

FUTURE LAND USE PLAN

INTRODUCTION

Portland has a complex and diverse land use pattern typical of an older urban community. It also retains beautiful natural and scenic areas on its islands, along its river and coastal shore lines, from high vantage points, and in parks and open spaces. The Future Land Use Plan supports Portland's Community Vision and stated goals. The Plan builds upon the adopted elements of the City's Comprehensive Plan, which are reflected in the zoning map and land use codes. The objectives of the Future Land Use Plan are to support existing land use and zoning patterns of the city, encourage redevelopment and infill where appropriate, and preserve historic, natural, and scenic resources. It also identifies redevelopment areas and one study area along the Presumpscot River where significant land use changes are anticipated.

Maine's Growth Management Law requires that communities identify growth and rural areas. The state's definitions for both terms, growth and rural, are presented under Section A. A brief overview of Portland's neighborhoods and vacant land is contained under section B. Section C describes how Portland has chosen to apply the growth and rural classifications to the city's zoning categories and redevelopment areas. The city has listed environmentally sensitive overlay zoning zones, which may be located in either growth or rural areas, as a separate land use classification category. Section D lists each zone under the designated growth or rural areas and defines the zone with its general location, purpose, parameters, and potential revisions.

A. STATE DEFINITIONS OF GROWTH AND RURAL AREAS

The regulations for Maine's Growth Management Act require communities to divide a municipality into basic general land use categories and to designate both "growth" and "rural" land use classifications. The "growth" and "rural" classifications can be a combination of land use classifications that are consistent with State definitions. Additional general classifications may be used for purposes other than those provided for growth and rural areas (such as a transitional or future growth area for some time beyond the planning period, a conservation or resource protection area intended to provide for the effective long-term management and protection of significant or irreplaceable natural land areas etc). The state definitions for growth and rural areas are highlighted below.

Growth Areas:

The land use plan must designate as “growth area” those land areas within the municipality into which the municipality intends to direct the future growth and development planned to occur during the planning period. Use designation of growth areas is intended to ensure that planned growth and development is directed to areas most suitable for such growth and development and away from areas in which growth and development would be incompatible with the protection of rural resources. Land areas designated as “growth area” must be consistent with the following provisions.

1. Growth areas must be limited to land areas within which public facilities and services are efficiently provided or can be efficiently provided during the planning period.
2. Growth areas must be limited to land areas that are physically suitable for development or redevelopment. (Growth areas may include land areas that are physically unsuitable for development or redevelopment if such areas such as a river, stream, floodplain, small natural hazard area, small lake, or small critical natural resource area run through or are located in the middle of a growth area.)
3. Growth areas must include enough land area suitable for development or redevelopment to accommodate all growth and development planned to occur during the planning period, based on the plan’s policies and implementation strategies.
4. Growth areas must be limited to an amount of land area and a configuration that will encourage compact, efficient development patterns and discourage development sprawl and strip development along roads.

Rural Areas:

The land use plan must designate as “rural area” those land areas within the municipality within which the municipality intends to protect agricultural, forest, scenic areas, and other open space land areas from incompatible development. The designation of rural areas is intended to provide for the long-term protection of resource production and open space and scenic lands from incompatible development. Land areas designated as “rural area” must be consistent with the following provisions.

1. Rural areas must include agricultural and forest lands important to the local or regional economy.
2. Rural areas must include land areas consisting of large areas of contiguous open space, farmland, or forestland. They must include land areas in which the predominant pattern of development is intended to consist of very low intensity development broadly dispersed within what would otherwise be a rural landscape. They must also include land areas containing other rural resources that significantly contribute to the municipality’s rural character.
3. Rural areas must include land areas in which the municipality can ensure that the level and type of development will be compatible with maintenance of rural character and will not constitute or encourage development sprawl or strip development along roads.
4. Rural areas may include, but may not be limited to, land areas containing natural resources and scenic open spaces that are intended to be protected.
5. Rural areas may not include land areas in which a significant portion of the municipality’s future residential development is planned to occur. Nor may they include land areas in which the municipality plans the occurrence of large-scale or widespread residential development that would alter the municipality’s rural character.

B. SUMMARY OF EXISTING LAND USE CONDITIONS AND VACANT LAND

The chapter titled Existing Land Use and Developable Land details the land uses and vacant developable land found in Portland. Some of the highlights of that inventory chapter include:

- Residential use of land in Portland grew from 32.1% in 1989 to 61.2% in 1999.
- Seasonal housing is the primary land use on the islands, which has increased since 1978.
- Commercial uses have expanded and occupy 8% of the land area in 1999.
- Industrial uses had a high of 9.7% of the land area in 1989, but have declined to 5.8% in 1999.
- Tax Exempt property has also declined from 27% in 1978 to 12.3% in 1999.
- Vacant land has declined from 27% in 1978 to 10.1% of the City's land in 1999.

Over the last two decades, there has been a substantial pace of land absorption resulting in limited amounts of vacant land remaining in Portland. As stated in the Existing Land Use chapter, the city does not have large blocks of undeveloped land. Rather, there are over 4,000 parcels listed as vacant with a total area of approximately 1,277 acres. The vacant parcels are scattered throughout the city with some of the larger pieces located in the outer ring neighborhoods. The largest single parcel is roughly 20 acres; however there may be opportunities to combine properties for development.

Using the City's Geographic Information System (GIS), the vacant land with potential constraints was deducted from the total vacant land area. The factors deducted included wetlands, floodplains, land zoned RPZ or ROS, land within the first 75 feet of Shoreland zoning, and steep slopes. The estimates indicate that almost 90% of Portland's vacant land is suitable for development (page EX-9). The vacant land areas suitable for development available in each of Portland's zoning classifications are listed on Table 1. There are sufficient amounts of vacant land in the non-residential zones to accommodate new development.

Portland's population has remained stable over the past two decades and has experienced a decline in its share of the County's population. Even with a relatively static population, Portland needs more housing to meet the demand for additional units due to the national trend toward smaller households (households with one or two persons). Growth is a part of sustaining Portland as a healthy city and maintaining its role as the economic, cultural, and residential center for the region.¹ Appropriate growth is needed to provide housing near employment centers, support public transportation, attract families with children, expand the tax base, and stabilize neighborhoods. Housing: Sustaining Portland's Future recommends that Portland seek to grow along with Cumberland County and maintain a 25% share of the County's population. The residential build out analysis indicates that there is sufficient land available to accommodate the residential growth that Portland seeks to attract under current regulations (page ex. 11). However, developing under current zoning will not provide the optimal balance of housing types, open space, infill opportunities and efficient land use. Therefore, Housing: Sustaining Portland's Future recommends rewriting the zoning ordinance to encourage new housing and eliminating barriers to development by allowing greater housing density and more efficient use of vacant land, infill lots, and redevelopment opportunities. The Plan also recommends encouraging new housing development in the downtown, near services and along major arterials to increase the use

¹ Housing: Sustaining Portland's Future, Draft, April 2002, page 50.

of public transit and improve proximity to employment and services. These recommendations will increase Portland's ability to address housing needs and to accommodate new housing.

The absorption of land over the past decades suggests that the city may soon be fully developed. Even when "full", land use will remain a dynamic force of change with reuse, infill and redevelopment continually changing the face of Portland. Portland has designated two redevelopment areas, Bayside and Eastern Waterfront, where the City is actively encouraging new mixed-use development.

Table 1

Total Land Area and Vacant Land in Each Zoning Classification				
ZONING	Total area/zone acres	% of Total Land Area	Vacant Land Suitable for Development	Vacant Land as % of Zone
Airport Business AB	231.1	1.96%	3.78	1.64%
Neighborhood Bus. B-1	61.4	0.52%	4.07	6.63%
Neighborhood Bus. B-1b	1.5	0.01%	0	0.00%
Community Bus. B-2	383.7	3.26%	8.59	2.24%
Community Bus. B-2b	119.2	1.01%	3.13	2.63%
Downtown Bus. B-3	198.0	1.68%	2.99	1.51%
Downtown Bus. B-3c	5.1	0.04%	0.03	0.59%
Commercial Corridor B-4	405.0	3.44%	86.17	21.28%
Urban Comm. Mixed Use B-5	215.8	1.83%	16.57	7.68%
Urban Comm. Mixed Use B-5b	23.0	0.20%	0.27	1.17%
Business Zones Subtotal	1,643.8	13.95%	125.59	7.64%
Contract Zones	83.9	0.70%	0	0.00%
Industrial IH	65.2	0.55%	101.31	155.38%
Industrial IL	329.7	2.80%	57.67	17.49%
Industrial ILb	31.0	0.26%	3.15	10.16%
Industrial IM	1,307.7	11.21%	183.03	14.00%
Industrial Imb	21.0	0.18%	4.05	19.29%
Industrial Zones Subtotal	1,754.7	14.91%	349.21	19.90%
Office Park	166.6	1.42%	38.76	23.27%
Residence Professional	76.8	0.65%	0.052	0.07%
Office Zones Subtotal	243.4	2.07%	39.28	16.14%
Residential R1	166.2	1.41%	1.87	1.13%
Residential R2	959.8	8.16%	91.77	9.56%
Residential R3	3,014.8	25.64%	397.16	13.17%
Residential R4	78.2	0.66%	1.33	1.70%
Residential R5	1,525.0	12.97%	106.47	6.98%
Residential R5a	16.7	0.14%	2.53	15.15%
Residential R6	568.4	4.83%	15.75	2.77%
Residential Zones Subtotal	6,329.1	53.81%	616.89	9.75%
Recreation Open Space	1,013.9	8.26%	na	
Resource Protection Zone	382.1	3.25%	na	
Open Space Zones Subtotal	1,396.0	11.87%	na	
Waterfront Central Zone WCZ	92.9	0.79%	0	0.00%
Waterfront Port Develop.WPDZ	180.0	1.53%	0	0.00%
Waterfront Special Use WSUZ	36.0	0.31%	0	0.00%
Waterfront Zones Subtotal	308.9	2.63%	0	0.00%
Total	11,759.80		1130.97	9.62%

