

# Waterfront Working Group

## Meeting #

***March 28, 2019***

**City Hall Room 24**

**3:00- 5:00pm**

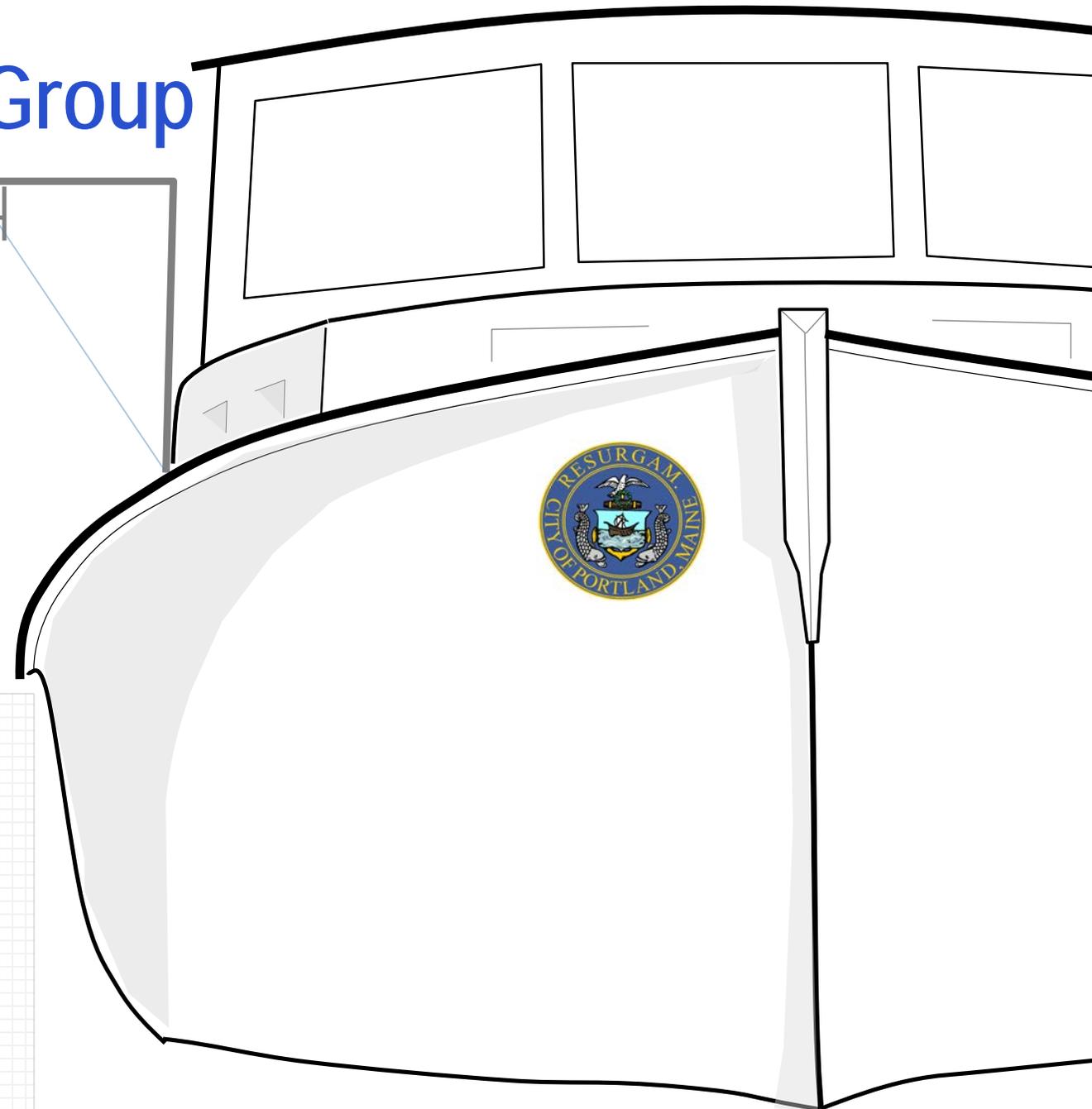
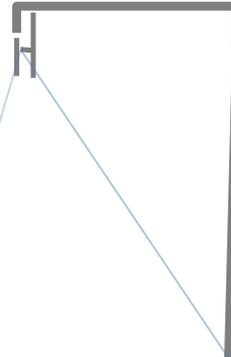
- 1. Welcome and Introductions:**
- 2. Zoning Discussion Continued**

