



CITY OF PORTLAND  
Permitting and Inspections Department

## 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 area of the city and ensure that the vision in the City's Comprehensive Plan is consistently met. Zoning divides the city into districts (zones). The zones are shown on the [zoning map](#), and the [Chapter 14 Land Use ordinance](#) lists the rules for each zone. 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 into an area of interest. Major zone categories include Residential (R), Island Residential (IR), Business (B), and Industrial (I), with sub-categories of 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](mailto:zoning@portlandmaine.gov).

### **What is a Form Based Code?**

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.



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**Can I change the zone that my property is in?**

Changing the zone of a property, known as a [map amendment](#), is an involved process, and success is not guaranteed. Petitioners must provide documentation that the property is appropriate for rezoning, based on the principles of zoning and the city's comprehensive plan. It then requires public hearing and review through the Planning Board, and final approval through the City Council. These bodies would have to find that the zoning is appropriate and not likely to cause negative impacts on surrounding existing uses, such as residences. The [map amendment process](#) is handled through the city's Planning Department. If you want to explore this process further please e-mail that department at [planning@portlandmaine.gov](mailto:planning@portlandmaine.gov).

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

The [Chapter 14 – Land Use ordinance](#) lists the rules for each zone. Use the bookmark function (ribbon icon) to see the table of contents. The list of allowed uses for regular zones can be found in Article 6, and the dimensional requirements for regular zones can be found in Article 7. Overlay zones, form-based zones, and waterfront zones are found in other Articles. You can use the search function (CTRL+F) to search for the name of the zone, or for section numbers.

**What if my property is split between two or more zones?**

In general, the rules for each zone are applied to the portion of the lot that is within that specific zone. Section 5.2.3 of [Chapter 14](#) provides an allowance for zone lines to be extended in certain circumstances.

**What permitting archives are available online?**

Permit records from 2018 to present are searchable and downloadable from the [Citizen Self Service Portal](#). For 2000 to 2018, [the server folders are available here](#). These are arranged by CBL chart/block/lot number, found using the [assessor's search tool](#). There is also a folder labeled "Microfiche" that contains any scanned microfiche (pre-2000) that is available for properties, again organized by chart number. Only a small percentage of properties have had their microfiche scanned, but it is a good place to start when looking for older permitting records. If you need microfiche records that have not yet been scanned, please send a request to [permitting@portlandmaine.gov](mailto:permitting@portlandmaine.gov). Please note that it can take several weeks to fulfill scanning requests.

**Dimensional Requirements**

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

The setback requirements for regular zones can be found in Article 7 of [Chapter 14](#). There is also a [table of setbacks](#) available for the residential zones. Be aware that certain areas, such as the shoreland zone overlay, form-based zones, and waterfront zones are found in other Articles of the ordinance, and may have their own



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unique 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 edges. 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 7.7.5.C of [Chapter 14](#) (“Projections in required setback areas”) 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 must meet the setback.

**What is a half-story?**

This is defined in Section 7.2 of [Chapter 14](#), 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 must 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 need to 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. Variance requests may be heard by the Zoning Board of Appeals (ZBA) and are very rarely granted. Please contact the Zoning staff to discuss at (207) 874-8709 or [zoning@portlandmaine.gov](mailto:zoning@portlandmaine.gov).

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

Section 4.4 of [Chapter 14](#) governs the replacement of nonconforming structures. Generally, if a legally-existing, non-conforming structure is torn down, it may 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. Different rules apply to non-conforming *uses* (such as residences in an industrial zone). Please contact the Zoning staff if you need to discuss your particular situation at (207) 874-8709 or [zoning@portlandmaine.gov](mailto: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?



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- If it does not meet current dimensional standards, can it qualify as a non-conforming buildable “Lot of Record” per Section 4.3 of [Chapter 14](#) (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 your particular situation at (207) 874-8709 or [zoning@portlandmaine.gov](mailto: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 4.3 of [Chapter 14](#) sets criteria to allow the development of certain vacant 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 configuration 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 street 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.
- If the vacant parcel has been held in common ownership with an adjoining, developed parcel after June 5, 1957, any existing structures on the developed parcel must meet the setback requirements to the shared property line(s).