C. PORTLAND'S GROWTH AND RURAL DESIGNATIONS

As the region's urban center, Portland has an intricate zoning ordinance that addresses the complex nature of a developed city. The City seeks to remain the vibrant urban core for the area, so Portland plans to grow through compact and efficiently designed infill development and redevelopment. Thus, the mainland zoning categories are generally considered growth areas. The zoning code has 33 zoning designations, which include the general zones for residential, business, industrial, office, island, recreation, and environmental uses. The following table (Table #1) lists the mainland zoning classifications that fit under the State's definition for growth areas. The specific purpose of each zone is described below in section C. The City also has provisions for contract zones, which allow unique circumstances to be addressed through the contract zone process.

The Resource Protection Zone (RPZ) and the Recreation and Open Space Zone (ROS) are two zones listed under the rural area classification within the urban center. The two zones preserve environmentally sensitive land, open space and scenic vistas.

Portland's Islands are also considered rural areas with limited development potential. There are three Island residential zones, an Island business zone, and the Island Transfer Station zone, which fall within the rural classification. Additional development is anticipated on the islands, but it is guided by the zoning standards developed as a result of the Island Groundwater Study to preserve the water quality and quantity on the islands. Thus the islands are not targeted for growth. Table #1 lists Portland's zones that are considered to be rural.

Portland also has a third classification of zones that protect environmental quality and are located in both growth and rural areas. These zones are the Shoreland Zone, Stream Protection Zone, and the Floodplain Protection Zones. All of these zones assist in maintaining the environmental quality of Portland, while allowing development to occur where appropriate.

The Future Land Use Plan also designates two redevelopment areas where planning and zoning recommendations are being considered. The plans for Bayside and the Eastern Waterfront include recommendations for rezoning the areas and developing land use regulations (see implementation). These areas are noted as redevelopment locations within the city's growth areas. Inset maps for both of these areas presents the land development concepts that are being studied for these areas.

There is also one study area shown along the Presumpscot River. The city and the Land Bank Commission in collaboration with the Land for Maine's Future Board purchased a segment of this land along the Presumpscot and annexed a portion of landlocked property in Falmouth. This property is to be preserved and the remainder developed into housing. Currently the plans for this are being developed, which will require rezoning for the housing and protection of environmental resources along the river. This area is noted as a study area on the future land use plan and an inset map presents the concepts currently being considered.

Table 2

Portland Growth and Rural Areas by Zones	
GROWTH AREAS	RURAL AREAS
<p>Residential Zones R-1 Residential R-2 Residential R-3 Residential FH Flexible Housing R-4 Residential R-5 Residential R-5a Residential R-6 Residential R-7 Compact Urban Residential Overlay</p> <p>Contract Zones</p> <p>Office Zones R-P Residence-Professional O-P Office Park</p> <p>Business Zones B-1 and B-1b Neighborhood Business B-2 and B-2b Community Business A-B Airport Business B-3, B-3b, and B-3c Downtown Business B-4 Commercial Corridor B-5 and B-5b Urban Commercial Mixed Use</p> <p>Industrial Zones I-L and I-Lb Industrial I-M, I-Ma, and I-Mb Industrial I-H and I-Hb Industrial</p> <p>Waterfront Zones Waterfront Central Waterfront Port Development Waterfront Special Use</p> <p>Study Area Presumpscot River Area</p> <p>Redevelopment Areas Bayside Area Waterfront East</p>	<p>Conservation Zones R-P Resource Protection R-OS Recreation and Open Space</p> <p>Island Zones IR-1 Island Residential IR-2 Island Residential IR-3 Island Residential Island Transfer Station Overlay I-B Island Business</p> <p>Refer to last entry below</p>
<p>Environmentally Sensitive Zoning Provisions within Both Growth and Rural Areas Shoreland Regulations Flood Plain Management Regulations S-P Stream Protection</p>	

GROWTH AREA BY ZONING CLASSIFICATIONS IN PORTLAND

RESIDENTIAL ZONES

1. R-1 RESIDENTIAL

Location: Residential R-1 is located in the Stroudwater neighborhood (an outer ring neighborhood) along outer Westbrook Street and stretches to the Stroudwater River. The second R-1 area is near the Jetport along outer Congress Street.

Current and Proposed Zoning: All land currently zoned R-1.

Discussion: The R-1 zone provides for lower density residential development characterized by single-family homes on individual lots in outlying areas of the city. The R-1 zone allows single-family units, including multiple component and single-component manufactured housing on individual lots except within a National Register Historic District.² Parks, home occupations municipal uses and agricultural uses (with some limitations). Conditional uses include sheltered care group homes, an accessory unit within a principal residential structure, and institutional uses, such as schools, long-term care facilities, churches, day care centers, and private clubs. The minimum residential lot size is 15,000 square feet. Potential text amendments will be considered to update the residential zones in conformance with the recommendations of Housing: Sustaining Portland's Future. Neighborhoods are encouraged to address the city's housing issues through the Neighborhood Based Planning Process.

2. R-2 RESIDENTIAL

Location: The Residential R-2 zone encompasses the Stroudwater Village and a significant amount of the northerly portion of North Deering (both outer ring neighborhoods).

Current and Proposed Zoning: All land currently zoned R-2.

Discussion: The purpose of the zone is to provide for low-density residential development characterized by single-family homes on individual lots in outlying areas of the city. The R-2 zone permits the same range of uses as allowed in R-1, including multiple component and single-component manufactured housing on individual lots. The lot size in R-2 is smaller than in R-1 with a minimum residential lot of 10,000 square feet. Potential text amendments will be considered to update the residential zones in conformance with the recommendations of Housing: Sustaining Portland's Future. Neighborhoods are encouraged to address the city's housing issues through the Neighborhood Based Planning Process.

² Portland's performance standards for single-component manufactured housing are contained in the appendix. Single family single-component and multiple-component manufactured housing is allowed in Residential R-1, R-2, R-3, R-4, R-5, R-5A, and R-6 zones, except in a National Register Historic District.

3. R-3 RESIDENTIAL

Location: The Residential R-3 zone is a medium density zone, which is found extensively throughout off-peninsula neighborhoods (both outer and inner ring areas), such as Riverton, North Deering, East Deering, Nason’s Corner, and Libbytown.

Current and Proposed Zoning: All land currently zoned R-3.

Discussion: The purpose of this zone is to provide for medium-density residential development characterized by single-family homes on individual lots and also to provide for planned residential unit developments (PRUD) on substantially sized parcels. Single-family multiple- or single-component manufactured housing is allowed on individual lots in separate ownership, except in a National Register Historic District. Such development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood. In addition to the permitted residential uses in R-1 and R-2, the R-3 zone allows planned unit developments with horizontally attached dwelling units. The minimum lot size is 6,500 square feet, which is also the allowable density for PRUDs as calculated based the net land area (wetlands, watercourses, stormwater retention areas, inaccessible areas, steep slopes and easements deducted from land total). Potential text amendments will be considered to update the residential zones in conformance with the recommendations of Housing: Sustaining Portland’s Future. Neighborhoods are encouraged to address the city’s housing issues through the Neighborhood Based Planning Process.

4. FH FLEXIBLE HOUSING OVERLAY ZONE

Location: There are three general areas with the Flexible Housing Overlay Zone. Flexible housing zones are found on outer Congress Street, on both sides of outer Ocean Avenue, and between Warren and Forest Avenues.

