonds to be authorized by the City Council to finance a portion of the costs of the General Fund Projects included in the FY27 CIP Project List;
 - b. The sum of \$6,985,000 is appropriated from the proceeds of the City's general obligation bonds to be authorized by the City Council to finance a portion of the costs of the Enterprise Fund Projects included in the FY27 CIP Project List;
 - c. An additional amount not to exceed \$21,700,000 is appropriated as follows:
 - i. An amount not to exceed \$325,000 is appropriated from the City's Cruise Ship Infrastructure Improvement Fees, to finance a portion of the projects so indicated in the FY27 CIP Project List.
 - ii. An amount not to exceed \$890,000 is appropriated from the City's Parks Impact Fees, to finance a portion of the projects so indicated in the FY27 CIP Project List;
 - iii. An amount not to exceed \$3,000,000 is appropriated from the City's Transportation Impact Fees, to finance a portion of the projects so indicated in the FY27 CIP Project List;
 - iv. An amount not to exceed \$400,000 is appropriated from the City's Merrill Auditorium Improvement Fees, to finance a portion of the projects so indicated in the FY27 CIP Project List;
 - v. An amount not to exceed \$10,960,000 is reallocated and appropriated from unspent proceeds of the City's prior CIP General Obligation Bonds to finance a portion of the projects so indicated in the FY27 CIP Project List;

- vi. An amount not to exceed \$275,000 is appropriated from the City's Bayside TIF Funds, to finance a portion of the projects so indicated in the FY27 CIP Project List;
 - vii. An amount not to exceed \$3,635,000 is appropriated from the City's Downtown TIF Funds, to finance a portion of the projects so indicated in the FY27 CIP Project List;
 - viii. An amount not to exceed \$575,000 is appropriated from the City's Waterfront TIF Funds, to finance a portion of the projects so indicated in the FY27 CIP Project List;
 - ix. An amount not to exceed \$900,000 is appropriated from the City's Fish Pier Enterprise Fund Balance, to finance a portion of the projects so indicated in the FY27 CIP Project List.
 - x. An amount not to exceed \$740,000 is appropriated from the City's Asset Forfeiture Funds to finance a portion of the projects so indicated in the FY27 CIP Project List;
2. The appropriations set forth in paragraphs 1(a) & (b) above are and shall be contingent upon the authorization and issuance of the City's general obligation bonds for such purposes (the amount appropriated in said paragraph 1(a) & (b) to be adjusted to reflect the principal amount of bonds so authorized), and shall include issuance costs for such bonds (or notes in anticipation thereof). The foregoing appropriations, in addition to the stated amount, shall also include any investment earnings or original issue premium associated with such bonds (or notes in anticipation thereof).
 3. If the actual cost of any project included in the FY27 CIP Project List differs from the estimated cost on the attached Exhibit A, whether due to completion, delay or abandonment of the Project or for any other reason, the Director of Finance is authorized, in his discretion, to reallocate proceeds of the bonds issued therefore or the other funds appropriated therefore to any other project listed on the FY27 CIP Project List or to any project the City Council has approved or may in the future approve as part of the City's annual capital improvement plan.

<u>Department</u>		<u>General Fund Projects</u>	<u>FY27 CIP Appropriation</u>	<u>New Bond Authorization</u>	<u>Other Funding</u>
Facilities Maintenance					
Fire Department	Central Station Slab Repairs		480,000	480,000	
Fire Department	Stevens Ave Fire Station - Roof Replacement		235,000	235,000	
Fire Department	Bramhall Fire Station - Major Renovation Planning		30,000		30,000 ⁽⁷⁾
Fire Department	All Stations - Exterior Envelope Repairs (Masonry, Windows, Doors)		100,000	100,000	
Health-Human Services	Barron Center Elevator Replacement		650,000	650,000	
Health-Human Services	Resurfacing and Paving of Barron Center Parking Lots		565,000	565,000	
Health-Human Services	Rear Patio Replacement - Barron Center		50,000	50,000	
Parks-Rec-Facilities	Expo Slab Repair		125,000	125,000	
Parks-Rec-Facilities	City Hall/Merrill Boiler replacement		200,000		200,000 ⁽⁶⁾
Parks-Rec-Facilities	Paint Merrill Dome Ceiling and Replace Sprinkler Heads		125,000		125,000 ⁽⁶⁾
Parks-Rec-Facilities	Service piers 1 & 3 Replacement		900,000		900,000 ⁽¹¹⁾
Parks-Rec-Facilities	Replace field house HV units		700,000	700,000	
Parks-Rec-Facilities	Bridge over Dole Brook: Phase II		450,000	450,000	
Parks-Rec-Facilities	Merrill Auditorium Orchestra Ceiling Light Replacement		75,000		75,000 ⁽⁶⁾
Parks-Rec-Facilities	Court Resurfacing - Various (DHS Tennis, Reiche School, Pleasant St, Taylor St)		150,000		150,000 ⁽⁷⁾
Parks-Rec-Facilities	250 Canco Rd Roof Replacement Phase 1 of 2		400,000		400,000 ⁽⁷⁾
Parks-Rec-Facilities	Fitzpatrick Track Resurfacing		500,000	500,000	
Parks-Rec-Facilities	City Hall Copper Roof Replacement - (Funding Year 1 of 3)		1,150,000		1,150,000 ⁽⁷⁾
Police Department	Police Department Station - Phase 2: Space Needs Analysis and Site Selection		250,000		250,000 ⁽⁷⁾
Sub-total			7,135,000	3,855,000	3,280,000
Information Technology					
Information Technology	Networking Hardware Replacement - Wired, WiFi and Infrastructure		650,000		650,000 ⁽⁷⁾
Information Technology	New Fiber in CityHall and OGW Whale Building		55,000		55,000 ⁽⁷⁾
Information Technology	Citywide Camera Consolidation		195,000		195,000 ⁽⁷⁾
Information Technology	Citywide Access Control System Replacement		190,000		190,000 ⁽⁷⁾
Police Department	Radio Network Fiber Service Level Change-Replacing Radio Network Sites		335,000	335,000	
Sub-total			1,425,000	335,000	1,090,000
Island Infrastructure					
Public Works	Island Improvements Program		150,000		150,000 ⁽⁷⁾
Sub-total			150,000	-	150,000
Major Equipment					
Fire Department	Fireboat Replacement - Marine 2		280,000	280,000	
Parks-Recreation-Facilities	Sidewalk Tractor		240,000	240,000	
Parks-Recreation-Facilities	Trailers		50,000	50,000	
Public Works	Snow Blower (Loader Attached) Tier IV - RPM220 T4 or Equivalent		200,000	200,000	
Public Works	Ride-On-Roller		90,000	90,000	
Public Works	Front End Loader		50,000	50,000	
Sub-total			910,000	910,000	-
Marine Infrastructure					
Parks-Rec-Facilities	On going pile/pier work at OG and P.O.T		350,000		350,000 ⁽¹⁰⁾
Parks-Rec-Facilities	Pile Jackets -OG		225,000		225,000 ⁽¹⁰⁾
Parks-Rec-Facilities	POT Generator replacement		325,000		325,000 ⁽³⁾
Sub-total			900,000	-	900,000
Minor Equipment					
Fire Department	Cardiac Monitors Replacement		420,000		420,000 ⁽⁷⁾
Fire Department	Stretcher Replacement		320,000		320,000 ⁽⁷⁾
Fire Department	Radio replacement		300,000		300,000 ⁽⁷⁾
Sub-total			1,040,000	-	1,040,000
Municipal Fleet					
Fire Department	Fire Ladder Truck (2nd \$500 allocated out of \$2M estimated cost)		500,000	500,000	
Fire Department	Ambulance Chassis Replacement		300,000	300,000	
Fire Department	Ambulance Chassis Replacement		300,000	300,000	
Parks-Recreation-Facilities	Pick-up Truck - Cemeteries		70,000	70,000	
Health and Human Services	Passenger Van (Replacement)		90,000	90,000	
Health and Human Services	Passenger Van (Expansion)		75,000		75,000 ⁽⁷⁾
Information Technology	Passenger Vehicle (Expansion)		40,000	40,000	
Parks-Recreation-Facilities	.5 ton crew cab (electric)		75,000	75,000	
Parks-Recreation-Facilities	Pick-up Plow Truck (Replacement)		85,000	85,000	

