

ReCode PORTLAND

ReCode Committee June 24, 2019

What is ReCode Portland?

The first rewriting of the Land Use Code in over half a century.



SOVIET FIRES EARTH SATELLITE INTO SPACE; IT IS CIRCLING THE GLOBE AT 18,000 M. P. H.; SPHERE TRACKED IN 4 CROSSINGS OVER U.S.

HOFFA IS ELECTED TEAMSTERS HEAD:

-Says Union Will Fight

MIAMI REACH, Oct. 4ed James R. Hoffa as its pres

He won by a margin of n



COURSE RECORDED

Navy Picks Up Radio Signals-4 Report Sighting Device

By WALTER SULLIVAN



hich was in conjunction with radio contact, were reported period of 188 Times Heavier and thirty-five minutes. This means we have a surface and the surface of 184 pounds, was circling the earth once every hour and thirty-five minutes. This means by early starrday morning. Two sightings were made at Columbus, Ohio, and one east.

Than One Planned by U.S.,

The property of the startest o

560 MILES HIGH

Binoculars, Moscow Statement Says

Anatomy of the

What is ReCode Portland?

Administration

- Definitions
- Nonconformities
- o Zones
- Use Standards
- Dimensional Standards
- Overlay Zones
- Shoreland Zone
- Flood Plain Management
 Home Occupations

- Subdivision Standards
- Impact Fees
- Historic Preservation
- Housing
- o Parking
- o Signs
- Alternative Energy
 - o Public Art
- Site Plan Standards
 Accessory Dwelling Units



Why ReCode?

Streamline and simplify code

A well-organized new Code will increase predictability and clarity for the development review process.

Create consistency across the code

The ReCode process is an opportunity to ensure there's no outdated, unclear or duplicative language in the Code.

Introduce graphics to improve legibility

An increased use of tables and illustrative graphics will make the next iteration of the Code a more accessible document for all.

Align the code with Portland's Plan

The ReCode will help ensure our regulations align with our aspirations.

ReCode Phase I

Streamline and simplify code

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Implementing Portland's Plan 2030





Definitions

Consolidates definitions

Aligns defined terms with uses & use categories

Eliminates duplicates (Lot is defined 3x)

Fills in omissions (Lot coverage, for example)

Substantive changes to following categories:

- 1. Lodging
- Places of Assembly
- 3. Family Definition
- 4. Group homes and related

cultural exchange, training programs and worshops, neighborhood meetings or gatherings. As part of these functions and activities, it shall be permissible to serve food, subject to other applicable codes and ordinances. In the R 6 residential zone only, the building can also be used for a farmer's market pursuant to chapter an of this code and the requirements, set forth therein.

Community living arrangements. A state approved, authorized, certified or licensed group home for eight or fewer mentally handicapped or developmentally disabled persons.

Congregate care facility. A residential development which provides individual living or dwelling units with support services which provide assistance to residents. Services to be provided shall include:

- Transportation for essential support activities.
 This service shall be included in the base rental.
- b) Provision of at least one meal per day;
- Programmed social activiti ...uch ... facilitated by staff. This ... rce shall be included in the base rent;
- d) Provision of personal care serv. cl., g but not limited to, housekeeping, r., y, an minimal health monitoring; and
- e) Installation of emergency call buttons or systems in each congregate care living unit.

The population of a congregate care facility shall consist of persons 55 years of age or older and their spouses and/or disabled persons and their spouses.

Customarily. More often than an average of one calendar week during any calendar month of operation.

Day care facility. A facility which provides a regular program of care and protection for children under the age of 16, for consideration, for any part of the

Drinking establishment. Means and includes any establishment required to be licensed to sell alcoholic beverages for on-premises consumption, which is not regularly used for the purpose of providing full-course meals, as defined in Title 28-A of the Mains Revised Statutes, on the premises.

Drive-through facility. A commercial facility which provides a service directly to a motor vehicle occupant and where the customer drives a motor vehicle on emission and to a window or minimized through or by which the come "see" in this window exhibit and the commercial or motor with the commercial or motor without exhibit the commercial or motor with the commercial motor which with the commercial motor with the commercial motor which with the commercial motor which

throug atures. Features associated with rughs including but not limited to sign cravel or stacking lanes, intercom menu boards, service windows, kiosks, anical devices, etc.