Current and Proposed Zoning: All land currently zoned Flexible Housing Overlay Zone (FH).

Discussion: The intent of this classification is to establish an overlay zone in which manufactured housing development is permitted in addition to those uses permitted in the underlying residential zone. The purpose of this division is to accommodate additional housing types in appropriate areas of the city, while protecting the value and integrity of established residential neighborhoods and ensuring a balanced and orderly pattern of residential development. No changes to this zone are anticipated at this time.

5. R-4 RESIDENTIAL

Location: The Residential R-4 zone is in the westerly portion of the West End neighborhood, which adjoins the Western Promenade on the peninsula.

Current and Proposed Zoning: All land currently zoned R-4 Residential.

Discussion: The intent of the zone is to preserve the unique character of the Western Promenade area of the city by controlling residential conversions and by allowing the continued mix of single-family, two-family, and low-rise multifamily dwellings and other compatible development at medium densities. Single and two-family dwellings are permitted along with single-family manufactured housing, except in National Register Historic Districts. The residential conditional uses listed under R-4 include sheltered care group homes, alteration of an existing structure to accommodate one or more units, and multiplex development (building with 3 or more units). Other conditional uses include schools, churches, and day care facilities. The minimum residential lot size is 6,000 square feet in the R-4 zone and a multiplex (3 or more units) requires a minimum of 9,000 square feet with 3,000 square feet per unit. The minimum lot area per unit may be reduced by 20% for special needs independent living units. Potential text amendments will be considered to update the residential zones in conformance with the recommendations of Housing: Sustaining Portland's Future. Neighborhoods are encouraged to address the city's housing issues through the Neighborhood Based Planning Process.

6. R-5 RESIDENTIAL

Location: The R-5 zone is found in neighborhoods off the peninsula within most of the inner ring of neighborhoods. There are several scattered R-5 zones for multi-family housing in the outer ring of neighborhoods.

Current and Proposed Zoning: All land currently zoned R-5 Residential.

Discussion: To provide appropriate areas of the city for medium-density residential development characterized by single-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unit development on substantially sized parcels. Such PRUD development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.

The residential uses permitted in the R-5 zone include single and two-family structures, multiplex housing (3 or more units), Planned Residential Developments (PRUD) with horizontally or vertically attached units, single-family manufactured housing units, and handicapped family units. Parks, home occupations, and special needs independent living units are permitted. Some of the other conditional uses include sheltered group homes, alteration of a structure for 3 or more dwelling units, conversion of units to lodging houses, schools, churches, private clubs, hospitals, colleges, and day care facilities. The minimum lot size requirements and the density standards for multiplexes are the same as R-4, except that special needs housing requires 3,600 or 4,800 square feet depending upon street frontage. PRUDs require a minimum of 2 acres with 3,000 square feet of net usable land area required per unit. Potential text amendments will be considered to update the residential zones in conformance with the recommendations of Housing: Sustaining Portland's Future. Neighborhoods are encouraged to address the city's housing issues through the Neighborhood Based Planning Process.

7. R-5a RESIDENTIAL

Location: There is one R-5a zone along Canco Road that encompasses an elderly housing complex.

Current and Proposed Zoning: All land currently zoned R-5a.

Discussion: To provide for moderate-density residential development in off-peninsula sections that can provide a unique residential living experience with a high degree of natural site amenities; and to provide areas of the city in the general proximity of the peninsula that have the capability for adequate municipal services, including traffic corridors with adequate traffic capacity, that can appropriately accommodate a more intensive use of land than other lower-density zoned land and be compatible with surrounding neighborhoods; and to increase affordable housing opportunities in off-peninsula locations by providing a moderate-density zone.

The permitted residential uses in the R-5a zone are very similar to those in the R-5 zone, except that multiplexes are not allowed. The other significant difference is that PRUDs may be developed at a higher density. PRUDs in an R-5a zone require a minimum of 3 acres and a minimum net land area of 1,600 square feet per unit compared to 3,000 square feet in the R-5 zone. The R-5a is applied through rezoning when a site and development proposal meets the intent of this zoning classification. This would be a tool for encouraging more housing in specific neighborhood locations as determined through the city's neighborhood based planning program and recommended in Housing: Sustaining Portland's Future. Potential text amendments will be considered to update the residential zones in conformance with the recommendations of Housing: Sustaining Portland's Future.

8. R-6 RESIDENTIAL and PROPOSED R-6 OVERLAY ZONE

Location: The R-6 zone is found primarily on the peninsula in the neighborhoods of Parkside, West End, St. John Street area, Munjoy Hill and Bayside.

Current and Proposed Zoning: All land currently zoned R-6 Residential.

Discussion: The intent of the R-6 zone is to set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.

The R-6 zone permits single and two-family dwellings, multi-family dwellings, single-family manufactured housing units, lodging houses, home occupations, special needs independent living units bed and breakfast establishments, parks, and municipal facilities. Conditional uses include sheltered group homes, schools, long and intermediate care facilities, churches, private clubs, community

hall, hospital, colleges, professional offices, and day care facilities. The minimum lot size for a one or two-family dwelling is 4,500 square feet. There is a minimum of 1,000 square feet of land area per dwelling unit for multi-family housing. The minimum land area per room in a lodging house is 250 square feet and the intermediate care facility requires 8,000 square feet for the first 35 residents and then 350 square feet for each additional resident.

Currently, the R-6 Zone Amendments for Small Lot Infill Development are being prepared to allow undersized vacant lots to be developed at former density and setback requirements. The intent of these amendments is to encourage new housing on small infill lots in a manner consistent with the existing compact lot development pattern typically found on the peninsula. The current R-6 zoning text in many respects does not reflect the existing development pattern, so the amendments are intended to address the development of vacant lots that are less than 10,000 square feet. The proposed amendments include changes in the space and bulk requirements, such as front yard setbacks, side yards, maximum lot coverage, parking requirements, and minimum lot sizes. The R-6 small lot provision provides flexibility from the normal R-6 requirements. The flexibility is balanced with design standards to ensure buildings of high quality that blend with the character of the neighborhood. The design standards being developed address proportion and scale, balance, articulation, massing, context, orientation to the street, and materials.

Other potential text amendments will be considered to update the residential zones in conformance with the recommendations of Housing: Sustaining Portland's Future. Neighborhoods are encouraged to address the city's housing issues through the Neighborhood Based Planning Process.

9. R-7 COMPACT URBAN RESIDENTIAL OVERLAY

Location: The R-7 is an overlay zone of the R-6 zone. The scattered R-7 sites are found on the peninsula, primarily in Bayside and the West End. It is targeted for undersized lots that are no longer buildable under the R-6 regulations.

Current and Proposed Zoning: All land currently zoned R-7 and additional areas as identified by applicants, through planning efforts or through the Neighborhood Based Planning Program.

Discussion: The purpose of the R-7 Compact Urban Residential Overlay Zone is to encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the New Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.

Locations for siting the R-7 Zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6

locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties. It may be appropriate in some cases to rezone to R-7 overlay through conditional or contract zoning to ensure that the new development is architecturally appropriate and compatible with the surrounding neighborhood.

The R-7 zone has no minimum lot size, frontage or setback requirements. The lot may have 100% coverage and only 1 parking space per unit is required. The maximum residential density is 725 square feet of land area per dwelling unit, except where the property is located within 500 feet of a public park and then the maximum density is 435 square feet of land area per unit. The R-7 zone contains design standards for residential development. This zone incorporates the recommendations of Housing: Sustaining Portland's Future and A Vision for Bayside.

GROWTH AREA BY ZONING CLASSIFICATIONS IN PORTLAND

OFFICE ZONES

1. R-P RESIDENCE PROFESSIONAL

Location: The R-P zone is scattered throughout the city in discreet locations along the City's arterials and adjoining residential areas.

Current and Proposed Zoning: All land currently zoned R-P Residence Professional.

Discussion: The R-P zone is to provide appropriate locations for the development and operation of low-intensity business uses, including professional offices on or near major arterials, that are compatible in scale, density and use with surrounding and adjacent residential neighborhoods. The R-P zone also serves as a transition or buffer zone between residential and more intensive nonresidential zones. The permitted uses in RP include residential uses, professional offices, and business services. Other offices that meet the standards of a conditional use are allowed in the zone along with the conditional uses permitted in the adjoining residential zone. A minimum lot size of 6,000 square feet is required. No changes to this zone are anticipated at this time.

2. O-P OFFICE PARK

Location: The largest area of this zone is found between the Stroudwater River and outer Congress Street, which accommodates the UNUM/Providence office campus. Two areas off Rand Road were recently zoned OP in accordance with recommendations from the adopted plan for the Nason's Corner neighborhood.

Current and Proposed Zoning: All land currently zoned O-P Office Park.

