

Memorandum

Planning and Urban Development Department



To: Chair Mazer & Members of the Planning Board
From: Christine Grimando, Director
Nell Donaldson, Director of Special Projects
Date: January 7, 2022
Re: ReCode Phase II – Land Use Code Evaluation
Meeting Date: January 11, 2022

I. INTRODUCTION

On January 11, 2022, staff from the Department of Planning & Urban Development and Camiros, the City’s ReCode consultant, will hold a workshop with the Planning Board on ReCode Portland, the city’s multi-phased rewriting of Portland’s land use code. The workshop will include an update on work to date in Phase II of ReCode, with a focus on the first major work product of Phase II, the land use code evaluation. The workshop is meant to give the Planning Board and the public an opportunity to ask questions and provide feedback on the recommendations contained within the code evaluation.

II. THE FOUNDATION: *PORTLAND’S PLAN & RECODE*



Figure 1: *Portland’s Plan vision*

In 2017, the City Council adopted *Portland’s Plan 2030* (<https://view.publitas.com/city-of-portland/portlands-plan-2030/page/1>), the comprehensive plan for the City of Portland. *Portland’s Plan* was developed with the input of thousands of Portland residents, workers, students, and visitors, and reflects a 21st century vision for the city, focusing the City’s aspirations around six key themes: Equitable, Sustainable, Connected, Authentic, Dynamic, and Secure (*Figure 1*). The plan includes a series of policy guides derived from the vision and related to key topic areas, from transportation to housing, public facilities, historic resources, waterfront, open space, and the economy.

One of the first recommendations of *Portland’s Plan* was to “create a new unified development code...that incorporates zoning, the historic preservation ordinance, housing policies, and other aspects of the development review process into a more readable and useful document” (p. 90). At the time of the plan’s adoption, the land use code and corresponding zoning map contained content which had been amended by the City Council over decades. Much of this policy reflected current best practice; however, the code had not been holistically reviewed or reworked in half a century. It had ballooned in length to nearly 1,000 pages, contained significant redundancy, and could be cumbersome and confusing to navigate. In making this recommendation, *Portland’s Plan* recognized that the City needed to revise the land use code on a functional level to improve legibility, clarity, and consistency for users. Simultaneously, the recommendation also reflected a deeper understanding that fundamentally, as one of the principal tools for implementation of *Portland’s Plan*, the land use code would need to be updated to align with the City’s new vision and goals. This imperative reflects state statute; in Maine, 30-A MRS Section 4352(2) requires explicitly that a “zoning ordinance must be pursuant to and consistent with a comprehensive plan adopted by the municipal legislative body.”

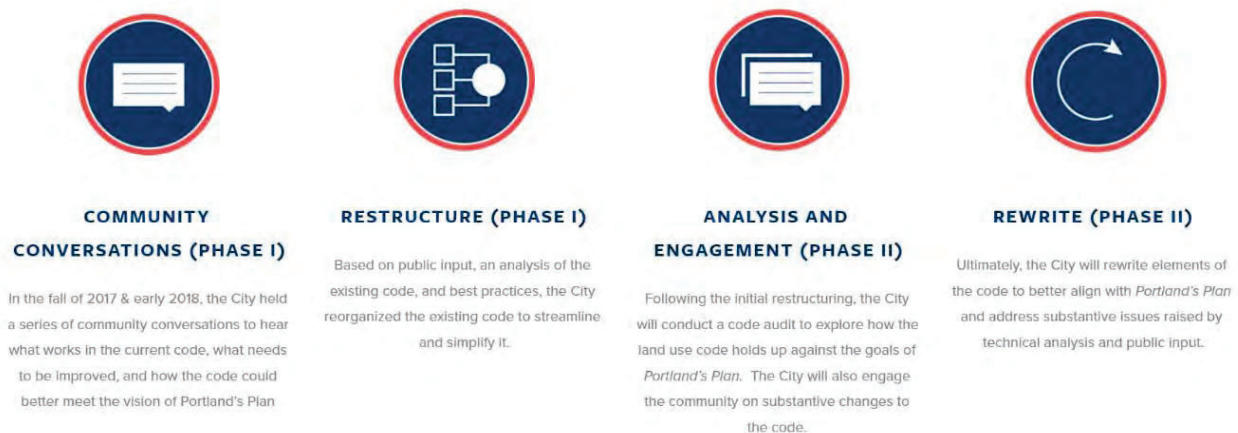


Figure 2. Overview of the ReCode process

In direct response to the *Portland's Plan* recommendation and shortly following the plan's adoption, the City began ReCode Portland (www.recodeportland.me), its first comprehensive effort to rewrite its land use code in over fifty years. From the outset, the effort was designed to advance in two consecutive phases; Phase I would focus on improving the code's functionality, and Phase II would focus on the more policy-oriented work of ensuring that the code aligns with *Portland's Plan* (Figure 2).

III. LOOKING BACK: RECODE PHASE I

Phase I of the ReCode process was organized around the first major objective for the code: reformatting, restructuring, and streamlining the code into a cleaner, more user-friendly document that provides an improved framework for incorporating new policies and addressing evolving planning needs in the future. It is important to note that Phase I also included substantial policy changes which generally aligned with the goal of providing more clear and consistent land use regulation. In this vein, it incorporated updates to the City's off-street parking standards (simplifying regulations and adding exemptions city-wide), accessory dwelling unit (ADU) provisions (creating a simpler, city-wide ADU framework that encourages additional incremental housing creation on all residential properties in the city), and a new, improved, and more visually engaging sign ordinance. (Early in the ReCode Phase I process, prior to the new code being adopted, an impact fee ordinance was also adopted by the Council, which created a systematic and predictable impact fee system to help support new infrastructure that in turn helps sustain city growth.)

After a long review period, including numerous Planning Board workshops, Council workshops, and months in which portions of the draft code were open for public comment, the City Council adopted the new land use code in November of 2020. Staff and the public have worked with the revised code ever since, greatly benefitting from improved navigation, the use of tables and charts, and more clearly organized regulations and standards. As one point of reference, the prior document, at nearly 1,000 pages, was reduced to under 400 pages with the adoption of the new code. Though the page count alone does not reveal the complexity of the changes that comprised Phase I, or the new code's value as a vehicle for the City's land use policies, the reduced size is one indicator of the extent of the restructuring and of the new document's usability.

PHASE II PROCESS

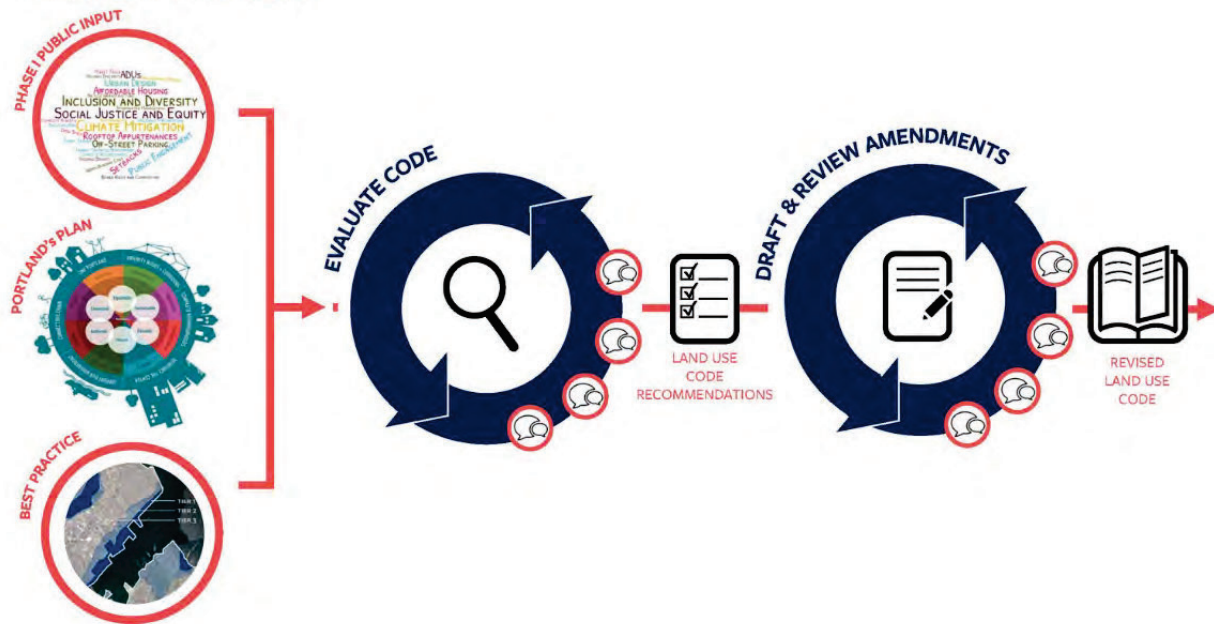


Figure 3: Phase II process

IV. WHERE WE ARE NOW: RECODE PHASE II

Where Phase I of ReCode prioritized a greatly improved structure for the code and greater consistency in how certain key policies are applied, Phase II is focused on examining the land use code in light of goals expressed through *Portland's Plan* and rewriting the code to better align with that vision. For instance, *Portland's Plan* foregrounds issues of sustainability, equity, and housing, among others; Phase II will result in recommended land use code and zoning map amendments that help to address these issues. The evaluation of Portland's zoning districts has been central to the Phase II workplan since the beginning of ReCode, including an assessment of existing zoning districts for how well they align with *Portland's Plan 2030* goals.

A. Phase II process

Phase II began promptly after the conclusion of Phase I with the release of an RFP for consultant services. As of the spring of 2021, Camiros, a consultant with national experience in writing and updating land use codes, was hired to lead the ReCode Phase II effort. Camiros's scope includes two major elements, both of which build off the significant public engagement and policy work of the comprehensive plan (*Figure 3*):

- *Code evaluation.* The first part of Phase II focuses on a comprehensive evaluation of the existing land use code with respect to the goals from *Portland's Plan*. The code evaluation is designed to provide a set of recommendations for possible code amendments to follow. Camiros's scope includes public engagement around the code evaluation to ensure that the document adequately addresses comprehensive plan goals.
- *Drafting & review of amendments.* Following public input on the code evaluation, the consultant will begin the work of drafting potential amendments to the land use code and zoning map to respond to the evaluation and feedback. As with the code evaluation, this work will involve broad public engagement. Ultimately, amendments will progress through formal review channels with the Planning Board toward Council adoption.

B. Phase II work to date

The Phase II work builds on the extensive community visioning that went into the comprehensive plan, and seeks to assess how the city's goals for housing, land use, transportation, open space, and the environment can best be translated into the technical and regulatory details of the code. Initial work to date has included:

- *Early interviews with stakeholders.* In the spring of 2021, the consultant interviewed 15 individuals representing a diverse array of perspectives on issues relevant to ReCode. The purpose of these interviews was not to engage a large quantity of people; instead the interviews focused on breadth, gathering a preliminary snapshot of some of the challenges and opportunities related to the code in practice in Portland today. Interviewees ranged from those in the development community to affordable housing advocates, neighborhood residents, and representatives of civic and cultural organizations.
- *Update to the ReCode website.* Simultaneously, City staff developed a content series for the ReCode website organized around the vision statement from *Portland's Plan*, presenting perspectives on the relationships between the six elements of the vision and the City's land use code. This work is intended to help viewers connect with the vision, become familiar with *Portland's Plan*, and learn about how the plan intersects with the code. Some of the content included at www.recodeportland.me/explore includes:
 - A chronological overview of past zoning maps and their relation to city planning;
 - an interactive map analyzing complete neighborhoods in the city; and
 - an analysis of recent housing trends by housing type, neighborhood, and zone.
- *Engagement w/ community organizations.* Building off the outreach from Phase I, since the beginning of Phase II, staff has continued to attend meetings with stakeholder groups upon request (in addition to regularly scheduled public meetings). These have included, for instance, meetings with and through the Portland Association of Neighborhoods (PAN), Portland Society of Architects (PSA), Maine Conservation Voters Lunch & Learn, and the Office of Sustainability's Climate and Coffee series. More of these meetings are currently being scheduled.
- *Engagement with Council committees.* In October, staff attended a workshop with the City Council's Housing & Economic Development Committee on the issue of housing policy. In this workshop, staff provided an overview of the foundation for housing policy in *Portland's Plan*, the city's existing land use code-related housing policy, and some initial considerations around future housing policy that have arisen through the early work of ReCode Phase II. The staff memo for this workshop is included here as *Attachment 5*.
- *Development of the code evaluation.* Lastly, staff and the consultant have been focused on review and analysis of the existing land use code as part of the land use code evaluation. The evaluation has been shared internally across Planning, Corporation Counsel, the Office of Sustainability, and Permitting & Inspections. As of late December 2021, it has also been released for public review and comment at <https://www.recodeportland.me/code-evaluation>.



Figure 4: Land Use Code Evaluation

V. LAND USE CODE EVALUATION

The land use code evaluation (*Attachment 1*) responds to the six themes of the *Portland's Plan* vision, making a clear and intentional connection between the vision established within the City's plan(s) and potential revisions to the land use code. The code evaluation includes recommendations related to basic use regulations, dimensional standards, and the City's existing zones. The evaluation also makes structural recommendations and suggests various updates to continue the organizational work of Phase I. Altogether, the recommendations within the code evaluation provide the City with a "road map" of possible strategies for revising the land use code to bring the City closer to *Portland's Plan*.

A. Summary of Code Evaluation Recommendations

- **Use & Use Standards** - The land use code evaluation identifies opportunities to revise permitted use regulations within the code to better support the creation of middle-density housing, the creative economy, and urban agriculture. The evaluation also highlights the potential for additions or refinements to the City's range of social service and housing-related uses, and the need to review use regulations through the lens of Portland's climate resiliency goals.
- **Dimensional & Design** - The code evaluation recommends adjusting dimensional standards in part to help achieve climate goals. Recommendations include the establishment of more consistent regulation for impervious surfaces, further evaluation of height and setbacks in the context of resiliency, and consideration of dimensional bonuses (e.g. additional height or density) in cases where climate goals are furthered. The evaluation also recommends potential revisions to dimensional and design standards to support housing creation and transit-oriented, walkable, urban development.
- **Zones** - The code evaluation explores opportunities to refine, revise, and reorient the City's palette of zones to better align with the goals of *Portland's Plan*. It takes perhaps the most critical look at the city's residential zones, with an eye toward implementing the City's goal of encouraging new housing production and creating opportunities for a more diverse array of housing types across the city's neighborhoods. The evaluation also recommends adjustments to the City's mixed-use, industrial, and open space zones, identifying where zones may need to be revised to ensure they are achieving their purpose, or where they might be consolidated with other zones.
- **General Development Standards** - The code evaluation recommends a series of changes that provide greater flexibility for new development, notably through targeted exceptions and rules for architectural elements and accessory structures and uses. Additionally, the evaluation addresses issues of natural resource protections, green building, and green infrastructure, identifying where regulations could be expanded, or new approaches considered to further these aims.
- **Parking, Loading & Access** - The code evaluation builds upon recent changes to off-street parking regulations with recommendations that encourage mode shift away from single occupancy vehicles and that improve the design and functionality of new off-street parking and loading areas. Recommendations also acknowledge the emergence of new technologies, and consider ways to encourage new development to accommodate advances in electric and autonomous vehicles. Finally, the evaluation recommends refinements to the City's bicycle

parking standards, to ensure they continue to meet both the physical and functional needs of bicyclists in the city.

- Landscape - The code evaluation recommends that a new unified landscape chapter be introduced into the land use code, that would apply to all new development, and be augmented to overtly prioritize and facilitate landscaping and landscape alternatives that further City goals around climate resilience, equity, and ecology.
- Nonconformities - The land use code evaluation recommends modest changes to the City's allowance for nonconformities, to account for individual non-conforming characteristics of a site, provide additional flexibility for enlarging non-conforming structures, and encourage change over time by not allowing one non-conforming use to be replaced by another non-conforming use.
- Code Structure - While the efforts of ReCode Phase I resulted in a code that is considerably more user friendly, it was always understood that additional restructuring would occur as part of Phase II, as content changes are expected to result in a more streamlined regulatory framework. The code evaluation acknowledges this and cites additional opportunities to make use of illustrations and matrices to depict regulations related to design standards, rules of measurement, dimensional requirements, and accessory site elements and structures.

B. Code Evaluation Outreach & Engagement

It is important to note that the code evaluation is not a vision document or a long-range plan such as *Portland's Plan 2030* or *One Climate Future*, but rather a set of technical recommendations on how the code can best further the city's aspirations around housing, climate, and equity, among others. ReCode Phase II is not seeking to recreate those aspirations, but to consider their implementation in terms of changes to such things as setbacks, height, types of housing, residential density allowances, and permitted uses, among others. The cumulative effect of numerous potential amendments to the code, small and large, can result in immediately recognizable changes to the city, or changes that are gradual and incremental but no less profound in their effect. Particularly because of this - the technical yet impactful nature of this document - staff recognizes the need to promote it widely and provide numerous ways for the public to access the information within it.

To this end, as of late December 2021 the code evaluation has been released to the public via the ReCode website, where viewers can read or download the entire document. In addition, the public can access a shorter summary companion piece (*Attachment 2*) on the ReCode website, or watch a [video](#) which highlights key findings of the evaluation. With respect to feedback, viewers can comment directly on the code evaluation on the ReCode website. This comment function will be available to the public throughout the coming month at <https://www.recodeportland.me/code-evaluation>.

The code evaluation and companion materials are being promoted in various ways:

- *Direct outreach.* Staff has publicized the code evaluation directly through the City's Friday news round-up, Planning Department, Planning Board, and ReCode mailing lists. Direct emails were also distributed to leaders of community organizations and to contacts from recent land use applications. Altogether, this direct engagement reached approximately 6,000 email addresses. Direct outreach through www.recodeportland.me included translated promotional materials meant to provide information to a broader, multilingual audience including Arabic, French, Spanish, and Portuguese speakers.

- *Social media.* In conjunction with direct emails, the release of the code evaluation was promoted through the City’s and the Planning Department’s various social media accounts, including through Instagram, Twitter, and Facebook.
- *Website* – Staff completed a series of [website updates](#) to correspond with the release of the code evaluation.
- *City of Portland Civil Space.* Staff built out a landing page on Civil Space, in keeping with the City’s broader effort around promotion of large initiatives. This landing page (<https://portland.civilspace.io/en>) provides an overview of the project and direct links to the ReCode website and the code evaluation. The Civil Space landing page is translatable through Google translate.
- *Council communication.* On Monday, December 20, staff appeared before the City Council with a communication about ReCode Phase II and the land use code evaluation. This meeting was noticed as all Council meetings are.

Staff is also working with Camiros to plan a public engagement event in early 2022, with the goal of providing more and more varied opportunities for the public to interact with the recommendations of the code evaluation. As the plan for this event solidifies, staff will provide updates on the ReCode website and promote the event through outreach similar to that already used to promote the evaluation itself. In addition, in early February, staff and Camiros will appear before the City Council for a workshop on ReCode Phase II. This meeting will include a reporting of feedback on the code evaluation to date.

It is important to note that the code evaluation is intended to stimulate discussion and help build consensus around specific recommendations for the City’s code; it is not – itself – the product. The evaluation does not require revisions or action on the part of the Planning Board or the City Council. Rather, feedback from public and the City’s formal review bodies will provide important direction as staff and the consultant begin the next stage of work.

VI. PUBLIC COMMENT

As of this writing, the City has received over 100 individual comments on the land use code evaluation through the document comment function on the ReCode Portland website. A summary of these comments is included as *Attachment 3*. While the City is promoting the use of the comment feature available on the ReCode Portland website, members of the public are also welcome to submit written public comment to recode@portlandmaine.gov or planning@portlandmaine.gov.

Since the adoption of ReCode Phase I, the City has also received ten public comments through www.recodeportland.me, with recommendations pertaining to dimensional and design standards so as to allow for more extensive development, further loosening of ADU requirements, and simplification of the City’s street extension requirements. More recent comments have focused on the approach and substance of the code evaluation. These comments are included in *Attachment 4*.

VII. NEXT STEPS

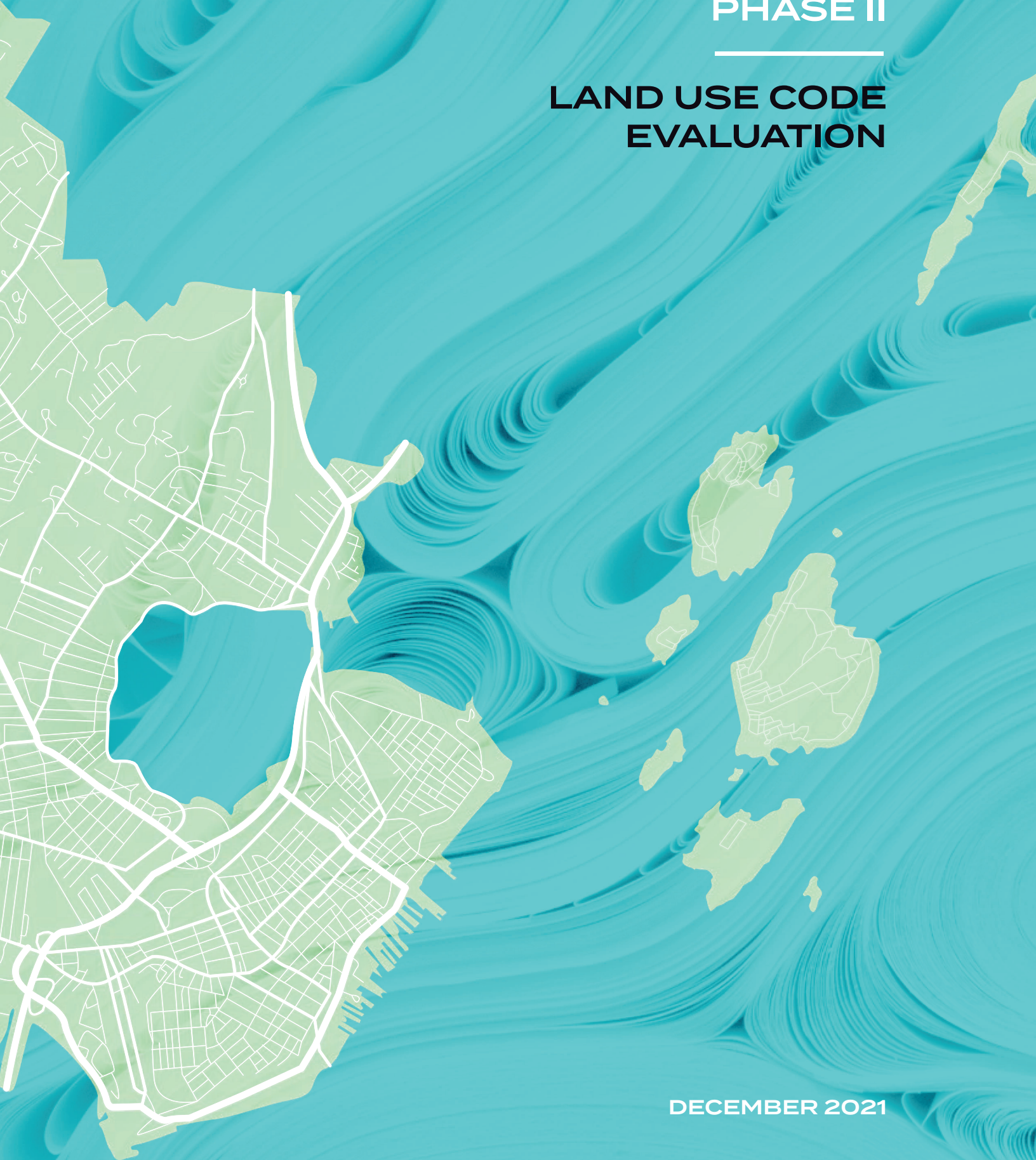
Following the public engagement, Planning Board workshop, and Council workshop on the land use code evaluation, staff and Camiros will begin to lay out a strategy for the still more technical work of drafting and reviewing code and zoning map amendments. In addition to broader public engagement around this process, additional workshops with the Planning Board will be scheduled as amendments are developed.

ATTACHMENTS

1. *Land Use Code Evaluation*, Camiros for the City of Portland, ME
2. *Land Use Code Evaluation Companion Piece*, Camiros for the City of Portland, ME
3. Summary of comments on the *Land Use Code Evaluation* to date
4. Public comment received by email
5. *Housing policy & ReCode Portland*, Staff memo to HEDC, 10/1/21

**RECODE PORTLAND
PHASE II**

**LAND USE CODE
EVALUATION**




DECEMBER 2021



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Preface

WELCOME TO PHASE II OF RECODE PORTLAND!

This land use code evaluation represents the first major work product of Phase II of ReCode Portland, the process of updating the City of Portland’s Land Use Code to align with our comprehensive plan, *Portland’s Plan 2030*.

The work of Phase II will build upon the foundation established during Phase I of the Recode effort, expanding into significant substantive revisions to the content of the Code. In short, whereas Phase I of the process was predominantly focused on **reformatting and restructuring** the City’s Land use Code to ensure internal consistency and improve the document’s legibility, organization, and accessibility, Phase II will focus on **reorienting and revising** the Code to better align with the vision, goals, and objectives of *Portland’s Plan 2030*.

Phase I of the ReCode process, as stated, was centered around an effort to reorganize the Code into a modern, rational, user-friendly format. However, there were a few revisions to the Code focused on implementing new City policy, including provisions for accessory dwelling units, off-street parking flexibilities, and sign standards. Phase II of ReCode – in contrast to Phase I – will be focused on policy implementation rather than restructuring with the goal of bringing Portland’s land use regulations into greater alignment with the City’s priorities, including **mitigating the impacts of climate change, addressing sea level rise, addressing racial and social equity, and**

supporting a diverse and affordable supply of housing, among others. This effort will result in a Code that is responsive to critical and emerging land use issues, reflective of the values of city residents, and respectful of the features that make Portland a unique and thriving coastal city.

PURPOSE OF THE LAND USE CODE EVALUATION.

The Land Use Code Evaluation presents the findings of a detailed review and assessment of the City of Portland’s current Land Use Code (adopted in November of 2020), as it relates to the goals and policies of the City articulated within numerous recent policy documents including *Portland’s Plan* (2017), and *One Climate Future* (2020), among others. The purpose of this evaluation is manifold; it allows for an in-depth understanding of the City’s current regulations and their impacts on key policy directives, and for the development of concepts and approaches for potential revisions to be included in an updated code. It also allows for the identification of areas where more work will be required to develop thoughtful and informed approaches to critical issues, and correspondingly suggests avenues for future study.

For the purposes of this evaluation, regulatory concepts have been organized corresponding to the six themes established within *Portland’s Plan*: Equitable, Sustainable, Dynamic, Secure, Authentic, and Connected. This organization provides a clear

and intentional connection between the policies established within the City’s plan(s) and revisions to the Land Use Code that can help to implement those policies. An additional series of potential revisions and best practices have been included – with respect to the goals of Phase I of ReCode – to further clarify or simplify the organizational structure of the code. These items will appear as “structural” considerations within the concepts and approaches included in the evaluation.

Readers should note that many of the regulatory concepts discussed within this report are unavoidably technical in nature. Further, some revisions recommended for the City’s Land Use Code may appear to be relatively minor, or may – in some cases – simply manifest as what appears to be modest differences in dimensional requirements, ratios, or permitted uses within a zone. However, both individually and as a suite of revisions, these items are all intended to advance the City’s goals concerning climate resiliency, housing diversity and affordability, and high-quality development, among others. With the incorporation of the revisions included in this evaluation, Portland’s Land Use Code will more accurately reflect and reinforce the City’s priorities, goals, and aspirations.

The Land Use Code & *Portland's Plan*

The City's Land Use Code is a key implementation tool for City policy. Concepts, approaches, and recommendations within this evaluation have been targeted at ensuring that the work of Phase II significantly advances the goals of *Portland's Plan* and other City policy documents. Specifically, revisions recommended for Phase II will move Portland closer to its vision of an equitable, sustainable, dynamic, secure, authentic, and connected community.



FOCUS ON: PORTLAND'S PLAN

Portland's Plan, adopted by the City Council in 2017, is the City's comprehensive plan. The plan involved the input of thousands of stakeholders - Portland residents, workers, students, business owners - who helped to shape the plan's ten-year vision. By state law, that vision, and the policy recommendations that flow from it, lay a foundation for all land use regulation in the city. ***Among many areas of focus, the plan supports the land use principles of:***

- **One Portland**, where no one area of the city carries all expectations for accommodating growth and all areas can expect appropriate City services and amenities
- **Complete neighborhoods**, where all residents can access the basic necessities of daily life within walkable, bike-able distance
- **A strong downtown** as the center of the region's arts, cultural, economic, and civic health
- **A thriving working waterfront** where iconic and emerging industries can flourish
- **Priority nodes and corridors** aligned with our multimodal transportation network
- **Connected transportation, open spaces, and infrastructure** as the backbone for future growth.

Equitable

Sustainable

Dynamic

Secure

Authentic

Connected

THINKING HOLISTICALLY TO MAKE PORTLAND A MORE **EQUITABLE** CITY.

Equity is a key theme of *Portland's Plan*. A major component of the City's vision for the future is a commitment to incorporating the needs of - and providing opportunities for - all residents. Portland will also continue to celebrate the diversity of its people and places into the future, and will work to remain a welcoming and safe place for residents and visitors alike. The Land Use Code revision presents a valuable opportunity to advance these goals, and to promote an equitable approach to Portland's future development.

Revisions to the City's Land Use Code can work to further equity goals by ensuring that all of the City's neighborhoods can become "complete neighborhoods:" those places where residents have access to stable housing, transportation opportunities, and the services and amenities necessary to meet their daily needs within a close distance. This type of complete neighborhood development also promotes healthy lifestyles, reduces automobile dependence, and encourages the kind of casual neighbor-to-neighbor encounters that result in a stronger sense of community.