<u>Department</u>	<u>General Fund Projects</u>	<u>FY27 CIP Appropriation</u>	<u>New Bond Authorization</u>	<u>Other Funding</u>
Parks-Recreation-Facilities	Pick-up Plow Truck (Replacement)	70,000	70,000	
Parks-Recreation-Facilities	Pick-up Truck (Replacement)	55,000	55,000	
Police Department	Passenger Vehicle (Replacement)	90,000		90,000 ⁽¹²⁾
Police Department	Pick-up Truck (Expansion to support downtown unit)	120,000		120,000 ⁽¹²⁾
Police Department	Eight (8) Police Patrol Vehicles (Replacements)	465,000		465,000 ⁽¹²⁾
Police Department	Pick-up Truck (Expansion to support PD marine unit)	65,000		65,000 ⁽¹²⁾
Public Works	Plow Truck (Replacement)	300,000		300,000 ⁽⁷⁾
Public Works	Refuse Packer Full Size (Replacement)	400,000	400,000	
Public Works	Pick-up Truck (Replacement)	100,000	100,000	
Public Works	Ramp Truck (Replacement)	250,000	250,000	
Public Works	Dump Truck (Replacement)	100,000	100,000	
Public Works	Pick-up Truck (Replacement)	80,000	80,000	
Public Works	Refuse Truck (Replacement)	400,000	400,000	
Sub-total		4,030,000	2,915,000	1,115,000
Park Infrastructure				
Parks-Rec-Facilities	Longfellow School Community Playground Improvements	270,000		270,000 ⁽⁴⁾
Parks-Rec-Facilities	East End School Playground Design & Construction	70,000		70,000 ⁽⁴⁾
Parks-Rec-Facilities	Deering Oaks Lighting Improvements	550,000		550,000 ⁽⁴⁾
Parks-Rec-Facilities	Deering Oaks Roadway Repaving - Tennis Court Road	270,000		270,000 ⁽⁷⁾
Parks-Rec-Facilities	Fencing Replacement: Various locations	450,000		450,000 ⁽⁷⁾
Planning-Urban Dev.	Congress Square Park	500,000		500,000 ⁽⁷⁾
Sub-total		2,110,000	-	2,110,000
Portland Public Library				
Main Branch	Roof Replacement and Repair (Downtown)	285,000		285,000 ⁽⁹⁾
Main Branch	Replace Air Handlers 5 & 6 (Downtown)	925,000		925,000 ⁽⁹⁾
Sub-total		1,210,000	-	1,210,000
Portland Public Schools				
Central Office	Central Office Roof Repairs	200,000		200,000 ⁽⁷⁾
Deering High School	DHS Door Replacement	100,000		100,000 ⁽⁷⁾
Peaks Island	Peaks Island ADA Renovation	200,000	200,000	
Portland High School	PHS Front Step Repairs	750,000		750,000 ⁽⁷⁾
Lincoln Middle School	LMS Gym Roof Repair/Replacement	250,000	250,000	
PATHS	PATHS - HVAC and Drain Replacement	1,700,000	1,700,000	
Districtwide	Districtwide Camera System Upgrades	500,000	500,000	
Sub-total		3,700,000	2,650,000	1,050,000
Transportation - Bike-Ped				
Public Works	Casco Bay Trail - Planning (Local Match)	15,000		15,000 ⁽⁷⁾
Public Works	Brighton Avenue Sidewalk Reconstruction - Local Match on PACTS UPI	420,000	420,000	
Public Works	Forest Ave - Sidewalk-Pedestrian/ADA Upgrades - Local Match on PACTS UPI	450,000		450,000 ⁽⁵⁾
Public Works	Citywide Sidewalk Rehabilitation	1,750,000	1,750,000	
Public Works	Congress Street ADA Improvements (Branhall Area)	1,280,000	1,280,000	
Public Works	Vision Zero (ADA, Complete Streets, Traffic Calming, Bike-Ped Safety)	1,100,000		350,000 ⁽⁵⁾
	NOTE: MULTIPLE FUNDING SOURCES			275,000 ⁽⁸⁾
				275,000 ⁽⁹⁾
				200,000 ⁽⁷⁾
Public Works	Transportation Outcomes in Association with Water Resources Projects	300,000		300,000 ⁽⁵⁾
Public Works	Pedestrian-Urban Scale Street Lighting and Safety Program	300,000		300,000 ⁽⁷⁾
Sub-total		5,615,000	3,450,000	2,165,000
Transportation - Multimodal				
Public Works	Forest Avenue: (Woodford/Revere to Bedford)	1,100,000		1,100,000 ⁽⁵⁾
Public Works	State and High Two-Way Reversion (Planning)	100,000	100,000	
Public Works	Gorham's Corner Mini Roundabout (Construction)	1,000,000		1,000,000 ⁽⁹⁾
Public Works	Bramhall Square Reconstruction	700,000	700,000	
Public Works	York St Sidewalk and Street Rehab	50,000		50,000 ⁽⁵⁾
Sub-total		2,950,000	800,000	2,150,000
Transportation - Parking				
Parking	Temple St Garage Structural Repairs	225,000		225,000 ⁽⁹⁾
Parking	Replacement of multispace meter doors	175,000		175,000 ⁽⁹⁾
Parking	Elm St Garage replacement of elevator doors	100,000		100,000 ⁽⁹⁾

<u>Department</u>	<u>General Fund Projects</u>	<u>FY27 CIP Appropriation</u>	<u>New Bond Authorization</u>	<u>Other Funding</u>
Parking	Spring St Structural Steel Paint Touch Up	125,000		125,000 ⁽⁹⁾
	Sub-total	625,000	-	625,000
Transportation - Road Maint.				
Public Works	MPI Paving Matches	1,170,000	645,000	525,000 ⁽⁹⁾
Public Works	Pavement Preservation Program (Local Streets)	2,000,000	1,775,000	225,000 ⁽⁷⁾
	Sub-total	3,170,000	2,420,000	750,000
Transportation - Signal Systems				
Public Works	Traffic Signal Systems Upgrade Program	750,000		750,000 ⁽⁵⁾
	Sub-total	750,000	-	750,000
Public Art / Land Bank				
Public Art	Public Art	50,000	50,000	
Land Bank	Land Bank	50,000	50,000	
	Sub-total	100,000	100,000	-
<u>Enterprise Fund Projects</u>				
Water Resources - Wastewater				
Public Works	CMOM - Inflow and Infiltration Phase 3 Mitigation	250,000	250,000	
Public Works	CMOM - Pump Station Rehabilitation	400,000	400,000	
Public Works	Sewer Collection System Repairs, Rehabilitation and Improvements	500,000	500,000	
Public Works	CSO- Downtown District Sewer Separation	2,500,000		2,500,000 ⁽⁷⁾
Public Works	CSO- Franklin St Sewer Separation	150,000	150,000	
Public Works	CSO- West End Sewer Separation	1,790,000	1,790,000	
Public Works	WR Utilities - Pavement Preservation Program	700,000	700,000	
Public Works	CSO - Ludlow Street (Caldwell to Columbia) Sewer Separation	150,000	150,000	
Public Works	WR Vehicle Replacement	40,000	40,000	
	Sub-total	6,480,000	3,980,000	2,500,000
Water Resources - Stormwater				
Public Works	Stormwater Collection System Repairs, Rehabilitation and Improvements	815,000	-	815,000 ⁽⁷⁾
Public Works	Green Infrastructure	200,000	200,000	
Public Works	Palmer Ave Detention Basin Upgrade (Dole Brook Stormwater Improvement)	195,000	195,000	
Public Works	Capisic Brook Watershed Management Action Plan	75,000	75,000	
Public Works	Deering Oaks Stormdrain	1,750,000	1,750,000	
Public Works	Libbytown Flooding Mitigation	175,000	175,000	
Public Works	Bayside Infrastructure Adaptation: Franklin PS Elimination Study	300,000	300,000	
Public Works	ESRI Advantage Program	200,000	200,000	
Public Works	Utility Work Machine	90,000	90,000	
Public Works	Street Sweeper Replacement (Supplemental Funding)	20,000	20,000	
	Sub-total	3,820,000	3,005,000	815,000
Total		46,120,000	24,420,000	21,700,000
General Fund Projects		35,820,000	17,435,000 ⁽¹⁾	18,385,000
Enterprise Fund Projects		10,300,000	6,985,000 ⁽²⁾	3,315,000
Total		46,120,000	24,420,000	21,700,000
NOTE: Other Funding Sources				
(1) Appropriation of General Obligation Bonds - General Fund Repayment		17,435,000		
(2) Appropriation of General Obligation Bonds - Enterprise Fund Repayment		6,985,000		
(3) Appropriation of Cruise Ship Infrastructure Improvement Fees		325,000		
(4) Appropriation of Impact Fees - Parks		890,000		
(5) Appropriation of Impact Fees - Transportation		3,000,000		
(6) Appropriation of Merrill Auditorium Improvement Funds		400,000		
(7) Prior CIP Reallocation		10,960,000		
(8) Appropriation of Bayside TIF Funds		275,000		
(9) Appropriation of Downtown TIF Funds		3,635,000		
(10) Appropriation of Waterfront TIF Funds		575,000		
(11) Appropriation of Fish Pier Enterprise Fund Balance		900,000		
(12) Appropriation of Police Department Asset Forfeiture Funds		740,000		
Total		46,120,000		