*Performance Standards*

*Permitted Uses*

*Other*

- 3. Schedule and Next steps**



Waterfront Working Group			
Summary Table of Zoning Issues, Approaches, and Status <i>Agenda 3, Zoning Issues</i>			
Zoning Issue	Approaches Under Consideration	Status	Next Steps
<i>Contract/Conditional Rezoning</i>	Eliminate option for site specific zoning within the WCZ	<b>Resolved.</b> The WWG will likely not have complete agreement on elimination of the tool	Staff to recommend to Planning Board
<i>Non-marine Use Overlay Zone</i>	Revise line to 125 ft offset from Commercial St with 300 ft at Long Wharf	<b>Likely to Remain Un-Resolved.</b> The WWG will likely not have complete agreement.	Staff ready to recommend to Planning Board
<i>55% first floor and open area Marine Use Requirement</i>	Separate open areas from first floor.	<b>Apparently Resolved.</b> Percentages discussed by WWG on 3-7-19 and 3-21-19. General support for the status quo. Lobsterman's letter suggests 70/30	Staff ready to recommend No changes to Planning Board, subject to Parking discussion results
	Lobstering group suggests 70/30 split for open areas		
	Require marine use occupancy as a condition for non-marine occupancy		
<i>First floors marketed to marine use as a condition for non-marine use occupancy</i>	Eliminate the requirement, subject to agreement that the Marine/N-M use split has been adequately addressed	<b>Rejected by the WWG on 3-21-19</b>	Staff ready to recommend to Planning Board extending the marking time from 60 days to 180 days
	Strengthen the requirement	<b>Resolved.</b> Extend marketing time to 180 days	
<i>Marine Use Inventory</i>	Replace with annual report of "significant development." Add periodic broad "assessment of the marine economy"	<b>General agreement</b>	Staff ready to recommend to Planning Board
<i>Parking</i>	Some issues to be covered with the Performance Standards	<b>Not yet discussed</b>	Needs a dedicated meeting
<i>Permitted Uses</i>	Restricting some uses from areas subject to marine use requirements (outside of more permissive Overlay areas)	<b>Not yet discussed</b>	WWG discussion
<i>Performance Standards</i>	Combine NM parking, functional utility, and Marine/N-M compatibility standards under a single standard. Create a submission requirement for an "access management plan"	<b>Not yet discussed</b>	WWG discussion
	Suggestion to limit pier edge occupancy by Non-Marine uses		
<i>Lot Coverage, Building size</i>	Suggestion to limit both	<b>Not yet discussed</b>	WWG discussion
<i>Enforcement</i>	Likely, no ordinance changes, but will explore better reporting and education	<b>Not yet discussed</b>	WWG discussion
Non-zoning issues to be addressed separately			

<b><i>Performance Standards</i></b>	Combine NM parking, functional utility, and Marine/N-M compatibility standards under a single standard. Create a submission requirement for an “access management plan”
	Suggestion to limit pier edge occupancy by Non-Marine uses

# Performance Standards Discussion

No Changes Suggested	Suggested for Removal	Operations and Access Management Plan
<ul style="list-style-type: none"><li>• Outdoor Storage of Materials</li><li>• Noise</li><li>• Vibration</li><li>• Discharge into Harbor Areas</li><li>• Storage of Vehicles</li><li>• Landfill of Docking and Berthing Areas</li><li>• Lighting</li><li>• Storage of Pollutants and Oily Wastes</li><li>• Urban Design</li><li>• Pier and Wharf Expansions</li><li>• Public View Protection</li></ul>	<ul style="list-style-type: none"><li>• Federal and State Environmental Regulations</li><li>• Shoreland and Floodplain Management</li><li>• Signs</li></ul>	<ul style="list-style-type: none"><li>• Off-Street Parking and Loading</li><li>• Compatibility of Non-Marine Uses with Marine Uses</li><li>• Functional Utility of Piers and Access to the Water's Edge</li></ul>

**8. Off-street parking and loading:** Division 20 (off-street parking) and division 21 (off-street loading) of this article shall not apply.

The planning authority shall review applications for non-marine use parking against the following standards:

Applicants for non-marine parking in the waterfront central zone shall submit a **parking and traffic circulation plan** showing the location of all existing and proposed structures, travel ways and parking on the subject lot.

b. Outside of the NMUOZ, non-marine use parking is subject to the limitations described in 14-311(a) **“55% rule”**.

c. **Non-marine use parking** shall only be located on a lot where, based on the parking and traffic circulation plan and a parking analysis to be submitted for planning authority review, the **marine use parking supply is reasonably sufficient** to serve marine use space located on the subject lot.

d. **Water-dependent use parking** spaces shall be located **as close as reasonably possible to associated vessels** and/or ground floor lease areas.

