



6 USE STANDARDS

6.1 APPLICABILITY

6.1.1 In general

- A. The use of buildings, structures, private property, and City-owned property are governed by this article, except when superseded by other applicable laws or ordinances. It is the intent that, when in doubt, this article should be interpreted to accommodate the goals of the City’s Comprehensive Plan and other plans.
- B. All uses shall comply with any applicable federal and state requirements, and any additional applicable federal, state, county, and/or city ordinances.
- C. All uses shall comply with any supplemental use standards in Section 6.4 as applicable. Use standards address specific impacts, design or siting standards, and/or additional regulations outside of this Code.

6.2 DETERMINATION OF USE

6.2.1 Use tables

- A. Tables 6-A to 6-G shall determine if a use is permitted (●), conditional (◐), or not permitted () as a principal use within a zone. Where a use is listed as both permitted and conditional (●/◐), determination shall be based on the nature of such use as described in the use standards of Section 6.4. Unless otherwise noted, where a use is listed in terms of square footage, square footage figures shall correspond to the total square footage of the use as indicated.
- B. Certain uses within Tables 6-A to 6-G shall meet required use standards listed in Section 6.4. A reference is provided in the “Use Standards”

column the tables. In the case of conflict of required standards (i.e., a cross reference is missing from the table, the numbering of standards has changed but not updated in the Table, etc.), the use standards in Section 6.4 control.

6.2.2 Unlisted uses

- A. Uses not expressly listed as permitted or conditional in Tables 6-A to 6-G are prohibited as principal uses except that a use may be permitted subject to meeting the following performance-based standards:
 - 1. The proposed use is consistent with the purposes of the zone.
 - 2. The proposed use is closely related to a permitted or conditional use in terms of character, scale, and external impacts.
 - 3. The buildings and structures associated with the proposed use are designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odor, and any other potential negative impacts.
- B. The review authority shall determine whether the uses not listed as permitted or conditional uses meet the above standards. If it is determined that the use does not meet the above criteria, it shall not be permitted.
- C. The review authority may impose reasonable conditions of approval on the proposed use to ensure that it is similar in character and impact to a permitted or conditional use.

6.2.3 Multiple uses

A lot may contain more than one principal use, providing each use is allowed within the zone. Each principal use shall be permitted separately. However, a lot used for a single-family dwelling, two-family dwelling, three-family dwelling, or four-family dwelling shall only be permitted one principal use. In certain cases, uses are defined in Article 3 to include accessory uses that provide necessary support or are functionally integrated into the principal use.

6.2.4 Uses operated in an enclosed structure

- A. In all mixed-use, office, and industrial zones, uses shall be operated within a completely enclosed structure, except for those customarily operated in open air.
- B. In the mixed-use zones, open air activities shall be those licensed by the City.

6.2.5 Uses in zones not listed

- A. Use permissions for certain zones within this Code are not included in Tables 6-A to 6-G, but are addressed separately as follows:

1. Use permissions for overlay zones are found in Article 8.
2. Use permissions for the India Street Form-Based Code (IS-FBC) zone are found in Article 9.
3. Use permissions for the waterfront zones are found in Article 10.

6.3 CHANGE OF USE

A change of use from one use in Tables 6-A to 6-G to another is governed by the requirements of the new use. The use of any part of any building, structure, or property shall not be changed to any other use, whether principal or accessory and whether alterations in the building, structure, or property are involved or not, until a permit and certificate of occupancy authorizing such change of use has first been secured from the Building Authority in accordance with Chapter 6 of the City of Portland Code of Ordinances.



USE STANDARDS

TABLE 6-A: PERMITTED AND CONDITIONAL USES IN RESIDENTIAL NEIGHBORHOOD ZONES

		RN-1	RN-2	RN-3	RN-4	RN-5	RN-6	RN-7	Use Standards
Residential	Single-family dwellings	●	●	●	●	●			
	Two-family dwellings	●	●	●	●	●			
	Three-family dwellings			●	●	●			
	Four-family dwellings			●	●	●			
	Townhouse dwellings					●		●	6.4.13
	Multi-family dwellings		○	●	○	●	●	●	6.4.12
	Group homes	○	○	○	○	○	○	○	6.4.17
	Lodging houses					●	●	●	6.4.21
Institutional	Child care centers + small child care facilities	○	○	○	○	○	○	○	6.4.9
	Elementary, middle, and secondary schools	○	○	○	○	○	○	○	
	Governmental uses	●	●	●	●	●	●	●	
	Places of assembly	○	○	○	○	○	○	○	6.4.30
	Post-secondary schools				○	○	○	○	6.4.31
	Residential care facilities (small)	○	○	○	○	○	○	○	6.4.35
	Residential care facilities (large)	○	○	○	○	○	○	○	
	Bed and breakfasts					●/○	●/○	●/○	6.4.7
	Hostels					●/○	●/○	●/○	6.4.18
	Market gardens	○	○	○	○	○	○	○	6.4.25
Neighborhood nonresidential reuse	○	○	○	○	○	○	○	6.4.26	
Other	Agriculture	●							6.4.3
	Cemeteries	●	●	●	●	●	●	●	
	Parks and open spaces	●	●	●	●	●	●	●	
	Solar energy system (minor)	●	●	●	●	●	●	●	6.4.38
	Utility substations	○	○	○	○	○	○	○	6.4.39

TABLE 6-B: PERMITTED AND CONDITIONAL USES IN ISLAND ZONES

	IR-1	IR-2	I-B	Use Standards	
Residential	Single-family dwellings	●	●	●	
	Two-family dwellings			●	
	Three-family dwellings			●	
	Four-family dwellings			●	
	Multi-family dwellings			⓪	6.4.12
	Lodging houses		⓪	●	6.4.21
Institutional	Child care centers + small child care facilities	⓪	⓪	●	6.4.9
	Elementary, middle, and secondary schools	⓪	⓪	⓪	
	Governmental uses	●	●	●	
	Places of assembly	⓪	⓪	●	6.4.30
	Auto service stations			⓪	6.4.5
	Bed and breakfasts			●	6.4.7
	General offices			●	6.4.15
	General services			●	
Commercial / Service	Greenhouse/nursery (retail)			⓪	6.4.16
	Hotels			⓪	6.4.19
	Neighborhood nonresidential reuse	⓪	⓪		6.4.26
	Restaurants			●	6.4.34
	Retail			●	6.4.36
	Specialty food service			●	
	Agriculture	●			6.4.3
Other	Boathouses and storehouses for fishing equipment	●	●	●	
	Campgrounds	⓪			6.4.8
	Cemeteries	⓪	⓪		
	Marinas			●	
	Parks and open spaces	●	●	●	
	Solar energy system (minor)	●	●	●	6.4.38
	Studios for artists and craftspeople			●	
	Utility substations	⓪	⓪	⓪	6.4.39
	Wharves, piers, docks, and landing ramps	●	●	●	



TABLE 6-C: PERMITTED AND CONDITIONAL USES IN MIXED-USE ZONES

	B-1	B-2/ B-2b	B-3 ¹	B-4	B-5	B-6	Use Standards
Residential	Single-family dwellings	●	●				
	Two-family dwellings	●	●				
	Three-family dwellings	●	●	●	●	●	
	Four-family dwellings	●	●	●	●	●	
	Townhouse dwellings	●	●	●	●	●	6.4.13
	Multi-family dwellings	●	●	●	●	●	6.4.12
	Live/work dwellings	●	●	●	●	●	
	Lodging houses	●	●	●	●	●	6.4.21
	Child care centers + small child care facilities	●	●	●	●	●	6.4.9
	Clinics	●	●	●	●	●	
Institutional	Cultural facilities		●		●	●	
	Elementary, middle, and secondary schools	●	●	●	●	●	
	Emergency shelters			⓪	⓪	⓪	6.4.14
	Governmental uses	●	●	●	●	●	
	Places of assembly	●	●	●	●	●	6.4.30
	Post-secondary schools		●	●	●	●	6.4.31
	Residential care facilities (small)		●	●		●	
	Residential care facilities (large)		●	●		●	6.4.35
	Adult business establishments			●			6.4.2
	Auto, boat, and related dealerships		⓪		●		
Commercial / Service	Auto service stations		⓪	●			6.4.5
	Bars		●	●	●	●	6.4.6
	Bed and breakfasts	●	●	●			6.4.7, 6.4.10
	Exhibition, meeting, and convention halls			●	●	⓪	
	Funeral homes		●		●		
	General offices	●	●	●	●	●	6.4.15, 6.4.10
	General services	●	●	●	●	●	
	Greenhouse/nursery (retail)		⓪		⓪		
	Hostels	●		●		●	6.4.18, 6.4.10
	Hotels		●	●	●	●	6.4.19
Marijuana retail store		●/⓪	●	●		6.4.23	
Market gardens	●	●	●	●	●	6.4.25, 6.4.10	
Recreation and amusement centers				●	●		
Registered marijuana dispensary		●/⓪	●	●		6.4.23	

TABLE 6-C (CONT.): PERMITTED AND CONDITIONAL USES IN MIXED-USE ZONES

	B-1	B-2/ B-2b	B-3 ¹	B-4	B-5	B-6	Use Standards	
Comm/Service	Restaurants	●	●	●	●	●	6.4.34, 6.4.10	
	Retail	●	●	●	●	●	6.4.36, 6.4.10	
	Small-scale marijuana caregiver		●	●	●		6.4.23	
	Specialty food service	●	●	●	●	●	6.4.10	
	Theaters and performance halls		●	●	●	●		
	Veterinary services		●		●			
	Communication studios		●	●	●	●		
	Dairies		●		●		6.4.11	
	Impound lots				●		6.4.20	
	Intermodal transportation facilities					●	●	
Industrial	Laboratory and research facilities		⓪	⓪	●	⓪		
	Low-impact industrial	●	●	●	●	●	6.4.22	
	Marijuana testing facilities				●			
	Marijuana manufacturing facilities				●		6.4.23	
	Marijuana cultivation facilities (<7,000 SF plant canopy)				●			
	Printing and publishing			●	●	●	●	6.4.32
	Self-storage facility				●			6.4.37
	Studios for artists and craftspeople	●	●	●	●	●	●	
	Warehousing and distribution				●			6.4.40
	Marine uses					●	●	6.4.24
	Off-street parking			●/⓪		●	⓪	6.4.27
	Parks and open spaces	●	●	●	●	●	●	
	Social service centers		⓪	⓪	⓪	⓪	⓪	
	Solar energy system (minor)	●	●	●	●	●	●	6.4.38
Solar energy system (major)				⓪				
Other	Utility substations	●	●	●	●	●	6.4.39	
	Wind energy system (minor)		⓪	⓪	⓪	⓪	6.4.41	

¹ Uses within the B-3 zone may be subject to the standards of the Pedestrian Activities District (PAD) Overlay found in Section 8.7 of this Code.