MEMORANDUM
City Council Agenda Item

FROM: Brendan O'Connell
DATE: March 6, 2026
SUBJECT: Order 162-25/26 Authorizing General Obligation Bonds to Finance a Portion of the City's Fiscal Year FY27 Capital Improvement Program - Sponsored by the Finance Committee, April Fournier, Chair
SPONSOR: The Finance Committee voted on March 5, 2026 to recommend passage of this item, vote (2-0, Pelletier absent).

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 3/16/2026

Final

Action 4/13/2026

Can action be taken at a later date: No Many projects are related to work which needs to occur immediately.

Does this item involve a new contract with the City: No

PRESENTATION: None

I. SUMMARY

This order authorizes \$24.4M of new general obligation bonds to support the FY27 Capital Improvement Plan.

II. AGENDA DESCRIPTION

The Finance Committee voted on March 5, 2026 to recommend passage of this item, vote (2-0, Pelletier absent). This is a companion order to the bond appropriation order above.

This item must be read on two separate days. This is its first reading.

III. BACKGROUND

Over the course of several Finance Committee meetings in late 2025 and early 2026, the City's Finance Committee reviewed and recommended the new FY27 CIP projects and the associated bond authorizations to the full City Council for review.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Approval of the FY27 Capital Improvement Plan

V. FINANCIAL IMPACT

The City typically issues bonds related to the CIP in the spring or early summer preceding project construction or estimated completion. Debt related to this CIP will likely not be issued until 2027 (i.e. no fiscal impact for FY27). For FY28 and FY29, the estimated impact to the mill rate will be a 6 cent increase, however the debt service increases planned per this capital improvement plan are timed to offset other decreases in debt service related to older CIP.

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

Move passage

VIII. LIST ATTACHMENTS

1. FY27 CIP Bonds Authorization Order

Prepared by:

Brendan O'Connell

Date: 03/06/2026

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER(A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER AUTHORIZING GENERAL OBLIGATION BONDS
TO FINANCE A PORTION OF THE CITY'S FISCAL YEAR FY27 CAPITAL IMPROVEMENT PROGRAM**

FOLLOWING a public hearing of the City Council of the City of Portland, Maine, held upon due notice pursuant to Article VII, Section 11 of the City Charter, **IT IS HEREBY ORDERED THAT:**

There is hereby authorized and approved a borrowing by the City of Portland in the aggregate principal amount not to exceed Twenty-four Million Four Hundred Twenty Thousand Dollars (\$24,420,000), such borrowing to be evidenced by the City's general obligation bonds (the "Bonds") and temporary notes in anticipation thereof (the "Notes), to finance the items identified in the City's FY27 Capital Improvement Program attached hereto as Exhibit A and all other costs (as defined herein) related and ancillary thereto (the "Projects").

BE IT FURTHER ORDERED:

1. That the Bonds and Notes shall be executed in the name of and on behalf of the City by the Director of Finance and the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, and shall bear the City seal thereon, attested by its Clerk.

2. That the Director of Finance is hereby authorized, in the name of and on behalf of the City of Portland, to prepare, issue, and sell such Bonds and Notes through a public offering (on a competitive or negotiated basis or a combination thereof) or a private placement, or a combination thereof, and such Bonds may be issued in serial form or as term bonds, or some combination thereof, may be issued as physical certificates or in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, and may issued at one time or from time to time, as one or more separate bond issues, all as the Director of Finance shall determine to be appropriate in his sole discretion.

3. That the Director of Finance is hereby authorized, in the name of and on behalf of the City, to establish, determine and approve the form, dates, maturities (not to exceed the maximum term permitted by law), denominations, interest rates, payment dates, provisions for early redemption, with or without a premium, and all other details, such establishment, determination and approval to be conclusively evidenced by the execution thereof.

4. That the Director of Finance is hereby authorized, in the name of and on behalf of the City, to do or cause to be done all such acts and things, including to select a financial advisor, underwriter, or paying agent/registrar for the Bonds and Notes, to approve, execute and deliver all contracts, loan agreements, investment agreements, tax compliance agreements or arbitrage certificates, closing certificates, instruments, Preliminary Official Statement, Official Statement or other offering document, a Letter of Representation necessary to qualify the Bonds or Notes for the Depository Trust Company Book-Entry Only System, continuing disclosure agreements, and such other documents, agreements and closing certificates (the "Bond Documents"), as may be necessary or desirable, in connection with the financing of the Projects, the offering, sale, issuance, and delivery of the Bonds and Notes, and the investment of the proceeds thereof, which Bond Documents may be in such form and contain such terms and provisions including,

without limitation, the waiving of the City's sovereign or governmental immunity with respect to the enforceability of any of the forgoing, which waiver of sovereign or governmental immunity is hereby authorized, confirmed and approved, and such other details as he shall establish, determine and approve, such establishment, determination and approval to be conclusively evidenced by his execution thereof.

5. That if the Bonds or Notes, or any part of them, are issued on a tax-exempt basis, the Director of Finance is hereby authorized, in the name of and on behalf of the City, to covenant and certify that:

- (A) No part of the Projects shall be used directly or indirectly, in a manner that would cause the Bonds or Notes to be "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"), and that no part of the proceeds of the Bonds and Notes shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which or the investment yield on which would cause such Bonds or Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code; and
- (B) The City will file any required reports and take any other action that may be necessary to insure that interest on the Bonds and Notes will remain exempt from federal income taxation, and that the City will refrain from any action that would cause interest on the Bonds or Notes to be subject to federal income taxation.

6. That the term "cost" or "costs" as used herein and applied to the Projects, or any portion thereof, includes, but is not limited to (1) the cost to purchase, acquire, design, construct, renovate, improve, furnish and equip the Projects, or any portion thereof; (2) the cost of land, easements and other real property interests, landscaping and site preparation, including demolition and environmental remediation work on any existing building or structure and on the property where the Projects are located, utility extensions and site improvements, and all appurtenances and other fixtures, facilities, buildings and structures either on, above, or under the ground which are used or usable in connection with the Project; (3) the cost of feasibility studies, surveys, environmental studies and assessments, engineering, plans and specifications, legal and other professional services associated with the Project; (4) issuance costs, including premiums for insurance, capitalized interest and other fees and expenses relating to the issuance and delivery of the Bonds and Note; and (5) other costs of the Projects ancillary or related to the foregoing costs.

7. That if the actual cost of any Project differs from the estimated cost on the attached Exhibit A, whether due to completion, delay or abandonment of such Project or for any other reason, the Director of Finance is hereby authorized, in the name of and on behalf of the City, in his discretion, to reallocate proceeds of the Bonds and Notes to any other Project listed on the attached Exhibit A, or to any other project or improvement that the City Council has approved or may in the future approve as part of the City's annual capital improvement plan.

8. That if the Director of Finance, Mayor or Clerk are for any reason unavailable to approve and execute the Bonds or Notes or any other Bond Document necessary or convenient to the issuance, execution and delivery of the Bonds or Notes, the person or persons then acting in such capacity, whether on an interim or acting basis, as an assistant, a deputy, or otherwise, is authorized, in the name of and on behalf of the City, to act for such official with the same force and effect as if such official had performed such act.

9. That if any of the officers or officials of the City who have signed or sealed the Bonds or Notes shall cease to be such officers or officials before the Bonds or Notes so signed and sealed shall have been actually authenticated or delivered by the City, such Bonds or Notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds or Notes had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Bonds or Notes, shall be the proper officers and officials of the City, although at the nominal date of such Bonds or Notes any such person shall not have been such officer or official.