# Off-Street Parking and Loading

Standard	Observations/Approaches
1. Non-Marine Traffic and Circulation Plan	<ul style="list-style-type: none"><li>• Adopt approach for all uses and for other performance standards.</li></ul>
2. Subject to 55% rule outside of NMUOZ	<ul style="list-style-type: none"><li>• No change suggested, though ratio could be reduced further to 70%/30%.</li></ul>
3. New non-marine parking should not impact required marine parking.	<ul style="list-style-type: none"><li>• Language is unclear.</li><li>• Recommendation would be to rely on 55%/45% M-NM exterior split, and then do away with this standard OR rewrite to be more clear.</li></ul>
4. Water-dependent parking to be as close as practicable to use.	<ul style="list-style-type: none"><li>• The standard as written applies to non-marine parking only, though this subsection applies to marine parking.</li><li>• Recommendation is to change 14-311(d)(8) to read 'all applications that include off-street parking', letting subsections address non-marine parking.</li></ul>

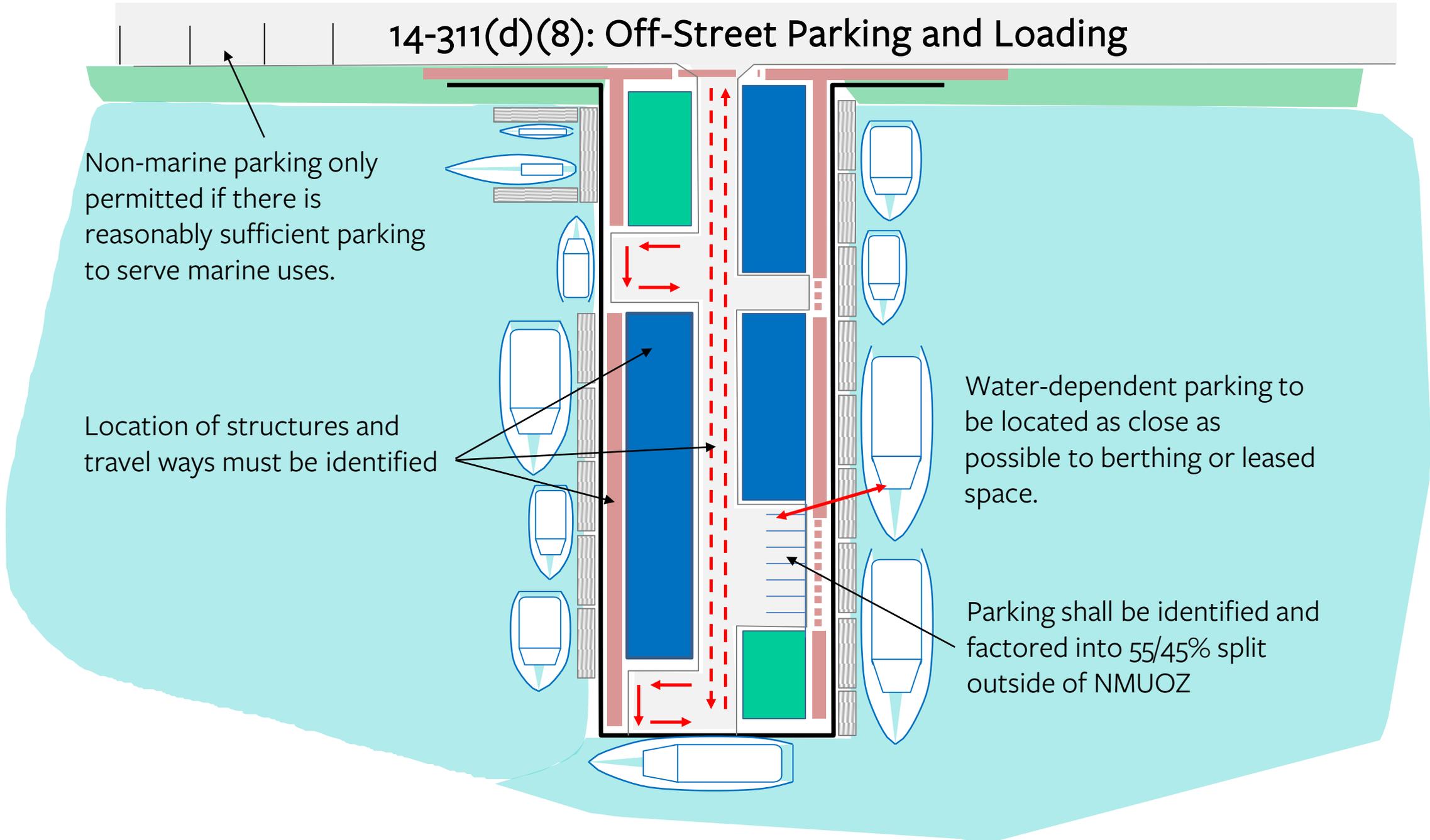
# 14-311(d)(8): Off-Street Parking and Loading

Non-marine parking only permitted if there is reasonably sufficient parking to serve marine uses.

