

1. Agenda And Backup

Documents:

AGENDA.PDF
WORKSHOPMATERIALSDIVISION30 (3).PDF
CC_Memo_8.2.17.PDF
ATT.1 DIVISION 18.5, WATERFRONT PORT DEVELOPMENT ZONE_CC.PDF
ATT. 2 ECON DEV SUMMARY PRESENTATION, CC WORKSHOP, 7-27-17.PDF
ATT.3 CITY COUNCIL SUMMARY PRESENTATION_PLANNING, CC
WORKSHOP, 7-28-17.PDF
ATT. 4 WPDZ, BUILDING HEIGHT ILLUSTRATION,7-27-17.PDF



CITY OF PORTLAND, MAINE

CITY COUNCIL WORKSHOP

August 2, 2017

5:00 p.m.

City Hall – City Council Chambers

AGENDA

5:00 p.m.

- 1. Executive Session: Discussion & Consideration with City Attorneys Regarding a Potential Lawsuit Re: Opiate Manufacturers and/or Distributors**

5:30 p.m.

- 2. Workforce Housing Amendments**
- 3) Waterfront Port Development Zone Text Change**

Chapter 14 Land Use Code Division 30 Revisions: Low-Income & Workforce Housing Bonuses

Incentivizing Affordable Housing Development in Priority Growth Areas

Portland's Plan, the City's new comprehensive plan, identifies affordability and supply of housing as one of the city's most challenging issues. As part of a broad effort to address this challenge, the City has recently developed a set of proposed changes to the affordable housing ordinance, Division 30. The City Council's Housing Committee originally developed these amendments in the early spring of 2017. They are now being reviewed by the City's Planning Board.

Why amend Division 30?

The City's existing land use ordinance provides some incentives for affordable housing development, including density and dimensional bonuses, and reductions in parking requirements and review fees. However, these incentives have had modest effect on the city's supply of affordable housing. The proposed amendments to Division 30 are designed to encourage further housing creation, particularly in the city's priority growth areas, by increasing density, dimensional, and height bonuses for affordable housing projects in certain zones. These bonuses should make affordable housing developers more competitive in terms of purchasing sites and securing funding.

How Can You Get Involved?

Whether you are a neighbor, a developer, or an advocate, the City of Portland wants your input on these proposed affordable housing incentives.

There are several ways to get involved:

1. Listen or speak up at a public meeting – the next Planning Board workshop will be Thursday, June 22
2. Send us your comments via email planningboard@portlandmaine.gov

What are the amendments?

The proposed amendments encourage the creation of affordable housing with two incentives:

1. Residential projects in certain commercial and mixed-use zones (the B-1 and B-1b; B-2 and B-2b; B-3, B-3b, and B-3c; B-4; B-5; R-7; and R-P zones) with affordable housing components would qualify for:
 - Density bonuses of up to 2.5 times the base density = *more residential units per lot*
 - Increased building heights of up to 25 feet = *taller buildings to accommodate more housing*
 - Decreased front, side, and/or rear yard setbacks = *larger buildable area*

The bonuses would depend on the proportion of low-income or workforce housing proposed.

2. Planned Residential Unit Developments (PRUDs) in the R-3 and R-5 zones in which half of the units are designated as low-income or workforce housing would be eligible for:
 - Density bonus of 2 times the base density
 - Decreased setbacks

Projects taking advantage of any of these incentives would be required to keep the units as affordable for the longest term permitted under federal, state, and local law.

Stay up to date with the proposed amendments and meeting schedule by visiting the City's website: www.portlandmaine.gov/Division30

EFFORT UNDER WAY TO ENCOURAGE HOUSING FOR PORTLAND WORKERS

Following the recent City Council approval of Portland's new Comprehensive Plan, there is an effort to address a key concern raised by many: producing housing that average Portland residents and workers can afford. City staff is working with the Planning Board, after getting guidance from the Council's Housing Committee, on zoning changes that would encourage additional workforce housing production in commercial corridors and squares.

"The issue of housing affordability and production was raised consistently during the Comprehensive Plan," says Jeff Levine, Director of Planning & Urban Development. "The changes being developed would take our current housing incentives section and focus it on the areas that people said they wanted to see new development, such as along Franklin Street and existing public housing campuses. At the same time, we are proposing eliminating the ability to use these incentives in many residential zones, to address the idea that new growth should focus on key corridors and nodes."

The changes are in a section of the zoning code called Division 30. They would provide additional density incentives for developments that include certain percentages of units priced for average incomes or below. "In developing these bonuses, we spoke to both residents and those who produce workforce housing," said Levine. "We wanted to make sure we provided incentives that could actually produce more housing, yet were based on the existing zoning requirements."

The Portland Housing Authority recently completed a plan for development of more housing on their existing campuses. The need to renovate existing buildings and the desire to produce additional affordable housing drove that process, which resulted in conceptual plans for each of their sites in Portland. The Division 30 changes would also allow the Housing Authority more flexibility on their campus sites to produce more housing as part of a "Planned Residential Unit Development (PRUD)" process. The PRUD process is designed to allow each site to propose a redevelopment plan and, in return, get some the additional development density needed to finance investment – as well as produce needed housing.

The Housing Committee voted to forward these concepts to the Planning Board, which has held one workshop on them to date. The Planning Board will hold a second workshop on Thursday, June 22nd at City Hall at 7 pm. The City Council would take up these items in July.

For more information on this effort, visit the project web page at:

<http://portlandmaine.gov/Division30>

The Comprehensive Plan can be reviewed at:

<http://tinyurl.com/PortlandsPlan>

Any group interested in learning more about these proposed changes should contact the Planning & Urban Development Department. Staff will be available to answer questions and hear residents' ideas and thoughts as the process continues.



A LIVABLE CITY: Updating the Housing Ordinance

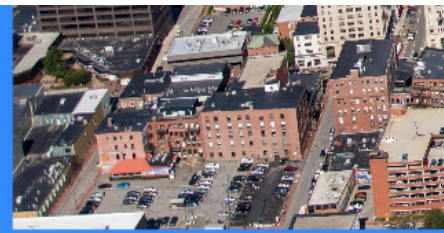


A new approach to workforce
housing creation for Portland

City Council Workshop
8/2/17

Division 30: Affordable Housing Basics

- Recognizes that creation of adequate housing for residents is an important public purpose
- Designed to provide incentives for workforce and affordable housing as opposed to market rate housing
- Most recently updated to include the inclusionary Zoning Provisions for the city

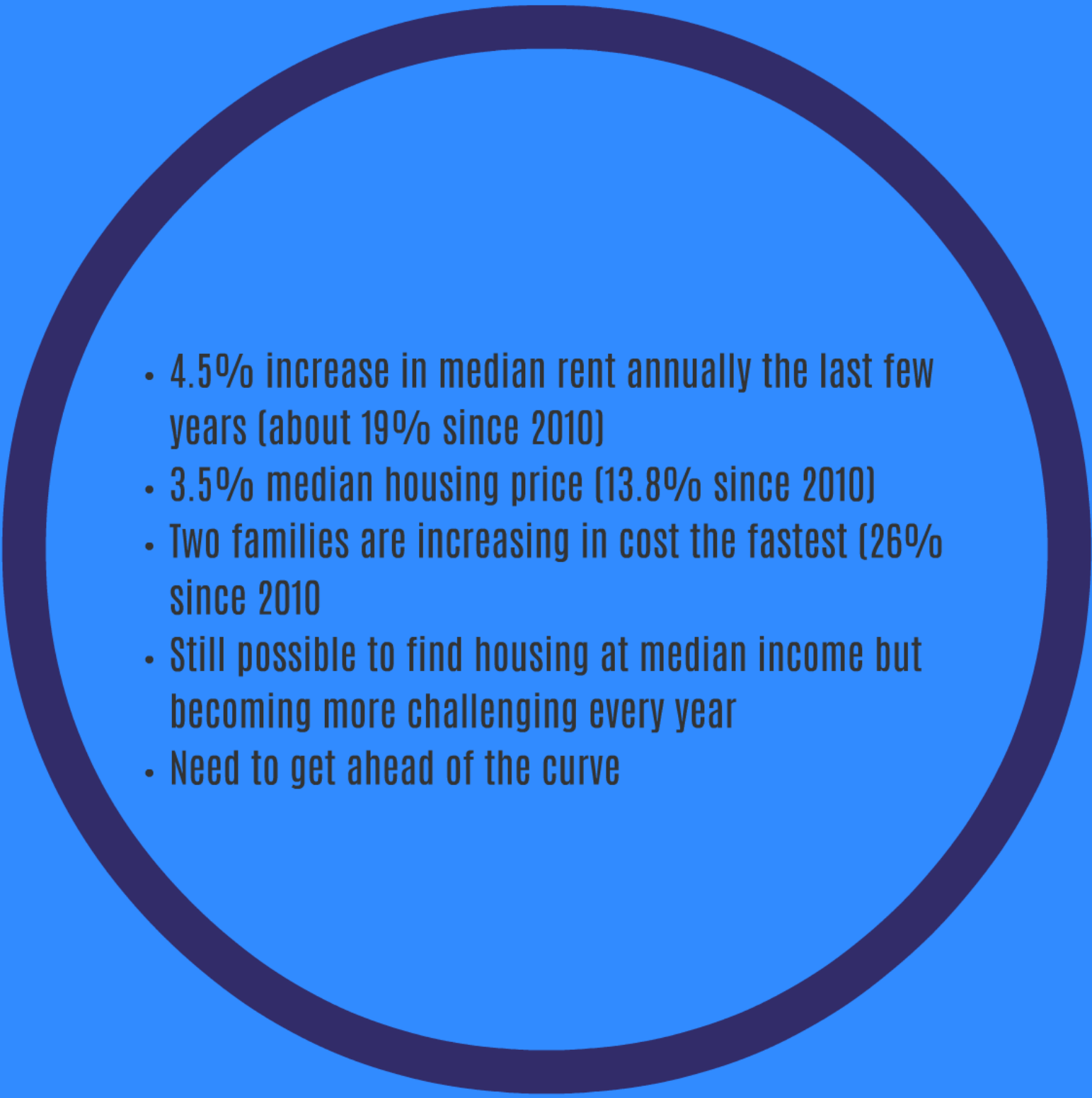


What problems are we trying to solve?

- Address negative trends in housing affordability & availability for Portland residents
- Equitably and appropriately spread the city's necessary growth across the city
- Target growth on Nodes and Corridors
- Age of existing public housing facilities
- Address disadvantages to achieving state funding due to high land and construction costs in Portland
- Increase the utility and usage of Div 30

Why now?

- Direction of City Council to amend zoning to allow for more housing development
- Implementation of Portland's Plan 2030
- Worsening statistics on low and middle income housing supply esp. for families
- Inability for market to provide to respond sufficiently to housing shortage under current zoning
- Start of Land Use Code Rehab Project

- 
- 4.5% increase in median rent annually the last few years (about 19% since 2010)
 - 3.5% median housing price (13.8% since 2010)
 - Two families are increasing in cost the fastest (26% since 2010)
 - Still possible to find housing at median income but becoming more challenging every year
 - Need to get ahead of the curve

Income and Affordability

Standard Measure = 30% Monthly Income

What does that mean in Portland?

- Avg. Elementary School Teacher- \$4,833 (Mean) so \$1,449 a month for housing
- Entry Level Teacher- \$2,992 so \$897
- Entry Level Police Officer- \$3,416 so \$1,024
- All Police- \$4,416 (Mean) so \$1,324
- All Fire- \$4,250 (Mean) so \$1,275
- Food Prep Worker- \$1,986 (Mean) so \$595
- Server- \$1,833 (Mean) so \$549
- Construction Worker- \$2,841 (Mean) so \$852
- Administrative Assistant: \$3,062 (Mean) so \$918

Sources: https://www.bls.gov/oes/current/oes_76750.htm#25-0000; City of Portland HR; City of Portland School Department

2017 Income Limits - Portland HUD Metro FMR Area					Effective 4/14/17			
FY 2017 Income Limit Category	Persons in Family							
	1	2	3	4	5	6	7	8
120% Income Limits	70,056	80,064	90,072	100,080	108,086	116,093	124,099	132,106
100% Income Limits	58,380	66,720	75,060	83,400	90,072	96,744	103,416	110,088
80% Income Limits	46,000	52,600	59,150	65,700	71,000	76,250	81,500	86,750

PUBLIC OUTREACH

Chapter 14 Land Use Code Division 30 Revisions: Low-Income & Workforce Housing Bonuses

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What are the basic elements?

Density Bonuses

- Eliminates general 25% bonus in all zones
- Focuses bonuses on nodes & corridors
- Bonuses for density, height and setbacks
- Size of bonus increases based on affordability
- New elements- removes highest bonuses from R-P and B-1 zones; adds unit size requirements
- Designed to focus growth on Comprehensive Plan's nodes and corridors

PRUD Revisions

- For master planned developments in R-3 (3 acres) & R-5 (2 acre) that include 50% workforce/affordable housing
- 50% reduction in lot area required per unit
- Removes numeric requirements for some elements, replaces with site plan process
- Allows crossing public rights of way
- Important for modernization of PHA campuses as per their strategic plan



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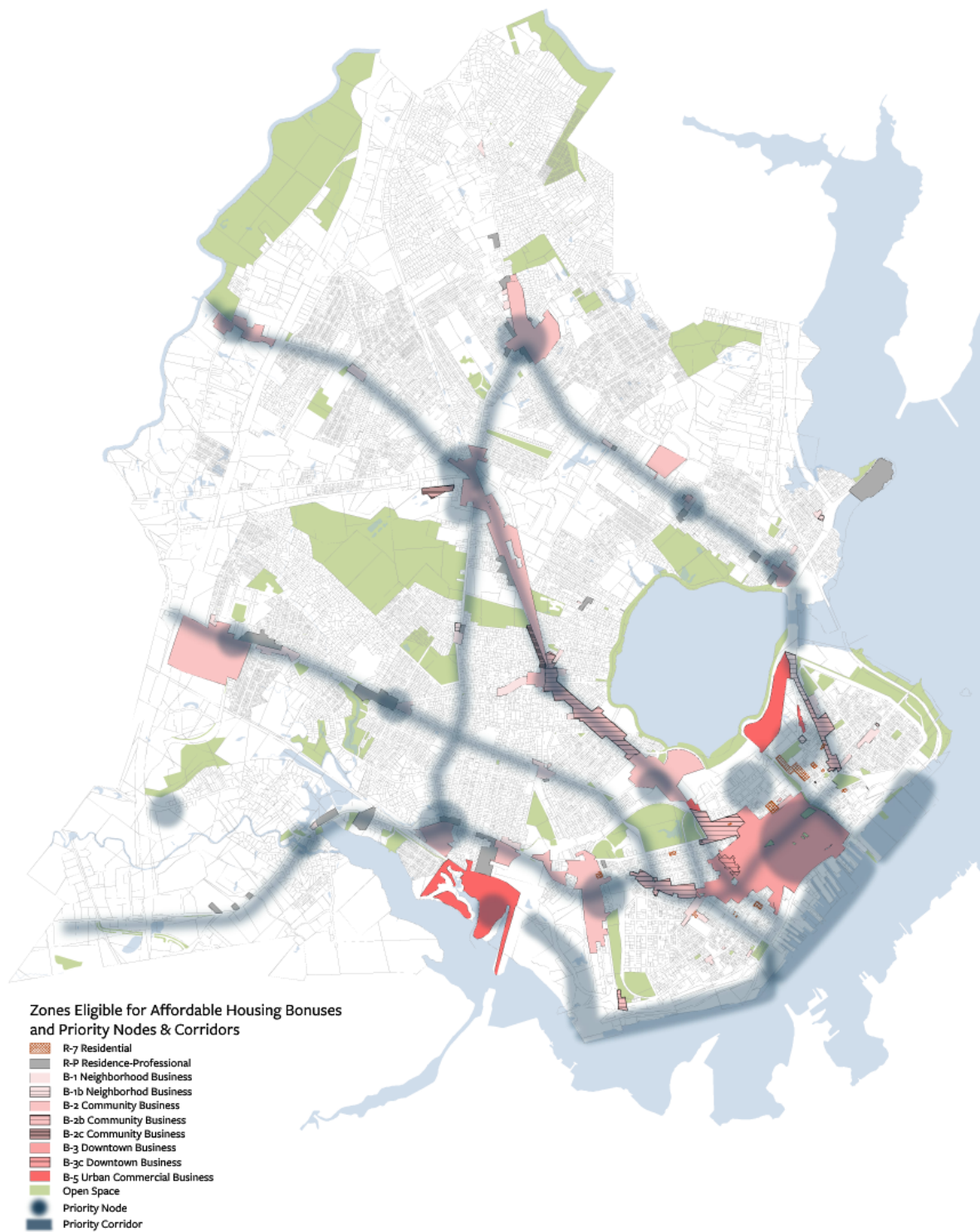
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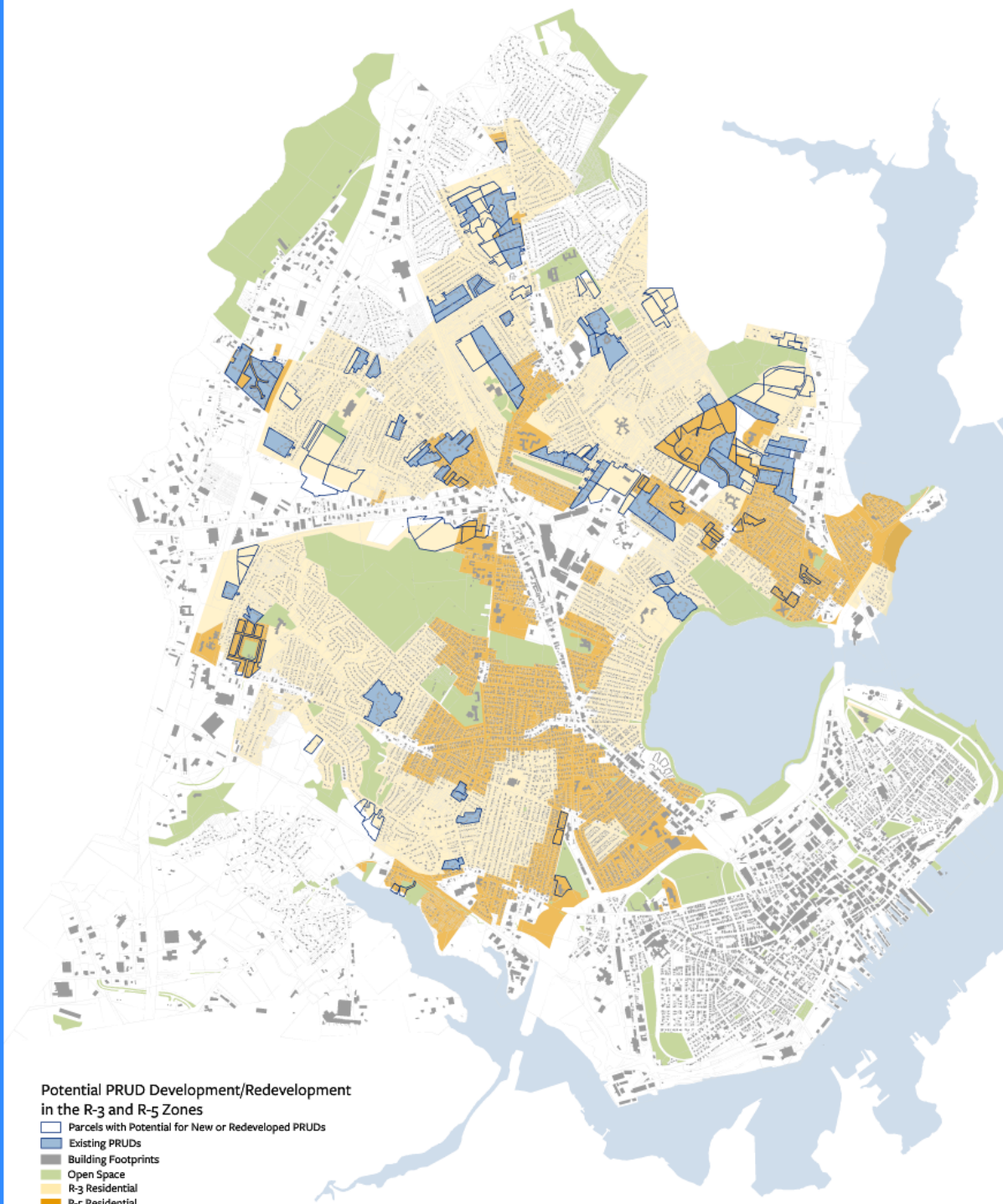