TABLE 6-D: PERMITTED AND CONDITIONAL USES IN TRANSIT-ORIENTED DEVELOPMENT ZONES

		TOD-1	TOD-2	Use Standards
Res.	Townhouse dwellings	●	●	6.4.13
	Multi-family dwellings	●	●	6.4.12
	Live/work dwellings	●	●	
	Lodging houses	●	●	6.4.21
Institutional	Child care centers + small child care facilities	●	●	6.4.9
	Clinics	●	●	
	Cultural facilities		●	
	Elementary, middle, and secondary schools	●	●	
	Emergency shelters	⓪	⓪	6.4.14
	Governmental uses	●	●	
	Places of assembly	●	●	6.4.30
	Post-secondary schools		●	6.4.31
	Residential care facilities, small	●	●	6.4.35
	Residential care facilities, large	●	●	
	Bars	●	●	6.4.6
	Exhibition, meeting, and convention halls		●	
General offices	●	●		
General services	●	●		
Hostels		●	6.4.18	
Hotels		●		
Commercial / Service	Recreation and amusement centers		●	
	Restaurants	●	●	
	Retail	●	●	
	Specialty food service	●	●	
	Theaters and performance halls		●	
	Veterinary services	●	●	
Indust.	Communication studios	●	●	
	Studios for artists and craftspeople	●	●	
	Low impact industrial	●	●	6.4.22
	Parks and open spaces	●	●	
Other	Solar energy system (minor)	●	●	6.4.38
	Utility substations	●	●	6.4.39
	Wind energy system (minor)	⓪	⓪	6.4.41

TABLE 6-E: PERMITTED AND CONDITIONAL USES IN OFFICE PARK & RESIDENCE PROFESSIONAL ZONES

	O	R-P	Use Standards
Residential	Single-family dwellings	●	
	Two-family dwellings	●	
	Three-family dwellings	●	
	Four-family dwellings	●	
	Townhouse dwellings	●	6.4.13
	Group homes	⓪	6.4.17
	Multi-family dwellings	⓪	6.4.12
Institutional	Child care centers + small child care facilities	●	⓪ 6.4.9
	Elementary, middle, and secondary schools		⓪
	Governmental uses	●	●
	Places of assembly		⓪ 6.4.30
	Residential care facilities, small		⓪ 6.4.35
	Residential care facilities, large		⓪
	Funeral homes		●
Comm.	General offices	●	●
	Neighborhood nonresidential reuse		⓪ 6.4.26
	Office parks	●	6.4.28
	Specialty food service		●
Indust.	Laboratory and research facilities	●	
	Printing and publishing	●	6.4.32
	Studios for artists and craftspeople		●
Other	Cemeteries		●
	Parks and open space	●	●
	Solar energy system (minor)	●	● 6.4.38
	Utility substations		● 6.4.39
	Wind energy system (minor)	⓪	6.4.41

TABLE 6-F: PERMITTED AND CONDITIONAL USES IN INDUSTRIAL & AIRPORT ZONES

	I-L/I-Lb	I-M/I-Mb	I-H	A-B ¹	Use Standards
Institutional	Airports				●
	Child care centers + small child care facilities	●	●		6.4.9
	Emergency shelters	○	○	○	
	Places of assembly	●			6.4.30
Commercial / Service	General offices	●	●		6.4.15
	Hotels				●
	Market gardens	●			6.4.25
	Recreation and amusement centers	●	●		
	Restaurants				●
	Self-storage facility		●	●	6.4.37
	Specialty food service	●	●		
	Veterinary services	●	●	●	
	Animal-related services	●	●	●	6.4.4
	Auto service station	●	●	●	● 6.4.5
	Construction & engineering services	●	●	●	
	Dairies				●
	Food & seafood processing, packing, and distribution		●	●	
	High-impact industrial uses				●
	Impound lots		●	●	6.4.20
	Intermodal transportation facilities	●	●	●	
	Laboratory and research facilities	●	●	●	
	Low-impact industrial	●	●	●	6.4.22
	Lumber yards	●	●	●	
	Marijuana cultivation facility (<2,000 SF plant canopy)	●	●	●	
Marijuana cultivation facility (2,000-7,000 SF plant canopy)		●	●		
Marijuana cultivation facility (>7,000 SF plant canopy)			●	6.4.23	
Marijuana manufacturing facility	●	●	●		
Marijuana testing facility	●	●	●		
Printing and publishing	●	●	●		
Recycling facilities		●	●	6.4.33	
Industrial	Social service centers	○	○	○	
	Solid waste disposal facilities		●	●	6.4.33
	Studios for artists and craftspeople	●	●		

TABLE 6-F (CONT.): PERMITTED AND CONDITIONAL USES IN INDUSTRIAL & AIRPORT ZONES

	I-L/I-Lb	I-M/I-Mb	I-H	A-B ¹	Use Standards
Telecommunication towers (ground-mounted)		●	●		
Warehousing and distribution facilities	●	●	●		6.4.40
Solar energy system (minor)	●	●	●		6.4.38
Solar energy system (major)		●	●		
Utility substations	●	●	●		6.4.39
Wind energy system (minor)	ⓘ	●	●		6.4.41
Wind energy system (major)		●	●		

¹ Permitted uses on lots within airport restricted access areas shall be limited to those which do not require or encourage access or visits by the public and which provide technical administrative or other support to airport operations.



TABLE 6-G: PERMITTED AND CONDITIONAL USES IN OPEN SPACE ZONES

	OS-R ¹	OS-P	Use Standards
Cemeteries	●		
Cultural facilities	◐		
Marinas	●		
Parks and open space	●	●	6.4.29
Solar energy system (minor)	◐		6.4.38, 6.5.6
Solar energy system (major)	◐		
Sports complexes	◐		6.5.6
Stadiums	◐		6.5.6
Utility substations	●/◐		6.4.39, 6.5.6
Other Wharves, piers, docks, and landing ramps	●	◐	
Wind energy system (minor)	◐		6.4.41, 6.5.6

¹ Accessory uses within structures of 2,500 SF or more shall be treated as a conditional use under subsection 6.5.6.

6.4 SUPPLEMENTAL USE STANDARDS

These standards shall apply to the following uses as indicated in Tables 6-A to 6-G, whether permitted or conditional. Where a use is allowed as conditional, these standards apply in addition to the general conditional use standards in Section 6.5.

6.4.1 In general

A. Street access. A building or structure may only be constructed on or moved onto a lot, or a dwelling unit added to a lot, if one of the following conditions is met. These standards apply to all buildings and structures unless specifically exempted by this section.

- 1. Existing, accepted streets.**
 - a. The lot meets minimum street frontage requirements on a paved and accepted City street with a minimum width of 20 feet for single-family or two-family dwellings or 28 feet for structures for all other uses, measured

from curb to curb. In the absence of a curb, the minimum clear paved width shall be measured from the edge of the pavement, excluding sidewalks.

- b. The lot meets minimum street frontage requirements on an accepted or continued street on an island in Casco Bay that meets a minimum width of 16 feet, measured from the edge of the pavement, or from the edge of the built surface if unpaved.
- c. The required minimum width may be reduced, or the requirement waived on the islands only, if the Fire Chief and the Public Works Director or their designee(s) jointly determine that meeting the minimum width is impracticable and the City's ability to provide services will not be unreasonably impaired by a reduction in width.

2. Streets to be improved in connection with development.

The owner or developer of a lot that is not located on an existing, accepted (or in the case of the islands, continued) street that meets the minimum criteria established above shall improve the street in accordance with the following.

- a. The street, between the lot and the nearest existing, accepted City street and including the frontage of the lot itself, shall be improved to meet the standards adopted elsewhere in this Code, including those adopted by the Public Works Authority and the Planning Authority.
- b. The street may be improved to an alternative standard if the Fire Chief and the Public Works Director or their designee(s) jointly determine that:
 - i. Meeting the standards adopted elsewhere in this Code is impracticable;
 - ii. There is limited potential for further development on the street or for further connections to the City's existing street network; and
 - iii. The City's ability to provide services will not be unreasonably impaired by a modification of the standards of this Code.
- c. The owner or developer shall take all necessary steps under Chapter 25, Article III, of the City Code to dedicate the improved portion of the street to the City for acceptance. This shall include provision of a waiver of any

claim for damages that may result from acceptance.

3. **Exceptions.** On lots with an existing, inhabited structure or structures on an unaccepted City street, the following buildings and structures are exempt from the requirements of this subsection.

- a. Accessory buildings not intended for habitation.
- b. The addition of one accessory dwelling unit within an existing single-family dwelling.

B. Number of structures on a lot

1. Lots used for single-family, two-family, three-family, and four-family dwellings are limited to one principal structure per lot unless such dwellings are part of a cottage court development.
2. For all other uses, there may be more than one principal structure on a lot, but all structures shall comply with all standards of the zone.

6.4.2 Adult business establishments

- A. Adult business establishments shall be located at least 1,000 feet from any other adult business establishment, and at least 500 feet from any residential zone, as measured in a straight line from the nearest point of the lot line on the lot which the use is proposed to the nearest point of the lot line on the lot where the other use or zone is located, without regard to intervening structures or objects.
- B. No sexually explicit materials, entertainment, or activity shall be visible from the exterior of the premises.



