



6 USE STANDARDS

6.1 APPLICABILITY

6.1.1. In general

- A. The use of buildings, structures, private property, and land City-owned property are governed by this article, except when superseded by other applicable laws or ordinances.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-FG 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 floor area 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-FG 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 ~~site~~lot may contain more than one principal use, ~~so long as providing~~ each ~~principal~~ 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 ~~these tables~~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.



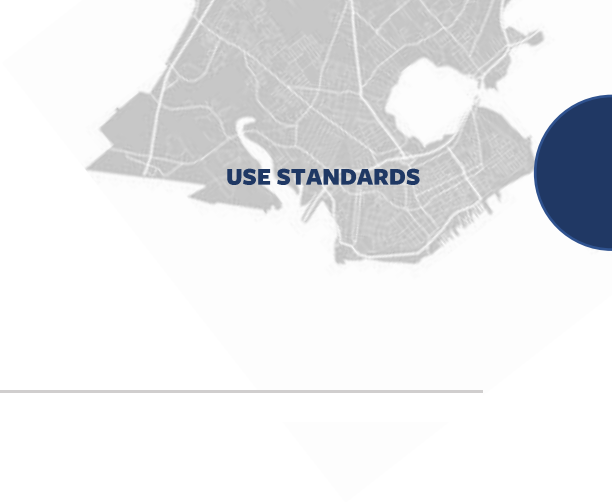
USE STANDARDS

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		⓪	●	⓪	●	●	●	6.4.12
	Group homes	⓪	⓪	⓪	⓪	⓪	⓪	⓪	6.4.17
	Lodging houses					●	●	●	6.4.21
Institutional	Child care centers + small child care facilities	⓪	⓪	⓪	⓪	⓪	⓪	⓪	6.4.9
	Elementary, middle, and secondary schools	⓪	⓪	⓪	⓪	⓪	⓪	⓪	
	Governmental uses	●	●	●	●	●	●	●	
	Places of assembly	⓪	⓪	⓪	⓪	⓪	⓪	⓪	6.4.30
	Post-secondary schools				⓪	⓪	⓪	⓪	6.4.31
	Residential care facilities (small)	⓪	⓪	⓪	⓪	⓪	⓪	⓪	6.4.35
	Residential care facilities (large)	⓪	⓪	⓪	⓪	⓪	⓪	⓪	
	Bed and breakfasts					●/⓪	●/⓪	●/⓪	6.4.7
	Hostels					●/⓪	●/⓪	●/⓪	6.4.18
	Market gardens	⓪	⓪	⓪	⓪	⓪	⓪	⓪	6.4.25
Neighborhood nonresidential reuse	⓪	⓪	⓪	⓪	⓪	⓪	⓪	6.4.26	
Other	Agriculture	●							6.4.3
	Cemeteries	●	●	●	●	●	●	●	
	Parks and open spaces	●	●	●	●	●	●	●	
	Solar energy system (minor)	●	●	●	●	●	●	●	6.4.38
	Utility substations	⓪	⓪	⓪	⓪	⓪	⓪	⓪	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
Institutional	Lodging houses		⓪	●	6.4.21
	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
Commercial / Service	Auto service stations			⓪	6.4.5
	Bed and breakfasts			●	6.4.7
	General offices			●	
	General services			●	6.4.15
	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			●	
Other	Agriculture	●			6.4.3
	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	●	●	●	



USE STANDARDS

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)		●	●		●	6.4.35
	Residential care facilities (large)		●	●		●	6.4.35
	Adult business establishments			●			6.4.2
	Auto, boat, and related dealerships		⓪		●		6.4.5
Commercial / Service	Auto service stations			●			6.4.5
	Bars		●	●	●	●	6.4.6
	Bed and breakfasts	●	●	●			6.4.7, 6.4.10
	Exhibition, meeting, and convention halls			●		⓪	
	Funeral homes		●		●		
	Market gardens	●	●	●	●	●	6.4.25, 6.4.10
	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	
Recreation and amusement centers				●	●		
Registered marijuana dispensary		●/⓪	●	●		6.4.23	



USE STANDARDS

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
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					●	●
Other	Off-street parking		●/⓪		●	⓪	6.4.27
	Parks and open spaces	●	●	●	●	●	
	Social service centers		⓪	⓪	⓪	⓪	
	Solar energy system (minor)	●	●	●	●	●	6.4.38
	Solar energy system (major)				⓪		
	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
	Residential care facilities, large		⓪ 6.4.35
	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	
Social service centers	◐	◐	◐			
Solid waste disposal facilities		●	●		6.4.33	
Studios for artists and craftspeople	●	●				

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
		●	●		
	●	●	●		6.4.40
	●	●	●		6.4.38
		●	●		
	●	●	●		6.4.39
Other	ⓘ	●	●		6.4.41
		●	●		

¹Permitted 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)	◐	

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

The following ~~These~~ standards shall apply to the following uses as indicated in Tables 6-A to 6-FG, whether permitted or conditional.

6.4.1 In general

A.—No building intended for use as a habitation shall be erected on a lot which has its only street frontage on a street less than 35 feet wide. No building shall be erected on a lot, except on the islands in Casco Bay, which does not abut a street meeting the minimum requirements for street improvements set forth in this subsection. For purposes of this subsection, street shall be as defined in Article 3, except that a dedicated street which may no longer be accepted due to lapse of time and an accepted street which may have been discontinued by abandonment shall also be deemed to be streets, provided that an applicant for a building permit respecting any

~~lot abutting such street shall, without compensation or claim for damages, and at his or her own cost and expense, first submit to the Building Authority:~~

- ~~1.~~—A deed from the owner of such lot conveying to the City all his or her right, title, and interest in and to such street or any portion thereof.
- ~~2.~~—An agreement by such owner forever releasing the City from any and all claims for damages for the laying out and taking of such street and indemnifying the City against any and all other such claims, both such instruments to be executed and in recordable form acceptable to the Corporation Counsel and to encumber and run with the land.

For a lot abutting any portion of a street which is unimproved or improved but not permanently paved, that portion which abuts the lot, and any like portion between such portion and the nearest



permanently paved street or portion which is the principal access to such lot, shall be improved, including sewers, storm drains, pavement, curbs and, if located on a designated school walking route, sidewalks, in accordance with the City of Portland *Technical Manual*. Where the nearest permanently paved street does not have granite curbing, the Public Works Authority may waive the requirement of curbing under this subsection, if it determines that an acceptable alternative drainage plan will be provided. Prior to the issuance of a building permit for erection of a building on a lot abutting any portion of a street which is unimproved or improved but not permanently paved, the following shall occur: 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 plan 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 improvements 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.

a.c. The required by this subsection shall be submitted to minimum width may be reduced, or the requirement waived on the islands only, if the Fire Chief and the Public Works Authority 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.

3. Upon determination by the Public Works Authority that the plan meets the street improvement requirements established by this subsection, a performance guarantee and inspection fee for said improvements shall be submitted to the City as set forth under Articles 14 and 15. Also as set forth in Articles 14 and 15, a one-year defect bond shall be tendered to the City prior to release of the performance guarantee required hereby. The provisions of this paragraph (2) shall not apply to the erection of any single family dwelling on any lot where the owner of the lot establishes that he or she was the owner of that same lot on November 19, 1984, and at all times thereafter, and states his or her intention under oath to make the structure his or her personal residence.

~~B.~~ The requirements of this subsection shall not apply to the following city streets upon their construction by the Public Works Authority to such standards as are determined by the authority to be the most feasible:

~~4.~~ Dingley Court.

~~5.~~ Morgan Court.

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.

~~6.4-16.4.2~~ **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 Bars 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/restaurants in

~~6.4.2~~ In the B-6 zone

~~No, no~~ bars located east of Waterville Street shall be permitted within 50 feet of Fore Street.

- ~~C.A. 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.

~~6.4.3~~ 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.
- ~~A.B.~~ In the RRN-5, RN-6, and R-6aRN-7 zones, the minimum gross floor 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.
- ~~B.~~ In all mixed use zones except the I-B-1/B-1b zones zone, bed and breakfasts may include a meeting facility limited to use for private parties, business meetings, weddings, receptions, seminars, or business and educational conferences, provided that:
 - ~~6.~~ In the B-2/B-2b/B-2c zones, are permitted on Peaks Island only. The meeting facility must minimum lot area for bed and breakfasts shall be less than 45,000 square feet.
- ~~C.~~ In the B-3/B-3b/B-3c zones. The building in which the 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 and meeting facility will be located must have existed on March 3, 1997 and have been greater than 4 in the I-B zone shall require 10,000 square feet in floor of lot area on that date. per guest room.

~~6.4.46.4.8~~ **Campgrounds**

- ~~A.~~ Campgrounds shall not include recreational vehicles.
- ~~B.~~ Campgrounds shall be licensed by the State of Maine Department of Human Services.

- ~~C.B.~~ No tent shall be located within 75 feet of the perimeter of site.
- ~~D.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.