Planned Residential Unit Development Standards

	R-3	R-3 w/50% or more affordable	R-5	R-5 w/50% or more affordable
Lot size needed (acres)	3	3	1	1
Max height (feet)	35	35	35	35
Lot Area/Unit (sf)	6500	3250	3000	1500
Max Length of Bldg (no garage) - feet	100	Set through site plan review	140	Set through site plan review
Max Length of Bldg (garage) - feet	140	Set through site plan review	140	Set through site plan review
Max # units in a building (<5 acre site)	2	Set through site plan review	12	Set through site plan review
Max # units in a building (>5 acre site)	6	Set through site plan review	12	Set through site plan review
Min setback (<4 units in a building) - feet	25	10	N/A	N/A
Min setback (>43 units in a building) - feet	35	10	N/A	N/A
Min setback (<100 feet long) - feet	N/A	N/A	25	10
Min setback (>100 feet long) - feet	N/A	N/A	35	10
Distance between buildings - feet	16	16	N/A	N/A
Min recreational open space (sf/du)	300	200	300	200
Large recreational open space required (sf)	6000	Set through site plan review	6000	Set through site plan review

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Sec. 14-488. Density, parking, dimensional bonuses and reductions, and public process.

Notwithstanding any other provision of this chapter to the contrary, in order to encourage low income and workforce units in designated growth areas, eligible projects may avail themselves of the following options.

- (a) *Density bonuses.* The maximum number of units that would otherwise be allowed under this chapter shall be increased for an eligible project in the manner described in the following table:

Eligible projects in all B-1, B-1b, B-2, B-2b, B-2c, B-3, B-3b, B-3c, B-5, R-7, and R-P Zones

Percentage Low Income Units for Sale/Rent	Percentage Workforce Units for Sale/Rent	Density Permitted*	Additional Height Permitted***	Setback Reductions**
10%	20%	1.1 x base	N/A	N/A
20%	40%	1.2 x base	10 feet	N/A
30%	60%	1.3 x base	10 feet	5'
50%	100%	2.0 x base	15 feet	5'
75%	N/A	2.5 x base	25 feet	10'

*: "Base" is the number of units allowed under the zoning without this bonus but with any other bonuses applied. In R-P zones, multifamily is permitted with a "base" no less than 1 unit per 1,500 sf. of land area. If an eligible project is providing both workforce and affordable housing units, the applicant shall have the option of utilizing applicable incentives, but not cumulatively.

** : Setback reductions are absolute reductions in front, side and/or rear yard setback requirements. The maximum setback reductions in the B-1, B-1b and R-P zones shall be 5 feet.

*** The maximum additional height permitted in the B-1 zones and the R-P zone shall be 15 feet. In addition, the maximum structure height is 50 feet within 750 feet of the Portland Observatory.

- (b) *Off-street parking.* Off-street parking is required as provided in Division 20 (off-street parking) of this article.
- (c) *Planned Residential Unit Developments.* In order to promote orderly development of low- and moderate-income development as PRUDs, any project in which more than 50% of the units are low-income or workforce units for rent or for sale may utilize the following dimensional bonuses and changes:

- a. Minimum lot area per dwelling unit is reduced by

50%;

- b. Maximum number of units and maximum length of buildings do not apply but may be set through site plan review; and
- c. Minimum building setbacks may be reduced to 10'
- d. The PRUD may cross public rights of way provided that the right of way does not count towards minimum lot size nor towards any open space requirements
- e. Minimum Recreation Open Space Area is reduced to 200 sf per dwelling unit of common area designated for recreational purposes by the residents. Minimum contiguous size and setbacks do not apply and shall be set through site plan review.

(d) *Unit Size and Term of Affordability.* In order to be eligible for this section, the low income and workforce housing units must:

- 1. Meet Section 14-487 Ensuring Workforce Housing, subsection (e) *Standards* 1,2 and 3; and
- 2. Be affordable for the longest term permitted under federal, state and local laws.

(e) *Required Public Process.* The developer of the project must also commit to a good faith effort to communicate openly with affected properties as their process moves forward. At a minimum, no less than 30 days prior to application for site plan review, any project that wishes to take advantage of this section must (1) hold a public meeting noticed to all properties within 500 feet of their site and (2) post a sign on the property in question describing the proposed project; intent to submit an application to the city in 30 days (cite anticipated submission date), and contact information for the developer and the Planning Authority (Department of Planning and Urban Development website link). The Planning Board may adopt regulations regarding the content and processes for noticing as part of the Technical Manual.

(f) *Projects under 14-487.* Projects that are subject to 14-487 that choose to provide the required workforce housing units on site are eligible for a 25% increase in total permitted units. If an eligible project is also subject to 14-487, the applicant shall have the option of utilizing either this bonus or any bonuses they are eligible for under 14-488.1 but not both.

Median Household Incomes, Portland HUD FMR Area (Effective 6/15/17)

Household Size

	1	2	3	4	5	6	7	8
80% AMI	\$ 46,000	\$ 52,600	\$ 59,150	\$ 65,700	\$ 71,000	\$ 76,250	\$ 81,500	\$ 86,750
100% AMI	\$ 57,500	\$ 65,750	\$ 73,938	\$ 82,125	\$ 88,750	\$ 95,313	\$ 101,875	\$ 108,438
120% AMI	\$ 69,000	\$ 78,900	\$ 88,725	\$ 98,550	\$ 106,500	\$ 114,375	\$ 122,250	\$ 130,125

Affordable Monthly Rents at each HH size and income level (including heat and utilities)

Household Size

	1	2	3	4	5	6	7	8
80% AMI	\$ 1,150	\$ 1,315	\$ 1,479	\$ 1,643	\$ 1,775	\$ 1,906	\$ 2,038	\$ 2,169
100% AMI	\$ 1,438	\$ 1,644	\$ 1,848	\$ 2,053	\$ 2,219	\$ 2,383	\$ 2,547	\$ 2,711
120% AMI	\$ 1,725	\$ 1,973	\$ 2,218	\$ 2,464	\$ 2,663	\$ 2,859	\$ 3,056	\$ 3,253

Memorandum
Planning and Urban Development Department
Planning Division



To: Portland City Council

From: Tuck O'Brien, City Planning Director

Date: July 28, 2017

Re: Text Amendment to the Waterfront Port Development Zone - Workshop

Meeting Date: August 2, 2017

I. INTRODUCTION

On July 28, 2017, the Planning Board voted 6-0 (Dundon absent) to recommend to the City Council a text amendment to Chapter 14, Division 18.5, Waterfront Port Development Zone. The purpose of this amendment was to allow for greater flexibility within the zone, particularly in regards to building heights, so as to facilitate the development of necessary water-dependent and marine-related infrastructure and burgeoning marine industrial uses. Staff of the Planning and Urban Development Department, in close cooperation with the City's Economic Development Department, developed this text over the course of five meetings with the Planning Board and with the input of numerous stakeholders.

II. TIMELINE/PROCESS

The proposed text amendment is the result of an approximately year long process, during which time City staff have facilitated and participated in extensive dialogue determining the future direction of the WPDZ. We have worked to gather input from industry professionals, waterfront stakeholders, residents of the West End Neighborhood and other interested parties in order to produce a cohesive and comprehensively balanced regulatory framework that assesses the needs of the entire zone, not simply one or two land owners, and fully considers the implications of the various proposed alterations. We have made use of Planning Board workshops to further test, present relevant material and open up dialogue regarding the proposed text amendment. Discussions at these four workshops have served to hone and affirm the approaches taken by staff. For reference, staff has compiled a timeline of relevant (where discussion of zoning text amendment, research in regards to proposed text amendment and cold storage took place) meeting dates which demonstrate the extent to which this effort was collaborative and iterative.

07/15/2016: Tour of the IMT/discussion of Americold proposal with members of the public

08/24/2016: Community outreach meeting with members of the public at the IMT

09/14/2016: West End Neighborhood Association meeting

10/13/2016: West End/Western Prom Joint Neighborhood Association meeting

10/25/2016: Planning Board workshop to discuss text amendment of the WPDZ

11/02/2016: Meeting with Portland Society of Architects

11/03/2016: Neighborhood Meeting at the Reiche School

12/02/2016: Check in with Neighborhood Association Representatives

12/05/2016: On-Site Building Height Demonstration
12/12/2016: Meeting with Neighborhood Association Representatives
01/09/2017: Presentation to the Portland Community Chamber Board
01/18/2017: Meeting with Neighborhood Association Representatives
01/24/2017: Second Planning Board Workshop
02/03/2017: Meeting with City Manager and Neighborhood Association Representatives
02/08/2017: Presentation to the Convention and Visitor Bureau Board
03/14/2017: Internal Graphics Scoping Meeting
03/17/2017: Meeting with T.Y. Lin to discuss trip counts and traffic impact report
03/21/2017: Meeting with City Departments, Port Authority, Greater Portland Council of Governments and State to discuss relevant research needed to move forward
03/29/2017: Meeting with Terry Dewan & Associates to discuss modeling
04/04/2017: Internal discussion of zoning approaches
04/04/2017: Meeting at IMT with Neighborhood Association Representatives
04/24/2017: Meeting to discuss planning of Public Forum
04/25/2017: Meeting with City Manager and Neighborhood Association Representatives
05/08/2017: Meeting with Terry Dewan & Associates to provide updated direction on graphics
05/09/2017: Meeting with Camoin & Associates to discuss Draft Report
05/10/2017: Eggs and Issues Presentation at the Portland Community Chamber
05/12/2017: Internal meeting to prepare for Planning Board workshop
05/16/2017: Preview of Visual Material and Conceived Zoning Approaches with West End Residents
05/16/2017: Waterfront Alliance Public Forum
05/18/2017: Third Planning Board Workshop
05/26/2017: Meeting with Camoin & Associates to discuss Draft Report
06/12/2017: Meeting to discuss zoning approach with West End neighborhood residents
06/15/2017: Meeting with Camoin & Associates to discuss Draft Report
06/16/2017: Meeting with West End neighborhood residents
06/26/2017: Marine Operators Meeting
06/27/2017: Fourth Planning Board Workshop
06/29/2017: Site walk of West Commercial Street and Danforth Street with West End Neighbors
07/10/2017: Meeting with City Manager and West End neighborhood residents
07/12/2017: Meeting with West End neighborhood residents
07/18/2017: Planning Board Public Hearing

III. ATTACHMENTS

1. Division 18.5, Waterfront Port Development Zone Draft Amendment
2. Economic Development Summary Presentation
3. Planning Division Summary Presentation
4. Zoning Graphic

Sec. 14-47

Cold Storage Facility:

Refrigerated facility used for the storage of perishable freight awaiting shipment or wholesaling.

Truck terminal: A ~~building and premises~~ **facility primarily for devoted to** handling and ~~temporary warehousing~~ **storage** of goods **transported by tractor trailers, including the fueling, servicing, and storage of those vehicles** ~~which may include facilities for the maintenance and repair~~ (except body repairs, frame straightening and painting), ~~fueling and storage of trucks or tractor-trailer combinations~~ **as well as facilities for drivers, such as food, restrooms and showers, lodging, and retail related to truck supply. This definition does not apply to truck activity incorporated into or ancillary to an Intermodal Transportation Facility.**

DIVISION 18.5. WATERFRONT PORT DEVELOPMENT ZONE*

***Editor's Note**—See the editor's note to division 18 of this article.

Sec. 14-318. Purpose.

Transport of goods by water to and from Portland is an important component of both the local and regional economy. This commerce is dependent upon land with direct access to the dredged deep—water channel of the Fore River **and Portland Harbor.**

The Port of Portland is integral to the city's economic, cultural and fiscal health. This zone exists to ensure the continued viability of the Port of Portland. ~~Waterfront land with direct deep water access shall be restricted to uses which contribute to port activity. This zone exists, therefore, to ensure the continued viability of the Port of Portland. Uses in the port development zone, while governed by the same~~ **similar** performance standards as other industrial zones, are **primarily** limited to those uses which are dependent upon deep water and which contribute to

Nonmarine ~~industrial~~ activity may be allowed only ~~on an interim temporary basis and only~~ to the extent it will not have any adverse impact on marine uses. ~~preclude or impede any future water-dependent development.~~

(Ord. No. 168-93, § 2, 1-4-93)

Sec. 14-318.5. No adverse impact on marine uses.

No use shall be permitted, approved or established in this zone if it will have an impermissible adverse impact on future marine development ~~opportunities~~. A proposed development will have an impermissible adverse impact if it will result in any one (1) or more of the following:

- (a) The proposed nonwater-dependent use will displace an existing water-dependent use;
- (b) The proposed use will reduce existing commercial vessel berthing space;
- (b) The proposed nonwater-dependent use, structure or activities, including but not limited to access, circulation, parking, dumpsters, exterior storage or loading facilities, and other structures, will unreasonably interfere with the activities and operation of existing water-dependent uses or significantly impede access to vessel berthing or other access to the water by water-dependent uses; or
- (d) The siting of a proposed nonwater-dependent use will substantially reduce or inhibit existing public access to marine or tidal waters.

(Ord. No. 168-93, § 2, 1-4-93)

Sec. 14-319. Permitted and Conditional Uses.

Subject to a determination that the proposed use meets the standards of section 14-318.5 (no adverse impact on marine uses), the following uses are permitted in the waterfront port development zone:

Group	Use	WPDZ
Marine	Marine repair services and machine shops	P

Marine	Tugboat, fireboat, pilot boat and similar services	P
Marine	Harbor and marine supplies and services and ship supply such as fueling and bunkering of vessels	P
Marine	Shipbuilding and facilities for construction, maintenance and repair of vessels	P / <u>C</u> ¹
Marine	Marine cargo handling facilities, including docking, loading and related storage	P / <u>C</u> ¹
Marine	Boat repair yards	P / <u>C</u> ¹
Marine	Facilities for marine construction and salvage	P / <u>C</u> ¹
Marine	Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices	P
<u>Marine</u>	<u>Marine Retail and Wholesale Sales, including Yacht Brokerage</u>	<u>C</u>
Marine	Marine products, wholesaling and retailing	C
Marine	Boat storage facilities, excluding rack storage	C <u>P</u> / <u>C</u> ¹
Marine	Seafood processing	C
Marine	Seafood packing and packaging	C
Marine	Fabrication, storage and repair of fishing equipment	C
Marine	Ice-making services	C
Marine	Fabrication of marine-related goods	C
Marine	Fish by-products processing, provided that; i. Any fish by-product processing facility has a valid rendering facility license under chapter 12; and ii. The processing of other material wastes	C

	or by-products shall not be deemed a lawful accessory use under any other provision of this article.	
<u>Marine</u>	<u>Commercial Berthing</u>	<u>P</u>
Commercial <u>Industrial</u>	Intermodal transportation facilities principally for vessels with regularly scheduled destination service or for railroad transportation service	P/ <u>C¹</u>
Commercial <u>Industrial</u>	Marine cargo container and chassis maintenance and repair	P
Industrial	Facilities for combined marine and general construction	<u>C¹</u>
Commercial <u>Industrial</u>	<u>Cold storage facility</u> , warehousing, and storage of goods which are awaiting shipment via cargo carriers	<u>C¹</u>
Industrial	Low impact industrial uses, including but not limited to bakeries, breweries, bottling, printing and publishing, pharmaceuticals, machine shops, manufacture of products, assembly of electrical components, tool and die shops, and the packaging of food, provided that such uses shall be subject to the performance standards set forth in §14-252	C
Public	Public uses including pedestrian and bicycle trails	P
Public	Utility substations, including sewage collection and pumping stations, water pumping stations, transfer stations, telephone electronic equipment enclosures and other similar structures, provided that such structures are located more than one hundred (100) feet from the water.	C
Commercial	Off-street parking lots, excluding parking structures	C
Other	Accessory uses customarily incidental and	P

	subordinate to the location, function and operation of permitted uses. Food service establishments, <u>including food trucks</u> and other similar retail and service support uses shall only be permitted as accessory uses if they are part of if they are located within the lot lines of a use set forth in section 14-319(a)3, 6, or (b)1, if all such uses do not exceed two thousand (2,000) square feet in total floor area of the building and each individual use does not exceed one thousand (1,000) square feet in total floor area of the building; and further provided that such accessory uses provide goods or services that are supportive of the principal use and its clientele.[m2]	
Other	<u>Renewable energy systems,</u> Wind energy systems, as defined and allowed in Article X, Alternative Energy (Ord. No. 168-93, § 2, 1-4-93; Ord. No. 38-02/03, § 2, 9-4-02; Ord. No. 33-11/12, 1-18-12)	<u>C</u>

1. Uses that may be located in buildings that exceed the maximum permitted height. Uses marked P/C will be considered Permitted Uses when occupying buildings with a maximum height equal to or less than the maximum applicable height allowable under the permitted use dimensional standards, and Conditional Uses when above that height.