Dwelling. A building or portion thereof used exclusively for residential occupancy, including single-family, two-family and multi family dwellings, but not including hotels, lodging houses, sheltered are group homes or tourist homes. Occupancy of dwellings for periods of less than 30 days are subject to the requirements of Portland City Code Chapter 6, Article VI.

Dwelling unit. One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit.

Dwelling, multi-family. A building or portion thereof containing three or more dwelling units.

Dwelling, single-family. A detached building used exclusively for occupancy by one family.

Dwelling, two-family. A single building containing two dwelling units used exclusively for occupancy by two families living independently of each other.

CITY OF PORTLAND UNIFIED DEVELOPMENT CODE | 3



Inn. A building used for more or less temporary occupancy of individuals, who are lodged with or without meals, having ten but no more than 50 rooms. Guest rooms shall not contain separate kitchen facilities.

Intermediate care facility. A bullity which provides, on a regular base, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or extended care facility is designed to provide but who, because of their immetal or physical condition, require such care and services above the level of room and board Said facility must be licensed as a board care, residential care facility or equivalent pursuant to the regulations promulgated by the State of Mains Department of Health and Human Human.

Kitchen facilities. Facilities used for the preparation of meals, including reflected used for the cookings preparation.

Light manufacturing. The fully sed ass or fabrication of materials but exc. h. h. processes such as smelting refning, o. .g. forging, brewing, and similar processes involving converting raw materials to a finished or semi finished product.

Living Unit. An independent self-contained dwelling unit that does not include full kitchen facilities.

Lodging house. A house, building or portion thereof containing two or more rooming units and providing such units, with or without meels, to individuals on not less than a weekly or monthly basis for compensation. A lodging house, except for lodging houses located in the IR-2, IR-3 and I-B zones, shall contain common areas for use by IR-residents, including a ktehne. A littchen need not be available as part of the common areas where all meals are provided on a daily basis.

Long term or extended care facility. An institution or a distinct part of an institution that is

licensed or approved to provide full-time convalescent or chronic care, or heath care under medical supervision for 2 or inner consecutive hours, to nine or more individuals who, by reason of advanced age, liness, or infirmity are unable to care for themselves, and who are not related to the governing suthor by by marriage, blood, or addoction.

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Lot area. The area of land enclosed within the boundary lines of a lot.

Lot coverag

Lot width. The distance parallel to the front of the building measured between side lot lines through that part of the principal building where the lot is narrowest.

Low impact industrial uses. Industrial activity involving the manufacturing, packaging, assembly, or distribution of finished products from previously prepared material, including but not limited to the following: bakeries, breweries, bottling, printing and publishing, pharmaceuticals, machine shops, precision instruments, watchmakers, musical instruments, toys and sporting goods, pottery and ceramics using only previously pulverized clay, wood products, jewelry, assembly of electrical components, canteen services, tool and die shops, and the packaging of foods. Low impact industrial uses do not include the processing of raw materials or salvaging operations. Low impact industrial uses are compatible, due to their size and nature of impact, with residential, commercial and other lov impact industrial uses because of the level of traffic

6 CITY OF PORTLAND UNIFIED DEVELOPMENT CODE

https://www.citylab.com/perspective/2019/06/zoning-ordiances-formal-family-code-housing-discrimination/591427/ ; Zoning Law Shouldn't Define Wh 🗴 🕇

CITYLAB

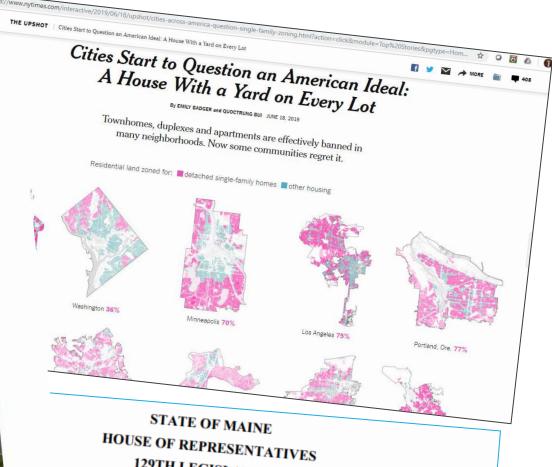
DESIGN / TRANSPORTATION / ENVIRONMENT / EQUITY / LIFE

15

FOR SALE

A large house advertised as for sale in California. Should zoning ordinances restrict what kind of functional family can inhabit this house? // Ben Margot/AP

Why Are Zoning Laws Defining What Constitutes a Family?