Discussion: The purpose of the O-P zone is to provide substantial areas for the integrated development of professional offices in a park- or campus-like setting which are of the highest quality, are well designed and maintained and are compatible with their natural surroundings. The OP zone allows professional offices and office complexes, research and development establishments, printing and publishing facilities, day care facilities, and incidental uses. The OP zone requires design standards, such as a master plan for the office park, design relationship to the site, landscaping, preservation of natural features, buffers and screens, architectural design, and other standards. The minimum lot size is 1.5 acres. No changes to this zone are anticipated at this time.

GROWTH AREA BY ZONING CLASSIFICATIONS IN PORTLAND

BUSINESS ZONES

1. B-1 NEIGHBORHOOD BUSINESS

Location: This zone is used in limited areas for neighborhood businesses in either discreet locations, such as intersections, in residential neighborhoods or as a transition zone between more intensely developed business areas and residential uses. There are 23 separate locations throughout the City.

Current and Proposed Zoning: All land currently zoned B-1.

Discussion: The purpose of the B-1 neighborhood business zone is to provide limited areas for the location of small-scale commercial establishments intended to serve a local market. As a result, uses shall be complimentary, quiet and generally do not disturb the comfort and enjoyment of the adjoining neighborhood environment. Uses shall be designed for the pedestrian scale and will provide convenient access for nearby residents and workers to walk in to purchase goods and services. Buildings and uses shall be designed with attractive storefronts or similar features, with windows and doors convenient to a public sidewalk. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3). This zone shall encourage mixed-use buildings such as commercial first floor with residential uses above or combined retail/office uses in a multistory structure. Suitable locations for this zone may include street intersections and arterial streets with existing or proposed traditional neighborhood retail and service uses.

The Neighborhood Business zone allows residential uses. It was updated in 1999 in accordance with Portland's Transportation Plan to encourage multi-family dwelling units above commercial uses at the R-6 density and encourage business development along street lines. The permitted uses include professional offices, business services, personal services, retail establishments with limited hours, beverage dealers under specified conditions, churches, schools, nursery schools, small clinics, lodging houses, day care facilities and bed and breakfast establishments. Restaurants are a conditional use. The update in 1999 also revised the dimensional requirements. The B-1 zone does not have a minimum lot size, encourages buildings to be built up to the street line, allows greater lot coverage, and limits building size to encourage compatible development. No changes to the zone are anticipated at this time.

2. B-1b NEIGHBORHOOD BUSINESS

Location: The B-1b zone is used in very limited circumstances. It is located along Stevens Avenue near Deering Center and encompasses one parcel on Veranda Street.

Current and Proposed Zoning: All land currently zoned B-1b.

Discussion: The purpose of the B-1b neighborhood business zone is to provide appropriate opportunities for the establishment of small-scale ground floor commercial uses in existing buildings, serving a local market, while preserving residential uses and character above the ground floor of structures. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3). Suitable locations for this zone may include street intersections, arterial streets, and sites with existing or traditional neighborhood retail and service uses. The B-1b allows the same range of uses permitted in B-1 on the ground floor of existing structures while maintaining residential uses above. No changes to the zone are anticipated at this time.

3. B-2 and B-2c COMMUNITY BUSINESS

Location: The B-2 zone is located along Forest Avenue between Woodford and Morrill Corners and it is the zone in which most of the city's shopping centers and associated areas are located. This includes Pine Tree Shopping Center, Northgate, Northport, and Rainbow Mall office park, Hannaford, Westgate, Union Station Plaza and several other business areas throughout the city. The B-2c zone is located along the westerly side of Forest Avenue between Saunders Street and Baxter Woods

Current and Proposed Zoning: All land currently zoned B-2 and B-2c.

Discussion: The intent of the B-2 zone is to provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses and services serving the adjoining neighborhoods and the larger community. The variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone. The B-2 zone will provide a broad range of goods and services and general businesses with a mixture of large and small buildings such as grocery stores, shops and services located in major shopping centers and along arterial streets. Such establishments should be readily accessible by automobile and by pedestrians. Development in the B-2 zone should relate to the surrounding neighborhoods by design, orientation, and circulation patterns.

The B-2 zone permits a broad range of business uses, including uses such as restaurants, drinking establishments, veterinary clinics, theaters, hotels or motels, and colleges. Drive-through facilities are permitted with performance standards. Conditional uses include auto related businesses, printing establishments, wholesale operations, and research establishments. A recent change to the zone encourages multifamily units above first floor commercial uses and residential developments are allowed. There is a 10,000 square foot minimum lot size for non-residential uses. There are no minimum front yard requirements, except that the front yard shall not exceed the average depth of the adjoining properties front yards (to encourage development closer to the street line). Maximum impervious surface ratio is 80%. No changes to the zone are anticipated at this time.

The B-2 c zone is intended to protect and enhance the quiet enjoyment of adjoining residential neighborhoods from the impacts of businesses that serve liquor and from other uses that are incompatible with adjoining neighborhoods due to noise, thus drinking establishments are not permitted in the B-2c zone.

4. B-2b COMMUNITY BUSINESS

Location: The B-2b zone is a newly created zone that is in accordance with the Transportation Plan and housing recommendations. It is primarily located on the peninsula along portions of Washington, India Street area, portions of Forest Avenue and Portland Street, and Congress Street. It is also located along Forest Avenue between Preble Street and Woodford's Corner.

Current and Proposed Zoning: All land currently zoned B-2b.

Discussion: B-2b zone is intended to provide neighborhood and community retail, business and service establishments that are oriented to and built close to the street. The B-2b zone is appropriate in areas where a more compact urban development patterns exist on-peninsula or in areas where a neighborhood compatible commercial district is established off-peninsula and each area exhibits a pedestrian scale and character. Such locations may include the peninsula and other arterials and intersections with an existing urban or neighborhood oriented building pattern. Building additions are encouraged but not required to meet the maximum setbacks of 14-185(c). The uses are generally the same as in the B-2 zone, except some of the auto related uses and drive-through facilities are more limited. There is no minimum lot size for non-residential uses. The B-2b zone has a required maximum front yard setback of 10 feet, thus development will be close to the street and maintain the urban character of these areas. Maximum impervious surface ratio is 90%. No changes to the zone are anticipated at this time.

5. AB AIRPORT BUSINESS

Location: The zone encompasses the airport and some adjoining land.

Current and Proposed Zoning: All land currently zoned AB.

Discussion: To provide an area for the development of airport-related enterprises. Appropriate uses permitted in this district are those customarily associated with the operation of the airport terminal and individual airlines and accessory uses to provide for the comfort and convenience of the airport's patrons and employees. The permitted uses in the AB zone include airline terminal, airport services, car rental services, hotel/motels, restaurants, bands, parking garages, and accessory uses. The minimum lot size is 20,000 square feet. No changes to the zone are anticipated at this time.

6. B-3 DOWNTOWN BUSINESS

Location: B-3 encompasses the central business district. It is generally located from Commercial Street to Cumberland Avenue, Franklin Arterial and to State Street.

Current and Proposed Zoning: All land currently zoned B-3

Discussion: The B-3 zone is intended to maintain and enhance the role of the downtown as the business and commercial center of the region. It is intended to enhance and promote the orderly expansion of retail and service businesses downtown,

satisfying the related needs of the city's resident, working and visitor populations. Encourage increased housing opportunities downtown for a diverse residential population. Enhance the pedestrian environment through the encouragement of intensive mixed-use activities, through the enhancement and maintenance of public and private open space, and through the enlivenment and increased attractiveness of the street environment. The zone also encourages excellence in urban design and preserve and capitalize on the unique character and historic fabric of the downtown through the encouragement of reuse of significant existing structures. Provide opportunities for an enhanced presence and integration of the arts and cultural activities downtown and reinforce the role of the downtown as a meeting place for community residents and visitors alike from all walks of life and all socio-economic groups. It also is intended to provide adequate parking and transportation facilities, which promote accessibility, enhance and encourage development opportunity, and enhance and protect the pedestrian environment. The purpose statement also states to provide for the relocation of residents who are displaced by development.

Within the B-3 zones is the pedestrian activities district (PAD) overlay zone. The purpose is to create continuity of pedestrian-oriented uses along streets where such uses predominate and along streets, which, over time, will establish and maintain a strong retail and pedestrian-oriented use pattern.

