

REVIEW COMMENTS ON RECODE DRAFT - ITERATION #1 (Articles 1-4)

	Comment #	Article	Section	Comment	Staff Response
Functionality	1	o. Table of Contents	N/A	I love how you can click on the Chapters and jump to the chapter! Sooooo much better.	
	7	2. Administration	2.3.10.D	To piggyback on Benjamin's comment. Would it be reasonable to hyperlink defined terms in the body of sections to their location in the land use code (particularly as some are in different Chapters). It would be similar to the hyperlinks you have for the table of contents. Wikipedia does this well as an example. Another option is a "hover-over-the-link" where you could simply hover over a word and either define it directly or at least say "go to Chapter 3 (or Chapter x) for definition"	Staff are continuing to evaluate the use of dynamic links in the text, similar to what is found now in the draft document. We recognize that the majority of users will interact with this document on-line and that such functionality would improve usability.
	8	2. Administration	2.3.10.D	Lot area and "lot coverage" are undefined in draft Article 3. It would be helpful if they could be defined, or alternatively, if this section could be amended to specify whether these terms include standards like landscaped area, or other similar categories.	Definitions referenced in this comment can be found within Article 7, 'Dimensional' as they are considered 'Rules of Measurement'.
	9	3. Definitions	3	Recommend adding a list of all definitions found specific in this Chapter 3 or other cross reference mechanism. This is particularly useful when some definitions appear in other Chapters. As an example, refer to section 802 of the 2015 IBC or section 1002 where pertinent definitions specific to a chapter are either listed or at least noted where to find elsewhere	The Definitions article is designed such that, in the future, it will function as part of a unified development code, where all articles are coordinated to form one cohesive document with very limited or no overlap. Under that model, as many definitions as possible would be located here within the Definitions article. Given that Phase 1 involves adaptation of the existing document (not a unified development code) to this new format, there are unavoidable instances where such a seamless transition would likely be considered too confusing. For example, certain definitions related to 'floodplain', 'historic preservation' and 'subdivision' are unique to those articles, and not featured elsewhere in the code. Similarly, certain terms, such as 'lot' or 'street' are defined differently depending upon the article within which they are defined. For these reasons, general definitions are all located within the Definitions Article, and unique definitions are located within their respective Article.

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	Comment #	Article	Section	Comment	Staff Response
Existing Policy and Discussion Points for Phase 2					Land use policy is a critically important tool to curb emission of greenhouse gases, and is recognized as such within Portland's Plan 2030 and as well in the joint climate action plan, 'One Climate Future' between Portland and South Portland. While Phase 1 does not specifically target policies with climate implications, we are suggesting two sets of climate-friendly substantive change to existing policy; a complete revamping of Portland's Accessory Dwelling Unit (ADU) provisions as an incremental approach to increasing density city-wide, and revisions to our off-street parking standards, to reduce parking requirements for residential uses and facilitate broader use of our shared parking and fee in-lieu programs.
	2	1. Introductory Provisions	1.3	To what extent will the City Council's recent declaration of a climate emergency inform the new Land Use Code?	As we proceed into Phase 2, all proposed policy changes will be assessed, in part, based upon the anticipated environmental and climate-related impacts, which will inform the recommendation by staff to the Planning Board and City Council. Similarly, goals and objectives from both 'One Climate Future' and 'Portland's Plan 2030' will be utilized as a framework for comprehensively incorporating climate friendly development regulations into our land-use code.
	3	1. Introductory Provisions	1.6.6	It would be helpful to expound on the term 'private agreement' and add examples, e.g., private restrictive covenants, condominium rules and regulations, etc.	
	5	2. Administration	2.1.1	What sorts of experience, perspective, and expertise are expected of Planning Board members? There is a statement about this in the Historic Preservation Board section but not here in the Planning Board section	
	6	2. Administration	2.1.10.O	I would suggest that the Planning Board shouldn't have appellate jurisdiction, but that appeals from these decisions should either be directly to Superior Court, or to the Zoning Board of Appeals.	The regulation cited is existing policy and staff recommend no change to this regulation as part of Phase 1. This comment is being archived for future discussions as part of Phase 2.
	10	4. Nonconforming Uses, Structures & Lots	4.3.1.A	That minimum lot size it to small! Cramming houses together destroys the rural character that we need. I very much enjoy seeing the new modern buildings going up on the peninsula but find it abhorrent when the last cow pasture in Portland turns into suburbia. This is a pretty big lurch from the 2030 plan. I think I need to move.	
Syntax and Grammar	4	1. Introductory Provisions	1.9.2.A	Minor syntax comment: The font size of subsection "A" is physically larger than "1.9.2" above. In terms of readability, a lower case "a" or a lower case "i" would be more intuitive, in my opinion, to make clear that this subsection is subordinate, and only applicable to the section above (1.9.2). I also appreciate how there is no more than three numbers and one letter elements in the syntax for all chapters. The way NFPA 101 does it with up to five numbers in a row (i.e. "16.1.1.8.3") is too difficult to follow easily. This comment is obviously typical throughout but this is the first instance. Minor comment but might as well include since you've made it so easy to add comments! Thank You!	Public comments related to syntax and grammar will be incorporated into the next iteration of this document.

REVIEW COMMENTS ON RECODE DRAFT - ITERATION #2 (Articles 1-7)

	Comment #	Article	Section	Comment	Staff Response
Redlined Document	2	o. Table of Contents	N/A	<p>How can this process be made more transparent? It should not be up to lay citizens or a volunteer board to do side-by-side comparisons of existing and proposed draft language. Similarly it is next to impossible to do a good job of making sure concepts do not slip through the cracks when chunks of proposed language are being rolled out in succession.</p> <p>If this Phase I is being represented as just repackaging without making substantive changes, maybe staff needs to simultaneously be presenting the Planning Board, the public and other reviewers with a marked up copy of the current zoning ordinance indicating where all of the pieces have been moved to (or where they are to appear in future drafts).</p> <p>Disappearing language may be inadvertent or it may be intentionally held for some future section. The point is we don't currently have this information, it is impossible to do a thorough review without it, and only staff has access to the information to recreate what they have done as they have produced the new draft.</p> <p>Similarly the proposed draft clearly is not all just reorganizing without substantive changes. Where there are specific policy changes (such as ADUs) staff should be calling them out very clearly as decision points. Where there is any substantive change whatsoever (such as reconciling conflicting definitions), it should be flagged so that others have the opportunity to evaluate whether it is substantive or de minimus.</p> <p>It is also not reasonable for the public to be presented with multiple versions of successive drafts UNLESS they are redlined to highlight what changes have been made from one version to the next. If multiple staff people are all making proposed changes, there has to be one central place where they are compiled.</p> <p>There needs to be more public outreach and explanation. This platform seems like more of a gimmick than something that promotes meaningful dialogue. We need face to face explanations of what is being proposed and why. It is also not workable to include these comments by reprinting each page with a "bubble" and reprinting a page for each comment.</p> <p>Given all of the difficulties, is "Recode" really serving its purpose? How about a less ambitious effort to tackle the substantive issues that actually need attention to make them consistent with the new comp plan -- revisions to implement increased density along off peninsula corridors, a reworking of how heights are calculated to measure from predevelopment grade and capping the additional height that can be achieved from averaging on steep slopes, revisions to actually encourage affordable housing without height bonuses which are counterproductive in the R-6 zone. These are actual things that need attention. Maybe it would be more productive to table the mired down reorganization and get on with needed substantive revisions to the existing zoning. Like every other document or policy that is or has been revised, there needs to be red-line changes of the different language from the old and new document. In this document, there are massive changes to language from the Chapter 14 land use ordinance without being flagged. The Planning Dept should have red-lined all the changes on this proposed document so we can see what is being changed. It shouldn't be up to the residents to see what was sneakily changed by Planning Dept thinking we would not review this document.</p>	<p>Given that the land-use code is being entirely restructured, and therefore almost all parts of the code are being affected, a redlined version of the existing code is not being produced. Instead, staff are developing a spreadsheet that catalogues major changes being proposed, and will include this spreadsheet in future public meetings.</p>
	3	o. Table of Contents	N/A	<p>Why is this review document not presented in redline form? This is the standard and widely accepted method for reviewing proposed changes to a document. The absence of redline format presents an unnecessary burden on the reviewer. I ask that the document be presented in redline format for "collaborative and accessible" dialog and review of this important document.</p>	
	4	o. Table of Contents	N/A		