129TH LEGISLATURE FIRST REGULAR SESSION

3 AMENDMENT " " to H.P. 279, L.D. 353, Bill, "An Act To Residences as One-family Dwellings for the Purposes of the Fire

by striking out the title and substituting the following:

mg the Safety of Recovery Residences'

Amend the bill by striking out everything after the enacting clause and inserting the following:

Definitions – Manufactured Housing

Title 30-A M.R.S.A. Section 4358: Municipalities may not prohibit manufactured housing.

Existing:

- Manufactured Housing
- Manufactured Housing Parks
- •Multiple-component manufactured housing

Proposed: Simplify categories, eliminate "manufactured housing parks" and permit manufactured housing as single family dwelling units.



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considerant or chronic care, or heath care under medical supervision for ra or more consecutive hours, to nine or more individuals who, by reason of advanced age, liness, or infirmity are unable to care for themselves, and who are not related to the governing authority by marriage, blood, or adoption.

Lot: A parcel or area of land that is designated as an individual unit for use, development or ownership that is ether a) so for fercorif, econorided in the Curehers ... ity Registry of Deeds, or b) a of usual or a such lots of record a control of the control o

*es. The lives of land enclosed within the lives of a lot.

verage

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Definitions - Family

Family: Not more than **16** individuals living together in a dwelling unit as a single nonprofit housekeeping unit. A group occupying a hotel, fraternity house or sorority house shall not be considered as a family. The family may include necessary servants.

Family definition is intertwined with other Residential Use Categories, dwelling unit definitions. For ex., Dwelling Unit, Single Family, Two-Family, Multi-family, Sheltered Care Group Homes.

Definitions – Sheltered Care Group Home

Sheltered care group home: A facility which, in addition to providing food and shelter to a defined population, provides guidance or counseling services....

Residential Conditional Use requirements:

- up to 12 individuals + staff
- Not handicapped persons, parolees, persons in correctional prerelease programs, or current illegal drug users
- Not within 500 feet of another
- •Other: Restrictions on open outside stairways, requirements for staffing, building maintenance, lighting, fencing, security, screening, compatibility of the architectural character, limitation on the duration of a sheltered care group home permit.

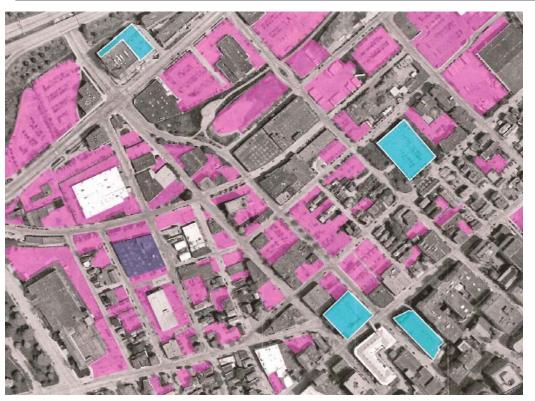
Definitions – Potential Changes

- Changes to Family definition. Fewer than 16 people, no reference to servants.
- Simplify review standards for Group Homes.
- Add language to Land Use Code about making all reasonable accommodations to meet Fair Housing Act.

Considerations:

- * Focus on impacts, equal treatment.
- Group Homes serve protected class, review cannot be unequal or more arduous than for other residential uses.
- * Family cannot be so narrowly defined as to rule out households not related by blood or marriage.