- ~~2. Tugboat, fireboat, pilot boat and similar services;~~
- ~~3. Harbor and marine supplies and services and ship supply such as fueling and bunkering of vessels;~~
- ~~4. Shipbuilding and facilities for construction, maintenance and repair of vessels;~~
- ~~5. Marine cargo handling facilities, including docking, loading and related storage;~~
- ~~6. Boat repair yards;~~
- ~~7. Facilities for marine construction and salvage;~~
- ~~8. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation~~

~~devices.~~

~~(b) Commercial:~~

- ~~1. Intermodal transportation facilities principally for vessels with regularly scheduled destination service or for railroad transportation service;~~
- ~~2. Warehousing and storage of goods which are awaiting shipment via cargo carriers;~~
- ~~3. Marine cargo container and chassis maintenance and repair.~~

~~(c) Public:~~

~~Public uses including pedestrian and bicycle trails.~~

~~(d) Other:~~

- ~~1. Accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses. Food service establishments, newsstands and other similar retail and service support uses shall only be permitted as accessory uses if they are part of and located within the lot lines of a use set forth in section 14-319(a)3, 6, or (b)1, if all such uses do not exceed two thousand (2,000) square feet in total floor area of the building or twenty-five (25) percent of the total floor area of the building, whichever is less, and if each individual use does not exceed one thousand (1,000) square feet in total floor area of the building; and further provided that such accessory uses provide goods or services that are supportive of the principal use and its clientele.~~
- ~~2. Street vendors licensed pursuant to Chapter 19 are a permitted use, but only in the following area of the waterfront port development zone: on Commercial Street from the intersection of India Street to the westerly side of the Maine State Pier.~~
- ~~3. Wind energy systems, as defined and allowed in Article X, Alternative Energy.~~

(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 38-02/03, § 2, 9-4-02; Ord. No. 33-11/12, 1-18-12)

Sec. 14-320. Conditional Use Standards

Conditional uses shall be permitted in the WPDZ, provided that, notwithstanding section 14-471(c), section 14-474(a), or any other provision of this Code, the Planning Board shall be substituted for the Board of Appeals as the reviewing authority.

~~, and provided further that~~ In addition to the provisions of section 14-474(c) (2) such uses will:

- a. not impede or preclude existing or potential water-dependent development on other lots; and
- b. allow for adequate ~~right-of-way~~ access to the water; and
- c. be compatible with water dependent and marine uses; and
- d. operationally support one or more water dependent use(s), or is located in a building or structure that is physically adaptable or relocatable to make way for future development of water-dependent uses; and
- e. meet any additional performance and dimensional standards set forth below.

~~not impede or preclude existing or potential water-dependent development on other lots, will allow for adequate right-of-way access to the water, are compatible with marine uses, and are physically adaptable or relocatable to make way for future development for water-dependent uses, and meet any additional standards set forth below:~~

~~1. Marine:~~

- a. ~~Marine products, wholesaling and retailing;~~
- b. ~~Boat storage facilities, excluding rack storage;~~
- c. ~~Seafood processing;~~
- d. ~~Seafood packing and packaging;~~
- e. ~~Fabrication, storage and repair of fishing equipment;~~
- f. ~~Ice-making services;~~
- g. ~~Fabrication of marine-related goods;~~

~~h. Fish by-products processing, provided that:~~

- ~~i. Any fish by-product processing facility has a valid rendering facility license under chapter 12, and~~
- ~~ii. The processing of other material wastes or by-products shall not be deemed a lawful accessory use under any other provision of this article.~~

~~2. Commercial:~~

~~Off-street parking lots, excluding parking structures.~~

~~3. Industrial:~~

- ~~a. Storage of goods in existing structures;~~
- ~~b. Facilities for combined marine and general construction;~~
- ~~c. Low impact industrial uses, including but not limited to bakeries, breweries, bottling, printing and publishing, pharmaceuticals, machine shops, manufacture of products, assembly of electrical components, tool and die shops, and the packaging of food, provided that such uses shall be subject to the performance standards set forth in §14-252.~~

~~4. Public:~~

~~Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures and other similar structures, provided that such structures are located more than one hundred (100) feet from the water.~~

~~(b) The following use shall be permitted only upon the issuance of a conditional use permit subject to the provisions of section 14-474 (conditional uses), and any special provisions, standards or requirements specified below:~~

- ~~1. Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following~~

~~standards are met in addition to Sec 14-430:~~

- ~~a. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and~~
- ~~b. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and~~
- ~~c. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and~~
- ~~d. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and~~
- ~~e. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and~~
- ~~f. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and~~
- ~~g. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and~~
- ~~h. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond;~~

~~letter of credit, escrow account or by evidence,
acceptable to the City, or the financial and
technical ability and commitment of the applicant
or its agents to remove the facility at the end of
the use period.~~

~~2. Wind energy systems, as defined and allowed in
Article X, Alternative Energy.~~

(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 149-01/02, 2-4-02; Ord. No. 29-09/10,
8-3-09, emergency passage; Ord. No. 33-11/12, 1-18-12)

Sec. 14-320.1. Prohibited uses.

Uses which are not enumerated in either section 14-319 or 14-320 as permitted or conditional uses are prohibited. Those uses that are prohibited shall include, without limitation:

- a. Residential uses ~~(not in existence on May 5, 1987).~~
- b. Hotels, motels or boatels.
- c. Auditoriums, civic centers, convention centers or other meeting facilities.
- d. Restaurants and drinking establishments.
- e. Marinas, including marina associated boat storage facilities.**
- f. Truck Terminals**

(Ord. No. 168-93, § 2, 1-4-93)

Sec. 14-320.2. Dimensional requirements.

In addition to the provisions of Article III, division 25 of this Code, lots in the waterfront port development zone shall be subject to the following requirements:

(a) Dimensional Table

For additional bulk, height and location standards, see Section 14-320.2(b) below.

	Permitted Use Dimensional Standards	Conditional Use Dimensional Standards
Minimum Yard Setbacks	N/A	N/A

Minimum Lot Size	N/A	<u>5 acres, limited to 1 building greater than the maximum applicable height allowed under the permitted use dimensional standards.</u>
Minimum Setback from Pier Line, wharf, or bulkhead, including any attached aprons. (See note 1)	5ft	5ft
Max. Lot Coverage	<u>50% east of a line projected due south from the centerline intersections of West Commercial Street and the easterly most Cassidy Point Drive.</u> 100% <u>west of a line projected due south from the centerline intersections of West Commercial Street and the easterly most Cassidy Point Drive.</u>	<u>50% east of a line projected due south from the centerline intersections of West Commercial Street and the easterly most Cassidy Point Drive.</u> 100% <u>west of a line projected due south from the centerline intersections of West Commercial Street and the easterly most Cassidy Point Drive.</u>
Max. Building Height (Inclusive of Roof Forms and Rooftop Appurtenances) (See Note 2)	<u>55ft east of a line projected due south from the centerline intersections of West Commercial Street and the easterly most Cassidy Point Drive and west of Casco Bay Bridge.</u> <u>60ft west of a line projected due south from the centerline intersections of West Commercial Street and the easterly most Cassidy Point Drive.</u> <u>In no case may any permitted heights exceed 50ft within</u>	<u>60ft west of the Casco Bay Bridge (See Note 7), except as follows:</u> <u>75ft in the area east of a line projected due south from the centerline intersections of West Commercial Street and the easterly most Cassidy Point Drive and west of Casco Bay Bridge, on lots 5 contiguous acres or larger. (See Note 4)</u> <u>130ft for bulk storage (See note 3) facilities west of the projection of the westerly most Cassidy Point Drive segment.</u>

	<u>100ft of West Commercial Street and all area of the WPDZ east of the Casco Bay Bridge. (See Note 5)</u>	<u>In no case may any conditionally permitted heights exceed 50ft within 100ft of West Commercial Street and all area of the WPDZ east of the Casco Bay Bridge. (See Note 5)</u>
Maximum Building Length (See Note 6)	<u>450ft</u> <u>300ft within 100ft of West Commercial Street and all area of the WPDZ east of the Casco Bay Bridge.</u>	<u>450ft</u> <u>300ft within 100ft of West Commercial Street and all area of the WPDZ east of the Casco Bay Bridge.</u> <u>300ft for buildings or portions of buildings exceeding the maximum applicable height allowed under the permitted use dimensional standards.</u>

1. The setback area may be utilized for activities related to the principal uses carried on in the structure, but shall not be utilized for off-street parking.
2. Buildings and/or structures shall be limited to an absolute height measured from average grade with no portion of the structural roof system or roof top appurtenances exceeding the limits set forth under Sec. 14-320.2(a) with the exception of moveable elements or connection devices as listed under Section 14-320.2(b) (1) (a).
3. Bulk storage dedicated to materials delivered or awaiting transportation to a site by waterborne transportation.
4. A projection of the street centerline shall consist of an extension of the centerline to the water side boundary of the waterfront port development zone.
5. Height limitations east of the Casco Bay Bridge are intended to protect vistas of the harbor from public open space.
6. As measured by a line parallel with the southern edge of the West Commercial Street ROW.
7. Only those conditional uses so designated in Note 1 of the WPDZ Use Table, Sec. 14-319, may be located in buildings taller than 60 feet.

~~(a) Minimum lot size: None.~~

~~(b) Minimum frontage: None.~~

~~(c) Minimum yard dimensions:~~

~~Front setback: None.~~

~~Side setback: None.~~

~~Rear setback: None.~~

~~Setback from pier line: Notwithstanding the above requirements, a minimum setback of five (5) feet from the edge of any pier, wharf or bulkhead shall be required for any structure. The setback area may be utilized for activities related to the principal uses carried on in the structure, subject to the provisions of sections 14-319 and 14-320, but shall not be utilized for off-street parking. The edge of any pier, wharf or bulkhead shall include any attached apron(s).~~

~~(d) Maximum lot coverage: One hundred (100) percent.~~

~~(e) Maximum building height: Forty-five (45) feet, except as follows:~~

~~1. In the areas bounded as described below, facilities for bulk storage of materials delivered to a site by waterborne transportation or awaiting transportation from the site by means of waterborne transportation may be erected up to the maximum heights indicated (above mean sea level):~~

~~a. In the area that lies between Danforth Street and the Veterans Memorial Bridge: One hundred forty-five (145) feet.~~

~~b. In the area between Danforth Street and the projection of the centerline of Vaughn Street between its intersections with Orchard Street and Danforth Street: Seventy (70) feet.~~

~~c. In the area between the projection of the centerline of Vaughn Street between its intersections with Orchard Street and Danforth Street and the projection of the centerline of Fletcher Street between its intersections with Orchard Street and Danforth Street: Seventy-five (75) feet.~~

~~d. In the area formed by the projection of the centerline of Fletcher Street between its intersections with Orchard Street and Danforth~~

~~Street easterly to the projection of the centerline of Emery Street between its intersections with Taylor Street and Danforth Street: Seventy-five (75) feet.~~

- ~~e. In those areas where the maximum height may not exceed forty-five (45) feet above grade, no structure may exceed sixty-five (65) feet in height above mean sea level.~~

~~For purposes of this section, a projection of the centerline of a street shall consist of an extension of the centerline of the street to the water side boundary of the waterfront port development zone.~~

2.(b) Additional bulk, height and location standards:

1. ~~f~~For structures exceeding the maximum applicable height allowed under the permitted use dimensional standards: ~~forty-five (45)~~ fifty (50) feet in height above grade within the waterfront port development zone:

- a. ~~The maximum horizontal diagonal measurement of portions of a structure, cluster of structures or equipment exceeding forty-five (45) feet in height above grade shall not exceed one hundred (100) feet, except that for each foot that the structure, cluster of structures, or equipment is lowered from the maximum permitted height, the maximum horizontal measurement may increase by one (1) foot.~~

- b. ~~In addition to any other setback requirements, portions of structures or clusters of structures exceeding forty-five (45) feet in height above grade shall be set back a minimum of one (1) foot from the exterior property line of the owner of the underlying fee interest for each foot that the structure or cluster of structures exceeds forty-five (45) feet in height above grade.~~

- e. ~~No structure or cluster of structures exceeding forty-five (45) feet in height above~~

~~grade may be located closer than one hundred fifty (150) feet from any other such structure or cluster of structures.~~

~~d. The cumulative width of the portion of structures exceeding forty-five (45) feet in height above grade shall not exceed more than thirty (30) percent of the average width of the lot as measured by a line drawn parallel to the water.~~

~~e. No structure shall exceed forty-five (45) feet in height above grade within the view corridors established by the projection of the street right-of-way lines of Vaughn Street or Emery Street.~~

~~f.a. For purposes of this section only, m^moveable elements such as cranes and gantries, and connection devices such as conveyors or bridges shall not be subject to the space and bulk requirements, but shall be subject to a determination by the Federal Aviation Administration that the location of such equipment will not create a hazard to navigation. Other rooftop appurtenances shall not exceed the maximum height limits set forth in this section.~~

~~g.b. The applicant must provide a determination from the Federal Aviation Administration that structures and equipment will not exceed the applicable height guidelines for the runway approach and will not create a hazard to navigable airspace. Such a determination shall be accepted as conclusive evidence that the proposed development will not create a hazard.~~

2. For each lot, at least one view corridor of at least ninety (90) feet in width shall be left unbuilt to preserve a clear line of sight between West Commercial Street and the water.

~~h. Accessory uses in structures which exceed forty-five (45) feet in height above grade~~

~~shall not be located higher than forty five
(45) feet within the structure.~~

(Ord. No. 168-93, § 2, 1-4-93)

Sec. 14-320.3. Performance standards.

Proposals in the WPDZ that qualify for Site Plan review shall submit, in addition to the submission requirements of sec. 14-527, an impact mitigation narrative summarizing how the project intends meets the applicable performance standards.

All uses in the waterfront port development zone shall comply with the following standards:

- (a) *Outdoor storage of materials:* Outdoor storage of commodities and materials accessory to normal conduct of business, except pilings and/or cranes, shall be permitted to a maximum height of forty-five (45) feet, and such materials shall be entirely contained, including runoff contaminants and residual material, within a designated area within the lot boundaries.
- (b) *Noise:*
 - 1. The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the waterfront port development zone between the hours of 7:00 p.m. and 7:00 a.m. from industrial facilities or operation commenced on or after July 1, 1988, shall not exceed fifty-five (55) decibels on the A scale at or within the boundaries of any residential zone, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices.
 - 2. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ₁).

3. In addition to the sound level standards otherwise established, facilities or operations established or built in the waterfront port development zone on or after July 1, 1988, shall employ best practicable sound abatement techniques to prevent tonal sounds and impulse sounds or, if such tonal and impulse sounds cannot be prevented, to minimize the impact of such sounds in residential zones. Tonal sound is defined as a sound wave usually perceived as a hum or which because its instantaneous sound pressure varies essentially as a simple sinusoidal function of time. Impulse sounds are defined as sound events characterized by brief excursions of sound pressure, each with a duration of less than one (1) second.
- (c) *Vibration:* 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.
- (d) *Federal and state environmental regulations:* All uses shall comply with federal and state environmental statutes and regulations regarding emissions into the air, except where provisions of this Code are more stringent.
- (e) *Discharges into harbor areas:* 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 parks and public works in accordance with chapter 24, article III of this Code. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of chapter 24, article II of this Code and federal and state environmental statutes and regulations regarding wastewater discharges.
- (f) *Storage of vehicles:* Storage of any unregistered automotive vehicle on the premises for more than sixty (60) days shall not be permitted.
- (g) *Landfill of docking and berthing areas:* Landfill of

docking and berthing areas shall be governed by 38 M.R.S.A. Sections 471 through 478, and permitted only if the landfill does not reduce the amount of linear berthing areas or space, or berthing capacity. If approved, construction shall be undertaken using methods approved by the department of parks and public works and shall be accomplished in accordance with the provisions of division 25 of this article and in a manner so as to ensure that a stable and impermeable wall of acceptable materials will completely contain the fill material and will not permit any fill material to leach into docking areas or navigable waters.

- (h) *Off-street parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article.
- (i) *Off-street loading:* Off-street loading is required as provided in division 21 of this article.
- (j) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.
- (k) *Lighting:* All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones.
- (l) *Signs:* Signs shall be permitted as set forth in division 22 of this article.
- (m) *Storage of pollutants and oily wastes:* On-premises storage of pollutants and oily wastes shall not be permitted for more than forty-five (45) days.
- (n) *Compatibility of nonmarine uses with marine uses:* Nonmarine uses, structures and activities, including but not limited to access, circulation, parking, dumpsters, exterior storage and loading facilities or other structures shall neither unreasonably interfere with the existence or operation of marine uses nor significantly impede access to vessel berthing or other access to the water by existing or potential marine uses.

(o) Design and Visual Character:

1. Building design, including placement and screening of mechanical equipment, shall take into consideration long views to minimize negative visual impact and provide visual interest. Architecturally integrate exposed industrial systems and equipment where practical.
2. Organize massing to emphasize certain parts of the building such as entries, corners, or different uses.
3. Treat all facades, including the roof, with equal level of detail, and articulation.
4. Vary and articulate building facades to add scale and avoid large monotonous walls. Treatments such as texture, color, material changes, or shadow lines or murals must be used to add visual interest and avoid dull, flat, repetitive facades.
5. A scaling or articulation element such as stepback, canopy, or fenestration shall be required for any street-facing façade within fifty (50) feet of West Commercial Street.