~~6.4.56.4.10~~ **Commercial and service uses in the B-1/B-1b zones 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. Retail and restaurant uses 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. For restaurants, food service and consumption shall be the primary function.~~
- ~~B. No beverage container redemption centers shall be permitted. Beverage dealers shall be~~

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 a retail use provided that the maximum total 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 for redemptions as an accessory use, including the storage of spent containers, shall be no greater than 500 square feet equal to or less than 25% of the total existing floor area of the facility, whichever is less, 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.~~

6.4.6 Correctional pre-release facilities

- ~~2. No correctional prerelease facility~~ 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.
- ~~C. Any new off-street parking provided for multi-family conversion of existing residential structures shall be located within 1,000 feet of another, as measured in a radius from the center of to the lot.~~
- ~~2.3. If a facility requires state or federal licensing, staffingside or rear of the facility shall be as required by such license. If a facility does not require state or federal licenses, there shall be a minimum of one staff person for every 10 residents or fraction thereof. The facility shall provide 24-hour supervision of program participantsstructure.~~
- ~~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 must 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 ~~guess~~guests shall not exceed 15 days within any 60-day period.
- B. In the ~~RRN-5, RN-6 zone, for, and RN-7 zones,~~ hostels ~~greater~~are permitted if for no more than 10 overnight transient guests, ~~a minimum of 250 square feet of land area and conditional if for between 11 and 20 overnight transient guests.~~ No more than 20 overnight transient guests shall be ~~required per hostel guest~~permitted.
- C. In the ~~B-1/B-1b zones~~ 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.
- ~~A-D.~~ Lodging houses, except for lodging houses located in the IR-2, ~~IR-3,~~ 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.~~

~~**B.A.** Lodging houses shall provide a minimum of 200 square feet of combined rooming unit and common area per rooming unit.~~

~~**C.** Each individual rooming unit shall be a minimum of 70 square feet.~~

6.4-96.4.23 Marijuana-related uses

A. The following standards apply to the following marijuana-related uses:

1. Marijuana cultivation facilities.
2. Marijuana manufacturing facilities.
- ~~3. Marijuana products.~~
- ~~4.3.~~ Marijuana retail stores.
- ~~5.4.~~ Marijuana testing facilities.
- ~~6.5.~~ Small-scale marijuana caregivers.
- ~~7.6.~~ 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 ~~property line of the respective marijuana-related use and the property line point~~ of the lot ~~containing~~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 the following residential zones: R 1, R 2, R 3, R 4, R 5/R 5A, R 6/R 6A, or R 7. Distance shall be measured from the nearest outer wall of the building housing the marijuana cultivation, manufacturing, or testing facility to the nearest applicable residential zone boundary. If the marijuana related facility leases a room or suite of rooms within a building, including, without limitation, individual units within a shopping plaza or shopping mall, the nearest outer wall of the room or suite of rooms within which the facility is located shall constitute the nearest outer wall of the building housing that facility~~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. Supplemental standards

- 3.** ~~Marijuana-related uses may only be permitted within a fully enclosed building.~~
- 4.** ~~No outside storage of retail stores and registered marijuana, marijuana products, or related supplies is permitted.~~
- 5.** ~~No drive through service is permitted for marijuana-related uses.~~
- 6.** ~~No marijuana or marijuana product dispensaries shall be smoked, eaten, or otherwise consumed or ingested on the premises where sold.~~
- 7.** ~~An operating plan for marijuana cultivation facilities and marijuana manufacturing facilities shall be provided that, at a minimum, addresses wastewater, disposal of waste permitted uses in the B-2 zone, and security at conditional uses in the premises.~~
- 8.** ~~A ventilation plan shall be included for marijuana cultivation facilities, marijuana manufacturing facilities, and small-scale marijuana caregivers that provides for adequate ventilation so as to prevent pesticides, insecticides, or other chemicals used in the cultivation or processing of marijuana or marijuana-related products from being dispersed or released outside the premises. The plan shall further provide for resulting smoke, vapor, fumes, gases, and particulate matter from marijuana or its processing or cultivation to be effectively confined to the premises.~~

~~**D.C.** Marijuana-related uses shall provide odor control measures so that odor generated on site is mitigated at the property line of the lot containing the marijuana-related use. Applications must demonstrate appropriate measures, such as carbon filtration, ventilation and exhaust systems, facility plans, or other additional practices adequate to mitigate odors for the scale of operations for the uses proposed B-2b zone.~~

~~**E.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.~~

~~**6.4.106.4.24**~~ **6.4.24 Marine uses**

- ~~**F.** In the B-5/B-5b and B-6 zones zone, marine uses shall include marine products wholesaling and retailing and; harbor and marine supplies and services:~~
- A.** ~~In the B-5/B-5b zones, marine uses shall include;~~ 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.

6.4.11 Multiplexes

- C.** ~~No habitable space in a dwelling unit shall be below grade, except basements that are a part of and below aboveground units.~~
- D.** ~~In the R-5 zone, the maximum number of units in a multiplex building shall be six.~~
- E.** ~~No dwelling unit shall have less than 600 square feet of floor area, exclusive of common hallways and storage in basement and attic.~~

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.

6.4.126.4.28 Office parks in the O-P zone

An office park shall be approved only if the development meets the following development standards:

A. Office parks shall have a minimum gross area of three acres of contiguous land, consisting of either an Office Park Planned Unit Development (OPPUD) on one lot with one or more buildings and with driveways and open areas to be owned and maintained in common, or an office park subdivision (OPS) on one parcel with two or more lots intended for separate 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. ~~Development~~ Office park development proposals shall include a master plan of the office park. ~~The master plan, which~~ shall include the following:

1. ~~For an OPPUD proposal.~~ The location of the building(s) on the site;
2. The location of infrastructure ~~on~~ the site; ~~identification.~~
3. The location of all common areas; ~~and~~ landscape buffers.
4. Identification of traffic circulation; ~~architectural character and treatment of~~ 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. ~~building(s);~~ The location and style of lighting to be used in the development.
8. Identification and description of all proposed ~~building envelopes;~~ signage.
9. A description of phasing and timing of the development;-,
10. A description of any proposed private development restrictions; ~~and such.~~



- 11. Delineation of the subdivision of land, if proposed as a coordinated development on multiple parcels.
- 1-12. Any other information necessary and sufficient to ensure compliance with the standards in this subsection.
- 2. ~~For an OPS proposal. Delineation of the subdivision of land; infrastructure of the site; identification of common areas, if any; traffic circulation; desired architectural character, including private development restrictions to ensure compatibility of architectural character of future buildings with each other; phasing and timing of the development; private development restrictions; and such other information as necessary and sufficient to ensure compliance with the standards in this subsection.~~
- C. ~~Development proposals shall demonstrate a reasonably unified design of the site, including the architecture, the layout of the buildings, pedestrian and vehicular circulation plan, open space, drainage, and the topography, soil conditions, vegetation and other natural features of the site. Integration of open spaces and natural features shall be achieved by incorporation of outdoor amenities for the benefit of users of the site, such as jogging and walking trails, gardens, and benches.~~
- C. Development proposals 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. ~~All land areas not covered by structures, parking areas, or circulation facilities shall be landscaped and maintained. In order to~~
 - 1-2. 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.
 - D. ~~Parking may not be located in the required front setback. If parking is Landscape buffers shall be provided in the area between the building and minimum setback line, the parking area must be adequately screened with landscaping materials and permanently maintained.~~
 - E. ~~Development proposals shall include 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.~~
 - 2-3. Development proposals shall include buffering yard to screen areas abutting a residential zone or residential use, and to screen parking lots and driveways from public view, identifying the location, composition, and maintenance of the. The buffer. The buffer and screening shall be of a dense and continuous nature and shall incorporate trees, shrubs, fencing, berms, and related elements deemed necessary.
 - F.D. ~~Development proposals Office parks shall identify consider and be sensitive to the extent to which the developer shall need to preserve natural features including 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; provided any such~~

program shall consider and be sensitive to the need to preserve such natural features.

G. Development proposals shall identify all proposed traffic controls, parking areas, interior traffic circulation, and demonstrate that additional traffic generated by the project itself can be reasonably accommodated on existing public streets.

3.1. All buildings shall be designed or approved by a registered architect in the State of Maine and shall be in conformance with the proposed master plan. The scale, texture, color and massing of the buildings shall be coordinated. The full range of high quality, permanent, and traditional or contemporary building materials and technology may be incorporated in a manner so that the development as a whole embodies distinguishing attributes that achieve the developer's desired degree of excellence and are in conformance with the architectural guidelines provided in the private development restrictions. Particular emphasis shall be placed on the appearance of building facades from public streets, from driveway and parking areas, and from other nearby buildings. Building elevation drawings shall be submitted ~~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.~~

H.E. Development proposals shall identify the location and style of lighting to be used in the development. 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.

I. Development proposals shall identify all proposed signage. Signs shall be designed in proportion and character with the building facades. All signs shall be constructed of permanent materials and shall be coordinated with the building and landscaping design

through the use of appropriate materials and finishes.

