



Permitting and Inspections Department  
Michael A. Russell, MS, Director

## Zoning Frequently Asked Questions (FAQ)

### What is zoning?

The purpose of zoning is to regulate property use and development within each district. It also ensures that the vision in the City's Comprehensive Plan is consistently met. Zoning is the division of the city into districts (zones). The districts are shown on the [zoning map](#), and the [zoning ordinance](#) lists the rules for each district. Zoning is just one piece of the review of any proposed development or project, and may also entail evaluation for planning criteria (known as Site Plan review), building codes, and life safety codes.

### What zone is my property in?

The city has an [interactive zoning map](#) where you can search by property address or zoom on an area of interest. Major zone categories include Residential (R), Island Residential (IR), Business (B), and Industrial (I), with sub-categories within each (such as R-3, B-2, I-M, etc.). There are also unique zones throughout the city, such as the waterfront port zones, the India Street Form Based Code (IS-FBC), and overlay zones (e.g. shoreland zone).

### What is an Overlay Zone?

An overlay zone is a zoning district which is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district.

### What is Form Based Code?

Put simply, a form-based code (FBC) is a way to regulate development that controls building **form** first and building **use** second, with the purpose of achieving a particular type of "place" or built environment based on a community vision.

### How do I find the rules for my zone?

Click anywhere on the [interactive zoning map](#) and a pop-up "Zone Info" box will appear. Clicking on a zone will bring you to that section of the ordinance. Each zone has the following information:

- Purpose – the intent and goals of the zone.
- Permitted Uses – uses that are allowed in the zone, usually requiring permit approval.
- Conditional Uses – uses that are generally considered compatible with the permitted uses of the zone and requiring approval from the Zoning Board of Appeals or the Planning Board.
- Prohibited Uses – uses that are not allowed in the zone.
- Dimensional Requirements – all of the space and bulk criteria that a proposed project in the zone must meet, including lot size, street frontage, setbacks (known as "yards"), building height, etc.
- Other Requirements/External Effects – performance standards that a proposed project in the zone must meet, including off-street parking requirements, noise standards, landscape screening, etc.



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### **What are the setbacks and other limitations for structures on my lot?**

The setback requirements (also known as “yards”) can be found in the Dimensional Requirements section of the ordinance for your zone. There is also a [table of setbacks](#) available for the Residential zones and the B-1 and B-2 Business zones. The Dimensional Requirements and Other Requirements/External Effects sections for your zone contain most of the applicable development standards and limitations for new structures and additions. Please be aware that certain areas, such as the shoreland zone, have additional limitations on development.

### **My proposed structure can't meet the setbacks – are there any other options?**

Every effort should be made to design a development that meets the required setbacks and other dimensional criteria. Waivers and variances are very rare. Please contact the Zoning staff to discuss at (207) 874-8709 or [zoning@portlandmaine.gov](mailto:zoning@portlandmaine.gov).

### **Is my vacant lot buildable?**

There are many factors to review. These include:

- Does the lot meet current dimensional criteria (minimum lot size, road frontage, etc.) for the zone?
- If it does not meet current dimensional criteria, then can it qualify as a “[Lot of Record](#)” per Section 14-433 (Pages 592-594) of the ordinance?
- Has the lot been divided from another lot? This might have created a subdivision requiring city approval.

Please contact the Zoning staff to discuss at (207) 874-8709 or [zoning@portlandmaine.gov](mailto:zoning@portlandmaine.gov). Final decisions on whether a lot is buildable are made only at the time of permit review.

### **What is a “use”?**

Under zoning, the “use” is the specific purpose for which the land or structures are occupied. A wide range of uses are recognized by the city, such as single-family or two-family homes; multi-family dwellings; a variety of commercial uses such as restaurants, offices, retail establishments; manufacturing facilities; and many more.

### **What uses are allowed in my zone?**

The allowed uses can be found for your zone in Chapter 14 – Land Use Ordinance & Zoning, under “Permitted Uses” and “Conditional Uses.” Permitted Uses are generally those that can be approved by a building permit, while Conditional Uses require approval by the Zoning Board of Appeals or Planning Board.



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### **I want to open a new business. What zoning information do I need to know?**

Verify the specific use (retail, office, personal services, etc.) is allowed at your proposed location with the following steps:

1. Look up your zone using the [interactive zoning map](#).
2. Click on the map to get the pop-up “Zone Info” box and choose your zone to see the relevant section of the ordinance. The allowed uses for each zone are found in the Permitted Uses and Conditional Uses sections.

Some zones and uses require providing off-street parking – please see [Chapter 14 of the City Code of Ordinances, Div. 20. Off-Street Parking, 14-331—14-350 \(Pages 507-523\)](#) for more information. If your specific use will be different than the last use approved for your location, then a [Commercial Change-of-Use Permit](#) is required. This application form can also be used for interior alterations of the space, whether a change of use is needed or not.

### **What is “legal use” and how do I find this out for my property?**

The “legal use” of a property is generally the most recent use that was approved by a building permit. If no permits have been issued, the use that existed as of June 5, 1957, may be considered as the legal use, provided that the same use has continued uninterrupted to the present. Legal use can be researched by reviewing the permitting history for the property (available at the Permitting & Inspections Department, Room 315 of City Hall). The 1950 tax card (available at the Tax Assessor’s office, Room 115 of City Hall) may provide further information on historical uses of the property.

### **I have an unapproved dwelling unit – now what?**

If a dwelling unit was added to your building without a formal permit approval, then the situation must be resolved either by permit approval or removal of the unit. If the current regulations for your zone allows the addition of a new unit, then you may seek a [Change-of-Use Permit](#) to get formal approval of the existing unit. If the unit is not allowed, then it is considered non-conforming and may qualify for a [Legalization Permit](#). Please note that permit approval will likely require interior work to bring the building up to current building and life safety code regulations. Unfortunately, if the unit cannot be formally approved by a permit, then the unit must be removed.

Please contact the Zoning staff at (207) 874-8709 or [zoning@portlandmaine.gov](mailto:zoning@portlandmaine.gov) for further information.