

OVERVIEW OF RECODE EDITS (11/12/20)

Article	ReCode Section/Subsection/Other	Existing Code Reference (if relevant)	Change
1 Introductory Provisions	1.3, 1.7, 1.8		Added purpose, delegation of authority, rules of interpretation provisions.
	1.5 & 1.9	Article III, Div. 1, 22, 26.5, 27; Article V; Article VIII	Consolidated enforcement and successive application provisions from across existing code.
	1.6	Article III, Div. 1	Added language to clarify relationship with other laws provisions.
	1.10	Article III, Div. 1	Added language to clarify amendment procedure.
2 Administration	2.1.8, 2.2.6, 2.3.7	Article II; Article VI; Article IX, Div. 2	Consolidated noticing language for meetings of all boards, updated to comply with state law and current practice.
	2.1.10, 2.2.8, 2.3.9	Article II; Article III, Div. 27 & 28; Article VI; Article IX, Div. 2	Modified jurisdiction provisions to clarify roles, reflect current practice (e.g. Planning Board to review and offer recommendations on amendments to entire Land Use Code, eliminated references to 'urban renewal plans' from Planning Board and development of plaque system and Council reporting requirements from HP Board.) Added technical and design manual authority from subdivision to PB and CLG reference to HP.
	2.1.11, 2.3.10	Article III, Div. 28; Article V	Consolidated and updated administrative appeal procedures for Planning Board and ZBA.
	2.2.2, 2.2.4	Article IX, Div. 2	Updated HP Board term limits to align with Chapter 2 and eliminated two year limit on board chair.
	2.2.9	Article IX, Div. 9	Drafted new appeal process for HP administrative and Board decisions that is consistent with protocols for other administrative decisions and both Planning Board and ZBA decisions. Appeal process is consistent with current practice, where Planning Board review of HP Board decisions is appellate in nature.
	2.3	Article III, Div. 27 & 28; Article VI	Updated ZBA provisions to reflect current law, clarify variance language.

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3 Definitions	Article 3	Across all articles	Modified definitions to bring in alignment with other parts of code/state law (e.g. impervious surface, bed and breakfast, lodging house, rooming unit, PRUD, special needs independent dwelling unit, structure, subdivision).
	Article 3	Across all articles	Consolidated redundant definitions where appropriate (e.g. dwelling unit, lot, street).
	Article 3	Across all articles	Added definitions to clarify where currently undefined (animal-related services, appurtenance, communication studio, repair services, tasting room, telecommunication tower).
	Article 3	Article III, Div. 1	Modified definitions to add definitional language from 'Use' (intermediate care facility, sheltered care group home, retail).
	Article 3	Across all articles	Added definitions where definitional language exists elsewhere in code (e.g. agriculture, airport restricted access areas, correctional pre-release facility, multiplex, PUD, repair services, sounds).
	Article 3	Article III, Div. 1	Eliminated commonly defined or outdated definitions (e.g. adult day care facility, chemical free night club, health care practitioner, engineer, tourist home, nanotechnology, non-profit organization).
	Article 3	Across all articles	Integrated definitions with specific applications into text of relevant article (e.g. eligible project, temporary parking, 'shoreland zone,' gross area).
	Article 3	Article III, Div. 1	Added/modified definitions to address consolidated like uses (e.g. hotel-related, service-related, office-related, auto service station-related, preschool-related, warehousing-related, cultural facilities).
	Article 3	Across all articles	Moved definitions to Article 3 from elsewhere in code where appropriate (e.g. building alteration, building addition, accessory and principal buildings).

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4 Nonconforming Uses, Structures, & Lots	4.2.1 & 4.2.2	Article III, Div. 23	Clarified language around determination of non-conforming uses (e.g. struck references to building design in determination of nonconforming uses).
	4.2.4 & 4.4.1	Article III, Div. 23	Added language clarifying regulations around timelines (e.g. discontinuance of accessory uses, extensions of structure- and lot-related nonconformities in cases of use extensions; broadened timelines for reconstruction of non-conforming structures).
	4.3.1	Article III, Div. 23	Restructured and revised lot of record language for clarity. Added clarity regarding lawfulling nonconforming structures on developed lots of record.
	4.4.1	Article III, Div. 23	Eliminated reference to rebuilding in the R-6 under the small lot provisions as these provisions no longer exist.
	4.4.5	Article III, Div. 23	Modified applicability for non-conformities as to number of dwelling units (modified date and expanded list of zones to include R-5, R-6, and B-2).
5 Zones	5.3	Article III, Div. 1.5	Updated CZA language to match state statute.
	Tables 5-B to 5-G	Article III	Eliminated purpose statement language not related to purpose (e.g. PRUD design language in R-3/R-5, repeating performance standards in I-L and I-M, setback exceptions for additions in B-1, frameworks for other standards in B-6 and B-7).
	Tables 5-B to 5-G	Article III	Updated language to reflect consolidated uses (e.g. general offices in the O-P and R-P) and to strike language related to uses that are not currently permitted (e.g. hospitals in I-H).