10. That to the extent not payable from other funds, an amount sufficient for the payment of the annual payments of principal and interest on the Bonds or any Notes issued hereunder shall be included in the tax levy of each year until the debt represented by said Bonds or Notes is extinguished.

11. That if any of the Bonds or Notes are issued through the State of Maine Clean Water Revolving Loan Fund (CWSRF), the following resolutions required by Section C(4)(e) of the CWSRF Rules, Chapter 595 (the "SRF Regulations"), administered by the Department of Environmental Protection and the Maine Municipal Bond Bank (the "Bond Bank"), be and hereby are adopted:

- a. That a Project Account shall be created for the Projects which shall be separate from all other accounts of the City. If operating revenues are to be used to retire the debt, a sub-account will be established;
- b. That the Project Account shall be maintained in accordance with standards set forth by the Bond Bank and in accordance with generally accepted government account standards;
- c. That a final accounting shall be made to the Bond Bank of the total cost of each Project upon completion of the Project performance certification as set out in Section G(3) of the SRF Regulations and the City acknowledges that the Bond Bank reserves the right at its sole discretion to be provided with a cost certification of the Project as built;
- d. That an annual audit of the City, prepared by a certified public accountant or licensed public accountant be provided to the Bond Bank for the term of the loan;
- e. That the City shall maintain insurance coverage on the Projects in an amount adequate to protect the Bond Bank's interest for the term of the loan with the Bond Bank named as loss payee;
- f. That the City will comply with any special conditions specified by the Department of Environmental Protection's environmental determination until all financial obligations to the State have been discharged;
- g. That the City certify to the Bond Bank that it has secured all permits, licenses and approvals necessary and that it has a dedicated source of revenue for repayment;
- h. That the City establish a rate, charge or assessment schedule in order to pay principal and interest. Such rate change or schedule shall provide total operations and debt service coverage at a level at which the coverage for the Bond Bank is sufficient;

- i. That the City must demonstrate the ability to pay reasonably anticipated costs of operating and maintaining the financed Project; and
- j. That the City abide by the SRF Regulations, as revised and amended and relevant State statutes of the State of Maine.

12. That while any of the Bonds (or bonds issued to refund such Bonds) are outstanding, the Director of Finance is hereby authorized, in the name of and on behalf of the City, to issue and deliver refunding bonds to refund, on either a current or advance refunding basis, some or all of the bonds then outstanding, and to establish, determine and approve the time of the sale, award and settlement of such refunding bonds, the form, date, maturities (not to exceed the maximum term permitted by law), denominations, interest rates, payment dates, and all other details of such refunding bonds, and to provide that any of such refunding bonds may be made subject to call for redemption, with or without premium, such establishment, determination and approval to be conclusively evidenced by his execution thereof, and to execute and deliver, in the name of and on behalf of the City, such additional Bond Documents as may be reasonable or necessary with respect to such refunding, and each refunding bond issued hereunder shall be signed in the same manner as the Bonds.

13. That the City may pay certain costs of the Projects prior to the issuance of the Bonds and Notes (referred to as "original expenditures"); to that end, the City hereby declares its official intent to reimburse itself for such original expenditures from the proceeds of such bonds and notes, and this Resolution shall constitute the City's declaration of official intent pursuant to Treasury Regulation §1.150-2.

<u>Department</u>		<u>General Fund Projects</u>	<u>FY27 CIP Appropriation</u>	<u>New Bond Authorization</u>	<u>Other Funding</u>
Facilities Maintenance					
Fire Department	Central Station Slab Repairs		480,000	480,000	
Fire Department	Stevens Ave Fire Station - Roof Replacement		235,000	235,000	
Fire Department	Bramhall Fire Station - Major Renovation Planning		30,000		30,000 ⁽⁷⁾
Fire Department	All Stations - Exterior Envelope Repairs (Masonry, Windows, Doors)		100,000	100,000	
Health-Human Services	Barron Center Elevator Replacement		650,000	650,000	
Health-Human Services	Resurfacing and Paving of Barron Center Parking Lots		565,000	565,000	
Health-Human Services	Rear Patio Replacement - Barron Center		50,000	50,000	
Parks-Rec-Facilities	Expo Slab Repair		125,000	125,000	
Parks-Rec-Facilities	City Hall/Merrill Boiler replacement		200,000		200,000 ⁽⁶⁾
Parks-Rec-Facilities	Paint Merrill Dome Ceiling and Replace Sprinkler Heads		125,000		125,000 ⁽⁶⁾
Parks-Rec-Facilities	Service piers 1 & 3 Replacement		900,000		900,000 ⁽¹¹⁾
Parks-Rec-Facilities	Replace field house HV units		700,000	700,000	
Parks-Rec-Facilities	Bridge over Dole Brook: Phase II		450,000	450,000	
Parks-Rec-Facilities	Merrill Auditorium Orchestra Ceiling Light Replacement		75,000		75,000 ⁽⁶⁾
Parks-Rec-Facilities	Court Resurfacing - Various (DHS Tennis, Reiche School, Pleasant St, Taylor St)		150,000		150,000 ⁽⁷⁾
Parks-Rec-Facilities	250 Canco Rd Roof Replacement Phase 1 of 2		400,000		400,000 ⁽⁷⁾
Parks-Rec-Facilities	Fitzpatrick Track Resurfacing		500,000	500,000	
Parks-Rec-Facilities	City Hall Copper Roof Replacement - (Funding Year 1 of 3)		1,150,000		1,150,000 ⁽⁷⁾
Police Department	Police Department Station - Phase 2: Space Needs Analysis and Site Selection		250,000		250,000 ⁽⁷⁾
Sub-total			7,135,000	3,855,000	3,280,000
Information Technology					
Information Technology	Networking Hardware Replacement - Wired, WiFi and Infrastructure		650,000		650,000 ⁽⁷⁾
Information Technology	New Fiber in CityHall and OGW Whale Building		55,000		55,000 ⁽⁷⁾
Information Technology	Citywide Camera Consolidation		195,000		195,000 ⁽⁷⁾
Information Technology	Citywide Access Control System Replacement		190,000		190,000 ⁽⁷⁾
Police Department	Radio Network Fiber Service Level Change-Replacing Radio Network Sites		335,000	335,000	
Sub-total			1,425,000	335,000	1,090,000
Island Infrastructure					
Public Works	Island Improvements Program		150,000		150,000 ⁽⁷⁾
Sub-total			150,000	-	150,000
Major Equipment					
Fire Department	Fireboat Replacement - Marine 2		280,000	280,000	
Parks-Recreation-Facilities	Sidewalk Tractor		240,000	240,000	
Parks-Recreation-Facilities	Trailers		50,000	50,000	
Public Works	Snow Blower (Loader Attached) Tier IV - RPM220 T4 or Equivalent		200,000	200,000	
Public Works	Ride-On-Roller		90,000	90,000	
Public Works	Front End Loader		50,000	50,000	
Sub-total			910,000	910,000	-
Marine Infrastructure					
Parks-Rec-Facilities	On going pile/pier work at OG and P.O.T		350,000		350,000 ⁽¹⁰⁾
Parks-Rec-Facilities	Pile Jackets -OG		225,000		225,000 ⁽¹⁰⁾
Parks-Rec-Facilities	POT Generator replacement		325,000		325,000 ⁽³⁾
Sub-total			900,000	-	900,000
Minor Equipment					
Fire Department	Cardiac Monitors Replacement		420,000		420,000 ⁽⁷⁾
Fire Department	Stretcher Replacement		320,000		320,000 ⁽⁷⁾
Fire Department	Radio replacement		300,000		300,000 ⁽⁷⁾
Sub-total			1,040,000	-	1,040,000
Municipal Fleet					
Fire Department	Fire Ladder Truck (2nd \$500 allocated out of \$2M estimated cost)		500,000	500,000	
Fire Department	Ambulance Chassis Replacement		300,000	300,000	
Fire Department	Ambulance Chassis Replacement		300,000	300,000	
Parks-Recreation-Facilities	Pick-up Truck - Cemeteries		70,000	70,000	
Health and Human Services	Passenger Van (Replacement)		90,000	90,000	
Health and Human Services	Passenger Van (Expansion)		75,000		75,000 ⁽⁷⁾
Information Technology	Passenger Vehicle (Expansion)		40,000	40,000	
Parks-Recreation-Facilities	.5 ton crew cab (electric)		75,000	75,000	
Parks-Recreation-Facilities	Pick-up Plow Truck (Replacement)		85,000	85,000	