Location of structures and travel ways must be identified

Water-dependent parking to be located as close as possible to berthing or leased space.

Parking shall be identified and factored into 55/45% split outside of NMUOZ



**15. Compatibility of non-marine uses with marine uses:**

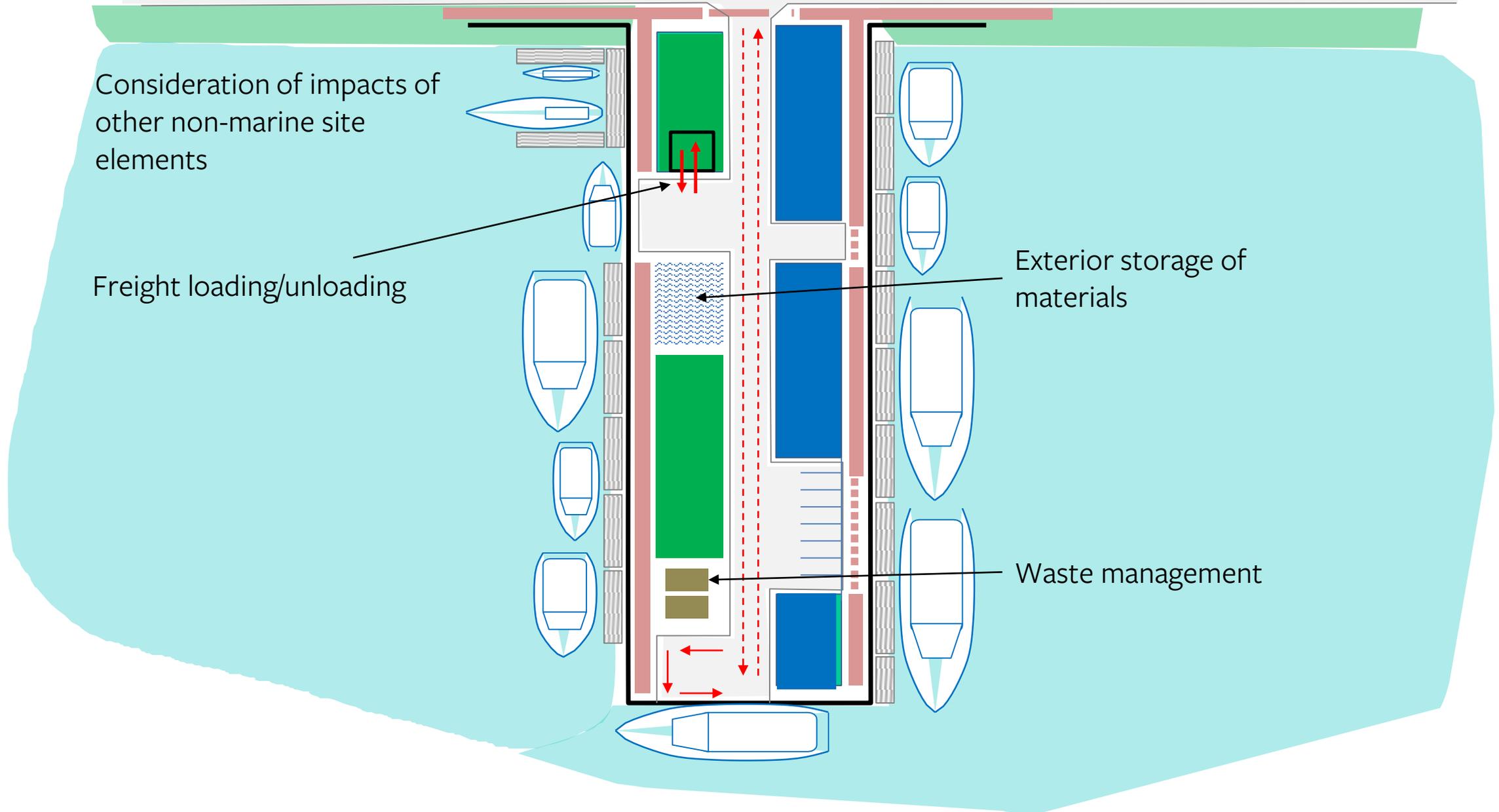
**Non-marine uses**, structures and activities, including but not limited to access, circulation, parking, dumpsters, exterior storage and loading facilities or other **structures shall neither interfere with the existence or operation of marine uses nor impede access to vessel berthing** or other access to the water by existing or potential marine uses. Siting of a use not set forth in section 14-307(a) **shall not substantially reduce or inhibit existing public access** to marine or tidal waters.