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6 Use	6.1, 6.2, 6.3, 6.6, 6.7	Article III; Article III, Div. 24;	Added applicability, determination of use, and change of use language, accessory use general guidelines, temporary use general guidelines, based on existing policy if applicable.
	6.2.2	Article III	Eliminated specific prohibited use language which exists intermittently in favor of general language.
	Tables 6-A to 6-F	Article III	Added floor area limits for services, offices, and retail. Modified floor area limits for places of assembly. Moved other dimensional-related language to Article 7 where feasible.
	Tables 6-A to 6-F	Article III	Consolidated like uses (e.g. hotel-related, service-related, office-related, auto service station-related, preschool-related, warehousing-related, cultural facilities).
	Tables 6-A to 6-F		Added parks and open space as permitted use across zones (permitted intermittently at present), telecommunication towers where allowed in practice.
	Tables 6-A to 6-F; 6.4; 6.5	Article III	Eliminated language which targets populations or uses protected under law (e.g. 'manufactured housing' as isolated single-family use; exclusion of certain populations from sheltered care group homes; prohibition on 'addiction treatment' clinics).
	Tables 6-A to 6-F	Article III	Eliminated use restrictions which run counter to policy directives around ADUS (e.g. limitations on two-family in R-4, R-5, R-6).
	Tables 6-C, 6-E	Article III	Clarified provisions for self-storage as permitted/conditional use.
	6.4, 6.5.6	Article III	Consolidated use standards where minor variations exist across zones (auto- and boat-related uses, drive-throughs, lodging houses, preschools as conditional use, off-street parking in mixed use zones, utility substations, SF limits on industrial uses in B-6 zone; off-street parking; solar energy systems; wind energy systems).
	6.4, 6.5.6	Article III	Eliminated provisions that introduce administrative burdens (e.g. deed restrictions SNIDUs, lease term limits for surface parking).
	Tables 6-A to 6-F	Article III	Eliminated some one-off provisions for purposes of consistency (e.g. maximum lot areas for multiplexes and SNIDUs in some zones, selective places of assembly in some zones).
	6.6	Article III; Article III, Div. 24;	Consolidated accessory use regulations (e.g. ADUs, drive-throughs, antennas and discs) and added accessory use regulations for tasting rooms. Updated provisions for ADUs to allow up to two by right on lots with residential uses.
	6.8	Article III	Consolidated performance standards where minor variations exist across zones (e.g. noise standards, outdoor effects, outdoor storage, waste disposal, storage of vehicles).

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7 Dimensional Standards	7.1		Added applicability.
	7.2		Added rules of measurement where no rule currently exists for purposes of clarity(e.g. building footprint, landscaped open space ratio, lot coverage).
	7.2	Article III, Div. 1, 15.2, 22	Clarified rules of measurement based on existing practice (setback, stepback, street frontage, revisions to clarify 'structure' v. 'building').
	Tables 7-A to 7-H	Article III	Generalized standards across zones where appropriate (e.g. average depth of front yards for front setback in residential zones, maximum front setback from all frontages in mixed use zones).
	Tables 7-A to 7-H	Article III	Eliminated some one-off standards for purposes of consistency (multiplex density based on street frontage in R-5; FAR regs for R-P, B-4; minimum lot width for B-4).
	Tables 7-A, 7-D	Article III	Simplified minimum lot area for places of assembly by consolidating into two classes based on floor area.
	Tables 7-A, 7-D	Article III	Modified qualifying floor area for detached accessory structures to 250 SF.
	Tables 7-A to 7-H	Article III	Generally eliminated dimensional references to adjacent residential zone (e.g. I-B, B-4 FAR, R-P impervious surface ratio).
	Table 7-E	Article III	Eliminated obsolete language (e.g. references to B-5 between Forest and Franklin, as no longer exists).
	Table 7-E	Article III	Modified regulations for purposes of consistency (e.g. B-4, currently framed as residential in nature; B-2 density update, currently less dense than B-1; rooming unit densities in B-1 and B-2).
	Table 7-E, Overlay maps	Article III, Overlay maps	Consolidated height-related standards to height overlay maps, where they exist (e.g. B-3, B-6, B-7).
	7.4	Article III, Div. 25; Article X	Clarified corner clearance and fence standards, consolidated dimensional standards for alternative energy.
	7.5.1	Article III, Div. 25	Updated height exceptions to clarify approach to structures which are currently unregulated (e.g. telecommunication towers, deck railings as rooftop appurtenances). Clarified height limitations of alternative energy installations.
	7.5.5 & 7.5.6	Article III, Div. 25	Updated setback and stepback exceptions to clarify and reflect current practice (e.g. to allow bay windows and balconies to project up to two feet), consolidated setback exceptions in R zones.