<u>Department</u>	<u>General Fund Projects</u>	<u>FY27 CIP Appropriation</u>	<u>New Bond Authorization</u>	<u>Other Funding</u>
Parks-Recreation-Facilities	Pick-up Plow Truck (Replacement)	70,000	70,000	
Parks-Recreation-Facilities	Pick-up Truck (Replacement)	55,000	55,000	
Police Department	Passenger Vehicle (Replacement)	90,000		90,000 ⁽¹²⁾
Police Department	Pick-up Truck (Expansion to support downtown unit)	120,000		120,000 ⁽¹²⁾
Police Department	Eight (8) Police Patrol Vehicles (Replacements)	465,000		465,000 ⁽¹²⁾
Police Department	Pick-up Truck (Expansion to support PD marine unit)	65,000		65,000 ⁽¹²⁾
Public Works	Plow Truck (Replacement)	300,000		300,000 ⁽⁷⁾
Public Works	Refuse Packer Full Size (Replacement)	400,000	400,000	
Public Works	Pick-up Truck (Replacement)	100,000	100,000	
Public Works	Ramp Truck (Replacement)	250,000	250,000	
Public Works	Dump Truck (Replacement)	100,000	100,000	
Public Works	Pick-up Truck (Replacement)	80,000	80,000	
Public Works	Refuse Truck (Replacement)	400,000	400,000	
Sub-total		4,030,000	2,915,000	1,115,000
Park Infrastructure				
Parks-Rec-Facilities	Longfellow School Community Playground Improvements	270,000		270,000 ⁽⁴⁾
Parks-Rec-Facilities	East End School Playground Design & Construction	70,000		70,000 ⁽⁴⁾
Parks-Rec-Facilities	Deering Oaks Lighting Improvements	550,000		550,000 ⁽⁴⁾
Parks-Rec-Facilities	Deering Oaks Roadway Repaving - Tennis Court Road	270,000		270,000 ⁽⁷⁾
Parks-Rec-Facilities	Fencing Replacement: Various locations	450,000		450,000 ⁽⁷⁾
Planning-Urban Dev.	Congress Square Park	500,000		500,000 ⁽⁷⁾
Sub-total		2,110,000	-	2,110,000
Portland Public Library				
Main Branch	Roof Replacement and Repair (Downtown)	285,000		285,000 ⁽⁹⁾
Main Branch	Replace Air Handlers 5 & 6 (Downtown)	925,000		925,000 ⁽⁹⁾
Sub-total		1,210,000	-	1,210,000
Portland Public Schools				
Central Office	Central Office Roof Repairs	200,000		200,000 ⁽⁷⁾
Deering High School	DHS Door Replacement	100,000		100,000 ⁽⁷⁾
Peaks Island	Peaks Island ADA Renovation	200,000	200,000	
Portland High School	PHS Front Step Repairs	750,000		750,000 ⁽⁷⁾
Lincoln Middle School	LMS Gym Roof Repair/Replacement	250,000	250,000	
PATHS	PATHS - HVAC and Drain Replacement	1,700,000	1,700,000	
Districtwide	Districtwide Camera System Upgrades	500,000	500,000	
Sub-total		3,700,000	2,650,000	1,050,000
Transportation - Bike-Ped				
Public Works	Casco Bay Trail - Planning (Local Match)	15,000		15,000 ⁽⁷⁾
Public Works	Brighton Avenue Sidewalk Reconstruction - Local Match on PACTS UPI	420,000	420,000	
Public Works	Forest Ave - Sidewalk-Pedestrian/ADA Upgrades - Local Match on PACTS UPI	450,000		450,000 ⁽⁵⁾
Public Works	Citywide Sidewalk Rehabilitation	1,750,000	1,750,000	
Public Works	Congress Street ADA Improvements (Branhall Area)	1,280,000	1,280,000	
Public Works	Vision Zero (ADA, Complete Streets, Traffic Calming, Bike-Ped Safety)	1,100,000		350,000 ⁽⁵⁾
	NOTE: MULTIPLE FUNDING SOURCES			275,000 ⁽⁸⁾
				275,000 ⁽⁹⁾
				200,000 ⁽⁷⁾
Public Works	Transportation Outcomes in Association with Water Resources Projects	300,000		300,000 ⁽⁵⁾
Public Works	Pedestrian-Urban Scale Street Lighting and Safety Program	300,000		300,000 ⁽⁷⁾
Sub-total		5,615,000	3,450,000	2,165,000
Transportation - Multimodal				
Public Works	Forest Avenue: (Woodford/Revere to Bedford)	1,100,000		1,100,000 ⁽⁵⁾
Public Works	State and High Two-Way Reversion (Planning)	100,000	100,000	
Public Works	Gorham's Corner Mini Roundabout (Construction)	1,000,000		1,000,000 ⁽⁹⁾
Public Works	Bramhall Square Reconstruction	700,000	700,000	
Public Works	York St Sidewalk and Street Rehab	50,000		50,000 ⁽⁵⁾
Sub-total		2,950,000	800,000	2,150,000
Transportation - Parking				
Parking	Temple St Garage Structural Repairs	225,000		225,000 ⁽⁹⁾
Parking	Replacement of multispace meter doors	175,000		175,000 ⁽⁹⁾
Parking	Elm St Garage replacement of elevator doors	100,000		100,000 ⁽⁹⁾

<u>Department</u>		<u>General Fund Projects</u>	<u>FY27 CIP Appropriation</u>	<u>New Bond Authorization</u>	<u>Other Funding</u>
Parking	Spring St Structural Steel Paint Touch Up		125,000		125,000 ⁽⁹⁾
		Sub-total	625,000	-	625,000
Transportation - Road Maint.					
Public Works	MPI Paving Matches		1,170,000	645,000	525,000 ⁽⁹⁾
Public Works	Pavement Preservation Program (Local Streets)		2,000,000	1,775,000	225,000 ⁽⁷⁾
		Sub-total	3,170,000	2,420,000	750,000
Transportation - Signal Systems					
Public Works	Traffic Signal Systems Upgrade Program		750,000		750,000 ⁽⁵⁾
		Sub-total	750,000	-	750,000
Public Art / Land Bank					
Public Art	Public Art		50,000	50,000	
Land Bank	Land Bank		50,000	50,000	
		Sub-total	100,000	100,000	-
<u>Enterprise Fund Projects</u>					
Water Resources - Wastewater					
Public Works	CMOM - Inflow and Infiltration Phase 3 Mitigation		250,000	250,000	
Public Works	CMOM - Pump Station Rehabilitation		400,000	400,000	
Public Works	Sewer Collection System Repairs, Rehabilitation and Improvements		500,000	500,000	
Public Works	CSO- Downtown District Sewer Separation		2,500,000		2,500,000 ⁽⁷⁾
Public Works	CSO- Franklin St Sewer Separation		150,000	150,000	
Public Works	CSO- West End Sewer Separation		1,790,000	1,790,000	
Public Works	WR Utilities - Pavement Preservation Program		700,000	700,000	
Public Works	CSO - Ludlow Street (Caldwell to Columbia) Sewer Separation		150,000	150,000	
Public Works	WR Vehicle Replacement		40,000	40,000	
		Sub-total	6,480,000	3,980,000	2,500,000
Water Resources - Stormwater					
Public Works	Stormwater Collection System Repairs, Rehabilitation and Improvements		815,000	-	815,000 ⁽⁷⁾
Public Works	Green Infrastructure		200,000	200,000	
Public Works	Palmer Ave Detention Basin Upgrade (Dole Brook Stormwater Improvement)		195,000	195,000	
Public Works	Capisic Brook Watershed Management Action Plan		75,000	75,000	
Public Works	Deering Oaks Stormdrain		1,750,000	1,750,000	
Public Works	Libbytown Flooding Mitigation		175,000	175,000	
Public Works	Bayside Infrastructure Adaptation: Franklin PS Elimination Study		300,000	300,000	
Public Works	ESRI Advantage Program		200,000	200,000	
Public Works	Utility Work Machine		90,000	90,000	
Public Works	Street Sweeper Replacement (Supplemental Funding)		20,000	20,000	
		Sub-total	3,820,000	3,005,000	815,000
Total			46,120,000	24,420,000	21,700,000
General Fund Projects			35,820,000	17,435,000 ⁽¹⁾	18,385,000
Enterprise Fund Projects			10,300,000	6,985,000 ⁽²⁾	3,315,000
Total			46,120,000	24,420,000	21,700,000
NOTE: Other Funding Sources					
(1) Appropriation of General Obligation Bonds - General Fund Repayment			17,435,000		
(2) Appropriation of General Obligation Bonds - Enterprise Fund Repayment			6,985,000		
(3) Appropriation of Cruise Ship Infrastructure Improvement Fees			325,000		
(4) Appropriation of Impact Fees - Parks			890,000		
(5) Appropriation of Impact Fees - Transportation			3,000,000		
(6) Appropriation of Merrill Auditorium Improvement Funds			400,000		
(7) Prior CIP Reallocation			10,960,000		
(8) Appropriation of Bayside TIF Funds			275,000		
(9) Appropriation of Downtown TIF Funds			3,635,000		
(10) Appropriation of Waterfront TIF Funds			575,000		
(11) Appropriation of Fish Pier Enterprise Fund Balance			900,000		
(12) Appropriation of Police Department Asset Forfeiture Funds			740,000		
Total			46,120,000		