REVIEW COMMENTS ON RECODE DRAFT - ITERATION #2 (Articles 1-7)

	Comment #	Article	Section	Comment	Staff Response
Redlined Document (and other)	52	6. Use Standards	6	<p>These are extracted from comments I made to the Planning Board prior to its 12/17 workshop: MY MAJOR OBJECTION AT THIS TIME IS THAT THERE ARE SUBSTANTIVE POLICY CHANGES BEING MADE BY OMISSION, WITHOUT ANY FLAGGING OF THOSE CHANGES FOR THE BOARD OR THE PUBLIC. Staff keeps repeating that Phase I is formatting and organizational, and that policy debate and changes will not be made until after Phase I is adopted. Then in Phase II policy changes to bring the zoning into line with the comprehensive plan will be pursued. However, in the draft before you there are substantive changes. I have not done an exhaustive review, nor should it be my job or the job of the public at large to identify all of the changes. The burden should be on staff to flag each of these changes in a memo to be presented to the Planning Board and the public for subsequent discussion. I primarily only looked at the R-6 draft text. Among the changes I found from the existing R-6 language are the following:</p> <ol style="list-style-type: none"> 1. For some reason Professional Offices is changed to "General Offices" in the chart, which then refers to notes. At the qualifying note 6.5.6.C, somebody, making a substantive change, has decided to omit the existing language which currently states that professional offices are allowed BUT that category excludes personal services, retail services and veterinarians. The new draft only expressly says that veterinarians are excluded. The list of illustrative examples of permitted professional offices contained in the existing text are omitted in the draft. 14-137(c)(2). I don't know whether somebody has made the judgment that personal services or retail services should be allowed. It has not been flagged as a decision point because there has been a representation that there are no substantive changes. 2. The current R-6 extensive provisions about manufactured housing do not appear in the draft sections. 14-136(a)(4). It is unclear what the intent is for individual manufactured housing units. 3. In the current R-6 zoning, there are requirements that documentation of special needs independent living units must be recorded in the Registry of Deeds. Those provisions are omitted in the current draft. Was there a decision to delete that requirement? 14-136 (b)(7) 4. Only some of the R-6 conditions for hostels are included. It is unclear whether staff intends to house them elsewhere or they have decided not to include them at all. 14-136 (b)(9). 5. The sheltered care group homes in the current R-6 zone are specifically limited to homes that are not serving parolees, persons involved in correctional prerelease programs or current illegal drug users. That restriction is omitted in the draft which is before you. Similarly our current zoning requires that the proposed use provide adequate on-site staffing AND supervision of residents. The draft omits the requirement for adequate supervision. 6. In the dimensional standards, there is an inconsistency between "grade, average" and "grade, predevelopment," with the latter stating it is at the corners of the foundation of the proposed structure. Even if we are putting off until Phase II the critical policy discussion on getting height measured correctly, there seems to be something missing if these "rules of measurement" are supposed to be documenting how it is actually done now. 7. The discussion in 7.5 D rooftop appurtenances fails to acknowledge that there are exceptions to the statement that rooftop appurtenances may exceed the height limitations. At a minimum it should say except as otherwise limited in the Munjoy Hill Conservation Overlay Zone or a similar overlay zone. These are just some examples of what appear to be substantive changes that have not been flagged as being contained in the materials before you. Admittedly some of them are fairly subtle. But the point is that there are policy choices that are being made by staff, and they are not being held for discussion in Phase II, nor are they being flagged so that you and the public are aware of the shifts. Some of the changes (e.g. personal services vs. professional services, parolees and persons in correctional pre-release programs, adequate supervision, rooftop appurtenances exceeding height limitations, etc.) delete provisions that were there for a purpose and could have a significant impact on how well the proposed uses fit into a dense residential neighborhood. <p>In addition to these variations from existing language, there are areas that are so different that they cannot even be tracked to see what is being left out. For example, staff needs to explain what they are doing about preschool, day care facilities and home babysitting services. They seem to be lumping them together in some provisions, but the definition of preschool seems to assume a school that might be providing some day care services; it does not seem broad enough to include home babysitting services.</p>	<p>General services and retail are separate use categories that are not explicitly called out as conditional uses in the R-6; as a result, they would not be permitted. References to manufactured housing as a distinct category of single-family use have been eliminated. Deed restrictions for SNIDUs have been eliminated as part of an effort to address provisions that add extra layers of administrative/enforcement burden. Conditions for hostels have been consolidated in Article 6; conditions related to fire code and the parking ordinance have been eliminated, as the cross-reference is redundant. Site plan review will be a function of site plan thresholds in Article 13. Language regarding 'supervision' for sheltered care group homes has been added. Language prohibiting certain populations has been eliminated given Fair Housing Concerns. Regarding height, see below. Language regarding height exceptions not applying where otherwise noted has been added to the revised draft.</p>
	Syntax and Formatting	51	6. Use Standards	6.2.2	In addition there are obvious errors. It says uses not expressly listed in Tables 6-1 to 6-6 are prohibited. There are no tables 6-1 to 6.6. They are 6-A to 6-F.
	67	6. Use Standards	6.6.2.E	Should it be subsection (4)?	Confirmed as correct
	6	1. Introductory Provisions	1.9.2	The wording here appears to be missing something. It doesn't read well.	Struck erroneous comma
	7	1. Introductory Provisions	N/A	Change all instances of "his/her" to "their" to include people of all genders.	Revised throughout code

REVIEW COMMENTS ON RECODE DRAFT - ITERATION #2 (Articles 1-7)

	Comment #	Article	Section	Comment	Staff Response
Existing Policy and Discussion Points for Phase 2 Discussions	10	2. Administration	2.1	What happened to the term limits for Planning Board members? They used to exist.	Term limit defined in Chapter 2 of the Code (2-32) ----- Section cited is existing policy, and no changes are proposed at this time. Will be catalogued for future discussion as part of Phase 2.
	11	2. Administration	2.1.1	The appointment and advertisement of new vacancies needs to be more robust.. disappointing to see openings advertised during the holidays and with only a few mentions on social media	
	14	2. Administration	2.1.8.A	Does the public comment here serve a purpose? We have experts giving recommendations; public comment is often skewed against density or housing needs. NIMBY has outsized input because of this setup.	
	15	2. Administration	2.1.7	There has been a problem with conflict of interest with certain Planning Board members that only do business in Portland in the development arena. These qualifications should be barred from applying for Planning Board since they represent a conflict of interest and is unethical because their decisions will be biased.	
	22	3. Definitions	3	This is a good start, but is not tied to any particular amount of income, so there is no way of knowing what kind of housing is affordable. At least there should be a clear citation to some particular public regulation or state standard so that people will know what is meant.	
	110	7. Dimensional Standards	7.5.1.D	why is there no max limit in height? Over time the definition of appurtenance might get altered to include something not listed. Also what about deck railings? What is to stop someone from building a ten foot railing that is opaque in nature and completely blocks views?	
	111	7. Dimensional Standards	7.5.1.D	I do not understand why there are no dimensional limitations for any rooftop appurtenance. The absence of standards allows for the potential abuse of any sort of rooftop appurtenance. Size as well as visual impacts can be significant if they are not restricted in any manner. I strongly suggest the inclusion of specific limits with relation to height, volume, and visual impacts for any rooftop appurtenance.	
	112	7. Dimensional Standards	7.5.1.D	There are many things wrong with this section. 1) This is very vague and must have more clear definition of how much higher from the actual rooftop an appurtenance can protrude. 2) It also needs to provide how large this appurtenance can be by providing length and width maximums. 3) There also needs to be screening language to cover these mechanicals so they are not seen from street scape. 4) There should also be a side note to see Munjoy Hill Overlay district for additional restrictions.	
	26	3. Definitions	3	This is a problem because it focuses only on "earnings", which is a defined term. It permits so called low income housing units to be sold to retired persons whose "earnings": may be low, but who have substantial assets and retirement income that is not earnings. There is no cap on the sales price of these units, which can be priced on resale out of the range of low earning persons. There should be some kind of "income" or "assets" test for this as well.	
	27	3. Definitions	3	This has the same weakness as does the definition of affordable housing - it can include well to do retirees whose current earnings and modest, but who have substantial income and assets. They are not the workforce that are intended to be covered by this provision. There should be an income or assets or both test.	
	29	4. Nonconforming Structures & Lots	4.4.3	This section should have a provision that allows for horizontal extensions of a non-conforming side yard that is in keeping with the historic fabric of the neighborhood. If all of the houses in a neighborhood have non-conforming side yard setbacks that define the character of that neighborhood, what is the point of limiting that for rear additions?	
	30	5. Zones	5.2.1	Portland has way too many zones. Recode is the appropriate opportunity to streamline the number and types of zones.	
	31	5. Zones	5.2.1	The character of the tree must be considered with zone boundaries. A warehouse or hotel in one zone across the street from residences in another zone may not be appropriate. We should reconsider the middle of a ROW as a default zone boundary.	
	102	7. Dimensional Standards	7.3	Do not permit garages on front facades.	
	95	7. Dimensional Standards	7.3	eliminate front setback requirements	
	96	7. Dimensional Standards	7.3	These minimums are way too restrictive. In the suburban zones they impact walkability of neighborhoods and eliminate any chance of neighborhood businesses. In more urban areas the limits eliminate opportunities for smaller dwellings g units, i.e. tiny houses	
	35	5. Zones	5.4	PRUDs area poor land use development model. We should be moving away from permitting this kind of development.	
	108	7. Dimensional Standards	7.5.1.F	There is an existing side yard setback exception in the R3 zone that allows decreases on one side if added to the other side that appears to not have made it into the this version. This should be continued in the new version except that the reduction should be adjusted to allow setbacks consistent with the historic built fabric of adjacent properties. I will elaborate in a letter to the planning board.	
	109	7. Dimensional Standards	7.5.1.D	What does "underlying zone" mean? Does this mean someone can install a telecommunication tower in their backyard and it goes 50 feet high even though the building height allowance in R-6 is 45 feet?	
	38	5. Zones	5.4	Interesting how zoning talks about traffic but not walkability or access to transit. Measure what you treasure!	
97	7. Dimensional Standards	7.3	Much of our city was built with minimal setbacks. It works fine.		
40	5. Zones	5.4	"unique character of Western Promenade"? You've got top be joking. Half of Portland can claim "unique character". This is NIMBYism written into the code. Get rid of R4.		
94	7. Dimensional Standards	7.3	5' is sufficient minimum		
93	7. Dimensional Standards	7.3	This is confusing.. Are these maximum or minimum lot square footage? This section should have 2 rows.. Maximum square footage and Minimum square footage and then each zone should have 2 figures. This is where combining lots can be addressed to stop the combining of lots.		