Supporting additional neighborhood-scale business through zoning within walking distance of residents' homes can help to achieve complete neighborhoods objectives. Expanding the definition of "agriculture" and providing new opportunities to grow food throughout the city can help to provide access to fresh, healthy foods for all residents. Additionally, clarifying and diversifying the range of dwelling types within the code,

FOCUS ON: EQUITY

Equity is a major theme of *Portland's Plan*, which commits the City to incorporating "the needs of all of our residents in planning for our future." Historically, the planning field hasn't always achieved this lofty goal, and communities across the country are working now to acknowledge and proactively address years of inequitable land use policy. In line with this work, and building off the analysis of the Racial Equity Steering Committee and the City's concurrent Affirmatively Furthering Fair Housing (AFFH) efforts, ReCode Phase II is exploring how our land use code intersects with issues of racial and social equity – how our code has contributed to patterns of economic and racial segregation, where our code may limit access to resources for historically marginalized communities, and where there may be opportunities to affirmatively address existing inequities within the code. The goal is to revise the land use policy in a way that better creates opportunities and promotes access to resources for all citizens, particularly those who most need them.

and allowing a diverse range of types across the city's neighborhoods, can serve to expand housing choice in new areas of the city, directly addressing issues of equity.

The City can also pursue new tools to incentivize or encourage the creation of affordable housing in Portland. The City can consider an expansion of tools already in place (density/height/setback bonuses, fee reductions, etc.), as well as revisions to these tools, to support additional affordable housing production across the city. Further, thinking holistically, as Portland responds to challenges such as climate



change and sea level rise, there is a growing need to conceptualize the city not only as a series of unique places, but as one complex whole. As such, there will be opportunities to ensure that both the responsibilities and the opportunities to accommodate new growth and development are shared equally across the city, particularly important in the context of mitigating risk and building resiliency.

Revisions to the Code can also ensure that new development takes an equitable approach to maintaining access to the city's recreational and scenic resources – including the city's waterfront – providing both physical and visual access where appropriate (and in ways that are compatible with water-dependent uses) to provide all communities with the benefit of the city's wealth of amenities. Additionally, landscape requirements can be strengthened for all areas of the city to ensure that the whole of Portland is better equipped to both manage environmental impacts such as heat island and stormwater runoff, and to reap the benefits of green infrastructure – both ecological and psychological.

Finally, the Code can encourage continued investment in established communities by increasing flexibility for the maintenance and improvement of structures and site elements (like landscape or lighting) that may not meet the requirements of the Code. Allowing for reasonable maintenance and improvements to non-conforming structures, without making property owners jump through complex, costly, or time-consuming hoops, can often promote reinvestment in neighborhoods, as opposed to disinvestment.

DEVELOPING NEW APPROACHES TO ALLOW PORTLAND TO FURTHER THE GOALS OF A FISCALLY, SOCIALLY, AND ENVIRONMENTALLY SUSTAINABLE CITY.

The term sustainability is often used in reference to environmental factors like solar and wind energy, cool roofs, and lighting standards. And all of these should be part of the City's development regulations. Yet, community sustainability, the ability for City investments and private development to provide a high quality of life for residents now and into the future is much more than narrowly an environmental issue. *Portland's Plan* takes a comprehensive look at community sustainability, acknowledging the need for growth to sustain the community, infrastructure, and economy, while committing to ensuring that growth is environmentally, socially, and fiscally responsible. Further, *One Climate Future* provides clear guidance for a series of steps the City can take to both reduce its contributions to global climate change, and prepare the city for the impacts associated with it.

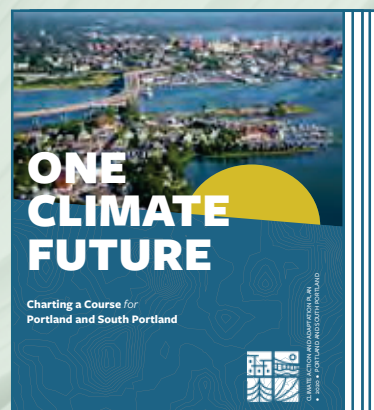
Regarding the Land Use Code, sustainability should be a thread that knits together all sections of the document. At the neighborhood scale, new opportunities for live/work spaces and corner stores can be included alongside a range of housing types to encourage the creation of complete neighborhoods that can reduce the need for vehicle trips and thus the city's carbon footprint. At the city scale, new uses, dwelling types and permitted densities can be a tool to encourage development in those areas of Portland that are low-risk, ensuring that new investment and development

is responsibly located. Resiliency overlays can be developed – through future study – as a key tool to evaluate the potential for risk, and focus growth within those areas of the city that are least likely to experience the negative impacts of climate change and sea level rise.

Barriers to sustainable infrastructure such as solar installations can be identified and removed, balancing the potential impacts of such uses with their environmental and economic benefits. Further, permissions for individual property owners can be expanded through a comprehensive look at accessory structures, including where and how they can be constructed. This can ease the process for property owners installing sustainable infrastructure such as solar panels, small-scale wind turbines, and greenhouses. In addition to removing barriers, revisions to the Code can help to encourage or incentivize sustainable technology such as microgrids and renewable energy systems, further building resiliency into the fabric of the city.

Within the Code, specific zone standards can be included or modified to promote the City's sustainability goals. For instance, dimensional standards within the Land Use Code, such as impervious surface maximums, can be modified to provide a balance between neighborhood character and pattern and site design that prioritizes sustainability and neighborhood resilience. The City can consider new or revised regulations where appropriate, such as landscaping standards, and requirements or incentives for other on-site water quality improvements, such as expansion of green roofs and greater incorporation of Low

FOCUS ON: ONE CLIMATE FUTURE



In 2020, the City of Portland published *One Climate Future*, a plan that identifies clear pathways for reducing our contribution to global climate change while also preparing the city for the impacts of sea level rise, increased precipitation, and hotter air temperatures. *One Climate Future* highlights the importance of land use principles and practices that codify the City's commitment to a smaller carbon footprint, smart growth, and resiliency.

On the mitigation side, *One Climate Future* provides a road map for meeting our city-wide goal of reducing greenhouse gas emissions 80% from 2017 levels by 2050. The plan's greenhouse gas inventory shows that buildings and transportation represent the city's two largest contributors to greenhouse gas emissions. While building emissions are largely regulated by the building code, transportation emissions, which are fundamentally about where people live, work, and meet their daily needs, are integrally tied to the Land Use Code. Recognizing this transportation-land use connection, *One Climate Future* includes recommendations to support transit, walking, and bicycling as alternatives



to single-occupancy vehicles, encourage the co-location of housing, jobs, and services, and facilitate a transition to electric vehicles.

One Climate Future also establishes an adaptation goal, stating that the city will build the resilience of its neighborhoods, infrastructure, and ecosystems to prepare for the impacts of climate change. As with issues of mitigation, adaptation is closely tied to land use - how and where people build homes, workplaces, institutions, and green spaces. The plan's adaptation recommendations include a wide variety of strategies to build strong social networks and a resilient local economy, as well as land use strategies to ensure that our built environment reflects the vulnerabilities posed by sea level rise and increased weather events.

As Phase II of ReCode gets underway, this Code Evaluation explores ways in which the current code is addressing these issues and ways that policy could be modified to ensure that *One Climate Future* is fully reflected in the City's Land Use Code.

Impact Development (LID) strategies. Zone standards can also be revised to promote coordination between land use and transportation investments, allowing for increased density proximate to transit that can improve affordability, reduce vehicle miles traveled (VMT) and encourage the growth of local businesses. Additionally,

revisions to specific types of zones, such as the city's industrial zones, can help to both mitigate any potential impacts of this type of development, and ensure that the needs of businesses and the nature of modern industrial operations is acknowledged within the Code, setting the stage for new avenues of economic opportunity.

New and/or revised standards can also help to strengthen protections for the city's abundant natural resources, encourage green infrastructure solutions, and expand access to opportunities for local food production. Landscape regulations can augment this approach by requiring the use of native species and incorporating principles such as habitat preservation and restoration, and planting for pollinators.

Finally, the Land Use Code revision provides another important opportunity to re-evaluate Portland's relationship to the automobile, both now and into the future. Flexibilities and exemptions from parking standards can be reviewed to ensure they are clear, and in alignment with the City's sustainability and economic development goals. Though Portland's standards currently allow for a number of parking exemptions and flexibility in ways to meet parking standards, more can still be done. Following upon the recommendations within *One Climate Future*, parking maximums can be evaluated for appropriate areas of the city to prevent over-parking and mitigate stormwater runoff and heat-island impacts. Bicycle parking requirements can also be expanded to promote the creation of a more cohesive multi-modal network throughout the city.



**EXPANDING OPTIONS AND THINKING BOTH
LOCALLY AND GLOBALLY TO MAKE PORTLAND A
MORE DYNAMIC CITY.**

A dynamic city is one that contains a multitude of options and opportunities that support a variety of lifestyle choices for its residents. It contains lively business districts, thriving residential neighborhoods of multiple scales and intensities, and mixed-use nodes where residents can find opportunities to shop, eat, and be entertained, often within proximity to transit. Dynamic cities embrace diversity, innovation, and change; deftly merging the needs and desires of a modern citizenry with an authentic cultural identity and the “genius loci,” or the “spirit of the place.”

Portland is already a dynamic city. Moving forward, the Land Use Code revision provides an opportunity to help the City embody its goals as stated in *Portland's Plan*, fully supporting a range of arts and cultural opportunities, innovation, diversity, and a built environment that supports and encourages an active citizenry. New and emerging uses can be woven into the Code in various ways to encourage the creation of dynamic, mixed-use walkable neighborhoods; neighborhood retail, live/work spaces, local food production opportunities, and a diverse range of housing types that can accommodate a broad range of needs, preferences, and incomes.

Standards can be refined to ensure that Portland's neighborhood patterns are acknowledged within the Code, while allowing for an expanded palette of residential dwelling types that can encourage affordability and provide options for upsizing, downsizing, and aging-in-place. As a dynamic city, Portland must also acknowledge the need to respond to the challenges of a changing future. The Land Use Code revision can provide direction for the city to accommodate growth responsibly, encouraging dynamic growth in those areas that are at lowest risk of inundation due to climate change and sea level rise. Further, it can remove barriers to uses and technologies such as solar and wind installations.

The Land Use Code revision can also re-think the City's approach to its built form where appropriate, allowing for new, taller buildings where it makes sense – accommodating greater densities and diversifying the urban character of the city. As Portland continues to grow, the peninsula remains the same size; new densities, a new approach to height, and responsive design controls should be considered to ensure that growth can be absorbed intentionally, contributing to the dynamic character of the city, and reinforcing Portland's sense of place rather than detracting from it.

In addition to the new, a dynamic city provides opportunities for the reuse or conversion of



older, character-giving structures that may have outlived their intended purposes, but are ready to be given new life. The Land Use Code revision can provide standards that accommodate the reuse or conversion of structures in response to changing markets and dynamics within the city. Finally, the

Land Use Code revision can support a dynamic multi-modal transportation system within the city by addressing items like parking standards, required EV charging facilities, public realm elements, bicycle accommodations, and allowances for transit-supportive densities where appropriate.

FOCUS ON: PARKING POLICY

As in many American communities, off-street parking requirements commonly arise as one of the most often discussed aspects of the City's land use code. Over the past several decades, the City has worked to calibrate the off-street parking ordinance to best practice, local conditions, and the city's vision, adding bicycle parking standards in 2008, parking study-based standards in 2010, a fee-in-lieu provision in 2010, and exemptions for certain residential development in 2016. Transportation Demand Management requirements, designed to minimize the need for off-street parking, have existed in the code since the mid-2000s.

Under ReCode Phase I, parking policy in the city evolved several steps further. Phase I streamlined and expanded existing off-street parking regulations, such as shared vehicle

provisions, shared parking provisions, fee-in-lieu provisions, and residential off-street parking requirements. Even more significantly, ReCode Phase I resulted in the creation of an off-street parking exemption for all uses within 1/4 mile of fixed route transit, effectively eliminating parking requirements for 2/3 of the city. These changes, in total, were designed with the goal of reducing the effect of off-street parking as a barrier to housing development, encouraging a more walkable pedestrian environment, driving the use of transit, and supporting the City's broader climate-related goals.

STRATEGIZING TO ENSURE THAT THE HEALTH AND WELL-BEING OF ALL RESIDENTS IS PARAMOUNT, MAKING PORTLAND A MORE SECURE CITY.

The City is committed to ensuring that all Portlanders have access to housing, healthy food, and economic opportunity. Moreover, Portland is committed to proactively preparing to address the economic and environmental challenges presented by climate change, enhancing the long-term security of the city itself. In the context of the Land Use Code revision, the concept of security is multifaceted.

The Land Use Code revision can clarify and expand the range of dwelling types allowed within the city, diversifying and expanding access to housing options. Additionally, the City's regulatory tools can be evaluated in the context of housing affordability, allowing for the exploration of new tools, techniques, and incentives that can contribute to the creation of new housing, and new affordable housing, within Portland. Food security can also be addressed through allowances for new uses within the city's neighborhoods and allowances for multiple forms of food production and urban agriculture, working to expand access to fresh, healthy food.

FOCUS ON: COMPLETE NEIGHBORHOODS

Portland's Plan prioritizes the concept of complete neighborhoods, where all residents have access to the basic necessities of daily life - high quality and affordable housing, schools and other civic functions, food, open space, other amenities and services - within a walkable or bike-able distance. The city already has examples of these neighborhoods, each with its own social networks, physical form and scale, and distinct sense of identity. Supporting these neighborhoods, and fostering others, is fundamental to the growth of a dynamic city as envisioned in *Portland's Plan*.

As part of ReCode Portland, the City has conducted a complete neighborhoods analysis - a geospatial analysis to determine levels of access to a variety of important resources and amenities by residents city-wide. A critical next step is to understand how the existing code - whether in the mix and form of allowed uses, in residential densities, or in public infrastructure - is facilitating complete neighborhoods. This work involves many questions. Are certain types of uses prohibited in residential areas where they may be appropriate, or are neighborhood-scale businesses allowed in too few locations? Aside from uses and scale, are there other factors that limit complete neighborhoods, such as uncomfortable streetscapes or inadequate pedestrian and bicycle infrastructure? These questions will help to ensure that ReCode helps build an environment where all households have convenient access to the basic necessities of daily life.



The needs of all residents can be addressed through the consideration, and in some instances clarification, of a full range of social service uses within the City's Land Use Code. Standards can be included to ensure that potential impacts are balanced with the need to accommodate the city's most vulnerable populations. The security of Portland's housing stock can also be prioritized through regulations that link key opportunities for investment in new housing to those areas at lowest risk from the impacts of climate change and sea level rise, taking a holistic look to encourage concentrations of new housing to locate responsibly in low-risk areas.

RESPONDING TO AND REFLECTING THE CITY'S UNIQUE CULTURE, CHARACTER, AND COMMUNITIES TO MAINTAIN AN AUTHENTIC PORTLAND.

For centuries, Portland has been a place where people have lived. The mixture of a storied history, unique and intact neighborhood patterns, a strong preservation ethic, and an identity still rooted in Portland's working waterfront and industry combine to create a unique and richly layered urban context. This presents both a challenge and an opportunity for the Land Use Code revision; to provide the City the tools and techniques to accommodate new growth and development in a manner that respects and reinforces Portland's authentic sense of place.

The Land Use Code revision can help maintain and enhance the patterns of development that make Portland special. This can include thinking about the traditional mix of uses that might have occurred within the city's neighborhoods and reincorporating things like the neighborhood corner store or other smaller scale commercial uses, something that was historically found in many Portland neighborhoods. It can also include examining the patterns of neighborhood development within the city and reincorporating permissions for a range of dwelling types, from single-family to "missing middle" style triplex and quadraplex dwellings to multi-family development where appropriate. Further, it can include thinking carefully about the design and context of development in Portland, helping to ensure that the essential historic fabric of the city remains



intact and that – though architectural styles may vary – new development remains authentic to the local character and complementary to the Portland vernacular. This also means that considerations should be made to examine the character of, and concerns related to, development on Portland's islands, to ensure that their unique identities continue to be respected in an updated Code.

As the city has grown over time, its form has naturally responded to the social, geographic, and economic pressures exerted upon it. As new pressures begin to impact the city's development, such as a shortage of affordable housing and the threat of climate change and sea level rise, the City must continue to adapt and respond – as it always has – to the challenges and opportunities of the day. This can mean thinking critically about how to provide opportunities for new housing within the city – the form that such housing might take, as well as where it is most appropriate to incentivize new development given the data regarding high-risk versus low-risk areas of the city. Complementary to this, it can involve considerations for ensuring that new development respects the city's rich history and that, in the face of new development, essential elements of the city's history are preserved. Likewise, it can mean prioritizing access, whether visual or physical, to the city's key natural amenities and public spaces, including its waterfront areas where appropriate.

The Land Use Code revision can also be an opportunity for Portland to address issues of building form and permitted height in a way that feels authentic to the places of Portland. The current paradigm in downtown, for instance - organizing height primarily around the Congress Street commercial spine – may need to be reevaluated to ensure it is still the best approach given the growth of the city and changes over time. The City's numerous height maps can be evaluated, looking at the city holistically to make sure it's prepared to respond to growth and development in a way that is authentic and rational. Finally, authenticity can be built into the City's Land Use Code by ensuring that maritime and industrial uses and districts are maintained and oriented such that these economies can continue to thrive in Portland.

FOCUS ON: HOUSING

Housing in Portland, as in many communities, is a complex issue. In response to the need for new, diverse and affordable housing, the City has created numerous tools to encourage the creation, preservation, and replacement of housing units. For instance, the current Land Use Code includes a variety of “Big A” affordable housing tools: dimensional bonuses, fee reductions, and expedited review for the creation of affordable housing units, and inclusionary zoning requirements. Additionally, there are a number of “Little A” strategies at work in the City code to preserve and create new housing more broadly, including housing replacement provisions, standards addressing residential conversions, tools to address relocation of displaced residents, flexible dimensional zone standards related to use, bulk, and area, streamlined provisions for accessory dwelling units, and progressive, transit-oriented parking policy. These strategies, working together, represent a diverse toolkit for addressing the issue of housing in the city. As a result, housing is being built in Portland - almost 1,500 units over the last four years. However, there is no question that there is more that the Code could do to address issues of housing supply, diversity, and affordability.

Diverse Housing

As the city continues to grow and attract new residents, considerations should be made in the

Code to allow for expanded housing options that appeal to a broad range of demographics, incomes, needs, and preferences. Expansion of housing options should occur across the city's neighborhoods, but be tailored to ensure that growth is accommodated in a purposeful and contextual way. The City's zones and their permitted uses should accommodate a diversity of dwelling types and densities such that all residents have options and choice, whether their preference is a traditional single-family neighborhood, a mixed-dwelling neighborhood incorporating single-family, two-family and a variety of middle-density dwellings, or a predominantly multi-family environment of townhomes and larger structures in a denser development pattern. Similarly, residents should have options that allow them to remain in their homes or neighborhoods of choice, aging in place and maintaining affordability through the ability to downsize to a smaller unit or to add an accessory dwelling on their property.

There are a variety of strategies that the City can pursue within its Land Use Code to expand housing diversity in Portland.

Think Bigger

Allowing for more density and more height in critical areas can be a powerful tool to create new housing in the community. While Portland's mixed-use zones currently allow for significant height and density,



FOCUS ON: HOUSING (Continued...)

there may be opportunities to modify base zoning requirements to encourage more housing in appropriate areas, such as in proximity to downtown or along major transit corridors.

Think Smaller

Conversely, going smaller can also provide more affordable housing options. In some city neighborhoods, new development forms should be considered to allow for creativity and flexibility in the development of new housing types that meet a variety of needs and preferences. As an example, these might include standards for compact residential development forms that can be built into existing neighborhood fabric. Urban development patterns can be acknowledged and reinforced through provisions that allow for and encourage the creation of smaller units on smaller lots, where contextually appropriate.

Think About the Middle

While the City's existing regulations encourage the development of "middle density" housing— those forms of housing falling between traditional detached single-family and more intense multi-family or mixed-use development - in some areas of the city (within the R-6, for example), they could go further in supporting this housing type in other contexts.

These forms of housing are a critical tool in providing expanded housing options in a manner that respects established neighborhood context. Moving forward, the City's palette of zones and their allowed uses can help to clarify what these forms are, how they are permitted, and what might be the best and most contextually respectful way to expand these possibilities into neighborhoods where medium density housing is not currently permitted or easily achievable.

The Big Picture

Phase II of ReCode will take a comprehensive look at the suite of housing tools currently used, seeing where they may overlap, conflict, or create unintended consequences. The goal is to get a clear picture of how the City's variety of tools is working systematically to address the creation of new, diverse, and affordable housing within Portland. This holistic look may reveal opportunities to amend, edit, or add new tools to further the City's goals related to diverse and affordable housing.




COORDINATING STANDARDS TO ENSURE PORTLAND RESIDENTS ARE CONNECTED TO THE CITY'S WEALTH OF AMENITIES, NATURAL RESOURCES, AND ECONOMIC OPPORTUNITIES.


The concept of connectedness is key within *Portland's Plan*. Coordination between land use and transportation can be an important component in enhancing quality of life for Portland residents, enabling easy access to employment, housing, and a range of goods and services targeted toward their daily needs.

Within the Land Use Code revision, this can mean expanding the range of allowed uses in neighborhoods, enabling residents the ability to meet their daily needs within walking distance of their homes or offices. It can mean further targeting density and development for transit-rich areas, augmenting the affordability of housing by providing access to goods, services, and employment without the need for an automobile. And it can mean expanding the availability of things like EV charging and bicycle parking to support emerging transportation technologies and enrich the multi-modal network within Portland.

Connectedness can also manifest as prioritizing both physical and visual access to key natural resources and amenities such as parks, open space, and the city's waterfront resources, allowing Portlanders to keep connected to the wealth of health and recreational opportunities the city has to offer. Finally, as the concept of connectedness is prioritized, the Land Use Code revision can provide guidance through standards that address the public realm, the organization of space, and the interface between private structures and the public realm.



Intentionally Blank



Technical Evaluation, Concepts, & Approaches

An effective Code combines rational substantive controls with innovative approaches and fair procedures, which – when applied – work to assure a pattern of development and redevelopment that respects existing character, facilitates change where needed and desired, and affirmatively furthers a City’s adopted policies. Additionally, regulations must be well organized, illustrative, and easy to use. Standards and procedures should be clearly stated and administered in a straightforward, transparent manner.

Portland has already made significant progress during Phase I of the ReCode process. With the goal of augmenting and furthering the work of Phase I, this evaluation has focused on a number of specific objectives:

- A revised Land Use Code should implement the key policies of *Portland’s Plan*.
- A revised Land Use Code should address key issues identified by staff and stakeholders, including housing diversity and affordability and the impacts of climate change, among others.
- A revised Land Use Code should integrate land use controls and urban design considerations to create a series of regulatory controls that respond to the needs of the city and its unique character.
- A revised Land Use Code should be forward-thinking in nature, flexible, and responsive to both market demands and public expectations for future development.

This evaluation focuses on regulatory issues and potential revisions identified during a comprehensive review of the City’s Code. It is not the intent of this evaluation to identify every needed change; many changes will be of a minor, technical nature intended to further “clean-up” the Code and enhance its user-friendliness. Further, some suggestions within this evaluation will require further study and testing, and will likely need to be implemented in subsequent city efforts. The intent of this evaluation is to highlight issues, discuss potential revisions, and explore concepts and approaches that would constitute substantive changes to the City’s current regulations.

ORGANIZATION

This evaluation is organized in response to the technical nature and construction of the City’s Land Use Code. As such, concepts, approaches, and recommendations are grouped according to the relevant topics within the Code. These include the following:

- Uses and Use Standards
- Dimensional Standards & Design
- Zones
- General Development Standards
- Parking, Loading, and Access
- Landscape
- Nonconformities
- Code Structure

Within each topic, specific recommendations and approaches are identified by the *Portland’s Plan*

key themes they work to implement: **equitable, sustainable, dynamic, secure, authentic, and connected**. The intent of this organization is to help readers in understanding connections between the technical recommendations and approaches within this evaluation, and the larger policy goals of the City.

Where a recommendation within this evaluation pertains to the Land Use Code structure more generally, it is identified not by a key theme, but as a “Structural” recommendation. Such recommendations are intended to complement the “clean-up” and reorganization that occurred during Phase I of ReCode. As a component of Phase II, these structural recommendations should be read as a lower priority than their more substantive counterparts.

Uses & Use Standards

1.A. The Code should address additional neighborhood uses and leverage neighborhood mixed-use zoning to encourage development of complete neighborhoods.



Codes need to be continually refined to address various uses that may be issues for a city, or new uses that have emerged in today's planning and development environment. The City's Phase I update to the use structure - using the generic use approach - has created significant flexibilities to allow for desired new uses. However, the Code could be further updated to address specific uses that correspond to City goals.

For instance, older residential neighborhoods were often developed with pockets of limited commercial services. These are what we might typically refer to as the "corner store," (though other small scale commercial establishments could be accommodated by this model). These structures can be part of the residential fabric of a neighborhood and are critical to the concept of complete neighborhoods. Currently, the code supports neighborhood-scale retail with a small, neighborhood mixed-use zone, the B-1, while residential zones generally prohibit new retail.

To encourage more neighborhood-scale retail in a corner store pattern, the City could map the B-1 Zone onto parcels that have historically provided space for neighborhood-scale commercial uses, as well as consider opportunities to map B-1 to locations that might be conducive to neighborhood retail/

corner store uses in the future. Such locations could include Stevens Avenue/Brighton Avenue, which is in residential zoning but has historically supported small, commercial uses, and locations along outer Auburn Street and/or Allen Avenue. Simultaneously, the City may wish to consider the range of non-residential uses that are permitted within residential zones, to see if there are opportunities to expand options for low-impact uses appropriate for a neighborhood context.

1.B. The Code should address additional creative uses not currently listed.



As indicated above, codes should be continually evaluated and refined to ensure that they address new and emerging uses. One area of emerging uses particularly relevant to Portland's economy is creative uses. A number of these types of uses are currently being allowed under the City's definition for "low-impact industrial," which is permitted broadly within the industrial and mixed-use zones.

While *Portland's Plan* provides a strong basis for supporting the creative economy, commercial encroachment on industrially-zoned land has long been an area of concern, particularly on the peninsula, and as a result, there is also a strong policy foundation around retaining industrial space for industrial uses. For this reason, a broadening of the "low-impact industrial" use category to span both industrial and mixed-use contexts and support more creative uses carries both some benefits and some potential hazards.

Adding specificity around some creative uses could allow for additional control over where such uses occur across the city and how impacts are managed, while ensuring that the “low-impact industrial” category can remain truly industrial in nature. For instance, by differentiating some small-scale creative, industrial uses, such as micro-production of alcohol or specialty food service (e.g., candy makers, bakeries, caterers, or coffee makers), the City could allow for the inclusion of these uses in zones where they are currently not permitted, with tailored standards appropriate for the context. In the mixed-use context, these uses could be augmented by a requirement for ancillary retail sales (currently required for low-impact industrial uses in several mixed-use zones) and/or restaurant component that sells or serves the products produced on site. Other, more typical industrial uses, including those that would clearly fall within the ‘creative’ context, could be more explicitly reserved for industrial zoning.

1.C. The Code could address several specific new social service uses.



A range of social service uses could be addressed within the Code to add clarity, avoid ambiguity, and enable tailoring of use permissions and standards related to specific operations and impacts where necessary. For instance, the City could consider including social service center as a specific use. This use would encompass service establishments that aid those recovering from chemical or alcohol

dependency; survivors of abuse seeking support; those transitioning from homelessness or prior incarceration; and those with health and disability concerns. It would not include in-patient, overnight, or living quarters for recipients of the service or for the staff, and would not include medical examinations or procedures, or medical detoxification, dispensing of drugs or medications, or other treatments normally conducted in a medical office. References to state licenses would be added as a standard tied to such a use.

1.D. Consider revising the definition of “agriculture” to include modern agricultural activities. *As recommended within the City’s Community Agriculture Plan.*



The City’s current definition of agriculture is rather broad, and not inclusive of some more modern modes of urban food production. To add clarity, the City could consider expanding the definition of agriculture to capture modern, urban agriculture activities and permitting it in more zones (it is currently only allowed in R-1, R-2, and IR-1), or refining a set of agricultural uses that addresses the varied forms and their impacts. These may include “Agriculture, Animal Husbandry,” “Agriculture, Cultivation,” “Agriculture, Intensive.” Such refinements could expand how and where food production, including small-scale distribution or sales of food, is allowed within the city.

1.E. Expand and clarify the range of dwelling types allowed in the city.



The current range of dwelling types should be modified to provide clarity and consistency within the Code. Currently, the residential uses within the Code’s use table may be both too vague (concerning dwelling types) and too specific (concerning individual unit types). This is particularly striking in the progression of residential uses, which moves from single-family dwellings to two-family dwellings, and then jumps right to multi-family and multiplex dwellings. This means that middle-density housing – particularly three-unit and four-unit dwellings - falls within the multi-family use category, which is permitted very selectively within the city’s residential zones.

The range of housing types allowed within the Code could be expanded through the incorporation of specific definitions for three-family and four-family dwellings. These are typically defined outside of a “multi-family” dwelling definition, as the impacts of these uses are often more limited, and they may be a better fit as a potential infill dwelling type in established residential areas. In fact, looking at the City’s land use data, these types of dwellings already exist in most of the established residential zones including the R-3 and R-4, where they are currently – under the definition of multi-family - either prohibited or allowed only as a conditional use.

Further, there is an opportunity to clarify the definitions of “multiplex,” and “multi-family.” The current definitions establish a threshold of three or more units for both of these uses, with significant ambiguity around any distinction between the two. Moving forward, a simpler approach may be to incorporate definitions for three-family and four-family units, convert the “multiplex” to address the townhouse/attached development form, and address five or more units within a structure through the definition of multi-family.

1.F. Add clarity around specific housing-related uses (e.g., lodging houses, SNIDUs, congregate care, etc.).