MEMORANDUM
City Council Agenda Item

FROM: Paul Bradbury, Jetport Director

DATE: March 4, 2026

SUBJECT: Order 163-25/26 Accepting and Appropriating Federal Aviation Administration grants, state of Maine Grants, State of Maine Matching Grants, and Portland International Jetport Unrestricted Matching Funds - Sponsored by Danielle P. West, City Manager

SPONSOR: Danielle P. West, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 3/16/2026

Final Action 4/13/2026

Can action be taken at a later date: Yes

Does this item involve a new contract with the City: No

PRESENTATION: Paul Bradbury, Jetport Director, will introduce this item as needed, and answer any Council questions.

I. SUMMARY

The Portland International Jetport is requesting approval and appropriation of Federal Aviation Administration (FAA) administered grants totaling \$8.64 million, state of Maine matching fund grants of 480,000, and Jetport unrestricted funds of \$480,000 for a total appropriation of \$9.6 million.

II. AGENDA DESCRIPTION

The Federal Aviation Administration (FAA) issues grants to fund eligible safety, capacity, and terminal improvements to airports through several nationwide grant programs authorized under federal law. This item accepts and appropriates \$8.64 million in FAA federal grant funding to be awarded to the Jetport, \$480,000 in state of Maine matching funds, and \$480,000 in Jetport unrestricted fund matching contributions. The allocation from each grant program and funding source is listed below.

FAA Airport Grant Funds	\$8,640,000
State of Maine Matching Funds	\$480,000
Jetport Unrestricted Fund Balance Matching Funds	\$480,000
Total	\$9,600,000

The Jetport will use this appropriation, totaling \$9.6 million, to complete the following two projects:

- Terminal Apron Reconstruction Phase 2
- Long-Term Hold Area, Deicing Pad Expansion & RON Apron Construction Phase 2

This item must be read on two separate days. This is its first reading.

III. BACKGROUND

The FAA requires approval and acceptance of its airport grant programs by the airport sponsor's governing body, which for the Portland International Jetport is the Portland City Council. Additionally, it requires the governing body to name the official representative for those grants, which for the Portland International Jetport

is the Airport Director. The projects being proposed are included and scheduled within the 20-year capital program developed as part of the Jetport's Sustainable Airport Master Plan that was accepted by the City Council in November 2016.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The Portland International Jetport provides a robust connection for the region to the national air transportation system and, in doing so, plays an important role in supporting the City Council's goal to strengthen the economic vitality of the City. According to the economic benefits analysis provided in the 2024 Maine State Aviation System Plan, the Jetport provides an economic impact of \$1.175 billion, supporting over 10,000 jobs, and generates state and local tax revenues of \$86.5 million.

V. FINANCIAL IMPACT

If approved, the Portland International Jetport will be eligible to receive \$8.64 million in FAA grants and \$480,000 in state of Maine grants. These federal and state grants will cover approximately 95% of project costs. The remaining 5% or \$480,000 will come from the Jetport's unrestricted fund balance. City Council approval of these grants has no impact on the City of Portland's general fund or the tax rate.

VI. STAFF ANALYSIS AND BACKGROUND

The approval and appropriation of the FAA grants, state of Maine grants, and Jetport funds will provide for needed safety and infrastructure improvements at the Portland International Jetport.

VII. RECOMMENDATION

Portland International Jetport staff recommend approval of this \$9.6 million appropriation to fund needed infrastructure maintenance and expansion.

VIII. LIST ATTACHMENTS

1. assurances-airport-sponsors-2025
2. Jetport Master Plan Projects Exhibit 10 (revised 3.5.2026)

Prepared by:

Paul Bradbury, Jetport Director

Date: 03/04/2026

ASSURANCES

AIRPORT SPONSORS

A. General.

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this Grant Agreement.

B. Duration and Applicability.

1. Airport Development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.

The terms, conditions, and assurances of this Grant Agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.

The preceding paragraph (1) also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. Airport Planning Undertaken by a Sponsor.

Unless otherwise specified in this Grant Agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 23, 25, 30, 32, 33, 34, 37, and 40 in Section C apply to planning projects. The terms, conditions, and assurances of this Grant Agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements

The Sponsor will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance, and use of Federal funds for this Grant. Performance under this agreement shall be governed by and in compliance with the following requirements, as applicable, to the type of organization of the Sponsor and any applicable sub-recipients. The applicable provisions to this agreement include, but are not limited to, the following:

FEDERAL LEGISLATION

- a. 49 U.S.C. subtitle VII, as amended.
- b. Davis-Bacon Act, as amended — 40 U.S.C. §§ 3141-3144, 3146, and 3147, et seq.¹
- c. Federal Fair Labor Standards Act — 29 U.S.C. § 201, et seq.
- d. Hatch Act — 5 U.S.C. § 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601, et seq.^{1, 2}
- f. National Historic Preservation Act of 1966 — Section 106 — 54 U.S.C. § 306108.¹
- g. Archeological and Historic Preservation Act of 1974 — 54 U.S.C. § 312501, et seq.¹
- h. Native Americans Grave Repatriation Act — 25 U.S.C. § 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended — 42 U.S.C. § 7401, et seq.
- j. Coastal Zone Management Act, P.L. 92-583, as amended — 16 U.S.C. § 1451, et seq.
- k. Flood Disaster Protection Act of 1973 — Section 102(a) - 42 U.S.C. § 4012a.¹
- l. 49 U.S.C. § 303, (formerly known as Section 4(f)).
- m. Rehabilitation Act of 1973 — 29 U.S.C. § 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) (prohibits discrimination on the basis of race, color, national origin).
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.) (prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 — 42 U.S.C. § 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968, as amended — 42 U.S.C. § 4151, et seq.¹
- s. Powerplant and Industrial Fuel Use Act of 1978 — Section 403 — 42 U.S.C. § 8373.¹
- t. Contract Work Hours and Safety Standards Act — 40 U.S.C. § 3701, et seq.¹
- u. Copeland Anti-kickback Act — 18 U.S.C. § 874.¹
- v. National Environmental Policy Act of 1969 — 42 U.S.C. § 4321, et seq.¹

- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended – 16 U.S.C. § 1271, et seq.
- x. Single Audit Act of 1984 – 31 U.S.C. § 7501, et seq.²
- y. Drug-Free Workplace Act of 1988 – 41 U.S.C. §§ 8101 through 8105.
- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (P.L. 109-282, as amended by section 6202 of P.L. 110-252).
- aa. Civil Rights Restoration Act of 1987, P.L. 100-259.
- bb. Infrastructure Investment and Jobs Act, P.L. 117-58, Title VIII.
- cc. Build America, Buy America Act, P.L. 117-58, Title IX.
- dd. Endangered Species Act – 16 U.S.C. 1531, et seq.
- ee. Title IX of the Education Amendments of 1972, as amended – 20 U.S.C. 1681–1683 and 1685–1687.
- ff. Drug Abuse Office and Treatment Act of 1972, as amended – 21 U.S.C. 1101, et seq.
- gg. Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, P.L. 91-616, as amended – 42 U.S.C. § 4541, et seq.
- hh. Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, P.L. 91-616, as amended – 42 U.S.C. § 4541, et seq.
- ii. Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions – 31 U.S.C. § 1352.