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8 Overlay Zones		Article III, Div 4.5	Eliminated Flexible Housing Overlay Zone.
	8.3	Article III, Div. 7	Eliminated obsolete language from Fort Sumner Overlay (e.g. retroactive clause).
	8.7.4	Article III, Div. 7	Added additional language to the section on appeal of a demolition delay so as to make this section consistent with state statute and clarify timeline and and review authority. Also, clarified required design standard compliance.
	8.8	Article III, Div. 12	Updated uses in PAD Overlay to match updated use provisions.
9 Form-Based Zones	9.1.7	Article III, Div. 15.2	Updated uses to match updated use provisions.
10 Waterfront Zones	10.1		Added introductory language to clarify interpretation of article.
11 Shoreland	11.3	Article III, Div. 26	Relocated language for review process related to entire article.
12 Floodplain Management	12.4 & 12.5	Article III, Div. 26.5	Added language to clarify process (e.g. Building Authority review, timeline for Flood Hazard Permits, certificates of compliance, role of DPW, submittals).
13 Resource Protection Zone	13	Article III, Div. 19	--

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14 Site Plan	Article 3	Article V	Eliminated redundant and/or unnecessary definitions and relocated general definitions to Article 3.
	14.3.1	Article V	Simplified site plan classifications to two categories: Minor and Major site plans.
	Table 14-A	Article V	Revised review thresholds such that anything qualifying as a Level II site plan or less is now a Minor site plan, and Level III's are major. Eliminated use-based thresholds (e.g. park improvements) with a few exceptions, and added bottom-end threshold to exempt small projects (e.g. generator pad locations) from site plan review.
	Tech Manual Section 16	Article V	Moved submission requirements to Technical Manual. Maintained distinctions between minor residential and low-impact development for purposes of fee assignment and submission requirements.
	14.5.2	Article V	Eliminated preliminary & final application types.
	14.6.1	Article V	Clarified traffic standard related to LOS evaluation to allow more flexibility.
	14.6.1	Article V	Added relevant curbing and sidewalk waiver language from subdivision.
	Technical Manual Sections Section 1 & 5	Article V	Relocated certain existing technical site plan standards (e.g. parking lot surface material and landscaped island design) to Technical Manual.
	14.5.7		Added on-site notice of public meeting requirement.
	14.6	Article V	Eliminated standards (e.g. TDM requirement) where redundant with the Technical Manual.
	14.8	Article V	Standardized waiver criteria for all forms of waiver (e.g. site plan standards, Technical Manual requirements, and submittal requirements).
	14.11.3	Article V	Updated performance guarantee and associated fees language to clarify process and reflect current practice.
	14.11.3	Article V	Highlighted process for advanced site work, previously listed within the enforcement section of the code, which has been relocated to Article 2.

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15 Subdivision	Article 3, 15.2, 15.3.11	Article IV	Removed redundant and/or unnecessary definitions, relocated general definitions to Article 3, where feasible, and integrated some subdivision-specific definitions from the state (e.g. 'tract (or parcel)') into the text.
	15.3	Article IV	Updated review procedure language to eliminate provisions which no longer reflect current practice (e.g. references to paper copies), are unnecessarily prescriptive (e.g. references to internal workflow), or are outdated with respect to state statute.
	15.3.4		Added on-site notice of public meeting requirement.
	Tech Manual Section 16	Article IV	Relocated submittal requirements, including plat requirements and supplemental submission items, to the Technical Manual.
	2.1.10	Article IV	Relocated provisions establishing the Planning Board's authority to adopt technical and design standards to Article 2.
	15.4	Article IV	Added standards to reflect current state statute
	15.5	Article IV	Updated the technical and development standards to eliminate redundant, unnecessary, or one-off standards (e.g. minimum right-of-way widths, standards for manufactured housing parks, and special exceptions for subdivisions in the R-3 zone).
	15.7	Article IV	Updated performance guarantee-related language to clarify the performance guarantee process and reflect current practice.
16 Impact Fees	16.3.4, 16.3.6, & 16.5.2	Article XVII	Updated provisions for changes of use and demolitions to allow credit for existing uses on site within prior ten years, consistent with state TMP policy and revised language regarding the preparation of modification requests to allow qualified professionals.
	16.13	Article XVII	Updated effective date provisions to reflect actual effective date.