The existing Land Use Code includes several related, potentially overlapping categories of specific residential uses, including sheltered care group homes, lodging houses, congregate care, intermediate care, and long-term and extended care. In addition, the Code allows for dwelling units targeted towards populations with special needs, including special needs independent dwelling units and handicapped family units. While some of these variations are important within the code, ambiguity between classifications has the potential to cause confusion. Phase II provides an opportunity to add clarity around these uses.

1.G. A comprehensive set of temporary uses should be addressed in the Code.



The current Land Use Code does not comprehensively address temporary uses. Currently it seems that the primary temporary uses regulated in the Code include “maker’s markets” in the IL-b Zone, “temporary sales” which appear related only to sales of personal items, and “temporary [produce] stands,” while other temporary uses, such as farmers’ markets, festivals, and food trucks, are addressed under other chapters of the code and/or other regulations entirely.

A more comprehensive approach to temporary uses through the Land Use Code could be beneficial – identifying in which zones they are allowed, timeframes, siting, and requirements for operational plans. The following temporary uses, some of which are currently addressed in other chapters of the City’s code of ordinances or in separate regulations, could be considered:

- Farm stands
- Temporary outdoor entertainment events
- Temporary retail sales events
- Temporary sales events of personal items
- Temporary storage pods
- Construction-related temporary uses: storage yards, on-site offices

The City may wish to pursue a temporary use permit model, which would enable the City to regulate these uses to control any potential impacts, and to ensure that a temporary use is not functioning, in fact, as a permanent use. This would also allow for easier enforcement.

1.H. Consider adjusting the City’s use regulations to ensure they support a circular and sharing economy; identify and eliminate barriers to businesses that reuse or repair consumer goods.

As recommended within One Climate Future.



The City has been allowing these types of uses under the “low-impact industrial” use without issue. However, there may be a desire to consider adding specific uses to support a circular and sharing economy within the city. The creation of specific uses like “Maker Space,” or “Artisan Industrial,” can allow the City to tailor where such uses may locate, and what standards are in place to control any potential impacts. These types of uses can also often serve as a community gathering space, or a type of small-scale business incubator that may not be adequately captured by the definition of “low-impact industrial.” As such, if the desire is to continue allowing them under the definition of “low-impact industrial,” consideration should be given to amending the definition to clarify that they are included within such use.

1.I. Evaluate and revise as needed to ensure that solar installations can be maximized and streamlined. *As recommended within One Climate Future.*



The Land Use Code currently allows for multiple forms of solar energy systems, including those integrated into and mounted on structures, as well as stand-alone solar installations as a principal use of land, splitting such systems into “solar energy system (minor)” and “solar energy system (major)” based upon a threshold of 9,999 square feet. In sum, it appears that the current Code is quite permissive of these types of systems. Moving through the Code revision process, however, opportunities to expand access to renewable energy systems should be evaluated and carefully considered, either through substantive changes to the standards or by streamlining them. Further, once the MUBEC stretch code is finalized and adopted, the City’s regulations should be re-examined to ensure there are no conflicts. Lastly, there may be opportunities to revisit the treatment of solar installations within historic districts with the aim of better balancing the City’s historic preservation and climate goals.

1.J. Consider some potential updates to the Code’s use structure.



Consider ways to structure uses within waterfront and other zones that provide consistency with Article 6.

Currently, all uses are not fully consolidated within Article 6, which may create some difficulties. Potential issues we have identified include:

- The India Street Form-Based Code lists prohibited uses. While this is a common approach to form-based coding, it does leave open the possibility for undesirable uses because “no one thought of that.” Because the current use approach is so flexible, the City may want to consider bringing the form-based code into a global use matrix to avoid any potential inconsistencies.
- Additional zones, such as the waterfront zones, have another set of permitted uses. The relationship between these uses and Article 6 needs to be defined to keep the user aware and to prevent any interpretation conflicts. Additionally, there may be opportunities to structure use and dimensional standards in the waterfront zones in a way that mirrors Article 6, simply for ease of use.

Consider a reorganization of the use standards within the Land Use Code.

Currently, there are two sections of Article 6 that contain use standards. Section 6.4 contains supplemental use standards that apply to permitted or conditional uses. Then, Section 6.5 contains the conditional use process and conditional use standards for select conditional uses. This can be confusing to users, as they may not be aware that certain uses may be subject to standards. More typically, a Code will contain one set of use standards, like that currently found in Section 6.4, that apply to permitted or conditional uses. If certain standards only apply in the case of a conditional use, those can be delineated as such.

Dimensional & Design

2.A. Consider developing bonus provisions within the residential and mixed-use zones to encourage sustainable construction and/or a walkable, urban environment. *Expansion of a recommendation from One Climate Future.*



The Code currently contains a targeted series of bonus provisions. These include a height bonus within the IS-FBC for the provision of additional density, green roofs, and workforce and/or low-income housing. They also include a series of bonuses for the provision of workforce or low-income housing in eligible projects as defined within Article 18 of the Code. These bonuses can confer additional height, additional density, reduced setbacks, and reduced fees for eligible projects.

The Code revision process should evaluate opportunities to expand the current bonus provisions to encourage sustainable construction. Bonuses, in the form of height, additional density, reduced setbacks, etc. may be considered for new development that achieves high-performance construction, such as net-zero, passive house, or LEED certification. Bonuses could also be considered for projects that contain active ground floor uses that support a more walkable, urban environment. In either case, the utility of bonuses versus base standards should be considered, as well as the potential effect of new bonuses on the city's existing bonus provisions.

2.B. Evaluate dimensional standards and uses permitted throughout the city in the context of risk and resilience. *As recommended within One Climate Future.*



In the future, Portland will experience the impacts of higher sea levels, hotter temperatures, and likely more powerful and frequent storms that may damage the city's buildings and infrastructure. These are the realities of climate change. The ReCode process provides the City of Portland with an opportunity to take a holistic, long-range look at patterns of growth and development within the city, and to determine whether those patterns – if continued – contribute to the resiliency of the city.

As stated in *Portland's Plan*, regulations governing development within the city should not be static. Phase II of the ReCode process is one opportunity to evaluate patterns of land use and make strategic changes where appropriate. However, in the future, additional strategies should be pursued, such as the development of resilience zoning overlays that can incentivize higher density construction in areas with no or low flood risk while setting higher standards for resiliency and/or preventing development of hazardous, vulnerable, or incompatible uses in areas determined to be at high flood risk. The concept of resiliency zoning is introduced within *One Climate Future*, in which Portland commits to evaluating a number of scenarios and approaches to resilience overlays.

Development of such overlays will require significant additional study, gathering and synthesis of data and modeling to classify land within the city based upon flood risk, public engagement, and determination of an overall approach to implement such a tool. This study, while beyond the scope of the work of Phase II, should be carried forward in a subsequent City effort.

2.C. Consider development of zone dimensional and design standards that encourage visual and physical access to the city’s waterfront areas.

Expansion of a recommendation from Portland’s Plan.



Portland’s Plan acknowledges the paramount importance of the city’s waterfront areas as environmental, economic, and recreational assets. The plan indicates that though change will occur within the city’s waterfront areas, land use policies should continue to support a strong base of marine-dependent uses while allowing for economic growth and investment on the waterfront and preserving key public recreational access. One approach to preserving access might be to develop a set of standards for development along the waterfront that prioritizes maintaining public access, whether visual or physical. Standards can reference the City’s designated view corridors, and can also encourage building forms that preserve access through passages, breaks in massing, and other design strategies. These strategies can be included for new development not just within the waterfront zones, but for all waterfront

areas along Casco Bay, and the Stroudwater, Presumpscot, and Fore Rivers. In the waterfront zones, careful consideration of the operational needs of water-dependent uses as priorities in the zone will need to be considered when evaluating new public access possibilities.

2.D. Refine regulations pertaining to the bulk and placement of structures in the Land Use Code.



Across the spectrum of zones within the Code, there may be opportunities to simplify the way that the bulk and placement of structures is addressed.

Residential Zones. Within the residential zones in particular, bulk and placement of structures is addressed at a granular level, with varying standards based upon groups or categories of uses. A simpler, more modern approach is to provide bulk regulations for two categories: residential uses and nonresidential uses. These can be further refined to address specific dwelling types, such as two-family, etc. as needed, however standards for schools, places of assembly, etc. would be removed from the table and addressed through a series of use standards that address impacts or concerns related to these uses within the residential zones.

Further, the Code revision should explore opportunities to simplify the treatment of setbacks in the residential zones. Currently, setbacks are linked to the height of structures, which may be creating

some unnecessary confusion – as the setback requirements reference building height in stories, while building height regulations are measured simply in feet. Coupled with the current approach to allowing reductions to side setbacks within residential zones, these regulations become quite confusing. Moving forward, a simpler approach might be to create a single setback that applies regardless of height, tailored to the character of the zones to ensure compatibility between adjacent structures.

Accessory Structures. The City should consider removing regulations for the placement and bulk of accessory structures from the dimensional standards, and instead regulate these through a comprehensive set of accessory structure regulations, allowing them to be tailored to individual types of structures as may be needed.

Measurement Methodologies. Currently, the dimensional standards for the residential zones allow for the front setback to be established at the “average depth of adjacent front yards.” There is, however, no methodology for how this average should be taken, and what counts as an adjacent front yard – something that should be clarified. Further, there may be an opportunity to refine specific dimensional standards to better address current conditions, such as through a discrete “corner side setback,” and “reverse corner side setback,” which may both be addressed through the current side setback requirements, but could benefit from additional clarity.

2.E. Consolidate and refine basic design standards in keeping with the work on the design manual.



The Code currently contains design regulations within the site plan ordinance, as well as within various other areas of the code, including the historic preservation ordinance, the R-7 Compact Urban Residential Overlay, performance standards, and even in use standards.

In keeping with the concurrent design manual work, and with the exception of the historic preservation design standards, general design standards should be consolidated within the site plan ordinance of the code. Further, they should be made simpler, more objective, and more consistent (currently, the first three standards for the R-7 Zone move from standards that specify “should,” to those that “must,” to those that “shall” be met). A basic set of standards that address the fundamental elements of good design can be an effective means of ensuring a solid design foundation from which to review more detailed design considerations.

2.F. The Code should regulate impervious surface maximums in all residential zones.

Expansion of a recommendation from One Climate Future.



One Climate Future recommends encouraging the conversion of impervious surfaces and the integration of green infrastructure through educational tools, resources, programs and incentives. A simple way to address impervious surface for new development is to include a maximum coverage within the residential zones. Currently, the Land Use Code controls for lot coverage, and contains a control that is essentially the inverse of an impervious surface maximum – requiring a ratio of “landscaped open space,” but this is only applicable within the R-6 and R-6a Zone. A more cohesive approach to regulating impervious surfaces would benefit the code, giving the city the ability to ensure that new development does not dramatically increase stormwater runoff, erosion, and sedimentation within residential areas. A control would more clearly define what constitutes impervious surface, limit the total impervious surface on a site, including structures and surfaces such as driveways and non-permeable paths and patios. In zones that encourage higher lot coverage to allow for greater densities and new development, consideration of alternate tools such as green roofs and low impact development requirements may be appropriate.

2.G. Explore opportunities to encourage transit-oriented development within appropriate areas of the city, in coordination with regional transit planning. As recommended within Portland’s Plan and One Climate Future.



Portland has recently moved to adopt one of the key basics of a transit-oriented development approach through a categorical exception that exempts uses within ¼ mile of a fixed-route transit service from parking requirements. To further develop this approach, and to encourage the creation of true mixed-use transit-oriented development, the city should refine its regulations to ensure that the zoning supports the co-location of transportation infrastructure and density. For instance, the city should consider ways to adjust allowed densities to achieve transit-supportive levels proximate to transit nodes and corridors – generally considered to be over 8 units per acre, though One Climate Future suggests that such nodes in Portland should aim for 10 to 20 residential units per acre. These permitted densities (or higher immediately adjacent to transit nodes) should be targeted and coordinated with regional transit planning to ensure that land use and transportation complement each other and create the dense, nodal development necessary to support robust transit.

While existing transit corridors are generally well-established, moving forward, further coordination between the City and the regional transit agencies will be necessary to determine the most appropriate



locations for targeted, transit-oriented land use policy, particularly as a rapid transit strategy for the region is developed. Once locations have been identified, specific standards can be created to ensure development in line with the City’s vision, including additional density, additional height, and pedestrian-oriented design standards. Such standards may be pulled together in a number of ways, including within a base zone or zones, or as an overlay.

2.H. Consider opportunities to refine height controls within the Land Use Code’s mixed-use zones.




The mixed-use zones address height in a fine-grained manner through specific, granular controls such as those of the Downtown and Bayside height maps, and various footnotes indicating specific height permissions and restrictions, such as those that apply along sections of Commercial Street. The zones also address height through a straightforward series of permissions for certain zones, such as the B-1 and the B-1b. Understanding that allowed heights are a sensitive issue throughout the city, we recommend maintaining the granular level of control that has been established.

There may be opportunities to refine permitted heights that correspond with the city’s broader goals, however. For instance, the City could consider small increments of height adjustment at corners as a means of bookending blocks within nodes or along corridors.

There may also be opportunities to refine heights in some select zones, such as the B-2 zones. Currently, the B-2 zones allow a range of heights, from 45’ as a base standard, to 50’ if the ground floor is in commercial use, to 65’ in the B-2 and B-2c zones on large lots with increased setbacks. Given the mapped location of the B-2b zone and its stated objective of encouraging “moderate to high density housing in urban neighborhoods along arterials,” there may be a desire to consider increasing the allowed heights in the zone to more closely align with those of the B-2 and B-2c.

Further, as heights are being reconsidered, opportunities to consolidate and align the City’s overall approach to height should be considered. The numerous existing height maps in place present a challenge to review and interpretation, and were created at different times, with different stakeholders, interests, and objectives.

To accommodate growth and modern development in a coordinated and intentional way, the City should consider taking a holistic look at where in Portland greater heights may be appropriate. The Land Use Code revision is a good opportunity to begin a conversation about how heights are handled within the city, both on and off-peninsula. While opportunities to align and consolidate controls will be explored during the Phase II process, further study and specific, targeted outreach are likely needed to conceptualize and gain support for a new approach.

The background of the page is a complex, three-dimensional abstract pattern. It consists of numerous thin, white, paper-like strips that are layered and curved in various directions, creating a sense of depth and movement. The strips form a dense, organic structure that resembles a stack of paper that has been manipulated into a series of flowing, undulating shapes. The lighting is soft and even, highlighting the texture and the subtle shadows between the layers of the paper.

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Zones

3.A. Identify barriers, and explore options and implications related to allowing for a greater diversity of housing types within the City’s residential zones. *Expansion of a recommendation from Portland’s Plan and One Climate Future.*



The City’s eight residential zones have been reviewed and evaluated relative to their dimensional standards and allowed uses. While this evaluation shows that many of the city’s existing residential zones are currently achieving their stated purposes and helping the city to meet its comprehensive plan objectives, there are also areas where uses, dimensional standards, and boundaries could be modified to better meet existing goals, particularly around housing creation.

The following pages contain an overview of the evaluation, and a series of recommendations for each zone, oriented toward exploring potential changes while ensuring that existing patterns are respected. The quantitative figures referenced below have been derived from GIS (Geographic Information Systems) data provided by the City of Portland, and are calculated based upon development information available for “tax parcels” within the city. The data has not been audited or updated as a component of this process, therefore any recent changes may not be reflected. As such, these figures should be viewed as illustrative of the overall patterns of development.

R-1 Residential Zone

Overview

- Single-family orientation
- 15,000sf minimum lot area
- 35' maximum height

Analysis

- Mapped to 42 tax parcels, all in Stroudwater
- Median Yr. Built: 1950
- Typical # of Units: 1
- Typical # Stories: 1
- Median Tax Parcel: 20,471sf
- Single-Family: 74%
conforming to current lot area standard

Recommendation / Discussion

The R-1 Zone seems to fulfill its low-density single-family orientation. However, it is mapped to a relatively small number of parcels. There may be an opportunity to consolidate the R-1 with the R-2 Zone to bring existing nonconforming lots into conformity and allow for additional low-density development at the western edge of the city.

R-2 Residential Zone

Overview

- Single-family orientation, very limited two-family presence as-built
- 10,000sf minimum lot area
- 35' maximum height

Analysis

- Mapped to 1,626 tax parcels, all off-peninsula
- Median Yr. Built: 1979
- Typical # of Units: 1
- Typical # of Stories: 2
- Median Tax Parcel: 12,979sf
- Single-Family: 85% conforming to current lot area standard

Recommendation / Discussion

The R-2 Zone seems to fulfill its low-density single-family orientation. However, evaluation of both the R-1 and R-2 should consider which areas benefit most from this low-density zoning, due to environmental sensitivity or a wish to retain greater open space, for instance, and which areas might potentially be suitable for a different R-zone designation. In addition, the City could consider reductions in minimum lot size to encourage a more efficient pattern of single-family development.

R-3 Residential Zone

Overview

- Single-family orientation, allows multi-family dwellings (adaptive reuse only) by conditional use approval
- Allows PRUD
- 6,500sf minimum lot area
- (3 ac. for PRUD)
- 35' maximum height

Analysis

- Mapped to 8,124 tax parcels, exclusively off-peninsula
- Median Yr. Built: 1954
- Typical # of Units: 1
- Typical # of Stories: 1
- Median Tax Parcel: 8,750sf
- Single-Family: 76% conforming to current lot area standard

Recommendation / Discussion

The R-3 Zone does not appear to acknowledge current two- and three-family dwellings through its zone standards. The median year built for these uses is 1916, compared to 1954 for all structures in the zone. They would not be allowed to be built under the current code, however. The City may wish to explore a greater diversity of dwelling types within the R-3 zone to acknowledge its historic patterns.

Additionally, nearly one quarter of the R-3's tax parcels do not meet the lot area minimum for a single-family dwelling. These substandard lots are spread throughout the extent of the zone, indicating that this is less an issue of hyperlocal form, and more an issue of a need to reorient the zone standards to better acknowledge the existing lot pattern. Likewise, initial analysis shows that there are significant instances of nonconformities with front and side setbacks within the zone as well. In order to allow for more consistent, traditional neighborhood development patterns, the City may wish to consider context-based solutions to front and side setbacks (e.g., sliding side setbacks to allow for additional setback on one side (e.g., for driveway) in compensation for less on the other side (similar to the R-6)).

Last, an analysis of historic zoning maps reveals that a number of areas of R-3 zoning were previously zoned identically to present-day R-5 zones; in these areas, the parcel pattern and building form more closely resemble R-5 neighborhoods. Here, rezoning could be considered as a way of achieving not only a simpler and more consistent code and zoning map, but also opening up opportunities for additional housing types.

R-4 Residential Zone

Overview

- Single-family and two-family dwellings allowed; multiplex allowed through conditional use approval
- 6,000sf minimum lot area, 3,000sf/du
- 35' maximum height

Analysis

- Mapped to 306 tax parcels, all in the West End
- Median Yr. Built: 1900
- Typical # of Units: 1
- Typical # of Stories: 2
- Median Tax Parcel: 10,156sf
- Single-Family: 86% conforming to current lot area standard
- Two-Family (23): 82% conforming to current lot area standard
- Three-Family (6): 33% conforming to current lot area standard

Recommendation / Discussion

The R-4 Zone appears entirely within the West End and Western Promenade, which has existed under its own residential zoning classification since the 1940s. While most of the lots conform to the current lot area standard, the standard is high for an urban residential zone. Additionally, there may be opportunities to revisit permitted uses and density within this zone, which is proximate to downtown and major employment centers and houses a number of large, historic structures that could support additional housing.

R-5 Residential Zone

Overview

- Single-family, two-family, multi-family (adaptive reuse only - conditional use) and multiplex dwellings allowed
- Allows PRUD
- 6,000sf minimum lot area (may be reduced to 5,000 via small residential lot option), 3,000sf/du
- (2 ac. for PRUD)
- 35' maximum height

Analysis

- Mapped to 4,388 tax parcels, nearly exclusively off-peninsula
- Median Yr. Built: 1920
- Typical # of Units: 1
- Typical # of Stories: 2
- Median Tax Parcel: 6,871sf
- Single-Family: 55% conforming to current lot area standard (80% conforming to small residential lot option standard)
- Two-Family (868): 63% conforming to current lot area standard
- Three-Family (309): 31% conforming to current lot area standard
- Four-Family (70): 31% conforming to current lot area standard

Recommendation / Discussion

The R-5 Zone does not appear to acknowledge the current built form where it is mapped within the City of Portland. The small residential lot option brings the zone's standards closer to the historic form of these neighborhoods, but is subject to additional standards related to the creation/current use of the lot. Simplification or even elimination of the small residential lot option, perhaps by bringing the base zone dimensional standards closer in alignment to the small lot provision, warrants evaluation.

Along these lines, there are multiple ways to refine the standards of the R-5, including reducing lot area requirements and revising setback standards (see R-3 discussion above) to allow for a continuation of the historic form of these neighborhoods. Additional standards may be explored to ensure that infill development respects the established context of these areas.

Revisions to the R-5 to support missing-middle housing should also be considered. While three- and four-families are not the predominant housing type, and in fact they are generally prohibited under the current zoning, many successful instances of small scale multi-family buildings exist in the zone.

R-5a Residential Zone

Overview

- Single-family, two-family, multi-family (4 or more units subject to PRUD standards)
- Allows PRUD
- 6,000sf minimum lot area, 2 ac. maximum, 1,600sf/du
- (2 ac. minimum for PRUD)
- 35' maximum height

Analysis

- Mapped to four tax parcels within the City, comprising two large senior living developments (Stevens Square and Ashton Gardens).

Recommendation / Discussion

The R-5a appears, currently, to be used exclusively for senior living and PRUD development, which does not align with the zone's purpose statement within the ordinance.

The City may wish to explore refinements to this zone to more closely align its developed character with its stated purpose. As an alternative, the purpose of the zone could be reconsidered entirely. For example, the R-5a may provide an opportunity to create a mid-density off-peninsula residential zone that is currently lacking in the city's zone structure. This zone could be used to support transit-oriented nodes in off-peninsula areas with transit-supportive densities and additional missing-middle housing types. This idea should be balanced against the need for greater simplicity in the code and the value of other mechanisms, such as a transit-oriented overlay, that may achieve the same ends.

R-6 Residential Zone

Overview

- Single-family, two-family, multi-family dwellings allowed
- B&Bs allowed
- 2,000sf minimum lot area, 725sf/du
- 45' maximum height

Analysis

- Mapped to 3,856 tax parcels on-peninsula and Back Cove
- Median Yr. Built: 1900
- Typical # of Units: 1
- Typical # of Stories: 2
- Median Tax Parcel: 4,393sf
- Single-Family: 76% conforming to current lot area standard
- Two-Family (428): 89% conforming to current lot area standard
- Three-Family (470): 91% conforming to current lot area standard
- Four-Family (166): 84% conforming to current lot area standard
- Not possible to calculate 5+ units' conformity reliably

Recommendation / Discussion

The R-6 Zone appears to be achieving its stated purpose and accommodating on-peninsula residential development well, with relatively high levels of conformance with current standards. However, there may be opportunities for adjustments to the existing dimensional standards to better address issues around the compatibility of infill development, particularly as it relates to scale and massing.



R-6a Residential Zone

Overview

- Single-family, two-family, multi-family dwellings allowed
- B&Bs allowed (conditional)
- 4 ac. minimum lot area, 725sf/du
- 65' maximum height

Analysis

- Mapped to two tax parcels within the City, comprising two large senior living developments (Park Danforth and Deering Pavilion).

Recommendation / Discussion

The R-6a appears, currently, to be used exclusively for senior living development of significant height, which does not align with the zone's purpose statement within the ordinance. The City may wish to explore refinements to this zone to more closely align its developed character with its stated purpose.

3.B. Further study the City's island zones to ensure they adequately acknowledge and support these unique areas within the city.



The City's four island zones regulate residential and commercial development on the city's islands, including Peaks Island, Cushings Island, Great Diamond Island, Little Diamond Island, and Cliff Island. The dimensional standards of these zones, appropriately, reflect a more rural orientation than those of the mainland residential zones, and function much like traditional rural zones in their acknowledgment of infrastructural limitations and the need to focus development inward to prioritize adequate public services and preservation of the rural island character. However, in some of the island zones there is a clear pattern of non-conforming lots, and there may be an opportunity to consider changes to the pattern of permitted uses as well. Furthermore, the City should look for opportunities to adapt island zoning as the needs of island communities evolve. For instance, Peaks Island is the island with the most potential to accommodate some additional housing and other development, and its zoning warrants consideration for tools to create new housing opportunities that also recognize the unique and sensitive island context.

Moving forward, we would recommend a closer examination of the full range of regulations in place for the city's islands. There may be a need to adjust use permissions, dimensional and/or design controls to address new or emerging issues. It is understood

that the city's islands are unique and well-loved among residents; any recommended revisions should be grounded in further detailed study specific to the islands and their issues and concerns.

3.C. Evaluate and refine the City's mixed-use zones to ensure they support the city's thriving mixed-use areas, and continue to enable modern, sustainable, walkable development in line with the City's vision for the future.



The Land Use Code currently contains 13 mixed-use zones. Generally, these zones appear to be functioning well to accommodate the varying intensities of mixed-use development that the City wishes to see. Even so, there may be ways to modify existing policy within these zones and explore their application as a means of furthering Portland's policy goals. Each zone has been reviewed and evaluated on the following pages.

B-1 & B-1b Mixed Use Zones

Overview

B-1 is a neighborhood commercial zone that allows a mixture of low intensity commercial uses (live/work spaces, bed and breakfasts) designed to ensure that adequate transitions are maintained between commercial uses and adjacent established neighborhoods. Also allows residential units (435sf/du on-peninsula, 1,000sf/du off-peninsula).

B-1b is a narrowly mapped zone (19 tax parcels) that maintains all the dimensional and use standards of the B-1 zone, but restricts the location of certain commercial uses (restaurants, small retail establishments) to the ground floor of structures only.

Recommendation / Discussion

The B-1 is mapped in a nodal fashion that could likely support an expanded palette of uses, provided that the scale remains tailored to a neighborhood context. Currently the uses allowed are very limited, even for a neighborhood commercial zone. Typically, these zones permit a series of uses that can both exist harmoniously with their surrounding neighborhood contexts, and fulfill some of the basic needs of residents within proximity to their homes. There may also be an opportunity to allow some flexibility around creative, incubator space within the B-1 context.

The City may also want to explore the possibility of consolidating the B-1 and B-1b into a single zone. Use standards can be tailored to maintain requirements for some of these uses to locate on the ground floor only or to better incentivize ground floor retail with residential above.

Lastly, to encourage additional housing development, the city could explore the idea of eliminating the off-peninsula/on-peninsula distinction within the zone's density and height standards in favor of consistent dimensional requirements across the zone.

B-2, B-2b, & B-2c Mixed Use Zones

Overview

B-2 is a community mixed-use center that allows a broad range of commercial uses that serve the needs of both the adjoining neighborhoods and the larger community. It also allows for residential units at significant density (435sf/du on-peninsula, 1,000sf/du off-peninsula, 435sf/du off-peninsula with an active street frontage).

B-2b is a slightly modified variant of the B-2 Zone that refines some sign controls from the B-2, makes certain uses conditional (auto service, marijuana dispensary, etc.), and modifies a limited number of dimensional standards including allowed height and impervious surface maximums.

B-2c is a narrowly mapped zone (17 tax parcels) intended to serve as a transitional zone, further modifying the standards of the B-2 and B-2b to prohibit bars.

Recommendation / Discussion

The B-2/b/c Zones appear to be functioning well, although they generally do not see the levels of redevelopment or investment their dimensional standards would seem to imply. The dimensional distinctions between each of these zones are relatively minor, except for permitted heights on large lots. There may be an opportunity to increase the allowed height across these zones in keeping with the permitted heights on large lots in the B-2 and B-2c Zones as a means of encouraging housing and density. The “gradients” in use between the B-2 zones appear to primarily address levels of commercial intensity and transitions to adjoining neighborhoods. As such, there is likely a need to maintain them.

As with the B-1 Zones, the density in B-2 varies between on- and off-peninsula locations. In addition to exploring a more consistent approach to density, there may also be value in more broadly reconsidering residential density within the B-2 zones, which serve as major sources of off-peninsula housing opportunity and are often found in transit nodes and along transit corridors. In tandem, a relaxing of height and density requirements could help to open up areas of B-2 to mixed-use redevelopment that could provide the backbone for improved transit service.

B-3, B-3b, & B-3c Mixed Use Zones

Overview

The B-3 Zone acknowledges the role of downtown as the active, mixed-use heart of the City and the region. It provides the greatest flexibility in relation to dimensional standards, and allows for some of the greatest achievable heights within the City.

B-3b does not currently appear on the zoning map. Further, our evaluation could not identify anywhere in the Code where B-3b is differentiated from the B-3 Zone; regulations seem to always address them as a pair. Resultingly, we cannot identify a functional purpose for this zone.

B-3c is a very narrowly mapped zone (10 tax parcels) that is intended to serve as a transition to “protect and enhance the quiet enjoyment of adjoining residential neighborhoods.” It modifies the standards of the B-3 and B-3b to prohibit bars.

Recommendation / Discussion

Evaluation of the B-3/b/c zones indicates that they are performing adequately to address the needs of Downtown. There may be a need to reevaluate the permitted heights within these areas to ensure they reflect the goals of the comprehensive plan and the City’s current regulatory stance on downtown height. This could be in the form of greater by-right heights in some areas, new or different rationales for height bonuses, greater heights for particular uses, or other approaches to height maximums.

B-4 Mixed Use Zone

Overview

The B-4 Zone acknowledges those areas of the community that are primarily auto-oriented and that require a different approach and set of standards. Uses such as auto dealerships, auto service stations, and other large-scale uses are generally permitted within this zone.