# Compatibility of Non-Marine Uses

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Standard	Observations/Approaches
1. Uses, Structures and Activities shall not impede vessel/water access by Marine Uses	<ul style="list-style-type: none"><li data-bbox="963 554 2201 629">• Shares many characteristics with Parking and Circulation Requirements (actually includes these) and adds structures and other activities.</li><li data-bbox="963 682 1538 719">• No changes are recommended.</li></ul>

# 14-311(d)(15): Compatibility of Non-Marine Uses with Marine Uses



**16. Functional utility of piers and access to the water's edge:**

All new development, whether for marine or non-marine uses, should **anticipate current and future functional and operational needs of water-dependent pier tenants** to access the water's edge for the transfer of goods and materials between berthed vessels and land bound vehicles, and shall demonstrate adherence to the following provisions:

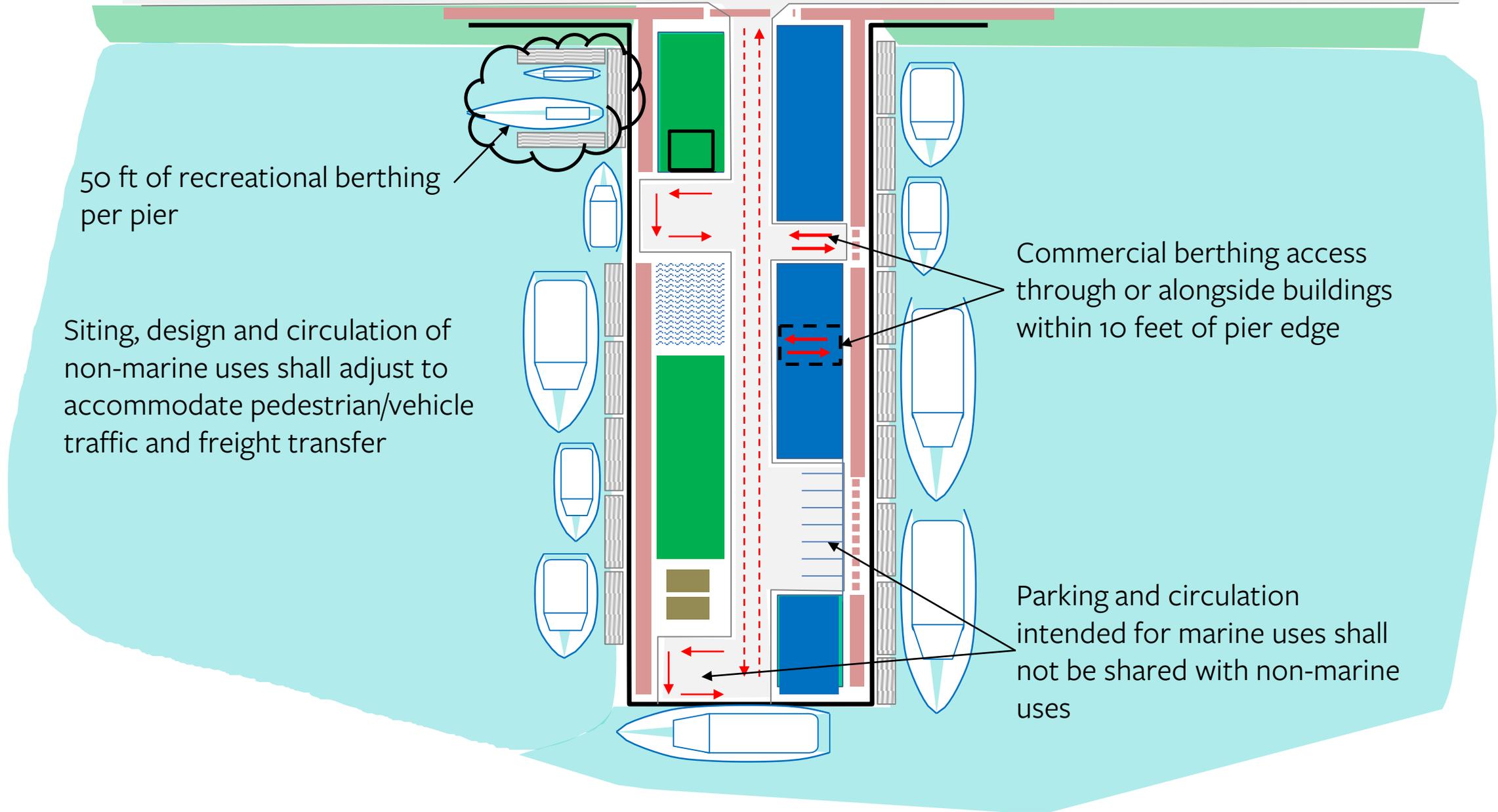
- a. Provisions for **the storage and movement of goods and materials must be designed into all waterside development** and internal circulation routes must be maintained or otherwise provided as an element of any development. The siting, design, and circulation of non-marine uses, particularly those allowed on first floors, shall adjust if needed to **accommodate reasonable access for pedestrians, vehicles, and freight transfer to and from berthed vessels.**
- b. Any development that proposes to site a building **within ten (10) feet of a pier edge** (thus precluding vehicle use of the pier edge) should provide openings and **circulation through or around the building to allow the transfer of goods and materials to trucks and circulation routes within the interior of the pier.**
- c. With the exception of non-commercial berthing allowed under section 14-307(a)(20), there is to be **no other non-commercial berthing.**
- d. **Except for common circulation drives** as defined in 14-306, **access ways, parking and loading areas** designated for marine uses shall be **exclusively for marine uses and shall not be shared with non-marine uses.**