EXECUTIVE ORDERS

- a. Executive Order 11990 – Protection of Wetlands
- b. Executive Order 11988 – Floodplain Management
- c. Executive Order 12372 – Intergovernmental Review of Federal Programs
- d. Executive Order 12699 – Seismic Safety of Federal and Federally Assisted New Building Construction¹
- e. Executive Order 14005 – Ensuring the Future is Made in all of America by All of America's Workers
- f. Executive Order 14149 – Restoring Freedom of Speech and Ending Federal Censorship
- g. Executive Order 14151 – Ending Radical and Wasteful Government DEI Programs and Preferencing
- h. Executive Order 14154 – Unleashing American Energy
- i. Executive Order 14168 – Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government
- j. Executive Order 14173 – Ending Illegal Discrimination and Restoring Merit-Based Opportunity

FEDERAL REGULATIONS

- a. 2 CFR Part 180 – OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200 and 1201 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.^{3, 4, 5}
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment.
- d. 14 CFR Part 13 – Investigative and Enforcement Procedures.
- e. 14 CFR Part 16 – Rules of Practice for Federally-Assisted Airport Enforcement Proceedings.
- f. 14 CFR Part 150 – Airport Noise Compatibility Planning.
- g. 28 CFR Part 35 – Nondiscrimination on the Basis of Disability in State and Local Government Services.
- h. 28 CFR § 50.3 – U.S. Department of Justice Guidelines for the Enforcement of Title VI of the Civil Rights Act of 1964.
- i. 29 CFR Part 1 – Procedures for Predetermination of Wage Rates.¹
- j. 29 CFR Part 3 – Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States.¹
- k. 29 CFR Part 5 – Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act).¹
- l. 41 CFR Part 60 – Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and Federally-assisted contracting requirements).¹
- m. 49 CFR Part 20 – New Restrictions on Lobbying.
- n. 49 CFR Part 21 – Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 – Participation by Disadvantaged Business Enterprise in Airport Concessions.
- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs.^{1, 2}
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance.¹
- s. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation.
- t. 49 CFR Part 30 – Denial of Public Works Contracts to Suppliers of Goods and Services of Countries That Deny Procurement Market Access to U.S. Contractors.
- u. 49 CFR Part 32 – Governmentwide Requirements for Drug-Free Workplace (Financial Assistance).
- v. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).

- w. 49 CFR Part 38 – Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles.
- x. 49 CFR Part 41 – Seismic Safety.

FOOTNOTES TO ASSURANCE (C)(1)

- ¹ These laws do not apply to airport planning sponsors.
- ² These laws do not apply to private sponsors.
- ³ 2 CFR Part 200 contains requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation shall apply where applicable to private sponsors receiving Federal assistance under Title 49, United States Code.
- ⁴ Cost principles established in 2 CFR Part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
- ⁵ Audit requirements established in 2 CFR Part 200 subpart F are the guidelines for audits.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this Grant Agreement.

2. Responsibility and Authority of the Sponsor.**a. Public Agency Sponsor:**

It has legal authority to apply for this Grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this Grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this Grant Agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this Grant Agreement which it will own or control.

4. Good Title.

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.

- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this Grant Agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. Subject to 49 U.S.C. 47107(a)(16) and (x), it will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this Grant Agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this Grant Agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this Grant Agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to ensure that the airport will be operated and maintained in accordance with Title 49, United States Code, the regulations and the terms, conditions and assurances in this Grant Agreement and shall ensure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for

residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. Consistency with Local Plans.

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

7. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where the project may be located.

8. Consultation with Users.

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. Public Hearings.

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. Metropolitan Planning Organization.

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. Pavement Preventive Maintenance-Management.

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program, and it assures that it will use such program for the useful life of any pavement constructed, reconstructed, or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for

certification of such airport under 49 U.S.C. 44706, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this Grant, the total cost of the project in connection with which this Grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this Grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this Grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this Grant Agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor under 40 U.S.C. 3141-3144, 3146, and 3147, Public Building, Property, and Works), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

It shall include in all contracts for work on any project funded under this Grant Agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in 49 U.S.C. 47112. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications.

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this Grant Agreement, and, upon approval of the Secretary, shall be incorporated into this Grant Agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary and incorporated into this Grant Agreement.

17. Construction Inspection and Approval.

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state, and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for:

1. Operating the airport's aeronautical facilities whenever required;
 2. Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 3. Promptly notifying pilots of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood, or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to:
 1. Furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 2. Charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- e. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
- f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees (including, but not limited to maintenance, repair, and fueling) that it may choose to perform.
- g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
- h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
- i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not

conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a Grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
 1. If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
 2. If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
 3. Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at 49 U.S.C. 47102), if the FAA determines the airport sponsor meets the requirements set forth in Section 813 of Public Law 112-95.
- b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or

transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.

- c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of 49 U.S.C. 47107.

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this Grant Agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - 1. all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - 2. all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that:

- a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.

28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan.

- a. The airport owner or operator will maintain a current airport layout plan of the airport showing:
 1. boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 2. the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
 3. the location of all existing and proposed non-aviation areas and of all existing improvements thereon; and
 4. all proposed and existing access points used to taxi aircraft across the airport's property boundary.
- b. Subject to subsection 49 U.S.C. 47107(x), the Secretary will review and approve or disapprove the plan and any revision or modification of the plan before the plan, revision, or modification takes effect.
- c. The owner or operator will not make or allow any alteration in the airport or any of its facilities unless the alteration—
 1. is outside the scope of the Secretary's review and approval authority as set forth in subsection (x); or
 2. complies with the portions of the plan approved by the Secretary.
- d. When the airport owner or operator makes a change or alteration in the airport or the facilities which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary:
 1. eliminate such adverse effect in a manner approved by the Secretary; or
 2. bear all costs of relocating such property or its replacement to a site acceptable to the Secretary and of restoring the property or its replacement to the level of safety, utility, efficiency, and cost of operation that existed before the alteration was made, except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, color, and national origin (including limited English proficiency) in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d to 2000d-4); creed and sex per 49 U.S.C. 47123 and related requirements; age per the Age Discrimination Act of 1975 and related requirements; or disability per the Americans with Disabilities Act of 1990 and related requirements, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program and activity conducted with, or benefiting from, funds received from this Grant.

- a. Using the definitions of activity, facility, and program as found and defined in 49 CFR 21.23(b) and 21.23(e), the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by or pursuant to these assurances.

- b. Applicability

1. **Programs and Activities.** If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.
2. **Facilities.** Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter, or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
3. **Real Property.** Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

- c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

1. So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
2. So long as the sponsor retains ownership or possession of the property.

- d. **Required Solicitation Language.** It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this Grant Agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

"The **([Selection Criteria: Sponsor Name])**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d to 2000d-4) and the Regulations, hereby notifies all bidders or offerors that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, all businesses will be afforded full and fair opportunity to submit bids in response to this invitation and no businesses will be discriminated against on the grounds of

race, color, national origin (including limited English proficiency), creed, sex , age, or disability in consideration for an award.”

e. Required Contract Provisions.

1. It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the Department of Transportation (DOT), and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
2. It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
3. It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
4. It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin (including limited English proficiency), creed, sex, age, or disability as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order:
 1. Reinvestment in an approved noise compatibility project;
 2. Reinvestment in an approved project that is eligible for grant funding under 49 U.S.C. 47117(e);

3. Reinvestment in an approved airport development project that is eligible for grant funding under 49 U.S.C. 47114, 47115, or 47117;
4. Transfer to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport; or
5. Payment to the Secretary for deposit in the Airport and Airway Trust Fund.

If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.

- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order:
 1. Reinvestment in an approved noise compatibility project;
 2. Reinvestment in an approved project that is eligible for grant funding under 49 U.S.C. 47117(e);
 3. Reinvestment in an approved airport development project that is eligible for grant funding under 49 U.S.C. 47114, 47115, or 47117;
 4. Transfer to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport; or
 5. Payment to the Secretary for deposit in the Airport and Airway Trust Fund.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.
- d. Disposition of such land under (a), (b), or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

If any phase of such project has received Federal funds under Chapter 471 subchapter 1 of Title 49 U.S.C., it will award each contract, or sub-contract for program management, construction

management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services in the same manner as a contract for architectural and engineering services is negotiated under Chapter 11 of Title 40 U.S.C., or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

It will not allow funds provided under this Grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications.