6.4.3 Agriculture

- A. No animals shall be kept on any lot less than three acres or closer than 100 feet to any street or lot line, except domesticated chickens as regulated in Chapter 5 of the City of Portland Code of Ordinances.
- B. Raising of domesticated animals as a component of any agricultural use shall not create any odor, noise, health, or safety hazards, or other nuisance to neighboring properties.
- C. Raising of pigs or reptiles is not permitted.

6.4.4 Animal-related services

- A. In the I-L and I-Lb zones, animal-related services may not include kennel or boarding facilities.
- B. No animal-related service may include outdoor kennel facilities.
- C. Any exterior training and exercise areas shall be located in a side or rear yard only, and shall be completely fenced.
- D. Exterior training and exercise areas are not permitted within 200 feet of a residential zone.

6.4.5 Automobile, boat, and related dealerships and auto service stations

- A. Automobile, boat, and related dealerships shall not be allowed in the B2-b zone.
- B. In the B-2b zone, auto service stations shall only be permitted as an expansion of an auto service station in existence as of 11/15/1999.
- C. Signs shall not adversely affect visibility at intersections or access drives. Signs shall be constructed, installed, and maintained so as to ensure the safety of the public, and shall advertise only services or goods available on the premises.

- D. No ingress and egress driveways shall be located within 30 feet from an intersection. No entrance or exit for vehicles shall be in such proximity to a playground, school, church, other place of public assembly, or any residential zone that the nearness poses a threat or potential danger to the safety of the public.
- E. A landscaped buffer, no less than five feet wide, shall be located along street frontages (excluding driveways). The buffer shall consist of a variety of plantings in accordance with the City of Portland *Technical Manual*.
- F. Car washes shall be designed to avoid the tracking of residual waters into the street.

6.4.6 Bars

In the B-6 zone, no bars located east of Waterville Street shall be permitted within 50 feet of Fore Street.

6.4.7 Bed and breakfasts

- A. Bed and breakfasts in the RN-5, RN-6, and RN-7 zones are allowed only as conversions of residential structures existing as of 3/3/1997. Such uses are a permitted use if they contain four or fewer guest rooms, and a conditional use if they contain five to nine guest rooms.
- B. In the RN-5, RN-6, and RN-7 zones, the minimum lot area for bed and breakfasts shall be 2,000 square feet for the first three guest rooms and 500 square feet for each additional guest room.
- C. In the I-B zone, bed and breakfasts are permitted on Peaks Island only. The minimum lot area for bed and breakfasts shall be 5,000 square feet for the first three guest rooms and 5,000 square feet for each additional guest

room. When not served by public water and sewer, a bed and breakfast in the I-B zone shall require 10,000 square feet of lot area per guest room.

6.4.8 Campgrounds

- A. Campgrounds shall not include recreational vehicles.
- B. No tent shall be located within 75 feet of the perimeter of site.
- C. The land area of the campground shall not be less than the equivalent of 5,000 square feet of land area per tent site exclusive of the roadway network.

6.4.9 Child care centers and small child care facilities

- A. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
- B. Solid waste shall be stored in covered containers. Such containers shall be screened on all sides.
- C. In residential and island residential zones, the following additional standards apply:
 1. Outdoor play areas shall be located in the side or rear yards only, and shall be screened from adjacent properties by a fence or wall at least 48 inches in height.
 2. A 10-foot-wide landscaped buffer shall be required between the fence and the adjacent property line, and shall be established in accordance with the landscaping standards of the City's *Technical Manual*.
 3. The minimum lot area for a child care center shall be 20,000 square feet.

6.4.10 Commercial and service uses in the B-1 zone

- A. Commercial and service uses in the B-1 zone shall be permitted provided that such uses generate less than 100 peak hour vehicle trips per 2,000 square feet of floor area and less than 100 peak hour vehicle trips in total.
- B. No beverage container redemption centers shall be permitted.

6.4.11 Dairies

In the B-2 and B-2b zones, dairies are permitted only if an expansion of an existing dairy.

6.4.12 Dwellings, multi-family

A. Use limitations

1. In the RN-2 and RN-4 zones, multi-family dwellings are allowed only as conversions of existing nonresidential structures.
2. In the I-B zone, multi-family dwellings are allowed only as conversions of existing residential or nonresidential structures.
3. In the B-1 zone, multi-family dwellings shall be permitted above the ground floor only.

B. Conversion standards

1. In all RN zones, the IR-1, and the IR-2 zone, additions to existing structures being converted to multi-family dwellings shall be limited to a gross floor area equal to or less than 25% of the total existing floor area at the time of conversion. This 25% shall include any additions to the structure completed within a period of 5 years prior to the conversion.
2. Exterior stairways or fire escapes above the ground floor may be constructed during conversion of an existing structure, provided that no exterior stairways shall be



- visible from a public right-of-way, not including alleys.
3. Any new off-street parking provided for multi-family conversion of existing residential structures shall be located to the side or rear of the structure.
 4. No multi-family conversion is permitted which results in any dwelling unit having less than the minimum habitable floor area required below:
 - a. Studio: 500 square feet
 - b. One bedroom: 650 square feet
 - c. Two bedroom: 800 square feet
 - d. Three bedroom: 950 square feet
 - e. Four bedroom: 1,100 square feet
 - f. Five bedroom: 1,250 square feet
 5. No multi-family conversion is allowed in an existing structure with less than 1,500 square feet of habitable floor area.

6.4.13 Dwellings, townhouse

- A. For townhouse dwellings, interior side setback requirements do not apply to the interior side yard where the party wall for the structure is located. Such requirements only apply to end units without an attached party wall.
- B. There shall be a minimum separation of 15 feet between exterior sidewalls of townhouse buildings. Where the front or rear wall of a townhouse faces the front or rear wall of another townhouse, the minimum required separation between such buildings shall be 30 feet. Driveways and parking areas may be located within this minimum separation area.

6.4.14 Emergency shelters

- A. In the B-3 zone, no emergency shelters shall be permitted north of Oxford Street.

- B. The facility shall provide adequate space for conducting security searches and other assessments.
- C. The facility shall be designed with a centralized shelter operations office on each level providing sightlines to sleeping areas.
- D. A management plan adequately outlining the following areas shall be provided: management responsibilities; process for resolving neighborhood concerns; staffing; access restrictions; on-site surveillance; safety measures; controls for resident behavior and noise levels; and monitoring reports.
- E. Adequate access to and from fixed route transit service shall be provided. The facility shall be within a ¼ mile of fixed route transit service, or shall be within ½ mile of fixed route transit service and provide adequate indoor space to permit all shelter guests day shelter, as well as implement strategies to help residents utilize transit.
- F. The facility shall provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, housing assistance, or other programs.
- G. Suitable laundry, kitchen, pantry, bicycle storage, and secure storage facilities for shelter stayers shall be provided on-site.
- H. An outdoor area for guest use shall be provided on-site with adequate screening to protect privacy of guests.

6.4.15 General offices and general services

- A. General office and general service uses in the I-B and B-1 zones are limited to a maximum of 5,000 square feet of gross floor area.

- B.** General office uses in the I-L and I-Lb zones shall be limited to those involving minimal public visitation and minimal direct service to the general public, primarily to provide support services to larger organizations such as educational institutions, social service agencies, or business headquarters.

6.4.16 Greenhouse/nursery (retail)

In the I-B zone, the indoor display of retail goods and point of sale area shall be limited to a maximum of 1,000 square feet.

6.4.17 Group homes

- A.** Group homes shall be subject to the minimum lot area requirements for nonresidential uses.
- B.** A group home shall not be located within 500 feet of another, as measured along street lines to the respective property lines.
- C.** The Board of Appeals or Planning Board may impose conditions upon a conditional use permit concerning the creation or operation of a group home including but not limited to the following: site and building maintenance; lighting, fencing, and other appropriate security measures; screening and buffering of parking areas; compatibility of any additions or alterations with the existing residential structure; and compatibility of new structures with the architectural character of the surrounding area.

6.4.18 Hostels

- A.** An operations plan shall be submitted demonstrating that:
 - 1.** No unaccompanied minors under the age of 18 shall be permitted in the facility.

- 2.** The length of stay for transient guests shall not exceed 15 days within any 60-day period.

- B.** In the RN-5, RN-6, and RN-7 zones, hostels are permitted if for no more than 10 overnight transient guests, and conditional if for between 11 and 20 overnight transient guests. No more than 20 overnight transient guests shall be permitted.
- C.** In the B-1 zone, no more than 20 overnight transient guests shall be permitted.

6.4.19 Hotels

- A.** Hotels in the I-B zone are limited to a maximum of 50 guest rooms.
- B.** The minimum gross floor area for hotels in the I-B zone shall be 5,000 square feet for the first three guest rooms and 5,000 square feet for each additional guest room. When not served by public water and sewer, a hotel in the I-B zone shall require 10,000 square feet of lot area per guest room.
- C.** Hotels in the B-6 zone are limited to a maximum of 150 guest rooms.

6.4.20 Impound lots

Impound lots shall be at least 300 feet from any residential zone or lawfully conforming residential use.

6.4.21 Lodging houses

- A.** Lodging houses shall be subject to the minimum lot area requirements for nonresidential uses.
- B.** Individual rooming units in a lodging house shall be a minimum of 70 square feet in area.



- C. Lodging houses shall provide a minimum of 200 square feet of combined rooming unit and common area per rooming unit.
- D. Lodging houses, except for lodging houses located in the IR-2 and I-B zones, shall contain common areas for use by all residents, including a kitchen. A kitchen need not be available as a part of the common areas where all meals are provided on a daily basis.
- E. In the IR-2 and I-B zones, lodging houses are allowed with greater than two, but no more than nine rooming units. When not served by public water and sewer, lodging houses shall require 10,000 square feet of lot area per rooming unit.