Parking



- National research indicates broad bias towards oversupply, overreliance on ITE
- Incremental approach over past decade
- Opportunity to look more broadly
 - Consistency & continuity across zones/uses
 - Alignment with Portland's Plan & other recent planning work

Parking Policy Questions

- Will a 1 space/dwelling unit requirement help us achieve our land use and transportation goals?
- Will extending broad, zone-based exemptions from off-street parking requirements in non-residential zones do the same?
- Or would a requirement based on parking analysis in these zones be more appropriate?
- Should fee-in-lieu and joint use provisions be more widely available?

Policy Issue	Current Policy	Potential Policy	Case Studies
Residential parking requirement	 2 spaces/DU, except: 1/DU in B-2/B-2b/B-2c 1/DU in R-6/R-6a 1/DU on-peninsula and blanket exceptions for the IR-3 and first three units in R-6 & IS-FBC 1/DU for changes of use 	1 space/DU citywide, with exemption for first three units in R-6 and IS-FBC, ADUs	 Portsmouth, NH5 - 1.3/DU depending on unit size (with 1 guest space required for each 5 units) Montpelier, VT - 1/DU Providence, RI - 1/DU Albany, NY - 1/DU Scranton, PA - 1/DU Minneapolis, MN - 1/DU Chicago, IL6/DU (.4 in CBD) Portland, OR233/DU for multi-family
	No off-street parking required in B-5 zone, IR-3 zone	Extend exemption to B-1/B-1b, B-2/B-2b/B-2c, and B-3 (where no parking is currently required for change of use)	 Buffalo, NY – no off-street parking for projects < 5,000 SF Hartford, CT – no off-street parking for residential Lexington, KY – no off-street parking for specific business districts Cincinnati, OH – no off-street parking in specific districts
	Eligible/required in B-6, B-7, USM Overlay, MMC Overlay, site plans > 50KSF	Expand parking study method to other scales of development in all zones	- Eugene, OR – Allowed city-wide - San Jose, CA – Required city-wide
	Any development located in a non- residential zone on the peninsula or the IS-FBC zone eligible for fee in lieu of providing off-street parking	Any development [anywhere or near transit] eligible for fee-in lieu	 Northampton, MA - \$2,000/space in CBD Albany, NY - with approval of Planning Board Lake Forest, IL Jackson, WY Bend, OR
Joint use allowance	Permitted by ZBA or PB based on analysis for residential uses in B-1, B-1b, B-2, B-2c, and B-3 which propose joint use with non-residential	Permitted based on analysis for all uses in all mixed-use zones	 Portland, OR – Allows joint use anywhere Waltham, MA – Allows joint use anywhere Marlborough, MA - Allows joint use anywhere

Accessory Dwelling Units (ADU)

What is an ADU? An additional residence, either within a single or two-family home, within an accessory structure such as a garage, or as a small free-standing cottage.

Why do they matter? ADU's are an important element of Portland's approach to creating a well-rounded housing supply and an organic way to allow neighborhoods to retain their character as they grow. They increase supply and diversity of housing, provide flexibility for property owners, and allow for the adaptation of existing housing and infrastructure.

The Status of Existing Regulations. At present, some form of accessory dwelling unit is permitted within most of Portland's residential zoning districts. Terms, requirements, review standards, and process varies.

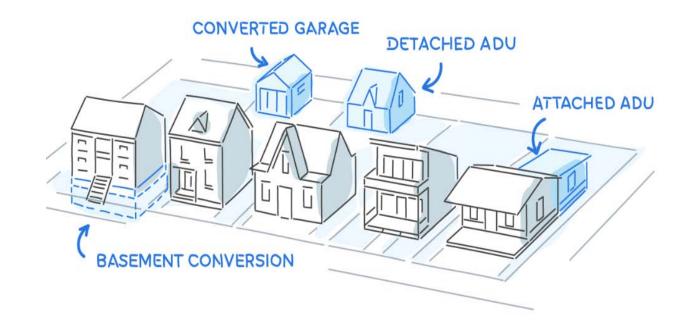
Goal. Create a clear unified approach city-wide that permits and encourages contextual ADUs in Portland's neighborhoods.