6.4.13 Planned unit development in the IR-3 zone

In addition to other applicable reviews, no development shall occur nor shall any new use be established in the IR-3 zone unless the Planning Board finds that the final development plan for the site is in compliance with the following standards:

J. The development shall demonstrate a reasonably unified response to the design possibilities of the site, by virtue of such elements as the design and layout of buildings and lots, circulation plan, open space, drainage, and orientation to achieve energy conservation or solar access, to form a functionally integrated whole.

K. The design and layout of the development and buildings shall be reasonably compatible with the surrounding neighborhood by virtue of such features as architectural style, exterior finish, scale, circulation, open space, landscaping, and preservation of natural site amenities.

L. All open spaces on the site shall be functionally integrated into the development plan by virtue of such features as accessibility to residents, recreation, conservation of existing public rights of access to shoreland areas and scenic natural areas, orientation to achieve energy conservation or solar access, preservation of natural site amenities, and use as a buffer between the development and the surrounding neighborhood.

M. The development shall be designed primarily with a pedestrian orientation to minimize the use of and dependency on private motor vehicles. Appropriate areas on the site shall be

designated, as necessary, for parking of common service vehicles, golf carts or bicycles to serve the transportation needs of residents and visitors. The internal circulation plan shall also be coordinated with the existing island street network to ensure adequate access for emergency and service vehicles.

- N.**—A project construction plan shall be developed indicating the anticipated number and types of vehicles such as construction equipment, supply delivery and service vehicles needed for undertaking the construction of the project. Documentation shall be provided as to the proposed transportation route such as roads, piers, beaches, sand bars and the impact of construction related activities on the routes.
- O.**—The development shall not have a substantial adverse impact on the capacity of existing island docking facilities. The developer shall demonstrate that an adequate water transportation system, including docking facilities, exists or will be provided.
- P.**—Adequate provision for off island solid waste disposal shall be demonstrated such that the impact on municipal solid waste disposal is minimized. A development shall incorporate methods such as the following to reduce the amount of solid waste generated by the project: compaction and reduction in waste volume, recycling, incineration or baler system, and private collection and transfer to an off-island location. It shall be demonstrated that there will be no significant environmental impacts from the solid waste disposal system.
- Q.**—All sanitary waste from the development shall be disposed of by a public sewer, private community sewer system providing at least secondary treatment, or subsurface sewerage

system, in compliance with federal, state and local regulations. The developer shall demonstrate that the project will comply with all applicable federal, state and local water quality and groundwater standards.

- R.**—The proposed development shall have sufficient water for the reasonably foreseeable needs of the development and shall not cause an unreasonable burden on existing water supply nor adversely affect groundwater resources. Unless the development is to be served entirely by public water and secondary treatment sewer systems, the determination of compliance with this provision shall be based upon one (1) or more comprehensive groundwater analyses and reports prepared by qualified professionals and including assessment of current groundwater aquifer conditions, the impact of the proposed development on the groundwater aquifer, and recommendations for mitigation of potential impacts caused by the development.
- S.**—The development shall preserve the natural features of the shoreland area by minimizing the disturbance of existing vegetation and slopes, avoiding development in areas subject to erosion and sedimentation, and conserving scenic views and vistas to and from the site.
- T.**—The development plan shall preserve significant resources of the site by integrating open space into the development plan and by conserving such features as scenic vistas, historic man made or natural features, existing vegetation, wetland areas, shoreland areas, ground water, natural wildlife habitat, and recommended or registered State of Maine Critical Land Areas, as well as other environmentally sensitive areas.

- ~~U.~~ All open spaces on the site shall be functionally integrated into the development plan by virtue of such features as passive and active recreational opportunities, accessibility to residents, preservation of natural site amenities and resources, orientation to achieve energy conservation or solar access, use as a buffer between housing clusters and to screen the development from surrounding areas.
- ~~V.~~ The applicant shall demonstrate sufficient financial and technical capability for undertaking the proposed project. Financial capability shall include a cost estimate of the proposed improvements, proposed construction and permanent financing, and terms of sale or lease of dwellings and commercial space. Technical capacity shall include the experience and expertise of the developer in implementing projects of similar scope.
- ~~W.~~ The applicant shall develop an environmental impact analysis including an inventory of existing environmental conditions at the project site and in the surrounding area with an assessment of the development's probable impact upon the environment. The inventory shall include such resources as air, water quality, water supply, surface water and shoreline, geology, soils, topography, wildlife, botanical and aquatic, including rare and endangered species, historic, archeological and aesthetic. The analysis shall include the direct and cumulative adverse impacts of the project on these resources. The analysis shall also include what steps the applicant proposes to take to identify and minimize adverse environmental impacts during construction, management and use of the property and

whether there are alternatives for the project which would decrease the impact of the development.

- ~~X.~~ If the project is to be completed in phases, the applicant shall indicate the schedule for completing and implementing infrastructure improvements as well as other improvements, agreements or services required for compliance with the development standards of this subsection, planned unit development standards, and site plan and subdivision review requirements.
- ~~Y.~~ The development shall not place an unreasonable burden on the ability of the City to provide police, fire, and other emergency services.

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 the B-3/B-3b/B-3c and B-5/B-5b zones—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.
- ~~B.C.~~ Retail in the B-3 and B-5 zones shall not include wholesale and/or bulk purchase sales of lumber and construction supply sales, 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.

6.4.146.4.38 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.
- ~~2-3.~~ Solar panel placement ~~should~~ shall minimize or negate any solar glare impacting nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar energy system.

~~C.~~ All applicants are encouraged to ensure the maximum solar energy generation from their system by obtaining solar access easements. Solar access easements may be filed consistent with Maine state law.

B. Solar 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.
- ~~1-2.~~ 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 ~~so as~~ to minimize impacts on significant scenic views.
- ~~2-3.~~ Layout and fencing for ground-mounted systems shall be integrated with existing landscape and minimize removal of vegetation to the extent possible.



D. Where any part of the proposed solar energy system (including associated facilities) is within a historic district, such development shall be reviewed and approved by the Planning Authority in accordance with Article 17. Where any part of the proposed solar energy system (including support structures and associated facilities) is within 100 feet of any designated landmark, historic district, or historic landscape district, such development shall meet the standards of Article 14 regarding compatibility with the landmark or historic district.

b.a. Solar energy systems shall minimize impacts resulting from construction and maintenance of the solar energy system, including lighting, security measures, traffic, and grid connections.

3.4. Where permitted in residential zones, and in the B-1/B-1b, B-2/B-2b/B-2c, B-3/B-3b/B-3c, B-7 and waterfront zones, all Minor ground-mounted solar energy systems shall be ~~co-~~located with other land uses, a minimum 50 feet from all RN zones, and the R-P, B-1, and B-2/B-2b zones.

E. Major ground-mounted solar energy systems shall be located on areas already paved or built upon, or where other development is documented to be unlikely due to local conditions.

6.4.15 Tow lots

5. Tow lots must be at least ~~300~~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. ~~residential~~The remainder of the lot not occupied by the utility substation and its related access shall be designed and designated for future development.
- ~~A.C.~~ In the OS-R zone ~~or conforming residential~~, 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.

~~6.4.16~~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 ~~such as the Underwriters Laboratories, Germanischer Lloyd Wind Energies, or other similar certifying organizations. Experimental, homebuilt, and prototype models shall not be permitted.~~
2. Wind energy systems ~~and associated facilities~~, including foundations and support structures, electrical connections ~~and~~ control equipment, ~~and~~ associated site improvements, ~~and construction techniques~~, 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 freestanding ground-mounted wind generating systems shall not be climbable for a minimum height of 12 feet above the surrounding ground level or accessible surface. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

- ~~B. All moving components of a wind energy system shall be a minimum of 12 feet from ground level or accessible surface.~~

~~4.1. All on-site electrical wiring associated with the proposed wind energy system shall be located within the tower/pole/supporting structure and underground. Above-ground on-site connections near substations or to the electric grid shall be allowed.~~

~~5.4. 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. No wind energy system shall be located within 250 feet of any significant wildlife habitat, as defined by 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

~~6.1. 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.~~

~~7.1. For all wind energy systems over 45 feet in height above the ground or 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.~~

~~8.1. 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.~~

~~C. Wind energy systems and associated facilities shall use non-reflective materials and neutral colors and textures that blend in with the surrounding environment. Ground-mounted systems and associated facilities shall be landscaped to integrate the proposed wind energy system into the existing landscape/streetscape.~~

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 feet in size), appropriate warning signs, or lights if required by the FAA.