6.4.22 Low-impact industrial

- A. Low-impact industrial in the B-1, B-2b, B-3, and B-6 zones is limited to a maximum of 10,000 square feet in gross floor area.
- B. In the B-6 zone, no brew pubs or microbreweries east of Waterville Street shall be permitted within 50 feet of Fore Street.
- C. When a low-impact industrial use is located in any mixed-use zone, the following standards apply:
 - 1. All circulation and maneuvering, including loading, unloading, and turnaround areas, must be located on site. No maneuvering, loading, or unloading may happen in the right-of-way.
 - 2. Truck loading, unloading, and access shall be located in the rear or interior side yard where possible.
 - 3. Shared infrastructure to the extent practicable, including, but not limited to, service alleys, parking areas, stormwater

treatment, public transportation facilities, and driveways, shall be utilized.

6.4.23 Marijuana-related uses

- A. The following standards apply to the following marijuana-related uses:
 - 1. Marijuana cultivation facilities.
 - 2. Marijuana manufacturing facilities.
 - 3. Marijuana retail stores.
 - 4. Marijuana testing facilities.
 - 5. Small-scale marijuana caregivers.
 - 6. Registered dispensaries.
- B. **Location criteria**
 - 1. No marijuana cultivation facility, marijuana manufacturing facility, marijuana testing facility, small-scale marijuana caregiver, marijuana store, or registered dispensary may be located within 500 feet of a pre-existing public school, private school, or a public preschool program, as defined by 20-A M.R.S. § 1. Distance shall be measured in a straight line from the nearest point of the lot line on the lot which the use is proposed to the nearest point of the lot line on the lot where the public school, private school, or public preschool program is located, without regard to intervening structures or objects.
 - 2. No marijuana cultivation facility, marijuana manufacturing facility, or marijuana testing facility may be located within 300 feet of any residential zone. Distance shall be measured in a straight line from the nearest point of the lot line on the lot which the use is proposed to the nearest point of the lot line on the lot where the residential zone is located, without regard to intervening structures or objects.

- C. Marijuana retail stores and registered marijuana dispensaries shall be permitted uses in the B-2 zone, and conditional uses in the B-2b zone.
- D. For purposes of this ordinance, any approval issued for a marijuana cultivation facility, marijuana manufacturing facility, or marijuana testing facility operated pursuant to 22 M.R.S. § 2421 et seq. shall be deemed to constitute approval for the same corresponding marijuana cultivating, manufacturing, or testing facility use operating under 28 M.R.S. § 101 et seq. Notwithstanding the above, no marijuana cultivation facility, marijuana manufacturing facility, or marijuana testing facility may operate without the applicable state and City license.

6.4.24 Marine uses

- A. In the B-5 zone, marine uses shall include marine products wholesaling and retailing; harbor and marine supplies and services; marine repair services and machine shops; shipbuilding and facilities for the construction, maintenance, and repair of vessels; marine museums and aquariums; boat repair yards; boat storage; and seafood processing, packing, and distribution for human consumption.
- B. In the B-6 zone, marine uses shall include marine products wholesaling and retailing; harbor and marine supplies and services; and underground marine fuel storage provided that such storage shall be used solely for the purpose of fueling vessels.

6.4.25 Market garden

- A. Market gardens may be located outdoors or fully enclosed within a permanent building, subject to the following:

1. Outdoor market gardens are limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity.
2. The keeping of livestock, chickens or other poultry, and apiaries are prohibited.
3. Greenhouses, including high tunnels/hoop-houses, cold-frames, and similar structures, are permitted to extend the growing season.
4. Accessory structures, including but not limited to a shed or utility building necessary for the use's operation may be allowed for the storage of tools and materials. All accessory structures shall be located a minimum of five feet from any lot line.
5. Farmstands are permitted, and are limited to sales of items grown at the site. Farmstands shall be removed during the time of the year when the use is not in operation. Only one farmstand is permitted per market garden.
6. When located in a fully enclosed permanent building, market gardens may include all of the forms of cultivation and production allowed for outdoor market gardens, as well as hydroponics, aquaponics, myco-culture, and other similar indoor crop-production techniques.
7. Market gardens within a fully enclosed permanent building may include an area within the building for sales of items grown at the site. Such sales area may occupy no



more than 15% of the floor area devoted to the principal use.

- B. In the B-3, B-5, and B-6 zones, market gardens shall only be permitted within an enclosed structure.

6.4.26 Neighborhood nonresidential reuse

- A. Neighborhood nonresidential reuse is only allowed within existing structures that are nonresidential in their original construction and/or current use as of <<effective date>>.
- B. The following nonresidential uses are permitted within a neighborhood nonresidential reuse. The initial conditional use approval for the neighborhood nonresidential reuse may specify one or more uses under the list below. A modification of the conditional use approval is required for a change to any of the uses below which were not specified in the initial or subsequent conditional use approval.
 - 1. General offices <5,000 square feet
 - 2. General services <5,000 square feet
 - 3. Restaurants
 - 4. Retail <5,000 square feet
 - 5. Specialty food services
 - 6. Studios for artists and craftspeople
- C. No off-street parking is required for a neighborhood nonresidential reuse.
- D. Drive-through facilities are prohibited for any neighborhood nonresidential reuse.

6.4.27 Off-street parking

- A. In the B-3 zone, structured parking is a permitted use. Surface parking within the B-3 zone shall be allowed as a conditional use.
- B. Surface parking in the B-3 and B-6 zones is subject to the following standards:

- 1. Surface parking lots shall be laid out in a manner conducive to development of future buildings, and/or structured parking on site.
 - 2. All surface parking areas, including parking aisles, shall be located a minimum of 35 feet from any street. This 35-foot setback shall not apply to access drives oriented perpendicularly to a street.
- C. In the B-3, B-5, and B-6 zones, structured parking is subject to the following standards:
 - 1. Parking structures shall incorporate ground-floor retail space or other non-parking and active use space along all street frontages. Such retail or active space shall maintain a minimum depth of 30 feet from all street-facing façades of the structure.
 - 2. The Planning Board may waive the requirement for ground-floor retail or other non-parking and active use space upon demonstration that the project meets at least one of the following criteria:
 - a. The applicant demonstrates that steepness of grade or the character of the adjacent street does not support retail or other non-parking and active use space.
 - b. The ground floor of the garage is set back a minimum of 35 feet from the street right-of-way, and its design does not serve as an impediment for the development of space between the structure and the right-of-way for retail or other non-parking and active use in the future. Any such space located between the structure and the

- right-of-way shall not be used for surface parking.
- c. The applicant demonstrates, to the satisfaction of the Planning Board, that market support for ground floor retail or other non-parking active uses does not currently exist. In such cases, the structure of the garage shall be designed to accommodate such spaces in the future as follows:
 - i. On the ground floor of a structure, a minimum of 30 feet in depth, measured from the façade of the structure, shall be designed to accommodate retail or active uses in the future.
 - ii. Such space shall maintain a minimum height of 12 feet from finished floor to finished ceiling. Where a parking structure fronts on more than one public street, and where there is an existing change in grade elevation of over 5% across the footprint of the garage, this requirement only applies to the frontage facing the street with higher traffic volumes.
 - iii. The applicant must demonstrate that the design of the parking structure anticipates the future development of utilities and circulation necessary to support non-parking active uses.
 3. In cases where the Planning Board waives the requirement for ground-floor retail or other non-parking and active use space, garages shall be designed to enhance the pedestrian experience and disguise the

parking use to the greatest extent possible. Use of traditional storefront design concepts and traditional building materials is encouraged.

6.4.28 Office parks

- A. Office parks shall have a minimum gross area of three acres of contiguous land, and may be developed with multiple buildings on a single lot under common ownership, or as a coordinated development on multiple parcels under unified control or management.
- B. Office park development proposals shall include a master plan of the office park, which shall include the following:
 1. The location of the building(s) on the site.
 2. The location of infrastructure on the site.
 3. The location of all common areas and landscape buffers.
 4. Identification of traffic circulation patterns, traffic controls, and parking areas, including demonstration that additional traffic generated by the project itself can be reasonably accommodated on existing public streets.
 5. Identification of internal sidewalks, illustrating the manner in which the developer will provide this amenity to take advantage of the topography and natural features of the site.
 6. Building elevation drawings which indicate architectural style, exterior finishes and color, building height and scale, and location and scale of window and door openings. Samples of exterior building materials shall also be submitted.
 7. The location and style of lighting to be used in the development.



8. Identification and description of all proposed signage.
 9. A description of phasing and timing of the development.
 10. A description of any proposed private development restrictions.
 11. Delineation of the subdivision of land, if proposed as a coordinated development on multiple parcels.
 12. Any other information necessary and sufficient to ensure compliance with the standards in this subsection.
- C. Office parks shall include a landscape program that meets the following standards.
1. All land areas not covered by structures, parking areas, or circulation facilities shall be landscaped and maintained.
 2. To soften the visual impact of large expanses of pavement in parking lots, vegetation shall be planted or retained in islands or planting strips where required by the site plan or subdivision ordinance.
 3. Landscape buffers shall be provided to screen areas abutting a residential zone or use, and to screen parking lots and driveways from public view. The buffer shall be of a dense and continuous nature and shall incorporate trees, shrubs, fencing, berms, and related elements deemed necessary.
- D. Office parks shall consider and be sensitive to the need to preserve natural features on site. Natural features include, but are not limited to existing vegetation, flood plains, rock outcroppings, surface water bodies, drainage swales and courses, and wetlands.
- E. All light fixtures shall be hooded or shielded so that the light shines downward.

6.4.29 Parks and open spaces

In the OS-P zone, parks and open spaces shall be limited to passive recreational use, including but not limited to trails and paths for pedestrians and bicyclists, and areas for fishing, hiking, wildlife management and conservation activities. Parks and open spaces in the OS-P zone may also include structures for educational, scientific, or nature interpretation purposes totaling no more than 10,000 square feet in floor area.

6.4.30 Places of assembly

- A. In all RN zones, construction of a new principal building as a place of assembly is permitted only on lots with frontage on collector or arterial roads. Places of assembly are allowed on streets of any classification as adaptive reuse of existing structures that are nonresidential in their original construction and/or current use as of <<effective date>>.
- B. Places of assembly in the B-1, I-L, and I-Lb zones are limited to 10,000 square feet or less in gross floor area.