(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 240-09/10, 6-21-10)

Western Waterfront: Building Height Zoning Proposed Amendments

Drafting Land Use Regulations
for a
21st Century Port

Summary Presentation

July 18, 2017

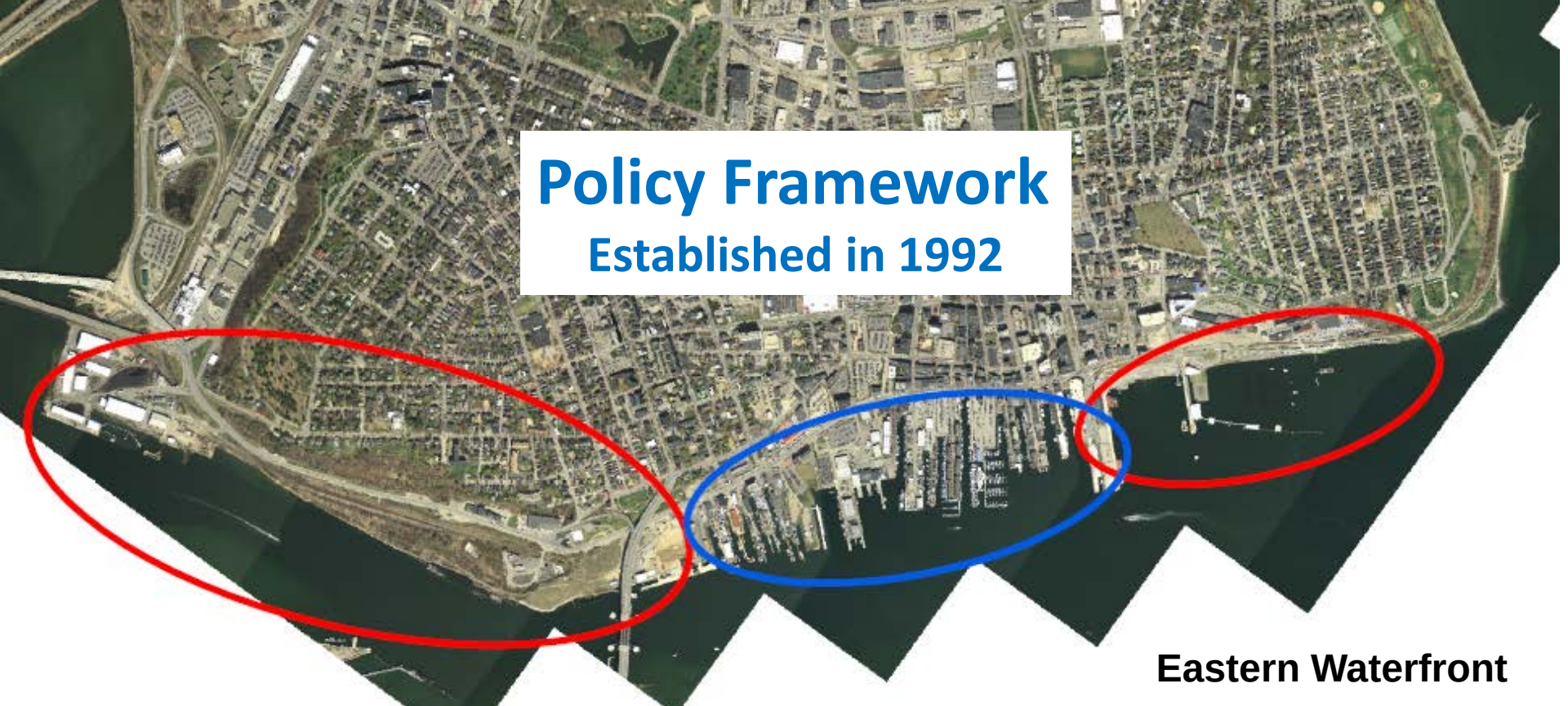
City of Portland

Economic Development Dept



**Purpose: Modernize
Zoning to reflect new
Port Opportunities**





Policy Framework

Established in 1992

Western Waterfront

Deep-water
Marine Industry
Freight

Central Waterfront

Lighter Marine Industry
Mixed Use/Non-marine
Tourism

Eastern Waterfront

Marine Passenger
Mixed Use/Non-marine

Eastern and Central Waterfronts have undergone extensive planning and zoning processes since 1992

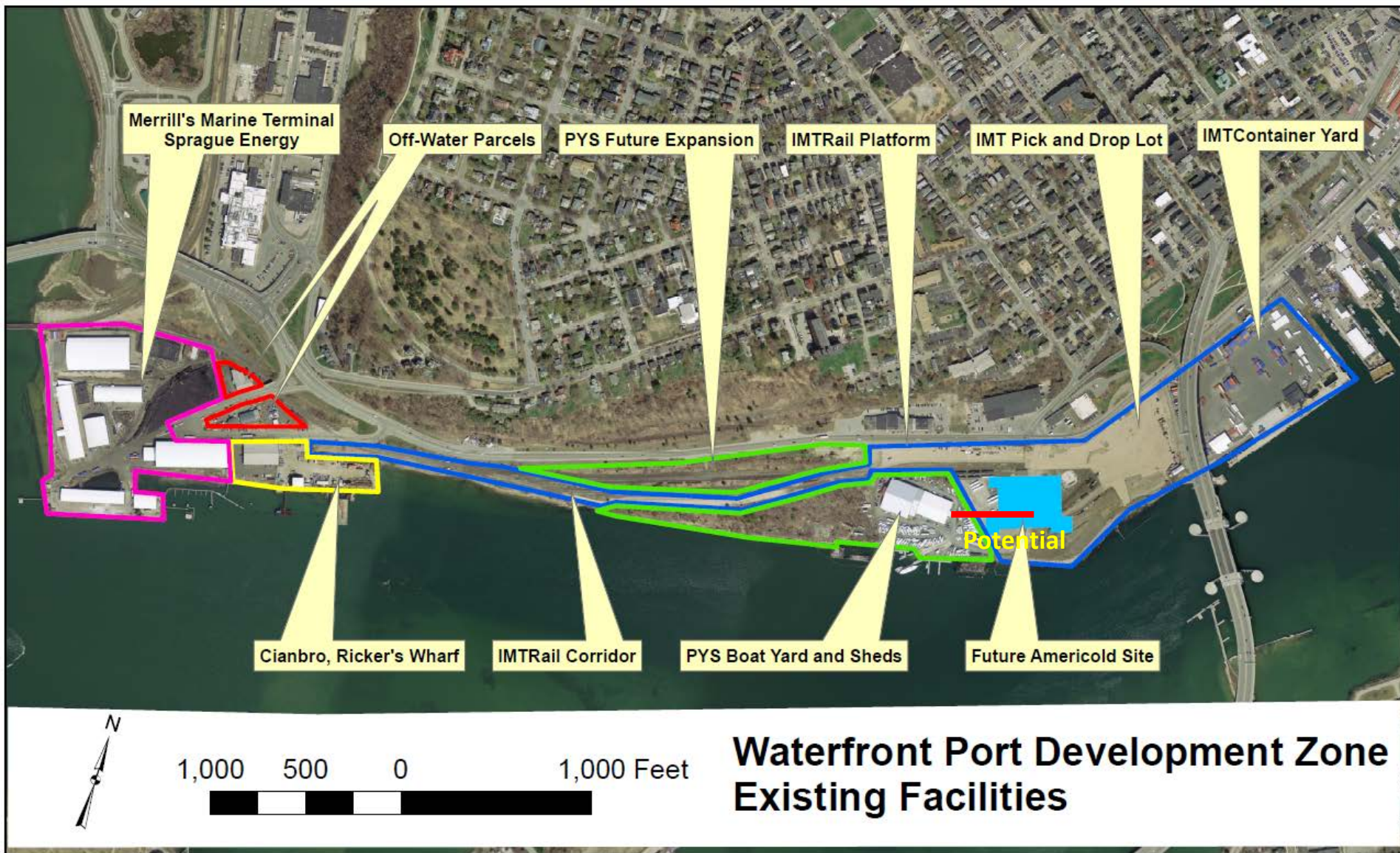
Western Waterfront: Building Height Zoning
Proposed Amendments

WPDZ Extent



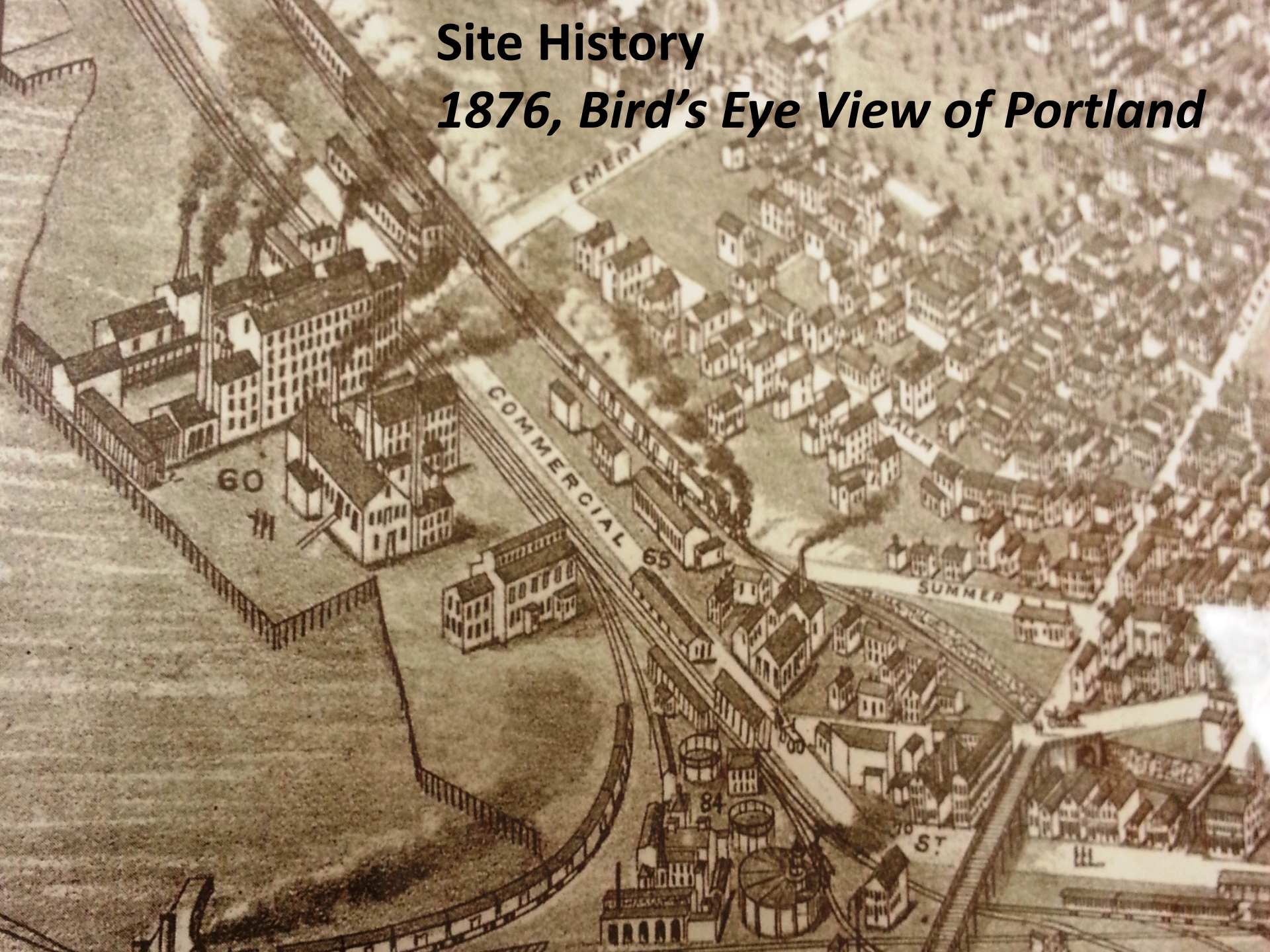
Western Waterfront: Building Height Zoning Proposed Amendments