Recommendation / Discussion

The B-4 Zone is primarily mapped along the Warren Avenue corridor on the west side of the city. Given that it is acknowledging a built form and a set of uses that are distinct, in many ways it is serving the mix of larger scale commercial and industrial uses in this area well. However, there are opportunities to support the functional needs of these uses while encouraging a better relationship of buildings to the street, as well as opportunities to permit housing - which is currently prohibited. While the form and the prospect of integrating residential into this corridor will require careful consideration, as a B zone (rather than industrial or waterfront zone, for instance) there is no reason to preclude the possibility for new housing creation here.

B-5 & B-5b Mixed Use Zones

Overview

The B-5 and B-5b Zones both allow for a broad mix of uses including commercial, residential, and low impact industrial uses. These zones address locations on peninsula and on Thompson's Point where a dense, urban mixed-use development pattern is envisioned, mixing reuse of existing structures and new development of significant size.

Recommendation / Discussion

These zones appear to be working; this evaluation has not flagged any items for revision. However, given that the use and dimensional distinctions between the two zones are relatively minor - largely in the form of the requirement for a 10-foot maximum setback in the B-5b (B-5 requires no setback) and some tailored height limitations along Commercial Street - there may be an opportunity to consolidate the zones and address these variations in form through locational criteria (as is currently the case for the height restrictions).

B-6 Mixed Use Zone

Overview

The B-6 Zone is a geographically specific zone that allows for a broad, urban mix of uses including residential, commercial, and low impact industrial uses, and is intended to achieve the vision of a 24-hour mixed-use zone as articulated within the City's Eastern Waterfront Master Plan. Urban standards such as minimum heights and minimum building wall requirements are included in the B-6 Zone.

Recommendation / Discussion

The B-6 Zone appears to be aligned with its intent statement. However, the regulations of the zone are quite complex, with numerous footnotes and exceptions within the dimensional standards, in addition to the B-6 height map. Opportunities for simplification should be explored during drafting.

B-7 Mixed Use Zone

Overview

The B-7 Zone is a geographically specific zone intended to establish a high-quality, pedestrian oriented mixed-use environment in areas at the periphery of downtown, "including but not limited to Bayside." Like the B-6 Zone, the B-7 Zone is regulated via a height map, and contains standards to encourage an urban orientation, addressing building wall requirements, parking location and design, etc.

Recommendation / Discussion

The B-7 Zone appears to align with its stated intent. Like the B-6 Zone, opportunities should be explored for potential to simplify the regulations and maintain the intent of the zone, if possible. In addition, given the B-7's location in a low-lying area of the city, there may be opportunities to explore flood resilience strategies within this zone.

3.D. Consider some revisions to the O-P and R-P Zones.



The City maintains two office zones, the O-P Office Park Zone, and the R-P Residence Professional Zone. These each serve specific purposes, regulating large, coordinated office developments (O-P), and addressing the unique needs of smaller office and professional uses within proximity to residential neighborhoods (R-P). Moving forward, the City should consider some modifications to make these zones work more effectively.

Currently, the R-P Zone contains only a very limited set of standards, which generally mirror those of a residential zone, and in fact refer to the “nearest residential zone” in the case of residential uses. The intent of this zone seems to be to allow for low-intensity office use while maintaining a residential character, either through the conversion of existing residential structures or new construction which mimics it. In practice, this zone has allowed for residential-to-office conversions, but also new office and even multi-family affordable housing development (which is eligible for affordable housing bonuses). The zone would benefit from some additional clarity around purpose, form, and use. There may also be some opportunity for rezoning to B-1 in areas where mixed-use would better serve surrounding neighborhoods and existing office employees.

The O-P Zone contains a series of use standards designed to accommodate what appears to be a rather broad definition of an office park as “separate office buildings planned, constructed, or managed on an integrated coordinated basis.” “Office Park” also appears in the use standards, but not in the use table for the O-P Zone, which may be an issue. Moving forward, this zone should be further evaluated to ensure it contains clear standards that work to create the type of development the City envisions within the O-P Zone.

3.E. Explore opportunities for refinement and/or consolidation of the City’s industrial zones.



The Code currently categorizes industrial zones into four groups: Low-Impact (I-L, I-Lb), Moderate Impact (I-M, I-Ma, I-Mb), High Impact (I-H, I-Hb), and Airport Business (A-B). On the following pages, each of these zones has been evaluated, and specific recommendations or discussion points are presented.

As discussed within the evaluations, there may be opportunities to refine the uses allowed within some of these zones, adjust their dimensional standards to improve their function, or to consolidate or eliminate specific zones that may no longer be needed. In so doing, the City must carefully consider the balance between preserving industrially-zoned land and allowing for the evolution of these spaces.

I-L & I-Lb Industrial Zones

Overview

I-L and I-Lb address low-impact industrial areas within the City. They both allow a maximum height of 45 feet, but other dimensional standards are varied between the two zones, with I-Lb taking on a more intense building form through reduction of required setbacks and a greater allowance for impervious surface coverage.

Uses allowed within these zones include a fairly broad range of typically low-impact uses such as warehousing, storage, and distribution, and marijuana testing facilities.

Recommendation / Discussion

The City may want to explore opportunities to refine the uses allowed within its I-L and I-Lb Zones. Currently, the mix of uses allowed within these zones includes some industrial uses that are more typically considered moderate- to high-impact, such as printing and publishing. Additionally, the zones allow some non-industrial uses including recreation and amusement centers and preschool facilities. While it is common to allow some non-industrial uses within a low-impact environment, such uses are more typically oriented toward serving the daily needs of employees and visitors. Given the proximity of the I-L and I-Lb to commercial areas and the premium of industrial space within the city, drastic expansions of non-industrial uses are not recommended. Further, any consideration of even minor expansions of existing non-industrial uses must be balanced with the pressure that such changes can exert on the viability of industrial uses. Any use expansion should include standards, such as requirements that these uses be located on upper floors, that ensure that such uses support or do no harm to the functional needs of industrial uses within the zone.

A 45' height maximum may be low for some more modern forms of light-industrial construction. Efficiencies are often established for these uses through techniques such as cross-docked layouts and high-bay interiors that require clear-heights that approach the current structure height maximum.

I-M, I-Ma, & I-Mb Industrial Zones

Overview

The I-M, I-Ma, and I-Mb Zones address areas of moderate-impact industrial development within the City. They allow for maximum heights of 75 feet (I-M, I-Mb) or 45 feet (I-Ma), and a mixture of uses that builds in intensity and impact from those permitted within the I-L zones, including uses such as recycling and solid waste disposal, tow lots, and marijuana cultivation facilities between 2,000sf and 7,000sf in plant canopy.

Recommendation / Discussion

Like the I-L Zones, there may be opportunities to refine the uses that are allowed within these zones to better reflect a moderate impact industrial environment.

It is somewhat uncommon for industrial zones to employ a sliding-scale approach to setbacks, such as that seen in the dimensional standards for the I-M and I-Ma zones. This approach is typically used to mitigate the impacts of height on adjacent residential uses, but it appears that the presence of residential uses abutting these zones overrides the sliding scale and requires a greater setback. A more common approach, like that in the I-L Zones, is to establish a broadly applicable minimum setback.

The I-Ma Zone is not currently mapped. The zone seems to be differentiated only in that it does not allow correctional pre-release facilities, and reduces the maximum height to 45 feet. Given that this zone is not mapped, we would recommend considering elimination of the I-Ma.



I-H & I-Hb Industrial Zones

Overview

The I-H and I-Hb Zones accommodate areas of high-impact industrial development within the City. They provide a high level of flexibility in their dimensional standards (particularly I-Hb), and allow maximum heights up to 75 feet.

Uses allowed within the I-H and I-Hb Zones include a range of general and heavy industrial uses that may cause impacts to surrounding land uses.

Recommendation / Discussion

The I-H and I-Hb Zones appear to be well-oriented to meet the intent articulated within the Code, as they allow a broad range of uses and flexibility in form. Currently, the I-H zone is very selectively mapped to areas off Riverside Street and Bishop Street.

The I-Hb zone does not currently appear on the map, which may indicate an opportunity to look at consolidation or elimination.

3.F. Consider some strategic revisions to the current R-OS (Recreation Open Space) Zone.



The R-OS Zone allows for the preservation and protection of parks and open spaces within Portland, as well as the establishment of large-scale regional sports and athletic facilities. Revisions the City should consider include the removal of the zone's floor-area ratio (FAR) control and the adjustment of the zone's impervious surface ratio.

FAR is typically better suited to dense urban development where a city wants to deal strategically with issues of height, building massing, and land area. As a control within an open space zone, it is quite uncommon. There are likely better approaches to limiting the size of structures within the R-OS Zone considering a maximum gross floor area, or adjusting setbacks and impervious surface controls (currently 75% for sports complexes) to better hem in the large structures that are also allowed within the zone. Both of these controls, as they stand, could allow for buildings that are quite large and potentially out of sync with the City's vision for this zone. During the revision process, controls can be calibrated and tested to ensure they meet the intent of the zone and the uses that it permits.

3.G. Ensure that the City's waterfront zones continue to function effectively. As recommended within Portland's Plan.



The City's waterfront is a critical economic and cultural resource. As such, it is important to maintain the unique characteristics of this area, which comprises a mixture of marine and non-marine uses. The code's treatment of the waterfront divides it into three distinct zones, acknowledging the potential for varied forms and use mixes in strategic locations while prioritizing the health and operational needs of the working waterfront as its most vital component. Specifically, these zones include:

EWPZ Eastern Waterfront Port Zone. The EWPZ places a high priority on the protection and functional needs of deepwater-dependent uses (those requiring a minimum of 15 feet of depth). The zone specifies a set of standards to ensure adverse impacts on marine uses are avoided, and only allows for a very limited set of commercial uses (offices) within the upper floors of existing structures. Additional limited uses are allowed through conditional use approval, including passenger-support services associated with a marine passenger use, limited industrial uses, and public uses such as maritime museums.

WCZ Waterfront Central Zone. The WCZ is intended to nurture an environment along the waterfront that prioritizes the protection of existing and potential water-dependent uses to ensure the long-term economic viability of the City's waterfront,

while encouraging a mixture of uses that can create vitality and an additional source of fiscal stability to the area's marine infrastructure. The CSOZ Commercial Street Overlay Zone acknowledges the unique position of Commercial Street as an interface between the City's active downtown pedestrian environment and the City's active working waterfront, and allows for a mixture of uses that includes retail, service, restaurants, and office uses in addition to the base uses of the WCZ. The CSOZ also includes unique provisions, such as a requirement for investment in marine infrastructure, to maintain the City's focus on the health of the working waterfront.

WPDZ Waterfront Port Development Zone. The WPDZ focuses on ensuring the continued viability of the Port of Portland as a critical resource within both the city and the region. The zone includes a set of tailored dimensional standards to address the port, as well as performance standards addressing outdoor storage, lighting, etc.

Each of these zones has been refined over time to address the unique needs of the city's waterfront, and we anticipate that all will remain. The Code revision process should maintain the unique orientation and provisions of each of these zones, while recognizing the potential for emerging industries that can be compatible within the waterfront context. Where any changes may be recommended, they should be focused on attempting to align, clarify, and modernize the language while preserving the function and intent of these established zones.

3.H. Consider the continued applicability of the Land Use Code's overlay zones.



The City's 11 overlay zones have been reviewed as a component of this evaluation. These are targeted regulations that address specific issues throughout the community and as such it is generally recommended that they remain. However, there may be opportunities to refine some of the overlay zones to better implement the policies of the City moving forward. Those overlays for which recommendations have been developed are discussed below:

R-7 Compact Urban Residential Overlay Zone. This zone currently allows high-density housing, on par with the city's smaller mixed-use zones, subject to dimensional and design standards. It may be valuable to explore converting a version of the R-7 to a simpler base zone instead of this complex overlay. This approach could result in a higher density residential zone that bridges existing R-zone and B-zone densities in appropriate areas of the city, such as along transit corridors. Other tools/approaches to permit higher densities in such areas are also discussed elsewhere in the code evaluation.

Downtown Entertainment Overlay Zone. The DEOZ is established to address nuisance impacts of downtown entertainment uses. Currently, applicability of the zone is established by a reference to the boundaries of the B-3, B-3c, and WCZ zones as well as the DEOZ Map. This should be simplified/clarified to avoid potential conflicts that may arise from a

change to the referenced zones, or a change to the DEOZ map. In addition, a review of standards may be necessary to ensure that sound mitigation is being adequately addressed.

Helistop Overlay. The Helistop Overlay addresses helicopter landing areas on individual sites. Typically, as this is one use, these impacts are handled through a series of use standards as opposed to a specific overlay zone. There may be an opportunity to eliminate this zone through the inclusion of use standards addressing the criteria within the overlay.

Island Transfer Station Overlay. The ITS Overlay establishes a location for transfer stations for solid waste and Public Works activities. This zone might be considered for conversion into a base zone, or for integration into existing base zoning, moving forward.

Munjoy Hill Neighborhood Conservation Overlay Zone. This overlay zone was established to alleviate development pressure regarding rate of demolitions and design outcomes of new construction within the Munjoy Hill neighborhood on Portland’s peninsula. As there have been recent changes within this area, including the adoption of a local historic district, this overlay may no longer be applicable in its current form. Further study is recommended to evaluate the continued utility of the Munjoy Hill Neighborhood Conservation Overlay Zone.

Pedestrian Activities District Overlay. The PAD Overlay establishes an active use requirement for frontages as specified on the PAD Overlay map, focused over the city’s downtown area. The map itself is quite granular in its approach to requiring active uses, with certain frontages requiring active uses and others “encouraging” active uses. There may be an opportunity to explore integration of the principles within the PAD into the base B-3/b/c standards and consider the PAD for other nodal, mixed-use zones. Further, there may also be an opportunity to strengthen the PAD requirements themselves.

3.1. Refine the India Street Form-Based Code Zone to provide consistency and make improvements as needed.



The India Street Form-Based Code is a unique district within the city, addressing the India Street area through an approach that focuses on built form, the relationship of structures to one another and the street, and the creation of a vibrant, active pedestrian environment. This is a relatively new district within the City’s Code. As part of an audit process, the City may want to consider opportunities for simplification and alignment with the overall code structure, including both in format and in substance (e.g., definitions), and refine use and dimensional provisions where needed.




3.J. Consider a refinement to clarify the sequential ordering of the City’s zones.



The manner in which zones are currently named in sequence is somewhat inconsistent and counterintuitive, which may lead to confusion regarding the logical progression of the zones within the Code. For example, within the mixed-use zones, progression from B-3 to B-3b to B-3c represents a decrease in the intensity of the zone, whereas in the industrial zones the progression from I-M to I-Ma to I-Mb represents an increase in intensity. This prevents an easy mental mapping of the zone structure, because the naming convention or sequence between each set of zones is inconsistent; in some cases, “higher” zones represent higher intensity, while in other cases they represent the opposite.

Moving forward, it is recommended that the City should consider refining the naming convention and sequencing of the zones to be more intuitive and consistent across the categories of zones, to add to the Code’s ease of use.



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General Development Standards

4.A. The Code should expand and clarify what is allowed to project into a setback, such as architectural features and accessory structures.



The Code currently contains a set of limited permissions for allowed projections into setbacks - found in Section 7.5.5 (for setbacks) and 7.5.6 (for stepbacks). A full range of common projections should be addressed in the Code - ranging from architectural features (sills, belt courses, cornices, buttresses, ornamental features, bay windows, eaves, etc.) to accessory structures (decks, porches, pergolas, etc.). Including a table that details specific features that can project could serve to encourage the design of façades with greater architectural interest. Without such allowances for projections, structures would have to sit back further into the lot to accommodate them, which would decrease the building area and discourage their inclusion. The Code should also address instances of encroachment within the right-of-way.

4.B. A comprehensive set of accessory structures and uses should be clearly defined within the Code.



Currently, regulations for accessory structures and uses are addressed in various locations throughout the Code, including:

- General standards for location and bulk in the dimensional tables
- Section 6.6 (Accessory Uses)
- Section 7.4.9 (Supplemental Dimensional Standards) - standards for pools and fences

An accessory structures and uses section should be created that - first - contains a set of general standards for accessory structures, drawing from what is found within the dimensional tables. Second, a full range of common accessory structures and uses should be included, enabling the City to address the specific impacts of structures or uses. Each accessory structure and use should be defined, and regulations should be clearly articulated for each, including zones where they are allowed, minimum lot sizes (if needed), maximum sizes and heights, permitted locations on a lot, and any required impact controls, such as screening.

Based upon an evaluation of the current accessory structures and uses addressed within the Code, some revisions to consider are as follows:

- Drive-through facilities are currently considered an accessory use. Whether drive-throughs are permitted is a function of both principal use and zone, creating some complexity that is challenging in the current format. Revisions could include tables that help to simplify permissions. Consistent development standards should also be considered.
- Outdoor storage standards in Table 6-H should include more specific screening requirements, tailored to the zone.
- Private solar and wind energy systems refer to principal use standards, which may be too restrictive or inappropriate for a small system installed at a residential property. Typically, when these are an accessory use, specific regulations are created to address them.
- The home occupation use should be modernized to be more flexible. This can be achieved, for example, by eliminating the list of specific businesses allowed as a home occupation, while still controlling any potential negative impacts or nuisances. In particular, the ongoing COVID-19 pandemic has led to many communities relaxing home occupation standards, an acknowledgment that the nature of many uses has changed.

4.C. Performance standards should be consolidated (where possible) and updated to facilitate easier enforcement.



Section 6.8 contains the Code's performance standards, but an additional set is found in the waterfront zones. We understand that the unique environmental sensitivities of the waterfront, as well as the nature of the activity within the working waterfront, create the need for specific standards. It should be clear, however, how both sets of standards interact. Structural changes could help to accomplish this.

Further, many of the standards are very technical, which can lead to difficulty in their administration, particularly those related to noise, odor, and smoke. Simplified standards should be considered.


4.D. A suite of targeted revisions could strengthen the City’s natural resource protections, incentivize green building and the development of green infrastructure, and provide flexibility for eco-innovation. As recommended within *Portland’s Plan* and *One Climate Future*



Portland’s Plan, along with *One Climate Future* present a series of key avenues for the City to explore from both a policy and regulatory perspective, aimed at strengthening Portland’s commitment to the protection of its abundant natural resources, its unique character, and its quality of life. Numerous recommendations within these plans are worthy of consideration during the ReCode process, and as already discussed, sustainability and resiliency are a thread that run through the entirety of the Phase II ReCode effort.

Though the nature of some of the recommendations listed below may vary, they are being presented as a suite within the recommendations for General Development Standards, as the intent is for these types of standards to be as broadly applicable as possible. Some of these suggestions may in fact be implemented in part or in whole within other recommendations presented in this evaluation. Others may require both revisions to the City’s Land Use Code and Technical Manual. Further, some may require significant additional study – beyond the scope of Phase II - to be fully implemented.

- Strengthen Portland’s wetland protections where possible.
- Integrate low-impact development standards and impervious surface standards, along with expanded flexibilities or requirements or green infrastructure and open space to help capture and retain stormwater and to mitigate heat.
- Preserve existing opportunities and increase opportunities to use open space for food production, including community gardens, urban agriculture, food forests, and other forms.
- Maintain and enhance stream and shore buffers and protections for critical ecosystems.
- Consider the development of an incentive system to encourage the preservation of open space, integration of green infrastructure, planting of trees, and use of other technologies such as microgrids and renewable thermal energy systems.
- Create standards and flexibilities for the integration of features such as shading structures, green roofs, green walls, solar canopies, permeable paving, and high-albedo paving within new developments.
- Update the shoreland zoning to reflect state statute and ensure the protection of critical coastal resources as appropriate.

The background of the image is a complex, three-dimensional structure made of many thin, white layers of paper. These layers are arranged in a way that creates a series of flowing, wavy patterns across the entire frame. The lighting is soft and even, highlighting the texture and depth of the paper. The overall effect is one of organic, fluid movement, reminiscent of a stack of papers that has been gently disturbed or perhaps a piece of paper that has been curled and layered over time. The colors are monochromatic, consisting of various shades of white and light gray, which emphasizes the intricate geometry and texture of the paper layers.

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Parking, Loading & Access

5.A. The Code should comprehensively and consistently address the design of all off-street parking, both surface and structured.



Within Section 6.5 of the Code there are a series of conditional use standards that address the design of off-street surface lots and parking structures as principal uses, both by use and by zone. These standards should be revised to ensure regulations apply to all off-street facilities throughout the Code. Standards should be evaluated to ensure that they coordinate with all parking and access specifications within the City’s Technical Manual. Items that may be addressed include:

- Basic design elements such as required setbacks, etc.
- Requirements for location of facilities on the site
- Off-site parking permissions

Regulations should include design standards for parking structure facades facing a street, such as façade articulation, screening of the ground floor and rooftop parking, and maintenance of a vehicular clear sight zone at any entry/exit points to prevent conflicts with any other vehicles and pedestrians.

The current structured parking requirements for the B-6 and B-7 Zones require active space along the ground floor along all frontages, with exemptions available due to challenging topography or based upon Planning Board review. The City may want

to consider creating more options for first floor design if the requirement that all ground floors should be active has proven too onerous for current development. It may be that select street frontages require active ground floors, while other – or secondary – frontages can choose from a variety of options that remain geared toward higher levels of screening and design, but do not require active uses. Additionally, if a series of options are developed, additional zones can be considered for these higher levels of design.

5.B. Consider further detailing electric vehicle charging requirements as referenced within the City’s Code. As recommended within *One Climate Future*



The Code currently references the City’s Technical Manual, which specifies a requirement for new structured and surface parking lots of five or more spaces to “include energized electrical outlets or installed chargers capable of providing Level 2 EV charging or higher to 20% of parking spaces.” Further, the manual requires that the remaining spaces be served by sufficient facilities to allow for future installation of EV charging equipment.

This requirement is generally in line with the recommended actions in *One Climate Future*. However, moving into the revision, the City may want to explore opportunities to further refine the current requirements as referenced into the Technical Manual

based on practice and the evolving landscape around EV charging.

5.C. Consider enhancing the Transportation Demand Management (TDM) Plan requirements to incorporate recommendations within One Climate Future. *As recommended within One Climate Future*



The Code currently references the TDM requirements within the City’s Technical Manual. These current TDM standards are quite robust, however there may be an opportunity to enhance and align them with the recommendations included within One Climate Future by modifying applicability or by amending the requirements themselves.

5.D. Address autonomous vehicles through considerations related to drop-off/pick-up zones, flexibilities related to parking space and structure design, and new uses such as AV staging, support, and recharging.



With autonomous vehicles on the horizon (and increasingly on Portland’s roadways), the City should consider including provisions that will allow for ease of adaptation to the impacts that increasing numbers of AVs can have on the urban fabric. Specifically, some considerations may include:

- **Parking flexibilities.** Portland is already a step ahead here, as much of the city currently requires no minimum parking due to a series of exemptions that are available. With the advent of autonomous vehicles, the number of people who are simply dropped off at their destination will increase and the need for additional parking spaces will decrease.
- **Design of parking spaces and parking structures.** The City may want to consider requirements or flexibilities to address the impacts of autonomous vehicles on the design of parking spaces and structures. Many communities are moving toward specific design requirements that anticipate the reuse or conversion of parking structures that may be unnecessary in the future. Further, facilities for storage of AVs may not require a typical parking space, but can effectively store vehicles within a smaller footprint.
- **Drop-off and pick-up zones.** In addition to the impacts already felt due to the increase in ride-sharing services, autonomous vehicles will only increase the importance of ensuring effective design relative to parking location, drop-off and pick-up locations, and their impact on building design and the public realm.
- **New uses to support AVs.** With more autonomous vehicles on the roads, the need for service, storage and recharging of these vehicles will become important. These uses may generate

unique impacts that a typical service station or parking garage may not, and therefore the City should consider options for regulating these uses, as well as where they should be located.

5.E. Re-evaluate current parking flexibilities and exemptions to ensure clarity and alignment with the City’s goals, and consider establishment of parking maximums in locations proximate to public transit. *As recommended within One Climate Future*



Portland has made great strides toward adjusting its parking requirements to prioritize multi-modality and the creation of walkable, active and pedestrian-oriented nodes and neighborhoods. The City has reduced minimums and created exemptions and incentives to reduce the amount of off-street parking required within Portland. As a suite of tools, however, these should all be evaluated to ensure they are coordinated and working together. The categorical exemption for development within ¼ mile of transit may overlap with other exemptions, creating confusion as to what applies and what is needed within the Code. The revision process should organize and evaluate the various flexibilities and exemptions to determine their utility and streamline what is included within the Code.

A further step, as recommended within *One Climate Future*, is to consider the establishment of parking maximums in specific transit-served areas

of the community. This potential revision should be supported by continued evaluation of the City’s 2017 Peninsula Parking Study and its recommendations. In addition, further study may be needed to better understand the locations where such a change might be best targeted, and to ensure that the maximums established are reasonable and effective in achieving the City’s goals.

5.F. Consider refinements to the City’s bicycle parking requirements.



The City’s current bicycle parking requirements are fairly strong, requiring two spaces for every five units for residential uses, and two spaces for every ten vehicular spaces (up to 100, and then one space per 20 vehicular spaces thereafter) for nonresidential uses. Further, the City’s Technical Manual provides significant detail related to the required location and design of these spaces to ensure that they are adequately located and functional.

Given recent changes to off-street parking requirements, the City should consider a new approach to nonresidential bicycle parking requirements, basing them on square footage rather than a ratio linked to the number of vehicular parking spaces provided. An additional refinement that the City should consider is specifying how many short-term and long-term bicycle spaces are needed. The Technical Manual addresses the design of bicycle parking for long-term use – such as in residential

uses, but there are no requirements, such as a ratio of long-term vs. short-term spaces required. In particular, long-term bicycle spaces for multi-family developments are especially important, as this is the primary way residents store their bikes.

5.G. Consider updates to the Code’s loading standards, and addressing the storage of recreational and commercial vehicles.



1. Loading standards should be updated to be more flexible.

Loading is an important element of new development and should be better tailored to uses and/or zones. The B-6, B-7 or WCZ zones are exempt from loading requirements but all other zones require a loading bay even at 5,000sf of gross floor area, even for retail. The concern is that these requirements may sacrifice a more urban form to accommodate a loading bay.

One option is to allow the market to decide how many loading spaces are needed, and only dictate the location and design of loading. The other is to significantly increase the minimum square footage for the larger use categories before requiring loading and to cap out the minimum required loading at 3 spaces; the nature of the business will determine the amount of loading required. Existing structures should also be exempted from these minimums, requiring only maintenance of any existing bays even with expansions (this would require elimination of Section

19.2.4. Nonconformity as to off-street loading). This also encourages the reuse of existing buildings.

2. The Code should address recreational vehicle and commercial vehicle storage.

Recreational Vehicles. Recreational vehicles should be limited to outdoor storage areas located in select areas of a site, such as within the interior side yard behind the front building line or in the rear yard. When stored in the interior side or rear yard, the recreational vehicle should be located a certain distance from any lot line and screened from view from any public right-of-way.

Commercial Vehicles. Commercial vehicles parked within a residential zone should allow for standard size vehicles owned and used for commercial purposes by the occupant of a dwelling or guest including, but not limited to, vans, sports utility vehicles (SUVs), standard passenger size livery vehicles, and pick-up trucks, provided that the vehicle is stored or parked in a permitted parking area. Commercial vehicle storage for nonresidential zones should be limited to commercial vehicles that are being operated and stored in the normal course of business. They should be required to be stored on the lot in areas related to their use as vehicles, provided that the primary purpose of such vehicles is not the display of signs.

Landscape

6.A. Landscape requirements should address all aspects of site development, from preservation to screening and buffering.



The contribution of landscape to the visual quality of the built environment cannot be overemphasized. In addition to its visual and aesthetic benefits, landscape can provide valuable ecological and climate resilience benefits to the city.

Landscape requirements should be consistent across the Code. Currently, they are contained in multiple areas, including the performance standards for uses (Section 6.8.8), and with those developments that require site plan review (in Article 14). The performance standards of Section 6.8.8 are rather vague regarding what is required for the O-P, R-P, A-B, I-H, and I-Hb Zones, and do not include references to the City’s Technical Manual, which may be helpful. Comparatively, the site plan review standards are more specific. Moving forward, one approach is to develop a new, unified set of landscape standards, varied by zone as appropriate, with references to specific standards in the Technical Manual. The site plan ordinance could augment these standards as necessary.

Similar to off-street parking and loading, a new, unified landscape section could contain all the Code requirements related to landscape, and should align with and clearly reference back to the detailed standards of the Technical Manual wherever

applicable. A new landscape section could include standards for:

- **Landscape preservation** (based on Section 14.6.2.B) This section could be evaluated and revised as needed to ensure standards related to preservation, removal, and replacement of existing vegetation are adequate and aligned with the City’s goals.
- **Site landscaping** (based on Section 14.6.2.C.1). This section could also be revised to include more flexibilities in the requirements within setbacks to ensure compatibility with the building frontage where it is located.
- **Buffer yards** (based on Section 14.6.2.C.2). This section can build upon the existing site plan standards but include different widths and planting requirements to allow for a more tailored approach in transitions between uses and zones.
- **Parking lot landscaping** (based on Section 14.6.2.C.3). This section includes requirements for the interior of parking lots but does not speak to screening along the street. Where a parking lot abuts the street (excluding alleys), specific requirements – such as for low fencing, walls, or shrubs, can help to effectively screen cars from the right-of-way.
- **Street tree requirements** (based on Section 14.6.2.C.4). This section refers to the Technical Manual. If this has been achieving the desired tree canopy along streets, it should be maintained as-is.



6.B. Landscape requirements could be updated to consider flexibilities or allowances for techniques and technologies, other than vegetation, that can contribute to rainwater management and heat island mitigation. Requirements should also support the city’s ecological systems through prioritization of native species and planting for pollinators. As recommended within One Climate Future



While the contributions of landscape to the built environment – and to the mitigation of rainwater runoff and heat island among other urban issues – is clear, the City may want to consider building flexibilities into the Code to allow for other types of site elements to enhance or augment these contributions. Such flexibilities may include allowances for solar shades or other shading structures within parking areas, allowances for green roofs, and considerations for materials such as high-albedo paving to contribute to the City’s goals of managing rainwater, mitigating heat, and providing shade and beautification for residents.