# Functional Utility of Piers

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Standard	Observations/Approaches
1. Provision for storage and movement of goods/materials	<ul style="list-style-type: none"><li>• This standard overlaps considerably with both off-street parking/loading and non-marine compatibility standards.</li></ul>
2. Bldgs w/in 10 ft of pier edge must provide reasonable access to vessels	<ul style="list-style-type: none"><li>• No change suggested.</li></ul>
3. No non-commercial berthing	<ul style="list-style-type: none"><li>• Language is redundant.</li><li>• Suggested for removal as limitations are provided under 14-307(a)(20)</li></ul>
4. Access ways, parking and loading areas for marine use shall be exclusively for marine use.	<ul style="list-style-type: none"><li>• This is a question of enforcement and tenant/land-lord agreement. Access-ways and parking and loading areas intended for marine uses should be restricted through signage or formal agreements.</li><li>• Suggested for removal.</li></ul>

# 14-311(d)(16): Functional Utility of Piers and Access to the Water's Edge

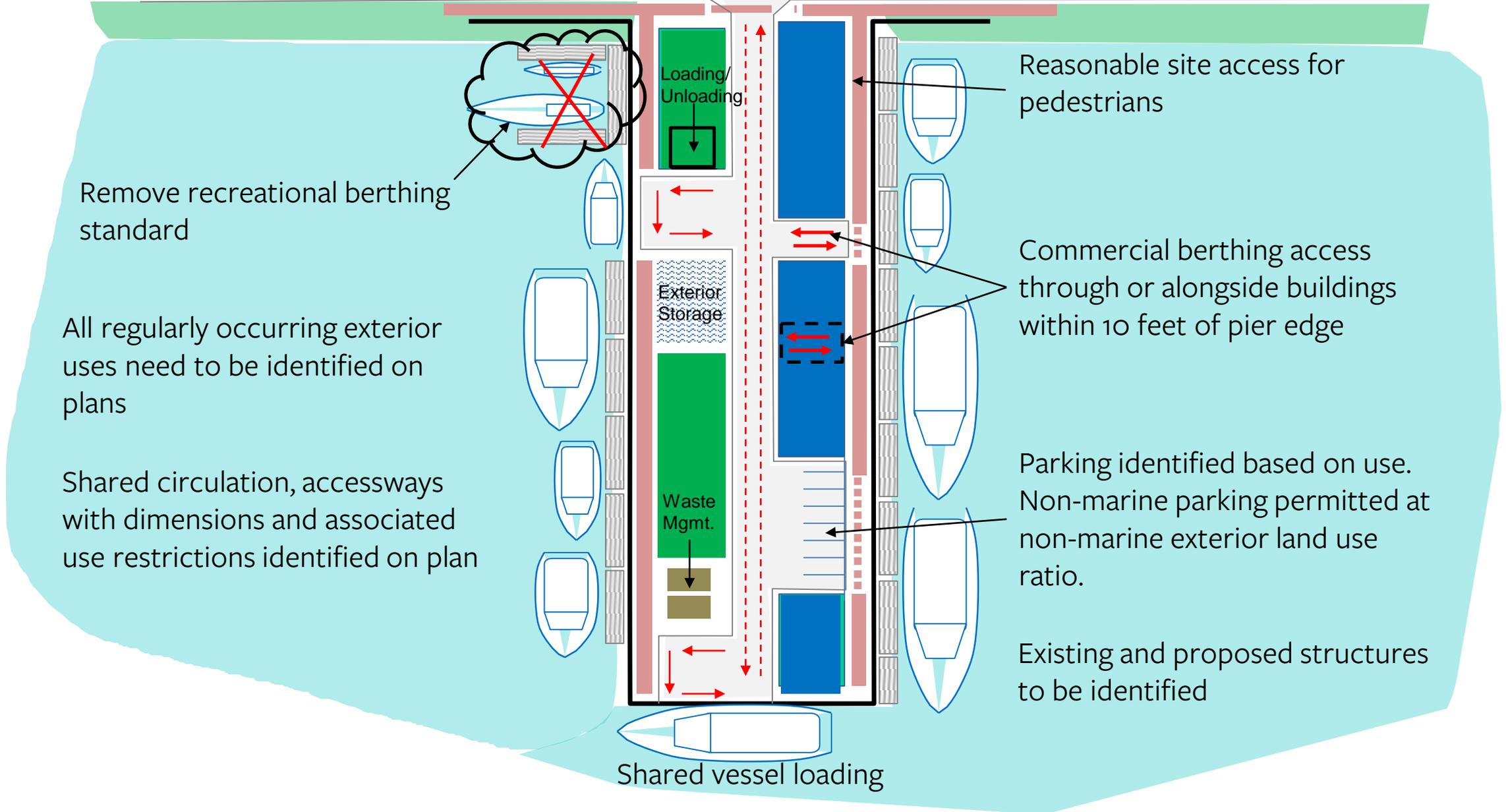


# Operations and Access Management Plan Approach

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- Condense, streamline and simplify Parking, Non-Marine Compatibility and Functional Utility of Piers
- Remove redundant language and other language as identified
  - Recreational Berthing, No Sharing of Parking/Access, Non-Marine parking impact on marine parking supply
- Require physical plan and written narrative clearly demonstrating compliance with standards

# Operations and Access Management Plan Concept



<b><i>Permitted Uses</i></b>	Restricting some uses from areas subject to marine use requirements (outside of more permissive Overlay areas)
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## Sec. 14-307. Permitted uses.

Subject to a determination that the proposed use meets the standards of section 14-311, as applicable, the following uses are permitted in the waterfront central zone:

- (a) *Marine:*
  1. Marine products, wholesaling, distribution and retailing;
  2. Marine repair services and machine shops;
  3. Tugboat, fireboat, pilot boat and similar services;
  4. Harbor and marine supplies and services, chandleries, and ship supply such as fueling and bunkering of vessels;
  5. Marine industrial welding and fabricating;