WPDZ Properties and Uses

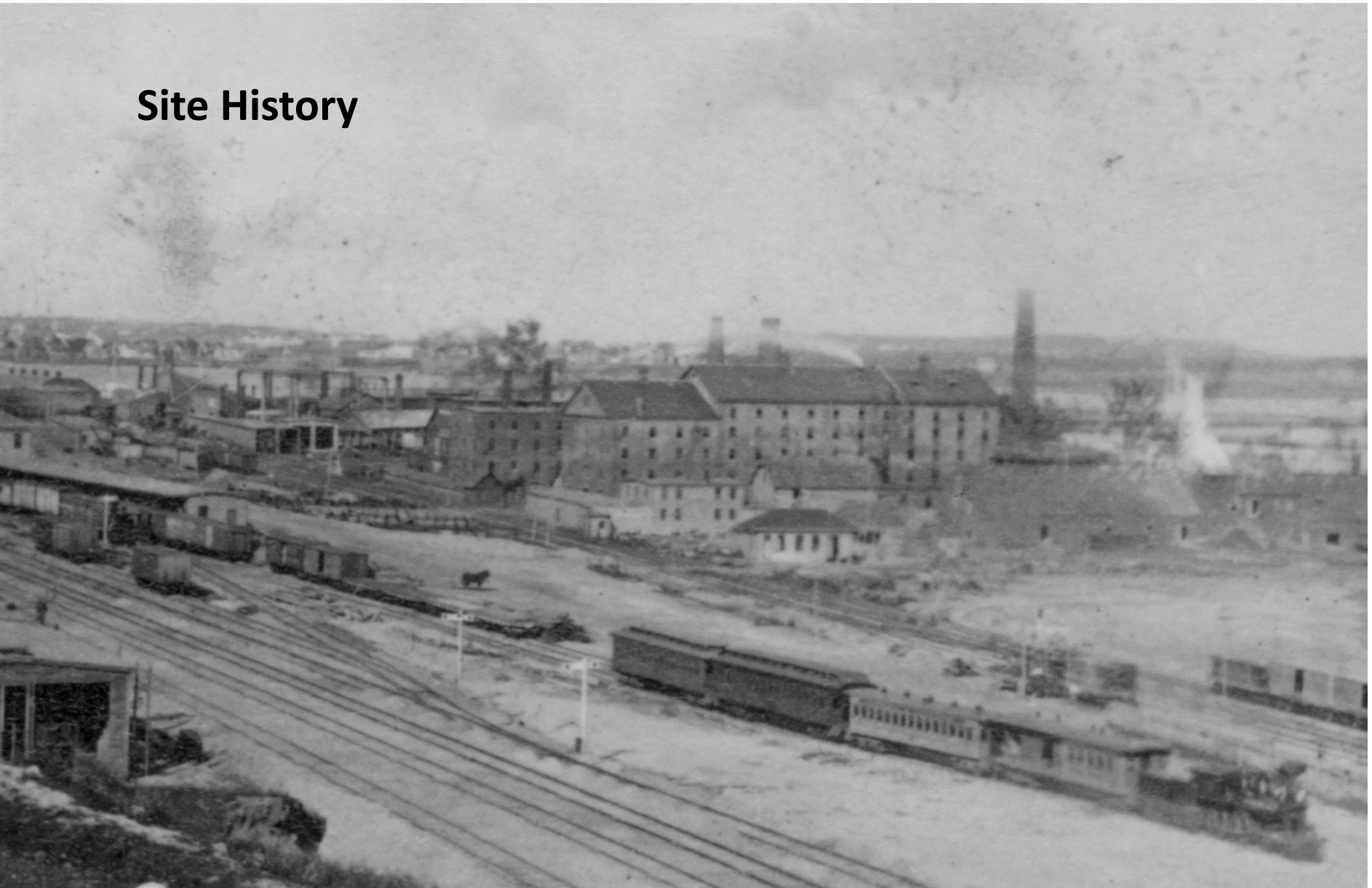


Site History

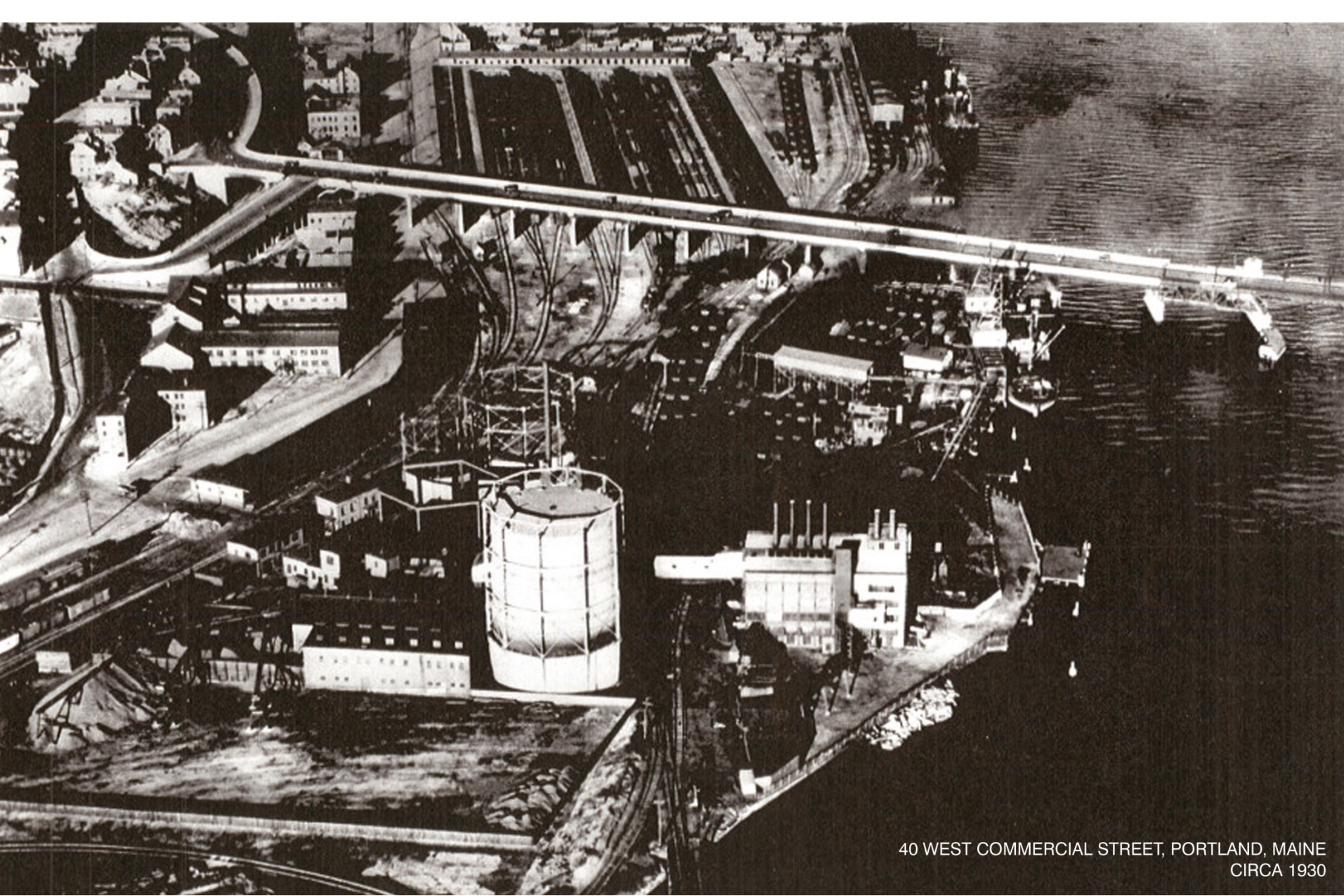
1876, Bird's Eye View of Portland



Site History



West Commercial Street in the late 1800's



40 WEST COMMERCIAL STREET, PORTLAND, MAINE
CIRCA 1930

West Commercial Street in the late 1930's



Western Waterfront: Building Height Zoning Proposed Amendments

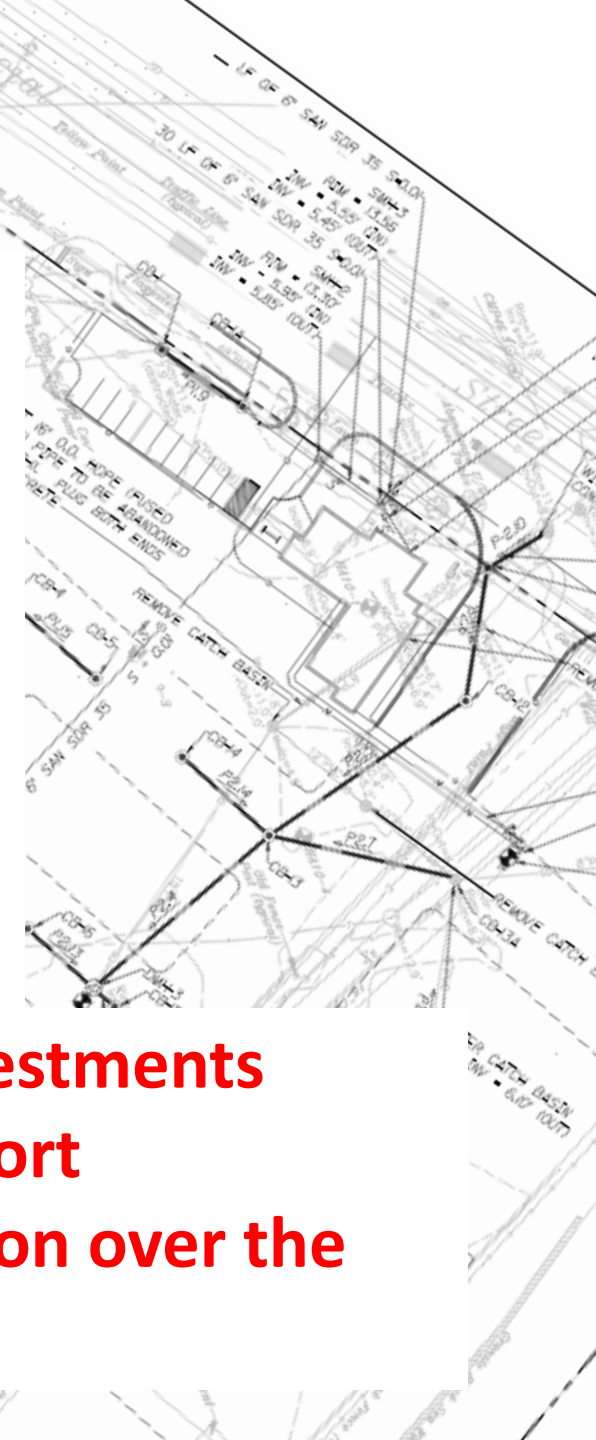
Background:

**Catalyzed by the Maine Port Authority and the
Americold opportunity**

Leverages past State investments that secured the
Western Waterfront as Maine's premier port:

- Casco Bay Bridge
- Veteran's Bridge
- Fore River Parkway
- IMT improvements – 2011 to present
- Future "Fastlane" improvements planned

**Combined Transportation investments
benefiting and premised on Port
development – \$100's of million over the
last 20 years**

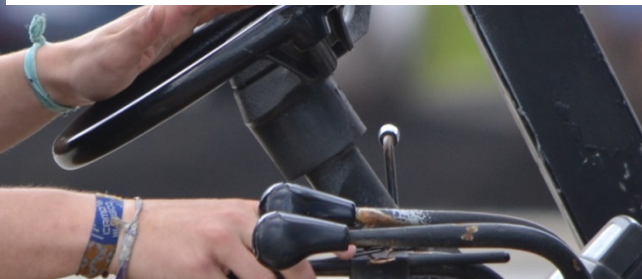


Western Waterfront: Building Height Zoning Proposed Amendments

Why is the WPDZ Zoning Important?

There are huge opportunities for State, regional
and local economy

- Cold Storage solidifies our relationship with **Eimskip**
- **Export** options are transformational opportunities for **Food Manufacturing**
- Adds benefits for **fishing , lobstering, and aquaculture**
- Additional benefits to **vessel repair and small ship service**
- **Bulk Freight** modernization is simplified





Modernized **port zoning** recommits the City as a **port community** for the next generation as consistent with the updated **Comprehensive Plan**

- **4 Planning Board Workshops**
 - **Planning Board site walk**
 - **Neighborhood meeting**
 - **Neighborhood association meetings (WENA and WPNA)**
 - **Waterfront Alliance Public Forum**
 - **On-site building height demonstration**
 - **Multiple meetings with neighborhood leadership**
- Outreach to WPDZ property owners and marine operators**

+/-40 meetings total w/neighborhood reps

Western Waterfront: Building Height Zoning Proposed Amendments

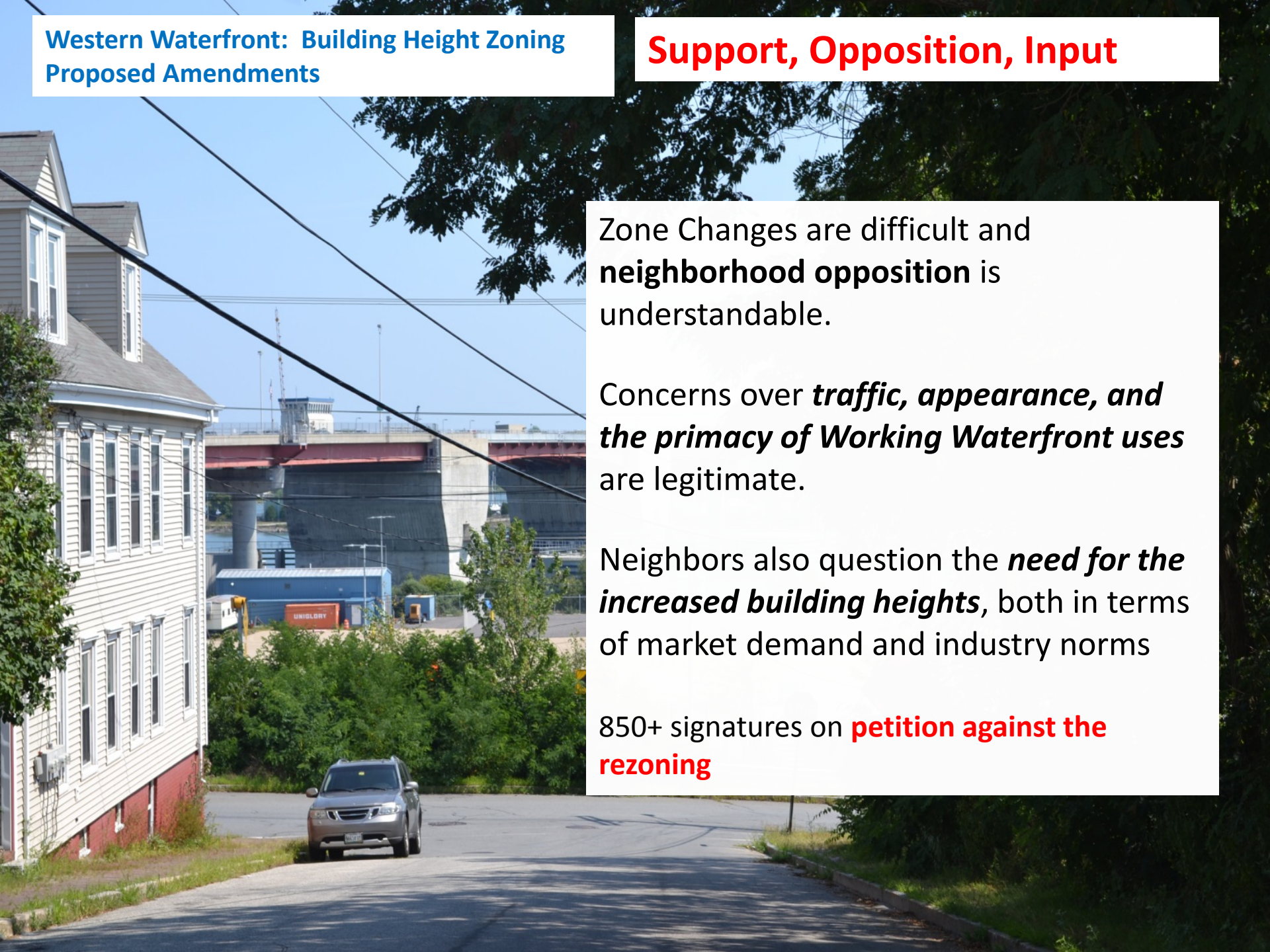
Support, Opposition, Input

Zone Changes are difficult and **neighborhood opposition** is understandable.

Concerns over *traffic, appearance, and the primacy of Working Waterfront uses* are legitimate.

Neighbors also question the *need for the increased building heights*, both in terms of market demand and industry norms

850+ signatures on **petition against the rezoning**



**In addition to opposition, there is
Significant support demonstrated for the rezoning:**

- **Fish Industry** - harvesters, wholesalers, processors
- **Export** interests
- Portland Regional **Chamber of Commerce**
- Portland **Propeller Club**
- **Convention and Visitor Bureau**
- **CEI**
- **GPCOG**
- **Portland Fish Exchange**
- **State Agencies:** MDOT, DMR, ACF, DECD
- Individual Portlanders

Studies performed:

- Mapping and view impact assessment
- Comparative sample of Port Zoning
- Traffic Assessment, TY Lin
- Economic Assessment, Camoin Associates (Cold Storage)
- Visual Assessment of Zoning Impacts, TJ Dewan Associates

Additional supporting material:

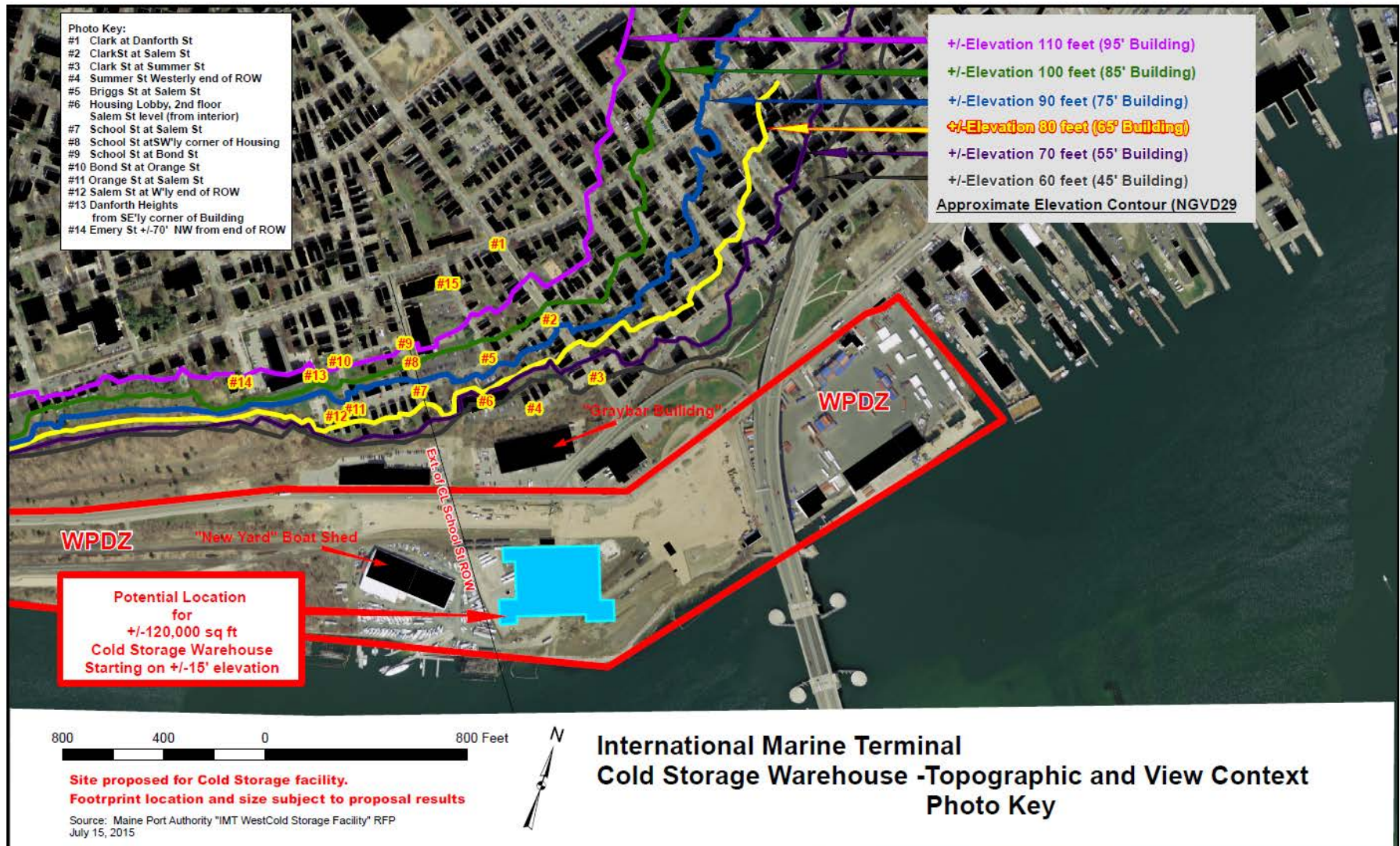
sponsored by the Maine Port Authority by conducted by USM students and GPCOG documenting the benefits of cold Storage.

Neighborhood research and analysis has been significant and contributed to the body of knowledge brought to this process



Western Waterfront: Building Height Zoning Proposed Amendments

Studies performed: Mapping and view impact assessment



WPDZ Building Height Demonstration December 5, 2016



**Western Waterfront: Building Height Zoning
Proposed Amendments**

**WPDZ Building Height Demonstration
December 5, 2016**



70 feet, approximate, east
Lift truck obscured

Approximate area of pote
view impact, waterside ex
estimated

Dec. 2016 On-site Demonstration

Western Waterfront: Building Height Zoning Proposed Amendments

Studies performed: Comparative Port Zoning

Port Zoning for Building Height: Snap Shot of US Port Communities					
Port	Zone	Maximum BLDG Height	Notes		Tonnage In Million Tons, 2010 USACE data
Portland, ME	WPDZ	45'	Waterfront Industrial	Higher for bulk storage in certain areas	18.1 mt Including SoPo
Portsmouth, NH	WI	70'	Waterfront Industrial	45' within 200' of certain waterbodies	2.9mt
New Haven, CT	IH	FAR 4.0	Heavy Industry	No direct limit on height. Bldg bulk regulated by "Floor to Area Ratio"	10mt
	IL	FAR 3.0	Light Industry		
	IM	FAR 2.0	Light Industry/Marine		
	BC	FAR 2.0	Marine Commercial		
Providence, RI	W-3	90'	Port/Maritime Industrial District		7.1mt
N. Kingston, RI (Quonset – Port Davisville)	WI	35'	Waterfront Industrial (Planned business park)	Buildings subject to 200' set back from water	No data – likely included with Prov., RI
	GI	Variable	General Industrial	Will not exceed "line"	
Eastport, ME	I-Zone	35'	Commercial Fisheries		No data
Searsport, ME	M	40'	Mixed commercial		No data
	I	60'	Industrial (including activities)		
Bath, ME	I	60' 100'	Industrial/Shir District		
Belfast, ME	WMU1	35'	Waterfr		
Everett, MA	ID	60'	Indr (including activities)		
Albany, NY	M-I	55'	General Industrial		
Memphis, TN	I-H	100'	Heavy Industrial, Port		
	WD	60'	Waterfront, mixed		
Duluth, MN	I-W	60'	Industrial Waterfront		
Cincinnati, OH	RF-M	100'	Riverfront Manufacturing District	Measured above Flood, Additional height allowed for subject to width restrictions	
Vancouver, WA	I-H	No max	Heavy Industry	Setback requirements apply for buildings over 20'	8.4mt