Additionally, the plant selection requirements within the City’s Technical Manual do a good job of prioritizing the use of native species and preventing the spread of invasives. These standards could be enhanced, however, to include acknowledgment of additional considerations such as planting for pollinators or the creation of critical habitat.

Nonconformities

7.A. The City may wish to consider no longer allowing a change from one nonconforming use to another nonconforming use.



The current Code allows the following: “A lawful nonconforming use shall not be changed to any use other than a use permitted in the zone in which the use is located or to any use other than a nonconforming use of a more restricted zone, as set forth in the following schedule...”

The intent of any code revision is to reduce the number of nonconformities within the city, by ensuring that desirable patterns and development character are acknowledged and protected within the Code. For those nonconformities that remain, the intent is for their gradual elimination over time. It is unclear why the current Code allows for a change from one nonconforming use to another nonconforming use, as this essentially works to negate the achievement of the City’s long-term vision. As such, it is recommended to eliminate this permission. If Portland wished to have fewer use nonconformities or grant more flexibility for existing nonconformities, one solution would be to expand the allowable uses and therefore reduce total nonconformities overall rather than unnecessarily complex mechanisms that undermine the intent of categorizing a use as nonconforming.

7.B. New regulations for nonconforming site characteristics should be added to the Code.



The City could address sites that do not comply with general development standards, such as performance standards or standards around accessory uses or structures, by creating a separate nonconformity category for elements such as landscape, fences or walls, lighting, or parking.

Much like the City’s existing sign regulations, these regulations would allow normal maintenance and incidental repair to a nonconforming site element, but prohibit repairs or reconstruction that would create any new nonconformity or increase the degree of the previously existing nonconformity. The regulation would also spell out when nonconforming site elements must be brought into conformance (e.g., when a new principal structure is constructed on a site, an existing principal structure is increased in floor area by a certain amount, an existing parking lot is fully reconstructed or expanded, or, in specific circumstances, when 50% or more of the length of a nonconforming fence is reconstructed).



Nonconformities

7.C. Flexibilities for additions and enlargements can be added to the nonconforming regulations.



Building off existing provisions that allow for vertical expansions in Section 4.4.3, the Code could contain new allowances related to additions and extensions that enable nonconforming walls, such as those which may be too close to a side or rear lot line (with some limitations), to be extended horizontally.

This type of provision is very useful, as it can encourage continued investment and upkeep of homes in existing older neighborhoods, helping to preserve the (often “naturally-occurring” affordable) housing stock, and easing the process for property owners who want to continue to invest in their homes, particularly older homes.

Such a provision, crafted to refer to both vertical and horizontal expansions, may appear as: “Where a dwelling is deemed nonconforming because of encroachment into the required interior side or rear yard, the structure may be enlarged or extended vertically or horizontally along the same plane as defined by its existing perimeter walls, so long as the resulting structure does not increase the degree of the existing nonconformity or otherwise violate this Code.”

Code Structure

8.A. The Code would benefit from greater use of illustrations and matrices.



Illustrations, matrices, and flowcharts are an effective way for regulations to communicate information to users, clarifying requirements and aiding consistency in application of standards. All standards that can be illustrated should be. Codes can also benefit from the use of matrices, which can easily summarize and clearly present information regarding uses, dimensional requirements, and other provisions.

Currently most illustrations within the Land Use Code are found within the form-based code (India Street Form-Based Zone) and sign sections. The revised Code should illustrate a greater variety of regulations, which will more effectively communicate information to users. Numerous additional regulations and terms would benefit from graphics including, but not limited to:

- Measurement rules (Section 7.2)
- Design standards
- Lot types and dimensions
- Parking, landscape, and sign regulations
- Accessory structure regulations, such as fences, detached garages, etc.

8.B. The Code could be refined to explain the rules of measurement more clearly, as well as any exceptions to those rules.



Currently, rules of measurement are found within multiple sections of the Code, including the dimensional standards article, the form-based code, and the sign article. Bringing measurement methodologies together into one Article (Section 7.2) could add significant clarity and benefit ease of use.

One issue with the rules of measurement is that there is an extensive set of exceptions to these rules, found in Section 7.5. The inclusion of this section, as well as rules of measurement and modifications within the footnotes of the zone dimensional standards, creates three levels of regulation that must be found and interpreted to clearly determine what applies in each situation. There are several ways that this can be improved to make things clearer:

- Based upon a closer evaluation of the zones, some of the exceptions (footnotes and Section 7.5) may be able to be integrated directly into the zone standards in the tables.
- Certain exceptions can be considered part of the rules of measurement. For example, appurtenances that do not count toward building height can be part of the rules for calculating height.

- Some exceptions can be handled as “general development standards,” such as projections into setbacks.
- A more significant revision can be to then divide the dimensional article into “parts” so that each section can have a main body of text that lists specific modifications/exceptions (rather than footnotes or cross-references).

8.C. All terms used in the Code should be clearly defined.



Within the Code’s current structure, definitions are found in multiple locations, including Article 3, the India Street Form-Based Code, signs, waterfront zones, etc. Moving forward, it may be beneficial to reorganize all definitions within the Code into a single location in Article 3. All existing definitions should also be evaluated, updated for clarity, and checked for any internal conflicts. There may also be undefined terms to be added, upon further review.


One exception to this approach are the definitions associated with floodplain regulations to the floodplain article (Article 12). These are specifically tied to the administration and interpretation of floodplain regulations, many of which are established by other agencies like FEMA and therefore may differ in definition from the same term used in the larger Code.

Other Recommendations

9.A. Augmenting ReCode Phase I work



Lastly, there are a number of small vestigial Code edits from Phase I, including minor updates to reflect changing state statute, edits for clarity or consistency (e.g., definitions of new terms, clarification of thresholds, updates to text to reflect the results of recent referenda), and minor edits to address practical issues that arise in the interpretation of the ordinance. These edits, which range from updating the shoreland zoning to clarifying the ADU regulations that apply in non-conforming structures, further the City's efforts to ensure the Code's long-term legibility.



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Recommendation Matrix

Recommendations presented within this Land Use Code Evaluation have been organized within the matrix below, sorted by their likely impact toward achieving the goals of Phase II as determined by the number of key themes they touch upon. Additionally, any items cited as including a component of further study are indicated with an asterisk in the matrix.

Items requiring further study have been included here, as progress can be made on many of these during Phase II.

#	Recommendation	Equitable	Sustainable	Connected	Authentic	Dynamic	Secure	Structural
Recommendations Addressing All Themes from Portland's Plan								
1D	Consider revising the definition of “agriculture” to include modern agricultural activities.	●	●	●	●	●	●	
1E	Expand and clarify the range of dwelling types allowed in the city.	●	●	●	●	●	●	
1F	Add clarity around specific housing-related uses (e.g., lodging houses, SNIDUs, congregate care, etc.).	●	●	●	●	●	●	
2A	Consider developing bonus provisions within the residential and mixed-use zones to encourage sustainable construction and/or a walkable, urban environment.*	●	●	●	●	●	●	
2B	Evaluate densities and uses permitted throughout the city in the context of risk and resilience.*	●	●	●	●	●	●	
2G	Explore opportunities to encourage transit-oriented development within appropriate areas of the city, in coordination with regional transit planning.*	●	●	●	●	●	●	

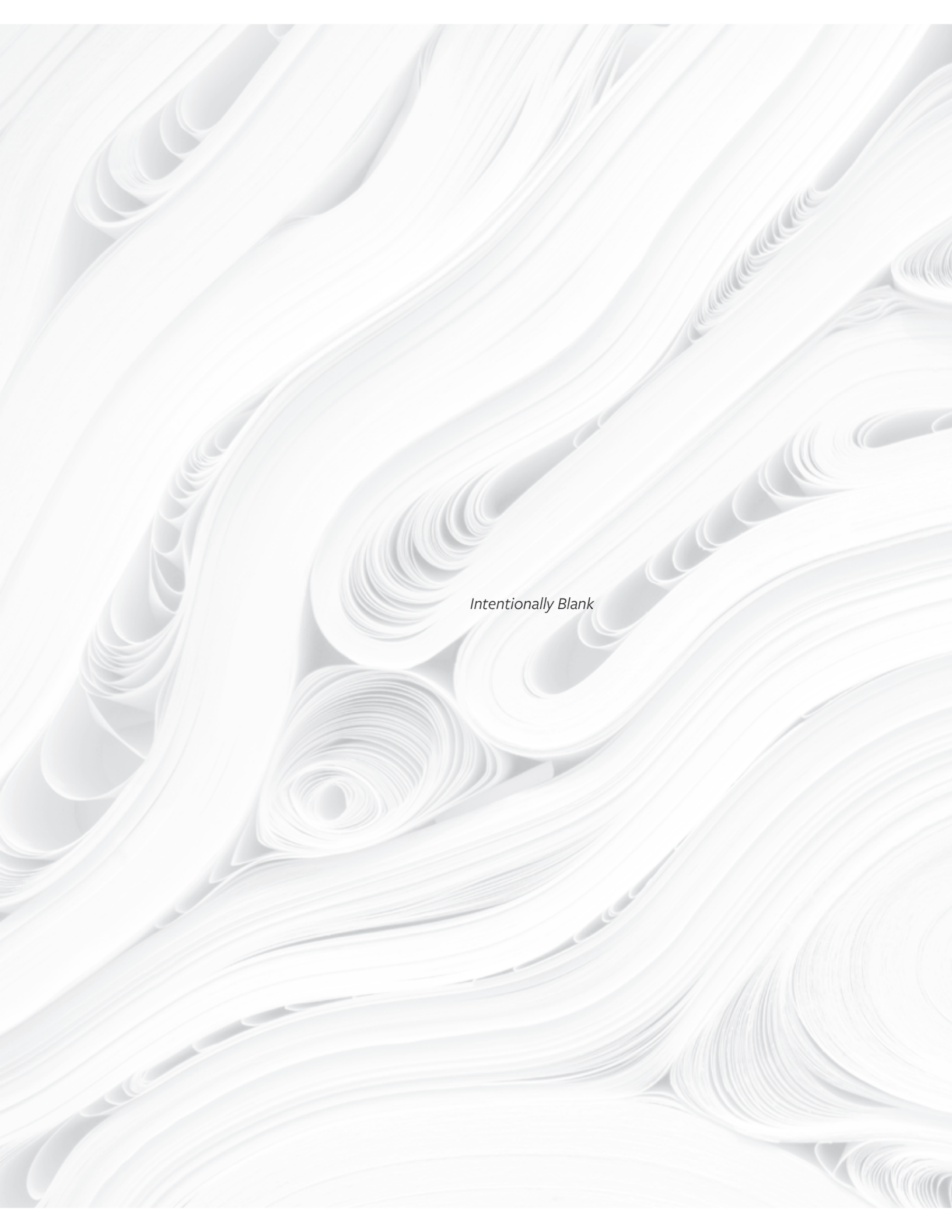
#	Recommendation	Equitable	Sustainable	Connected	Authentic	Dynamic	Secure	Structural
3C	Evaluate and refine the City’s mixed-use zones to ensure they support the city’s thriving mixed-use areas, and continue to enable modern, sustainable, walkable development in line with the City’s vision for the future.	●	●	●	●	●	●	
Recommendations Addressing Five Themes from Portland’s Plan								
1A	The Code should address additional neighborhood uses and leverage neighborhood mixed-use zoning to encourage development of complete neighborhoods.	●	●	●	●	●		
1B	The Code should address additional creative uses not currently listed.	●	●	●	●	●		
2C	Consider development of zone dimensional and design standards that encourage visual and physical access to the city’s waterfront areas.	●	●	●	●	●		
3A	Identify barriers, and explore options and implications related to allowing for a greater diversity of housing types within the City’s residential zones.	●	●		●	●	●	
3G	Ensure that the City’s waterfront zones continue to function effectively.	●	●		●	●	●	
7B	New regulations for nonconforming site characteristics should be added to the Code.	●	●		●	●	●	
7C	Flexibilities for additions and enlargements can be added to the nonconforming regulations.	●	●		●	●	●	

#	Recommendation	Equitable	Sustainable	Connected	Authentic	Dynamic	Secure	Structural
Recommendations Addressing Four Themes from Portland's Plan								
1G	A comprehensive set of temporary uses should be addressed in the Code.	●	●		●	●		
1H	Consider adjusting the City's use regulations to ensure they support a circular and sharing economy; identify and eliminate barriers to businesses that reuse or repair consumer goods. As recommended within <i>One Climate Future</i> .	●	●		●	●		
2D	Refine regulations pertaining to the bulk and placement of structures in the Land Use Code.	●	●		●		●	
2F	The Code should regulate impervious surface maximums in all residential zones.	●	●		●		●	
3B	Consider further study of the City's island zones to ensure they adequately acknowledge and support these unique areas within the city.*		●		●	●	●	
3H	Consider the continued applicability of the Land Use Code's overlay zones.*		●		●	●	●	
4D	A suite of targeted revisions could strengthen the City's natural resource protections, incentivize green building and the development of green infrastructure, and provide flexibility for eco-innovation.*		●		●	●	●	
5B	Consider further detailing electric vehicle charging requirements as referenced within the City's Code.		●	●		●	●	
5C	Consider enhancing the Transportation Demand Management (TDM) Plan requirements to incorporate recommendations within <i>One Climate Future</i> .		●	●		●	●	

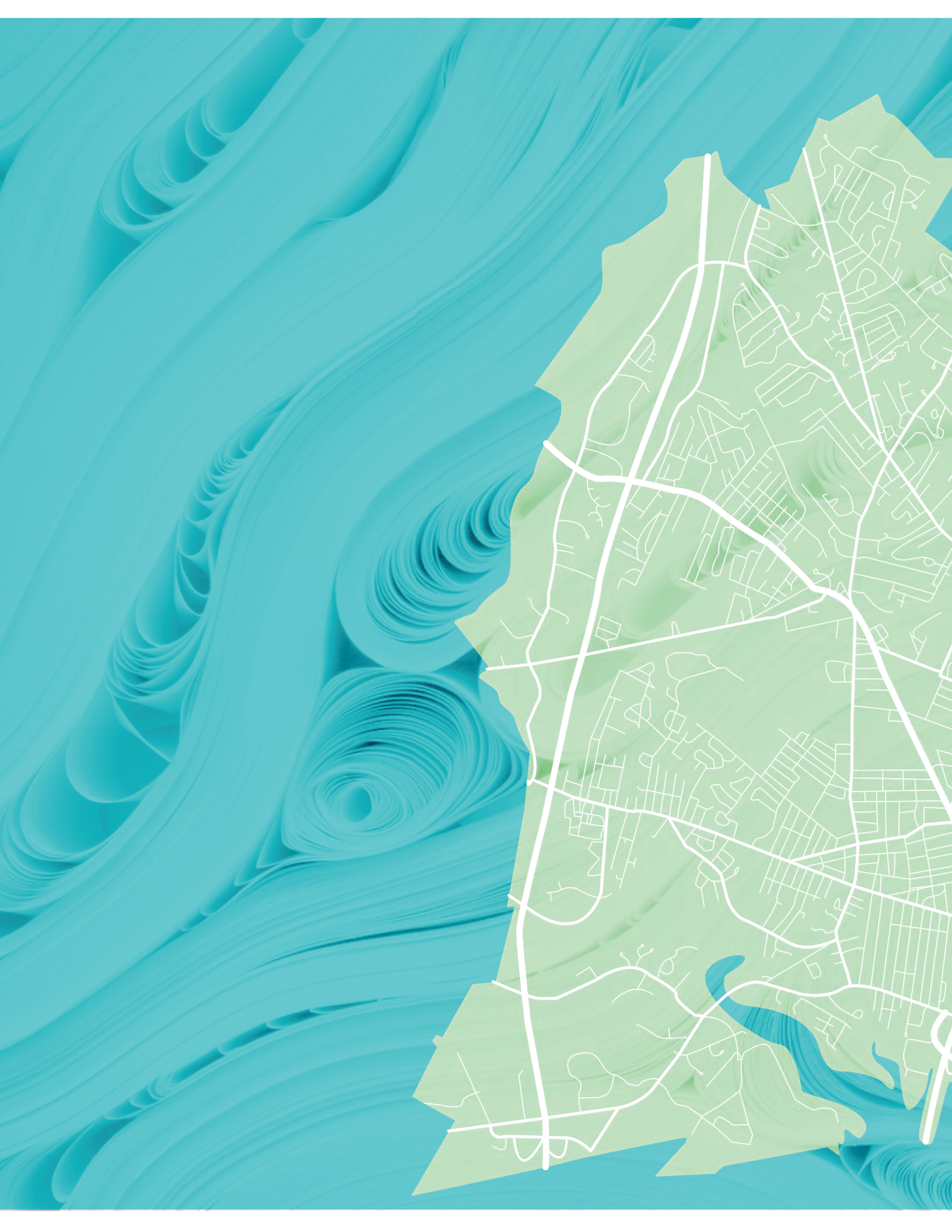
#	Recommendation	Equitable	Sustainable	Connected	Authentic	Dynamic	Secure	Structural
5D	Address autonomous vehicles through considerations related to drop-off/pick-up zones, flexibilities related to parking space and structure design, and new uses such as AV staging, support, and recharging.		●	●		●	●	
5E	Re-evaluate current parking flexibilities and exemptions to ensure clarity and alignment with the City's goals, and consider establishment of parking maximums in locations proximate to public transit.*		●	●		●	●	
5F	Consider refinements to the City's bicycle parking requirements.		●	●		●	●	
6B	Landscape requirements could be updated to consider flexibilities or allowances for techniques and technologies, other than vegetation, that can contribute to rainwater management and heat island mitigation. Requirements should also support the city's ecological systems through prioritization of native species and planting for pollinators.		●		●	●	●	
Recommendations Addressing Three Themes from Portland's Plan								
1C	The Code should address several specific new social service uses.	●		●			●	
1I	Evaluate and revise as needed to ensure that solar installations can be maximized and streamlined.*		●			●	●	
2H	Consider opportunities to refine height controls within the Land Use Code's mixed-use zones.*		●		●		●	
3D	Consider some revisions to the O-P and R-P Zones.		●		●	●		

#	Recommendation	Equitable	Sustainable	Connected	Authentic	Dynamic	Secure	Structural
3E	Explore opportunities for refinement and/or consolidation of the City's industrial zones.		●		●	●		
4A	The Code should expand and clarify what is allowed to project into a setback, such as architectural features and accessory structures.		●		●	●		
4B	A comprehensive set of accessory structures and uses should be clearly defined within the Code.		●		●	●		
4C	Performance standards should be consolidated (where possible) and updated to facilitate easier enforcement.	●	●				●	
5A	The Code should comprehensively and consistently address the design of all off-street parking, both surface and structured.		●	●		●		
6A	Landscape requirements should address all aspects of site development, from preservation to screening and buffering.		●		●	●		
Recommendations Addressing Two Themes from Portland's Plan								
2E	Consolidate and refine basic design standards in keeping with the work on the design manual.		●		●			
3F	Consider some strategic revisions to the current R-OS (Recreation Open Space) Zone		●		●			
Recommendations Addressing One Theme from Portland's Plan								
7A	The City may wish to consider no longer allowing a change from one nonconforming use to another nonconforming use.				●			

#	Recommendation	Equitable	Sustainable	Connected	Authentic	Dynamic	Secure	Structural
Structural Recommendations								
1J	Consider some potential updates to the Code's use structure.							●
3I	Refine the India Street Form-Based Code Zone to provide consistency and make improvements as needed.							●
3J	Consider a refinement to clarify the sequential ordering of the City's zones.							●
5G	Consider updates to the Code's loading standards, and addressing the storage of recreational and commercial vehicles.							●
8A	The Code would benefit from greater use of illustrations and matrices.							●
8B	The Code could be refined to explain the rules of measurement more clearly, as well as any exceptions to those rules.							●
8C	All terms used in the Code should be clearly defined.							●
9A	Augmenting ReCode Phase I Work							●



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Let's Talk About the City of Portland's Land Use Code Evaluation

ReCode Portland is a multi-phased process focused on rewriting the City's Land Use Code for the first time in more than 50 years.

The overarching goals of the ReCode process are to create a new code that is user-friendly, advances the goals of Portland's Plan, and enables the City to effectively address issues related to housing, design, preservation, conservation, the working waterfront, energy, and transportation. Phase I of the ReCode process was centered around an effort to reorganize the Code into a modern, rational, user-friendly format and to implement some key policies from Portland's Plan, including provisions for accessory dwelling units, off-street parking flexibilities, and sign standards. Phase I of the process concluded in November of 2020 with the adoption of a reformatted, restructured, and updated Land Use Code.

The Land Use Code Evaluation represents the first major work product of Phase II of ReCode Portland. The work of Phase II will build upon the foundation established during Phase I of the ReCode effort, expanding into significant substantive revisions to the content of the Code. In short, whereas Phase I of the process was predominantly focused on reformatting and restructuring the City's Land use Code, Phase II will focus on reorienting and revising the Code to bring it into alignment with the City's priorities, including confronting the impacts of climate change, mitigating sea level rise, addressing issues of racial and social equity, and supporting a diverse and affordable supply of housing, among others.

The evaluation explores the impacts of the City's current regulations on these key policy areas, and presents a series of concepts, approaches, and recommendations targeted to ensure that the work of Phase II significantly advances the goals of Portland's Plan and other City policy documents. Within the evaluation, regulatory concepts are classified based

upon their relationship with six key themes of Portland's vision for the future: that of an equitable, sustainable, dynamic, secure, authentic, and connected community. Where a specific recommendation addresses one or more of these themes, it is indicated as such within the document.

Updating Portland's Land Use Code is an unavoidably technical process, by nature. Though the Evaluation seeks to be intentional in connecting suggested concepts, approaches, and recommendations to established policies, the revisions themselves must respond to the nature and organization of the Code as a regulatory document. As such, the Evaluation structures its recommendations not by policy area, but by type of regulatory control:

- *Uses & Use Standards*
- *Dimensional & Design Standards*
- *Zones*
- *General Development Standards*
- *Parking, Loading & Access*
- *Landscape*
- *Nonconformities*
- *Updates to Code Structure*

The types of controls addressed within the Evaluation are presented below, with a brief description of what they are, how they relate to Portland's Plan and other City policy documents, and what they can do to reflect and reinforce the City's priorities, goals, and aspirations.

So, what's in the Land Use Code Evaluation?

Find out





Uses & Use Standards

Uses and use standards directly address the types of ‘land uses’ that are allowed on property across the City. For instance, use standards define what kinds of residential uses are allowed on a property, whether restaurants or retail are permitted in certain areas, and where other types of uses, like auto service stations, bed and breakfasts, and preschools are allowed to operate. Allowed uses vary by zoning district, meaning that certain land uses might be allowed in one area of the City, but not in another.

How do these relate to Portland’s Plan?

Uses and use standards are central to achieving the goals of Portland’s Plan. Rethinking which types of uses are allowed where – and under what conditions - can help to match opportunities for certain types of housing, institutional, commercial, or industrial uses to the areas of the City where they are most needed, or to limit certain uses where they might create conflicts. For example, expanding the types of housing allowed within certain residential districts could allow for the creation of additional housing units – a major goal of Portland’s Plan. Similarly, creating opportunities for new small-scale neighborhood retail establishments could help to move the City closer to its complete neighborhood goals.

What does the Evaluation recommend?

The Land Use Code Evaluation identifies opportunities to revise use regulations within the Code to better support the creation of middle-density housing, the creative economy, and urban agriculture. The Evaluation also highlights the potential for additions or refinements to the City’s range of social service and housing-related uses, and the need to review use regulations through the lens of Portland’s climate resiliency goals.



Dimensional & Design Standards

At their most basic level, dimensional standards establish where on a property buildings may be located, and how big they can be. For instance, dimensional standards may define how close to a property line a building can sit, how tall that building can be, and how much of the lot it is allowed to cover. Dimensional standards also establish minimum lot sizes for certain uses, which impact – for instance – how many residential units can be built on a particular site. Design standards work to augment dimensional standards by further defining how a building should relate to the public realm around it. For instance, design standards might require that a certain percentage of a building contain doors or windows that face the street.

How do these relate to Portland’s Plan?

Dimensional and design standards, like use standards, are key to meeting the goals of Portland’s Plan. Where the plan foregrounds concepts such as promoting transit-oriented development and housing production, updates to the Land Use Code’s dimensional standards (like minimum lot sizes, height limits, required setbacks, and residential density limits) can fundamentally affect whether these concepts can become a reality in Portland. For instance, does the current Code allow sufficient height to build units along transit corridors at actual transit-supportive densities? Are current minimum lot area regulations making it harder to build housing in the City?

What does the Evaluation recommend?

The Evaluation recommends adjusting dimensional standards to help achieve climate goals - like regulating impervious surface maximums more consistently, considering height and setbacks in the context of resiliency, and considering dimensional bonuses (e.g., additional height or density) in cases where climate goals are met. The Evaluation also recommends potential revisions to dimensional and design standards that can help to support housing creation and transit-oriented, walkable, urban development.



Zones

Zones are the basic building blocks of the Land Use Code, and the fundamental organizing element for how its regulations are applied. Each zone within the Land Use Code is created with a specific purpose, and contains a set of regulations that address uses, dimensional standards, and other development standards to achieve that purpose. For instance, Portland's Code includes a series of residential zones, mixed-use zones (i.e. zones where residential uses and other uses might be "mixed" on a property), island zones, industrial zones, and open space zones, among others. The City's zoning map identifies the specific geographic areas that are within each zone, effectively applying the regulations of the zone to real property in Portland.

How do these relate to Portland's Plan?

As one of the foundational aspects of the City's Land Use Code, zones and zone-based regulations will play a critical role in achieving the goals of Portland's Plan. For instance, basic revisions to the City's residential zones could open opportunities for additional (and more diverse) housing creation across the City, moving Portland closer to its goals related to equity, security, and sustainability. Further, modifications to mixed-use zoning could help support transportation goals and encourage the creation of complete neighborhoods.

What does the Evaluation recommend?

The Land Use Code Evaluation explores opportunities to refine, revise, and reorient the City's palette of zones to better align with the goals of Portland's Plan. It takes perhaps the most critical look at the residential zones, with an eye toward implementing the City's goal of creating opportunities for a diverse range of housing options across the City's neighborhoods. The Evaluation also recommends adjustments to the City's mixed-use, industrial, and open space zones, identifying where zones may need to be revised to ensure they are achieving their purpose, where they might be consolidated with other zones, or where their elimination may be the best course of action.



General Development Standards

Certain rules and regulations within the Land Use Code apply to all development, regardless of use type or zone. For example, numerous performance standards, dimensional standards, and other requirements are included to help protect of the City's natural resources, incentivize green building techniques, and ensure compatibility between different uses and structures.

How do these relate to Portland's Plan?

Portland's Plan, (and One Climate Future) encourage the City to look for opportunities where natural resource protections might be strengthened or expanded, low-impact development might be encouraged, and flexibilities for green building techniques and technologies might be incorporated into the Land Use Code. The comprehensive plan additionally emphasizes the City's authenticity as a key strength; general development standards can address things like the projection of architectural features into setbacks or the right-of-way, or where and how certain accessory structures can be located, allowing the things that make the City unique to continue.

What does the Evaluation recommend?

The Land Use Code Evaluation recommends a series of revisions that can provide greater flexibility for new development while maintaining the City's authenticity, notably through targeted exceptions and rules for architectural elements and accessory structures and uses. Additionally, the Evaluation addresses issues of natural resource protections, green building, and green infrastructure, identifying where regulations could be expanded, or new approaches considered.



Parking, Loading & Access

The off-street parking and loading requirements of the Land Use Code determine how much and where off-street parking and loading must be provided in association with any given land use within the City.

How do these relate to Portland's Plan?

Portland's Plan (and *One Climate Future*) place a premium on moving away from auto-oriented development, and reimagining our built environment to support access to housing, employment, goods and services without the need for an automobile. The Code's off-street parking and loading regulations are central to this vision, as they directly relate to how much of our built environment is devoted to automobiles and their storage. Quite often, the need to accommodate off-street parking can be the primary "driver" of site designs, rather than other factors like walkability or the creation or preservation of open space. As such, modifying these regulations can have a profound impact on site development by providing the flexibility to use land for other purposes that address City goals, such as green infrastructure, public space, or additional housing.

What does the Evaluation recommend?

The Evaluation builds upon recent changes to off-street parking regulations with recommendations that encourage mode shift, and improve the design and functionality of new off-street parking and loading areas where they are constructed. Recommendations also acknowledge the emergence of new technologies, and encourage new development to accommodate the supportive infrastructure for advancements in electric and autonomous vehicles. Finally, the Evaluation recommends refinements to the City's bicycle parking standards, to ensure they continue to meet both the physical and functional needs of bicyclists in the City.



Landscape

Landscape provisions of the Land Use Code require that all new development preserve or provide landscaped elements. These standards prevent the removal of certain trees and require that certain site features, such as mechanical equipment and off-street parking, be screened from public view. Requirements also require that certain incompatible land uses be buffered from residential areas, and that new street trees be planted as new development occurs.

How do these relate to Portland's Plan?

Existing landscape standards tend to focus predominantly on the aesthetics of the built environment and the softening of transitions between land uses. Both *Portland's Plan* and *One Climate Future* emphasize the need to think more holistically about the benefits of natural areas and landscaping as they relate to the City's goals around climate, equity, and ecology.

What does the Evaluation recommend?

The Evaluation recommends that a new unified landscape chapter be introduced into the Land Use Code, that would apply to all new development, and be augmented to overtly prioritize and facilitate landscaping and landscape alternatives that further the City's goals.



Nonconformities

The City's Land Use Code establishes rules that govern how nonconforming lots, structures, and uses (i.e. those that do not comply with the current Land Use Code) may be developed, occupied or operated while remaining nonconforming. Under these rules, nonconformities may continue so long as the nonconformity is not exacerbated, with the eventual goal of achieving compliance with the Land Use Code.

