



City of Portland
ReCode Committee

Councilor Kimberly Cook, District 5,
Chair Councilor Brian Batson,
District 3 Councilor Justin Costa, District 4

February 25, 2019 5:30 PM
Room 209, City Hall

1. Status Update & Project Timeline
 - a. Recode Updated
 - b. Timeline Phase I & Phase II
2. Staffing and Fiscal Plan
 - a. Staffing Plan Memo
3. Public Involvement
 - a. Overview of public involvement plan
 - b. Examples of Public Outreach Tools for Recode (ADU Sheet V.2)
4. Committee discussion of next steps and topics for future discussion



CITY OF PORTLAND
Planning & Urban Development
Jeff Levine, AICP, Director

To: Council Ad Hoc ReCode Committee

From: Christine Grimando, Acting City Planning Director

Date: February 22, 2019

RE: ReCode Status Update

Background

ReCode Portland is the first re-writing of Portland's Land Use Code since the 1950s. It's not been a static document over the decades, having been amended many times in response to changing city needs, but it is long, complex, and in some respects does not reflect current needs as well as it could. The goals of the ReCode effort are to 1) streamline and simplify the Code; 2) Ensure consistency across the Code; 3) introduce visuals and a more accessible format to make it a more accessible and user-friendly document; and 4) align the Code with Portland's comprehensive plan, [Portland's Plan 2030](#).

The recent implementation of *Portland's Plan* makes this project particularly timely because of the tremendous amount of public input received from the community during that process on priorities in regard to neighborhood character, housing options, transportation options, open space, and environmental protection, among others, all of which have implications for the city's land use regulations. A comprehensive plan is meant to guide a community's growth through land use regulations and public investments consistent with its comprehensive plan (30-A M.R.S.A. § 4352 and comprehensive plan criteria), and so implementation of *Portland's Plan* means that it is an excellent opportunity to evaluate existing regulations for consistency with the vision and goals of the new plan.

Work-to-Date

The work plan for the ReCode is envisioned as two primary phases. Phase I is largely organizational, evaluating the code as a whole for an improved structure to present the large amount of information it contains. At 947 pages, it includes sections on: Administration, Definitions, Nonconformities, Standards for each base and overlay zone (use, dimensional), Shoreland Zoning, Flood Plain Management, Site Plan standards, Subdivision standards, Historic Preservation, Housing Policy, Parking, Signs, Alternative Energy, Public Art, and Home Occupations. Some of these elements can be transferred to the new code with little change. Flood Plain, for instance, is not structurally connected to many other sections and won't warrant extensive changes. Other sections present an opportunity

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for more substantial reworking. Definitions, for instance, are currently scattered throughout the Land Use Code, often with repeated or overlapping definitions in different chapters; ReCode would compile all definitions in one section for easier access and eliminate redundancies. Zoning sections are currently structured by individual zone. This isn't an unfeasible way to present zoning standards, but it does create a great deal of redundancy throughout the code. ReCode Phase I proposes to reorganize and reformat the entire code, including having chapters dedicated to Use Standards and Dimensional Standards.

Phase I includes several areas of substantive change in addition to the reorganization:

1. Impact Fees

The creation of an Impact Fee system, to provide a more predictable and systematic way to assess the impacts of new development on City infrastructure, began as a study in early summer 2018 with the technical assistance of a consulting team, Tischler Bise, Inc. It was adopted as an ordinance in November 2018. A full summary of the topic and key documents are also included on the ReCode webpage: <https://www.recodeportland.me/impact-fee-study>

2. Sign Regulations

Rewriting the sign code (currently Division 22) is underway with the assistance of Lisa Wise Consulting. Signs particularly lend themselves to be more visual than the current regulations are, with graphics of sign types, measurement methods, and easier to read tables. In recent years there have been changes to signs case law that make the timing of this rewrite, and the inclusion of a consultant team familiar with the changing legal landscape of regulating signs, particularly appropriate for early inclusion in Phase I. Sign technology and terminology has also changed since the section has last been revised, and this provides an opportunity to address new sign types, as well as check-in with stakeholders about what's working best and what warrants improvement in regard to signage. To-date there have been stakeholder meetings, a code audit to assess issues and needs of the current regulations, as well as frequent communication and collaboration with the consulting team as they've developed a new draft for review. We anticipate delivery of a draft sign code in the second half of March. Additional background on this initiative is posted on the ReCode website, and as we move into public discussion of the draft sign code additional information will be included here, as well: <https://www.recodeportland.me/sign-regulations>

3. Accessory Dwelling Units

Changes to Accessory Dwelling Units (ADUs) are also included in Phase I. The Land Use Code currently permits ADUs in multiple zones, but standards vary widely. Changes to ADU standards would consolidate and simplify standards for them city-wide, create a unified approach, and remove requirements that may be discouraging use of this important tool. Information on ADUs is available here: <https://www.recodeportland.me/accessory-dwelling-units> and will be updated with additional documents as the initiative progresses.