- ~~D. Wind energy systems shall be prohibited within any historic landscape district, any historic cemetery, any historic district, except the Congress Street Historic District where it coincides with the B-3 zone, or within 1,000 feet of any designated historic landmark, which shall include Portland Observatory, Cathedral of Immaculate Conception, St. Dominic's Cathedral, St. Luke's Cathedral, State Street Church, and City Hall.~~
- ~~E. Wind energy systems within R-OS zones are allowed only where they are co-located within public industrial or utility facilities.~~
- ~~F. Systems shall be screened with a vegetated buffer from public areas and residential buildings.~~

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:

~~3. —All conditional use applications in the B-3/B-3b/B-3c, B-5/B-5b, B-6, and B-7 zones.~~

A. ~~All~~ all conditional use applications associated with projects that are otherwise before the Planning Board.

~~4. —Conditional use applications for specific uses for which the Planning Board is identified as the review authority under Subsection 6.5.6.~~

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-FG and ~~Subsections~~Section 6.5-6 and 6.5-74.

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 ~~six months~~three years from the date of approval, ~~or such other time, not to exceed two years, as may be fixed at the time granted,~~ unless the conditional use has ~~been~~ 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 ~~use-specific conditional use standards~~ for certain conditional uses in the OS-R zone

In addition to ~~the~~ general conditional use standards and supplemental use standards, the following standards shall apply to ~~specific conditional uses:~~



~~6.4.176.4.1~~ **Automobile, boat, and related dealerships and auto service stations**

- ~~5.~~ The Planning Board shall be the review authority.
- ~~6.~~ Signs shall not adversely affect visibility at intersections or access drives. Such signs shall be constructed, installed, and maintained so as to ensure the safety of the public. Such signs shall advertise only services or goods available on the premises.
- ~~A.~~ 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 places of public assembly, or any residential zone that the nearness poses a threat or potential danger to the safety of the public.
- ~~A.~~ 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.
- ~~A.~~ Car washes shall be designed to avoid the tracking of residual waters into the street.

B. Emergency shelters

- ~~C.A.~~ The facility shall provide adequate space for conducting security searches and other assessments.
- ~~7.~~ The facility shall be designed with a centralized shelter operations office on

each level providing sight lines to sleeping areas.

- ~~D.A.~~ 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.A.~~ Adequate access to and from METRO service shall be provided. The facility shall be within a ¼ mile of a METRO line, or shall be within ½ mile of a METRO line and provide adequate indoor space to permit all shelter guests day shelter, as well as implement strategies to help residents utilize transit.
- ~~F.A.~~ 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.A.~~ Suitable laundry, kitchen, pantry, bicycle storage, and secure storage facilities for shelter stayers shall be provided on site.
- ~~H.A.~~ An outdoor area for guest use shall be provided on site with adequate screening to protect privacy of guests.

I. General office in the R-6 & R-6a zones

- ~~8.~~ Offices shall serve a member of a recognized profession and be maintained for the conduct of that profession. Professional office sports complexes, stadiums, solar energy systems, water pumping stations, wind energy systems,

and accessory uses do not include veterinary offices.

- 9.** For the use of any building designed or constructed for residential use, which was in use as a residence on April 18, 1984, or thereafter:
- a.** A professional office shall not be located within structures of 2,500 feet of another as measured along the street line to the respective property lines.
 - b.** A building with one square feet or more professional offices shall have at least 50% of the total floor area of the building devoted to residential uses.
 - c.** The total number of individuals working in a building of professional offices shall not exceed the equivalent of four full time employees.
 - d.** Any additions or exterior alterations shall be compatible with the architecture of the building and maintain the residential appearance of the building. Construction of a new building shall be compatible with the architectural character of the surrounding area.
- 10.** The scale and surface area of parking, driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets.

J. High tech manufacturing

- 11.** A minimum of 1/3 of the total square footage devoted to manufacturing shall be

conducted in a laboratory environment, in a controlled environment with specialized air handling systems that exceed levels for pressurization and filtration found in office environments and traditional manufacturing facilities.

- 12.** Rooftop equipment shall be integrated into the overall building design and shall be screened as necessary.

In the B-7 within the OS-R zone, accessory warehousing is permitted. Where warehousing cannot be located on the same lot because the land area is too small to accommodate the warehousing on the same lot, one remote warehouse may be located within 600 feet of the principal use referenced above:

- 13.** In the O-P zone, truck traffic serving a single manufacturing business or institution shall not exceed, on a regular basis, more than two tractor trailer truck deliveries per week. No deliveries shall be accepted between 7:00 p.m. and 7:00 a.m.

K. Industrial uses

- 14.** In the B-2/B-2b/B-2c zones

- e.** The Planning Board shall be the review authority.
- f.** The site shall have an adequate traffic circulation pattern designed to avoid hazards to vehicular circulation on adjoining streets. All stacking of motor vehicles shall be on site, and loading facilities shall be located to the rear of the building and shall not be visible from the street.
- g.** The exterior design of the structures, including architectural style, facade materials, roof pitch, building form, established setbacks, and height shall

be of a commercial rather than industrial character. The site shall contain screening and landscaping which shall meet the requirements of Article 14 for screening between land uses and the City of Portland *Technical Manual*.

15. *In the B-3/B-3b/B-3c zones*

- h.**—The floor area devoted to industrial use shall not exceed 10,000 square feet. For a building in existence on March 11, 1991, the floor area shall not exceed 10,000 square feet or 50 percent of the total floor area, whichever is greater.
- i.**—The associated vehicular loading, unloading, parking, circulation, and traffic volumes on the site and on adjacent public streets shall not have a more intensive impact than any use on the site within the last five years.
- j.**—Any buildings located in a PAD Overlay Zone shall be subject to the requirements of Section 8.8 in addition to the requirements of this subsection.
- k.**—For buildings that either were not in existence on March 11, 1991, or were in existence on that date but were either in use for any permitted use in the B-3 zone or were designed or constructed for any such use:
 - i.**—No tractor trailer trucks or longer vehicles shall be associated with the proposal.
 - ii.**—The proposal shall exclude warehousing and storage as a principal use.

- iii.**—The use shall not generate more than six delivery or service trips per day between 7:00 a.m. and 7:00 p.m.

16. *In the B-5/B-5b zones*

- l.**—Truck loading and access and vehicle parking shall be located in the rear or side yard of the site where possible.
- m.**—Street frontage shall be designed for pedestrian scale or interest.

17.1. *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.*

18. *In the B-6 zone. No brew pubs or microbreweries east of Waterville Street shall be permitted within 50 feet of Fore Street.*

L. *Institutional uses (excluding preschools)*

- 19.**—The Planning Board shall be the review authority.
- 20.**—In the case of expansion of existing institutional uses onto land other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas.
- 21.**—The proposed use shall not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or July 15, 1985 in the IR-1 and IR-2 zones, or thereafter.
- 22.**—In the case of a use or use expansion which constitutes a combination of the

conditional institutional uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative.

23. In the case of community halls:

- a.** The structure shall have been in existence as of January 4, 2010.
- b.** The structure shall have been built for institutional or other non-residential uses.
- c.** The structure shall be operated by, or operated subject to the control of, a not-for-profit entity in accordance with its not-for-profit purposes.
- d.** A parking management plan shall be submitted for review and approval by the Planning Board.

24. In the case of private club or fraternal organizations, any such establishment serving alcoholic beverages or in possession of a license for serving alcoholic beverages shall meet the minimum lot size requirement for places of assembly greater than 10,000 square feet.

25. Post-secondary schools in the R-2 zone shall only be permitted on a collector or arterial road.

26. In the case of a post-secondary school within the R-5 zone and not including the USM Overlay Zone, such school may build principal structures to a height of 55 feet if the following standards can be met:

- e.** Minimum lot size: 10 acres which may include adjacent land owned by the institution on both sides of a public street.
- f.** Minimum setback between buildings on site: 20 feet.

g. Minimum setback from external property boundary: 30 feet, except that parking garages over 35 feet in height must be located 50 feet from external property boundaries when adjacent to an adjoining residential use.

h. The area between the structure and adjoining residential uses must be adequately screened with appropriate landscaping or other features to buffer the building and effects thereof (i.e. noise, light, etc.) from abutting properties.

M. Multi family

27. In the R-3 and R-5 zones. Alteration of a structure existing and not in residential use as of January 1, 1984 to three or more dwelling units shall be permitted as a conditional use provided that:

- i.** No open outside stairways or fire escapes above the ground floor shall be constructed or have been constructed in the immediately preceding five years.
- j.** 3,000 square feet of land area per dwelling unit shall be required.
- k.** A lower level dwelling unit shall have a minimum of one-half of its floor-to-ceiling height above the average adjoining ground level.
- l.** Any addition or exterior alteration, such as change in façade materials, building form, or roof pitch, shall be designed to be compatible with the architectural style of the structure.
- m.** In the R-3 zone, any addition or exterior alteration shall be limited to a

gross floor area equal to or less than 25% of the total existing floor area as of June 13, 2018.