  6. Shipbuilding and facilities for construction, maintenance and repair of vessels;
  7. Commercial marine transport and excursion services, including ferries, captained charter services, sport fishing and water taxis;
  8. Cargo handling facilities, including docking, loading and related storage;
  9. Boat repair yards;
  10. Boat storage facilities, excluding rack storage facilities; (Boat rack storage facilities are included in conditional use, section 14-308(b)(3) below);

11. Seafood processing;
12. Seafood packing and packaging;
13. Seafood loading and seafood distribution;
14. Fabrication, storage and repair of fishing equipment;
15. Ice-making services;
16. Facilities for marine construction and salvage;
17. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices;
18. Fabrication of marine-related goods;
19. Fishing and commercial vessel berthing;
20. Non-commercial berthing of a maximum of fifty (50) linear feet per pier. A non-commercial berth may not displace a commercial berth.  
Parking for any non-commercial berthing is subject to the provisions of section 14-311(d)8.
21. Marine office, including but not limited to offices of owners of wharves or their agents, and naval architects, and seafood brokers;
22. Public landings;
23. Marine research, education, and laboratory facilities;
24. Bait sales and processing;
25. Harbor security and emergency response services including but not limited to Harbor Master, Marine Patrol and Coast Guard.

## Sec. 14-308. Conditional use.

(a) Commercial marine conditional uses:

1. ***Fish by-products processing....***

2. ***Boat rack storage facilities***, provided that: .....

a. Parking .....shall be provided off-site, in another zone permitting such use.

b. ...exceed ten thousand (10,000) square feet of building footprint.

***(b) Residential:*** The primary **owner of a marine business**

....

(c) *Utility substations.....*

(d) *Temporary wind anemometer towers.....*

(e) *Wind energy systems*

**Section 14-309. Prohibited uses.**

- (a) Except as provided in section 14-308, **residential uses** (not in existence on May 5, 1987);
- (b) **Hotels, motels or boatels;**
- (c) **Auditoriums, civic centers, convention centers or other meeting facilities;**
- (d) **Drinking establishments;**
- (e) **Ground mounted telecommunication towers, antennas, and/or disks; and**
- (f) **Drive-up services** for any use other than a permitted use