Phase II of ReCode will include an assessment of where the Land Use Code could be better aligned to achieve the goals of *Portland's Plan*. Evaluating zoning for whether Complete Neighborhoods (stated in the Future Land Use chapter as the principle that all areas of the city should provide all residents access to the basic necessities of daily life - high quality and affordable housing, schools and other civic functions, food, open space, other amenities and services - within a walkable, bikeable distance) can be achieved within current regulations is one example of this assessment. Assessing the suitability of zoning in areas identified as priority growth areas is another (see Priority Nodes &

Corridors map) among numerous goals and strategies with implications for the Land Use Code identified in *Portland's Plan*.

Public Involvement Process

When complete, the exercise of fully rewriting the City's land use code will have spanned multiple years and included numerous smaller sub-components, all designed to culminate in a leaner, easier-to-use code that more closely aligns with *Portland's Plan* and the vision

behind it. The duration and the complexity of the ReCode effort call for a multi-faceted public involvement process, which creates both opportunities for the public to engage on its own terms and also actively cultivates involvement at critical moments in the project timeline.

To this end, the public involvement plan for the ReCode includes both an element of continuous public outreach, as well as more punctuated, active public engagement around particular policy issues. Both of these strands of public involvement are designed to leverage the previous engagement work completed for *Portland's Plan*. The public involvement will:

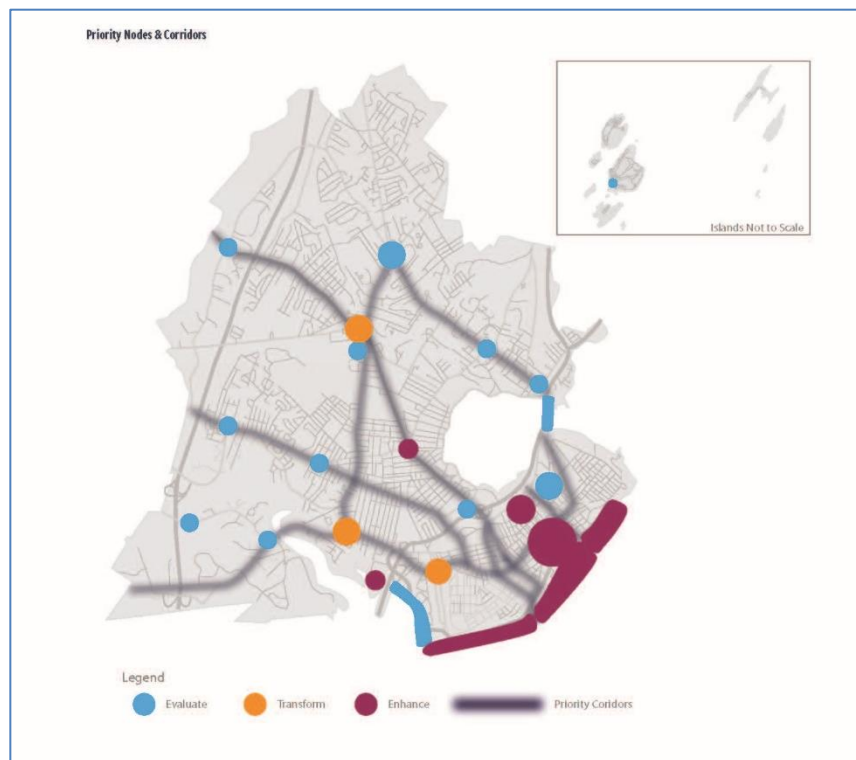
1. Capitalize on the work of *Portland's Plan*

The public involvement for the ReCode will borrow heavily from the work completed by the Department of Planning and Urban Development in the city's most recent comprehensive planning exercise. That public involvement included a number of visioning and goal-setting exercises which directly relate to policy within the land use code. This previous feedback will be integrated into the ReCode. In addition, all public involvement materials for the ReCode will relate graphically to *Portland's Plan*, visually conveying the message of continuity.

2. Provide opportunities for continuous engagement

ReCode website: In order to create opportunities for the public to engage with the ReCode at their own discretion, the Department of Planning and Urban Development will continue to populate the ReCode website at www.recodeportland.me. The website includes general information on the ReCode, pages related to particular code content, a public involvement page which can be used to notify the public of upcoming events, and also newsletter subscription and direct contact functionality. In the time since the website's launch in May of 2018, the site has seen over 1,000 unique visitors. The Department of Planning & Urban Development anticipates heavier use of the ReCode website in the coming months, as Phase I proceeds.

Contact us: The Department of Planning & Urban Development will also continue to make itself accessible through a number of more direct channels, including direct email through



Priority Nodes & Corridors, Future Land Use map

recode@portlandmaine.gov.