- n.**—Paved areas shall be designed to be compatible in size and scale with neighboring properties in the area and properly screened from adjacent streets.
- 28. In the I-B zone**
 - o.**—Multi-family buildings shall have a maximum of four units.
 - p.**—No open outside stairways or fire escapes above ground floor shall be constructed or have been constructed in the immediately preceding five years.
 - q.**—A below grade dwelling unit shall be permitted only if access is provided directly to the outside of the building.
 - r.**—Density shall be determined by the most restrictive abutting residential zone, except for those lots which are served by public water and sewer, where density shall be determined by the least restrictive abutting residential zone. If no residential zone is abutting, density shall be determined by the nearest residential zone. Residential uses shall meet the requirements of such abutting or nearest residential zone.
 - s.**—Any additions or exterior alterations shall be compatible with the original architecture of the building. The exterior design of new construction, including the architectural style, facade materials, roof pitch, building

form, and height shall be compatible with neighboring properties.

- t.**—No existing dwelling unit shall be decreased to less than 1,000 square feet of floor area.
- u.**—No additional dwelling unit shall have less than 600 square feet of floor area, exclusive of common hallways and storage in basement and attic.
- v.**—All sanitary waste shall be disposed of by a public sewer, subsurface sewerage system, or other method in compliance with all applicable federal, state and local regulations.
- w.**—There shall be sufficient water for the needs of the dwellings such that the use does not cause an unreasonable burden on an existing water supply nor adversely affect groundwater resources.

N.—Off street parking

29. In the R-3, R-4, and R-5 zones

- x.**—Off street parking must be designed to satisfy the parking requirement of a use located in and conforming with the provisions of a nearby mixed use or industrial zone.
- y.**—The lot on which the parking is proposed must be located wholly within 300 feet, measured along lines of public access, from the use which requires the off street parking.
- z.**—The lot where the off street parking is proposed shall be under the control of the owner of the use which requires the off street parking. Evidence of such control by deed or lease shall be required before the

certificate of occupancy is issued. If such control should be abrogated, the parking use thus allowed shall automatically revert to a nonconforming use in violation of this article and shall be terminated forthwith.

aa. Conditions may be imposed to insure development compatible with that of the immediate neighborhood notwithstanding the provisions of any other section of this Land Use Code. Such conditions may include limits on the period of such use.

30. *In the R-6 zone.* Off street parking shall be for passenger cars for uses permitted in the R-6 zone.

31. *Structured parking in the B-6 and B-7 zones*

bb. Parking garages shall incorporate first floor retail space or other non-parking and active use along all street frontages.

cc. The Planning Board may waive the requirement for first floor mixed use upon demonstration that the project meets one or more of the following criteria:

- i.—The applicant demonstrates that steepness of grade or the character of the adjacent street will not support retail or first-floor mixed use in the foreseeable future.
- ii.—The first floor of the garage is set back a minimum of 35 feet from the street right of way and its design does not provide an

impediment for development of such space for mixed use in the future. Such space (between the garage and the street) shall, in the interim, not be used for surface parking.

iii.—The applicant can demonstrate to the satisfaction of the Planning Board that a market for first floor mixed uses currently does not exist, provided that the structure of the garage is designed to accommodate retail and or mixed uses in the future. In these cases, the Planning Board will need to find that, on the street-level deck of a proposed parking garage, a minimum of 20 feet horizontal distance of depth from the street and nine feet finished floor to finished ceiling clearance could house future retail and or mixed use. The applicant will further need to demonstrate that the garage design anticipates the future development of utilities and circulation necessary for non-parking uses. Where a parking garage 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, the nine-foot floor to ceiling requirement only applies to the street with higher traffic volumes.

dd. Where the Board allows a waiver of first floor mixed use, garages shall

display architecture that enhances the pedestrian experience and disguises the parking use to the extent possible. Use of traditional storefront design concepts and traditional building materials is encouraged.

32. ~~Surface parking in the B-3, B-6, and B-7 zones~~

ee. ~~Surface lots shall be laid out in a manner conducive to development of future buildings, and/or structured parking.~~

ff. ~~Surface parking, including parking aisles, shall be located at least 35 feet from a street. The 35 foot setback shall not apply to driveways perpendicular to the street providing access to the site.~~

gg. ~~In the B-7 zone, surface parking that does not meet the 35 foot parking setback may be permitted as a conditional use, provided that:~~

- ~~i.~~ All or a portion of the 35 foot setback area had a gravel surface on September 29, 2015;
- ~~ii.~~ The total gravel surface area on the lot and any contiguous lots did not exceed 15,000 square feet on September 29, 2015;
- ~~iii.~~ The parking spaces provide parking to a principal building on a contiguous lot;
- ~~iv.~~ One of the buildings described in (iii) above meets the minimum height requirements of the Bayside **Height** Overlay Map and/or a building on the site has a

floor area of 25,000 square feet or greater.

~~v.~~ The total number of spaces within 35 foot setback in combination with other spaces on the lot does not exceed the minimum parking spaces required;

~~vi.~~ The proposed parking spaces meet the landscape and buffer requirements of Subsection 6.8.8.

~~vii.~~ Parking spaces within the 35 foot setback shall provide stormwater quality treatment if required by the City of Portland Stormwater Management Standards and the Maine DEP Chapter 500 Stormwater Management Standards. If not required, an alternative low impact development treatment system approved by the Planning Board shall be provided.

O. ~~Preschool facilities~~

33. ~~In all zones~~

~~A.~~ ~~Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.~~

~~A.~~ ~~Solid waste shall be stored in covered containers. Such containers shall be screened on all sides.~~

34. ~~In the R-P zone. Facilities for more than 12 children shall meet the following additional standards:~~

~~a.~~ The facility shall provide a minimum of 75 square feet of outdoor play area per child.

- b.—The play area shall be located in the side and rear yards only and shall not be located in front yards.
- c.—Outside play areas shall be separated from abutting properties by a fence at least 48 inches in height.
- d.—A 10 foot wide landscaped buffer shall be required outside of the fenced play area, and shall be established in accordance with the landscaping standards of the *City's Technical Manual*.

35. In residential and island zones

- e.—The facility shall be located in a structure in which there is one or more occupied residential units or in an existing accessory structure, unless the facility is located in a principal structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a preschool use, or in a nonresidential structure accessory to the principal nonresidential use.
- f.—There shall be no maximum limit on the number of children in a facility located in a principal structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a preschool use, or in a nonresidential structure accessory thereto.
- g.—The maximum capacity shall be 12 children for facilities located in residential or existing structures accessory thereto, unless the additional standards in paragraph (d) below are met.
- h.—Preschool facilities located either in structures that have been in residential use within the past five years or in existing accessory structures and that serve between 13 and 24 children shall meet the following additional standards:
 - i.—The facility shall provide a minimum of 75 square feet of outdoor play area per child.
 - ii.—The play area shall be located in the side and rear yards only and shall not be located in front yards.
 - iii.—Outside play areas shall be separated from abutting properties by a fence at least 48 inches in height.
 - iv.—A 10 foot wide landscaped buffer shall be required outside of the fenced play area, and shall be established in accordance with the landscaping standards of the *City's Technical Manual*.
 - v.—The minimum lot size for a preschool located in a residential or existing accessory structure and serving more than 12 children shall be 20,000 square feet.
 - vi.—The maximum number of children in a preschool facility located in a residential or existing accessory structure shall be 24.
 - vii.—Any additions or exterior alterations such as facade materials, building form, roof pitch, and exterior doors shall be



designed to be compatible with the architectural style of the building and preserve the residential appearance of the building.

B. Raising of domesticated animals for non-commercial purposes

~~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.~~

~~A. This use shall not create any odor, noise, health, or safety hazards, or other nuisance to neighboring properties.~~

~~A. Raising of pigs or reptiles is not permitted.~~

B. Sheltered care group homes

~~36. A sheltered care group home shall not be located within 500 feet of another, as measured along street lines to the respective property lines.~~

~~37. The facility shall make provision for adequate on-site staffing and supervision in accordance with applicable state licensing requirements. If a facility is not licensed by the state, there shall be a minimum of one staff person for every 10 residents or fraction thereof.~~

~~38. The Board of Appeals or Planning Board may impose conditions upon a conditional use permit concerning the creation or operation of a sheltered care 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; compatibility of new structures with the architectural character of the surrounding area; and limitation on the duration of a sheltered care group home permit.~~

C. Utility substations

~~39. Utility substations shall be as small in size as practicable.~~

~~40. Substations shall be suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood. The remainder of the lot not consumed by the utility substation and its related access shall be designed and designated for future development.~~

~~41. If greater than 100 square feet in the B-7 zone, the structure shall be set back at least 35 feet from the street right-of-way except in the case of a lot having frontage on Marginal Way and I-295, provided the minimum 35-foot setback is met along Marginal Way.~~

~~42. In the B-7 zone, the substation equipment shall be fully enclosed within a structure.~~

6.5.7 Supplemental zone-specific conditional use standards

In addition to the general conditional use standards and supplemental use-specific conditional use standards, the following standards shall apply to conditional uses within certain zones:

D. R-OS Zone

A. The use shall be in conformity with or satisfy a deficiency identified in a federal, state, regional, or *cityCity* 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 recreation and open space 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 ~~must~~ shall be:
 1. Customarily found in association with the principal ~~uses~~ use.
 2. Generally consistent with the impacts of the ~~primary~~ principal use.
 3. Secondary in nature, clearly incidental and subordinate to the principal ~~uses~~ 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. ~~ADUs shall comply with all dimensional standards of the underlying zone unless otherwise provided below.~~
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.
- ~~2-3.~~ Up to two ADUs shall be permitted per qualifying property.
- ~~3-4.~~ 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 ~~must~~ shall occupy at least one of the dwelling units, with the exception of legally nonconforming lots on Peaks Island.
- ~~4-5.~~ On Peaks Island, neither the accessory unit ~~or(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.
- ~~5.~~ When an ADU is significantly visible from public ways, the building design shall:
6. ~~Be~~ be clearly subordinate to the principal structure(s) in scale and position in relationship with the street and principal structure(s).