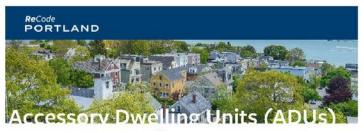
Draft ADU Framework

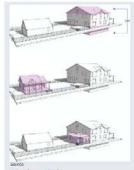
- ADU Form
- Use Category
- Submission Requirements
- Design Standards
- Development/Dimensional Exemptions
- Unit Size



ADU Policy Questions

- Are three forms of ADU attached, detached and cottage acceptable?
- Should ADUs be permitted in all zones where single- and two-family dwellings are legally non-conforming use?
- Are the dimensional/development regulations appropriate?
 - No required parking
 - Not counted towards residential unit density requirements
 - Permitted so long as dimensional non-conformities are not exacerbated
 - Unit size:
 - Attached/Detached = 800 SF or < 1/3 of total floor area of the principal unit, whichever is less.
 - Cottage = $600 \text{ SF or} < 1/3^{rd}$ of total floor area of the principal unit, which ever is less.





An ADU is an addictional living quarter that is ndependent of and wholly contained within a orincipal building or attached/cetached accessory structure (such as garage) on property where a single or two-family dwelling unit is the principal use ADUs are equipped with eitchen and bathroom facilities and are typically subject to standards related to placement on a lot, design, and size. An ADU within a single family home is discinguished from a dup ex. for example, because the ADU is intended to be clearly supportinate in scale and placement in relation to the primary residence

Where can I find more information?

https://www.planning.org/knowledgebase/accessor



POLICY GOAL

Establish a uniform definition and set of easily accessible city-wide requirements that would facilitate the development of ADUs as a means of expanding housing choice, supporting aging-in-place, increasing density, and



CURRENT POLICY

In all zones, ADUs are identified as conditional uses, subject to additional standards and increased oversight by either the Zoning Board of Appeals or Planning Board, case depending.

While permitted as a conditional use within almost every residential zone, existing ADU standards differ from zone to zone. For example, the R-1, R-2 and R-3 permit ADUs so long as the total floor area does not exceed 30%, whereas in the IR-1 and IR-2, the limit is \$5%

ADUs are limited in form to those found within a principal residential structure, or within an attached addition to that structure. ADUs within detached accessory structure and or stand-alone tiny homes are not



PROPOSED POLICY

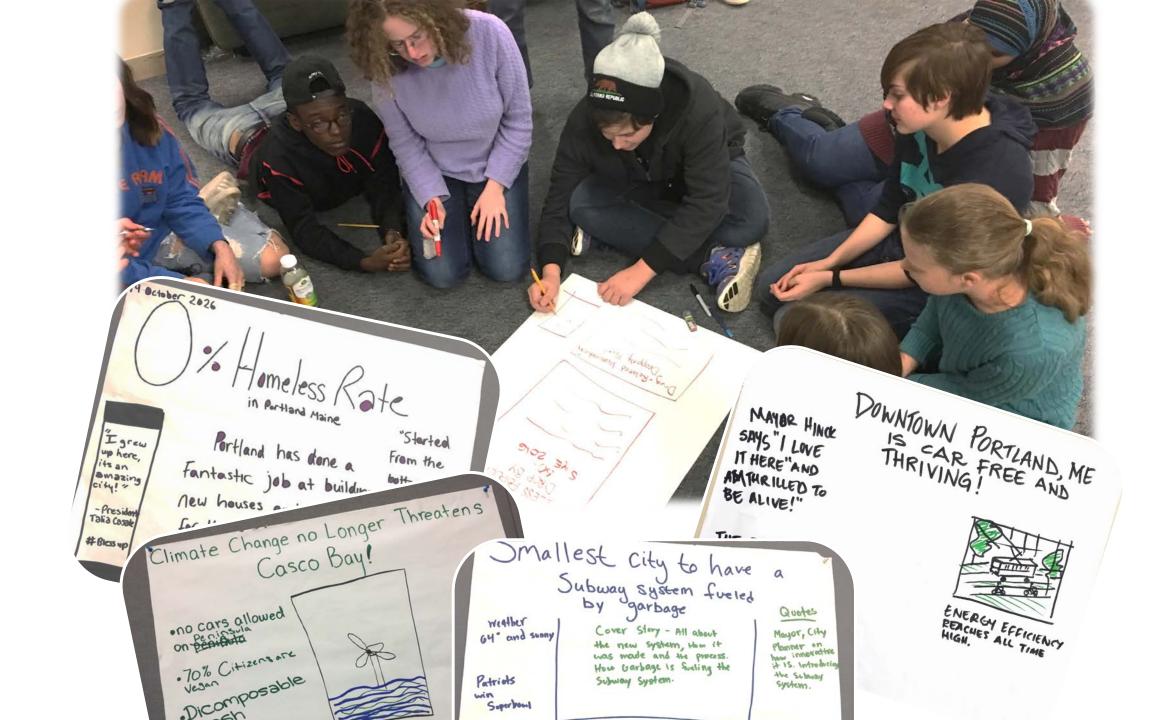
- · Permitted use city-wide Allow on lawfully conforming and legally nonconforming one- and twofamily properties
- Expand permissible form to include detached accessory
- structures and tiny homes Eliminate parking requirement
- Regulate unit size, tenancy periods, site design standards and ownership requirements



