



5 ZONES

5.1 ESTABLISHMENT OF ZONES

To carry out the provisions of this Land Use Code, the City of Portland shall be divided into the zones in Table 5-A.

5.2 ZONING MAP

5.2.1 Zoning map adopted

The zones in Table 5-A shall be shown upon a map filed in the Department of Planning and Urban Development. Such zoning map, with amendments, is hereby adopted as the official zoning map of the City of Portland and as part of this Land Use Code.

5.2.2 Zone boundaries when uncertain

Where uncertainty exists with respect to the boundaries of the various zones, as shown on the zoning map, the following rules shall apply:

- A. Unless otherwise indicated, zone boundary lines are the center lines of streets, alleys, parkways, waterways, or rights-of-way of public utilities and railroads or such lines extended.
- B. Unless otherwise shown, lines within blocks less than 200 feet wide bisect the block, and lines within blocks 200 feet or more wide are 100 feet distant from the less restricted side of the block.
- C. The depictions of the Shoreland zone and Stream Protection zone on the zoning map are illustrative of the general location of such zones. The actual boundaries of these zones shall be determined by measurement of the distance indicated on the map and in this Land Use Code from the normal high-water line of the water body or the upland edge of wetlands. Where such measurement is not the same as the location of the boundary of the zoning

TABLE 5-A: ZONES

Residential Neighborhood	RN-1, RN-2, RN-3, RN-4, RN-5, RN-6, RN-7
Island	IR-1, IR-2 I-B Island Business
Mixed-Use	B-1 Neighborhood Business B-2 and B-2b Community Business B-3 Downtown Business B-4 Commercial Corridor B-5 Urban Commercial B-6 Eastern Waterfront
Transit-Oriented	TOD-1 Transit Neighborhood TOD-2 Transit Center
Office	O Office R-P Residence Professional
Industrial & Airport	I-L and I-Lb Low-Impact Industrial I-M and I-Mb Moderate-Impact Industrial I-H High-Impact Industrial A-B Airport Business
Open Space	OS-R Recreation and Open Space OS-P Open Space Preservation
Waterfront	EWPZ Eastern Waterfront Port WCZ Waterfront Central WPDZ Waterfront Port Development
Overlay Zones	Downtown Entertainment Overlay Fort Sumner Park Height Overlay Helistop Overlay Institutional Overlay (IOZ) Island Transfer Station Overlay Pedestrian Activities District Overlay Stream Protection Overlay University of Southern Maine Overlay Waynflete School Overlay
Form-Based	IS-FBC India Street Form-Based Code
Other	Shoreland Floodplain Management

map, the measurement shall control, unless the zoning map indicates that the zone boundary shall follow an existing property line.

5.2.3 Extension of zone lines

Where a zone boundary line divides a lot in single or joint ownership of record at the time such line is established, the use provisions of this Land Use Code for the less restricted portion of such lot shall extend not more than 30 feet into the more restricted portion, provided that the lot has at least 20 feet of street frontage in the less restrictive zone when taken together with adjacent premises which are under the same or equivalent ownership or control. If such boundary line divides a business or industrial zone from a residential zone, no frontage on a street other than the principal business street in the less restrictive zone may be taken into consideration in connection with the right herein granted. This subsection shall only apply with respect to use provisions.

5.3 CONDITIONAL OR CONTRACT ZONING

5.3.1 Authority and purpose

Pursuant to 30-A M.R.S. § 4352(8), conditional or contract zoning is hereby authorized for rezoning of property where, for reasons such as the unusual nature or unique location of the development proposed, the City Council finds it necessary or appropriate to impose, by agreement with the property owner or otherwise, certain conditions or restrictions in order to ensure that the rezoning is consistent with the City's Comprehensive Plan. Conditional or contract zoning

shall be limited to where a rezoning is requested by the owner of the property to be rezoned. The conditional or contract zoning must be consistent with the Comprehensive Plan, and rezoned areas must be consistent with the existing and permitted uses within the original zone. Nothing in this section shall authorize either an agreement to change or retain a zone or a rezoning which is inconsistent with the City's Comprehensive Plan.

5.3.2 Hearing

The Planning Board shall conduct a public hearing in accordance with Section 2.1.8 prior to any property being rezoned under this section.

5.3.3 Conditions and restrictions

Conditions and restrictions imposed under the authority of this section shall relate only to the physical development and operation of the property and may include, by way of example:

- A. Limitations on the number and types of uses permitted.
- B. Restrictions on the scale and density of development.
- C. Specifications for the design and layout of buildings and other improvements.
- D. Schedules for commencement and completion of construction.
- E. Performance guarantees securing completion and maintenance of improvements, and guarantees against defects.
- F. Preservation of open space and buffers, and protection of natural areas and historic sites.
- G. Contributions toward the provision of municipal services required by the development.
- H. Provisions for enforcement and remedies for breach of any condition or restriction.



