



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

Zoning Frequently Asked Questions (FAQ)

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Zoning Basics

What is zoning?

The purpose of zoning is to regulate property use and development within each district and ensure that the vision in the City's Comprehensive Plan is consistently met. Zoning divides 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, which 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 in 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 other 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 existing zoning districts, establishing additional or stricter standards and criteria for covered properties, in addition to those of the underlying zoning district.

What is a Contract Zone?

Contract zones are those starting with the letter "C" as shown on the zoning map. These are zones with special rules that were created by agreement between a property owner and the City. There are official agreement documents approved by City Council that govern development in each contract zone. If you need a copy of the documents for a certain contract zone, please send a request to zoning@portlandmaine.gov.

What is a 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 the selected 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.



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- 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.

Dimensional Requirements

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. 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. Be aware that certain areas, such as the shoreland zone overlay, have additional limitations on development.

How do I measure setbacks?

Setbacks are measured from the [actual property lines](#) and not from fences, curbs, sidewalks, or street pavement edge. A property survey may be necessary to verify the location of property lines prior to construction. From the property line, setbacks are usually measured to the foundation edge of the structure. [Section 14-425](#) of the ordinance exempts certain architectural features such as eaves from the setback requirement, as long as they extend less than two feet into the setback. Any feature that exceeds a two-foot projection should be included in the setback measurement.

What is a half-story?

This is defined in [Section 14-47](#) of the ordinance, see “story.” Half-stories are those that are situated under a sloping roof (such as in an attic) with a floor area that does not exceed two-thirds of the floor area of the story immediately below. When calculating floor area, it should include all portions that have a floor-to-ceiling height of 4 feet or more. In most cases, an upper story that has dormers will exceed the half-story definition and should be treated as a full story.

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. Variances are very rare. Please contact the Zoning staff to discuss at (207) 874-8709 or zoning@portlandmaine.gov.



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If I demolish a non-conforming structure, can I rebuild it in the same location?

[Sections 14-382](#) and [14-385](#) of the ordinance govern the replacement of nonconforming structures. Generally, if a legally-existing, non-conforming structure is torn down, it can be replaced with building permit approval within one year of the demolition. The replacement structure must be exactly the same as the previous structure, including footprint, height, and shell. Other requirements may apply, and different rules apply to non-conforming uses (such as residences in an industrial zone). Please contact the Zoning staff to discuss your particular situation at (207) 874-8709 or zoning@portlandmaine.gov.

Lots

Is my vacant lot buildable?

There are many factors to review. These include:

- Does the lot meet current dimensional standards (minimum lot size, road frontage, etc.) for the zone?
- If it does not meet current dimensional standards, can it qualify as a non-conforming buildable “Lot of Record” per [Section 14-433](#) of the ordinance (see: **What is a buildable ‘Lot of Record’?**)?
- 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. Staff cannot provide formal opinions or decisions on whether a vacant lot is buildable. This decision can be made only at the time of building permit review.

What is a buildable “Lot of Record”?

Section [14-433](#) of the ordinance sets criteria to allow the development of certain lots that do not meet current zoning dimensional standards. The rule applies only to lots in residential zones. On the mainland, a lot may be considered a buildable “lot of record” if:

- The lot existed in its current form as of June 5, 1957, as demonstrated by a recorded deed or plan from prior to that date.
- The lot is at least 5,000 square feet in size.
- The lot has at least 40 feet of road frontage.
- The lot has no development, including accessory structures or portions of existing structures. All structures must be removed from the lot before it can be considered a buildable lot of record.

On the islands, different criteria apply – see [Section 14-433\(a\)\(3\)](#) for details.

Can I split my lot and create a new buildable lot?

There are many factors to review. The basic criteria can be summed up as follows:



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- Both lots created in the split must meet all current dimensional criteria (minimum lot size, road frontage, etc.) for the zone. This includes setback requirements between existing buildings and newly-created lot lines.
- If the lot split were to create a legal subdivision, as defined by [Maine Revised Statute 30-A §4401](#), the subdivision would require Planning Board approval. A subdivision typically occurs when a parcel is split into three or more lots within a five-year period. Consult an attorney for guidance.

If you have questions, please contact the Zoning staff at (207) 874-8709 or zoning@portlandmaine.gov. Staff cannot provide formal opinions or decisions on proposed lot splits. This decision can be made only at the time of building permit review.

Uses

What is a “use”?

Under zoning, the “use” is the specific purpose for which land, structures, or spaces within 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.” (See: **How do I find the rules for my zone?**) 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.

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

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

1. Look up your zone using the [interactive zoning map](#).



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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 [Division 20 of the ordinance](#) for more information. If your specific use will be different than the last legal use approved for your location (See: **What is ‘legal use’ and how do I find this out for my property?**), then a [Commercial Change-of-Use Permit](#) is required. The Commercial Change-of-Use Permit application can also be used for interior alterations of the space, whether a change-of-use is needed or not.

Dwelling Units

I have an unapproved dwelling unit. Can I legalize the unit?

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 unit was added by a previous owner, and if you can prove that the unit existed before April 1, 1995, you might qualify for a [Legalization Permit](#). Otherwise, the unit can only be approved through a [Change-of-Use Permit](#), provided that the current regulations for your zone would allow the addition of a new unit (see following questions for more information). Please note that permit approval under either option will likely require interior work to bring the building up to building and life safety code regulations. Unfortunately, if the unit cannot be formally approved by a Legalization or Change-of-Use permit, then the unit must be removed.

Can I add an in-law apartment to my house?

The R-1, R-2, R-3, IR-1, and IR-2 zones, and in some cases the R-P zone, may allow the creation of a subordinate “accessory dwelling unit” within an existing single-family home. This requires a Conditional Use approval from the Zoning Board of Appeals (ZBA), in addition to a building permit. Permit approval will require that the building meet building and life safety code regulations. Please contact the Zoning staff at (207) 874-8709 or zoning@portlandmaine.gov if you have a single-family home located in one of these zones and wish to pursue a Conditional Use application to the ZBA. Other zones may allow the creation of a dwelling unit by other processes. See the next question (**Can I add another dwelling unit to my building?**) for details.

Can I add another dwelling unit to my building?

Look up your zone using the [interactive zoning map](#) and 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. The zone must allow two-family, three-family, or multi-family dwellings as a permitted use, or have a specific conditional use option in order to qualify. Depending on the situation, the project may require Conditional Use approval from the Zoning Board of Appeals, Site Plan review



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through the Planning & Urban Development Department, and building permit approvals. The project will also be required to meet building and life safety code regulations. Please contact the Zoning staff at (207) 874-8709 or zoning@portlandmaine.gov if you have questions.

Can I convert my garage into a dwelling unit?

If the garage is attached to the principal structure, refer to the previous question (**Can I add another dwelling unit to my building?**). If the garage is detached, it might qualify for conversion under current zoning regulations if it is located in the R-4, R-5, R-6, I-B, R-P, B-1, B-2, B-3, B-6, B-7, or IS-FBC zones. There are many factors to review, so contact Zoning staff at (207) 874-8709 or zoning@portlandmaine.gov to discuss your particular situation. [Section 14-433\(c\)](#) of the ordinance provides a special option for conversion of accessory structures to dwelling units in the R-3, R-4, R-5, and R-6 zones. This section can be used only if you can demonstrate that the structure was in existence on or before January 1, 1940.

Please contact the Zoning staff at (207) 874-8709 or zoning@portlandmaine.gov for further information on any of these topics.