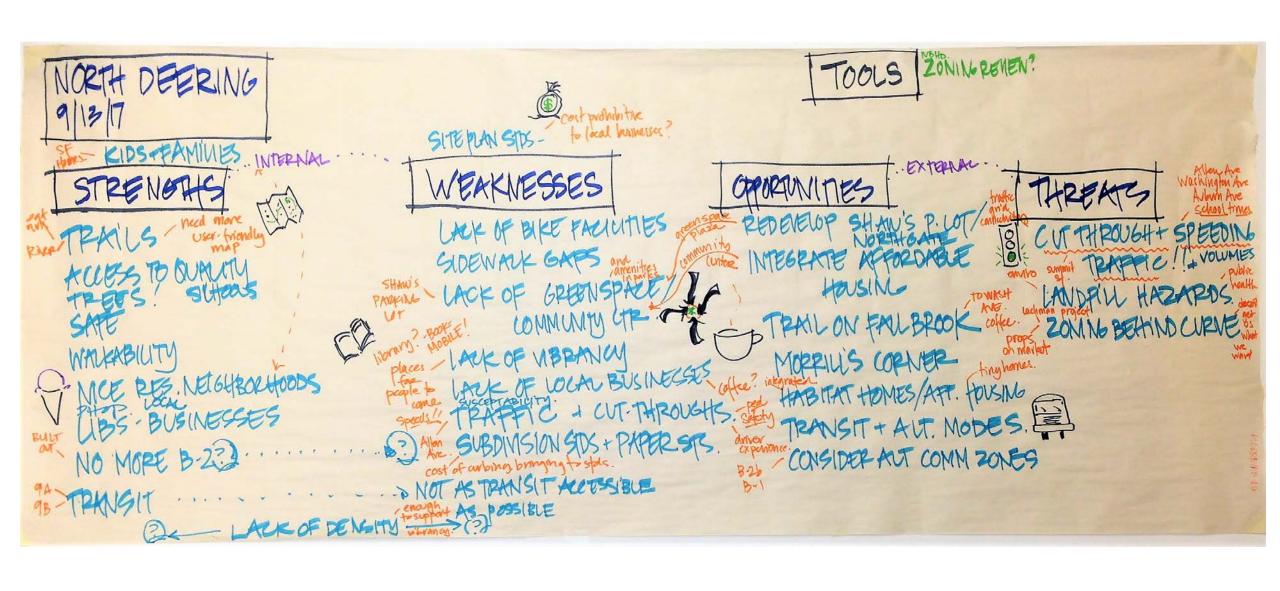
PORTLAND, OR MONTPELIER, VT

PORTSMOUTH, NH CAMBRIDGE, MA

ww.recode.portlandmaine.gov | recode@portlandmaine.gov







PARKSIDE



· Neighborhood events - flower power day - · Access to healthcare

- · City helps immigrants

· Lack of parking

rivers of traffic

· Lack of activity?