5.3.4 Amendments

Except as expressly modified in any contract or conditional rezoning agreement, the use and occupancy of any property within the City of Portland used or occupied pursuant to a contract or conditional rezoning agreement otherwise shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

5.3.5 Enforcement

Notwithstanding language in any contract or conditional zoning to the contrary, any violation of a conditional or contract zone shall be enforced pursuant to 30-A M.R.S. § 4452, as may be amended from time to time, or in any other manner available by law. No alleged violation of a contract or

conditional rezoning may be prosecuted until the City has delivered written notice of the alleged violation(s) to the owner or operator of the property that is subject to the contract or conditional rezoning and given the owner or operator an opportunity to cure the violation(s) within 30 days of receipt of the notice. In addition, if such an enforcement action should result in a finding that the terms of the conditional or contract zone have been violated, then the City may act to modify or rescind the conditional or contract zone and to rezone the property.

5.4 BASE ZONE PURPOSE STATEMENTS

Base zone purpose statements shall be as established in Tables 5-B to 5-H.



TABLE 5-B: RESIDENTIAL NEIGHBORHOOD ZONE PURPOSE STATEMENTS

The residential neighborhood zones are intended to reflect the varied character and development patterns of Portland’s residential neighborhoods, and to promote new residential development that increases housing diversity and choice within the City in alignment with the City’s priorities and vision for the future. Development within the residential zones should thoughtfully respond to each area’s context, including elements such as the existing street grid, pedestrian and bike connectivity, and access to transit and open space. Standards for each zone have been tailored to address building form and encourage context sensitivity within the City’s varied neighborhoods.

RN-1	To provide for residential development predominantly characterized by a mixture of single-family and two-family homes on large lots of at least 10,000 square feet. Select nonresidential uses may also be permitted in the RN-1 zone.
RN-2	To provide for residential development predominantly characterized by a mixture of single-family and two-family homes on lots of at least 6,500 square feet. Conversion of existing nonresidential structures to multi-family dwellings is also permitted within the RN-2 zone, subject to standards encouraging compatibility and context sensitivity. Select nonresidential uses may also be permitted in the RN-2 zone.
RN-3	To provide for a residential neighborhood environment that acknowledges the unique character of the Western Promenade while accommodating a mixture of single-family, two-family, three-family, and four-family dwellings on lots of at least 6,000 square feet. Construction of new multi-family dwellings at moderate densities is allowed, as-is conversion of existing structures to multi-family dwellings, subject to standards encouraging compatibility and context sensitivity. Select nonresidential uses may also be permitted in the RN-3 zone.
RN-4	To provide for a residential neighborhood environment predominantly characterized by a mixture of single-family, two-family, three-family, and four-family dwellings on lots of at least 5,000 square feet. Conversion of existing nonresidential structures to multi-family dwellings is also permitted within the RN-4 zone, subject to standards encouraging compatibility and context sensitivity. Select nonresidential uses may also be permitted in the RN-4 zone.
RN-5	To provide areas of the city, on the peninsula and in select off-peninsula locations in alignment with major public transportation routes and near service areas, for a residential neighborhood environment of mixed residential dwelling types. The RN-5 zone permits a broad range of housing options to accommodate the diverse needs and preferences of Portland’s residents and households, including single-family, two-family, three-family, and four-family homes on lots of at least 2,000 square feet, as well as townhouse and multi-family dwellings at a range of densities. Select nonresidential uses may also be permitted in the RN-5 zone.
RN-6	To accommodate existing areas of the city characterized by a residential neighborhood environment of multi-family dwellings at relatively high density, exhibiting a pattern of larger lots and setbacks, as well as generally taller building heights. Select nonresidential uses may also be permitted in the RN-6 zone.
RN-7	To provide areas of the city, predominantly on the peninsula, for a dense residential neighborhood environment of townhouse and multi-family dwellings. Select nonresidential uses may also be permitted in the RN-7 zone.