Port	Zone	Maximum Building Height	Notes		Tonnage
Toledo, OH	IG	No Max	General Industrial	Heavy industry	10.7mt
	IL	No Max	Limited Industrial	Light industry, Warehousing	
Wilmington, DE	M-2	90'	General Industry		4.8mt
	W-1	72'	Waterfront Manufacturing		
	W-2	72'	Waterfront Manufacturing/Commercial		
Anacortez, WA	HM	50'	Heavy Marine	Higher by conditional use	8.4mt
	I	30'-50'	Industrial	Higher by conditional use	
Port Angeles, WA	HI	75'	Heavy Industry		0.7mt
Savannah, GA	IH	No Limit	Heavy Industry		34.7mt
Muskegon, MI	WI-PUD	50'	Waterfront Industrial Planned Unit Development		1.5mt
	WM	50'	Waterfront Marine		
	I-2	60'	Industrial General		
Monroe, MI	WC	40'	Waterfront Commercial		No data
	I-2	40'	General Industrial		
Cheboygan, MI	I-2	60'	Heavy Industrial District	Taller possible in "planned developments" subject to greater setbacks	No data
	I-1	40'	Industrial		No data
		100'	Heavy Industry		55.7mt
		No Regulation	Heavy Industrial (Draft ordinance)		10mt
		35'	Manufacturing - heavy	Higher buildings allowed, subject to increased setbacks (1' additional height for 1' additional set back)	2mt
		35'	Warehouse and Wholesale		
	-4	35'	Outdoor Industrial Use (including mining)		

Conclusion: The proposed zoning is within national norms

TY Lin analysis of recent counts and projected traffic

- Documented congestion issues
- Estimated new traffic generated by development , generally
- Estimated new traffic generated by the upzoning, specifically
- Concluded that taller buildings by themselves **“would not be expected to create traffic congestion or safety issues in the West Commercial Street area.”**



**What capacity is needed?
How tall does Cold Storage need to be?
Is the proposal reasonable?**

Camoin Analysis Approach: Specific to Cold Storage

- National market conditions
- Interviews with potential users of the facility
- Review of comparable facilities
- Review of Woodard & Curran work product for the Maine Port Authority

Summary of Findings

The following are major findings from our assessment of the cold storage market nationally, regionally, and locally:

- Cold storage is **critical and demand is growing**
- **Supply** of cold storage warehousing in the Portland area **is limited**
- A new cold storage would provide additional **capacity and cost savings**
- Cold storage facility must be **price competitive** with Boston
- **Pricing needs economies of scale**
- **Americold's proposed** facility (15,864 pallets) is **reasonable**, by national comparison
- The IMT site's **physical constraints** drive the **proposed building height**
- A **smaller facility** could be **profitable**, **but** likely **not** a **competitive** investment opportunity
- Woodard & Curran model of **capacity utilization** for the Americold proposal is **reasonable**

ESTIMATED ECONOMIC IMPACT OF THE IMT EXPANSION AND PROPOSED COLD STORAGE FACILITY

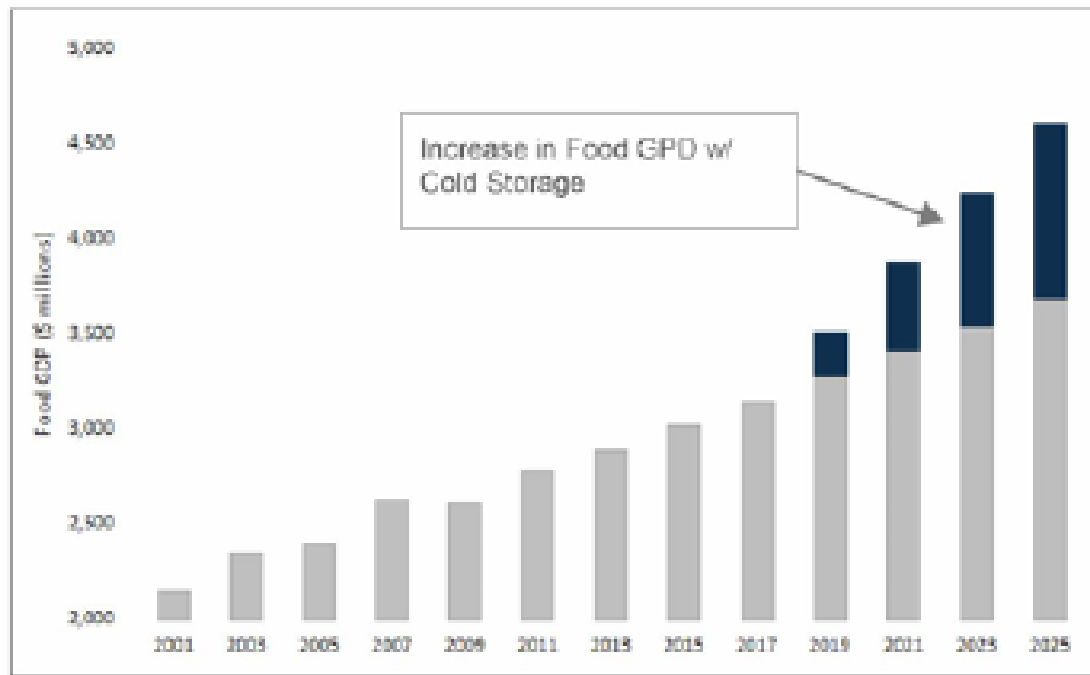
DIRECT FACILITY ECONOMIC IMPACT

Annual Economic Impact of Current Americold Operations at Read Street	
\$301,946	Salaries paid to workers at the Read Street facility in past 12-month period
\$494,728	Payments made to Maine-based subcontractors at the Read Street facility in the past 12-month period
\$77,026	Payments of State and local taxes for the Read Street facility in the past 12-month period
\$873,700	Total for Current Direct Economic Impact of Americold Operations
Projected Future Annual Economic Impact of the Proposed Facility	
\$567,574	Salaries for workers at the proposed facility per year
\$563,266	Payments made to Maine-based subcontractors at the proposed facility per year
\$92,765	Payments of State and local taxes for the proposed facility per year
\$1,223,604	Total for Projected Direct Economic Impact of the Proposed Americold Facility
Total Projected Americold Economic Impact Following the Initiation of Proposed Facility Operations	
\$2,097,304	

DIRECT FACILITY EMPLOYMENT IMPACT

- >> Approximately 186 temporary construction jobs to build the facility
- >> Once operational, approximately 21 permanent Americold jobs including:
 - >> 1 general manager
 - >> 2 manager/supervisory positions
 - >> 4 office clerical/administrative positions
 - >> 3 building/refrigeration/equipment maintenance positions
 - >> 11 lift truck operator positions
- >> Emskip US headquarters relocation will add 15 immediate jobs, which are projected to grow to 50 total positions

POTENTIAL IMPACT TO THE STATEWIDE FOOD ECONOMY



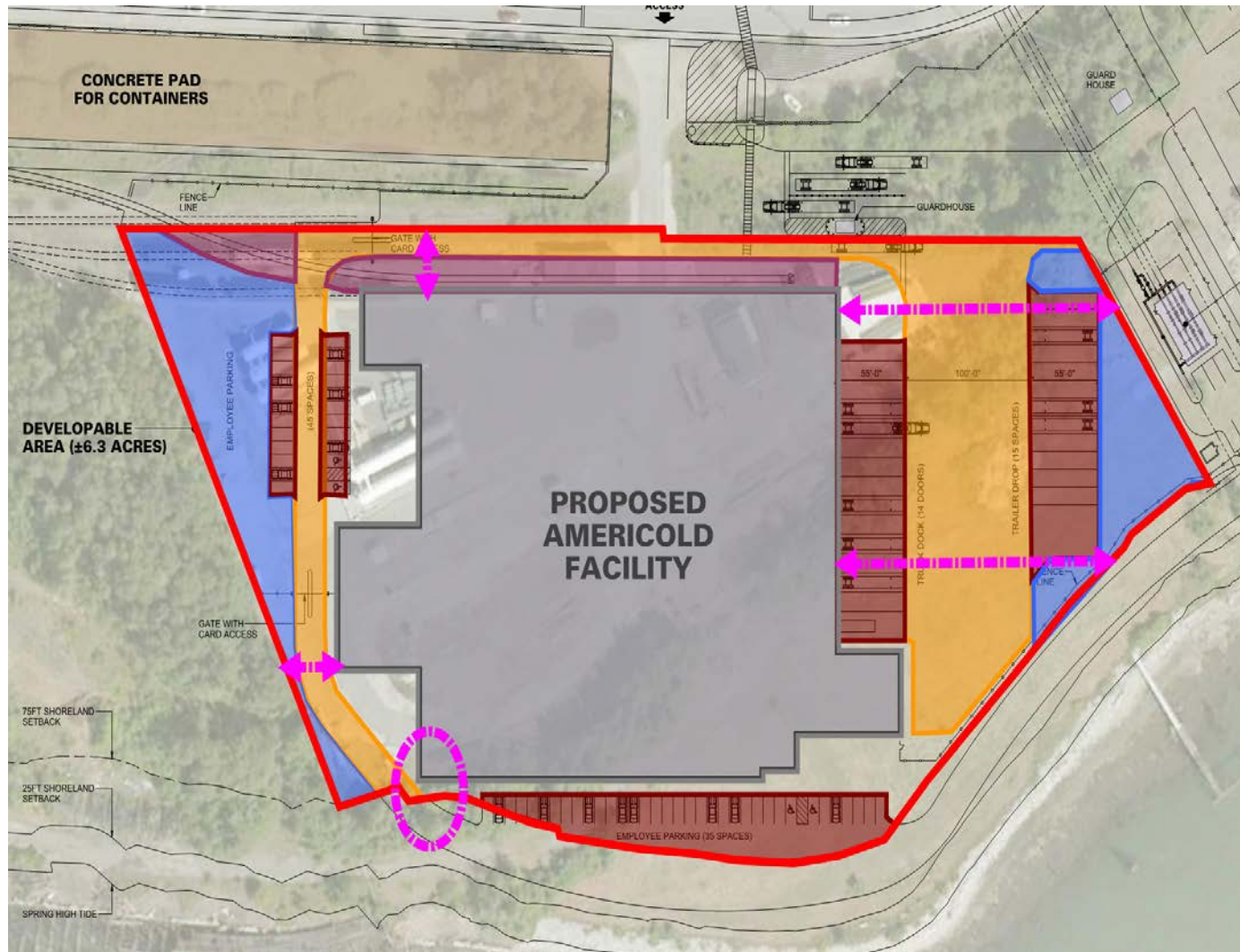
\$500 – \$900 million: Annual long term economic impact of cold storage on food clusters in Maine. The regression analysis depicted above presents the capacity that Maine's food and beverage GDP can grow with the increase of cold storage capacity. It does not mean Maine businesses will grow because of the increased capacity. Data sourced from Bureau of Economic Analysis (2015) and USDA Capacity (2016).

OVERALL IMPACT OF THE INTERNATIONAL MARINE TERMINAL

Annual Economic Impact of International Marine Terminal Expansion				
Component	Jobs	Wages	GDP	Total Impact
Port Operations				
International Marine Terminal operations	272	\$12,744,608	\$17,692,576	\$35,117,341
Economic				
Value of manufactured goods	687	\$34,581,002	\$59,352,970	\$93,933,972
Environmental				
Reduction in mortality, injury, and property damage				\$2,586,770
Reduction in highway maintenance costs				\$8,942,377
Diesel fuel saved				\$18,859,762
Reduction in truck noise				\$855,048
Reduction in emissions and CO ₂				\$11,282,728
Total	959	\$47,325,610	\$77,045,546	\$171,577,998

Western Waterfront: Building Height Zoning Proposed Amendments

Cold Storage Site Utilization



Concept Level Details (All Approximate)

DEVELOPABLE AREA	267,250 SF
BUILDING	120,000 SF
DRIVEWAYS AND TRUCK TURNING	47,850 SF
STORMWATER MGMT TOTAL	28,600 SF
PARKING TOTAL	36,000 SF
RAIL SIDING TOTAL	11,100 SF
NET UNUTILIZED AREA	23,700 SF
% OF AVAILABLE AREA UTILIZED	91%

Explaining the need for taller boat sheds, is comparatively easy:

Bigger boats need bigger sheds

The City of Belfast
has approved
a rezoning to allow a
65' tall
shed at the Front
Street Shipyard



Image courtesy of Phin Sprague showing a CBL vessel
in a competing port

TDJ Associates has created 2D and 3D images of:

- Existing conditions
- Current Zoning
- Proposed Zoning
- “Likely” build out scenario



**Western Waterfront: Building Height Zoning
Proposed Amendments**

**Studies performed: Visual Assessment
TJ Dewan Associates**



Western Waterfront: Building Height Zoning Proposed Amendments

**Studies performed: Visual Assessment
TJ Dewan Associates**



The Maine Port Authority has generated significant supporting material that will be included with the Council Report.

Additional information and documentation for support for the rezoning is available at:

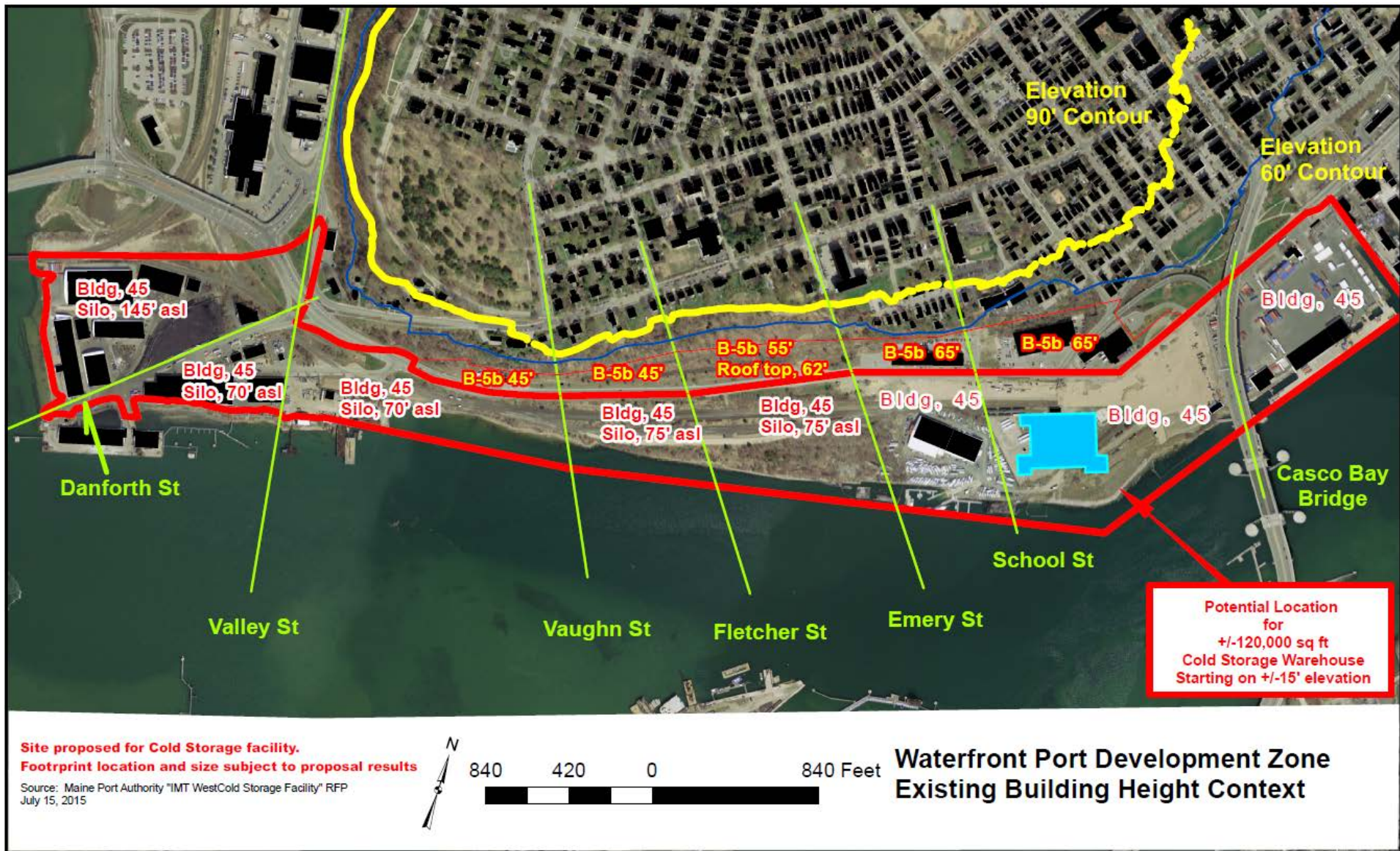
<https://www.foodeconomymaine.com/>

Volumes of background material, reports, public comment, and the complete Planning Board record to date are found on the Planning Division Website at:

<http://www.portlandmaine.gov/1887/Port-Development-Zone-Planning>

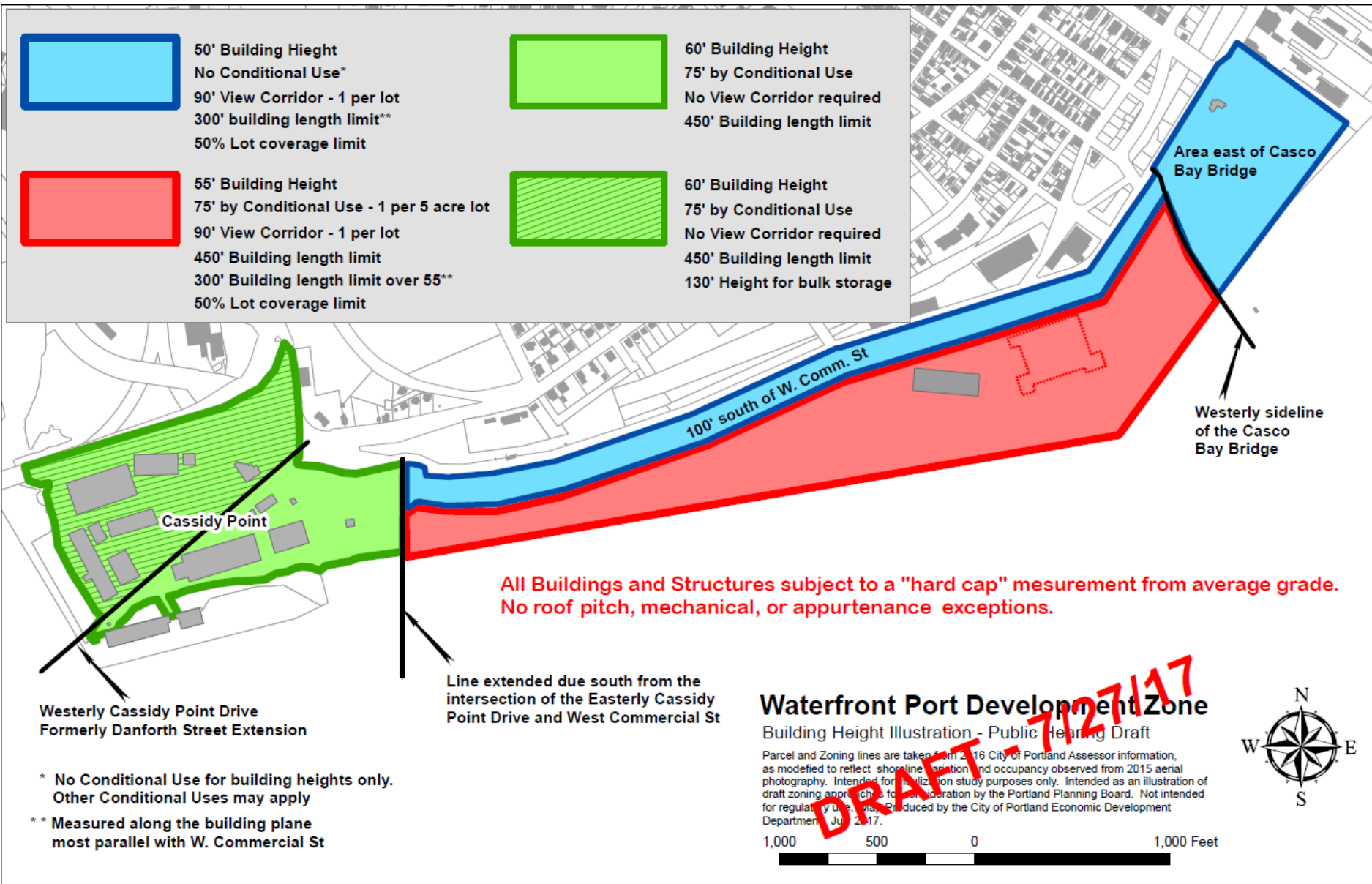
Western Waterfront: Building Height Zoning Proposed Amendments

Existing Zoning



Western Waterfront: Building Height Zoning Proposed Amendments

Proposed Zoning



Questions?