6.4.31 Post-secondary schools

- A. In any residential zone, expansion of existing post-secondary schools onto land other than the lot(s) on which the principal use is located shall be subject to a determination that the proposed use cannot be reasonably accommodated on the existing lot(s) through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas.
- B. In any residential zone, a new post-secondary school or expansion of an existing post-

secondary school shall not cause displacement or conversion of existing residential uses.

6.4.32 Printing and publishing

Printing and publishing in the B-3, B-5, B-6, and O zones is limited to a maximum of 10,000 square feet in gross floor area, unless an expansion of a printing and publishing establishment greater than 10,000 square feet and in existence as of 4/4/1988.

6.4.33 Recycling and solid waste disposal facilities

Within the I-M/I-Mb zone, recycling and solid waste disposal facilities are permitted within an enclosed structure only.

6.4.34 Restaurants

- A. In the B-1 zone, restaurants are limited to a maximum of 2,000 square feet in gross floor area, shall not operate between the hours of 11 p.m. and 6 a.m., and shall not accept deliveries or services between the hours of 10 p.m. and 7 a.m. Food service and consumption shall be the primary function.
- B. In the B-6 zone, restaurants located east of Waterville Street within 50 feet of Fore Street shall be limited in hours of operation to between 5 a.m. and 11 p.m. each day and food service and consumption shall be the primary function of the restaurant.

6.4.35 Residential care facilities

In the residential zones, large residential care facilities shall require a minimum lot area of 20,000 square feet.

6.4.36 Retail

- A. In the I-B zone, retail uses are limited to a maximum of 10,000 square feet in gross floor area.
- B. In the B-1 zone, retail uses are limited to a maximum of 5,000 square feet in gross floor area, and shall not operate between the hours of 11 p.m. and 6 a.m., and shall not accept deliveries or services between the hours of 10 p.m. and 7 a.m.
- C. Retail in the B-3 and B-5 zones shall not include wholesale or bulk purchase sales of lumber and construction supplies, truck rental establishments, sales, rental, and repair of heavy equipment, or wholesale establishments, including establishments where membership is required.

6.4.37 Self-storage facility

- A. Storage units shall not be used for residential occupancy or business.
- B. Plumbing connections shall not be permitted in self-storage units.
- C. The following additional standards apply to self-storage facilities with units accessed directly from the outdoors:
 1. Outdoor self-storage facilities shall be oriented so that storage unit access doors do not face the public right-of-way.
 2. Outdoor self-storage facilities are allowed to include an area for storage of recreational vehicles. Storage areas for recreational vehicles shall be located in the rear yard.
 3. No storage of recreational vehicles is allowed within 25 feet of any rear lot line. No storage of recreational vehicles is allowed within 30 feet of any interior side



lot line. No storage of recreational vehicles is allowed within 50 feet of any front or corner side lot line.

4. If storage areas for recreational vehicles are provided, they shall be screened along interior side and rear lot lines with a solid fence or wall, a minimum of six feet and a maximum of seven feet in height. Shrubs shall be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity; plantings shall be placed inside the fence oriented toward the interior of the lot.

6.4.38 Solar energy systems (major and minor)

A. In general

1. All solar energy systems shall meet the technical, safety, and maintenance standards in the City of Portland *Technical Manual*.
2. Solar energy systems shall minimize impacts resulting from construction and maintenance of the solar energy system, including lighting, security measures, traffic, and grid connections.
3. Solar panel placement shall minimize or negate any solar glare impacting nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar energy system.

B. Ground-mounted solar energy systems

1. Ground-mounted solar energy systems are only permitted in the B-4, I-L, I-Lb, I-M, I-Mb, I-H, and A-B zones.
2. Ground-mounted solar energy systems shall be located away from and screened from public ways and nearby residential/institutional uses to the extent

possible and shall be designed to minimize impacts on significant scenic views.

3. Layout and fencing for ground-mounted systems shall be integrated with existing landscape and minimize removal of vegetation to the extent possible.
4. Minor ground-mounted solar energy systems shall be located a minimum 50 feet from all RN zones, and the R-P, B-1, and B-2/B-2b zones.
5. Major ground-mounted solar energy systems shall be located at least 75 feet from all RN zones, and the R-P, B-1, and B-2/B-2b zones.
6. The absolute height of any ground-mounted solar energy system shall be no more than 20 feet above the ground as measured from the base of the support.
7. The following components of a ground-mounted solar energy system shall be counted as impervious in the calculation of landscaped open space ratio:
 - a. Foundation systems, typically consisting of driven piles, monopoles, or helical screws with or without small concrete collars or weighted ballast.
 - b. All mechanical equipment of the solar energy system, including maximum horizontal extents of any concrete pad or any pad mounted structure for batteries, switchboard, transformers, or storage cells.
 - c. Paved access roads servicing the solar energy system.

C. Roof-mounted solar energy systems

1. Roof-mounted solar energy systems are not included in the calculation of maximum structure height.

2. Solar energy systems mounted on flat roofs shall meet the following standards:
 - a. In residential and R-P zones, solar energy systems mounted on flat roofs are limited to a height of 5 feet above the surface of the roof upon which they are mounted, and shall be set back from the edge of the roof one foot for every one foot of solar energy system height.
 - b. In B-4 and industrial zones, flat roof-mounted systems are not subject to limitations on height, or to a required setback.
 - c. In all other zones, solar energy systems mounted on flat roofs are limited to a height of 8 feet above the surface of the roof upon which they are mounted, and shall be set back from the edge of the roof one foot for every one foot of solar energy system height.
3. Solar energy systems mounted on pitched roofs shall meet the following standards:
 - a. Solar energy systems on pitched roofs shall be mounted with a maximum distance of one foot between the surface of the roof to the highest point of the system.
 - b. Solar energy systems on pitched roofs shall be installed parallel to the roof surface on which they are mounted.
 - c. Solar energy systems on pitched roofs may not extend higher than the highest point of the roof surface upon which they are mounted.

6.4.39 Utility substations

- A. Utility substations shall be as small in size as practicable, and shall be set back a minimum of 35 feet from any right-of-way, not including limited-access roads.
- B. Substations shall be suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood. The remainder of the lot not occupied by the utility substation and its related access shall be designed and designated for future development.
- C. In the OS-R zone, sewage pumping and treatment facilities shall be permitted. Water pumping stations shall be treated as a conditional use and subject to the additional standards of subsection 6.5.6.

6.4.40 Warehousing and distribution facilities

- A. Warehousing and distribution facilities in the I-L and I-Lb zones are limited to a maximum of 10,000 square feet in gross floor area.
- B. No outdoor storage is permitted as a component of warehousing and distribution in the B-4 and I-L/I-Lb zones.

6.4.41 Wind energy systems (major and minor)

- A. **General**
 1. All wind energy generation equipment shall be approved under a certification program approved by the U.S. Department of Energy.
 2. Wind energy systems, including foundations and support structures, electrical connections, control equipment, and associated site improvements shall be designed, engineered, and installed to comply with all applicable local, state, and federal construction and electrical



regulations and Federal Aviation Administration regulations. Applicable state and local approvals shall be obtained prior to installation of any wind energy system.

3. All on-site electrical wiring associated with the proposed wind energy system shall be located within the tower/pole/supporting structure or underground. Above ground on-site connections near substations or to the electric grid shall be allowed.
4. Wind energy systems shall be designed to avoid electromagnetic interference with the transmission or reception of radio, telephone, television, microwave, navigational, or similar signals to neighboring areas.

B. Setbacks

1. Minor ground-mounted wind energy systems shall be set back from all property boundaries and street right-of-way lines by a distance equal to or greater than 1.1 times the total height of the system, measured from the base of the system to the top of the system at maximum vertical rotation. The setback distance shall be measured to the center of the wind generator base.
2. Major ground-mounted wind energy systems shall be set back from all property boundaries and street right-of-way lines by a distance equal to or greater than 1.5 times the total height of the system, measured from the base of the system to the top of the system at maximum vertical rotation. The setback distance shall be measured to the center of the wind generator base.

C. Height

1. Ground-mounted wind energy systems are limited to a maximum height of 65 feet in the B-2/B-2b, B-5, and B-6 zones.
2. All moving components of a ground-mounted wind energy system shall be a minimum of 12 feet from ground level or accessible surface.

D. Siting and placement

1. No wind energy system shall be located within 250 feet of any significant wildlife habitat, as defined by the Maine Department of Environmental Protection/Maine Department of Inland Fisheries and Wildlife under provisions of the Natural Resources Protection Act (38 M.R.S. § 480 et seq.) including wildlife habitat for species appearing on the official state and federal list of endangered or threatened animal species.
2. For all major and minor wind energy systems, or any system over 100kW, evidence shall be provided that the Environmental Coordinator of the Maine Department of Inland Fisheries and Wildlife and the Maine Natural Area Program have been notified of the location, height, and design of the proposed wind energy system at least three weeks prior to any final determination under this subsection. Any comments received therefrom shall be addressed to the satisfaction of these state authorities prior to any final determination under this provision.
3. The support structure (e.g. tower, pole) for ground-mounted wind generating systems shall not be climbable for a

minimum height of 12 feet above the surrounding ground level. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

4. The use of guy wires is discouraged. If required, they shall be located away from pedestrian routes/access points and marked with visible, reflective, colored objects, such as flags, reflectors, or tape, which shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.
5. Ground-mounted wind energy systems shall be located away from and screened from public ways and nearby residential/institutional uses to the extent possible and shall be designed to minimize impacts on significant scenic views.

E. Illumination and signs

1. No part of the system may be illuminated, except as required by the Federal Aviation Administration (FAA) or other authorities for safety and security purposes. Where lighting is required, it shall be at the lowest intensity allowable with fixtures shielded and directed to minimize glare and visibility from the ground.
2. There shall be no signs, advertisements, flags, or decorative items on a wind energy system or any associated facilities, except for the manufacturer's/installer's/owner's identification (not exceeding one square foot in size), appropriate warning signs, or lights if required by the FAA.