- ~~7.1. Not include outside stairways or fire escapes above the ground floor.~~
- ~~8.1. 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.~~
- ~~9.7.~~ 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.
- ~~10.~~ ADUs shall comply with all dimensional requirements of the underlying zone except:
 - ~~a. Lot, with the exception of lot coverage and lot area per dwelling unit requirements.~~
- ~~8.~~ Within the IR 1 zone, the 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.
 - ~~b.~~ shall be 70,000 square feet, except on Peaks Island where this standard shall not apply.
 - ~~c.~~ Within the IR 2 zone, the minimum lot area shall be 30,000 square feet, except on Peaks Island where this standard shall not apply.
- ~~11.10.~~ An ADU shall be limited to a gross floor area of 2/3 of the gross floor area of the largest principal unit(s) on the lot. In no circumstance shall the height of detached ADUs on a lot exceed the height

- of the primary principal structure. Additionally, the aggregate square footage of detached ADUs on a lot shall not exceed the gross floor area of the primary principal structure.
- ~~B.~~ Amusement devices. Except where the principal use consists of the sale of alcoholic beverages for consumption on premises or where the principal structure is an airline terminal, pinball machines or amusement devices shall not be considered to be accessory uses whenever there are more than a total of two such machines or devices on the premises.
- ~~C.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.
- ~~D.C.~~ Drive-throughs. Drive throughs shall be permitted as an accessory use in the B-4 zone. Drive throughs shall be reviewed as conditional accessory uses in the B-2/B-2b/B-2c zones, B-3/B-3b/B-3c zones, B-6 zone, and B-7 zone. ~~In all other zones, drive throughs shall be prohibited.~~ Where a conditional use, drive-throughs shall be subject to the provisions of Section 6.5 and the following additional review standards:
 - ~~6.4.186.4.1~~ Drive-throughs in general
 1. The Planning Board 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 authority standards:
 - a. Features such as windows, vacuum cleaners~~All components of a drive-through, including, but not limited to, signs, stacking lanes, menu/order boards, trash receptacles, and stacking lanes must be placed, where practicable, service windows shall be located~~ to the side ~~and/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 ~~no nearer than a minimum of~~ 40 feet from any adjoining property ~~located 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 ~~not extend nearer than~~ be located a minimum of 25 feet from ~~the~~ right-of-way.
 - b. The site ~~must~~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 ~~the~~ 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; ~~whichever is greater.~~
 - 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 ~~must~~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.

- g. The board, as part of its review, may take into consideration the impact hours of operation may have on adjoining uses.
- 5. *In the B-2/B-2b/B-2c zones.* Drive throughs shall only be permitted when accessory to a pharmacy or banking facility use. Drive throughs shall not be permitted for restaurant, bakery, or other food or beverage service uses. Drive throughs are only permitted in buildings of three or more stories where a majority of the upper stories is devoted to three or more dwelling units. The drive through shall be screened as much as practical from the front of the building and shall be no closer than 40 feet from abutting residential zones and 25 feet from the street line.
- 6. *In the B-3/B-3b/B-3c zones.* Drive throughs shall only be permitted when accessory to a bank. Drive throughs shall be subject to the Downtown Urban Design Guidelines.
- 7. *In the B-6 zone.* Drive throughs shall only be permitted when accessory to a bank and located in the interior of parking structures. Drive through vehicle circulation shall not create an impediment for retail or mixed-use development for the first floor of the subject garages along any adjacent public streets.
- 8. *In the B-7 zone*
 - a. The drive through must be accessory to a bank occupying a minimum floor area of 4,000 square feet.
 - b. The drive through must be attached to or included within a building with a minimum floor area of 20,000 square feet, except that for lots of less than 20,000 square feet and in existence as of March 9, 2005, a drive through may be included in a building of less than 20,000 square feet.
 - c. The drive through facility must be attached or included within a building and/or addition meeting the minimum height of four stories in the Bayside Height District A and three stories in the Bayside Height Districts B and C. For the purposes of this conditional use, the minimum height exceptions for the B-7 zone shall not apply.
 - d. The first floor of the building must include banking or other retail storefront uses with storefront windows, entries, and interior public space oriented to and visible from the street, with front entry access facing the street and directly accessible from the public sidewalk.
 - e. Drive through vehicle circulation shall not be located between the building and any adjacent public streets.
 - f. The drive through shall be limited to two vehicle drive through lanes. The location of any drive through shall be limited to the geographic area between Somerset/Kennebec Streets/1-295/Franklin Street/Forest Avenue.

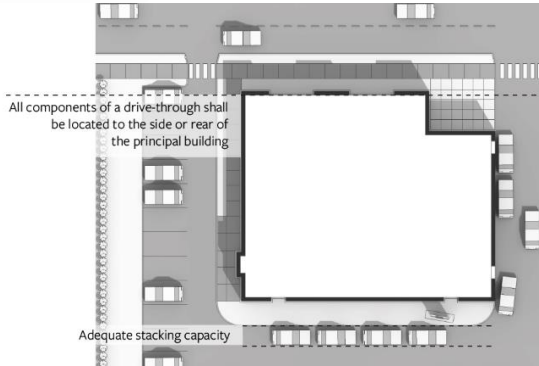


FIGURE 6-A: DRIVE-THROUGH SITING

E. Heliports. Heliports shall meet the following minimum specifications:

F.D. Roof heliport shall be designed and constructed in accordance with all federal and state regulations.

- a. Take-off area (min.): 200 feet x 250 feet
- a. Parking area (min.): 30 feet x 90 feet
- 9. Ground heliport**
 - b. Take-off area (min.): 300 feet x 700 feet
 - c. Parking area and station building shall be located out of flight area.
- 10. Elevation of operational area above street (max.):** 100 feet
- 11. Clearance from lateral obstruction (min.):** 100 feet
- 12. Width of approach and departure path (min.):** 500 feet at landing area, tapering outward 15 degrees on each side to a width of 1,000 feet
- 13. Slope with emergency landing areas:** 1:8
- 14. Slope without emergency landing areas:** 1:20
- 15. Curved approach:** Minimum radius to turn, 650 feet
- 16. Approach zone transition area slope:** 1:2

G.E. Home occupations

- 1.** The purpose of home occupations is to allow the secondary and A home occupation shall be incidental to the residential use of a residence for dwelling, and shall not change the conduct of appropriate occupations whose external activity levels and impacts essential residential character of the dwelling.
- 17.** No interior or exterior alterations that are so limited as to be compatible inconsistent with the residential use and character of the neighborhood.
- 18.** Home occupations must be conducted entirely within the dwelling unit by one or more persons residing within building shall be permitted. With the dwelling unit.
- 19.** In connection with the operation exception of a home occupation, the following requirements permitted sign, there shall be met:
 - a. A home occupation shall not occupy more no evidence visible from the exterior of the premises that the property is used in any way other than 500 square feet of floor area or more than 25% of the total floor area of such as a dwelling unit, whichever is less, or in the case of licensed family day care homes or home babysitting services, to accommodate not more than six children plus two children after school and having no nonresidential employees.
 - b. There shall be no outside storage of goods and materials nor shall there be exterior displays, or, No display of goods visible from the outside.



~~20-2.~~ Storage of materials related to the home occupation shall count as a part of the occupancy limitations above, but shall not constitute a dominant part of such occupancy, provided, however, storage of such materials or products in garages or other accessory structures is prohibited shall be visible from the exterior of the premises.

~~21-3.~~ 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 projecting project more than one foot beyond from the façade of the building.

~~c.~~ Any exterior alterations to the residence shall be compatible with the architecture of the building and maintain the residential appearance by virtue of exterior materials, lighting, and signs.

~~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.

~~22-7.~~ The home occupation shall not produce ~~offensive~~any perceptible noise, vibration, heat, smoke, odor, electrical interference, dust, or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable nuisance effects in excess of that normally associated with residential use.

~~d.~~ ThereA home occupation shall be limited to residents of the dwelling and no more than one nonresident employed in the home occupation, provided, however, family day care or home babysitting services shall have nottwo nonresident employees.

~~8.~~ No traffic shall be generated by on the premises.

~~e.~~ The home occupation shall not create vehicular or pedestrian traffic in greater volumes than would normally be expected in a average for a residential neighborhood.

~~f.~~ No motor vehicle exceeding a gross vehicle weight of 6,000 pounds shall be stored on the property in connection with the The home occupation.