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17 Historic Preservation	17	Article IX	Reorganized article generally, relocating administration closer to beginning of article, moving review types (Board and staff level reviews) to same section, and moving miscellaneous application requirements to application section.
	17	Article IX	Relocated administrative language out of section, including appeals (to Article 2).
	17.2	Article IX	Relocated general definitions to Article 3 (e.g. 'application', 'business day,' 'open space').
	17.2	Article IX	Substantiated existing definitions for historic district, landscape district and landmark using 'Certified Local Government' (CLG) guidelines from state. Revised landscape district definition to account for multiple types of landscape district, not just designed districts.
	17.2	Article IX	Added definitions for 'rehabilitation' and 'preservation' from CLG guidelines
	17.2	Article IX	Eliminated generally understood definitions, such as 'design guideline' and 'owner'.
	17.5.2	Article IX	Added language to allow HP Board and other review authorities to delay a public hearing where adequate documentation and materials are not provided.
	17.5.10	Article IX	Revised process for extending timeframes throughout article, such that timeframes may only be extended if HP Board, Planning Board or City Council provide a reason and agree to a revised timeframe in the course of a public meeting.
	17.6.2	Article IX	Removed National Register of Historic Places language which subjected properties identified as national register sites prior to adoption of this ordinance, as those properties are now identified as landmarks on official historic resources map of the city/
	17.7.1	Article IX	Added new 'non-building permit' trigger for Certificate of Appropriateness for 'streetscape and pedestrian improvements', based upon review criteria in the Historic Resources Design Manual.
	17.7.4	Article IX	Clarified Board vs. administrative review.
	17.7.5	Article IX	Consolidated all review types (i.e. Board, administrative, and site plan) into one section.
	17.7.5	Article IX	Provided new consent agenda option for staff level reviews, where staff can place items on a Board agenda as a consent item, where any member of the Board can refer it to Board level review.
	17.7.9	Article IX	Relocated expiration of approval language, previously listed under the Administration section, to 'Issuance of Certificate of Appropriateness'
	17	Article IX	Removed Landmarks section of existing ordinance. Similar to 'National Register' section above, landmarks applied to properties previously designated as a historic landmark prior to adoption of this ordinance. As these landmarks are all now included on official map, language is unnecessary.
	17 (General)	Article IX	Extended timeframes throughout the article to align with current practice.
	17	Article IX	Appeals process moved to Article 2. Appeals are generally simplified, and in line with appeals for other Board and Administrative reviews.

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18 Housing	18	Article III, Div. 29, 30 and 31, Article VII, and Article XII	Consolidated housing-related ordinances, including housing replacement, housing trust fund, condominium conversion, and relocation of displaced residents.
	18	Article III, Div. 29, 30 and 31 and Article VII	Relocated general definitions (e.g. 'low income household,' 'low income unit for rent') to Article 3.
	18	Article III, Div. 29	Integrated definitions with specific applications into text (e.g. 'loss of dwelling unit,' 'dwelling unit,' 'hotel project,' 'tenant,' 'developer.').
	18.1.3, 18.2.5	Article III, Divs. 29 & 30	Eliminated effective date/retroactive clauses that are no longer applicable (e.g. reference to effective date of exemptions clause in housing replacement, retroactive clause for hotel IZ).
	18.1.4	Article III, Div. 29	Modified references to administrative authorization review for housing replacement to align with changes in site plan.
	18.2.3	Article III, Div. 30	Added language to explicitly exempt projects that are otherwise required to include affordability restrictions from IZ provisions.
	18.2.4	Article III, Div. 30	Clarified language regarding dimensional bonuses available to IZ projects.
	18.2.5	Article III, Div. 30	Updated hotel references to align with revised hotel-related terms in Article 6.
	18.3.2	Article III, Div. 31	Added in-lieu fees as source for Housing Trust Fund.
	18.5.4	Article XII	Incorporated Council-adopted payment provisions into text.