3. Seek out public involvement through punctuated, targeted engagement

The ReCode process has included, and will continue to include, more active public engagement on particular topics and issues:

Phase I Community Conversations: In the summer and fall of 2017, Planning & Urban Development staff participated in 13 neighborhood association meetings, introducing the ReCode process and leading attendees in a neighborhood-based analysis of strengths, weaknesses, opportunities, and threats (SWOT) as they relate to the land use code. These community conversations provided valuable information about the ways that neighborhoods perceive their physical space, their concerns, and their objectives. Conversations were documented as summaries of the SWOT exercises for each.

Targeted outreach on particular policy issues: The public involvement for the ReCode has and will continue to involve additional targeted outreach, including the use of stakeholder groups, focus groups, public forums, and use of the project website.

Phase II Community Conversations

Staff anticipates a second round of community conversations at the start of Phase II, where staff will engage the public more heavily on the content of the land use code. As of now, these community conversations are anticipated to follow much the same pattern as the first, with staff attending neighborhood association meetings and leading attendees through structured exercises to elicit important input on critical code issues.

E-Feedback

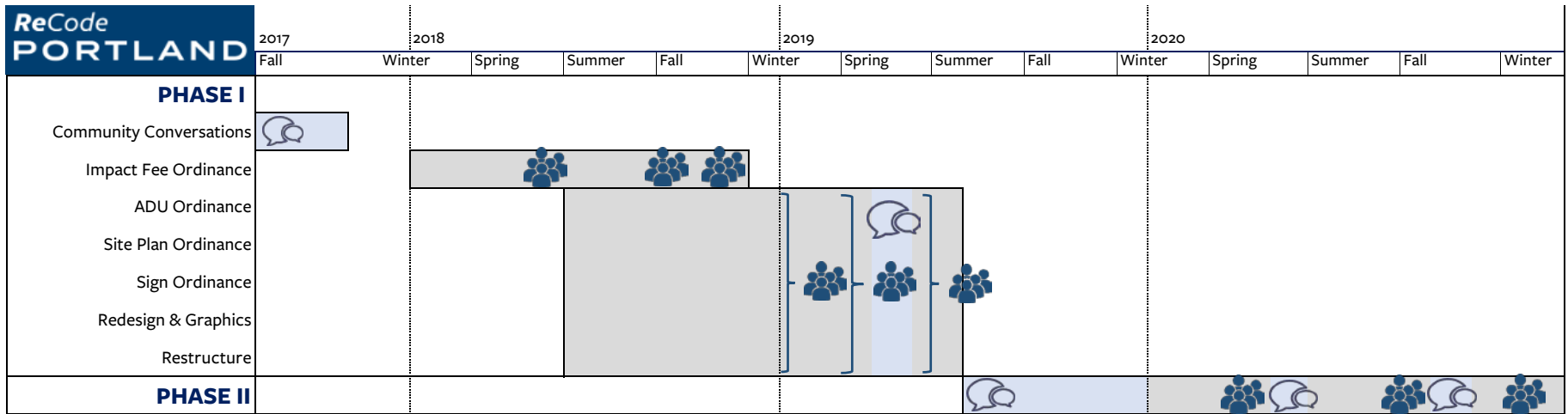
As drafts of portions of the ReCode become available, staff has identified online platforms that allow the public to provide direct comments on drafts of sections of the new ReCode, starting with the new sign regulations.

Regular Planning Board, Ad Hoc Committee, and Council workshops/hearings

Last, the public will have more formal opportunities to engage with the ReCode through public workshops and hearings before the Planning Board, the Council Ad Hoc Committee, and the full City Council.

Next Steps

Next steps include review of the draft sign code, continued development of a new ADU ordinance, and continued progress on reorganizing the overall framework of the Land Use Code. Review of the draft sign code at an upcoming Planning Board workshop is anticipated in the coming months.



 Review by Planning Board and/or Ad Hoc Committee

 Community event/public involvement



CITY OF PORTLAND
Planning & Urban Development
Jeff Levine, AICP, Director

To: Council Ad Hoc ReCode Committee

From: Jeff Levine, Planning & Urban Development Director

Date: February 15, 2019

RE: Staffing and Fiscal Plan for ReCode

We are utilizing a combination of in-house talent and consultant assistance on the ReCode effort. In previous similar efforts I have been both an in-house approach and reliance on a consultant team. I have never found either approach to be fully satisfactory. We have instead chosen a hybrid approach similar to the one we used for *Portland's Plan*. We found that approach to work well and be responsive to residents, policy leaders and staff, as well as to produce a superior product.