The B-3 zone allows residential, institutional, and other uses. It has an extensive list of permitted business uses, including such uses as convention facilities, theaters and exhibition halls, restaurants, drinking establishments, offices, retail facilities, hotels, parking garages, communication studios and other business uses. Where the PAD district overlay zone exists, pedestrian oriented uses must occupy at 75% of the building's first floor street frontage and a separate list of permitted PAD uses is contained in the zone. There is also the Old Port Overlay zone, which is intended to separate drinking establishments and encourage a mix of businesses uses within this area. There are no minimum lot size requirements, buildings are to be within 5 feet of the street line, there are no residential density requirements, a maximum lot coverage of 100 % and the minimum building height is 35 feet with maximums determined with the height overlay requirements. There are specified floor area regulations for buildings over 125 feet and there are downtown urban design guidelines for the B-3 zone. No changes to the zone are anticipated at this time.

7. B-3c DOWNTOWN BUSINESS

Location: Forest Avenue between Congress Street and Cumberland Avenue.

Current and Proposed Zoning: All land currently zoned B-3c.

Discussion: The B-3c downtown business zone recognizes that the business uses appropriate in this zone are constrained by the proximity of multi-unit elderly housing. In addition to the purposes of the B-3 and B-3b zones, the purpose of the B-3c zone is to promote the safety, quiet enjoyment, and general welfare of citizens residing in a dense urban neighborhood by decreasing the conflicts between residential uses and loud, uncontrolled late night activities. No drinking establishments or

chemical-free nightclubs are allowed in the B-3c and special noise level requirements are specified for the B-3 and B-3c zones. No changes to the zone are anticipated at this time.

8. B-4 COMMERCIAL CORRIDOR

Location: The B-4 zone encompasses both sides of Warrant Avenue and the business areas along Riverside Street from Brighton Avenue to just beyond Warren Avenue. One small B-4 area is applied to the former Nissan's Bakery facility on Washington Avenue.

Current and Proposed Zoning: All land currently zoned B-4.

Discussion: The zone provides appropriate locations in the city for the development and operation of businesses catering primarily to highway-oriented trade along major arterials (uses which have market areas which are primarily dependent on the regional highway network or serve a regional or larger market). The B-4 zone also provides opportunities at appropriate locations for large-scale commercial uses and commercial uses that require larger land areas to accommodate their operations. The full range of business uses are permitted in the B-4 zone, including automobile services, dealerships and major gasoline service stations. The minimum lot size is 10,000 square feet, the maximum height is 65 feet and the maximum impervious surface coverage is 80%. No changes to the zone are anticipated at this time.

9. B-5 and B-5b URBAN COMMERCIAL MIXED USE ZONE

Location: The B-5 zone is located in Bayside and along Marginal Way, a small area along Fore Street near the waterfront, and the Thompson's Point area. B-5b is located on the upland side of west Commercial Street.

Current and Proposed Zoning: All land currently zoned B-5 and B-5b.

Discussion: The purpose of the B-5 and B-5b zones is to provide zones in areas of the peninsula near the central business district where a mixture of uses, including marine, industrial, commercial, and residential, is encouraged. Larger underdeveloped lots characterize the B-5 and B-5b zones with great potential for denser, clustered, urban mixed-use development and more efficient reuse of existing land and buildings.

It is anticipated that such denser, mixed uses would rely on a shared infrastructure system, including service alleys, parking lots, public transportation facilities, stormwater management, and driveways. The B-5 zones permit a wide array of business, low impact industrial, marine, residential, public, institutional, and other uses. Dimensional requirements are as follows: there is no minimum lot size requirement; it allows 100% maximum lot coverage; a maximum residential density of 60 units per acre is possible; and a maximum building height of 65 feet is allowed. B-5b requires that building be setback from the street no more than 10 feet. No changes to the zone are anticipated at this time.

10. B-6 Waterfront Zone

Location: The B-6 zone is located Between Fore Street and the water's edge in the Eastern Waterfront.

Current and Proposed Zoning: All land currently zoned B-6.

Discussion: The purpose of the B-6, Eastern Waterfront Mixed Zone is to establish a zoning district for the upland portion of the Eastern Waterfront area. The B-6 zone encourages this district to acquire a distinctly urban form through development that emphasizes a quality pedestrian experience, promotes public transit, and demonstrates exemplary urban design. The zone promotes a range of uses to achieve twenty-four hour urban vitality and shared use of parking infrastructure as recommended in the Eastern Waterfront Master Plan for Redevelopment.

The zone provides the regulatory framework to promote the mixed-use development pattern envisioned for urban land on Portland's peninsula. Specific development criteria, including building height overlays and design standards, may be established for this district to supplement the zone.

The B-6 zone offers a wide array of commercial uses, including tourist accommodations, retail and personal service businesses, offices and marine-related operations within the permitted uses. Multi-family housing and mixed-use residential and commercial structures are encouraged within the area. There are no minimum dimensional requirements; however there is a maximum setback standard of ten (10) feet. New structures are required to be built to the key building envelopes shown on the Eastern Waterfront Building Height Overlay Map, with a minimum length street wall along street frontage and with a minimum of three floors of habitable space. The B-6 zone contains fourteen (14) performance standards for external impacts, such as noise, vibrations, storage and other factors.

GROWTH AREA BY ZONING CLASSIFICATIONS IN PORTLAND

INDUSTRIAL ZONES

1. I-L and I-Lb INDUSTRIAL

Location: The low impact industrial zones are located off St. John and Congress Streets, along the westerly edge of the Turnpike between Rand Road and the Stroudwater River, near Morrill's Corner and Canco Road, an area along Riverside Street, along the westerly edge of Presumpscot Street, and near Tukey's Bridge. The I-Lb zone is located along the easterly end of Marginal Way.

Current and Proposed Zoning: All land currently I-L and I-Lb

Discussion: The low impact industrial zone is intended to provide areas in which low impact industrial uses will be compatible with adjacent residential uses, will provide a buffer between residential neighborhoods and the I-M or I-H industrial zones, or will stand alone as a smaller scale industrial district. The I-L zone is located adjacent to residential neighborhoods, business uses and other industrial uses where the low intensity nature of the uses, as well as their strict performance standards, will ensure the compatibility of the uses with other adjacent industrial and non-industrial uses.

Performance standards for uses in the I-L zone are designed to maintain compatibility between low impact industrial uses and neighboring non-industrial and industrial uses. Performance standards include full enclosure of uses and requirements for buffers and screening from adjacent properties. The permitted uses include light industrial uses, research facilities, lumberyards, commercial kitchens, contractor establishments, day care facilities, amusement centers, marinas, intermodal transportation facilities and other uses. Prohibited uses are specified in the zone. There is no minimum lot size requirement; however, the maximum impervious surface for I-L is 65% and for I-Lb it is 100%. There are minimum setbacks in the I-L zone, but none in the I-Lb unless the use is adjoining a residential zone. No changes to the zone are anticipated at this time.

2. I-M and I-Mb INDUSTRIAL

Location: The moderate intensity industrial zone is the largest industrial zone. It encompasses land on the westerly side of the Turnpike from the Stroudwater River to South Portland, the Rand Road industrial area, and along portions of the following streets: Riverside Street; Riverside Industrial Parkway; Davis Farm Road; Warren Avenue; Presumpscot Street; Canco Road; St. James Street; and in the vicinity of Tukey's bridge. The I-Mb zone is located along the southerly end of St. John Street.

Current and Proposed Zoning: All land currently I-M and I-Mb.

Discussion: The moderate impact industrial zones are intended to provide zones in areas of the city in which light and moderate impact industries and transportation-related uses will coexist. The moderate impact industrial (I-M) zones are located on

arterials or collectors. The I-Mb zones are similarly located on the peninsula. These locations provide for direct access onto arterials, thereby protecting residential neighborhoods from drive-through traffic.

The I-M and I-Mb industrial zones are intended to provide for larger industrial buildings and for the limited or controlled use of areas outside of structures for storage of materials and machinery. These facilities often require large volumes of imported materials and products, which result in large volumes of shipping and receiving. Often uses may be highway-oriented and transportation-related, thus relying on citywide and regional transportation infrastructure. Industrial uses in the moderate impact industrial zones may require separation from higher impact uses, which should be directed to the high impact industrial zone. The list of permitted uses is more extensive than in the I-L and there are performance-based standards for the uses. Prohibited uses are specified.

For all uses except correctional facilities, there are no minimum lot size requirements, lot coverage may be 75%, maximum building height is 75 feet and there are setback standards. The I-Mb is designed for more urban locations, so it allows 100% lot coverage and setbacks are eliminated unless the property abuts a residential zone. No changes to the zone are anticipated at this time.

3. I-H AND I-Hb INDUSTRIAL

Location: The high impact industrial zones are located in three limited areas along outer Warren Avenue, off Riverside Street, and off Bishops Street.

Current and Proposed Zoning: All land currently I-H and I-Hb.