~~23.~~ No residence shall be occupied, altered or used for any home occupation except the following:

~~a.~~ Accountants and auditors.

~~b.~~ Answering services (telephone).

~~c.~~ Architects.

~~d.~~ Artists and sculptors.

~~e.~~ Authors and composers.

~~f.~~ Computer programming.

~~g.~~ Custodial services.

- ~~h.~~ Custom furniture repair and upholstery.
- ~~i.~~ Dentists, doctors, therapists, and health care practitioners.
- ~~j.~~ Direct mail services.
- ~~k.~~ Dressmakers, seamstresses and tailors.
- ~~l.~~ Engineers.
- ~~m.~~ Family planning services.
- ~~n.~~ Hairstylists (limited to no more than two hair dryers).
- ~~o.~~ Home crafts, such as model making, rug weaving, lapidary work, cabinet making, weaving, ceramics.
- ~~p.~~ Interior designers.
- ~~q.~~ Lawyers, justices of the peace, and notary publics.
- ~~r.~~ Licensed family day care home or babysitting services.
- ~~24-9.~~ Musicians or music teachers, including group instruction any related activity shall not to exceed six students at create any time but not including performances or band rehearsals, which shall meet the following additional requirements: traffic hazards or nuisances in public rights-of-way.
 - ~~i.~~ Electronic amplification is prohibited.
 - ~~ii.~~ The applicant shall demonstrate that noise attenuation is provided which minimizes perception of sound at property lines at all times during the use. Noise attenuation measures may include, but are not limited to, insulation, double pane windows, air conditioners, or any

- ~~combination of these or similar noise attenuation measures.~~
- ~~iii.~~ Hours of operation shall be limited to 8:30 a.m. to 9:30 p.m.
- ~~s.~~ Office facility of a minister, rabbi, or priest.
- ~~t.~~ Photographic studios.
- ~~10.~~ Professional counseling and consulting 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.
- ~~u.~~ Rental services.
- ~~v.~~ Professional research services.
- ~~w.~~ Sales persons provided that no retail or wholesale transactions are made on the premises.
- ~~x.~~ Small appliance repair.
- ~~25-13.~~ Snow plowing provided that only one snow plow vehicle is, where products for rent are stored on or generated from the site and customers visit the residence to pick-up and return products, are prohibited.
- ~~y.~~ Special tutoring or instruction (not to exceed three pupils at any given time).
- ~~z.~~ Clerical services.
- ~~aa.~~ Small scale marijuana caregiver, except that no more than one small scale caregiver may operate out of any one dwelling unit.



~~26. A family childcare provider as a home occupation that is not listed in (4) above but is similar to and no more objectionable than those home occupations listed, shall not be permitted as a conditional use subject to the requirements of Section 6.5 of this article. This provision shall not include veterinarians, kennels, animal raising, funeral homes, retail uses including antique shops, restaurants, dancing studios, towing services, repair and painting of automobiles as home occupations.~~

~~H. Letting of rooms. The letting of rooms within an existing dwelling unit in any residential zone shall be permitted as floor area limitations for an accessory use provided that:~~

~~27. There, but shall be not limited to the care of not more than six children plus two persons occupying such room or rooms.~~

~~28. There shall be not more than two rooms per dwelling unit occupied for such use.~~

~~29.14. There shall be no increase in the bathroom children after school and/or kitchen facilities in the dwelling, and no such facility shall have been constructed in the immediately preceding two years 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.~~

I.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.

J.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).

K.H. Solar energy generation. ~~Roof-mounted, building-integrated, or small-scale ground-mounted solar energy systems shall be permitted as accessory uses within all zones except the Stream Protection Zone and within~~

cemeteries. Accessory solar energy systems are only permitted within the Recreation and Open Space Zone where co-located with public industrial or utility infrastructure and are subject to historic preservation review when such systems are either located within or less than 100 feet from an identified historic district or historic landscape district. All accessory solar energy systems are subject to the following conditions:

4. Accessory solar energy systems shall comply with all general use standards for solar energy systems as stated under Subsection 6.4.16 Building-integrated systems of this article any size, and with the dimensional requirements as stated under Article 7.
1. Small scale building-mounted, roof-mounted, or ground-mounted solar arrays shall occupy systems of less than 1,000 square feet of ground 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.

~~4.1.~~ Wind energy generation.

~~Freestanding~~ Ground-mounted and roof-mounted accessory wind energy systems shall be permitted as accessory uses within all zones except the Stream Protection Zone, within



historic districts except where the Congress Street Historic District coincides with the B-3 zone, within historic cemeteries or historic landscape districts, or within 1,000 feet of any designated historic landmark (Portland Observatory, Cathedral of Immaculate Conception, St. Dominic's Cathedral, St. Luke's Cathedral, State Street Church, and City Hall), subject to the following conditions: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 6.4.1841.A of this article.
2. Properties shall be limited to one ~~free-standing~~ground-mounted accessory wind energy system and ~~or three two~~ roof ~~or building-mounted~~ accessory wind energy systems.
3. ~~Accessory~~The maximum height of a ground-mounted accessory wind energy ~~systems~~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 ~~either 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.
- 3-7. Ground-mounted accessory wind energy systems shall be located on the rear half of a building or structure, or 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, ~~the following standards shall apply for specific temporary uses. 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. Temporary parking. Parking of vehicles may be permitted by a temporary certificate of occupancy **Farmstand**

M. A farmstand for a limited period of time not to exceed one year in anticipation of future development.

N. Temporary private tenting. Temporary private tenting with one tent accessory to a principal residential use is permitted in the IR-1 and IR-2 zones provided that adequate water supplies and sanitation facilities are available in connection with the principal residential use.

O. Temporary sales. No “garage sale,” “lawn sale,” “attic sale,” “rummage sale,” of food or other similar casual sale of tangible personal property which is advertised by any means whatsoever whereby the public at large is or can be made aware of such sale, shall be deemed to be accessory or temporary if such sale occurs after sales have been conducted non-food crops grown only on the same premises for six or more days previously during the calendar year.

P. Temporary stands

4. No premises shall be used for business purposes consisting of temporary stands, booths, platforms, or vehicles intended for the sale of merchandise or other mercantile purposes if any part of such stand, booth, platform, or vehicle is proposed to be located nearer than 125 feet to any residential zone, except that a

single stand with no more than 200 square feet of floor area for the sale of agricultural products produced on the premises shall be permitted as accessory to a permitted agricultural use.

1. A single produce stand shall be permitted on the premises of a community garden for the sale of flowers, vegetables, herbs, or fruit produced on the premises, provided that the stand is no more than 100 square feet in floor area or open table area and is located a minimum of five feet is permitted, and shall be exempt from any property line; that sales are limited to two days per week between the hours of 9:00 a.m. and 6:30 p.m. during the growing season from May 25 through October 31; and that the stand has received all necessary permits. The use of produce stands shall be seasonal and temporary. Any properly permitted structure may remain on the premises year-round. If the community garden is owned or operated by a non-profit organization, sales of flowers, vegetables, herbs, or fruit produced in other gardens or farms in Maine owned or operated by said organization shall be permitted within the same limitations listed above. For purposes of this subsection, community garden means a parcel of open land used for the cultivation of flowers, vegetables, herbs, or fruit by a group of city residents either jointly as a single plot or through individual garden plots or bed temporary use permit requirements.
2. A single produce stand shall be permitted on the premises of a non-profit

- organization incorporated pursuant to the laws of the State of Maine with the permission of the owner and on the premise of public schools with the permission of the school department; provided that the stand is for the sale of local fruit, vegetables, flowers, seedlings, and plants produced by the seller; that the stand is no more than 100 square feet in floor area or open table area and is located a minimum of five feet from any property line; that sales on the premises are limited to two days per week between the hours of 9:00 a.m. and 6:30 p.m. during the growing season from May 25 through October 31; and that the stand has received all necessary permits. The use of produce stands shall be seasonal and temporary. Any properly permitted structure may remain on the premises year round.
- 3.2.** In the IR-1 and IR-2 island zones, a single stand with no more than 200 square feet of floor area for 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 shall be permitted as a temporary use.
 - 3.** ~~Truck load~~ 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. Truck load~~ are limited to no more than six days per calendar year.

C. Real estate project sales shall not extend beyond **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 nor occur more frequently than three times a calendar year, 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

6.8.1—Design

- Q.** In the B-3 zone, all development, all building and site alterations, and all provision of landscaping or other pedestrian amenities shall be consistent with the Downtown Urban Design Guidelines.
- R.** In the B-7 zone, all buildings shall have a minimum of one operable public pedestrian entrance facing the street frontage of the lot. Such building entrances shall comply with the B-7 design 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.

**6.8.26.8.1 Development in the R-OS-zone-
R and OS-P zones**

All development in the ~~Recreation and~~ Open Space ~~Zone~~ 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.

6.8.36.8.2 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.

6.8.46.8.3 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.

6.8.56.8.4 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.