REVIEW COMMENTS ON RECODE DRAFT - ITERATION #2 (Articles 1-7)

	Comment #	Article	Section	Comment	Staff Response
Existing Policy and Discussion Points for Phase 2 Discussions	43	5. Zones	5.4	What is low intensity? Why is it desirable?	Section cited is existing policy, and no changes are proposed at this time. Will be catalogued for future discussion as part of Phase 2.
	89	7. Dimensional Standards	7.3	I correct myself, these setbacks appear to be close to being a direct correlation to the existing setbacks I assume the benefits and detriments of these setbacks will be revisited for appropriateness in future review phases.	
	90	7. Dimensional Standards	7.3	How can a lot width be wider than a street frontage?	
	46	5. Zones	5.4	Cumberland Ave east of Washington should be zoned for more business use.	
	47	5. Zones	5.4	i.e. tractor trailers. Some cities have restricted large truck access to significant parts of their city, directing delivery to smaller vehicles. The result is streets and intersections designed more for people not big trucks, cleaner air, more livable cities.	
				It appears that you are proposing to double the current 8' side yard setbacks to 16' in the R-3 (and other zones). So lets do some math. Many of these existing properties are 5,000 SF, or 50'x100'. Due to the narrowness of the lots, the existing historical fabric of these properties wast to build the houses (up to 3 stories) adjacent to one property line (just enough so that the eaves didn't overhang) and to put the driveway on the other side, which typically takes up about 16-18'). If you take the proposed 16' setback on one side and an 18' driveway on the other side of a 50' wide lot, that leave you with a 16' wide house. What this all comes down to is that the zoning setbacks for previously developed lots SHOULD conform with the existing historical fabric of the neighborhood or risk creating infill development that is grossly out of character and/or not developable. This also leads to the observation that the existing zoning map has no rhyme or reason as to why some adjacent neighborhoods that appear the same are zoned differently.	
	89	7. Dimensional Standards	7.3		
	92	7. Dimensional Standards	7.3	Many, many historical existing lots in Portland are 5,000 SF, or 50' x 100'. This is the historical fabric of Portland and creates nice medium density neighborhoods. I'm guessing there is grandfathered non-conformity. Now, go down to my comment on side yard setbacks to see why this is a problem.	
				What effect will the re code have on the proposed homeless shelter on 645 Riverside street. I understand the code was amended in 2017 to allow such a facility within a industrial zone. Given the requirements and expectations is this the proper place for such a facility ?	
	50	5. Zones	5.4	Thank you for your time and consideration regarding my question. John	
				Portland Zoning setbacks and other bulk and mass regulations are often in conflict with and much more restrictive than the built historical fabric of the neighborhoods. This creates re-development and additions that are out of character from the historic fabric of the neighborhood. The ordinance should include language that allows existing historic structures that were built to conform with the original neighborhood's character intent to be able to be expanded within the historic fabric. For example, an existing non-conforming side yard setback should be allowed to be expanded back to the rear setback line so as to stay in conformance with the neighborhood's character, not the zoning setbacks that don't conform with the built environment.	
	74	7. Dimensional Standards	7.2		
	55	6. Use Standards	6.4.1	get rid of they min. street width requirement. We need more narrow streets.	
	56	6. Use Standards	6.5.6.H	This max. distance reduces opportunities for shared parking with local businesses and other strategies to share parking at a neighborhood level.	
			does the 500 foot limit relate to a single residential group home where up to two people can live in an apartement? I am hoping this restriction is meant for bigger facilities as there is a massive shortage of group homes for disabled. I have an interest in creating a group home in an apartement some day but know there is another residential home on o'brion street.		
57	6. Use Standards	6.5.6.K			
			why aren;t displaced residents addressed for r-6? Displaced in the r-6 zone relates to forced out because of demos and not being able to afford to come back.		
70	6. Use Standards	6.8.1			
71	6. Use Standards	6.8.1	Why are displaced residents only addressed in B-2,B3b, and B-3c? There have been many displaced residents in R-6.		

REVIEW COMMENTS ON RECODE DRAFT - ITERATION #2 (Articles 1-7)