Proposed Text Amendments: The Waterfront Port Development Zone

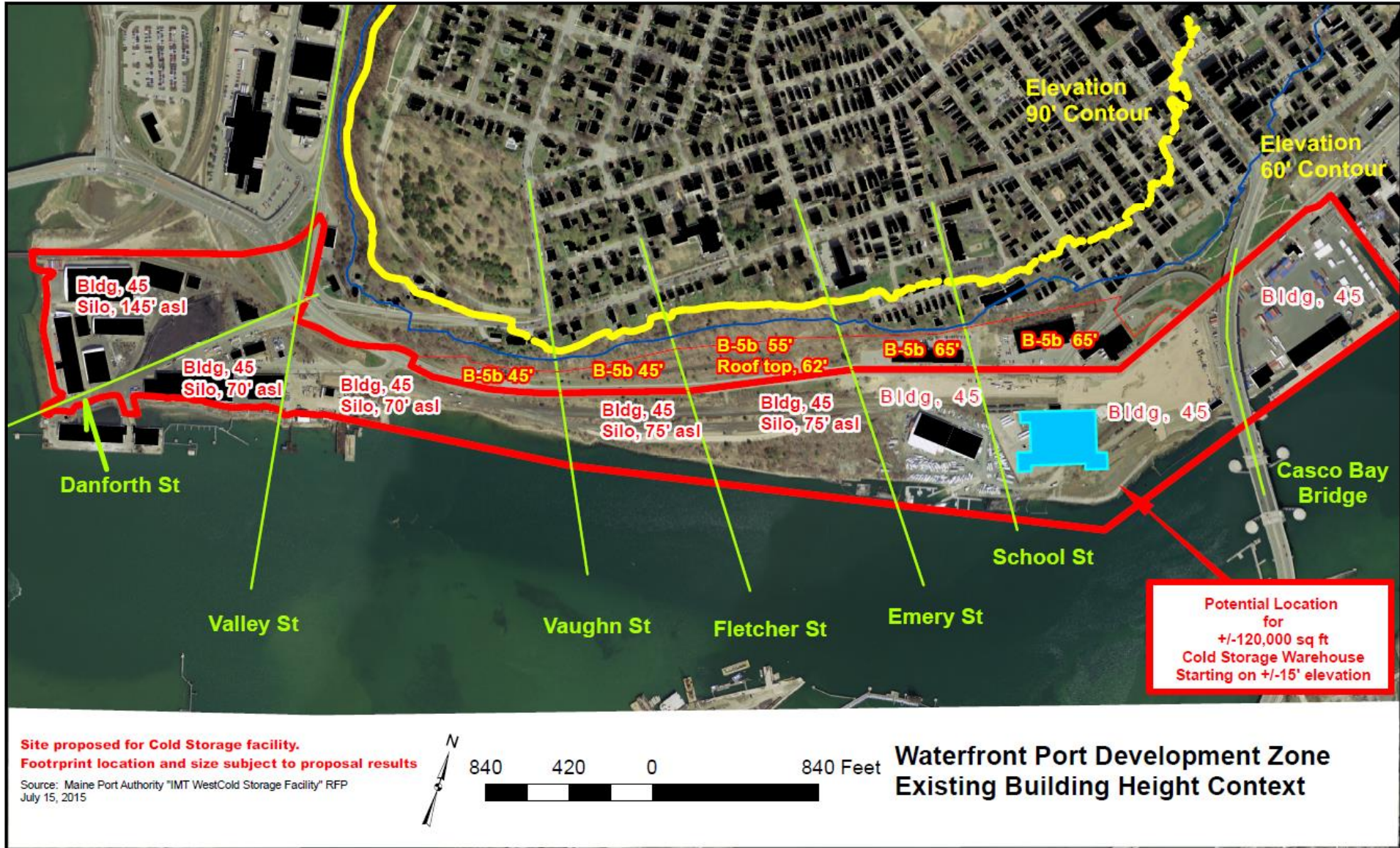
Summary Presentation

August 2, 2017
City of Portland
Planning Division



Western Waterfront: Building Height Zoning Proposed Amendments

Existing Zoning



Western Waterfront: Building Height Zoning Proposed Amendments

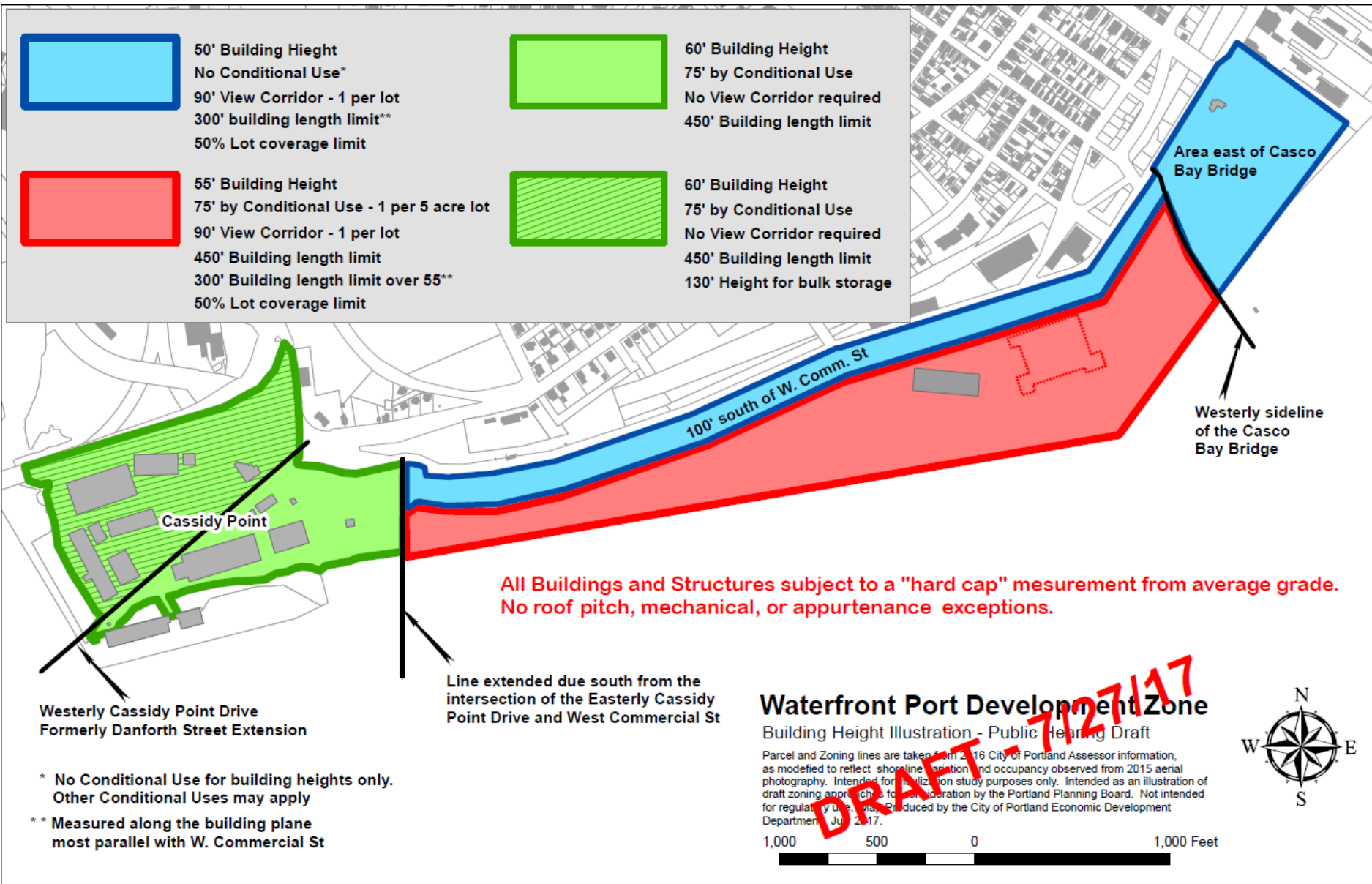
Comparison between Existing and Proposed Language

Comparison of Existing Zoning with Proposed Alternative

Concept	Existing Conditions	Identified Concerns	Proposed Alternative
<u>Building Height</u>	By Right = 45' feet Bulk Storage = 70-145' feet above mean sea level (depending upon location within zone)	By Right: - Prohibitive of compatible development - Not in line with comparative zoning districts found in similarly positioned ports Bulk Storage: - Overly complex dimensional standards - Height measured by two separate standards - Not compatible with relevant industry best practices	By Right = 50' feet - Within 100 feet of West Commercial Street - East of Casco Bay Bridge By Right = 55' feet - East of Cassidy Point - West of Casco Bay Bridge - Greater than 100' feet from West Commercial Street By Right = 60' feet - Cassidy Point Conditional Height = 75' feet for following: - West of Casco Bay Bridge - Greater than 100' feet from West Commercial Street 1 Bldg/5 acre lot (Not including Cassidy Point) Conditional Height = 130' feet for Bulk Storage (Sprague Energy) *All height maximums are hard caps (inclusive of roof forms and appurtenances)
<u>View Corridors</u>	Structures limited to 45' feet within projections of Emery Street and Vaughan Street ROW.	Emery Street - No existing view Vaughan Street - Overlooking unbuildable portion of zone	1 per lot measuring 90' feet in width (excluding Cassidy Point)
<u>Minimum Lot Size</u>	N/A	Minimum lot sizes for taller buildings limits the potential density of such taller buildings	None, except buildings over 60' feet in height shall be located on lots 4 contiguous acres in size or greater
<u>Building Length</u>	By Right = None Bulk Storage = 100' foot maximum horizontal diagonal building width for building built to allotted maximum. Width allotment increases by 1' foot for each foot building height is reduced down to 45' feet. Bulk Storage = For structures over 45' feet, building width capped at 30% of the width of the lot as measured by line parallel with water.	By Right: - Buildings under 45' feet in height could be built along entirety of zone, creating a street canyon effect and negatively impacting gateway feel Bulk Storage: - Overly complex and prescriptive	All Buildings = 450' feet Buildings or Portions of Buildings greater than maximum permissible by-right height = 300' feet Buildings within 100' feet of West Commercial Street = 300' feet

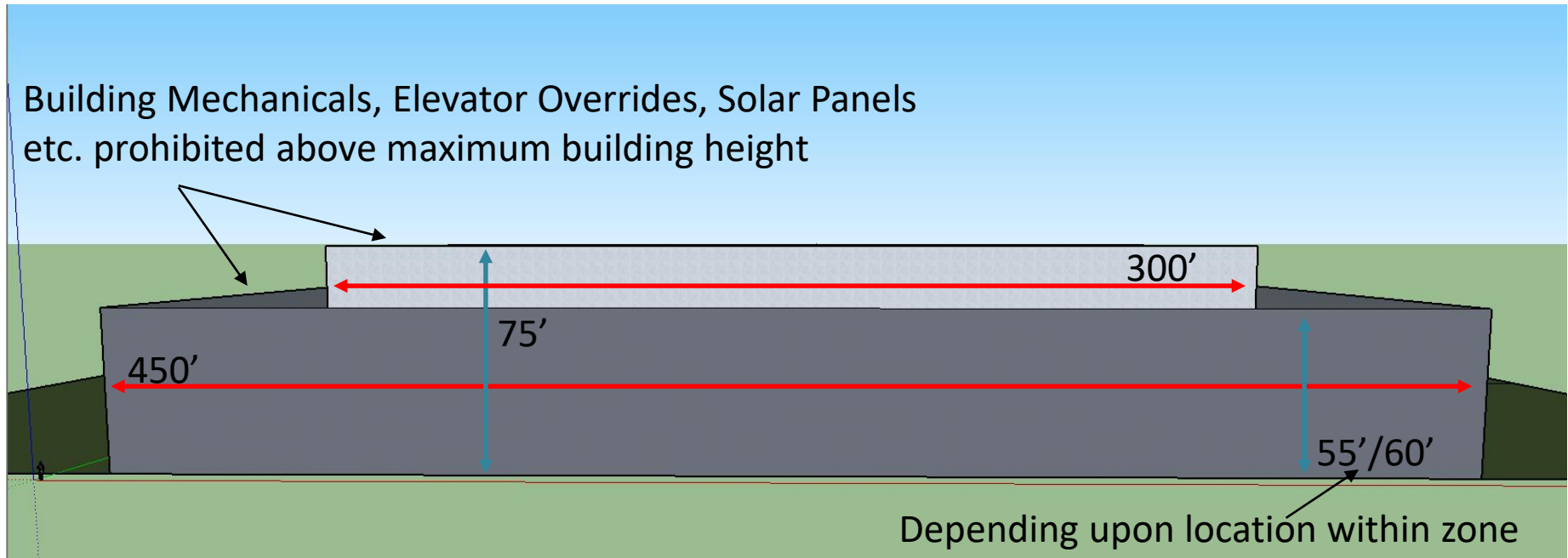
Western Waterfront: Building Height Zoning Proposed Amendments

Proposed Zoning



* No Conditional Use for building heights only.
Other Conditional Uses may apply

** Measured along the building plane
most parallel with W. Commercial St



- Building Heights: Constitute absolute height inclusive of roof forms and appurtenances
- Building Width: Measurement of building façade most parallel with West Commercial Street

Western Waterfront: Building Height Zoning Proposed Amendments

TJD Visual Assessment

SECTION 1

CASSIDY POINT DRIVE
TO DANFORTH STREET

SECTION AERIAL



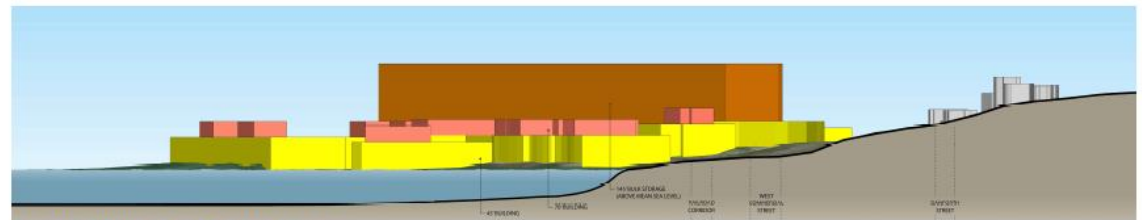
July 7, 2017



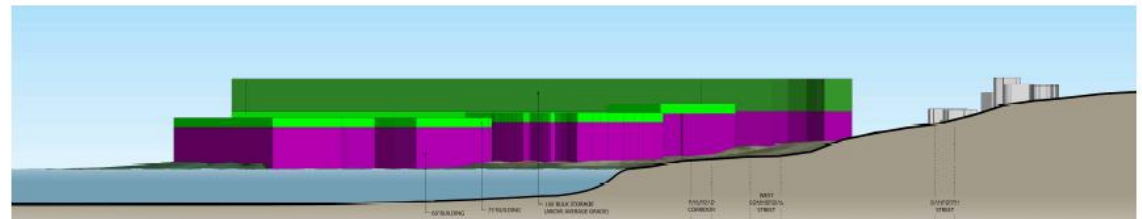
Waterfront Port Development Zone Study



EXISTING CONDITIONS



EXISTING ZONING - Maximum Building Envelope



PROPOSED ZONING - Maximum Building Envelope (potential)



LIKELY BUILD OUT

*Buildings represented as dark gray are dependent on proposed zoning.