Discussion: The high impact industrial zones are intended to provide areas suitable for higher impact industrial uses than are permitted in other industrial zones and other uses including hospital campuses that are capable of demonstrating, through design, layout and topography, their compatibility with, or non-intrusion on, existing or future higher impact industrial uses on adjacent or neighboring I-H zoned properties. Due to the intensity of use, the I-H zones are intended for use, which may require extensive outdoor storage and usage and may utilize heavy equipment. Processes may require separation from residential or sensitive environmental areas. The I-H zones are separated from other non-industrial uses as well as natural or constructed features.

High impact industrial uses will be of a higher intensity, with more lot coverage, than the other zones. Due to the intensity of uses, the performance standards will allow for the higher intensity of use. The permitted uses build on those uses allowed in I-L and I-M and permits more intensive uses. Prohibited uses are specified. There is no minimum lot size, 85% lot coverage in I-H, maximum building height of 75 feet, and lot setbacks. Currently there is no area zoned I-Hb, however it is a zone appropriate for urban locations with its 100% lot coverage and minimal or no setbacks. No changes to the zone are anticipated at this time.

GROWTH AREA BY ZONING CLASSIFICATIONS IN PORTLAND

WATERFRONT ZONES

1. WCZ WATERFRONT CENTRAL ZONE

Location: The waterfront central zone is located east of the Commercial Street between the Maine State Pier and Deaks Wharf.

Current and Proposed Zoning: All land currently WC.

Discussion: The waterfront central zone was created to protect and nurture water-dependent and marine-related support uses so that they may grow and prosper in an environment and area dedicated to this purpose. The following priority of uses is recognized:

- (a) The first priority of this zone is to protect and nurture existing and potential water-dependent uses;
- (b) The second priority is to encourage other marine and marine-related support uses so long as they do not interfere with water-dependent uses, either directly by displacement or indirectly by placing incompatible demands on the zone's infrastructure;
- (c) Other specified uses are encouraged only if they do not interfere with and are not incompatible with first and second priority uses.

Other specified uses are beneficial to the waterfront economy because they provide the financial return to property owners necessary for the maintenance and improvement of the marine infrastructure. However, water-dependent and marine-related support uses by their nature have activities and operational needs that are unique to this area and are not shared by other commercial and industrial uses in the city. These first and second priority uses and related activities may result in noise, odor, dust, hours of operation, parking and traffic patterns and traffic control needs that are necessary for the convenient and successful conduct of such uses. Other uses may not be compatible with these types of effects. Other specified uses are permitted under certain circumstances in the waterfront central zone, provided that they do not significantly interfere with the activities and operation of water-dependent and marine-related support uses. Such uses must be, and are assumed to be, aware of the impacts associated with marine uses and therefore must accept and be tolerant of them. Other specified uses in the zone shall accommodate to those patterns and needs of the higher priority uses so long as those higher priority uses do not have a substantially adverse effect on public health and safety and the higher priority activities are conducted in accordance with sound practices or practices customary in the trade.

The permitted uses in the WC are marine related. Non-marine related commercial or limited industrial uses are permitted above the ground floor level

in buildings in existence in 1993 provided that the non-marine uses do not exceed 50% of the total floor area of the building. There are also conditional marine uses in this zone. There are no minimum dimensional requirements except for a 5-foot setback from the pier line. No changes to the zone are anticipated at this time.

2. WPDZ WATERFRONT PORT DEVELOPMENT ZONE

Location: The waterfront port development zone is located along the easterly and westerly ends of the waterfront. The zones are east of Commercial Street and encompass the Maine State Pier northerly to the WSUZ zone, and from roughly State Street to the Veteran's Bridge.

Current and Proposed Zoning: All land currently WPDZ

Discussion: 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.

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 performance standards as other industrial zones, are limited to those uses which are dependent upon deep water and which contribute to port activity. Non-marine industrial activity may be allowed only on a temporary basis and only to the extent it will not preclude or impede any future water-dependent development.

The permitted uses include marine related uses, such as marine repair services, harbor and marine supplies, shipbuilding, cargo handling facilities, boat repair yards, marine construction and salvage, and marine pollution control facilities. The permitted commercial uses include intermodal transportation facilities principally serving vessels with regular scheduled destination service, warehousing of goods awaiting shipment by cargo carriers, and marine cargo container maintenance and repair. The only dimensional requirements are a 5-foot setback from the pier line and a 45-foot building height limit. No changes to the zone are anticipated at this time.

3. WSUZ WATERFRONT SPECIAL USE ZONE

Location: The Waterfront special use zone is located along the upland edge of the waterfront south of Fore Street in the vicinity of Munjoy Street.

Current and Proposed Zoning: All land currently WPUZ

Discussion: The waterfront special use zone recognizes that the uses appropriate in this zone are constrained by its proximity to the Ocean Gateway facility and heavy industrial use on the western end, a high-density residential neighborhood on the north, and park and R-OS land to the east. Uses to be located in this zone must be compatible with these existing

neighborhood uses. At a minimum, parcels in this zone generally enjoy visual access to the port. It is further recognized that this area has historically been used for marine uses and that some of the parcels have the capacity to accommodate active water-dependent uses. While physical access to the water may not currently be legally available to portions of this zone, it is anticipated that future developments in this zone may be able to negotiate easements for access. At a minimum, development in this zone should not be incompatible with marine and water-dependent uses. Uses which contribute to the maintenance and improvement of the infrastructure along the water's edge as a condition of use are strongly encouraged.

The uses allowed in this zone build upon the marine uses contained in the other zones and adds industrial uses related to marine facilities, seafood processing, and marine related uses. Permitted commercial uses allowed in existing buildings include professional office, business services, restaurants, cabinet shops, cold storage facilities and museums. There are few dimensional requirements in this zone, except for height limitations and if a property adjoins a residential zone. No changes to the zone are anticipated at this time.

GROWTH AREA BY ZONING CLASSIFICATIONS IN PORTLAND

OTHER ZONES AND AREAS

1. CONDITIONAL AND CONTRACT ZONES

Location: Conditional and Contract Zones are located throughout Portland on unique sites.

Current and Proposed Zoning: All land currently Contract Zone

Discussion: Conditional or contract zoning is authorized for rezoning of property where, for reasons such as the unusual nature or unique location of the development proposed, the City Council finds it necessary or appropriate to impose, by agreement with the property owner or otherwise, certain conditions or restrictions. In order to ensure that the rezoning is consistent with the city's comprehensive plan. Conditional or contract zoning shall be limited to where a rezoning is requested by the owner of the property to be rezoned. Nothing in this division shall authorize either an agreement to change or retain a zone or a rezoning which is inconsistent with the City's Comprehensive Plan. The conditions and restrictions that may be imposed include, by way of example:

1. Limitations on the number and types of uses permitted;
2. Restrictions on the scale and density of development;
3. Specifications for the design and layout of buildings and other improvements;
4. Schedules for commencement and completion of construction;
5. Performance guarantees securing completion and maintenance of improvements, and guarantees against defects;
6. Preservation of open space and buffers, and protection of natural areas and historic sites;
7. Contributions toward the provision of municipal services required by the development; and
8. Provisions for enforcement and remedies for breach of any condition or restriction.

No changes to the zone are anticipated at this time.

STUDY AREA AND REDEVELOPMENT AREAS

1. Presumpscot River Preserve and Presumpscot River Place – Study Area (Area C on Future Land Use Map)

The Presumpscot River Preserve is a 34-acre parcel acquired by the City of Portland to protect a significant section of the Presumpscot River Corridor. The Presumpscot River Watch's Guide to the Presumpscot River (1994) describes this section as the "largest areas of undeveloped riparian land." The preserve covers 2,450 feet of undeveloped river frontage protected by a 500 foot wide buffer.

The natural value of this corridor has long been recognized, but when a developer proposed a major subdivision on this land, the City took action to preserve the most sensitive areas of the land. With Land for Maine's future Program funds, City funds and private contributions, the City purchased a 500 foot wide buffer along the river from the developer, including land in Falmouth, which was later annexed to Portland. The developers plans were scaled back with the subdivision located outside of the buffer. The preserve is also contiguous to Oat Nuts Park, which is owned by the City.

The preservation strategy for the preserve is to protect the river's riparian land within a 500-foot buffer from future housing. The preserve will likely be zoned to Resource Protection or Recreation Open Space, both of these zoning classifications are considered as a rural designation under the State's Growth Management regulations.

The property held by the developer is referred to as Presumpscot River Place. The City will consider the owner's application for rezoning under contract zone provisions. The owner is seeking the zone change and other regulatory approvals in order to build an age restricted housing complex.

2. **Bayside – Redevelopment Area (Area A on Future Land Use Map)**

A Vision for Bayside calls for building more housing in the Bayside neighborhood in the area that is roughly located between Kennebec Street, Cumberland Avenue, Franklin Arterial and Forest Avenue. The Plan refers to this area as "Bayside Heights." The Plan recommends developing new zoning regulations that encourage new housing at a high residential density commensurate with Bayside's role as an urban mixed-use neighborhood. The Plan also recommends that the zoning include design standards to ensure well designed and neighborhood compatible development. The Planning and Development Department has begun creating a new regulatory provision entitled the Urban Housing Overlay Zone (UHOZ).