	Comment #	Article	Section	Comment	Staff Response	
Comments Regarding R-6 Zone	80	7. Dimensional Standards	7.3	I agree with the comment by Peter Murray. The decreased building setbacks have not achieved the intended result with regard to overall housing densities. In addition, they pose safety concerns, and are too distinct from other residential dimensional standards throughout the city. Residential dimensions should reflect different objectives in different zoning districts, however the extremely stark differences for the R6 zone dimensional requirements show no relation to any sort of cohesiveness that a comprehensive plan should exhibit.	As many are aware, the City approved substantive amendments to the R-6 zone in 2015, and more recently, in 2018, adopted the Munjoy Hill Neighborhood Conservation Overlay. At the 1.21.20 Planning Board workshop, staff introduced Article 7 of the ReCode, which included a new proposal to institute a maximum building width requirement (recommended in concert with a simultaneous effort to update R-6 design standards). Otherwise, no changes to dimensional requirements for the R-6 zone were (or are) proposed. Based upon feedback received at the 1.21.20 workshop, staff will remove the proposed building width requirement, and will postpone discussion of proposed changes to R-6 Design requirements.	
	81	7. Dimensional Standards	7.3	A 5 foot side setback also creates serious safety issues. How will effective access for emergency or fire occur within a five foot width? Any public safety representative will tell you that this will pose significant issues for fire and health related emergencies.		
	82	7. Dimensional Standards	7.3	5 foot side yard set back does not provide sun light, ventilation or sufficient area for green space.		
	83	7. Dimensional Standards	7.3	How is a 5 foot setback even allowed when the fire chief said to get to a 2 story side window, they must have at least 10 feet between buildings? This seems to be unsafe and illegal language.		
	84	7. Dimensional Standards	7.3	Displaying the various dimensional requirements in a tabular form makes clear the extreme treatment of the R6 in the 2015 amendments. Compared with any other zone, even those permitting multi-family development, the setbacks, height limits, and all dimensional requirements for the R6 have been placed in a class by themselves. The Munjoy Hill Overlay did not make any real change in these dimensional requirements, which are now permitting destructive and incongruous development in the R6 zone.		
	85	7. Dimensional Standards	7.3	Does this mean you can build a 10 foot wide house?		
	86	7. Dimensional Standards	7.3	5 foot side yard does not allow for off street parking		
	87	7. Dimensional Standards	7.3	this is confusing. Is this meant to mean no lot in an R-6 zone exceeds 2000 sf? Please explain. What about the trend of combining lots. This destroys the neighborhood character by permitting massive buildings to be built.		
	88	7. Dimensional Standards	7.3	Why does R-6 Zoning continued to be targeted by Planning Dept for changing? Why aren't the other residential zones changed as well? Having the residential standards side by side shows the extreme disparity of R-6 zoning to the other residential zones where R-6 continues to be target for constant zoning changes but the other residential zones don't have any changes.		
	91	7. Dimensional Standards	7.3	Where on Table 7-A does the R-6 Zone standards refer and include the R-6 Design Standards and Munjoy Hill Overlay Zone? It should be very clear that R-6 Design Standards are to be included in considering a proposed development.		R-6 design requirements are only applicable to reviews triggering site plan review, and for this reason, are not listed within zoning.
	98	7. Dimensional Standards	7.3	Why is R-6 Lot coverage so much larger than other residential zones? By doing this, these new buildings are not allowing any open green space, gardens, or trees. This is ruining Munjoy Hill since a lot of mature heritage trees are being removed by developers and NOT being replaced. This is bad for the environment.		As many are aware, the City approved substantive amendments to the R-6 zone in 2015, and more recently, in 2018, adopted the Munjoy Hill Neighborhood Conservation Overlay. At the 1.21.20 Planning Board workshop, staff introduced Article 7 of the ReCode, which included a new proposal to institute a maximum building width requirement (recommended in concert with a simultaneous effort to update R-6 design standards). Otherwise, no changes to dimensional requirements for the R-6 zone were (or are) proposed. Based upon feedback received at the 1.21.20 workshop, staff will remove the proposed building width requirement, and will postpone discussion of proposed changes to R-6 Design requirements.
	99	7. Dimensional Standards	7.3	This is a confusing statement. This is almost encouraging developers to build garages when the Planning Dept stated they prefer "eyes on street". How are garages eyes on street? This also causes more curb cuts which removes more parking on streets.		
	100	7. Dimensional Standards	7.3	The allowance of a 20% higher lot coverage ratio for the R6 zone compared to all the other zones within Portland is a very significant increase. Please reconsider this difference, as it is not reflective of or consistent with residential development throughout the rest of the city. Residential and use in the R6 is not that significantly different from other zones, especially on the peninsula, and I struggle to understand the justification for such a large difference.		
	103	7. Dimensional Standards	7.3	This should be no more than 35' 45' is too tall to fit in the neighborhoods		
	104	7. Dimensional Standards	7.3	This dimensional standard is not in any way reflective of the existing housing stock within the R6 district. The vast majority of houses are typically between 18-30 feet wide.		
	105	7. Dimensional Standards	7.3	The mass and scale of 45 feet wide x 45 high housing is not consistent with the mass and scale of R-6 neighborhoods. The mass and scale of 60 foot wide x 35 foot high is not consistent with the mass and scale of R-6 neighborhoods.		
	106	7. Dimensional Standards	7.3	This appears to be brand new. While it might be a good idea to have a maximum building width, what is the rationale for the specific new maximum building width standards that are just being introduced in the R-6? How does it apply on a corner lot? Is there a comparable building depth maximum that would apply there? If a lot has frontage on two streets, how does one determine which is the width?		
107	7. Dimensional Standards	7.3	Agreed - 35 feet should be the maximum permitted in the R-6 - period.			
Average Grade and Building Height Measurement	76	7. Dimensional Standards	7.2	Pre-development Grade is measured and takes precedence on the islands. This should also take precedence on main land as well.	These edits were attempts to codify existing Zoning practice for determining building height based upon the average post-development grade. Based upon feedback at 1.21.20 workshop, this definition and height calculation methodology will be evaluated under Phase II. This definition and reference to average grade has been struck from this draft.	
	77	7. Dimensional Standards	7.2	Pre development grade should take precedence on non-island development (main land) as well.		
	78	7. Dimensional Standards	7.2	This is a real problem. Tying average grade for the purposes of applying height limitations to the "finished grade" at the four corners of a proposed building is subject to abuse by developers who will create artificial finished grades by heaping earth around the foundations of their projects, held back by retaining walls in some cases and constituting essentially planters. This can increase the average grade by as much as 6 feet or more on a sloping lot, and thus can increase structure height above the dimensional limits by 6 feet or more. What is wrong with tying average grade to either the grade of the site existing pre-construction, or referring it to grades surrounding the site such as along the borders or on public sidewalks or streets abutting the site? Another alternative is to use the pre-development grade, which we understand is done on the Portland islands.		
	79	7. Dimensional Standards	7.2	Why does the mainland use grade average rather than grade, pre-development as to measure for height? This is very misleading and unfair for a developer to build up the earth of the pre grade to reach higher building heights. The mainland should be using the pre-development grade to measure height of building.		
101	7. Dimensional Standards	7.3	Why isn't it clear where building height is measured? All mainland building height should be measured from the pre-grade development just like the Islands are. By the Planning department being vague or not following the island height measurement which is from the pre-grade development and not the grade average has caused a massive scale and massing issue that would have NOT existed if it was just on islands and mainland, the building height simply measured from the pre-grade development and NOT the grade average. Please change this.			

REVIEW COMMENTS ON RECODE DRAFT - ITERATION #2 (Articles 1-7)

	Comment #	Article	Section	Comment	Staff Response
Accessory Dwelling Units (ADUs) and Short Term Rentals	59	6. Use Standards	6.6.2.A	This is a real policy problem. The temptation to convert garages, sheds, etc. into short term rental (AirBnB) units is very strong. While it may make sense to allow ADUs for members of the family of the dominant structure, allowing wider use will only exacerbate our short term rental problems and the creation of a substandard housing stock. Would recommend that this subject be rethought and debated separately,	Short-term rentals are governed by the City's short-term rental ordinance and are not identified within zoning as a specific use.
	64	6. Use Standards	6.6.2.A	Why isn't it clear in this section if an ADU is restricted only for a long term residence or a vehicle to be used as short term rental.?	
	54	6. Use Standards	Table 6-A	AirBnB's are permitted in all R zones, correct? Are these not lodging houses? It appears that the restrictions on affordable housing deed restrictions are now limited to Peaks Island.	
				As a residential property owner in Oakdale and resident of one of the property units, the ADU I recently created was subjected to this same deed restriction (a qualifying factor that was not brought to my attention until after I had done the work and applied for a zoning variance). My hope and desire is that as a three unit property, I not have these income restrictions that limit whom I rent the space to (long term). I do not think it reasonable or fair to that the city impose a 30 year deed restriction making this new unit an affordable housing unit, especially considering that I live on the property. Additionally, I have been told that I as the property owner and full time resident am not allowed to reside in the new ADU because I qualify as the "developer". Three unit properties should not necessarily be considered commercial properties. I can see how some new condo developments might, but old houses in residential neighborhoods with a newly added legal third unit just don't fit the description of commercial property. My understanding is that this particular situation may be an unintended consequence of code that was loosely worded and hadn't taken into account the negative economic impact of this restriction on certain properties. ADU's should serve homeowners in their efforts to create more housing, generate rental income and provide housing for themselves, family or tenants of their choosing. I hope the board/committee will amend the current code to re-classify properties currently subjected to this deed restriction, and make the new code retroactive. My ADU was created in 2019... If re-applying for the newly adopted zoning ordinance is what it takes, that can be done, but it shouldn't come a cost and should be expedited, especially if it becomes an extra step for those who have followed the code to this point in endeavor to appease the rules and build units above-board. Otherwise, there is very little incentive for homeowners to abide these new codes and create legal ADUs, considering the rental income limitations, additional paperwork (tenant income verification) and the many codes that impose things like sprinkling, etc.	New ADU provisions are intended to remove major obstacles to ADU development, notably identification as a conditional use, off-street parking and density requirements, and requirements that units be rented as affordable units and that lots be deed restricted, which with the newest iteration, will apply city-wide.
	58	6. Use Standards	6.6.2.A	ADUs are useful options for housing family members (in-laws, grown up children, etc.) but should not be considered a substitute for fully qualifying housing units, and should NOT be used for Short Term Rentals.	
	63	6. Use Standards	6.6.2.A	I have a 3 unit on beckett street with a 1950's era garage in the driveway. Is this indicating that because i have a 3 unit I could not convert the garage to an additional dwelling unit? If so that does not make sense to me if the goal in r-6 is to increase density and considering what developers are building in the neighborhood after tearing down buildings.	
	60	6. Use Standards	6.6.2.A	ADU's should be permitted with 3+n unit buildings.	
	62	6. Use Standards	6.6.2.A	This should apply city wide.	
	61	6. Use Standards	6.6.2.A	Way too small. minimum size is unnecessary.	
	66	6. Use Standards	6.6.2.A	Does the city recognize 1. Accessory Dwelling Unit ? If so, should be in the definitions and detail requirements in the plan ? If not recognized, why not, is it considered something else ? 2. Is Air B n B discussed somewhere in the plan ? Is it considered a "Hostel" ? And or what zones are allowed ? I believe there are many in most all zones now ? I probably missed these thanks for considering.	While changes to the ADU provisions represent an important step towards increasing housing density city-wide, we do not support its use in larger residential neighborhoods. Will apply city-wide with newest iteration. Minimum unit sizes are intended to facilitate development of units that are visibly accessory and compatible within Portland's wide range of neighborhoods.
	24	3. Definitions	3		While not specifically defined, ADU's are effectively defined within the language of the Use Article, as development standards determine what is permitted as an ADU. Short-term rentals are governed under the city's short-term rental ordinance, and are not specifically identified as a use.