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19 Parking & Loading	19.1.1, 19.1.2, & 19.1.3	Article III, Div. 20	Added language clarifying applicability and standardizing rules of calculation to generally reflect existing practice.
	19.1.3	Article III, Div. 20	Added grandfathering clauses for changes of use and building additions/alterations.
	19.1.4	Article III, Div. 20	Expanded shared vehicle provisions to allow multi-family developments city-wide to partially satisfy parking requirements with shared use vehicles, and eliminated property owner ownership requirement.
	19.1.5	Article III, Div. 20	Expanded the joint use allowance to all uses in all zones and eliminated the ZBA or Planning Board review requirement.
	Table 19-A	Article III, Div. 20	Expanded residential off-street parking requirement to 1/unit city-wide.
	Table 19-A	Article III, Div. 20	Collapsed off-street parking requirements for like uses to match updated use tables.
	Table 19-A	Article III, Div. 20	Expanded the parking study option to any project undergoing major site plan review in front of the Planning Board, regardless of zone.
	Table 19-A	Article III, Div. 20	Added provisions to exempt uses from off-street parking requirements if proximate to transit.
	19.1.6	Article III, Div. 20	Eliminated provisions requiring ZBA/PB review of off-site parking arrangements; added requirement that receiving site must be in compliance with off-street parking requirements.
	19.1.7	Article III, Div. 20	Expanded eligibility for fee-in-lieu-of-parking provisions to any project under site plan review city-wide.
	19.1.8	Article III, Div. 20	Revised vehicular parking siting regulations for clarity (e.g. front yard setback); moved some siting rules to Technical Manual.

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20 Signs	20.1	Article III, Div. 22	Expanded and updated purpose statement to reflect best practice.
	20.2	Article III, Div. 22	Updated and expanded definitions to include all new terms for the new sign types and components of signs.
	20.3	Article III, Div. 22	Expanded to clarify that article applies to permanent and temporary signs, include a statement that the article must be applied in a content-neutral manner, provide for the right to picket. Updated substitutions and interpretations language and list of signs exempt from the provisions of article.
	20.4	Article III, Div. 22	Updated to reflect the City's permitting procedures.
	20.5	Article III, Div. 22	Reorganized article by creating 'sign districts,' which group sign regulations for like zones.
		Article III, Div. 22	Removed the existing waiver provisions for signs, where an applicant can apply for waivers through site plan review.
	20.6	Article III, Div. 22	Defined location restrictions for signs, sign types that are prohibited, consolidated all display features that are prohibited for all signs to align with best practice.
	20.7.1 & 20.7.2	Article III, Div. 22	Clarified standards for the measurement of sign area and sign height for all signs, as well as computation of number of signs.
	20.7.3	Article III, Div. 22	Established new standards for illumination by sign district.
	20.7.4, 20.7.5, & 20.7.6	Article III, Div. 22	Established standards for changeable copy on a sign, the construction and installation of all signs, and consolidated standards for sign maintenance.
	20.8	Article III, Div. 22	Updated dimensional standards for permanent sign types to align with best practice. Added graphics and tables for legibility.
	20.9	Article III, Div. 22	Updated provisions for temporary signs, including clarification that temporary signs are not included in the area for permanent signs and general time, place, and manner restrictions. Added dimensional requirements for temporary sign types.
	20.10	Article III, Div. 22	Added provisions for the maintenance and continuation of non-conforming signs. Updated requirements for the removal and replacement of nonconforming signs, standards for directional signs placed in public right-of-way, standards for non-conforming business signs in residential zones.

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21 Public Art	21.3 & 21.5.1	Article XII	Updated references to 'Guidelines for the Public Art Ordinance' for consistency.
	21.5.2	Article XII	Updated reference to Creative Portland and fixed typo in Public Art Committee Structure language.
22 Regulation of Explosives		Article VIII	Eliminated provisions for the adoption of or amendment to technical standards within the City's technical manual (14-586 Administration), now consolidated within Article 2.
	22.5	Article VIII	Struck language that would allow a building authority decision to be appealed to the Director of Planning and Urban Development. Consistent with building authority decisions generally, this would now be appealable to the ZBA.
	22.5	Article VIII	Struck redundant language regarding enforcement authority of this article.
In general	Fee Schedules	Article III, Div. 1; Article IV; Article V; Article IX; Article VII	Consolidated fees in separate fee schedules.