TABLE 5-C: ISLAND ZONE PURPOSE STATEMENTS

IR-1	To provide for a low-intensity environment characterized by single-family, recreational, and rural uses on Portland’s islands. Standards for the IR-1 zone are intended to preserve and protect the rustic character of the islands, to protect groundwater resources and natural and scenic areas, and to permit only low-intensity development in areas lacking adequate public facilities and services.
IR-2	To provide for a residential neighborhood environment of single-family dwellings on Portland’s islands in areas with adequate public services. Expansion or extension of IR-2 zoning should be limited, generally focused toward areas adjacent to existing IR-2 areas, and restricted by such factors as adequacy of access, whether adequate water will be available for private use and for fire protection, whether soils in the area are adequate for subsurface water disposal, or whether public sewers are available.
I-B	To provide limited areas on Portland’s islands for the development of a mixture of residential, retail, and service establishments that primarily serve the needs of the local island market area. The I-B zone provides for a mixture of commercial and service uses, closely integrated with – and complimentary to – the surrounding residential neighborhood fabric to support the concept of a complete neighborhood. Standards for the I-B zone may vary by location, dependent upon the availability of public water and sewer resources.



TABLE 5-D: MIXED-USE ZONE PURPOSE STATEMENTS

B-1	To provide limited areas that support a small scale, pedestrian-friendly, mixed-use environment, allowing residents access to daily shopping and service needs within walking distance of nearby established residential neighborhoods. The B-1 zone provides for a mixture of commercial and service uses, closely integrated with – and complimentary to – the surrounding residential neighborhood fabric to support the concept of a complete neighborhood. Suitable locations for this zone may include street intersections and arterial streets with existing or proposed traditional neighborhood retail and service uses.
B-2	To provide locations for a mixture of commercial, service, and residential uses in a comfortable pedestrian environment that is easily accessible and well-connected to surrounding neighborhoods. Such a mixture may serve the daily needs of nearby residents within walking distance, as well as surrounding neighborhoods via multiple modes of transportation. The zone provides a broad range of goods and services with a mixture of large and small buildings, such as grocery stores, shops and services located in shopping centers and along arterial streets. The B-2 zone’s multi-modal orientation accommodates all modes of transportation, and the standards of the zone require that development relate to surrounding neighborhoods by design, orientation, and circulation patterns. The zone encourages mixed-use development, and provides locations for moderate to high-density housing in urban neighborhoods along arterials.
B-2b	To provide neighborhood and community retail, business and service establishments that are oriented to and built close to the street. The B-2b zone is suitable in areas where a more compact urban development pattern exists or where a neighborhood-compatible commercial district is established which exhibits a pedestrian scale and character. Such locations may include the peninsula and other arterials and intersections with an existing urban or neighborhood-oriented building pattern. The B-2b zone encourages mixed-use development, and provides locations for moderate to high-density housing in urban neighborhoods along arterials.
B-3	To maintain and enhance the role of the downtown as the business and commercial center of the region, and to enhance and promote the orderly expansion of retail and service businesses downtown, satisfying the related needs of the city’s resident, working, and visitor populations. The B-3 zone encourages increased housing opportunities downtown to accommodate Portland’s diverse residential population, and supports an active, walkable pedestrian environment through the encouragement of intensive mixed-use activities, enhancement and maintenance of public and private open space, and the enlivenment and increased attractiveness of the street environment. Standards of the B-3 zone require excellence in urban design, to preserve and capitalize on the unique character and historic fabric of downtown Portland by encouraging reuse of significant existing structures and providing opportunities for an enhanced presence and integration of arts and cultural activities. The zone reinforces the role of downtown as a meeting place for community residents and visitors alike from all walks of life and all socio- economic groups by prioritizing access via multiple modes of transportation and enhancing and protecting the pedestrian environment.
B-4	To provide locations in the city for the development and operation of businesses serving a regional or larger market, to provide locations for large-scale commercial uses that require larger land areas to accommodate their operations, and to support moderate to high-density housing. Standards of the B-4 zone acknowledge the need to maintain automobile access while encouraging improvement of the pedestrian environment and accommodating alternative modes of transportation.
B-5	To provide areas on or proximate to the waterfront, downtown, and the peninsula where a mixture of uses, including marine, industrial, commercial, and residential, is encouraged. The B- 5 zone is characterized by larger underdeveloped lots with great potential for dense, clustered, urban mixed-use development and reuse of



TABLE 5-D: MIXED-USE ZONE PURPOSE STATEMENTS

existing land and buildings. It is anticipated that the dense, mixed-uses of the B-5 zone will rely on a shared infrastructure system, including service alleys, parking lots, public transportation facilities, stormwater management, and driveways.

- B-6** To establish a zoning district for the upland portion of the Eastern Waterfront area. The B-6 zone encourages a distinctly urban form through development that emphasizes a quality pedestrian experience, promotes public transit, and demonstrates exemplary urban design. The zone promotes a range of uses to achieve 24-hour urban vitality and shared use of parking infrastructure as recommended in the *Eastern Waterfront Master Plan* for redevelopment. The B-6 zone promotes a mixed-use development pattern envisioned for urban land on Portland’s peninsula.