REVIEW COMMENTS ON RECODE DRAFT - ITERATION #2 (Articles 1-7)

	Comment #	Article	Section	Comment	Staff Response
Purpose Statements	36	5. Zones	5.4	What happened to the Purpose of R-6 definition that includes "...conserve the existing housing stock and residential characters of neighborhoods..." in the proposed ReCode? Why was the R-6 Zone definition changed? The old R-6 Zone definition should remain as is: The purpose of the R-6 residential zone is: (a) 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.	In select instances, purpose statements have been revised to eliminate unnecessary language (i.e. references to dimensional language or performance standards) or to bring purpose statements in line with zoning regulations. Based upon feedback received at the last workshop, purpose statement language has been reinstated where not otherwise covered elsewhere in the regulations.
	37	5. Zones	5.4	I also question why the following was deleted from the existing R-6 Purpose statement if Phase I is supposed to be non-substantive, forming changes: "In cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula." True the 2015 amendments, unwisely, eliminated the "vacant, underutilized" restriction, but shouldn't this change be flagged and there be a discussion about retaining the goal that new housing development be consistent with the compact lot development pattern typically found on the peninsula?	
	39	5. Zones	5.4	This statement of the purpose of the R-67 zone is incomplete and appears to be misleading. First of all, a lot of the current R-6 is single and two family dwellings. The character of the neighborhood should be protected from incompatible residential development as well as from professional office development, which has not been a problem in recent years	
	41	5. Zones	5.4	RE: Mr. Murrays' point: What is "incomparable residential development"? This is subjective.	
	42	5. Zones	5.4	Why have you substantially changed the B-6 zoning definition without flagging the major changes? This is not transparent to the public.	
	48	5. Zones	5.4	Why aren't the purpose statements imported intact? The purpose statement for the B-6 zone is paraphrased, leaving out language about encouraging a "distinctly urban form" and leaving out a qualifier "as recommended in the Eastern Waterfront master plan for redevelopment." These are in the current purpose statement and are important phrases. Has staff made some policy decision to omit them? If so, it should be flagged and explained for further discussion.	
	49	5. Zones	5.4	Why aren't the purpose statements imported intact? The purpose statement for the B-6 zone is paraphrased, leaving out language about encouraging a "distinctly urban form" and leaving out a qualifier "as recommended in the Eastern Waterfront master plan for redevelopment." These are in the current purpose statement and are important phrases. Has staff made some policy decision to omit them? If so, it should be flagged and explained for further discussion.	
	36	5. Zones	5.4	What happened to the Purpose of R-6 definition that includes "...conserve the existing housing stock and residential characters of neighborhoods..." in the proposed ReCode? Why was the R-6 Zone definition changed? The old R-6 Zone definition should remain as is: The purpose of the R-6 residential zone is: (a) 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.	
	37	5. Zones	5.4	What happened to the Purpose of R-6 definition that includes "...conserve the existing housing stock and residential characters of neighborhoods..." in the proposed ReCode? Why was the R-6 Zone definition changed? The old R-6 Zone definition should remain as is: The purpose of the R-6 residential zone is: (a) 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.	
	Other	5	1. Introductory Provisions	1.8.4	
23		3. Definitions	3	Maine does not currently have a parole system. Suggested changes could be: Reentry Housing Facility. A facility housing up to 12 persons under the supervision of the Maine Department of Corrections, plus staff. I recommend reaching out to Bruce Noddin, the director for Maine Prisoner Reentry Network for guidance.	Have revised definition accordingly.
25		3. Definitions	3		
32		5. Zones	5	Why aren't waterfront zones included in Article 5? They are geographic zones just like the others.	Given the unique nature and the complexity of regulations that govern Portland's waterfront zones, those zones have been
33		5. Zones	5	Where are the Working Waterfront Zones? Shouldn't they be in the Zone section as they are referred to in the Comprehensive Plan?	While it is generally understood that zoning will be reevaluated as part of Phase 2, it should be noted that zoning does not
44		5. Zones	5.4	Following up on Ben's statement. When current zoning does not align with current use we should reconsider the appropriateness of the zoning.	Permitted use within R5, though 2 acre lot size provision is eliminated.
45		5. Zones	5.4	There are many neighborhoods on the current zoning map that do not appear to conform with the stated purposes. It is my guess that they were erroneously zoned when the map was created and have not changed since. The existing map should carefully reviewed for conformance.	Revised to include new language
53		6. Use Standards	Table 6-A	This is currently a conditional use in R-5 14-117 b.5	Depending on the zone, noise is either measured from nearest residential zone, from the lot line of the noise producing source, from open space, or from the point of complaint. Revised to reflect this nuance.
65		6. Use Standards	6.6.2.D	Does this language reflect the recent Council approved text amendments in the B2 zones?	No, under this performance standard, sound impacts from residential zones are not regulated.
68		6. Use Standards	6.8.9	Does this noise decimal limit include any concerts that are held in another part of town that reverberates to the neighborhoods?	
69		6. Use Standards	6.8.9	does r-p include r-6?	

REVIEW COMMENTS ON RECODE DRAFT - ITERATION #3 (Articles 1-13)

	Name	Comment #	Article	Section	Comment	Staff Response
Accessory Dwelling Unit (ADU)	Larry	1	6. Use Standards	6.6.2.A	If the number of dwelling units changes for a property, is there anything the property owner needs to be aware of?	The addition of either one or two dwelling units to a residential development triggers Minor Site Plan review, which is an administrative review completed by the Planning Authority. For building code purposes, developments of three or more dwelling units have different code requirements than single- or two-family dwellings.
	Barbara Vestal	2	10. Waterfront	2.3.10.D	I was heartened by the comment in the staff memo for 2/18 that the waterfront zones were left intact. I think this is the right approach. However in reviewing the first 2 of 3 waterfront zones, I noted over 20 questions, some as minor as typos or use of NMUOZ rather than CSOZ, but other questions pertain to missing language or deviation from the prior organizational hierarchy. I did not double check cross references to the new sections because it is awkward to flip back and forth in this format. I trust staff will double check to make sure all references relate to the correct provisions.	The intent with the Waterfront Zones remains unchanged, and any changes that are included are solely provided so that the Waterfront chapter is cohesive with the rest of the land use code. For example, referenced information may have moved or been eliminated elsewhere, requiring minor amendment to the Waterfront Chapters.
Document Organization	Barbara Vestal	3	10. Waterfront	10.2.3.C	Why is "except festivals as otherwise governed under section 14-3013 below" missing? Cite in text needs to be fixed too.	Text has been reintroduced, and citation corrected.
	Barbara Vestal	4	10. Waterfront	10.2.4.C	Why were the conditions "subject to the performance standards of the IL zone set forth in Section 14-236 in addition to the performance standards of section 14-304" deleted from existing text without any comparable substance being added?	The reference was eliminated as the I-L performance standards have now been generalized and applied more broadly to other zones. In response, we have added text back into the draft that would subject these uses to the performance standards that apply to the I-L zone.
	Barbara Vestal	5	10. Waterfront	10.2.4.C	Why was the editor's note in current text omitted here?	Editor's note has been reintroduced.
	Barbara Vestal	9	10. Waterfront	10.2.4.C	The hierarchy of headings needs to be reexamined in this conditional use section. The immediately prior comment about whether it sufficiently references all 4 cites was put in the wrong section. It applies to parking for non-marine uses.	Resolved
	Barbara Vestal	11	10. Waterfront	10.2.8.H	Sorry -- why were off-street loading references deleted?	Off-street parking and loading standards have been consolidated into one article, Article 19. References have been reintroduced.
	Barbara Vestal	12	10. Waterfront	10.2.8.H	Why were off-street parking and loading combined into one standard and why were parking references deleted?	
	Barbara Vestal	18	10. Waterfront	10.3.6.D	Why is this new language inserted: "may not be used to exempt portions of structures from the required first-floor setback." The language in the existing ordinance is "may not be used to satisfy this requirement." Reason for this particular change?	Existing language has been reintroduced.