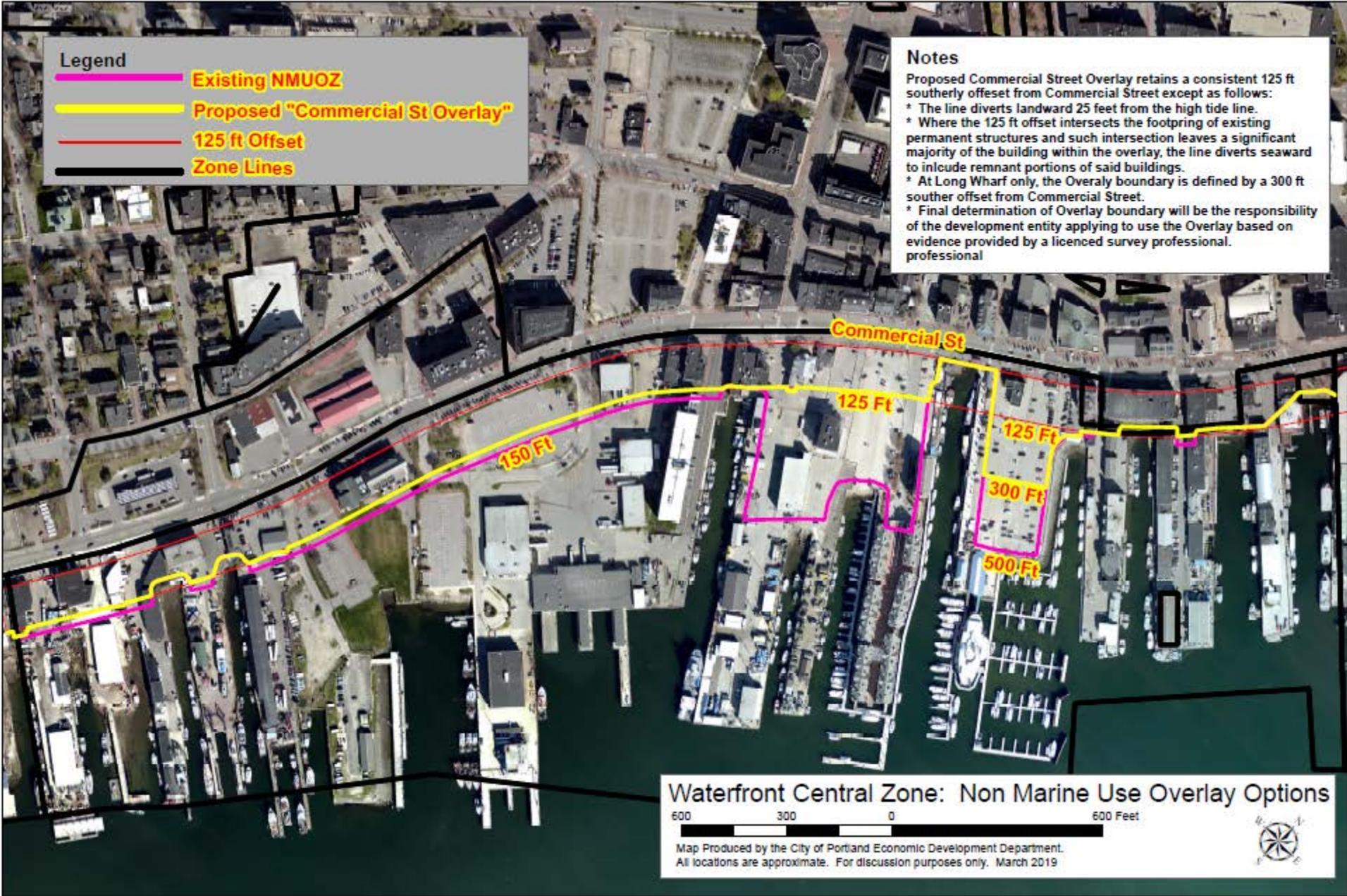
**Legend**

-  Existing NMUOZ
-  Proposed "Commercial St Overlay"
-  125 ft Offset
-  Zone Lines

**Notes**

Proposed Commercial Street Overlay retains a consistent 125 ft southerly offset from Commercial Street except as follows:

- \* The line diverts landward 25 feet from the high tide line.
- \* Where the 125 ft offset intersects the footpring of existing permanent structures and such intersection leaves a significant majority of the building within the overlay, the line diverts seaward to include remnant portions of said buildings.
- \* At Long Wharf only, the Overlay boundary is defined by a 300 ft souther offset from Commercial Street.
- \* Final determination of Overlay boundary will be the responsibility of the development entity applying to use the Overlay based on evidence provided by a licenced survey professional.



**Waterfront Central Zone: Non Marine Use Overlay Options**

600 300 0 600 Feet

Map Produced by the City of Portland Economic Development Department.  
All locations are approximate. For discussion purposes only. March 2019