Staff Resources

In the FY2019 budget, we had allocated approximately 0.75-1.0 FTE staff time to the ReCode effort. Thanks to the City Manager and Council our budget included resources accordingly. A combination of unexpected work plan additions and staff turnover has reduced that commitment, but we have invested about 0.5 FTE to the effort. Going forward, we would plan to return to a 0.75-1.0 FTE time commitment going forward.

We have created an internal work team as follows:

- Christine Grimando has been serving as the team manager and will continue to do so. In addition to overall management, she is responsible for overall document formatting and coherency. She is also leading the effort on our definitions chapter and managing consultant work on the site plan ordinance and the sign ordinance.
- Nell Donaldson is a key senior member of our team. She drafted our new impact fee ordinance and managed consultant analysis supporting that ordinance. She is also working on the dimensional and parking sections of the ordinance.
- Matt Grooms is an experienced planner who is drafting our proposed accessory dwelling unit ordinance and working on other portions of the project as assigned.
- Victoria Volent has been working on changes to Division 30 related to affordable housing and density incentives along the growth corridors identified in Portland's Plan;
- I am providing overall Quality Assurance and Control, and have also been working on the use section of the ordinance.
- As a team, we are providing public outreach and communication, including keeping the recodeportland.me web page up to date, responding to queries and questions, and organizing public outreach efforts.

Consultant Resources

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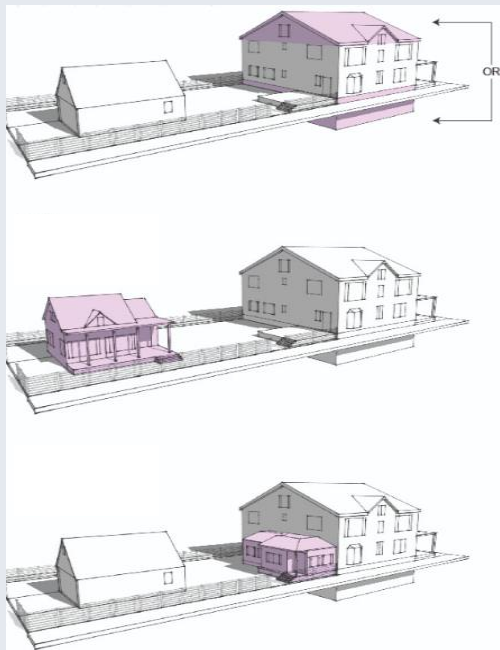
We have been fortunate to have funding for consultant services as needed for this project. We have used those resources at key points to keep the project moving and to provide specialized expertise on subject areas. Specifically, we have used consultant to:

- Design, launch, and provide major updates to the ReCode Portland web page;
- Provide the data analysis and fee levels for the impact fee ordinance; and
- Draft a revised sign ordinance.

We are currently working with a consultant who is drafting a new site plan ordinance. We will also be issuing a request for a consultant to provide architectural illustrations for the new code. Going into FY20, we expect to use consultants for final formatting, proofreading, indexing and printing as Phase 1 moves forward, as well as other projects related to remaining portions of the code as needed.



Accessory Dwelling Units (ADUs)



Source:

What is an ADU?

An ADU is an additional living quarter that is independent of and wholly contained within a principal building or attached/detached accessory structure (such as garage) on property where a single or two-family dwelling unit is the principal use. ADUs are equipped with kitchen and bathroom facilities and are typically subject to standards related to placement on a lot, design, and size. An ADU within a single-family home is distinguished from a duplex, for example, because the ADU is intended to be clearly subordinate in scale and placement in relation to the primary residence.

Where can I find more information?

<https://www.recodeportland.me/accessory-dwelling-units>

<https://www.planning.org/knowledgebase/accessory-dwellings/>



POLICY GOAL

Establish a uniform definition and set of easily accessible city-wide requirements that would facilitate the development of ADUs as a means of expanding housing choice, supporting aging-in-place, increasing density, and encouraging year-round communities on Portland's islands.



CURRENT POLICY

In all zones, ADUs are identified as conditional uses, subject to additional standards and increased oversight by either the Zoning Board of Appeals or Planning Board, case depending.

While permitted as a conditional use within almost every residential zone, existing ADU standards differ from zone to zone. For example, the R-1, R-2 and R-3 permit ADUs so long as the total floor area does not exceed 30%, whereas in the IR-1 and IR-2, the limit is 35%.

ADUs are limited in form to those found within a principal residential structure, or within an attached addition to that structure. ADUs within detached accessory structure and or stand-alone tiny homes are not permitted.



PROPOSED POLICY

- Permitted use city-wide
- Allow on lawfully conforming and legally non-conforming one- and two-family properties
- Expand permissible form to include detached accessory structures and tiny homes
- Eliminate parking requirement
- Regulate unit size, tenancy periods, site design standards and ownership requirements



CASE STUDIES

PORTLAND, OR

PORTSMOUTH, NH

MONTPELIER, VT

CAMBRIDGE, MA