It will carry out any project funded under an Airport Improvement Program Grant in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, [current FAA Advisory Circulars for AIP projects](#) as of [Selection Criteria: Project Application Date].

35. Relocation and Real Property Acquisition.

- a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C of 49 CFR Part 24 and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin, or sex, in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for

enforcement under 18 U.S.C. § 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. §§ 3801-3809, 3812).

38. Hangar Construction.

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

39. Competitive Access.

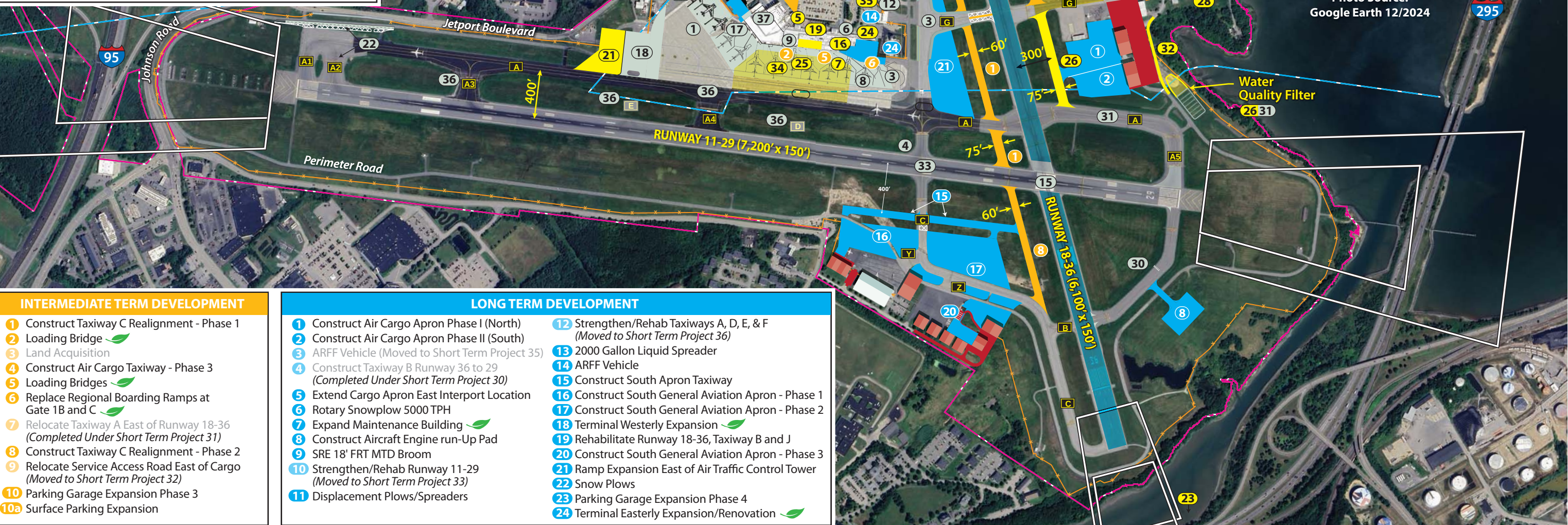
- a. If the airport owner or operator of a medium or large hub airport (as defined in 49 U.S.C. § 47102) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that:
 1. Describes the requests;
 2. Provides an explanation as to why the requests could not be accommodated; and
 3. Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six-month period prior to the applicable due date.

40. Access to Leaded Aviation Gasoline

- a. If 100-octane low lead aviation gasoline (100LL) was made available at an airport, at any time during calendar year 2022, an airport owner or operator may not restrict or prohibit the sale of, or self-fueling with 100-octane low lead aviation gasoline.
- b. This requirement remains until the earlier of December 31, 2030, or the date on which the airport or any retail fuel seller at the airport makes available an unleaded aviation gasoline that has been authorized for use by the FAA as a replacement for 100-octane low lead aviation gasoline for use in nearly all piston-engine aircraft and engine models; and meets either an industry consensus standard or other standard that facilitates the safe use, production, and distribution of such unleaded aviation gasoline, as determined appropriate by the FAA.
- c. An airport owner or operator understands and agrees, that any violation of this grant assurance is subject to civil penalties as provided for in 49 U.S.C. § 46301(a)(8).

SHORT TERM DEVELOPMENT

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| <ul style="list-style-type: none">1 Terminal Apron Expansion Northwest End - Phase 12 Environmental Assessment and Permitting for Airport Improvements - NS3 Gate 1 Apron Reconstruction and Construct TW C Snow Shoulders North4 Runway Incursion Warning System5 3rd Floor Bypass Auto Exit Portals6 Gate 1 - 6 Rehabilitation Vertical Circulation Improvement7 Preconditioned Air/Lifts for Loading Bridges8 Gates 1 Additional Loading Bridges9 Central Air Handling Units10 Terminal Apron Expansion Northwest End - Phase 211 Environmental Assessment Mitigation Measures - NS12 ARFF Vehicle13 Snow Removal Tractor for Airfield Lights/Signs14 Maintenance Building Generator and Enclosure15 Click to Activate Runway Lights16 Admin Offices above Bag Claim - East End17 Additional Loading Bridges for Gate 1118 Long Term Hold/Deicing/RON Apron - Phase 119 FIS Facility20 Snow Melt Equipment for Contaminated Snow - SRE/Maintenance21 Long Term Hold/Deicing/RON Apron - Phase 222 Runway 11 Taxiway Bypass and Perimeter Service Road Realignment23 Tree Removal for GQS on Runway 36 End (Started in 2021 with MDOT Tree Removals) | <ul style="list-style-type: none">24 Expand Baggage Claim - Phase 225 Loading Bridge26 Construct Air Cargo Taxiway & Taxiway A East - Phase 227 Rehabilitate Cargo Apron28 Displacement Plows29 Airport Security Fence and Gate Upgrades (North East Area)30 Construct Taxiway B Runway 36 to 29 (Moved to Short Term Due to RSAT Priority)31 Construct Air Cargo Taxiway & TW A East - Phase 132 Relocate Service Access Road East of Cargo33 Strengthen/Rehab Runway 11-2934 Terminal Apron Rehabilitation35 ARFF Vehicle* & ARFF Station Improvements36 Strengthen/Rehab Taxiways A, A3, A4 - Remove D and E (Moved to Short Term)37 Westerly Terminal Expansion (Portion of Long Term project 18) |
|--|--|
- *ARFF Vehicle Procured
NS - Not Shown



INTERMEDIATE TERM DEVELOPMENT

- 1 Construct Taxiway C Realignment - Phase 1
- 2 Loading Bridge
- 3 Land Acquisition
- 4 Construct Air Cargo Taxiway - Phase 3
- 5 Loading Bridges
- 6 Replace Regional Boarding Ramps at Gate 1B and C
- 7 Relocate Taxiway A East of Runway 18-36 (Completed Under Short Term Project 31)
- 8 Construct Taxiway C Realignment - Phase 2
- 9 Relocate Service Access Road East of Cargo (Moved to Short Term Project 32)
- 10 Parking Garage Expansion Phase 3
- 10a Surface Parking Expansion

LONG TERM DEVELOPMENT

- | | |
|---|---|
| <ul style="list-style-type: none">1 Construct Air Cargo Apron Phase I (North)2 Construct Air Cargo Apron Phase II (South)3 ARFF Vehicle (Moved to Short Term Project 35)4 Construct Taxiway B Runway 36 to 29 (Completed Under Short Term Project 30)5 Extend Cargo Apron East Interport Location6 Rotary Snowplow 5000 TPH7 Expand Maintenance Building8 Construct Aircraft Engine run-Up Pad9 SRE 18' FRT MTD Broom10 Strengthen/Rehab Runway 11-29 (Moved to Short Term Project 33)11 Displacement Plows/Spreaders | <ul style="list-style-type: none">12 Strengthen/Rehab Taxiways A, D, E, & F (Moved to Short Term Project 36)13 2000 Gallon Liquid Spreader14 ARFF Vehicle15 Construct South Apron Taxiway16 Construct South General Aviation Apron - Phase 117 Construct South General Aviation Apron - Phase 218 Terminal Westerly Expansion19 Rehabilitate Runway 18-36, Taxiway B and J20 Construct South General Aviation Apron - Phase 321 Ramp Expansion East of Air Traffic Control Tower22 Snow Plows23 Parking Garage Expansion Phase 424 Terminal Easterly Expansion/Renovation |
|---|---|

Exhibit 10

DEVELOPMENT STAGING