How do these relate to Portland's Plan?

While Portland's Plan provides no specific direction on changes to nonconformities, it does encourage creative thinking around how existing development may be repurposed to account for changes in land use. Likewise, Portland's Plan identifies that zoning in many locations across the City is incongruous with the built form, and may need to be revised to achieve broader compliance.

What does the Evaluation recommend?

The Evaluation recommends modest changes to the City's allowance for nonconformities, to account for individual non-conforming characteristics of a site, provide additional flexibility for enlarging nonconforming structures, and encourage change over time by not allowing one non-conforming use to be replaced by another nonconforming use.




Updates to Code Structure

Prior to the adoption of ReCode Phase I, Portland's Land Use Code was lengthy, challenging to navigate, and redundant. This was largely due to its structure, which was organized primarily around individual zoning districts. Phase I of ReCode addressed many of these issues, restructuring the Code thematically, (ex. Zones, Use, Dimensional, etc..) and through the introduction of simple graphics and tables.

What does the Evaluation recommend?

While the efforts of ReCode Phase I resulted in a code that is considerably more user friendly, it was always understood that additional restructuring would occur as part of Phase II, as content changes are expected to result in a more streamlined regulatory framework. The code evaluation acknowledges this and cites additional opportunities to make use of illustrations and matrices to depict regulations related to design standards, rules of measurement, dimensional requirements, and accessory site elements and structures.



**For more information about ReCode Portland, and to read
and comment on the full Land Use Code Evaluation, please
visit us at:**

www.recodeportland.me

Name	Code Evaluation Section	Comment	Topic	Zone (If Applicable)	Commenters Who Agree	Commenters Who Disagree	
Nathan Miller	Table of Contents	This is not user friendly	Process		2	0	
Karen Snyder	Preface	It needs to be very clear in this document that just adding housing is NOT the goal but the correct housing mix to ensure long term residency. Affordable needs to be spelled out. For example, AMI% levels < 45AMI% (40k/yr), >45% and < 120AMI% (40-75K/yr), and > 120AMI% (>80k/yr)/yr. As we saw in 2015, R6 Zoning changes to promote affordable housing. The EXACT opposite happened, and Portland's population continues to decline even with increased housing units while rents increase and push out more long term residents to be replaced by wealthy out of state people living part-time here.	Housing	R-6	0	0	
Karen Snyder	Preface	As I am trained in Industrial Engineering, I applaud the standardization, use of matrices, graphics and illustrations to make the language more consistent and transparent to the people of Portland. However, the devil is in the detail to ensure that Portland City Hall puts long term residence, affordability and environment as top priorities with accountable goals because what happened in the last 5 years for housing costs to double and triple is not sustainable and promoted commodization of housing in which only the wealthy can live in Portland. Please stop using Boston, SF, NYC as models to copy. These cities have the highest cost of living and are unsustainable cities.	Structure		0	0	
Comment Thread	Kierston Van Soest	The Land Use Code and Portland's Plan	I think it is unrealistic to assume that residents don't need/want cars. As much as we would like people to use public transit, it is not desirable, slow and routes are not easy to use to go to the mall, food store or Home Depot (for example). By eliminating parking requirements you will create more parking issues and drive people away. I would also just note that my teenaged daughter sometimes takes the bus to go to high school. She avoids it after a few unwelcome encounters with "rough looking" men on the bus. Some routes are not welcoming.	Transportation		1	3
	Mike Tremblay	The Land Use Code and Portland's Plan	Eliminating parking requirements simply means developers won't need to spend more money and real estate on building parking spaces it doesn't think it needs. Build as much parking as what's needed, and no more.	Transportation		4	0
	Mako Bates	The Land Use Code and Portland's Plan	If public transit is unappealing for various reasons (and I agree it can be), then that's a real problem. But private automobiles are a second-rate solution; just make the public transit better.	Transportation		2	0
	Winston Lumpkins	The Land Use Code and Portland's Plan	Eliminating parking requirements just means that new construction won't HAVE to include it. You should be able to choose if you want to pay for a parking space. I don't have a car, so, a developer might be able to sell or rent a cheaper new construction apartment to me if they were not arbitrarily required to provide parking that I don't want, wasting valuable real estate in the process. Some people are prepared to pay for the waste of space that is automobile storage- certainly, as the market demands, some will always be built. We absolutely must improve the city bus service. All of the transit talk is just that if we don't. It won't really be a viable alternative unless it's easier to use than a car. You don't have to park them, or pay for storage & upkeep, so if it was every 10 or 15 minutes & you didn't have to plan your life around it, it would be a better choice for some people. That's a work in progress, and I invite you to ask your councilor to advocate upping the frequency of the bus so that it could be really useful.	Transportation		0	0
	Craig Bramley	The Land Use Code and Portland's Plan	I agree with this comment. Other cities have made stunning transformations in a short time with increased bus frequency, dedicated bus lanes, and increasing cycling. The City should recognize that prioritizing cars makes the city less livable and desirable. Related - the Turnpike Authority is looking to build a westward extension that is designed to funnel many more cars into Portland. The City should actively oppose this measure.	Transportation		0	0
	Winston Lumpkins	The Land Use Code and Portland's Plan	Seems very simple.	Complete neighborhoods		1	0
	Karen Snyder	The Land Use Code and Portland's Plan	In theory, I agree with comments but provide the examples and sources where these "stunning" transformations are made to be used as benchmarking because if using Boston, SF, NYC as examples then that is a no-go... When I use to fly from Portland (yes, I know carbon emissions are bad) and get into office in Manhattan in far less time than commuters from New Jersey, that is not sustainable and so bad for environment.	Transportation		0	0

	Liz Trice	The Land Use Code and Portland's Plan	We need to hit all the aspects at once - reducing parking requirements; allowing small retail and commercial in neighborhoods; vastly increasing quality and quantity of transit; slowing traffic on arterials to 20 MPH; increase quality and pleasantness of walking and biking along arterials.	Transportation			1	0
	Eliav Bitan	The Land Use Code and Portland's Plan	I agree with the general theme of creating more housing, but I think this report is minimizing the opportunity here. We have incredibly high demand for people to come live here-- which is great! We should rapidly build new construction and upzone current construction to enable more people to live in it. Portland could easily have 50-100% more residential housing, which would lower rents and housing costs, reducing homelessness, increasing the size of the tax base, increasing markets for local items, enabling young Mainers to stay/return to Portland. Private markets have shown that they can be very effective at generating rapid growth-- I would encourage the city to use the power of the private market to achieve these goals by dramatically reducing the regulatory burden faced by those who want to build residential housing or add residential units to their existing buildings. The alternative to doing this will be continued raising housing costs, continued homelessness, reduced equity, continued aging population--- which no one wants.	Housing			5	0
	Mike Tremblay	The Land Use Code and Portland's Plan	Access to transit	Complete neighborhoods			1	0
	Mike Tremblay	The Land Use Code and Portland's Plan	"Nodes" feels jargony. Use public-friendly words like "intersections", "Squares", or "neighborhoods"	Text edit			1	1
	Mike Tremblay	The Land Use Code and Portland's Plan	"e" not bolded	Text edit			0	0
	Mako Bates	The Land Use Code and Portland's Plan	Focus on walking distance. Not everyone can ride a bike, and nobody can ride a bike every day.	Complete neighborhoods			2	0
	Mako Bates	The Land Use Code and Portland's Plan	Someplace in here it would be good to be clear that we want people moving to Portland. This isn't a greedy sense where some abstract entity of "Portland" desires to be larger; I mean that there are people who want to live here and we should help them do that. I have friends and family who have had to move outside the city because they couldn't afford the rents. I have also had a lot of co-workers who drove their cars into the city every day instead of simply living close by. When we talk about "residents", be clear that we're including people who don't currently live here, but who, hypothetically, will in the future we are planning.	Housing			3	0
	Eamonn Dundon	The Land Use Code and Portland's Plan	IZ needs to be examined in this context. The current 25% is killing housing production. While the Council can't directly fix that in ReCode II alone, they can send an amendment back out to the voters as part of action on ReCode II. Expecting dense affordable housing production with the 25% in place will not get us where we go and will exacerbate equity concerns as cheaper housing production gets pushed to the suburbs (increasing the need for personal vehicles), while the only projects built in Portland are <9 unit high-end condos.	Housing			0	0
	Eamonn Dundon	The Land Use Code and Portland's Plan	"Neighborhood character" has long been a NIMBY/racist dog whistle. I would suggest going with a different term such a contextually appropriate.	Text edit			0	0
Comment Thread	Eamonn Dundon	The Land Use Code and Portland's Plan	This is a place to go big and seriously consider eliminating parking minimums for most residential development.	Sustainability			1	0
	Winston Lumpkins	The Land Use Code and Portland's Plan	I think this is key. Parking costs money- those who want cars can certainly pay to store them, but we need to allow the construction of apartments/housing which don't have parking, so that those of us who don't need it don't have to pay for it anyway.	Housing			1	0
	Eamonn Dundon	The Land Use Code and Portland's Plan	We need to be honest about the cliff in housing production following the increase to the IZ %. This should be front and center for all discussions on housing production. In general, I think it would be helpful for the Planning Board and City Council to get an in depth briefing on the finances of housing production. Elected and appointed officials should be walked through various development pro formas by developers and underwriters to enhance appreciation for how difficult financing can be and to identify bottlenecks and what the city can do to reduce those. We have have the most ambitious zoning code in the world, but if one or two provisions preclude reasonable financing arrangements we will not see the housing production we desire.	Housing			1	0
	Liz Trice	The Land Use Code and Portland's Plan	There might need to be a new type of B zone that allows for very small retail - like allowing one house in a single family neighborhood to be converted (or provide a few rooms) to be a cafe or bookstore. Right now it feels like "all or nothing" - if you allow any business uses at all, it allows all sorts of things that people might not want in their neighborhood.	Complete neighborhoods			1	0

Liz Trice	The Land Use Code and Portland's Plan	I would like to see a policy goal to reduce the overall pavement and exposed pavement in the city. Some of the arterials have a 120' Right of Way, mostly pavement that is mostly vacant. Reducing overall lane and arterial widths, requiring parking to be allowed to used night and day, and implementing a forest canopy street trees along arterials would help with this.	Sustainability		0	0
Liz Trice	The Land Use Code and Portland's Plan	We should have a serious inventory of green spaces and publicly support efforts to connect them, making sure every resident is within an easy .25 mile walk of the green network.	Parks		0	0
Cal	The Land Use Code and Portland's Plan	"All residents" needs to have some demographic and data-based correlation to support the various suggested updates.	Equity		0	0
Karen Snyder	The Land Use Code and Portland's Plan	I can't help but thinking that this is a great sounding document but who will be held accountable to ensure these aspirations actually transpire and NOT allow the continued commodization of housing and unsustainable housing prices?	Housing		0	0
Karen Snyder	The Land Use Code and Portland's Plan	Complete neighborhoods needs to ensure long term housing and only allow very limited short term rental Airbnbs. Airbnbs destabilizes neighborhoods, reduces quality of life of abutters who are long term residents and goes against Comprehensive Plan. How will this be addressed?	Complete neighborhoods		0	0
Karen Snyder	The Land Use Code and Portland's Plan	What is the definition of a working waterfront? How to protect from sea level rise? How are the climate one goals protect waterfronts?	Sustainability		0	0
Karen Snyder	The Land Use Code and Portland's Plan	All residents term is too generic. It needs to be spelled out what type of residents. Is it long term residents or short term residents. Is it focused on demographic and/or socio-economic? For example, socio-economic levels from the following 3 levels MUST be equally provided long term housing be created for: AMI% levels < 45AMI% (40k/yr), >45% and < 120AMI% (40-75K/yr), and > 120AMI% (>80k/yr)/yr.	Equity		0	0
Karen Snyder	The Land Use Code and Portland's Plan	It needs to be very clear in this document that just adding housing is NOT the goal but the correct housing mix to ensure long term residency. Affordable needs to be spelled out. For example, AMI% levels < 45AMI% (40k/yr), >45% and < 120AMI% (40-75K/yr), and > 120AMI% (>80k/yr)/yr. As we saw in 2015, R6 Zoning changes to promote affordable housing. The EXACT opposite happened, and Portland's population continues to decline even with increased housing units while rents increase and push out more long term residents to be replace wealthy out of state people living part-time here. This current situation is unsustainable.	Housing		0	0
Karen Snyder	The Land Use Code and Portland's Plan	Ripping up the pavers and putting down asphalt was one of the worse things the City of Portland could do to exacerbate storm water runoff. If City goes back to pavers, it would do several positive things. 1. The surface would be more permeable and would reduce storm water runoff. 2. It would deter vehicles because who wants to be on a bumpy road? 3. The storm water runoff will reduce considerable and will cause less vehicular toxins going into Casco Bay. 4. By having pavers, the tress will begin growing a stronger root system which will provide greater canopies which will absorb greater carbon emissions.	Sustainability		0	0
Karen Snyder	The Land Use Code and Portland's Plan	I don't agree with Eammon's dog whistle input. Every neighborhood has character. Just please stop with this overused term.	Urban Design		0	0
Karen Snyder	The Land Use Code and Portland's Plan	Transportation carbon emissions can ONLY be reduced if the working class and middle class live closer to their work. Therefore, it is just not housing being built but the right housing mix. Only long term housing should be built in 3 distinct socio-economic levels. For example, AMI% levels < 45AMI% (40k/yr), >45% and < 120AMI% (40-75K/yr), and > 120AMI% (>80k/yr)/yr. Any other housing should be banned and any existing housing NOT used as long term should require to pay a vacancy fee.	Transportation		0	0
Karen Snyder	The Land Use Code and Portland's Plan	Shouldn't airflight carbon emissions also be curbed? This is a transportation mode has a large carbon footprint as well.	Sustainability		0	0
Karen Snyder	The Land Use Code and Portland's Plan	How "authentic" is Portland really when the long-term residents who lived here are currently being pushed out by the increased rents and unsustainable property evaluations? This sounds like a marketing tool with no substantial accountability but a nice to have. just like the Comprehensive Plan.	Other		0	0
Jason	The Land Use Code and Portland's Plan	One Portland - Except the half of Portland that is cut off in the above graphics.	Process		0	0
Teresa Valliere	The Land Use Code and Portland's Plan	Incentive and support Neighborhood commercial hubs, not one Downtown	Complete neighborhoods		1	0
Eliav Bitan	Uses & Use Standards	I agree with the sentiment of of expanding housing types. I would encourage the group to use the power of freedom and choice to enable citizens to make these decisions ourselves. Rather than regulate many details, we could empower our citizens to make decisions that create more housing. This kind of citizen empowerment and freedom will enable innovation and creativity while over regulation will stifle people's ability to solve problems.	Housing		1	0

	Ben McCall	Uses & Use Standards	Doing this is imperative, but should also be coupled with specifically allowing these lower-density developments in residential districts where multi-family developments currently aren't allowed, like R-1, R-2, and R-4.	Housing	R-Zones	1	0
	Ben McCall	Uses & Use Standards	From experience, the lack of clarity in these use categories has caused confusion in applications to the ZBA for conditional use approval on multiple occasions.	Housing		0	0
Comment Thread	Mako Bates	Uses & Use Standards	Why not just allow a certain density of retail in all residential zones? e.g. "retail under x-sqft is allowed on the first floor of lots at the intersections of streets in these zones".	Complete neighborhoods	R-Zones	3	0
	Liz Trice	Uses & Use Standards	Agreed. Really, any intersection in a neighborhood more than two blocks away from a B zone may be appropriate for a corner store or neighborhood cafe with limited hours. We may need to create a more narrow list of allowed businesses than B1 currently does.	Complete neighborhoods		0	0
	Craig Bramley	Uses & Use Standards	I agree. If you do this corner by corner, we will end up with a few loud voices opposing any change as already happens with any effort to build on the peninsula.	Complete neighborhoods		0	0
Comment Thread	Mako Bates	Uses & Use Standards	Do you really need a whole schema of "housing types"? If you've defined a building, and you've explained what it means for multiple "families" to live in a building (and under what regulations it's allowed), then why do you need separate definitions for each number of families that might live in a building? This whole paradigm seems designed to reduce flexibility.	Housing		1	0
	Nathan Miller	Uses & Use Standards	I think I agree with this sentiment, why create more splintered definitions of housing and specific regulations of where they can be built? Just relax existing regulations to allow small-scale multifamily in ALL residential zones.	Housing	R-Zones	0	0
	Eamonn Dundon	Uses & Use Standards	Four units should be legalized in all residential zones in the city.	Housing	R-Zones	2	0
	Winston Lumpkins	Uses & Use Standards	Single family zoning must be eliminated. All residential areas should allow multi unit, triple or quadruple Decker style construction. Doing anything else is violence against the working class & specifically stops a "certain" type of person from living in a neighborhood.	Housing		1	0
Comment Thread	Winston Lumpkins	Uses & Use Standards	I have heard that 3-4 unit buildings, while nice to look at, are a little bit wasteful compared to 10-20 unit buildings. Not entirely sure if that's correct, but, perhaps 3-4 unit buildings are not the ideal size?	Housing		0	0
	Liz Trice	Uses & Use Standards	Larger buildings are more efficient, but 3-4 unit buildings are typically of a size that feels compatible with existing single family neighborhoods. In addition, a normal homeowner can purchase and finance a 3-4 unit building with FHA and other consumer home loan products, meaning that if the building next to your house is a 3-4 unit building, it's more likely to feel like a single family home and be managed by a peer homeowner rather than a large landlord.	Housing		0	0
	Winston Lumpkins	Uses & Use Standards	We shouldn't allow the construction of further single family homes. We have far too many already. They take up too much space.	Housing	R-Zones	0	0
	Liz Trice	Uses & Use Standards	How cool would it be to have a small candy maker in a garage that sells candy a few afternoons a week - sort of like a tasting room - in a neighborhood? It shouldn't have to be a whole zone.	Complete neighborhoods		0	0
	Nathan Miller	Uses & Use Standards	Allow these small-scale "corner stores" to be integrated into residential neighborhoods with VERY minimal parking requirements (if any). Should be targeting mostly a walk up crowd, such as the Rosemont Market on Brighton or the Vientiane Market on Noyes.	Complete neighborhoods		0	0
	Nathan Miller	Uses & Use Standards	Not sure if this would really be addressed by the recode initiative, but in line with the temporary uses options, why not allow multi-day, informal neighborhood street closures for community building and breaks from traffic for fun, recreation, and conversation. Like a rotating "calmed neighborhood" street closure program in the summer. Make this an easy process for a neighborhood to initiate.	Other		0	0
	Nathan Miller	Uses & Use Standards	I was told that because of city-required setbacks from the roof-edges my home was not a good candidate for a solar PV system. Would these regulations still be in place, and do they provide any tangible benefit relative to the restrictions they confer?	Sustainability		0	0
	Eliav Bitan	Dimensional & Design	I love the direction towards making these regulations more usable by citizens. I would suggest simply removing many of them to enable citizens freedom to use their property as they best see fit, as long as it aligns with the city's goals--- increasing housing, improving sustainability.	Structure		4	0
	Barbara A. Vestal	Dimensional & Design	Highest priority should be for active water-dependent uses like berthing for commercial harvesters and support services needed by them. Public access for others, whether physical or visual, should be of second priority and should not substitute for keeping the real working waterfront.	Waterfront		1	0

		The very basic way height is measured needs to be overhauled, not just in mixed use zones. It should be measured from existing topography (or grade as of 2010 or similar) and NOT from post-development grade. Developers should not be allowed to fill first and then use that as the new elevation. They should not be allowed to manipulate height through the use of "plinths" or similar structures. Pre-development grade should be the baseline. Additional provisions are needed for measuring height on sloping lots, imposing a maximum height increase that can be obtained from averaging over a slope.	Height			3	1	
Barbara A. Vestal	Dimensional & Design							
Barbara A. Vestal	Dimensional & Design	The City has over-used height bonuses as a way to incentivize "workforce housing." On Munjoy Hill it has resulted in a net loss of affordable housing. Multiple affordable units may be demolished for a large luxury condo development, out of scale for the neighborhood due to a 10 foot height bonus, in exchange for one workforce housing unit (that doesn't even replace those that were demolished to clear the construction site). Much better for affordable housing and the neighborhood to have three stories of smaller, less expensive units. Incentives should be devised for reduced minimum lot area per unit (increased density) for multiple workforce housing units. Limits on consolidation of lots should be considered as well.	Housing	R-6		1	0	
Mako Bates	Dimensional & Design	If we need/want buildings to be "high-performance", accessible, etc (and we certainly do), then just require that. If we accept buildings being taller, denser, and closer together (and we certainly do), then please allow that without strings attached. I see no reason to use a system of bonuses to tie the one to the other. Cash offsets, like our system where a developer can buy an exemption to affordable-housing requirements, may be fine for certain purposes.	Sustainability			2	0	
Mako Bates	Dimensional & Design	Agree that 10-20 units/acre is a better concept for "transit-supportive" density.	Housing			1	0	
Mushreq Alsamraee	Dimensional & Design	I'm hoping that you can waive some of the requirements to add an accessory unit and allowing us to build on a paper street	Housing			0	0	
Comment Thread	Liz Trice	Dimensional & Design	There are whole streets in R3 where every single house is still not considered to be conforming. I'd like to see front setbacks drastically reduced. Most front yards are unused, and this prohibits porches and other uses that would increase the utility of property and sociability of neighborhoods.	Housing	R-3		1	0
	Liz Trice	Dimensional & Design	One of the nicest neighborhoods in the city is Deering Center, where the front porch stoops land at the front property line /sidewalk. Zero setback! Setbacks seem to me to be a useless anachronism - does anyone know a positive purpose they play?	Housing	R-5		1	0
	Liz Trice	Dimensional & Design	agree. Would like to see average street widths narrow as well, and increase canopy coverage of all streets, including arterials.	Sustainability			0	0
	Craig Bramley	Dimensional & Design	As I understand it, the current setbacks apply equally to both the main and accessory structures on a lot. The code should recognize that in many instances it would be appropriate for a small accessory structure to be closer to the property line than a house or other large building - for example a small shed near a property line.	Housing			0	0
	Nathan Miller	Dimensional & Design	The LEED program has introduced significant industry-wide sustainability shifts, but at this point it is no where as significant an undertaking as Passive House or net-zero designs, and the level of reward/incentive should be relative to rigor.	Sustainability			0	0
Comment Thread	Jeff Levine	Zones	There should be some consideration of whether a city the size of Portland really needs seven different residential zones (in addition to zones like B-1 and B-2 that allow residential.) It seems reasonable to consider combining, for example, R-4 and R-5. Similarly, R-1 and R-2; and R-6 and R-7. If there is a need for dimensional differences, have subzones where all the uses and requirements are the same except for the dimensional table. That would streamline the code and make it more equitable.	Structure	R-Zones		3	1
	Liz Trice	Zones	agreed. Combine R1-3 (and allow up to 4 units/lot, or duplex + 2 ADUs), combine R4-5, and R6-7.	Structure	R-Zones		0	0
	Cal	Zones	Modification to zoning needs to recognize the exiting, current pattern of development as to density, size and scale in keeping with the city's Comprehensive Plan to ensure the valued recognition of our neighborhoods to the city's viability and livability. Portland must remain competitive with surrounding areas in providing a diversity of housing including home ownership options.	Housing	R-Zones		0	0
	Winston Lumpkins	Zones	Single family zoning must be eliminated from all areas in the city.	Housing	R-Zones		0	0
	Winston Lumpkins	Zones	It serves to limit the overall supply of housing & exclude the working class.	Housing	R-Zones		0	0
	Nathan Miller	Zones	We have enough single family housing. Eliminate single family zoning.	Housing	R-Zones		0	0
	Nathan Miller	Zones	I can't see any scenario where a minimum lot size should be this large in a city, even at the periphery. We're the state's only significant urban area and we should start acting like it.	Housing	R-1		0	0

Comment Thread	Eliav Bitan	Zones	have multiple families living in it. This will improve efficiency of resource use and enable more housing creation, lowering housing costs and improving equity for lower income people. This zone is antiquated and should be changed.	Housing	R-1	4	1
	Winston Lumpkins	Zones	YES.	Housing	R-1	0	0
Comment Thread	Ben McCall	Zones	Portland is at a point where allowing "low-density" development to remain, even on the western edge of town, is counterproductive. At a minimum, every lot within a zone that allows for residential uses, should allow a duplex or triplex to be built.	Housing	R-1	6	1
	Eamonn Dundon	Zones	Agreed, there should be no mention of encouraging "low-density" development anywhere in the city.	Housing	R-1	1	0
Comment Thread	Mako Bates	Zones	I agree: Scrap this whole zone; roll those parcels into R-2. (And within R2, allow multi-family dwellings and reduce the minimum lot size, as discussed below.)	Structure	R-1	1	1
	Craig Bramley	Zones	Yes to consideration of reducing minimum lot size. The prior sentences are somewhat confusing. A goal of maximizing open space is not inconsistent with higher density. In fact, increasing density along with preservation of open space is more aligned with this goal than the post WWII acceptance of large minimum lot sizes.	Housing	R-2	0	0
	Nathan Miller	Zones	Similar to R-1, this is a ridiculously large min lot size in a city,	Housing	R-2	0	0
	Mako Bates	Zones	Allow multi-family dwellings, of the same kind as R-3 (but for new buildings as well as existing buildings, and without special approval).	Housing	R-2	2	1
	Cal	Zones	While I agree there may be some opportunities to allow greater density in R-3 zones, it must be done very carefully to protect the integrity of established neighborhoods.	Housing	R-3	0	0
	Leslie Sanford	Zones	I think it would be beneficial to most of R3 if the restrictions on distance between property lines for two story houses was eased. Right now for 1-1.5 stories it's 8ft on either side but for 2 stories it's 14. There is minimal difference between a 1.5 and 2 story house in terms of obstructing view or being overbearing to your neighbor. Changing the distance required between 2 story homes would allow property owners who need a little more space to stay in their current homes. It would also ease the pressure on the real estate market, I'd think.	Housing	R-3	1	0
	Mako Bates	Zones	Where prevalent non-compliance with a regulation is not causing problems, that suggests that the regulation should be relaxed to accommodate the existing uses/practices. This section suggests such common-sense adjustments, including re-zoning various areas to higher (historic) densities.		R-3	3	0
	Mako Bates	Zones	Because the area covered by R-3 is so large, small details should be considered carefully. For example, multi-family dwellings are allowed only with conditional use approval, and only under adaptive re-use. Given the intention of allowing small, attached, "in-laws" style units, just codify and allow small, attached, "in-laws" style units, without additional approval steps and regardless of the age of the building.	Housing	R-3	1	0
	Eamonn Dundon	Zones	This zone should be overhauled to allow up to 4 units. Could also look at reducing the acreage min. for PRUDs.	Housing	R-3	2	0
	Winston Lumpkins	Zones	It feels like in many neighborhoods multi family homes where once allowed, and now are not. That needs to be reversed as soon as possible.	Housing	R-3	0	0
	Nathan Miller	Zones	For this zone it appears that there are only ~10% multifamily developments, which is ridiculous given the density on the rest of the peninsula. Open up the west end for more multifamily, even if it will take a significant amount of time for properties to actually be redeveloped.	Housing	R-4	0	0
	Comment Thread	Mako Bates	Zones	It's unclear what would be lost by scrapping this zone and rolling these parcels into R-5.	Structure	R-4	2
Eamonn Dundon		Zones	Agreed that these should be rolled into the R-5. We cannot allow the West End and the Hill to continue to carve out exceptions from the rest of the peninsula if we truly want to encourage TOD and 15 minute neighborhoods.	Structure	R-4	2	0
Liz Trice		Zones	It would be appropriate to allow at least R4-5 (maybe even R6-7) densities all along the arterials, which is mostly where the transit lines run.	Housing	R-4	0	0
Cal		Zones	Eliminating smaller lot options opens up the possibility of single-family homes with abutting smaller lots to be purchased and the house being demolished to allow for larger scale development in low to moderate, highly residential areas, leading to an "urbanization" of these neighborhoods.	Housing	R-5	0	0