Maintenance + age

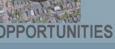
- communication 510 Cumberland Diversity + Immigrants
- ice arena Hadlock TP
- · Access to schools King, Reiche, PHS, BA

Absentee landlords - not knowing needs

· Lack of transparency (service providers)

halfway houses, lack of regulation





- Building height + form
- Rising rents + affordability threat to long
- Transparency + lack of long term invest-
- dangerous "parkside the darkside" City's lack of system/approach to afford-
- able/ subsidized housing Highway through the neighborhood

- · Code does not support compatible design · Immigrants leave - integrate promoting

rience to city - city hall, info sports, new

- participation create plan for retention + physical dispursement - motivation? Culural identities celebrated
- History + perception data on vacancies Loss of OA as a hub 510 Cumberland, how to recreate?



- community dinners Public transportation · Faith groups
- NBHD Assn problem solving + connectivty · YMCA · Community policing - coordination - strong · Open space - Deering Oaks, Congress Sq
- · Convenient location MMC, state + merril -
- · Lack of sidewalk lighting in key spots -Grant St
- · Pedestrian safety + barriers State + High · Snow removal sight lines, enforcement
 - · Immigrant access to housing + services + information/integration - language barrier can't attend meeting times



- Potential for additional services Joes per- . Invite immigrants to bring culture/ expefect spot - Mellen St Market
- Parking lot
- Communication ReCapital
- Projects + timeline for addressing issues fix it (accountability)

NORTH DEERING



STRENGTHS

- · Kids + Families SF homes
- · Trails river, need more user friendly map
- · Access to quality schools
- Walkability
- · Nice residential neighborhoods
- · Shop local
- Libraries
- Businesses



WEAKNESSES



OPPORTUNITIES



THREATS

- · Lack of bike infrastructure
- · Sidewalk gaps
- · Lack of green space + amenities in parks - greenspace plaza, community center, Shaws parking lot
- · Lack of vibrancy places for people to
- · Lack of businesses coffee?
- · Traffic susceptability + cut throughs pedestrian safety, driver experience
- · Subdivision SIDS + paper streets cost of curbing bringing to stds?

· No more B-2? built out

Transit - 9A 9B

- · Not as transit accessible as possible
- · Lack of density enough to support vibran-

- · Redevelop Shaw's parking lot/northgate greenspace plaza
- · Integrate affordable housing
- · Trail on fall brook to Washington Ave cof-
- · Morrill's corner
- · Habitat homes/ affordable housing tiny
- · Transit + alternative modes
- · Consider alternative comm zones B2b B1
- · Cut through + speeding Allen Ave, Washinghton Ave, Auburn Ave, Summit St, school times
- · Traffic + volumes
- · Landfill hazards public health environ-
- · Zoning behind curve properties on market - doesn't get us what we want - Lachman

NEIGHBORHOOD SWOT ANALYSIS

DEERING CENTER



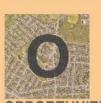
STRENGTHS

- · Big old trees
- Authenticity
- Architecture
- Community Garden
- Desirability
- · Schools walkable, UNE, street facing
- · Variety of businesses BID, local
- · Library Burbank
- · Community of people, families
- · Green spaces + Evergreen Cemetary
- · Clear edges + center Forest Ave, Stevens, Mother House
- · Age diversity schools, businesses
- Churches
- B-1 working



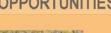
WEAKNESSES

- · Lack of diversity ethnic, housing, SES
- · Lack of affordability
- · Lack of SW + SW maintenance safety issue - traffic calming
- Code doesn't match existing form impact on ability to stay - front yard setbacks can't add decks/ additions
- Longfellow playground needs upgrade, basketball court
- · Car reliance idling drop off at Longfellow
- · Brentwood/ Stevens Siano's lot
- · Lack of coordination between businesses



OPPORTUNITIES

- More activity not more traffic alternative transportation
- NBHD as little downtown
- · Walkable drug store
- · Accessory dwelling units density provi-
- Integrate UNE educational opportunities, community meeting rooms, connect physi-
- More traffic calming
- · New buildings + pocket park
- · School campus Deering + Longfellow -
- · Another playground?
- · B-1 vet center Siano's
- · B-1D lighting self assessment, benches for uniform improvements, trash recepticles, paving, sewer, vocabulary



- · Local/ regional traffic UNE, Mother House, walkability
- · Mismatch zoning + character
- · UNE
- · Cut through traffic Brentwood, Wilow, Pleasant, see speed bumps on Stevens
- Access/ connections to other neighborhoods - train tracks -Forest Ave - nodes as