6.8.66.8.5 Heat, glare, radiation

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

6.8.76.8.6 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.

6.8.86.8.7 Landscaping and screening

- A. In all mixed-use and TOD zones, the O-P 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 and I-Hb zoneszone, 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.

6.8.96.8.8 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.
- A.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-GH.

C. Sound shall be measured as follows:

- 1. For any noise generated by a use in the B-4, B-5/B-5b, B-6, B-7, I-L/I-Lb, I-M/I-Mb, and I-H zones, sound shall be measured at or within the boundaries of anythe nearest residential zone.
- B. For any noise generated by a use in the B-1/B-1b, B-2/B-2b, B-2c, I-B, R-P, O-P, A-B2b, B-3, I-B, R-P, O, and IS-FBCA-B zones, sound shall be measured at lot boundaries. For any noise generated by a use in the B-3/B-3b/B-3c, sound shall be measured at lot boundaries or within publicly accessible pedestrian open space. For any noise generated by a use in the B-4 zone, sound shall be measured off premises at the source of complaint.
- C. In addition to the sound level standards established in Table 6-G, all uses shall employ

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



~~best practicable sound abatement techniques to prevent tonal sounds, or sound waves usually perceived as a hum or whine because their instantaneous sound pressure varies essentially as a simple sinusoidal function of time, and impulse sounds, or sound events characterized by brief excursions of sound pressure, each with a duration of less than one second. If such tonal and impulse sounds cannot be prevented, uses shall employ best practicable sound abatement techniques to minimize the impact of such sounds in residential zones.~~

- 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.

~~Measurements shall be made at all major lot lines of the site, at a height of at least four feet above the ground surface. In measuring sound levels under this subsection, sounds with a continuous duration of less than 60 seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L_{maxfast}). Sounds with a continuous duration of 60 seconds or more shall be measured on the basis of the energy average sound level over a period of 60 seconds (LEQ₁).~~

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 ~~building, the audible zone,~~ sound levels 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. For any system over 45 feet in total height not in the Recreation and Open Space, Resource Protection, or Island Transfer Station Overlay Zones, the maximum sound levels allowed by this ordinance shall not be exceeded at the nearest property boundary and at the nearest point vertically above the property line that coincides with the maximum building height allowed in the abutting zone.~~

- ~~3. Any system located within the Recreation and Open Space, Resource Protection, or Island Transfer Station Overlay Zones and more than 100 feet from a residential building shall not exceed 55 decibels on the A scale as measured 50 feet from the base of the tower.~~

- ~~4.2. 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). If after installation, the system is determined to be operating at levels above these limits (as measured at the property lines in accordance with this provision and applicable technical standards, the owner shall take (at the owner's cost) remedial action to ensure compliance with these limits. Required action may include relocation or removal of the system.~~

F. Exemptions

1. Noises created by construction and maintenance activities between 7:00 a.m. and ~~10:00~~ 9:00 p.m. are exempt from the maximum permissible sound levels set forth ~~above. Construction activities on a site abutting any residential use between the hours of 10:00 p.m. and 7:00 a.m. shall not exceed 50 dBA in Table 6-I.~~
2. The following uses and activities shall also be exempt from the requirements of Table 6-GI:
 - 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.
 - c. Noise created by refuse and solid waste collection, ~~provided that the activity is conducted between 6:00 a.m. and 7:00 p.m.~~
 - 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.

~~6.8.106.8.9~~ 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.

- ~~3.~~ An odor nuisance shall be considered to exist when ~~10 confirmed complaints occur in an area within two separate 24 hour periods. The 10 confirmed complaints must originate from 10 different households in an area zoned residential or from 10 different individuals in a commercial or industrial facility. The Building Authority shall only respond to a complainant who confirms that the odor is detectable at the time of the actual complaint. In order to confirm a complaint, the Building Authority or its designee shall first determine that an odor is detectable in the area of the complaint. The Building Authority or its designee shall interview the complainant to verify that the detectable odor is in fact the odor that resulted in the complaint. If the complainant verifies the odor as the source of the complaint, then the Building Authority shall notify the owner or operator of the alleged odor source either in person or by telephone within one working day, with a written confirmation within seven working days of the complaint. In the event that the Building Authority is unable to contact the owner or operator of the alleged odor source in person or by telephone within one working day, then the Building Authority shall send written notice to the operator within seven working days of the complaint.~~
- ~~4.~~ In the event that ~~10~~ complaints are confirmed as set forth in paragraph (1) above in two separate 24-hour periods

- within a 90-day period, the Building Authority shall cause a certified odor inspector to investigate any odor complaints received in the next 30 days following the receipt of the tenth confirmed complaint from the second 24-hour period. If the odors remain under the ambient intensity standard as established in this subsection for the next 30 days, then a new odor nuisance must be established after that time in accordance with the requirements of this subsection. The certified odor inspector shall do the following in response to a complaint under this subsection:
- f.**—Verify that an odor is detectable in the area of the complaint and confirm that it is the odor that resulted in the complaint.
 - g.**—Quantify the intensity of the odor on the eight-point in butanol intensity scale as defined in regulations promulgated by the Planning & Urban Development Director to establish training and technical standards to support this subsection.
 - h.**—Track the odor to its source.
- G.**—When the certified odor inspector determines that a violation has occurred because an odor has exceeded the maximum ambient odor levels set forth in this subsection, the Building Authority shall notify the owner or operator either by telephone or in person of the violation within one working day of the violation. The Building Authority shall confirm this notification in writing within seven working days of this initial notice. In the event that the Building Authority is unable to contact the owner or operator by telephone or in person within the required time period, then it will send written notification within seven working days of the violation.
- H.**—Upon receipt of the written notice of violation, the owner or operator of the odor source shall do the following:
 - 5.**—Implement odor reduction procedures immediately upon notification by the Building Authority that the facility has violated this subsection wherever odor reduction can be achieved by operational or procedural changes at the facility.
 - 6.**—Submit to the Building Authority, within 30 days of the written notice of violation, an odor reduction plan which is designed to reduce ambient odors attributable to emissions from that source to the maximum allowable intensity for that zone. The plan shall include a detailed summary of the measures that the owner or operator will take to mitigate the community annoyance and estimated dates for completion of those measures. In the event that it will take longer than 30 days to develop the odor reduction plan, the owner or operator of the facility shall submit within the 30-day time period a schedule for the development of the odor reduction plan. The Building Authority shall review this plan to determine whether it will be adequate to resolve the odor nuisance in a reasonable time period.
 - 7.**—Implement the plan in accordance with the schedule approved by the Building Authority.
 - I.**—The maximum ambient intensity standard for odors generated by uses located in the

industrial zones shall not exceed the following levels when the odor is measured in the zone indicated:

- ~~8. 4.0 in any industrial or mixed-use zone for odors resulting from uses in industrial or mixed-use zones.~~
- ~~9. 3.0 in any residential zone for odors resulting from uses in industrial or mixed-use zones.~~

6.8.11 Outdoor effects

- ~~J. In all mixed-use, office, and industrial zones and the IS-FBC zone, uses shall be operated within a completely enclosed structure, except for those customarily operated in open air.~~
- ~~K. In the mixed-use and IS-FBC zones, open air activities shall be those licensed by the city.~~
- ~~L. There shall be no outdoor kennels.~~

6.8.10 Exterior stairways

- A. No open exterior stairways or fire escapes shall be constructed above the ground floor, ~~except that the 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.
- M.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.

~~6.8.12~~ **6.8.11 Outdoor storage**

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



USE STANDARDS

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.	●	●	●	●	●	●	●	●	●	●	●	●

6.8.136.8.12 Relocation of displaced residents

In the B-3, ~~B-3b, and B-3c zones 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.

6.8.146.8.13 Smoke

Smoke shall not be emitted at a density ~~in excess of 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.

6.8.156.8.14 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 building in any zone shall be erected, altered or used as a garage for the storage of more than three motor vehicles or for the business of repairing motor vehicles if any part of either old or new building when completed would be closer than five feet to any part of any church, public or private hospital, or school or if any part of either old or new building when completed would be less than 15 feet from the boundary line of any lot upon which any part of any church, public or private hospital, or school is located. No existing garage used for the~~

TABLE 6-J: SMOKE STANDARDS

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

~~storage of more than three motor vehicles or for the business of repairing motor vehicles shall be deemed to become a nonconforming use through the subsequent erection of such church, hospital, or school closer than the aforesaid distance to such a garage.~~

6.8.16 Traffic

~~Development in the I-M, I-Ma and I-Mb zones shall utilize streets classified as arterials by the Maine Department of Transportation to the greatest extent possible.~~

- ~~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.



6.8.176.8.15 Waste disposal

- A. All solid waste disposal, including materials which might cause fumes or dust, or constitute a fire hazard if stored ~~out of doors~~ outdoors, shall be only in fully enclosed, covered containers or receptacles. In all nonresidential zones ~~with the exception of~~ 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 ~~and if, 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.~~

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.

6.8.186.8.16 Vibration

- A. In any mixed-use zone, the O-P, 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