REVIEW COMMENTS ON RECODE DRAFT - ITERATION #3 (Articles 1-13)

	Name	Comment #	Article	Section	Comment	Staff Response
Alternative Energy	Barbara Vestal	17	10. Waterfront	10.3.3.E	Why were "wind energy systems, as defined and allowed in Article X, Alternative Energy" (or parallel new cite) excluded from this list of other permitted non-marine uses?	Alternative Energy provisions have been simplified as part of ReCode, and the Waterfront Chapter has been edited to account for these changes, with wind and solar energy systems called out as conditional uses.
	Barbara Vestal	7	10. Waterfront	10.2.4.C	Should note that throughout the waterfront sections provisions on wind towers have been condensed.	
Typo	Barbara Vestal	8	10. Waterfront	10.2.4.C	Does this correctly reference the new numbers for all 4 provisions cited in the existing text?	Typographical errors have been resolved where noted
	Barbara Vestal	6	10. Waterfront	10.2.4.C	The hierarchy of numbers is messed up here. Why isn't this "parking for non-marine uses" shown as #5, parallel to #4, public?	
	Barbara Vestal	10	10. Waterfront	10.2.6.B	Double check this to see if change from existing hierarchy in current text is appropriate.	
	Barbara Vestal	13	10. Waterfront	10.3.1.A	typo to be fixed here.	
	Barbara Vestal	14	10. Waterfront	10.3.1.A	typo	
	Barbara Vestal	15	10. Waterfront	10.3.2.C	The punctuation is messed up, changing the meaning. Why isn't it as in existing text: marine products wholesaling, distribution and retailing.	
	Barbara Vestal	16	10. Waterfront	10.3.3.A	typo	
	Barbara Vestal	19	10. Waterfront	10.3.7	This heading is not parallel to others of the same hierarchy. Why?	
	Barbara Vestal	20	10. Waterfront	10.3.7.B	benot should be "be not"	
	Barbara Vestal	21	10. Waterfront	10.3.7.B	typo	
	Barbara Vestal	22	10. Waterfront	10.3.7.B	NMUOZ was replaced in prior amendments. The current text reads and this should read CSOZ, correct?	
	Barbara Vestal	23	10. Waterfront	10.3.9.M	This should be uses not users per existing ordinance, correct?	

REVIEW COMMENTS ON RECODE DRAFT - ITERATION #4 (Articles 1-16)

Name	Comment #	Article	Section	Comment	Staff Response
Zachary Barowitz	1	o. Table of Contents	N/A	What would make this document useful is if for every zone (R-1, B2, etc.), all relevant requirements & information (i.e., parking requirements, inclusionary zoning,) about that zone is contained within so that users would not need to constantly flip back and forth between sections. Yes it would make the document longer, BUT it would make it simpler to use (and the added length would only be redundancies not additional language anyway). Staff preparing this document would simply need to embed the information in each section so that it would update automatically.	In recent years, we have steadily moved away from a code organized by zone (ex. Off-street parking turned into its own division of Article III). Reorganization by theme, as completed here, is in line with current best practice, and allows for significant redundancy and overlap to be cut out. There are of course both pros and cons with this approach, but as we continue forward, we are assessing having dynamic links within the code that would allow for easier navigation to relevant sections.
Zachary Barowitz	2	o. Table of Contents	N/A	How about page numbers in addition to chapter-page numbers. It will be much easier to find things if we have to hunt for chapter 12 before looking for the page.	Chapter and page number combination allows the user to quickly identify which article they are in, which helps with navigation of the document. Additional notation and navigational tools will be explored in the final, compiled draft.
Liz Trice	3	2. Administration	2.3.11	Why does a city like Portland need low density residential zones? It's more appropriate to conserve small chunks of green space and connect with trails, but I think that we could combine R1-R5 meaning that you could allow up to triplexes in all of these zones, and ADUs (both attached and detached) on all lots, and allow smaller lot sizes. Then allow more dense housing along transit corridors and in business zones.	Section cited is existing policy, and no changes are proposed at this time. Will be catalogued for future discussion as part of Phase 2.
Liz Trice	4	2. Administration	2.3.11	Similarly, the number of B zones could be cut at least in half: Village/neighborhood intersections. Really B2b should be the Standard B Zone in neighborhoods, downtown can be different, and then the mall/grocery store/car dealership type.	
Liz Trice	5	3. Definitions		This doesn't account for two things - there should be an asset test when providing subsidized housing. Also, it should say who it's affordable to ie "affordable to households that make 80% of AMI"	
Liz Trice	6	3. Definitions		Accessory Dwelling Unit definition should go here.	Accessory Dwelling Units (ADU) are effectively defined within the text of 6.6.2.A. The accessory use is impact based, and so long as relevant standards are being met, meet the criteria of being considered an ADU.
Liz Trice	7	3. Definitions		Should say Dwelling, single Family; A parcel containing one primary dwelling unit and any allowable attached or detached accessory dwelling units. Same for two family and multi family.	The definition of a single-family dwelling does not preclude the addition of an accessory unit.
Eric Freeman	8	3. Definitions		Existing definitions should include allowable Accessory Dwelling Units	Definition of family was vetted by Corporation Counsel and with the ReCode committee, and provides significant flexibility in its interpretation, to allow for a variety of different types of family units, and complementing other types of living arrangements allowed within the city, which were also edited to work more seamlessly together.
Liz Trice	9	3. Definitions		Definition of family changed from 16 to 8 unrelated individuals. I think the term should be "household", and not family. I can imagine 20 unrelated people living together no problem. What is the intention of this? Seems to unnecessarily restrict living arrangements. "One or more individuals related by blood marriage, civil union, adoption, or guardianship and/or up to 20 unrelated individuals living together in a dwelling unit as a single non-profit housekeeping unit."	
Liz Trice	10	3. Definitions		Needs return cursor	
Liz Trice	11	3. Definitions		What's the point of saying it won't be used as a shelter? The definition for hostel and hotel should be the same - both are transient guests, both allow people to rent by the night, week or month. The only difference is that Hostels can assign or allow people of different parties to sleep in the same room. Shared kitchen facilities are not a distinguishing feature.	Fixed. Definitions of hostel and hotel remain largely unchanged from existing code language, with the exception of redundant language regarding off-premise accommodations.