6.5 CONDITIONAL USES

6.5.1 Conditional use review procedure

- A. Review authority.** The Zoning Board of Appeals shall review all conditional use applications, with the exception that the Planning Board shall review all conditional use applications associated with projects that are otherwise before the Planning Board.
- B. Application.** Applications for conditional use review shall be submitted to the Building Authority for all Zoning Board of Appeals reviews and the Planning Authority for all Planning Board reviews. A nonrefundable application fee, as established from time to time by the City Council to cover administrative costs and costs of a hearing, shall accompany each application. The application shall be in such form and shall contain such information and documentation as shall be prescribed from time to time by the review authority.
- C. Public hearing.** A public hearing shall be set, advertised, and conducted by the review authority in accordance with Article 2 of this Land Use Code.
- D. Action.** Within 30 days following the close of the public hearing, the review authority shall render its decision, in a manner and form specified by Article 2 of this chapter, approving the conditional use, approving the conditional use subject to conditions as specified in Subsection 6.5.3, or denying it. The failure of the review authority to act within 30 days shall be deemed an approval of the conditional use, unless such time period is mutually extended in writing by the applicant and the review authority. Within five days of such decision or the expiration of such period, the Building Authority or Planning Authority shall mail



notice of such decision or failure to act to the applicant and, if a conditional use is authorized, list therein any and all conditions imposed by the review authority.

6.5.2 General conditional use standards

The review authority shall, after review of the application, approve a conditional use upon a finding that the proposed conditional use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zone. The review authority shall find that this standard is satisfied if it finds that:

- A.** The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone.
- B.** The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter.
- C.** The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.
- D.** The proposed use will meet any additional zone or use-specific standards identified in Tables 6-A to 6-G and Section 6.4.

6.5.3 Conditions on conditional use approvals

The review authority may impose such reasonable conditions upon the premises benefited by a conditional use as may be necessary to prevent or minimize adverse effects therefrom upon other property in the neighborhood. Such conditions shall be expressly set forth in the resolution authorizing the conditional use. Violation of such conditions shall be a violation of this article.

6.5.4 Effect of issuance of a conditional use approval

The approval of a conditional use shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits or approvals which may be required by the City of Portland Code of Ordinances, including but not limited to a building permit, a certificate of occupancy, subdivision approval, and site plan approval.

6.5.5 Limitations on conditional use approvals

No conditional use approval shall be valid for a period longer than three years from the date of approval, unless the conditional use has commenced or a building permit is issued and construction has begun within that period and is thereafter diligently pursued to completion, provided, however, that one or more extensions of said time may be granted if the facts constituting the basis of the decision have not materially changed and the two year period is not exceeded thereby. A conditional use approval shall be deemed to authorize only the particular use for which it was issued and such approval shall automatically expire

and cease to be of any force or effect if such use shall for any reason be discontinued for a period of 12 consecutive months or more.

6.5.6 Supplemental standards for certain conditional uses in the OS-R zone

In addition to general conditional use standards and supplemental use standards, the following standards shall apply to sports complexes, stadiums, solar energy systems, water pumping stations, wind energy systems, and accessory uses within structures of 2,500 square feet or more within the OS-R zone:

- A. The use shall be in conformity with or satisfy a deficiency identified in a federal, state, regional, or City recreation and open space plan, including but not limited to the state *Comprehensive Outdoor Recreation Plan*, as such plans may from time to time be created or revised.
- B. Buildings and structures shall not obstruct significant scenic views presently enjoyed by nearby residents, passersby, or users of the site.
- C. Indoor recreation or nonrecreational uses in the OS-R zone shall serve a significant public purpose that cannot reasonably be accommodated outside of the OS-R zone.

6.6 ACCESSORY USES

6.6.1 In general

- A. Accessory uses shall be permitted in conjunction with permitted or conditional principal uses. Accessory uses shall be:
 1. Customarily found in association with the principal use.
 2. Generally consistent with the impacts of the principal use.

3. Secondary in nature, clearly incidental and subordinate to the principal use in terms of area and function.
 4. Located on the same lot as the principal use unless otherwise permitted.
 5. Consistent with the intent of the zone.
- B. No accessory use or uses within a building shall occupy more than a combined total of 25% of the floor area of the principal building, with the exception of required off-street parking, unless otherwise provided in Subsection 6.6.2 below. In the case of multi-tenant buildings, this standard shall apply separately to each leased portion of the principal building.
 - C. No accessory use or uses not within a building shall occupy more than a combined total of 25% of the unbuilt lot area, or of the required rear yard area, with the exception of off-street parking or as otherwise provided in Subsection 6.6.2.

6.6.2 Standards for specific accessory uses

A. Accessory Dwelling Units (ADUs)

1. Accessory Dwelling Units (ADUs) shall be permitted on all lawfully conforming and nonconforming lots with legal residential uses.
2. ADUs shall be permitted as new accessory structures, building additions, or within existing lawfully conforming or nonconforming structures. However, the addition of an ADU may in no way increase the degree of nonconformity of any structure.
3. Up to two ADUs shall be permitted per qualifying property.
4. At the time of an ADU's initial construction or legal creation, the owner(s) of the



property on which the accessory dwelling unit is created shall occupy at least one of the dwelling units, with the exception of legally nonconforming lots on Peaks Island.

5. On Peaks Island, neither the accessory unit(s) nor principal unit shall be used for short-term rentals as defined under Chapter 6, Section 150.1 of the City of Portland Code of Ordinances.
6. When an ADU is significantly visible from public ways, the building design shall be clearly subordinate to the principal structure(s) in scale and position in relationship with the street and principal structure(s).
7. The developer of an ADU shall record a deed restriction requiring that the ADU and at least one other non-accessory unit on-site remain under common ownership.
8. ADUs shall comply with all dimensional requirements of the underlying zone, with the exception of lot coverage and minimum lot area requirements.
9. Under circumstances where an existing nonconforming structure is converted to an ADU, the design of the ADU shall take into consideration to the extent practicable the privacy of adjacent properties.
10. An ADU shall be limited to a gross floor area of $\frac{2}{3}$ of the gross floor area of the largest principal unit on the lot. In no circumstance shall the height of detached ADUs on a lot exceed the height of the principal structure. Additionally, the aggregate square footage of detached ADUs on a lot shall not exceed the gross floor area of the principal structure.

B. Antennas, discs, transmitting and receiving equipment. Building-mounted antennas, discs, and other transmitting and receiving equipment shall be:

1. No taller than 15 feet above the highest structural steel of the building roof.
2. Setback no less than 15 feet from the building perimeter.
3. Integrated into the architecture of the building in placement, form, color, and material so as to screen or camouflage such equipment from public view.

C. Drive-throughs

1. Drive-throughs shall be permitted as an accessory use in the B-4 zone.
2. Drive-throughs shall be permitted as conditional accessory uses in the B-2 zone only if a drive-through was located on the site as of <<effective date>>.
3. In all other zones, drive-throughs shall be prohibited.
4. Drive-throughs shall be subject to the following review standards:
 - a. All components of a drive-through, including, but not limited to, signs, stacking lanes, menu/order boards, trash receptacles, and service windows shall be located to the side or rear of the principal building where practicable, except where such placement will be detrimental to an adjacent residential zone or use, and shall be located a minimum of 40 feet from any adjoining property in a residential zone. This distance shall be measured from the outermost edge of the outside drive-through feature to such property line. In addition, drive-

through features shall be located a minimum of 25 feet from a right-of-way.

- b. The site shall have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular circulation or creating hazards to vehicular circulation on adjoining streets.
- c. Any speakers, intercom systems, or other audible means of communication shall not play pre-recorded messages. Any speakers, intercom systems, audible signals, computer prompts, or other noises generated by drive-through services or fixtures shall not exceed 55 dB or shall be undetectable above the ambient noise level as measured by a noise meter at the property line.
- d. Site and vehicular light sources shall not unreasonably spill over or be directed onto adjacent residential properties and shall otherwise conform to the lighting standards set forth in the City of Portland *Technical Manual*.
- e. Where automobiles may queue, waiting for drive-through services, their impacts shall be substantially mitigated to protect adjacent residential properties from headlight glare, exhaust fumes, and noise. As deemed necessary by the review authority, mitigation measures shall consist of installation of solid fencing with landscaping along any residential property line which is exposed to the

drive-through or the enclosure of the drive-through fixtures and lanes so as to buffer abutting residential properties and to further contain all associated impacts.

- f. Drive-through lanes shall be designed and placed to minimize crossing principal pedestrian access-ways or otherwise impeding pedestrian access.

