

Order 221-13/14

Passage: 8-0 as amended (Coyne absent) on 6/2/2014

Effective July 2, 2014

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CITY OF PORTLAND  
IN THE CITY COUNCIL

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AMENDMENT TO PORTLAND CITY CODE  
CHAPTER 14. LAND USE  
ARTICLE III. Zoning,  
DIVISION 8.5. R-OS Recreation and Open Space,  
Sections 14-153, 14-154, 14-157 and 14-158  
Re: Revising the Recreation and Open Space Standards

I. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,  
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

*That Chapter 14, Article III, Division 8.5, Sections 14-153, 14-154, 14-157 and 14-158 of the Portland City Code is hereby amended to read as follows:*

DIVISION 8.5. R-OS RECREATION AND OPEN SPACE ZONE

**Sec. 14-153. Purpose.**

(a) The purpose of this division is:

1. To preserve and protect ~~public~~-open space as a limited and valuable resource;
2. To permit the reasonable use of ~~public~~-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; ~~and-~~
5. To develop a ~~public~~-open space system throughout the

downtown, which provides the highest quality parks, plazas, and pedestrian environment.

(b) 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.

**Sec. 14-154. Permitted uses.**

The following uses are permitted uses within the recreation and open space zone, subject to the development standards contained herein:

- (a) Municipal parks, public open spaces, picnic areas, playgrounds and play lots;
- (b) Cemeteries;
- (c) Arboretums;
- (d) Golf courses, excluding miniature golf;
- (e) Boat landings, beaches, and marinas for public uses;
- (f) Outdoor ballfields and public athletic fields;
- (g) Swimming pools and tennis courts;
- (h) Picnic groves and areas;
- (i) Natural parks and scenic overlooks;
- (j) Hiking, walking, bicycling or cross-country ski trails;
- (k) Community gardens for cultivation by and for city residents;
- (l) Sewage pumping stations and sewage treatment facilities;
- (m) Sports complexes;
- (n) Accessory uses, including structures or buildings of less than two thousand five hundred (2,500) square feet of floor area.

- (o) Wind energy systems, as defined and allowed in Article X, Alternative Energy.
- (p) Street vendors licensed pursuant to Chapter 19 as a result of a competitive bid process conducted pursuant to Chapter 2 of the City Code.

(q) Events, activities, and uses licensed by the city, including but not limited to markets, festivals, café seating, concerts, and other gatherings.

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**Sec. 14-157. Space and bulk requirements.**

No building or structure of a permanent nature shall be erected, altered, enlarged, rebuilt, or used unless it meets the following requirements, except that public open spaces that are less than 2 acres and are on the peninsula are not required to meet the following space and bulk requirements:

(a) *Minimum front yard:*

- 1. Principal buildings or structures: Twenty-five (25) feet.
- 2. Accessory buildings or structures: Twenty-five (25) feet.

(b) *Minimum rear yard:*

- 1. Principal buildings or structures: Twenty-five (25) feet.
- 2. Accessory buildings or structures: Twenty-five (25) feet.

(c) *Minimum side yard:*

- 1. Principal buildings or structures: Twelve (12) feet.
- 2. Accessory buildings or structures: Twelve (12) feet.

~~(d) Minimum lot size: Two (2) acres, except that sewage treatment facilities are not required to meet this~~

~~standard.~~

- (e) *Maximum building height:* Thirty-five (35) feet, unless more than one thousand (1,000) feet from a shoreland zone. The maximum building height for buildings located more than one thousand (1,000) feet from a shoreland zone shall be forty-five (45) feet.
- (f) *Maximum coverage of lot by buildings, structures and other impervious site improvements such as paved sidewalks, drives and parking lots:*
  - 1. Sewage treatment facilities: No limit on maximum coverage.
  - 2. Sports complexes: Seventy-five (75) percent of lot area.
  - 3. All other uses: Twenty-five (25) percent of lot area.
- (g) *Maximum floor area ratio:* Five-tenths (0.5).

**Sec. 14-158. Development standards for recreation and open space zone.**

All development in the recreation and open space zone shall comply with the following development standards, ~~which shall be reviewed by the Planning Board in conjunction with and shall be reviewed under~~ the site plan ordinancereview, as applicable:

- (a) All ground areas not used for parking, loading, vehicular or pedestrian areas and not left in their natural state shall be suitably landscaped and designed with quality materials that are consistent with adopted city policy or master plans, and which provide a comfortable, durable, accessible, readily maintainable, and aesthetically pleasing environment.
- (b) Natural features, such as mature trees and natural surface drainageways, shall be preserved to the greatest possible extent consistent with the uses of the property.
- (c) Loading areas shall be screened and parking areas shall be screened and landscaped so as to avoid a large continuous expanse of paved area.

- (d) Buildings and structures shall be sited to avoid obstructing significant scenic views presently enjoyed by nearby residents, passersby, and users of the site.
- (e) Storage of commodities and equipment shall be completely enclosed within buildings or provided with screening by a fence, wall, or landscaping.
- (f) The outer perimeter of playfields, play lots, and other active recreational areas shall be screened, or shall be located a reasonable distance from any residential use.
- (g) *Off-street parking:* Off-street parking is required as provided in divisio~~n~~n 20 (off-street parking) of this article.