	Cal	Zones	Evidence of historic form of R-5 neighborhoods needs to be documented with inventory/ evaluation of current housing types.	Housing	R-5	0	0
	Mako Bates	Zones	I agree: Scrap the small-lot option and reduce the minimum lot size to 5k or lower. These are large, important residential areas; please allow for higher density here!	Housing	R-5	1	0
	Cal	Zones	PRUD's have worked well in the R-5 to allow for increased density with design requirements that are compatible for a low to moderate residential neighborhood zone with the 3 ac. requirement. Any reduction would have to be thoroughly vetted as to potential impact.	Housing	R-5	0	0
	Nathan Miller	Zones	Could not agree more. I live in an R-5 zone that has many multifamily units mixed into the neighborhood, and they fit right in. I can't understand why you shouldn't be able to build more units like those that already exist and work just fine.	Housing	R-5	0	0
	Cal	Zones	Patterns of development in neighborhoods needs to be considered for conformity to existing pattern of development to protect established character of the R-3 and R-5 neighborhoods especially when considering reduction in current requirements for lot size and setbacks.	Housing	R-3, R-5	0	0
	Cal	Zones	Mid-level density??? Cautious approach as to definition of such a proposal and its impact on potential areas of this zone. Additional "missing-middle housing types" ??? Define what is meant by this statement.	Housing	R-5a	0	0
	Barbara A. Vestal	Zones	The maximum height is 35", with a "height bonus" for up to 45' if it meets certain conditions, including the provision of a workforce housing unit.	Housing	R-6	0	0
	Barbara A. Vestal	Zones	I agree with the need to revisit in-fill development and the need to look at the negative impact of the 2015 rezoning which first allowed the demolition of existing housing to create new buildable lots. Prior to that in-fill development was only allowed on lots in non-residential use or vacant.	Housing	R-6	0	0
Comment Thread	Barbara A. Vestal	Zones	Getting rid of the height bonus (35 to 45 feet) and substituting new incentives that will actually produce more affordable housing should be evaluated. Smaller, less luxurious units, more likely to be inhabited year round, would go farther toward meeting the goals of Plan 2030 than the current crop of luxury condos.	Housing	R-6	1	1
	Mako Bates	Zones	I don't like the "bonus" system either. Let the max height be 45'.	Housing	R-6	4	0
	Eamonn Dundon	Zones	For this zone to work correctly the onerous and complicated MH conservation overlay needs to be removed. Neighborhoods must be integrated into the full context of the city, and neighborhood specific carveouts like this make the code difficult to use while undermining the goals of this zone.	Housing	R-6	1	0
	Liz Trice	Zones	B1 may need to be much more "neighborhoody" - ie preventing larger businesses, to be accepted by neighborhoods. Then we could have it used much more broadly. And somehow there should be a way to convert just a single home into a small business that serves the neighborhood. I've seen this done in lovely ways in single family neighborhoods.	Complete neighborhoods	B-1	0	0
	Mako Bates	Zones	These are good recommendations. Taking for granted that the existing division between "residential" and "mixed use" zones is important, I think there's room for a lot more B-1 style zones throughout the city's residential areas. And I agree that there's no need for a higher sf/du off-peninsula.	Complete neighborhoods	B-1	1	0
	Liz Trice	Zones	B2b is a useful zone and should be applied more widely; most B1s in the city would be better as a B2b. Maybe just extend to 100' of all arterials.	Corridors	B-2	0	0
	Mako Bates	Zones	This covers the lots adjacent to Forest Ave, from 295 to Morrill's Corner. Obviously it's important, and it's dear to me personally. It's totally fine that existing use isn't hitting the limits of what's allowed; we should move the whole zone to the "on-peninsula" density anyway. Increasing the allowed height to allow 4-story buildings would probably be good too.	Corridors	B-2	3	0
	Eamonn Dundon	Zones	Increasing the heights allowed in this zone along arterials and collectors would be a good idea.	Height	B-2	2	0
Comment Thread	Eamonn Dundon	Zones	At least allowing PRUDs in the B-4 would be a good start.	Housing	B-4	0	0
	Nathan Miller	Zones	Would it be reasonable to open up housing in a zone that doesn't currently allow it, but ONLY allow multifamily development? Unclear if that is what is being suggested. I don't see much point to adding single-family lots.	Housing	B-4	0	0
	Eamonn Dundon	Zones	In this zone and others it might be helpful context to understand how many city owned parcels and/or vacant/underutilized parcels there are that could be eligible for some housing development if uses were more permissive.	Process	B-4	1	0

Liz Trice	Zones	Do we really need a zone that deliberately is auto-only? People still need to work there, an often these areas are impossible to walk to from any residential areas, and don't have any housing. Riverside doesn't even have a bus line. People have to get in their car just to go a few hundred feet. I know we will have grocery stores and auto supply stores, but there's a way to allow for that without creating entire areas that are hostile to anyone on foot.	Transportation	B-4	0	0
Cal	Zones	What happened to B-5 zone??		B-5	0	0
Liz Trice	Zones	six business zones seems like a lot. Could we allow B1 businesses in most r zones, and combine a few of these?	Structure	B-6	0	0
Liz Trice	Zones	In the spirit of "mixed use", walkable neighborhoods, it doesn't seem right to have a zone devoted to Office Zones, where people won't be able to walk, and it won't be mixed use. Just allow these uses in the B 1-2 zones and apply more liberally. Really, we should have housing almost everywhere that's not conservation or heavy industrial.	Mixed Use	O-P, R-P	0	0
Nathan Miller	Zones	I think we should retain significant flexibility in how our existing athletic structures, (Hadlock, Fitzpatrick, Memorial, Troubh, Expo) can be reconfigured so as to allow for future, undetermined professional and recreations uses. Example- introducing the futsal court on the Fox St fields because that's what was demanded by the local park users.		R-OS	0	0
Eamonn Dundon	Zones	I think we need to better define and justify "specific issues" in relation to overlay zones. If they were put in place to achieve an enduring and well thought out policy goal they should remain, but if they were put in place as reactionary responses to small concentrated lobbying efforts from incumbent homeowners they should be eliminated. MHNCO was certainly the latter and should be eliminated. It sets a bad precedent for future overlays where incumbent homeowners respond to new development (good) with NIMBY overlays (bad). Design guidelines should largely be removed from overlays and instead contained in the design manual and HP guidelines.	Structure	MHNCO	0	0
Liz Trice	Zones	Not sure if this should be necessary; if we're doing a good job, the default is that all zones are pedestrian zones, not the other way around.	Urban design	PAD	0	0
Cal	Zones	Yes, to importance of recognizing current pattern of development - - important to attracting young families. We are losing our middle class and young people to outlying communities. They desire neighborhoods that afford them the experience of suburbia, but with the availability of all the amenities Portland offers.	Housing		0	0
Eamonn Dundon	General Development Standards	If I remember correctly there was some recent action on drive-thrus. I think we should be doing everything we can in the new code to eliminate the ability to build new drive-thrus to parcels on the far edge of the city in proximity to interstates. They do not fit with OCF or the comp plan.			1	0
Liz Trice	General Development Standards	We should also have a set of policy taking into account bird-friendly policies, which includes bird-friendly building design, and use of native plantings which provide native bugs. . Seattle has done a good job with this. Birds are a big bonus to livability, resident happiness, and mental health.	Sustainability		0	0
Mako Bates	Parking, Loading & Access	These are good suggestions. There's no discussion of _on-street_ parking. Remember that we want people using fewer cars in general (even if they're autonomous), so in general we should be allocating less space for cars.	Transportation		1	0
Eamonn Dundon	Parking, Loading & Access	Even before AVs go mainstream we should be moving more of our curb space to drop off or pick up only. Rideshare alone demands this change and it will also further reduce on-street parking in the most pedestrian friendly areas, causing people to think twice before driving downtown, etc.	Transportation		2	0
Comment Thread	Eamonn Dundon	Parking, Loading & Access	Transportation		1	0
	Liz trice	Parking, Loading & Access	Transportation		0	0
	Liz Trice	Parking, Loading & Access			1	0

	Nathan Miller	Parking, Loading & Access	I don't think the current TDM standards are all that robust. I've only got to read through a couple of submitted TDMs, and the goals for reducing single-occ-vehicle trips can be quite modest, with minimal actionable items.	Transportation		0	0
	Nathan Miller	Parking, Loading & Access	Very much agree. When I lived in apartment buildings it was always a hassle to find a secure, dry location to store my bike. Obviously there may be some opportunities for bike-share to reduce the need for individual bike ownership, so perhaps that could be an alternate if our pilot project turns out well.	Transportation		0	0
	Liz trice	Landscape	again, parking should be built in ways that do not impede pedestrian access to buildings, and should be covered with tree canopy to prevent heat islands, and designed for environmentally sound runoff.	Transportation		0	0
	Liz trice	Landscape	Often it seems that tree plantings are required on both public and private land, but that trees never reach the height that would actually provide canopy shade and prevent heat islands. What are the best strategies to ensure actual mature trees that provide shade and enjoyment? I suspect that the arborist's office may need a larger budget to ensure the success of these trees.	Sustainability		0	0
Comment Thread	Jeff Levine	Nonconformities	Unless the zoning map gets everything perfect- including allowing for small commercial nodes to be legalized through new zoning districts - this escape valve is very helpful in practice. For example, there is a small commercial use near the Reiche School that was formerly a convenience store, zoned residential. Unless the new zoning map categorized that kind of spot as allowing retail that use should be allowed to go to another non-residential use as it serves the purpose of a 15-minute city to have it there.	Nonconformities		3	0
	Mako Bates	Nonconformities	I think this is an important point, but I'm also pretty sure we could design a less-janky "escape valve".	Nonconformities		0	0
	Eamonn Dundon	Code Structure	"+1" to more illustrations. It really improves the usability of the code for non-technical people and lets people more easily imagine what is possible on their parcel or in their neighborhood. It would also increase the public's understanding of standards.	Structure		3	0
	Liz trice	Code Structure	It's nice when all uses and zones can fit on one page. That would be a good goal. Exceptions and rules for specific zones should be kept to a minimum.	Structure		0	0
	Jeff Levine	Other Recommendations	The site plan ordinance needs to be revised to make the process less onerous for small changes - more should be done administratively and more should be able to be done without site plan review at all. The ordinance should also finalize removing subdivision requirements from multifamily housing if that hasn't happened yet. Finally, the requirements to put up letters of credit for public improvements as part of the site plan review process should be relaxed or eliminated for below-market affordable housing, as that has been identified in the State Commission on Housing & Zoning as an impediment to housing production (and is a somewhat unnecessary cost as MaineHousing already requires these developers to build to plan.)	Structure		0	0



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Feb 9, 2021, 7:23:42 PM

to recodep...@portlandmaine.gov

Sent via form submission from [ReCode Portland](#)

Name: Winston Lumpkins IV

Email Address: winston.lumpkins@gmail.com

Subject: support Multi unit buildings

Message: It is my firmly held belief that there should be absolutely no development of single unit buildings allowed, we have far too many.

3 units should be the minimum that are allowed on a single foundation. Multit unit buildings are green, they are more affordable to rent, they look nicer. Bring back the triple Decker's! They are selling for like 500,000, there is no way they wouldn't build lots if they where allowed to.

It's [-----] disgusting all the little single unit buildings all over the place wasting perfectly good land that could house 3-4 families.



Squarespace

Apr 18, 2021, 7:49:34 AM

to recodep...@portlandmaine.gov

Sent via form submission from [ReCode Portland](#)

Name: Mary Morse

Email Address: mrsm1359@outlook.com

Subject: Noise

Message: When looking at zoning and land use please considered impacts on existing neighborhoods with regard to noise pollution. We are overwhelmed with the noise (especially the bass) from music venues on the East side. These venues often go to 1 AM! It is seriously impacting the livability of our neighborhoods.

Re: Form Submission - Contact us Re:Code - recode II suggestion

G Bahlkow <gbahlkow@gmail.com>

Wed, Jul 14, 2021 at 10:28 AM

To: Helen Donaldson <hcd@portlandmaine.gov>

Hi Nell,

Thank you for your prompt reply!

Any help understanding "where" in the RECODE II process things stand will be appreciated.

Many thanks, Gary

PS Pasted below is a copy of email sent to Director and Deputy Director of Planning about a specific (to me) anomaly which seems easy to address - note there are two attached files that support the dialogue :

Good afternoon,

I am contacting you at the suggestion of Caitlin Cameron. Please let me know if this is, in fact, directed to the right people!

I have been renovating a residential property in the R6 with Munjoy Hill overlay. It is located in the newly approved Munjoy Hill Historic District. 42 Lafayette Street.

After completing renovations to the main house, I met with Caitlin, Deb Andrews and Ann Machado in January of 2019 about the possibility of replacing the existing garage (circa 1948) with a new one. My concept was to use a slightly larger footprint and have a small dwelling unit above.

I ran into a conflict with the current regs that Caitlin, Deb and Ann seemed to think was an unintended consequence of a new overlay reg - 8.7.4.A.2. (At least that was my impression of their comments at the meeting - I don't mean to put any words in their mouth).

I believe it was Caitlin who said the intent of 8.7.4.A.2. was to get more living space onto the ground floor in larger condo type projects (or avoid the sterility of nothing but garage on ground floors in condo projects). In my case, I am really just replacing a functionally obsolete accessory building with a new one. And adding a single, small dwelling unit above.

If you look at the Dimensional Table 7A for R6 you will find that I could build a 20x30 garage with 8 foot door (40%) and put the dwelling unit on top. Unfortunately, the Overlay reg in 8.7.4.A.2. currently takes that 7A allowable garage away.

If, in fact, this is an unintended consequence of the overlay I will appreciate you considering a modification in the RECODE II process.

Currently I have a permit pending for a new single family (as advised by Ann). The permit number is BLDR 2019 01144. If you look at the original submittals (with a new garage) vs the revised submittals I just uploaded today (without the garage) you might conclude, as I have, that a single bay garage/workshop on the first floor with a small dwelling unit above looks like a thoughtful accessory building (where a little house next to the big house looks, well, odd. At least to me.).

As a personal note - to give you some context on why I am pushing for this, my hobby is tinkering on old cars. I REALLY would like to replace the tiny garage there now with a slightly larger one that could accommodate a workshop on the ground level. I'd also like to add a small dwelling unit above to the housing pool on Munjoy Hill.

If this is a lost cause I will go ahead and replace the old garage with a new house with no garage/workshop but I am hoping you folks might see a path forward for me to do what I hope to do.

I know this is a long and potentially confusing email. I'd be glad to elaborate in person or by phone if that might be useful. 207-650-1551

In the meantime, I am attaching a couple items that might help you visualize the foregoing. You might have to be patient waiting for the Site Plan to load. It is a pretty big file that takes a minute or two to draw.

Thank you for your consideration.

Gary Bahlkow

[Quoted text hidden]

[Quoted text hidden]

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

2 attachments



42LAFA~1.JPG
4229K



Bahlkow Site Plan_3B-11 x 17 (7) (1) June 25, 2019.pdf
757K



Chris Herlihy

Jul 26, 2021, 3:47:13 PM

to recodep...@portlandmaine.gov

Hello,

I am working with a clients who owns 48 Montrose Ave. We are interested in knowing if the recoding would have impact on the setback limitations of using their accessory structure (garage) for an ADU. The house is in Zone R5 and I have sketched the current limitations below, but they would like to use the whole 2nd floor, or more then I currently have allotted if they are able to.

Best Regards,

Chris Herlihy

Architectural Designer

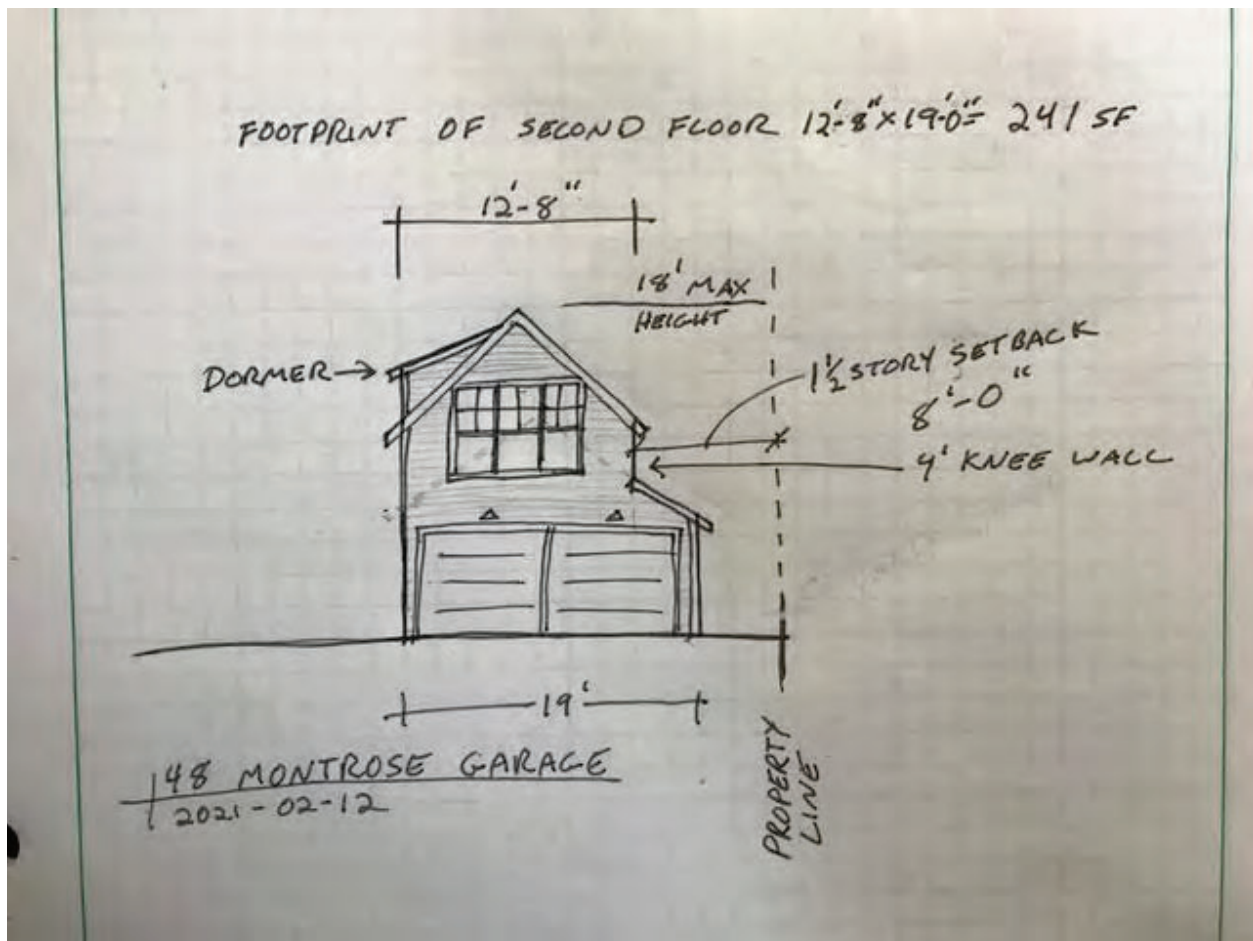
Polestar Design

70 Center St. 2nd Floor

Portland, Maine 04101

O: [207.405.1815](tel:207.405.1815)

M: [406.600.5069](tel:406.600.5069)



Fwd: Form Submission - Contact us Re:Code - ADU's in R-5 and setbacks

Helen Donaldson <hcd@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, Jul 27, 2020 at 9:06 AM

Name: Nick Aceto

Email Address: n...@acetola.com

Subject: ADU's in R-5 and setbacks

Message: Hello,

I am excited to see the city has recently published the first phase of the revised land use code. I am also very pleased to see more language included in this phase regarding ADU's in residential zones, particularly R-5. Thanks to everyone for all the hard work!

Reading through the dimensional standards I was a bit confused by a few items:

1. Rear Setbacks: It appears the rear setback for R-5 has remained the same, 20'. It also appears this requirement stands for accessory structures (ADU's). If this is the case I would strongly suggest reconsidering a more progressive standard which can allow for greater flexibility in design and more efficient use of yard space. By reducing the rear yard setback to 5' for detached ADU's you would allow what is often underutilized yard space to be repurposed as living space/floor area. For the average two car garage carriage house this represents an additional +/- 300 sf(or one additional bedroom). In the case of some smaller lots this could mean the difference between building the ADU or not. In a time when Portland so desperately needs affordable housing, I urge you to consider drastically relaxing setback standards, particularly for ADU's.

2. Detached ADU Height Limits: It appears ADU's are proposed to carry a max height limit of 18' while their counterpart principal structures are nearly double at 35'. It seems unnecessarily restrictive to set a lower height limit than the principal structure. In a time where affordable housing is needed, the height limit seems it could restrict some property owners from providing additional living space or even make the ADU project unfeasible. I would suggest making the height limit the same as the principal structure. There is already language in the code requiring accessory structures to be 'subordinate' to the principal buildings in terms of placement and bulk (2/3rds floor area limitation).

As a resident in the R-5 zone my partner and I would very much like to develop our own ADU. We think the ADU could be a very valuable tool in helping combat the lack of affordable housing, organically, within existing neighborhoods. However I would urge staff to consider relaxing dimensional standards so as to allow maximum design flexibility early in order to promote efficacy of this new strategy.

Thank you!

Nick Aceto

(Sent via [ReCode Portland](#))



Squarespace

Dec 16, 2021, 2:21:16 PM (5 days ago)

to recodep...@portlandmaine.gov

Sent via form submission from [ReCode Portland](#)

Name: Daniel Higgins

Email Address: dannyhiggins207@gmail.com

Subject: R2 Zoning Questions

Message: I live on 106 Caron St. with a lot size of approx. 17,800 sq.ft. A number of years ago I contacted Marge Schmuca (spelling?) in city hall and was informed that , to sub-divide my lot for 2 lots R2 zoning requires 10,000 sq. Ft. Per lot.. Now I see Brandi Lane sub-division approx. 50 yards away from my house, being started with many lots below the 10,000 sq.ft.. This was zoned C40. Is the ReCode Portland addressing issues like this?

Does this submission look like spam? [Report it here.](#)



Mush J
unread,

Dec 21, 2021, 5:31:08 PM (17 hours ago)

to recodep...@portlandmaine.gov

Hello,

I own a land in Hemingway Street and I'm looking to build a house there and my neighbors too, that's in my opinion is going to help with the housing needs and the economic too so I was hoping that the city is looking at this issue and waive the requirements of paving the street or helping us pave it or even split the cost,

Thank you,

Mushreq J Alsamraee

35 Hemingway street

Portland, ME

[2076329523](tel:2076329523)



Squarespace
unread,

9:06 AM (2 hours ago)

to recodep...@portlandmaine.gov

Sent via form submission from [ReCode Portland](#)

Name: Elizabeth C Parsons

Email Address: ecparsons33@hotmail.com

Subject: Recode Portland format

Message: Have received the email about reading and commenting on the current Recode process. Would very much like to do this and find that the format is tedious and off-putting. The document appears in a small window and navigating around it is tricky. Is it possible to receive a PDF of the document?

If this is the only way that you solicit feedback, what you are going to get are responses only from people who are already in the know and not just ordinary citizens—who may have perspectives that need to be heard. Please make a concerted effort to expand the ways of access to this important document and process.

Does this submission look like spam? [Report it here.](#)



Matthew Grooms <mgrooms@portlandmaine.gov>

Comments

'Dennis Martin' via ReCode Portland <recodeportland@portlandmaine.gov>

Wed, Dec 22, 2021 at 10:41 AM

Reply-To: Dennis Martin <dennyjrdaddy@yahoo.com>

To: recodeportland@portlandmaine.gov

Hello- We are in a historic district. We would install solar panels on our large southeast facing roof except it is also street side for the historical district. It's probably time to limit the historical districts' reach when it comes to homeowner's mitigating their carbon footprint. Wasn't sure how to comment on the document. Thanks Dennis Martin 217 Brackett St.

Recode Phase II Land Use Code Evaluation

Barbara Vestal <vestal@chesterandvestal.com>

Thu, Jan 6, 2022 at 12:56 PM

To: planningboard@portlandmaine.gov, Christine Grimando <CDG@portlandmaine.gov>, Helen Donaldson <HCD@portlandmaine.gov>

Chair Mazer and Planning Board Members:

These comments are submitted for consideration as part of your workshop on the Land Use Code Evaluation (Evaluation) on January 11th. For the most part, I am submitting comments on the document in this letter format rather than using the awkward online "bubble" format.

While I think the Evaluation contains many useful observations and may trigger important discussions, I found it to be very uneven and incomplete in how substantive topics are addressed. I was hoping the document would contain a detailed assessment of the ways in which the current land use ordinance fails to implement the major principles of Portland's Plan 2030. (Those major principles are adequately summarized in the Evaluation as: One Portland, complete neighborhoods, strong downtown, thriving working waterfront, priority nodes and corridors, and connected transportation, open spaces and infrastructure, p. 7). Further, I was hoping the Evaluation would contain a comprehensive set of recommendations for amendments (or at least a list of very specific topics for further analysis) which would detail **how to move the City toward implementation of the major principles of Plan 2030**.

Instead, the Evaluation is organized around those six generic themes from Plan 2030 (equitable, sustainable, dynamic, secure, authentic, connected) which are so amorphous that they are not equal to the task of moving the discussion forward. The Evaluation is further divided into technical sections organized by seven components of any Land Use Code. There are approximately 40 substantive recommendations gathered in the "recommendation matrix" but they seem scattershot. The document does not clearly identify the fundamental choices that need to be made if the City is to move toward those major policy principles of the comprehensive plan, Plan 2030, nor does the Evaluation seem to propose a comprehensive suite of recommendations (or focused topics for further analysis) which are strategically selected to further those principles.

Figuring out how to amend the Land Use Code to actually further those substantive principles is the work that needs to be undertaken now. To be successful, it needs to be intensive and laser focused on those principles. The choices among alternative land use patterns and opportunity costs of those choices need to be clearly laid out so that appropriate decisions can be made. If true to Plan 2030 principles, some fundamental changes need to be made in the pattern of uses allowed by zoning and supported by the Land Use Code, particularly off-peninsula. Instead of confronting those decisions head on, this Evaluation seems to have gotten sidetracked on a quest to generate recommendations that will tick as many boxes as possible based on claims that they have some vague relationship to the six generic themes. To my mind, this is an unhelpful elevation of form over substance.

The chapter entitled "The Land Use Code & Portland's Plan" (pp. 7 - 19) is a bit of a puzzle. It asserts over and over and over again that revisions to a land use code **CAN** produce x, y or z (e.g. achieve complete neighborhoods, further equity goals, incentivize affordable housing, etc.). Is the word **CAN** intended to be read as **SHOULD** in relation to Portland? Are these intended as substantive recommendations? Or is this chapter just meant to educate the reader as to the theoretical power of a generic land use code? It would be a more useful document if it helped the City identify **how** to move toward plan implementation by focusing on the specific decisions that need to be made in amendments to the Land Use Code, organized by the topics called out in this chapter (equity, environmental sustainability, parking, complete neighborhoods, housing) and additional major principles goals from Plan 2030 which are not specifically highlighted in this chapter (one Portland, strong downtown, thriving working waterfront, and land use patterns related to priority nodes and corridors and connected transportation, open spaces and infrastructure).

Turing to substance, I would like to share four general observations:

AFFORDABLE HOUSING: The Evaluation seems to emphasize new housing production. (p. 8, 17-18), identifying what could be included in the toolkit to incentivize new construction to produce expanded housing opportunities. The elephants in the room, not discussed in the Evaluation, are the disincentives imposed by referenda in November 2020, specifically including rent control, which are highly likely to discourage the construction of virtually any **newly constructed rental housing**. The exception may be 1-4 unit structures intended to have an owner occupant, accessory dwelling units, government-subsidized units, or units owned by Portland Housing Authority, which are exempt from rent control. Unlike most other rent control ordinances, there is no exemption for rental units constructed after the date of enactment. Any "holistic look" at land use housing tools is a wasted effort unless it expands its focus enough to appreciate the current broader regulatory framework. Rather than focusing on new construction incentives, I believe the land use toolkit for affordable housing is going to need to focus on how Portland can adjust its provisions on nonconformities to **retain existing housing** and to encourage investment in existing affordable housing. This is mentioned very briefly on page 9 but not fleshed out.

In addition, the new construction incentives need to be adjusted so they are not counterproductive. For example, on Munjoy Hill, the height bonus for one "workforce" housing unit has actually incentivized demolition of multiple existing units, to be replaced by expensive condominium units, resulting in a **net loss** of affordable housing. A different set of incentives need to be developed (e.g. allow different types of units or smaller units, reduced minimum lot size per unit for affordable units, etc.) to replace the counterproductive height bonus.

HEIGHT: Recommendation 2.H. states: "Consider opportunities to refine height controls within the Land Use Code's *mixed use zones*" (emphasis added). This recommendation should not be limited to mixed use zones. Height provisions need to be comprehensively reviewed throughout the City. Currently measurement methodologies are very sparsely detailed and are particularly inadequate for retaining an acceptable scale on a sloped site. Architects have developed "work arounds" that evade the intent and letter of the ordinance. Except on the islands, the current language is being interpreted, unlike almost every other jurisdiction, to allow

a developer to fill first (or resort to other artificial means) and then calculate height from a newly created grade.

The methodology to calculate height needs to be fixed. It needs to specify: 1) where measurements are to be taken on the surface of the earth relative to the footprint of the structure (what defines the corners or the location of the perimeter – the weight-bearing foundation? Incorporated retaining walls? Other?); 2) where measurements are to be taken relative to the vertical location/elevation of the corner points or perimeter (e.g. where the weight-bearing foundation pierces the ground or some other point?); 3) stipulate that calculations are to be based on pre-development grade (or natural grade as of a past date like the year 2000) so that use of fill or other artificial ground-raising techniques to increase allowable height are not permitted; and 4) as many of the remaining undeveloped sites in Portland involve steep slopes, establish standards to address height calculations for sloped lots so that the resulting structures are not out of character with their surroundings, such as a cap on the number of feet of additional height allowed as a result of averaging the grade. Ideally this height methodology fix, which has been discussed for years, should be expedited and not wait for completion of the entire Recode II process.

WATERFRONT ZONES: The Evaluation recommends that "the Code revision process should maintain the unique orientation and provisions of each of these [3 waterfront] zones, while recognizing the potential for emerging industries that can be compatible within the waterfront context." (p. 54). If the emerging industries are meant to be **water-dependent industries** (not intended to include the "hospitality industry" or similar "industries"), that is a reasonable recommendation. As these waterfront zones are so complex and have been intensely negotiated, from time to time, over the last 30 years, I strongly believe it is best for the Recode II process to leave them as they are and not undertake to "align, clarify, [or] modernize the language" even if the recommended intent would be to preserve the function and intent of these established zones. Trying to consolidate definitions into one place or tweaking performance standards so they are consistent with the language used in another zone may inadvertently upset a delicate balance.

LAND USE PATTERN: The Plan 2030 calls for off-peninsula areas to carry more of the burden of accommodating future growth, and advances priority nodes and corridors as the way to do this while supporting sustainability goals for public transportation. The zone analysis in the Evaluation contains only a very cursory analysis of the existing zones, and fails to address how these zones could and should be amended to further these important major principles. Does the City need one or more overlay zones for the priority nodes and corridors? Where would the overlay zone(s) apply? How much density would be allowed? How would they be structured to support affordable housing goals? These issues are the heart of making the Land Use Code consistent with and supportive of Plan 2030. It is unfortunate that the Evaluation does not include more helpful analysis of these issues.

Best wishes as you try to cull what is useful out of this Evaluation and come up with a plan for how to move forward with the Recode II process.