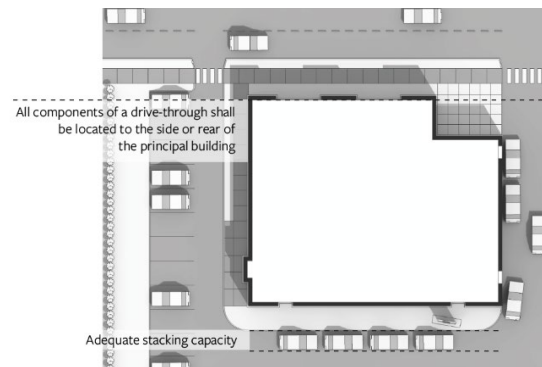


FIGURE 6-A: DRIVE-THROUGH SITING

- D. **Heliports.** A heliport shall be designed and constructed in accordance with all federal and state regulations.
- E. **Home occupations**
 - 1. A home occupation shall be incidental to the residential use of a dwelling, and shall not change the essential residential character of the dwelling.
 - 2. No interior or exterior alterations that are inconsistent with the residential use and character of the building shall be permitted. With the exception of a permitted sign, there shall be no evidence visible from the exterior of the premises that the property is used in any way other than as a dwelling. No display of products



- shall be visible from the exterior of the premises.
3. Exterior signs shall be limited to one non-illuminated sign not exceeding a total area of two square feet. Such sign must be affixed to the building, and may not project more than one foot from the façade of the building.
 4. The home occupation and all related activity, including any storage, equipment, and display of products shall be conducted entirely within a principal building or accessory structure. This does not apply to the home occupation of licensed family childcare provider, which may include outdoor space needed to meet state licensing requirements.
 5. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, biohazardous, or other restricted materials shall be used or stored as a component of a home occupation.
 6. No home occupation shall include dispensing of medication from the dwelling.
 7. The home occupation shall not produce any perceptible noise, vibration, heat, smoke, odor, electrical interference, dust or other particulate matter, or other nuisance effects in excess of that normally associated with residential use.
 8. A home occupation shall be limited to residents of the dwelling and no more than two nonresident employees on the premises.
 9. The home occupation shall not create vehicular or pedestrian traffic in greater volumes than average for a residential neighborhood. The home occupation and any related activity shall not create any traffic hazards or nuisances in public rights-of-way.
 10. Any clients or business-related visitors shall be limited to the hours of 7:00 a.m. to 8:00 p.m.
 11. The storage of semi-trucks, trailers, or heavy equipment such as construction or landscaping equipment used in a commercial business, is prohibited.
 12. Repair and service of any vehicles, any type of heavy machinery, or any type of engine, is prohibited. Repair of small electronics or appliances is allowed.
 13. Rental services, where products for rent are stored on-site and customers visit the residence to pick-up and return products, are prohibited.
 14. A family childcare provider as a home occupation shall not be subject to floor area limitations for an accessory use, but shall be limited to the care of not more than six children plus two children after school and shall have no nonresidential employees.
 15. Businesses with no employees, no customers, and no external impacts are not considered home-occupations for the purposes of this subsection, and are exempt from its provisions. Remote work is also not considered a home occupation, and is exempt from these provisions.
- F. Makers' markets in the IL-b zone.** Makers' markets, including periodic or seasonal sale of handcrafted and limited production products for final consumption, which may include

prepared or raw foods, shall be permitted as an accessory use in the IL-b zone, provided that:

1. Such sales are located within a lawfully conforming principal permitted use.
2. Such sales occupy an area no larger than 45% of the floor area devoted to the principal use.
3. Such sales by any single vendor or group of vendors shall occur for no more than a total of 28 hours a week collectively.
4. Such products are produced or permitted to be produced in the IL/IL-b zone.
5. Such products are sold by the producer of the product or their designee.

G. Tasting rooms in industrial zones. Tasting rooms shall be permitted as accessory uses on the premises of facilities where beer, wine, spirits, other alcoholic or non-alcoholic beverages, or food are produced, provided that:

1. Service of food in the facility is limited to that which does not constitute a full course meal.
2. No more than 10% of the beverage menu in tasting rooms accessory to beverage production or 10% of the food menu in tasting rooms accessory to food production is produced or manufactured off-site.
3. Tasting rooms shall not be subject to the limitations on the use of unbuilt lot or yard area in Subsection 6.6.1(C).

H. Solar energy generation

1. Building-integrated systems of any size, and building-mounted, roof-mounted, or ground-mounted systems of less than 1,000 square feet in area shall be permitted as accessory uses within all

zones except the Stream Protection zone and within cemeteries.

2. All accessory solar energy systems are subject to the following conditions:
 - a. All systems shall meet the technical, safety, and maintenance standards in the City of Portland *Technical Manual*.
 - b. Solar energy systems shall minimize impacts resulting from construction and maintenance of the solar energy system, including lighting, security measures, traffic, and grid connections.
 - c. Solar panel placement shall minimize or negate any solar glare impacting nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar energy system.
 - d. Ground-mounted accessory solar energy systems shall be located in side or rear yards only, and shall be subject to all dimensional standards for detached accessory structures within Article 7 unless otherwise specified.
 - e. Building-mounted or roof-mounted accessory solar energy systems are not included in the calculation of maximum structure height, but must meet the following standards:
 - i. Systems installed on pitched roofs shall be installed parallel to the roof surface on which they are mounted, and may project a maximum of one foot from the surface of the roof to the highest point of the system. Systems may not extend higher than the



highest point of the roof surface on which they are mounted.

- ii. Systems installed on flat roofs must be set back a minimum of one foot for each foot of system height. Systems are limited to a height of five feet above the surface of the roof in all residential zones, 15 feet in the B-4 zone and industrial zones, and eight feet in all other zones.

- I. **Wind energy generation.** Ground-mounted and roof-mounted accessory wind energy systems shall be permitted as accessory uses within all zones except the Stream Protection zone. Accessory wind energy systems are subject to the following standards:
 - 1. Accessory wind energy systems shall comply with all general use standards for wind energy systems as stated under Subsection 6.4.41.A of this article.
 - 2. Properties shall be limited to one ground-mounted accessory wind energy system and two roof-mounted accessory wind energy systems.
 - 3. The maximum height of a ground-mounted accessory wind energy system is 25 feet in all RN zones, the R-P zone, the B-1 zone, and all island zones. In all other zones, the maximum height shall be the maximum height allowed within the zone or 45 feet, whichever is less.
 - 4. The maximum height of any roof-mounted accessory wind energy system is 15 feet above the height of such structure. Roof-mounted systems are not included in the calculation of maximum structure height.

- 5. Roof-mounted accessory wind energy systems shall be set back from any edge of the building upon which they are mounted by a distance equal to or greater than the total height of the system, measured from the roof surface at the point of attachment to the top of the system at maximum vertical rotation. The setback distance shall be measured to the center of the wind generator base.
- 6. Ground-mounted accessory wind energy systems shall be setback from property lines by a distance equal to or greater than 1.1 times the total height of the system, measured from the base of the system to the top of the system at maximum vertical rotation. The setback distance shall be measured to the center of the wind generator base.
- 7. Ground-mounted accessory wind energy systems shall be located within the rear yard only and shall be sited to maximize existing vegetative or other screening from nearby residential buildings and public ways. The location shall minimize changes to existing topography and natural vegetation which would result from construction or maintenance of the system.

6.7 TEMPORARY USES

6.7.1 In general

Temporary uses may be permitted from time to time as determined by the Planning Authority or Building Authority. Temporary uses on private property shall comply with the standards of this section, as well as regulations pertaining to temporary uses contained elsewhere in the City of

Portland Code of Ordinances. All temporary uses require a temporary use permit (reference to be inserted) unless specifically cited as exempt. Temporary uses do not require additional parking unless specifically cited in the temporary use standards or stipulated as a condition of approval.

6.7.2 Standards for specific temporary uses

A. Farmstand

1. A farmstand for the sale of food or non-food crops grown only on the premises is permitted, and shall be exempt from temporary use permit requirements.
2. In the island zones, such stand may include the sale of agricultural products produced on the premises or the sale of fish or shellfish caught by the occupant of the premises.
3. Acceptable stands are a portable table or cart, and cannot exceed an area of 200 square feet.
4. Farmstands are permitted for no more than 180 days per calendar year, and shall be removed when not in use.
5. Applicants may submit for a subsequent temporary use permit one calendar year from the issuance of their last permit for this purpose.
6. Farmstands must be set back from all public rights-of-way a distance of no less than 15 feet.

B. Garage/yard sale

1. A garage/yard sale is permitted as a temporary use on residential property, and shall be exempt from temporary use permit requirements.
2. Garage/yard sales are limited to no more than six days per calendar year.

C. Real estate project sales office or model unit

1. A real estate sales office/model unit(s) is allowed for a residential development.
2. No real estate sales office/model unit(s) may be located in a manufactured home or off-site.
3. The temporary use permit shall be valid for the life of the project, to be verified by open permits.
4. The real estate sales office must be removed and/or closed within 30 days after the sale or rental of the last unit within the development. The model unit(s) must be closed within 30 days after the sale or rental of the last unit of the development.
5. All activities conducted within real estate sales office/model unit(s) must be directly related to the construction and sale of properties within the particular development. Use as a general office of operation of any firm is prohibited.

D. Temporary contractor's yard

1. A temporary contractor's yard is allowed incidental to a construction project.
2. The temporary use permit shall be valid for the life of the project, to be verified by open permits.
3. The temporary contractor's yard shall be removed within 30 days of the completion of construction, and the premises shall be restored to their pre-construction state.
4. Temporary contractor's yards shall be screened on all sides by a fence a minimum of six feet in height to a maximum of eight feet in height. Fencing shall not be required on shared lot lines if the abutting lot contains a fence or other barrier that prohibits entry onto the lot.



E. Temporary outdoor sales

1. Temporary outdoor sales in residential zones are limited to those events conducted by and located on the premises of a place of assembly, an elementary, middle, or secondary school, or a post-secondary school.
2. Time limits shall be as follows:
 - a. Time limitations apply to the lot, not the operator of the use.
 - b. Temporary outdoor sales events in residential zones are limited to three events per calendar year, with a maximum of either three consecutive days, or two consecutive weekends. A minimum of 30 days between events is required.
 - c. Temporary outdoor sales events in nonresidential zones are limited to four events per calendar year, with a maximum duration of five days per event, and a minimum of 30 days between events.
 - d. Temporary outdoor sales events for seasonal sales, such as Christmas tree lots and pumpkin patches, are limited to four events per calendar year, with a maximum of 30 days per event, and a minimum of 30 days between events.
 - e. Temporary outdoor sales events in any nonresidential zone must be located a minimum of 125 feet from a residential zone.

F. Temporary outdoor storage containers. The use of an outdoor storage container is limited to a maximum of 90 days per calendar year.

G. Additional temporary uses. In addition to the temporary uses listed above, a temporary use permit may be issued by the Planning Authority or Building Authority for other temporary uses that are substantially similar to a temporary use listed above. A permit may be issued if the Authority determines that such use is not incompatible with the surrounding land uses and proper care has been taken to protect surrounding development, traffic patterns, and the environment. The time limit of such temporary use will be determined and approved as part of the temporary use permit.

6.8 PERFORMANCE STANDARDS

All uses shall comply with the performance standards established in this section, unless any federal, state, or local law, ordinance, or regulation establishes a more restrictive standard, in which case the more restrictive standard shall apply.