TABLE 5-E: TRANSIT-ORIENTED DEVELOPMENT ZONE PURPOSE STATEMENTS

TOD-1	To provide for and encourage the development of moderate to high-intensity mixed-use, compact urban neighborhoods that support Portland’s investment in transit infrastructure through permissions for a dense, pedestrian-scale built environment and a range of uses that encourage walking, bicycling, and use of public transit at advantageous locations within the City’s off-peninsula neighborhoods.
TOD-2	To provide for and encourage the development of high-intensity mixed-use, compact urban neighborhoods that support Portland’s investment in transit infrastructure through permissions for a highly dense, pedestrian-scale built environment and a broad range of uses that allow residents to live, work, shop, dine, and pursue cultural and recreational opportunities while enjoying a range of mobility choices. The TOD-2 zone is intended to allow for the creation of vibrant, accessible, 24-hour neighborhoods at suitable locations on or near the peninsula.



TABLE 5-F: OFFICE ZONE PURPOSE STATEMENTS

O	To provide areas for the creation of low-intensity office uses, allowed as either independent uses, or integrated into a park- or campus-like setting. Standards of the O zone encourage office and related uses which are of the highest quality, are well-designed and maintained, and are compatible with their natural surroundings.
R-P	To provide locations for the development and operation of low-intensity residential, business, and commercial uses, compatible in scale, density and use with surrounding and adjacent residential neighborhoods; or to serve as a transition or buffer zone between residential and more intensive nonresidential zones.

TABLE 5-G: INDUSTRIAL AND AIRPORT ZONE PURPOSE STATEMENTS

I-L & I-Lb	To provide areas in which low-impact industrial uses, and limited other uses serving employees and residents of the surrounding neighborhood, will be compatible with adjacent residential uses, will provide a buffer between residential neighborhoods and higher impact industrial zones, or will stand alone as a smaller scale industrial district. The I-L zone is located adjacent to residential neighborhoods, business uses and other industrial uses where the low-intensity nature of the uses, as well as their strict performance standards, will ensure the compatibility of the uses with other adjacent industrial and nonindustrial uses. The I-Lb zone is typically located on the peninsula.
I-M & I-Mb	To provide zones in areas of the city in which low- and moderate-impact industries will coexist. I-M zones are located on arterials or collectors. The I-Mb zone is typically located on the peninsula. These locations provide for direct access onto arterials, thereby protecting residential neighborhoods from drive-through traffic. The purpose of the I-M and I-Mb industrial zones is also to provide for larger industrial buildings and for the limited or controlled use of areas outside of structures for storage of materials and machinery. These facilities often require large volumes of imported materials and products which result in large volumes of shipping and receiving. Often uses may be highway-oriented and transportation-related, thus relying on city-wide and regional transportation infrastructure. Industrial uses in these moderate-impact industrial zones may require separation from higher-impact uses.
I-H	To provide areas suitable for higher impact industrial uses than are permitted in other industrial zones, and other uses that are capable of demonstrating, through design, layout and topography, their compatibility with, or non-intrusion on, existing or future higher impact industrial uses on adjacent or neighboring I-H zoned properties. Due to the intensity of use, the I-H zone is intended for uses which may require extensive outdoor storage and usage and may utilize heavy equipment. Processes may require separation from residential or sensitive environmental areas. The I-H zone is separated from other nonindustrial uses as well as natural or constructed features. High-impact industrial uses will be of a higher intensity, with a greater lot coverage than the other zones.
A-B	To provide an area for the development of airport-related enterprises. Uses permitted in this zone are those customarily associated with the operation of the airport terminal and individual airlines and accessory uses to provide for the comfort and convenience of the airport's patrons and employees.



TABLE 5-H: OPEN SPACE ZONE PURPOSE STATEMENTS

OS-R	To provide for the reasonable use of open space, while simultaneously preserving and protecting its inherent characteristics to assure its continued availability for public use as scenic and recreation area; to provide a suitable location for large-scale regional sports and athletic facilities; and to develop an open space system throughout the city which provides the highest quality parks, plazas, and pedestrian environment. The OS-R zone may include parcels of public property and private property legally restricted from intensive use or development through deed, covenant, or otherwise.
-------------	--

OS-P	To preserve and protect open space as a limited and valuable resource. The OS-P zone prioritizes preservation and protection of Portland’s critical conservation and natural resource areas. Very limited development may be allowed for sustainable energy generation, passive recreation and educational purposes, but must be compatible with and cause little impact to these areas.
-------------	--