REVIEW COMMENTS ON RECODE DRAFT - ITERATION #4 (Articles 1-16)

Name	Comment #	Article	Section	Comment	Staff Response
Liz Trice	12	3. Definitions		The incomes for people actually living in Portland is lower than the Area Median Incomes, so it's important to make sure that we're promoting housing to be built in lower income tiers (say 40-80%) that actually serves people already living and working in Portland. The goal is to have housing for all income levels.	Section cited is existing policy, and no changes are proposed at this time. Will be catalogued for future discussion as part of Phase 2.
Liz Trice	13	3. Definitions		It's not clear how this is distinguished from a household with a few housemates, we want to encourage shared households. I would recommend that the unique aspect of a lodging house is that it is non-owner (or lessor) occupied, and that each room is locked (which has fire safety code issues), and each room is leased separately, weekly or biweekly, or monthly.	Principal difference is that a lodging house is operated as a business, where property owner leases out individual rooms for set period of time, as opposed to a shared housing arrangement where one or more individuals rent or contribute to a mortgage.
Liz Trice	14	3. Definitions		This doesn't belong here.	
Liz Trice	15	3. Definitions		need to insert add two ore more dwelling units "to a parcel that holds a single family unit" ... adding two units to an empty lot would not be a multifamily.	Existing language retained.
Liz Trice	16	3. Definitions		PRUDs is a poor use of land, and we should move away from it (or make it allow much de	Section cited is existing policy, and no changes are proposed at this time. Will be catalogued for future discussion as part of Phase 2.
Liz Trice	17	3. Definitions		That has a lock on the door.	Existing language retained.
Tim Wells	18	5. Zones	Table 5-B	R-6 is moderate density not high density. For R6 to be high density it would need to lower density requirements from 725SF/unit to 300SF/unit and also allow 4 stories by right and 5-6 stories with proper approvals on parcels and in situations where it makes sense. Parking requirements also need to be reduced. These added benefits could be an option if the building is built sustainably. Green roof, Solar panels, passivehaus or tight envelope standards, underground parking, etc.	
Tim Wells	19	5. Zones	Table 5-B	R1 - R5 zones are all very low or low density zones. They should not be described as medium density zones. This is inaccurate and mis-leading. Recommend breaking down into 2 zones. All zones to allow ADUs. Lower lot sizes. R1/2/3 into low density. Delete R4 zone. R5 and some current R3s make into true mid density zones. 600SF to 1000SF/unit range. Less parking requirements or perhaps none.	
Liz Trice	20	5. Zones	Table 5-B	R-6 can be its own zone, appropriate for peninsula and transit corridors.	
Liz Trice	21	5. Zones	Table 5-B	combine into one zone that allows triplexes, duplexes & single family with ADUs on small	
Zachary Barowitz	22	5. Zones	Table 5-B	R-6 is NOT high density in any real sense of an urban area. The current R-6 is really low-medium density. R-6 should allow much higher density.	Section cited is existing policy, and no changes are proposed at this time. Will be catalogued for future discussion as part of Phase 2.
Zachary Barowitz	23	5. Zones	Table 5-C	Peaks Island has had a high density multi-unit building, 'The Avenue House', for 100+ years. It is totally contextual and no one complains about it. It is serviced by transit (ferry) and within a short walk to grocery, post office, restaurants, etc. The commercial areas could stand some higher density development especially because there is no need for parking.	
Zachary Barowitz	24	5. Zones	Table 5-C	This zone could stand much higher housing density (i.e., current R-6). The area is transit oriented and and pedestrian oriented (no need for a car). And there already exists a high density residential project on Peaks - the Avenue House - which has been there for 100+ years	
Liz Trice	25	5. Zones	Table 5-D	Reduce the number of business zones to 3 zones max and have B2b for neighborhoods. Why would we want to have "office zones" where everyone has to drive and have a huge parking lot? They should just be business zones. We should be creating more mixed use	
Liz Trice	26	5. Zones	Table 5-E	village centers.	

REVIEW COMMENTS ON RECODE DRAFT - ITERATION #4 (Articles 1-16)

Name	Comment #	Article	Section	Comment	Staff Response
Liz Trice	27	6. Use Standards	Table 6-A	There should only be two R zones, 3 max, and all more dense. The only one that has appropriate density to the current zoning map is R6.	Section cited is existing policy, and no changes are proposed at this time. Will be catalogued for future discussion as part of Phase 2.
Liz Trice	28	6. Use Standards	Table 6A	seems to be missing a legend that describes what the full circle vs 1/2 circle means. I'm guessing conditional use.	On previous page.
Liz Trice	29	6. Use Standards	Table 6-E	Grids are good. It would be good to have a grid that includes density, parking, setbacks and height limits for each zone.	Included in Article 7, Dimensional Standards.
Liz Trice	30	6. Use Standards	6.5.5	Still too many pages and words. Reduce by another 50%.	Noted.
Zachary Barowitz	31	6. Use Standards	6.5.5	This section is a jumble. If it MUST exist as its own section each article should also exist in the section of the relevant zone. (So that people planning for the R6 don't need to jump ahead pg. 82 to refer to the office section.)	We will continue to evaluate navigation tools within the code, understanding that most user will interact with this document on a computer, so that there are shortcuts to relevant sections. This will likely not occur until sometime after the Ph. 1 document is adopted.
Liz Trice	32	6. Use Standards	6.5.6.C	It doesn't make sense to me to be this prescriptive.	
Liz Trice	33	6. Use Standards	6.5.6.F	These rules seem so random and arbitrary. Why only R2?	
Liz Trice	34	6. Use Standards	6.5.6.G	Too specific. Come up with simpler rules.	
Liz Trice	35	6. Use Standards	6.5.6.G	Why have totally different rules for the island? and for different multifamily? The minimum 1,000 SF and 600SF unit size are too large.	Section cited is existing policy, and no changes are proposed at this time. Will be catalogued for future discussion as part of Phase 2.
Zachary Barowitz	36	6. Use Standards	6.5.6.H	Do these zones need any off-street parking requirements, since everyone has driveways (or just park on their lawn which is a common practice)? On Street parking is extremely under-utilized. The language is very hard to understand.	
Liz Trice	37	6. Use Standards	6.5.6.H	Perhaps we could make a parking requirements grid by zone and simplify this greatly.	Off-street parking requirements are in table form in Article 18.
Liz Trice	38	6. Use Standards	6.5.6.H	I think it would be better if this was in grid form. I've several times found rules that are missing in some zones, but it's unclear whether its intentional or not.	The use article includes regulations related to off-street parking where it is permitted as a principal use. (Article 18 includes requirements for off-street parking as an accessory use (i.e. off-street parking associated with another, principal use).) The consolidation of regulations related to off-street parking as a principal use helps to highlight variations which may be further explored in Phase 2.
Liz Trice	39	6. Use Standards	6.5.6.H	Another good reason would be to provide a pocket park or other green space adjacent to	Section cited is existing policy, and no changes are proposed at this time. Will be catalogued for future discussion as part of Phase 2.
Liz Trice	40	6. Use Standards	6.6.2.A	If the goal is to create more housing units, there would be nothing wrong with someone purchasing an empty house, adding a ADU as a value add, and selling it. I read this rule as preventing that, which is unfortunate, because it is challenging for many homeowners to consider adding a ADU while living in their house, and many may not take on an ambitious project.	
Zachary Barowitz	41	6. Use Standards	6.6.2.A	This is ill-conceived and impossible to enforce. The owners should not not be required to live on the property that the ADU is being added. This is blatantly anti-tenant, borderline housing discrimination, and counter to the purpose of creating housing.	The City's approach to Accessory Dwelling Units (ADUs) is generally to eliminate administrative and procedural hurdles, to allow a variety of different unit types and allow ADUs on any property with legal use as a single- or two-family dwelling. The proposed regulations have been vetted with the ReCode committee, and are intended to facilitate incremental density increase, while providing sufficient latitude to work seamlessly within Portland's diverse array of neighborhoods. As part of phase 2 of ReCode, housing policy will be comprehensively revisited, particularly in areas proximate to services and public transportation.
Wendy Cherubini	42	6. Use Standards	6.6.2.A	Does this mean that for any building with an ADU has to be owner-occupied forever or just when the ADU is created? it seems excessive.	
Zachary Barowitz	43	6. Use Standards	6.6.2.A	This is way too restrictive and not to say illogical. If a house has a huge lot, or if it is a merely large lot with a huge house (like in the West End), then a one-ADU-fits-all policy pays no regard to context. Think of the carriage houses in the West End, some of which hold 3 units.	
Wendy Cherubini	44	6. Use Standards	6.6.2.A	I think we should allow one ADU in the primary dwelling unit and one detached ADU.	
Liz Trice	45	6. Use Standards	6.6.2.A	It would be better to have up to two: one attached and one detached.	