6.8.1 Development in the OS-R and OS-P zones

All development in the Open Space zones shall comply with the following development standards:

- 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.

6.8.2 Discharges

No discharge shall be permitted at any point into any private sewage disposal system, or stream, or into the ground, of any materials in such a way or of such nature or temperature as to contaminate any water supply, or otherwise cause the emission of dangerous or objectionable elements, except in accordance with standards approved by the Public Health Authority or by the Public Works Authority. No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the Department of Public Works in accordance with Chapter 24 of the City of Portland Code of Ordinances. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of Chapter 24.

6.8.3 Electromagnetic interference

In any industrial zone, there shall be no electromagnetic interference that adversely affects

the operation of any equipment other than that belonging to the creator of such interference.

6.8.4 Exterior lighting

All exterior lighting shall be designed and installed with full cut-off fixtures to direct illumination onto the site and to prevent illumination from such fixtures on neighboring properties in accordance with the City of Portland *Technical Manual*.

6.8.5 Heat, glare, radiation

Heat, glare, or radiation shall be imperceptible without instruments at lot boundaries and shall not present a safety hazard.

6.8.6 Historic resources

The exterior design of proposed or renovated structures located within historic districts shall be subject to the historic preservation provisions of Article 17. The exterior design of proposed or renovated structures located adjacent to historic districts or historic resources shall be subject to historic preservation requirements of Article 14.

6.8.7 Landscaping and screening

- A. In all mixed-use and TOD zones, the O zone, the R-P zone, and the A-B zone outside of restricted access areas, sites shall be landscaped to screen parking and accessory site elements, including storage and solid waste receptacles, from the right-of-way, public open space, or abutting residential zones.
- B. In the I-H zone, where a front yard abuts an arterial or a major collector street, it shall be landscaped. Rear yards, side yards, and the perimeter of any parking area for greater than 15 vehicles shall be landscaped if visible from a



right-of-way, public open space, or residential zone.

6.8.8 Noise

A. No use shall be operated so as to generate recurring noises that are unreasonably loud, cause injury, or create a nuisance to any person of ordinary sensitivities.

B. The maximum permissible sound level of any continuous, regular, or frequent source of sound produced by an activity shall be as shown in Table 6-I.

C. Sound shall be measured as follows:

- 1.** For noise generated by a use in the B-4, B-5, B-6, I-L/I-Lb, I-M/I-Mb, and I-H zones, sound shall be measured at or within the boundaries of the nearest residential zone.
- 2.** For noise generated by a use in the B-1, B-2/B-2b, B-3, I-B, R-P, O, and A-B zones, sound shall be measured at lot boundaries.

D. Sound levels shall be measured with a sound level meter with a frequency weighting network manufactured according to standards prescribed by the American National Standards Institute (ANSI) or its successor body.

E. Wind energy systems

- 1.** Where the underlying zone is residential and does not specify sound requirements, or where the system will be within 100 feet of a residential zone, sound generated by the wind energy system shall not exceed 45 decibels on the A scale between the hours of 9:00 p.m. and 7:00 a.m., and 50 decibels on the A scale between 7:00 a.m. and 9:00 p.m., as measured at the nearest property line in accordance with this provision and technical standards set out in the City of Portland *Technical Manual*.

- 2.** Audible sound levels of wind energy systems shall include sounds generated in all conditions including low and high winds (furling, yawing, and flutter) and power outages (freewheeling).

F. Exemptions

- 1.** Noises created by construction and maintenance activities between 7:00 a.m. and 9:00 p.m. are exempt from the maximum permissible sound levels set forth in Table 6-H.
- 2.** The following uses and activities shall also be exempt from the requirements of Table 6-H:
 - a.** The noises of safety signals, warning devices, emergency pressure relief valves, and any other emergency devices.
 - b.** Traffic noise on public roads or noise created by aircraft and railroads.

TABLE 6-H: NOISE STANDARDS

Zone	Daytime/Evening (7 a.m.-9 p.m.)	Night (9 p.m.-7 a.m.)
I-B	60 dBA	55 dBA
R-P	55 dBA	55 dBA
O	60 dBA	60 dBA
B-1	55 dBA	55 dBA
B-2/B-2b	60 dBA	55 dBA
B-3	60 dBA	55 dBA
B-4	65 dBA	60 dBA
B-5, B-6	60 dBA	50 dBA
I-L/I-Lb	60 dBA	50 dBA
I-M/I-Mb	70 dBA	55 dBA
I-H	75 dBA	55 dBA
A-B	60 dBA	60 dBA

- c. Noise created by refuse and solid waste collection.
- d. Emergency construction or repair work by public utilities, at any hour.
- e. Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the City, including but not limited to concerts, parades, sporting events, and fireworks displays.

6.8.9 Odor

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the public health and welfare, or which interferes unreasonably with the comfort of the public, must be removed, stopped, or modified so as to remove the odor. It shall be a violation of this article to create an odor nuisance.

6.8.10 Exterior stairways

- A. No open exterior stairways or fire escapes shall be constructed above the ground floor unless specifically allowed within this Code.
- B. The Building Authority may permit exterior stairways on single- and two-family buildings. Such stairways shall have minimal visual impact upon the building and shall be located to the rear.
- C. The Building Authority may permit the installation of an exterior egress stair or an upgrade of an existing exterior fire escape for a conforming or lawfully nonconforming dwelling unit existing as of January 5, 1998, if such egress is required to meet current fire or other life safety codes, provided that the owner demonstrates to the Building Authority that:

- 1. There is no practical and economically reasonable way to provide such egress within the interior of the building, as demonstrated by the submission of detailed floor plans showing the projected cost of and the impact on the existing dwelling from an interior stair.
- 2. The stairway and associated landings and other building fixtures are designed and will be constructed to have a minimal visual impact upon the building, especially as viewed from any public way or public open space, as demonstrated by photographs of the front and any other affected facades of the building and plans or drawings of the proposed egress stairs.

6.8.11 Outdoor storage

Outdoor storage shall comply with the requirements of Table 6-I.



TABLE 6-I: OUTDOOR STORAGE STANDARDS	B-1	B-2 B-2b	B-3	O	RP	A-B	B-4	B-5	B-6	I-L I-Lb	I-M I-Mb	I-H
There shall be no outdoor storage except for fully enclosed receptacles for solid waste disposal.	●		●	●	●				●	●		
All outdoor storage must be located a minimum of 20 feet from any lot line. However, when abutting a residential zone, all outdoor storage must be located a minimum of 100 feet from a lot line abutting such zone.		●				●	●			●	●	●
Outdoor storage areas must be designed and maintained so as to prevent the accumulation of debris and standing water that can attract insects and vermin. All outdoor storage areas shall employ measures to prevent displacement of materials and windblown dust or particulates, including the use of windbreaks, tarps, or other coverings to protect stored materials from the elements.		●				●	●			●	●	●
No outdoor storage shall be permitted in the front setback, except for storage for plant and tree nurseries or lumber yards if listed as a permitted use. All such storage located in the front setback shall consist of live plant materials or lumber products. No aggregate materials, machinery, or other materials or products shall be stored in the front setback.		●				●	●					
All outdoor storage shall be suitably screened from the public way and abutting properties by a landscaped buffer or solid fence at least five feet in height. This does not apply to storage of materials allowed in the front setback for plant and tree nurseries or lumber yards.		●				●	●					
Exterior lighting of outdoor storage areas shall not exceed that which is necessary for security purposes.	●	●	●	●	●	●	●	●	●	●	●	●

6.8.12 Relocation of displaced residents

In the B-3 zone, any development which results in the displacement of residents of dwelling units currently located on the development site shall meet the requirements of Section 18.5.

6.8.13 Smoke

Smoke shall not be emitted at a density exceeding the opacity level designated in Table 6-J, as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.

TABLE 6-J: SMOKE STANDARDS

Zone	Opacity Level
R-P	
O	20%
B-1	
B-2/B-2b	
B-3	
B-4	30%
B-5	
B-6	40%
Industrial and A-B zones	

6.8.14 Storage and repair of vehicles

- A. In all residential zones, all island zones, the R-P zone, and the B-3 zone, only one unregistered motor vehicle may be stored outside, for a period not exceeding 30 days.
- B. In all other mixed-use zones, storage of unregistered motor vehicles for more than 10 days, and outdoor storage of used automobile tires shall be prohibited.
- C. No partially dismantled, wrecked, or junked vehicles shall be stored outdoors. This provision does not apply to vehicles undergoing repair.

- D. All vehicle repair facilities shall be screened along interior side and rear lot lines by a landscaped buffer or solid fence a minimum of five feet in height.

6.8.15 Waste disposal

- A. All solid waste disposal, including materials which might cause fumes or dust, or constitute a fire hazard if stored outdoors, shall be only in fully enclosed, covered containers or receptacles. In all nonresidential zones except for the industrial zones, such containers or receptacles shall be within designated, screened areas. In industrial zones and the B-4 zone, outdoor storage of refuse, debris, or previously used materials awaiting reuse shall either be in an appropriate container or located within a designated, screened area.
- B. Containers or receptacles shall not leak or otherwise permit liquids or solids to escape from the container or be transferred beyond lot boundaries by natural causes or forces. Areas attracting large numbers of insects or vermin are prohibited.
- C. Where food processing is permitted, all food processing waste shall be stored within a completely enclosed structure. If not refrigerated, such waste shall be removed from the site in an enclosed container within 48 hours of its generation. All enclosed and exterior food processing waste storage areas shall be cleaned and sanitized on a regular basis.

6.8.16 Vibration

- A. In any mixed-use zone, the O, and the R-P zones, vibration inherently and recurrently generated shall be imperceptible without

instruments at lot boundaries. This shall not apply to vibration resulting from activities aboard a vessel or from railroad vehicle activities, or from activities on a pile-supported pier.

- B.** In all industrial zones, any use creating earthshaking vibrations, with the exception of airports, shall be controlled in such a manner as to prevent transmission beyond lot lines of vibrations causing a displacement of .003 or greater on one inch, as measured by a vibrograph or similar instrument at the property boundaries.