A. Urban Housing Overlay Zone (UHOZ)

One of the challenges to simplifying the regulatory climate is that "Bayside Heights" currently contains six separate zones. The UHOZ is an overlay provision that unifies the housing provisions of the area by establishing regulations that supersede the underlying zoning provisions with regards to housing, and for building heights for all uses. Additionally, the UHOZ uses three basic zoning mechanisms to address particular challenges. These include:

1. **STREET TYPES:** The UHOZ classifies streets in the overlay zone, identifying them as one of three types of streets. The primary use of this street classification is to identify the allowable building height according to the street that a development fronts. This mechanism recognizes that the neighborhood has a "fine grain" of appropriate building height, scale and massing that is related to the character of the existing street and neighborhood context.
2. **MINIMUM FLOOR AREA RATIOS:** One intention of the UHOZ is not only encourage appropriately dense housing development, but to prohibit underdevelopment. Staff considered Minimum Density Zoning (MDZ) but was concerned that this provision might have the unintended consequence of being a disincentive for creating larger units. Instead, the UHOZ uses a minimum Floor Area Ration (FAR) provision which insures that development have a minimum

physical density, insuring that development has an appropriate level of massing for the context of an urban neighborhood. This approach allows market flexibility that will result in a variety of dwelling forms while insuring development is appropriately urban in form and scale.

3. **SIZE OF DEVELOPMENT PARCEL:** The UHOZ does not establish a minimum lot size. Instead, it identifies three scales of housing development based on the size of the development parcel: Micro-Infill (lot up to 4500 SF), Medium-Scaled (lots greater than 4500 SF but less than one acre), and Urban Redevelopment Projects (URP) on parcels one acre or larger. Each scale of project has slightly different provisions regarding FARs, and each will have its own set of design guidelines. This provision recognized that developments have different requirements and impacts at different scales. The most far-reaching implication from this provision is connected to the Urban Redevelopment Projects. URPs will carry additional development standards that contribute to the larger “Bayside Vision” (e.g., a variety of housing types, mixed-use development, public green space, streetscape amenities, etc.). The UHOZ provides a “menu” of scored neighborhood features that the developer can choose from in order to create a proposal that achieves 100 points. This intent is to insure that the larger redevelopment opportunities provide a variety of features that contribute to the overall redevelopment goals of Bayside while encouraging creativity and allowing flexibility for the developer.

3. **Eastern Waterfront – Redevelopment Area (Area B on Future Land Use Map)**

A. **Zoning**

Rezoning the Eastern Waterfront will follow the principles, policies and guidelines listed in A Master Plan for Redevelopment of the Eastern Waterfront³ (listed under State Goal G, Marine Resources in this document) and will concentrate on four distinct areas:

1. **Central Redevelopment Area**

The Central Redevelopment Area of the Eastern Waterfront has been recently rezoned to a new commercial zone to facilitate mixed-use development consistent with the plan: the B-6 Eastern Waterfront Mixed Use Zone. The B-6 is located on the north side of Commercial Street, which continues the established development pattern of mixed uses in this area. Waterfront zoning is retained on the south side of Commercial Street, which supports marine uses.

2. **Passenger Port Development**

The Ocean Gateway marine passenger facility project and future reuse of the 100,000 square foot transit shed at the Maine State Pier provide opportunity for rezoning. Pending zoning drafts would permit additional passenger support and public access uses associated with the ferry and cruise ship terminal while and retaining protections for the continued deep water use of marine infrastructure.

³ Within this document the principles and objectives are listed under State Goal G, the findings are found in the inventory for the Waterfront, pages W-12 to W14, and the actions are listed under Implementation Initiatives for the Eastern Waterfront.

3. Portland Company

The Portland Company is a ten acre Nineteenth Century industrial complex that is currently zoned for waterfront uses with provisions for some non-marine development within existing structures. Consistent with the Master Plan's vision of more mixed uses in the Eastern Waterfront, the Portland Company property could potentially be zoned to allow more mixed uses, while retaining marine uses on the ground floors.

4. Small Vessel Support

Finally, the Eastern Waterfront district is home to land abutting shallow water that is not suitable for deepwater berthing or navigation. These areas will potentially be rezoned from restrictive port related zoning to a new shallow waterfront zone. The new Small Vessel Support Zone would provide opportunity for public and private development of recreational and commercial berthing, public access, and low intensity marine support uses.

B. Policies for Development Design Guidelines

The first principle of the Eastern Waterfront Master Plan calls for development that is compatible with surrounding areas. To achieve this principle, the plan provides design guidelines for the Eastern Waterfront. The design guideline policies and recommendations are listed below. The design guidelines are also discussed under the Major Initiatives for the Eastern Waterfront. Development of Site Plan standards based on the Design Guidelines will be part of future rezoning for the Eastern Waterfront.

1. Initial development of phase-one, Marine Passenger Terminal should set the stage for a long-term vision for the east end of the waterfront.

Recommendations:

- a. Establish a foundation of public infrastructure in conjunction with Phase One of the Ocean Gateway Facility that contributes to the broader public realm and lays the groundwork for future development.
 - Build phase-one of the Commercial Street extension to an adequate width to accommodate traffic and on-street parking.
 - Build adequate sidewalks on both sides of the new street extension.
 - Extend the trail on the waterside of the new sidewalk, connecting to the existing pedestrian system between India and Franklin Streets.
 - Provide a good landscaped buffer / edge between the marine facility and the Commercial Street extension.
- b. Every increment of development, especially public development, should incorporate public amenities that contribute to creating a special sense of place.
 - Incorporate streetscape furniture, street trees and lighting that promote a walkable district. These amenities should be designed to

extend into the India Street district, creating visual linkages and promoting pedestrian connections.

- Incorporate appropriated scaled and designed focal elements at key visual terminations. These focal elements could be functional, like clock towers or kiosks, or abstract, like public sculpture.

2. Develop a holistic view that recognizes development opportunities in the Eastern Waterfront will evolve incrementally

Recommendations:

- a. Develop in phases that both stand alone and work together.
 - Create a development-phasing scenario that allows the City to operate on a stand-alone basis, or in cooperation with private property owners.
 - Recognize and encourage the positive role private development can make in contributing to the public realm.
 - Create a phasing plan that begins to remove surface parking from the waterfront in the near term.
 - Aim to balance development at every step to provide a mix of compatible uses, activates the neighborhood during all times and seasons, addresses short and long term parking needs, and contributes to a walkable city.
- b. Integrate public and private development in a positive, secure, and elegant manner.
 - Build the principal street system, pedestrian access and open space early in the process, setting the standard for the area.
- c. Encourage diversity of architectural responses within a master plan that include guidelines for timeless architecture and respect for human scale.

RURAL AREA BY ZONING CLASSIFICATIONS IN PORTLAND

ISLAND ZONES

1. IR-1 ISLAND RESIDENTIAL

Location: The IR-1 zone encompasses Cushing Island and significant portions House, Little Diamond, Great Diamond and Cliff Island.

Current and Proposed Zoning: All land currently IR-1.

Discussion: The purpose of the IR-1 island residential zone is to provide for low intensity residential, recreational, and rural uses in the less developed areas of the islands in order to preserve the rustic character of the islands, to protect groundwater resources and natural and scenic areas, and to permit only appropriate low intensity development in areas lacking adequate public facilities and services.

The permitted uses include single-family homes, planned residential unit developments, agriculture, boathouses, parking for agriculture or commercial fishing, and accessory uses. Conditional uses include accessory apartments, day care facilities, institutional uses, wharves, and campgrounds. The minimum residential lot size is 40,000 with public water and 60,000 without public water. Maximum lot coverage is 20% with specified setbacks. There are provisions that allow property owners to non-contiguous lots with conservation easements to be used in order to meet the minimum lot size requirements. These provisions do not apply to Peaks Island. No changes to the zone are anticipated at this time.

2. IR-2 ISLAND RESIDENTIAL

Location: The IR-2 zone encompasses the residential portions of Peaks, Little Diamond and Great Diamond Islands, which are more developed than other parts of the islands.

Current and Proposed Zoning: All land currently IR-2.

Discussion: The purpose of the IR-2 island residential zone is to protect the character of existing developed residential neighborhoods on the islands and to allow infill where there are adequate public services available. Expansion or extension of an existing IR-2 zone should be strictly limited, generally focused toward areas adjacent to existing village IR-2 areas, and restricted by such factors as adequacy of access, whether adequate water will be available for private use and for fire protection, and whether soils in the area are adequate for subsurface water disposal or whether public sewers are available. IR-2 rezoning on substantially sized parcels should not be considered for those sites that should be more appropriately zoned IR-1 or IR-3.