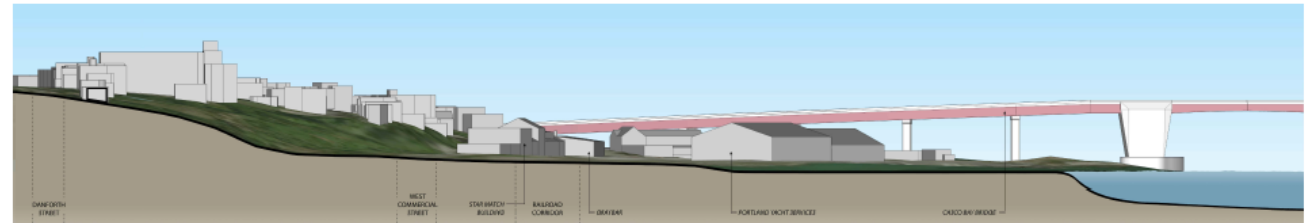
SECTION 2

DANFORTH STREET
TO IMT PARCELS

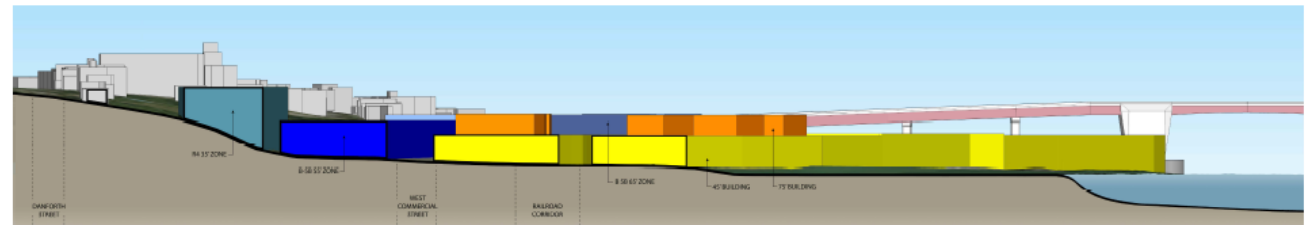
SECTION AERIAL



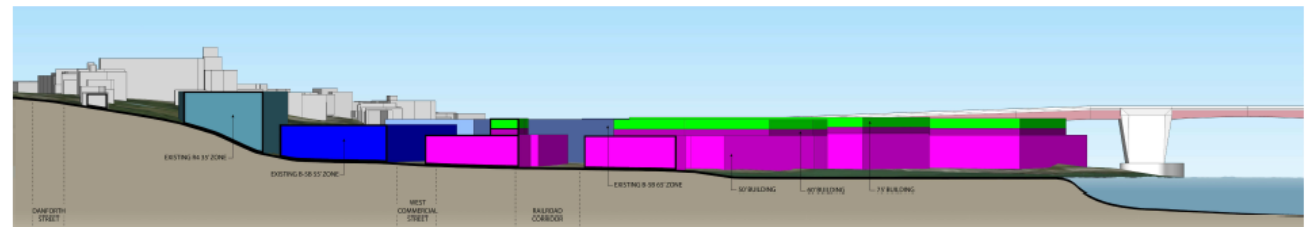
July 7, 2017



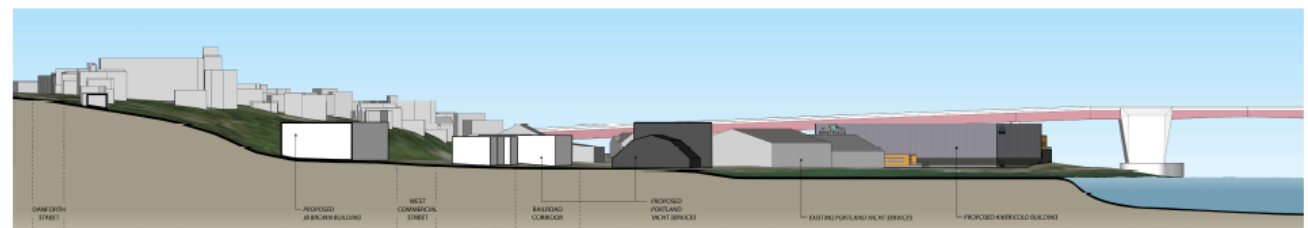
EXISTING CONDITIONS



EXISTING ZONING - Maximum Building Envelope



PROPOSED ZONING - Maximum Building Envelope (potential)



LIKELY BUILD OUT

*Buildings represented as dark gray are dependent on proposed zoning.
Buildings represented as white meet existing zoning.



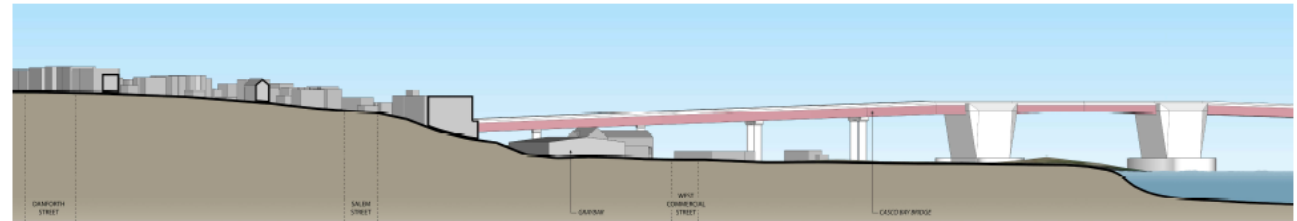
SECTION 3

DANFORTH STREET
TO IMT PARCELS

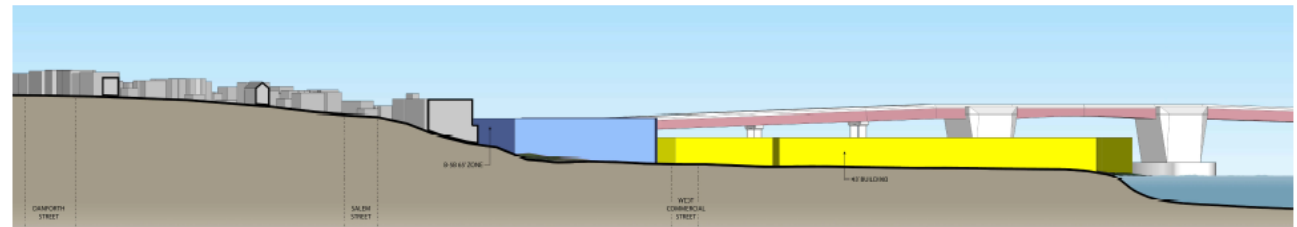
SECTION AERIAL



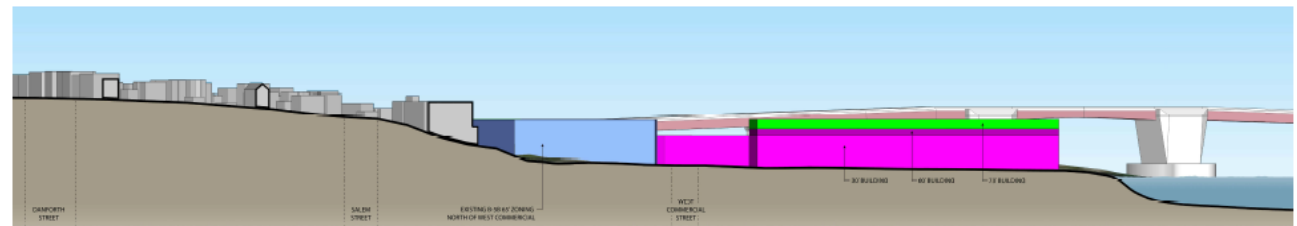
July 7, 2017



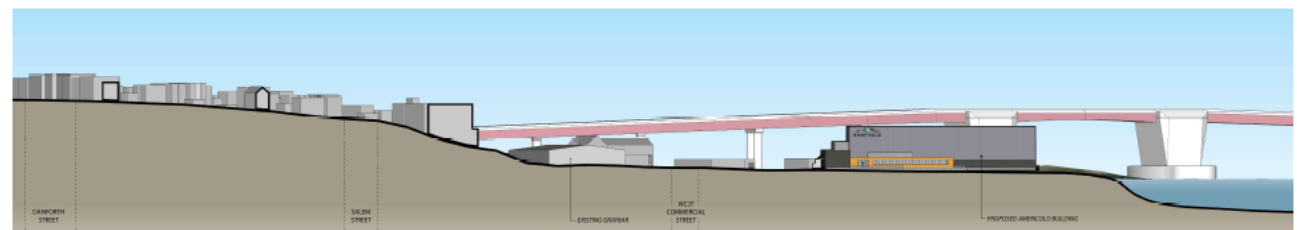
EXISTING CONDITIONS



EXISTING ZONING - Maximum Building Envelope



PROPOSED ZONING - Maximum Building Envelope (potential)



LIKELY BUILD OUT

*Buildings represented as dark gray are dependent on proposed zoning.

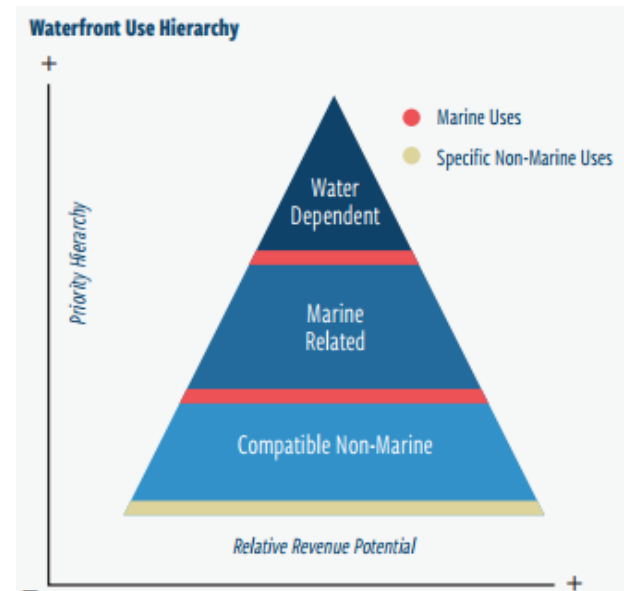


Conditional Uses Shall:

- Not preclude water-dependent development
- Maintain adequate water access for water-dependent uses
- Be compatible with water dependent uses
- Be adaptable to make way for future water-dependent development

Under Further Consideration:

- Conditional height bonus linked to water-dependent or marine uses
- Define and prohibit 'truck to truck' terminal
- Augmented performance standards

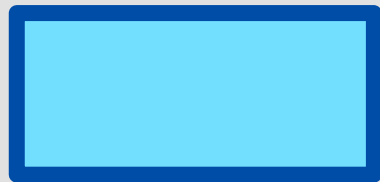


- Public Comment, received testimony from 22 people including:
 - Portland Harbor Commission
 - Maine International Trade Center
 - Portland Chamber of Commerce
 - Maine Lobster Dealers Association
 - Western Promenade Neighborhood Association
 - Commercial Fisherman/Lobsterman
 - Other Residents
- All but one speaker in favor of text amendment
- Topics Touched Upon:
 - Balanced compromise
 - Will facilitate marine-related economic growth
 - Allow for development of crucially important infrastructure
 - Pursue continued efforts for noise mitigation

- Planning Board Recommendation 6-0
- Planning Board Remarks:
 - Excellent example of a healthy public process
 - Correct balance between resident concerns and economic benefits
 - Supportive of ongoing efforts to rework noise regulations
 - Favors comprehensive approach
 - In harmony with Portland's Comprehensive Plan
 - Conditional height bonus rightfully linked to marine uses

Questions?





50' Building Height
No Conditional Use*
90' View Corridor - 1 per lot
300' building length limit**
50% Lot coverage limit



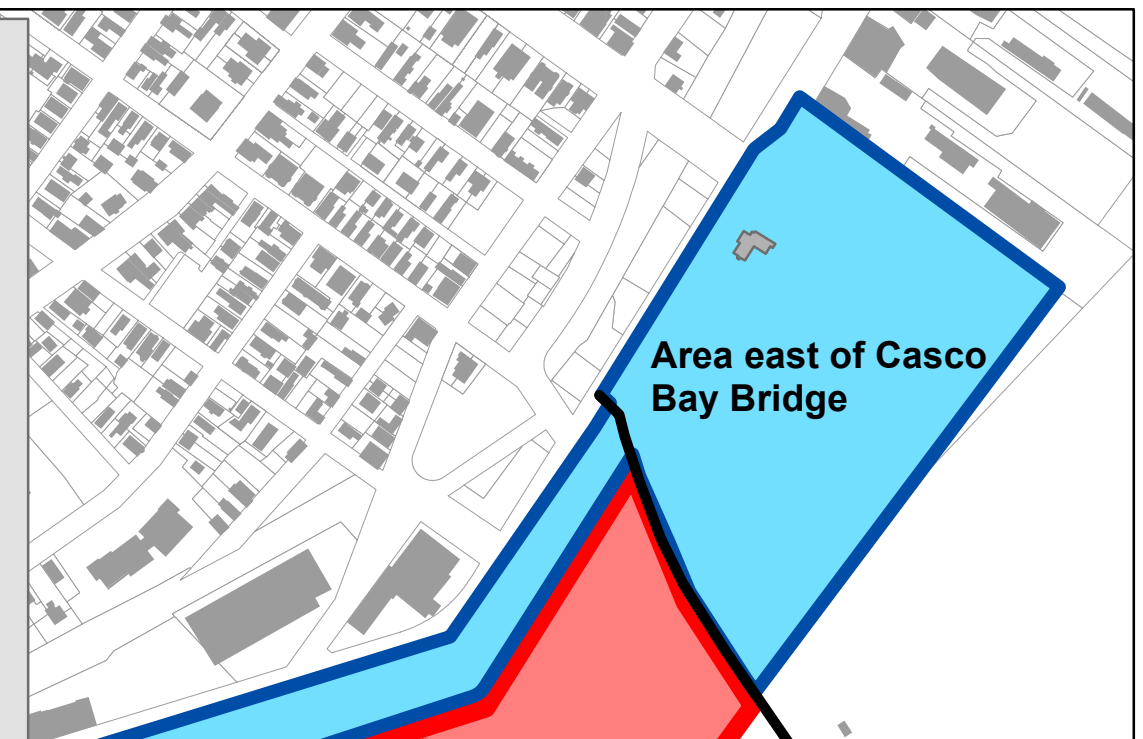
60' Building Height
75' by Conditional Use
No View Corridor required
450' Building length limit



55' Building Height
75' by Conditional Use - 1 per 5 acre lot
90' View Corridor - 1 per lot
450' Building length limit
300' Building length limit over 55**
50% Lot coverage limit

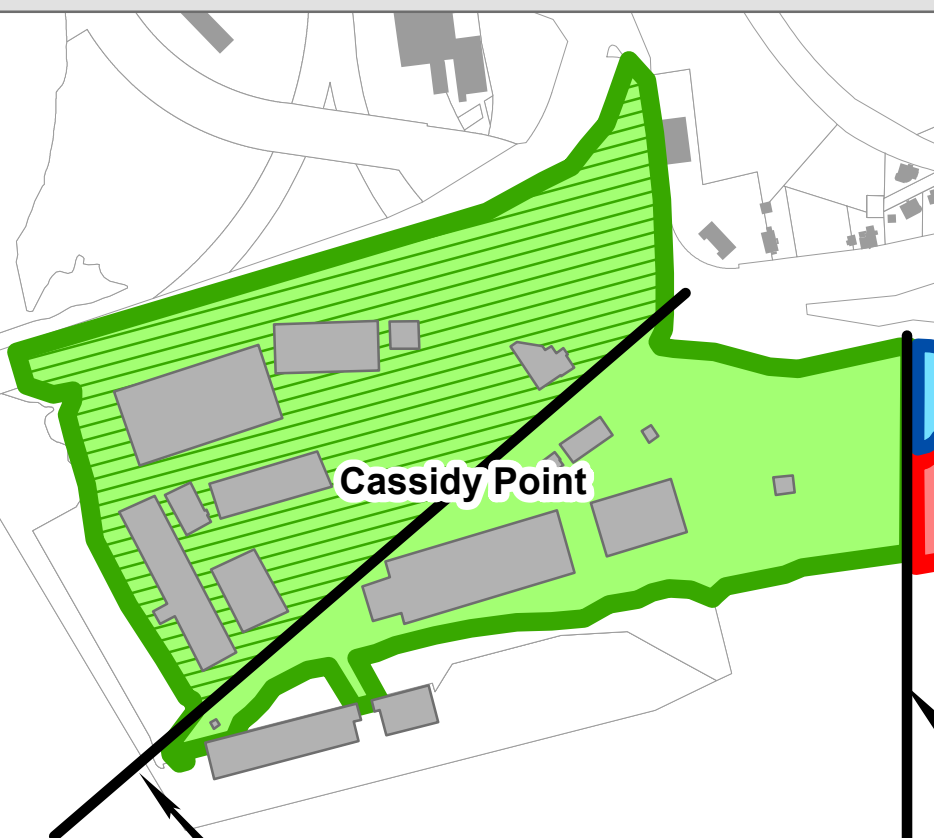


60' Building Height
75' by Conditional Use
No View Corridor required
450' Building length limit
130' Height for bulk storage



Area east of Casco Bay Bridge

Westerly sideline of the Casco Bay Bridge



Cassidy Point

Westerly Cassidy Point Drive
Formerly Danforth Street Extension

Line extended due south from the intersection of the Easterly Cassidy Point Drive and West Commercial St

100' south of W. Comm. St

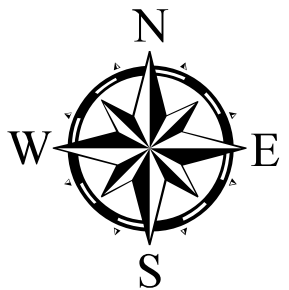
All Buildings and Structures subject to a "hard cap" measurement from average grade.
No roof pitch, mechanical, or appurtenance exceptions.

Waterfront Port Development Zone

Building Height Illustration - Public Hearing Draft

Parcel and Zoning lines are taken from 2016 City of Portland Assessor information, as modified to reflect shoreline variation and occupancy observed from 2015 aerial photography. Intended for visualization study purposes only. Intended as an illustration of draft zoning approaches for consideration by the Portland Planning Board. Not intended for regulatory use. Map Produced by the City of Portland Economic Development Department, July 2017.

1,000 500 0 1,000 Feet



*** No Conditional Use for building heights only.**
Other Conditional Uses may apply

**** Measured along the building plane**
most parallel with W. Commercial St

DRAFT - 7/27/17