REVIEW COMMENTS ON RECODE DRAFT - ITERATION #4 (Articles 1-16)

Name	Comment #	Article	Section	Comment	Staff Response
Zachary Barowitz	46	6. Use Standards	6.6.1	"permitted" is used twice in this sentence which makes it confusing and possibly meaningless. what does this mean?	Existing language retained.
Liz Trice	47	6. Use Standards	6.5.7	this should be in the individual zones.	Relocated to Article 6, as the code is no longer organized around zones.
Zachary Barowitz	48	6. Use Standards	6.6.2. A	Context matters. If there is a ranch house, it would be TOTALLY fine, if the house was lengthened a bit and another entrance was added. It should be subject to design review.	In line with best practice, the recommendation from the City is to limit a home with ADU to having one entrance along the street facing façade. From a design perspective, this is important in maintaining the appearance of a single-family dwelling.
Liz Trice	49	6. Use Standards	6.6.2.E	Maybe if you want readers be able to sort by topic ("heliports") OR by zone ("B5"), maybe there could be a way to create a digital form of the code that could reference by either keyword.	Noted.
Zachary Barowitz	50	6. Use Standards	6.6.2.F	So I could have six drummers banging away?	Section cited is existing policy, and no changes are proposed at this time. Will be catalogued for future discussion as part of Phase 2.
Zachary Barowitz	51	6. Use Standards	6.6.2.F	This list is kinda crazy.	
Zachary Barowitz	52	6. Use Standards	6.6.2.F	Computer programming? This is archaic.	
Zachary Barowitz	53	6. Use Standards	6.6.2.F	Computer programming? This is archaic.	
Zachary Barowitz	54	6. Use Standards	6.6.2.F	Welding is OK?	
Liz Trice	55	6. Use Standards	6.6.2.F	This is a fundamental problem with zoning. Listing what is allowed instead of what isn't allowed is bizarrely restrictive. There are new occupations all the time as our world changes. We should only be listing what is not allowed, and then really only because it's against the law or has some sort of sound pollution or toxins that impede others.	
Zachary Barowitz	56	6. Use Standards	6.6.2.F	Mail order? Ebay store?	
Zachary Barowitz	57	6. Use Standards	6.6.2.F	This list of kinda nuts. How about general office use?	
Liz Trice	58	6. Use Standards	6.6.2.G	Why do you care if someone wants to add another bathroom? Highly restrictive.	
Barbara Vestal	59	14. Site Plan	14.5.5.C	This should also say that the applicant shall be present and shall have members of the development team present who are ready, willing and able to answer questions posed by the public, and shall answer questions posed truthfully and fully. The applicant shall have available all plans, elevations, and other submission materials. Failure to meet any of these requirements shall result in the applicant having to hold another neighborhood meeting which does comply with these requirements prior to proceeding with Planning Board review. This should also provide that the time available for the meeting shall be at least 2 hours in duration, that it shall be held in an accessible location, and the meeting shall be scheduled to begin at 5:30 or after.	

REVIEW COMMENTS ON RECODE DRAFT - ITERATION #4 (Articles 1-16)

	Name	Comment #	Article	Section	Comment	Staff Response
	Barbara Vestal	60	14. Site Plan	14.6.4.l	There may also be design standards that are included in locations other than in the City of Portland Design Manual. Those should be referenced or listed here too.	<p>The section cited here previously contained significant overlap with the City's design manual, which was felt to be unnecessary. Adoption of the design manual by reference within this ordinance places that document into effect and requires projects to adhere with relevant standards that are listed therein. The purpose of this reference, is to direct an applicant to the design manual, where they can determine whether or not their specific project is subject to those review standards. While not currently shown, it is anticipated that additional language around the objective and process of design review will be added to this section in the next iteration of this document, based upon feedback from Corporation Counsel. Ultimately, changes to the design manual must be adopted by the Planning Board and not the City Council, a process shared by the technical manual.</p>
	Barbara Vestal	61	14. Site Plan	14.6.4.l	What is this word supposed to be?	
	Barbara Vestal	62	14. Site Plan	14.6.4.l	Why is this not a clear statement of which types of development and which zones are subject to design standards? Why not another table making it explicit and clearly referencing the section of the design manual that is applicable?	
	Barbara Vestal	63	14. Site Plan	14.6.4.l	Why have you eliminated very clear specification of the type/location of development subject to design standards? The current ordinance says that design standards apply to "all residential development in the R-6 zone." Why is this not specified? How is an applicant supposed to know what is subject to design standards unless it is listed here?	
	Barbara Vestal	64	14. Site Plan	14.6.4.l	At a minimum it should communicate that a development proposal shall not be approved unless it meets all of the design standards. The current language says that the Design Manual is included (presumably meaning incorporated) by reference. Why is that not carried over?	
					Why is significantly weakened from what appears now, which is in itself inadequate? This needs to be strengthened so that it is clear what the status of the Design Manual is. If the Design Manual is to be kept, it needs to be adopted by the City Council and amendments to it need to go through the City Council. Furthermore this needs to explicitly state that the Design Manual is incorporated by reference into this requirement so the design standards are required, not merely advisory	
	Barbara Vestal	65	14. Site Plan	14.6.4.l		

REVIEW COMMENTS ON RECODE DRAFT - ITERATION #5 (Articles 1-22)

	Name	Comment #	Article	Section	Comment	Staff Response
	Benjamin McCall	1	19. Off Street Parking & Loading	Table 19-A	I would advocate for the complete elimination of off-street parking requirements for all single, two, and multi-family residential uses.	Noted. Further discussion of parking requirements as they relate to residential development is anticipated to occur in Phase II.
	Deanna Emery	2	20. Signs	20.2	How is a projecting sign different from a blade sign?	Blade signs are small pedestrian-scale, either projecting from the side of a building or occasionally mounted under a roofed structure such as a gallery. Projecting signs are larger and intended as more of an automobile-scale sign. To reinforce this difference, staff has revised the definition of blade sign and reduced the area of a blade sign to 12 sq. ft.
	Scott Eaton	3	20. Signs	20.7.3	Why has the city chosen to reduce the minimum display duration from the default set by the state in Title 23, Part 1, Chapter 21, §1914. 11-A. B. (1) "no more than once every 20 minutes". I think we should keep the default 20 minute duration. If there are many signs in an area which are changing out of sync and at 30 second intervals, there may be a distracting amount of changes happening in view.	The International Sign Association (ISA) recommends as a best practice a fairly quick transition interval in the range of 5 - 10 seconds. The draft includes a longer 30 second duration requirement as a means of compromising between the purpose of an EMS and potential negative effects of very rapidly changing signs.
	Deanna Emery	4	20. Signs	20.7.5.C	Raceways are not only used when access behind the wall isn't available for wiring between sign component but also to minimize damage to building fascia. Many landlords request that channel letter signs be mounted on raceways so that when that tenant moves out, there is minimal damage to repair. If no raceway is used, a hole fully penetrating the building is necessary for each letter/sign component plus mounting holes. I suggest this is removed from the new ordinance or changed to only say that raceways must be painted to best match the building facade.	The draft language in 20.7.4(C) allows for the use of raceways if other means of affixing building-mounted signs are 'not feasible,' which in interpretation could include when significant damage to the building would be done.
	Deanna Emery	5	20. Signs	Table 20-N	No internal illumination allowed for projecting signs? Projecting signs with any height to them are very hard to light externally with even light to cover the signboard because spot lighting is not able to wash far enough down the sign face. Highly suggest not limiting lighting type for these signs or allowing internal illumination, even if it's lighted to individual letters only lighting (i.e. channel letters or routed sign face)	Staff has revised the text to allow for internal illumination of individual letters or graphics only.
	Deanna Emery	6	20. Signs	Table 20-S	Why is there a limit on how many per lot? Some lots may have multiple driveway entrances and also need directional signage within the lot (i.e. drive-thru, ATM, getting people to an exit)	Signs internal to a lot would be considered incidental and not readable from the right-of-way, and thus exempt from regulation.
	Deanna Emery	7	20. Signs	Table 20-U	No monument signs allowed in Downtown District? It seems this would be the preferred styled for those zones in DD that allowed freestanding signs.	Freestanding signs are currently not allowed in B-3 and B-5 except in certain circumstances. This has been clarified and added to Table 20-F (was previously covered in Table 20-R).
	Deanna Emery	8	20. Signs	Table 20-V	What if the only place on the one person's lot to put a freestanding sign (due to driveways, parking, etc.) is within 75 feet of where his neighbor placed their sign?	This standard applies to pole signs only. It is intended to avoid a large conglomeration of tall pole signs along a stretch of lot frontages.