Regards,

Barbara Vestal

--

Barbara A. Vestal, Esq.
Chester & Vestal, PA
[107 Congress Street](#)
[Portland, Maine 04101](#)
(207) 772-7426 - phone
(207) 761-5822 - facsimile

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CITY OF PORTLAND
Planning & Urban Development
Christine Grimando, AICP, Acting Director

To: Housing & Economic Development Committee

From: Christine Grimando, Director, Planning & Urban Development
Nell Donaldson, Director of Special Projects, Planning & Urban Development

Date: October 1, 2021

RE: Housing policy & ReCode Portland

I. INTRODUCTION

Over the past several months, the Housing & Economic Development Committee has focused on the issue of “missing middle” housing. The Committee’s work has led to conversations that range from the definition of “missing middle” housing to the regulatory and funding barriers that inhibit its production. In support of further discussion, Planning staff has prepared this memo to provide background on policy that relates to “missing middle” housing, particularly from a land use perspective. The memo describes the foundation for housing policy in the city’s comprehensive plan, the city’s existing land use-related housing policy that furthers this vision, and some initial considerations around future housing policy that have arisen through [ReCode Portland](#) and dovetail with the Committee’s work.

II. “MISSING MIDDLE” THROUGH A PLANNING LENS

To date, the Committee’s work on “missing middle” housing has generally focused on terms of income and affordability. Through this lens, “missing middle” is housing for populations that fall between 1) the target market for what is deed restricted or otherwise legally binding affordable housing, assisted by state, federal, and sometimes local funding, and 2) market rate housing. Though the former is critically important to ensuring that a portion of the city’s housing is guaranteed as affordable, it comprises a relatively small share of the city’s overall housing stock. What comprises market rate housing is every other unit of housing, regardless of price or scale, that is not legally bound to remain affordable.

Notably, as used in most planning literature and practice, “missing middle” more commonly refers to a housing typology, rather than an income range; from this perspective, “missing middle” is a form of low-rise multi-unit or small lot housing that is generally compatible with lower-density neighborhoods (*Figure 1*). This type of housing, including rowhouses, duplexes, triplexes, and four-plexes, was once more common in cities across the country, and is still of value as a means of diversifying the housing stock and, importantly, supporting affordability. “Missing middle” forms can serve as a means of increasing a city’s housing supply across different neighborhoods, which has benefits for the overall housing supply and diversity of housing choices. In terms of affordability, income- and form-based definitions of “missing middle” can overlap, as “missing middle” forms can

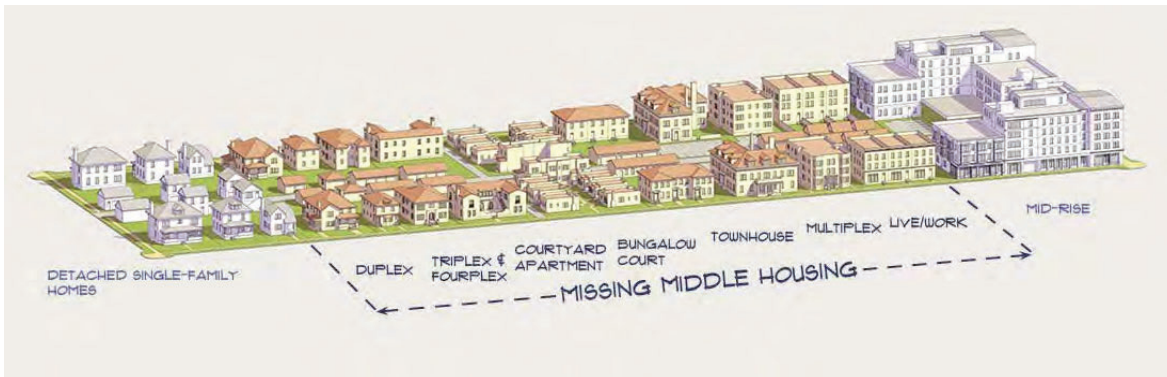


Figure 1: Missing middle housing through a planning lens. (Source: Opticos Design)

provide what is sometimes referred to as “naturally-occurring” affordable housing, or housing at a price point that is attainable to middle-income households.

While the city’s existing land use code includes affordable housing policies targeted directly at housing for populations with incomes up to 100% of AMI (as described below), the land use code has historically served as a tool used largely to regulate use, density, and form, and continues to be a powerful way of shaping the outcomes of the majority of the housing built in Portland. For this reason, in addition to considering ways to support more affordable housing as defined within the code, this memo includes a discussion of opportunities to encourage additional housing more broadly, across typologies and environments, as a means of increasing supply to all households, including those of “missing middle” incomes. It also considers opportunities to create “missing middle” housing *forms* as a means of producing “missing middle” *income* housing.

III. HOUSING POLICY FOUNDATION

Portland’s Plan 2030, the City of Portland’s comprehensive plan and the foundation for land use and other policy goals in the city, squarely foregrounds housing as one of the city’s most pressing issues, and one connected to all facets of the city’s vision - equity, sustainability, and security among them. Recognizing that increasing housing supply is fundamental to issues of affordability, the plan sets a housing production target and prioritizes the creation of policies and programs to encourage housing that meets the needs, preferences, and financial capabilities of all Portland households. The plan supports an incremental increase in housing supply across all neighborhoods, encourages more significant increases in housing within major transportation nodes and corridors (*Figure 2*), and emphasizes the need for additional dedicated affordable housing.

IV. EXISTING HOUSING-RELATED LAND USE POLICY

The City of Portland’s existing land use code includes a number of provisions that align with the recommendations from *Portland’s Plan*. These provisions encompass policy meant to support an increase in the supply of housing for a full range of housing types and sizes, and policy meant to encourage or require the creation of what is legally binding affordable and workforce housing, targeted specifically for residents of low or moderate incomes. Land use regulations that allow a range of housing types and sizes and encourage housing creation may not result in each unit of new housing being affordable to all, but the aggregate impact of increasing the available supply creates

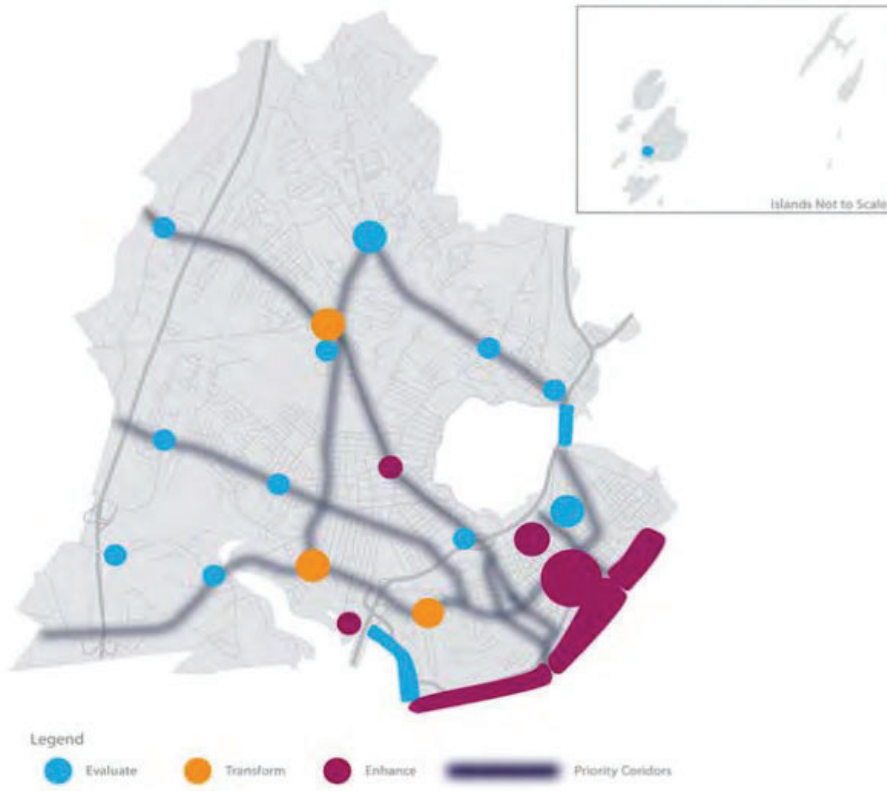


Figure 2: Priority nodes and corridors from Portland's Plan.

new housing opportunities for all, including more 'naturally occurring affordable' market rate housing.

A. Policies to encourage housing supply and 'naturally-occurring' affordable housing

1. *Housing replacement ordinance.* The city's land use code has included provisions since the early 2000s that require that any development proposals that would remove existing housing replace those units, either within the same geographic area or by contributing to the city's Housing Trust Fund. These provisions help to counter any potential net losses in housing supply associated with private development.
2. *Base zoning adjustments to encourage housing creation.* In the past decade, the city has adjusted base zoning in several districts, including the B-1, B-2, and R-6, to support greater housing creation, modifying dimensional standards to allow for higher densities and smaller lots. These provisions have generally been targeted towards higher density residential zones and mixed-use zones well-served by transit, on the grounds that they create opportunities for housing development in areas of the city that are particularly well-prepared for them.
3. *Accessory Dwelling Units (ADUs).* As of December 2020, the land use code includes revised Accessory Dwelling Unit (ADU) standards. The 2020 revisions eliminated restrictive dimensional and parking requirements and removed procedural hurdles to ADUs, making it significantly easier to build an ADU within the city. Further, the 2020 amendments permit significantly more ADUs - in total number that can be built per lot, and in total number that might be built city-wide - than the prior regulations, paving the way for smaller, naturally affordable units across the city.

4. *Parking exemptions.* Off-street parking requirements are often cited as a barrier to housing production, forcing developers to devote valuable land area and/or building envelope to vehicles, rather than housing units. The city's land use code has long included a great deal of flexibility to developers when it comes to parking, including exemptions in certain zones, shared parking provisions, and off-site parking allowances. As of December 2020, the city's land use code offers an off-street parking exemption to any use within a ¼ mile of a transit, essentially freeing much of the city from parking requirements. Additional parking flexibility and lowering/standardizing residential parking requirements was also implemented in December 2020.

B. Policies to support affordable housing

1. *Affordable housing bonuses.* As of the mid-2000s and as refined in the late 2010s, the city's land use code has included dimensional bonuses for affordable and workforce housing in many of the city's mixed-use zones and for PRUDs in residential zones, scaled to the level of affordability provided. These bonuses allow increased height, increased density, and reduced setbacks for affordable housing projects.
2. *Expedited permitting for affordable housing.* In addition, affordable housing applications have been eligible for a reduction in fees and priority review since the mid-2000s. With the passage of the impact fee ordinance, the affordable housing fee reductions were extended to include these fees.
3. *Inclusionary zoning.* As of 2015, the city adopted inclusionary zoning, which requires that projects of 10 or more dwelling units provide a share of workforce housing either on-site or as a contribution to the City's Housing Trust Fund. A second inclusionary zoning policy was adopted in 2019 for hotels. These policies are intended to ensure that affordable housing is constructed in tandem with market rate housing, and to support the creation of this housing in a mixed-income setting. The inclusionary zoning policy was modified by referendum in 2020 to increase the affordable housing share and to target lower median incomes.

V. HOUSING TRENDS TODAY

While the city's land use code includes a number of progressive provisions designed to support housing production, and affordable housing production in particular, it is also clear that these provisions have not sufficiently counter-balanced trends, shared by many cities across the country and many communities across the state, towards rising housing costs and continued affordability gaps. Recent building permit data (*Figures 3 and 4*) shows that while the city is on track to produce the number of dwelling units called for in *Portland's Plan*, just over 27% of those new multi-family units developed in the last five years are categorically affordable units, with rents or purchase prices limited to households earning below 120% of the area median income. Additionally, in regard to new multi-family developments, there are disproportionate numbers of smaller studio and one-bedroom units, which constitute more than 70% of all new multi-family units created in the past five years. New housing is more common in on-peninsula neighborhoods, and affordable housing is not equitably distributed across the city, with certain neighborhoods seeing significant levels of new affordable housing development and other neighborhoods virtually none at all.

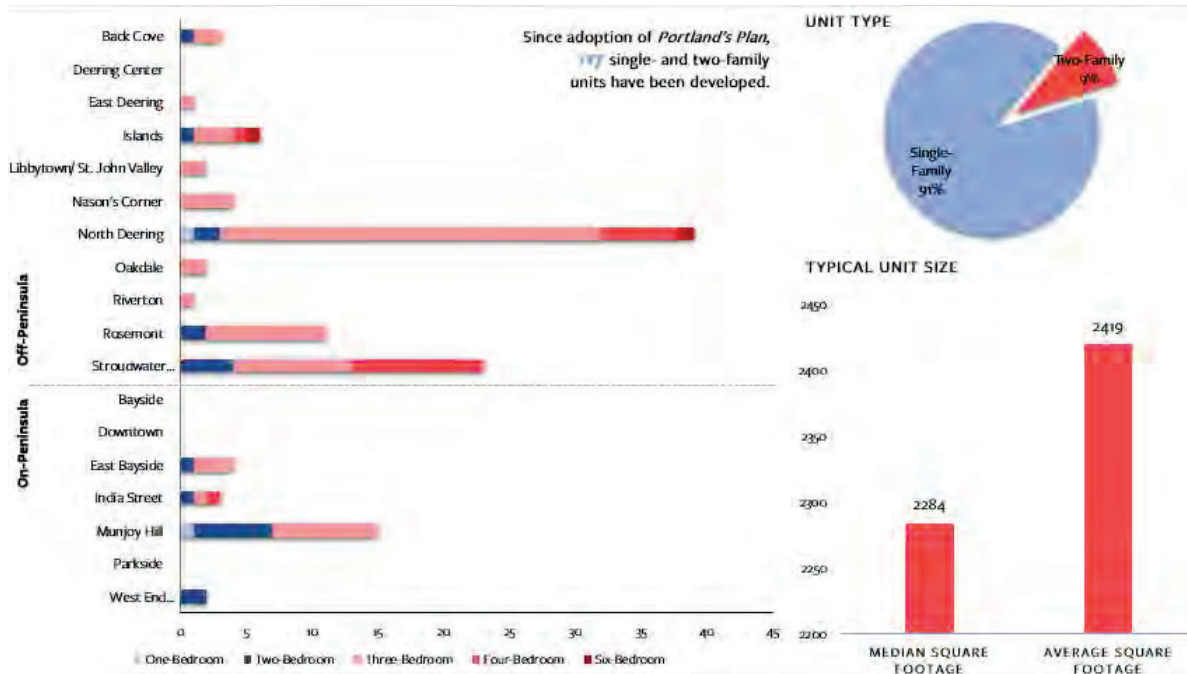


Figure 3: Single and two-family housing trends (2017-2021) (Source: City of Portland permit data)

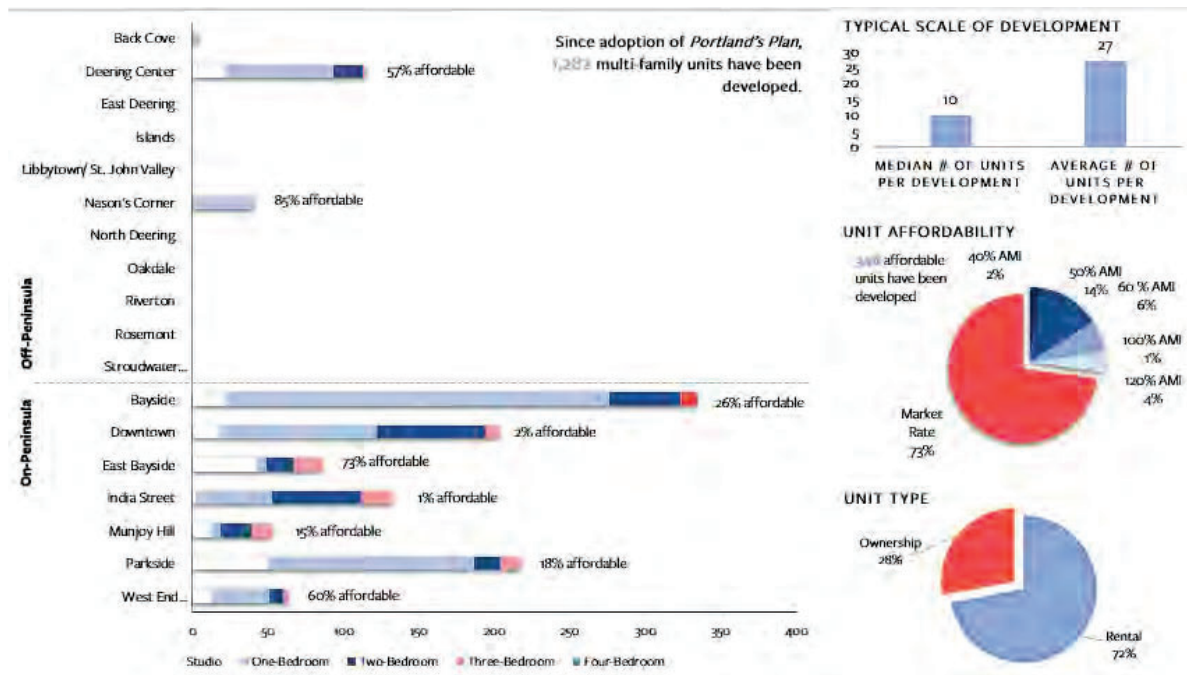


Figure 4: Multi-family housing trends (2017-2021) (Source: City of Portland permit data)

VI. RECODE PHASE II

Given these trends, we know that there is additional work that must be done around housing creation, diversity and affordability city-wide. As part of ReCode, the city's multi-year initiative to rewrite its land use code, staff has been working with a consultant, Camiros, to evaluate the existing code for ways to more effectively address the goals of *Portland's Plan*. An early step of the second phase of ReCode is analyzing the current land use code for consistency with the comprehensive plan. This evaluation, which is still being finalized, includes a broad focus on housing. Central to the evaluation are the concepts of:

- Encouraging housing creation and diversity of housing types as an essential means of ensuring the overall health and accessibility of our housing supply.
- Proposing new housing policy that reflects the city's wide variety of neighborhoods, scales, and infrastructure contexts, while allowing for all neighborhoods in the city to provide opportunities for new housing creation.
- Crafting a housing strategy that builds opportunities where it can have the greatest effect on efforts to meet Portland's equity and climate goals.
- Recognizing that affordable housing development is not keeping pace with demand, is geographically uneven, and additional tools may be necessary to enable housing creation to be more equitably distributed across the city.
- Recognizing that mixing both requirements and incentives is central to a balanced housing strategy.

Initial policy concepts from the evaluation include:

A. Potential strategies to encourage housing supply and 'naturally-occurring' affordable housing

1. *Modifying minimum lot sizes (and corresponding densities) in residential zones to more accurately reflect the existing parcel pattern and open opportunities for additional housing creation.* Initial analysis shows that, in several of the city's residential zones, minimum lot size regulations result in a significant number of non-conforming lots (meaning lots that are undersized given existing regulations). While the existing code provides fairly generous allowances for legally non-conforming lots, revising minimum lot area standards, particularly where there are opportunities for lot divisions, could create new opportunities for housing.
2. *Creating new categories of housing types, particularly in the "missing middle" mid-density range (e.g. three- and four-units), and permitting these housing types as of right in appropriate residential zones, with corresponding changes to density requirements.* The existing land use code includes a fairly narrow range of traditional housing types, permitting single-family dwellings, two-family dwellings, and multi-family dwellings (defined as three or more units). The existing zoning is permissive about where single-family occurs, but is much more restrictive when it comes to multi-family dwellings (*Figure 5*). Broadening the range of housing types to differentiate between small, mid-density housing (e.g. three-family and four-family) and larger-scaled housing could provide opportunities to allow more of these middle-sized housing types across the residential zoning spectrum.

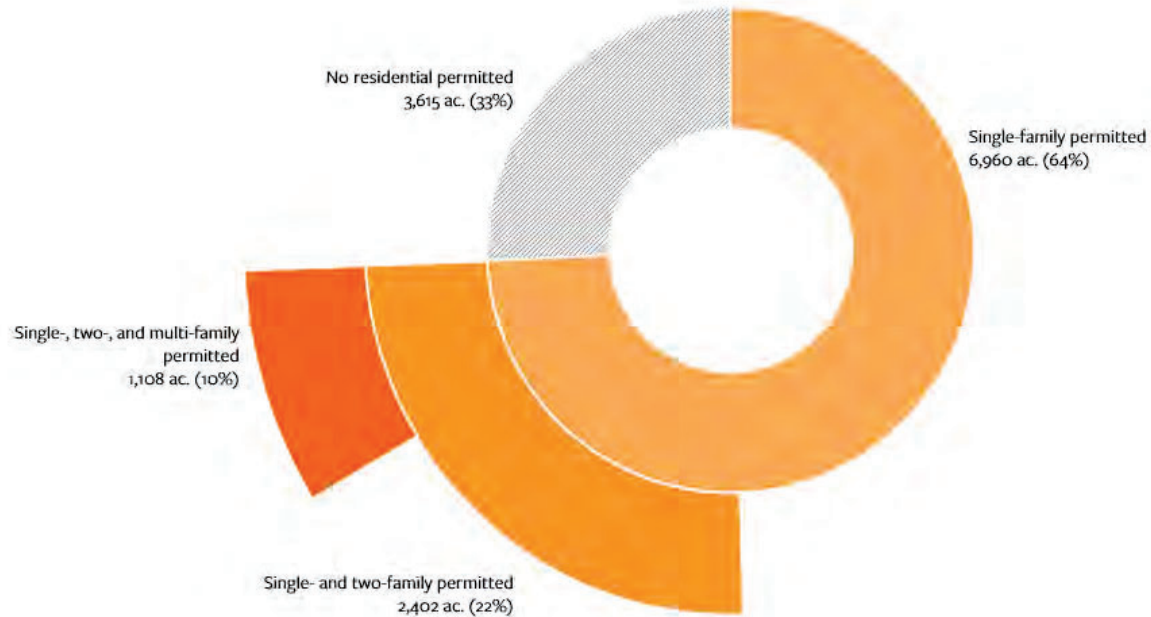


Figure 5: City land area by type of housing allowed as permitted use (Source: City of Portland Assessor parcel data) (Note: Represents permitted uses only. Does not reflect areas where multi-family may be permitted as a conditional use.)

3. *Modifying setback requirements in residential zones to more accurately reflect the existing built form and support more opportunities for ADU creation, as well as to add flexibility for additions and redevelopment.* There is evidence to suggest that space and bulk regulations, including setbacks, diverge from the existing built form in some of the city’s most successful walkable neighborhoods. Modifying setbacks to reflect the existing building pattern could help to open up opportunities for additional square footage on residential lots in a way that encourages contextual development. Furthermore, reviewing setbacks for accessory structures, particularly accessory dwelling units, could pave the way for more ADU creation.
4. *Exploring creative opportunities to allow relatively higher residential density off-peninsula.* Zoning for off-peninsula neighborhoods contains certain tools to allow for variations from single-family housing, but currently they are limited. There is an opportunity in many neighborhoods of the city to introduce new tools or standards to bridge the medium-to-higher residential zone densities of the peninsula and the considerably lower densities of residential neighborhoods off-peninsula in ways that are sensitive to Portland’s distinct neighborhoods.
5. *Expanding more ‘productive’ residential zoning where the existing form supports it.* Data from the last five years shows that particular zones of the city have supported more housing production than others (Figure 6). Not surprisingly, these zones tend to be higher density residential or mixed-use. Given this data, there is an opportunity to expand more ‘productive’ zones geographically to potentially stimulate additional housing production. Any consideration of this strategy would have to take into account existing built pattern and form as well as the city’s long-term goals. For instance, there are off-peninsula areas of the city that were developed prior to zoning according to similar conventions around height,

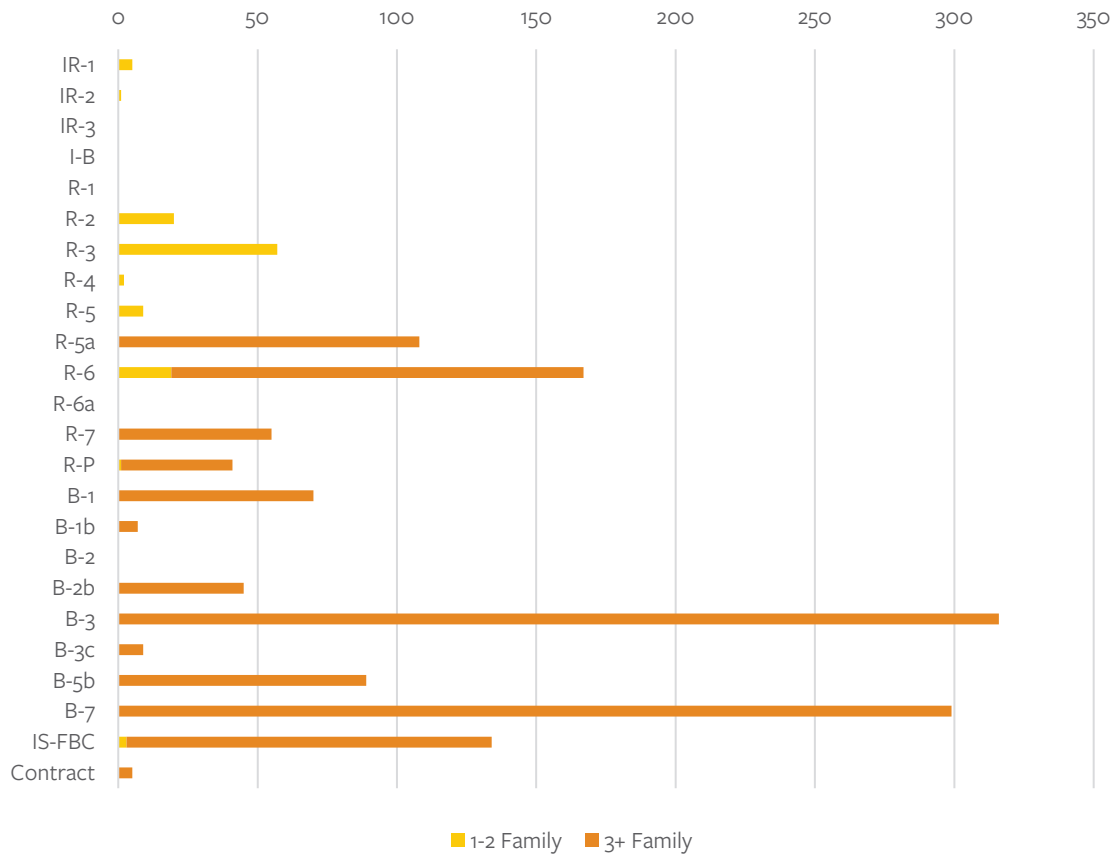


Figure 6: Housing production by zone (in units) (2017-2021) (Source: City of Portland permit data)

scale, and building placement, but are currently zoned inconsistently; there may be opportunities to rezone some of these areas to more closely align the zoning with the existing built form. This could take the form of changes to existing zone boundaries, modification to existing zone standards, or consolidation of zones.

6. *Modifying densities and height in zones along transit corridors and in transit nodes to support additional housing opportunities.* Portland has recently adopted one of the basic elements of a transit-oriented development approach through a categorical exception that exempts uses within $\frac{1}{4}$ mile of a fixed-route transit service from parking requirements. To further develop this approach, the City could consider adjusting allowed densities within the existing zoning along transit corridors and in transit nodes. This change, coupled with changes in height regulations, could help the city advance both housing and transportation goals with more transit-supportive zoning.
7. *Adjusting mixed-use zoning around nodes where appropriate.* While most of the city's transit corridors include at least some transit-supportive zoning, such as the B-3 or the B-2, there are areas where a map amendment to expand the use of this zoning (potentially as modified above) could help to create new opportunities for transit-supportive housing across the city.
8. *Permitting housing in mixed-use zones across the board.* Last, all but one of the city's existing mixed-use zones include housing as a permitted use. This zone, the B-4, which is clustered predominantly along Warren Avenue and Riverside Street, has a decidedly more

industrial, large-lot character than many of the city's other mixed-use zones. However, the zone is also proximate to public school and park facilities, one of the city's higher education institutions, and major development sites in Westbrook. Allowing housing as a permitted use would unlock a significant opportunity for housing development.

B. Affordable housing

1. *Expanding dimensional bonuses for affordable housing bonuses to additional zones.* As described above, the City's existing land use code includes provisions designed to give affordable housing projects advantages in the form of density, height, and setback bonuses. This increase in affordable housing potential in the land use code is contextual in that these bonuses are restricted to certain, mostly mixed-use zones, and largely consistent with the nodes and corridors identified as suitable for more intensive growth in *Portland's Plan 2030*. In order to further incentivize affordable housing, these bonuses could be expanded, for instance to all zones in which multi-family is permitted. Any consideration of this policy change would need to take a graduated approach to the intensity and scale of residential neighborhoods; there may be areas where a density bonus is appropriate, for example, but not height increases or setback reductions.

It should be noted that these concepts are still very much in draft form; pursuing any or all of these changes would require additional analysis, drafting, and public review and comment. Following the release of the full code evaluation (which will also address a variety of other issues that are central to *Portland's Plan*), the work plan for ReCode will involve significant public engagement to test concepts, gather feedback, and establish priorities for potential amendments moving forward.

Finally, the Planning & Urban Development Department and the Housing & Economic Development Department are exploring ways to strengthen the alignment between the City's Housing Trust investment strategy with the City's priority growth areas, with particular attention to those areas that have been identified as suitable for growth but have yet to see significant housing investments.

VII. CONCLUSION

Securing and expanding Portland's legally-binding affordable housing supply is a central part of Portland's housing strategy, and the City's land use tools correspondingly reflect this importance. The land use code also defines the parameters of where, how much, and in what form all housing occurs in the city, including market rate housing, which is and will continue to be the majority of the community's housing stock. The code does not determine all aspects of housing affordability or development outcomes, but it provides a powerful framework that enables a resilient mixture of housing to be created. Though Portland's land use code currently reflects housing creation as a priority, the Committee's work, and the work of ReCode, provide valuable opportunities to evaluate the code for additional tools and changes to provide for a more equitable and accessible housing landscape city-wide.