The IR-2 uses are generally the same as IR-1. The minimum residential lot size in the IR-2 is 20,000 square feet. There are similar provisions for combining non-contiguous lots with conservation easements, in order to meet the minimum

lot size requirements. These provisions do not apply to Peaks Island. No changes to the zone are anticipated at this time.

3. IR-3 ISLAND RESIDENTIAL

Location: The IR-3 zone is located on Great Diamond Island, former Fort McKinley site.

Current and Proposed Zoning: All land currently IR-3.

Discussion: The purpose of the IR-3 island residential zone is to allow for a planned unit development in a manner compatible with both the natural and built environment, which provides for adequate circulation and waterfront access, adequate water supply for private use and fire protection, and safe and clean disposal of solid and septic wastes. The following guidelines shall be considered, among others, in establishing an IR-3 zone:

- (a) An IR-3 zone should have a minimum land area of twenty (20) acres;
- (b) A site for an IR-3 zone should be able to accommodate a higher density of development by providing buffers from surrounding areas on a substantially sized parcel for which natural amenities are capable of being conserved in a development plan for the site;
- (c) IR-3 zones should not be established unless issues of municipal services, including infrastructure, education, and police and fire services and other municipal services can be appropriately and adequately addressed;
- (d) The differences in scale and intensity of uses between existing development and the IR-3 zone, and the cumulative impact on the overall density of the island, should be mitigated by appropriate open space and buffer areas; and
- (e) The development plan should have the capability of meeting the development review standards of section 14-145.16.

The Planned Unit developments are permitted to have single family attached and detached housing, lodging houses, inns, restaurants, retail business, campgrounds, recreational facilities, wharves/docks, private clubs and some institutional uses. There are no dimensional requirements, but there detailed design and performance standards to guide development. No changes to the zone are anticipated at this time.

4. I-B ISLAND BUSINESS

Location: The Island Business zones are located at two locations on Little Diamond Island Cliff Island, and one on House Island. It is located along Peaks Island waterfront (western edge along Island Avenue) and at a second location on Trefethen Avenue.

Current and Proposed Zoning: All land currently zoned I-B.

Discussion: The purpose of the I-B island business zone is to provide limited areas on the islands for retail and service establishments that serve primarily the needs of the

local island market area. Single family detached housing, retail establishments, inns, marinas, lodging houses, wharves, off-street parking and artist studios are permitted. Bed and breakfast establishments are allowed on Peaks Island. Two-, three- and four- unit housing are a conditional use along with automobile stations and a variety of institutional uses. The minimum lot size for commercial uses is generally 20,000 square feet and larger lots are required for lodging facilities. Residential uses must conform to the minimum requirements of the adjoining residential zone. As in the island residential zones, there are provisions for merging lots with conservation easements. This does not apply to Peaks Island. There are minimum dimensional requirements and the maximum lot coverage is 50%. No changes to the zone are anticipated at this time.

5. ISLAND TRANSFER STATION OVERLAY ZONE

Location: Located at one site on Peaks Island.

Current and Proposed Zoning: All land currently zoned Island Transfer Station.

Discussion: The purpose of the Island Transfer Station Overlay Zone is to establish an appropriate location for a transfer station for municipal solid waste and municipal public works activities. This zone shall be established through a conditional rezoning process in order to ensure the imposition of appropriate conditions for the protection of neighboring properties. The zone permits municipal solid waste facilities, recycling facilities, municipal garages, and maintenance of municipal vehicles and equipment. The dimensional setbacks are determined through a conditional rezoning process. No changes to the zone are anticipated at this time.

RURAL AREA BY ZONING CLASSIFICATIONS IN PORTLAND
RECREATION AND RESOURCE PROTECTION ZONES

1. R-OS RECREATION AND OPEN SPACE

Location: The R-OS zone is located on the mainland and on Peaks Island. The zone encompasses city-owned land that is held for parks, open space, recreation facilities, cemeteries, and scenic view. Some of the largest holdings include Riverside Golf Course, Riverton Trolley Park, Evergreen Cemetery, Deering Oaks, Portland's Sports Complex (Hadlock Field, Fitzpatrick Field, and the Portland Ice Arena), Eastern Promenade, Western Promenade, and the Peaks Island Reservation.

Current and Proposed Zoning: All land currently zoned ROS.

Discussion: The purposes of the ROS zone are as follows:

- (1) To preserve and protect open space as a limited and valuable resource;
- (2) To permit the reasonable use of open space, while simultaneously preserving and protecting its inherent open space characteristics to assure its continued availability for public use as scenic, recreation, and conservation or natural resource area, and for the containment and structuring of urban development;
- (3) To coordinate with and carry out federal, state, regional, and city recreation and open space plans; and
- (4) To provide a suitable location for large-scale regional sports and athletic facilities.

The recreation open space zone may include major parcels (over two (2) acres) of public property, and private property legally restricted from intensive use or development through deed, covenant, or otherwise. The permitted uses of the zone are municipal parks, cemeteries, arboretums, golf courses, boat landings, athletic fields, swimming pools, picnic groves, natural parks and overlooks, trails, community gardens, sports complexes, and accessory uses. There are dimensional requirements for buildings and lot coverage is 25% for all the recreation uses except the sports complex, which is allowed 75% coverage. No changes to the zone are anticipated at this time.

2. RPZ RESOURCE PROTECTION ZONE

Location: The RPZ zone incorporates the 100-year flood plains along fresh and saltwater bodies of water. Specifically, the protected areas are found along the Presumpscot River and Estuary, Stroudwater River, Fore River and Estuary, at several locations on Cliff and Peaks Islands. In 2000, Portland extended the RPZ beyond the 100-year flood plain to protect the entire Fore River Sanctuary along with adjoining wetlands and open space land.

Current and Proposed Zoning: All land currently zoned RPZ.

Discussion: The RPZ is intended to protect the fragile floodplains and wetlands associated with both fresh and salt-water bodies. The city recently rezoned over 100 acres of wetlands and open space land (included wildlife corridors and trail opportunities) to the RPZ zone for the long-term preservation of these areas. Portland established the RPZ zone in 1991 according to the Maine's Shoreland Zoning regulations. The permitted uses are non-intensive uses and limits development. There are dimensional requirements in accordance with State regulations. No changes to the zone are anticipated at this time.

ENVIRONMENTALLY SENSITIVE ZONING PROVISIONS WITHIN BOTH GROWTH AND RURAL AREAS

SHORELAND ZONING, FLOOD PLAIN MANAGEMENT, AND STREAM PROTECTION

1. SHORELAND ZONING OVERLAY

Location: The Shoreland zones are 250 feet buffers from the high water mark found along Portland's rivers, the coastal waterfront, and the islands' waterfronts.

Current and Proposed Zoning: All land currently zoned Shoreland Overlay Zone.

Discussion: The purposes of this division are to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect fish spawning grounds, aquatic life, bird and other wildlife habitat; protect buildings and lands from flooding and accelerated erosion; protect archaeological and historic resources; protect commercial fishing and maritime industries; protect freshwater and coastal wetlands; control building sites, placement of structures and land uses; conserve shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty, as appropriate in an urbanized environment; and to anticipate and respond to the impact of development in shoreland areas. The land use standards are in conformance the State's regulations. For most of the shoreland areas the specific state regulations apply, except in the intensely developed downtown and waterfront (the port area), which have separate standards. No changes to the zone are anticipated at this time.

2. FLOOD PLAIN MANAGEMENT

Location: Applies to federally designated flood hazard areas.

Current and Proposed Zoning: All land currently zoned Shoreland Overlay Zone.

Discussion: Portland elects to comply with the National flood Insurance Act. The city enacted a flood hazard development permit system and review procedure for development activities in the designated flood hazard areas of the city. The purposes of this division are to reduce future flood risks and losses, protect against financial and human loss resulting from flood disasters, and to control the placement of structures, construction materials, and methods used to minimize potential property damage due to flooding. No changes to this permit program are anticipated at this time.

3. STREAM PROTECTION

Location: The stream protection zone is a 75-foot buffer along streams according to the State shoreland regulations. Portland included additional streams of local significance on Peaks Island and the mainland.

Current and Proposed Zoning: All land currently zoned Shoreland Overlay Zone.

Discussion: The purposes of the S-P stream protection zone are to preserve and protect significant streams as defined in 38 M.R.S.A. Section 438-A (1) by providing a buffer from land development activities in order to conserve stream channel capacity and to minimize siltation and stream bank erosion. No changes to the zone are anticipated at this time.