On the islands, different criteria apply – see Section 4.3 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:

- 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](mailto: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.



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## 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; and 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 for regular zones can be found in Article 6 of [Chapter 14 – Land Use Zoning Ordinance](#). (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 the Planning Board. The rules for overlay zones, form-based zones, and waterfront zones can be found in other Articles.

### **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 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 and also online: [What permitting archives are available online?](#)). The 1950 tax card (available at the Tax Assessor’s office, Room 115 of City Hall or by emailing [assessors@portlandmaine.gov](mailto:assessors@portlandmaine.gov)) 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, general services, etc.) is allowed at your business location with the following steps:

1. Look up your zone using the [interactive zoning map](#).
2. Refer to [Chapter 14 – Land Use Ordinance](#). ([How do I find the rules for my zone?](#)) The allowed uses for regular zones are in Article 7. The rules for overlay zones, form-based zones, and waterfront zones are found in other Articles.

Some zones and uses require providing off-street parking – please see Article 19 of [Chapter 14](#) for more information. If your new use will be different than the last use approved for your location ([What is ‘legal use’ and how do I find this out for my property?](#)), then a [commercial change-of-use permit](#) is required. This permit application can also be used for interior alterations of the space, whether a change-of-use is needed or not. Some changes-of-use are subject to payment of the city’s [impact fees](#).



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## Dwelling Units

### **I have an unapproved dwelling unit. Can I get approval for the unit?**

If dwelling unit(s) were 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 additional unit(s) can be permitted under the current rules for your zone, seek a change-of-use permit (for up to two units in a building, use the [residential application](#), and for three or more units in a building, use the [commercial application](#)). If the current rules for the zone would not allow for approval of the additional unit(s), you might qualify for a [legalization permit](#). This is allowed only in certain zones, and you must provide proof that the unit(s) were added by a previous owner and that the unit(s) existed before April 1, 2005. Please note that permit approval under either option may require work to bring the building into compliance with building and life safety code regulations. Unfortunately, if the unit cannot be formally approved by a Change-of-Use Permit or Legalization Permit, then the unit must be removed.

### **Can I add an in-law apartment to my house or property?**

In December 2020, City Council adopted a new ordinance provision that can allow the creation of up to two Accessory Dwelling Units (ADU's) on any residential property. ADU's are dwelling units that are smaller and subordinate to the principal dwelling unit(s) on the property. The standards for ADU's can be found in Sec 6.6.2.A of [Chapter 14](#). ADU's may be created within the principal building, within legally-existing detached buildings, or in a new building/addition. Creation of an ADU requires a building permit – contact [zoning@portlandmaine.gov](mailto:zoning@portlandmaine.gov) with the details of your specific situation for guidance on the permitting process. Creation of ADU's may require installation of a new sewer line and installation of a fire sprinkler system. New ADU's are subject to payment of the city's [impact fees](#). Some properties may also qualify for the creation of non-ADU (standard) dwelling units. See [Can I add another dwelling unit to my property/building?](#) for details.

### **Can I add another dwelling unit to my property/building?**

Look up your zone using the [interactive zoning map](#) and find the uses allowed in your zone in [Chapter 14](#). (**How do I find the rules for my zone?**). In order to qualify, the zone must allow two-family, three-family, or multi-family dwellings as a permitted or conditional use, and you must meet any applicable dimensional requirements. Depending on the situation, the project may require Conditional Use approval from the Zoning Board of Appeals, Site Plan review through the Planning & Urban Development Department, and building permit approvals. The project would also be required to meet building and life safety code regulations. Please contact the Zoning staff at (207) 874-8709 or [zoning@portlandmaine.gov](mailto:zoning@portlandmaine.gov) if you have questions. New dwelling units are subject to payment of the city's [impact fees](#).



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**Can I convert my garage into a dwelling unit?**

An attached garage may be able to be converted to a standard dwelling unit, depending on the zone and property (See: **Can I add another dwelling unit to my property/building?**). An attached or detached garage may qualify for conversion to an Accessory Dwelling Unit (ADU) (See: **Can I add an in-law apartment to my house or property?**).

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