THREATS



NEIGHBORHOOD SWOT ANALYSIS

INDIA STREET



- · Food restaurants, groceries
- Walkability
- · Arts Merril
- · History landmarks
- Access to waterfront
- · Healthcare pharmacy
- Worship
- · Transportation free parking ferry Culture
- · Tourism foot traffic, people working
- · Diversity of business people
- · Access to services



WEAKNESSES

- · Parking concerns
- · Construction impacts
- signs speed crosswalk
- · Lack of street lighting on India
- Fixing sidewalks Federal st
- · Trash lack of city maintenance, response
- Insufficient green space need more pocket Appropriate parking durations
- · Lack of moped/ motorcycle parking · ADA compliance/ access to services - con- Strategic pedestrian safety - adequate stop flict with outdoor seating
 - · Access to parks + open space unfriendly
 - · Loitering in general and certain locations (rite-aid alleyway) homeless problem wors-



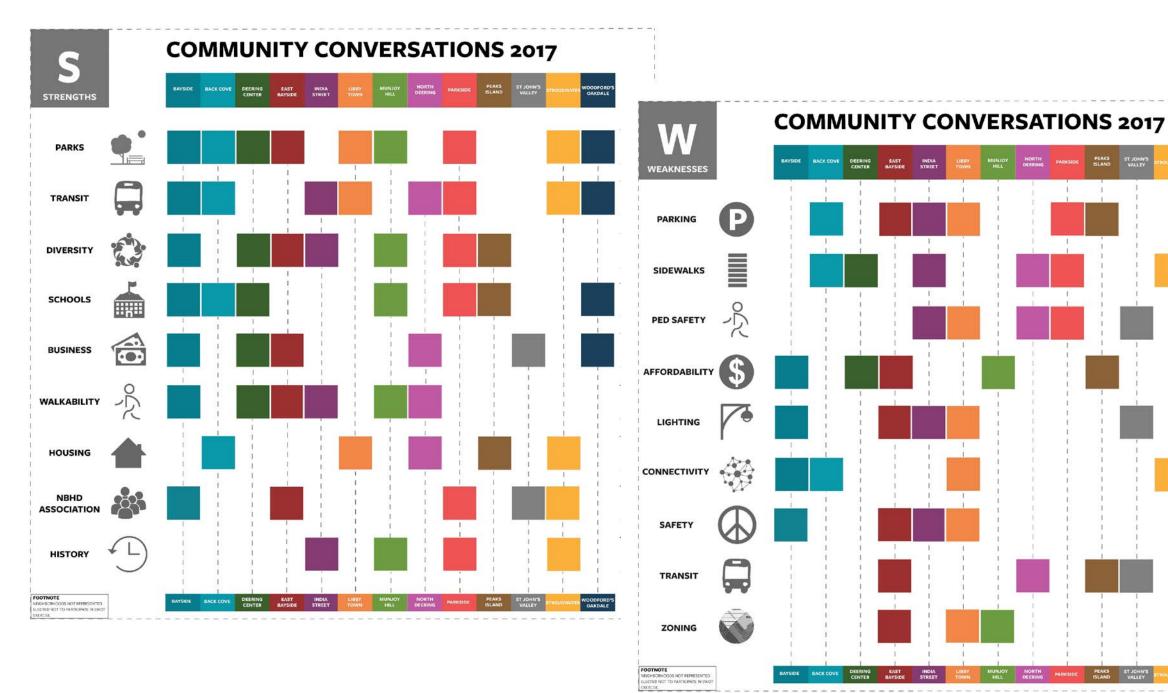
- · Tourism cruiseships some businesses
- Rising property values
- · Beautifying India St reinvestment in prop- · Community partnerships
- Traffic calming on India/ Middle, Fore St/
- Hancock stop sign
- More decorative lighting finding resources, . Designing safer spaces improve safety
- Greater access to cemetary

- Increasing greenspace
- Integrating NBHDS · BID parks
- · More bike infrastructure
- · Pump station open space design
- · Plastic trash containers to prevent litter

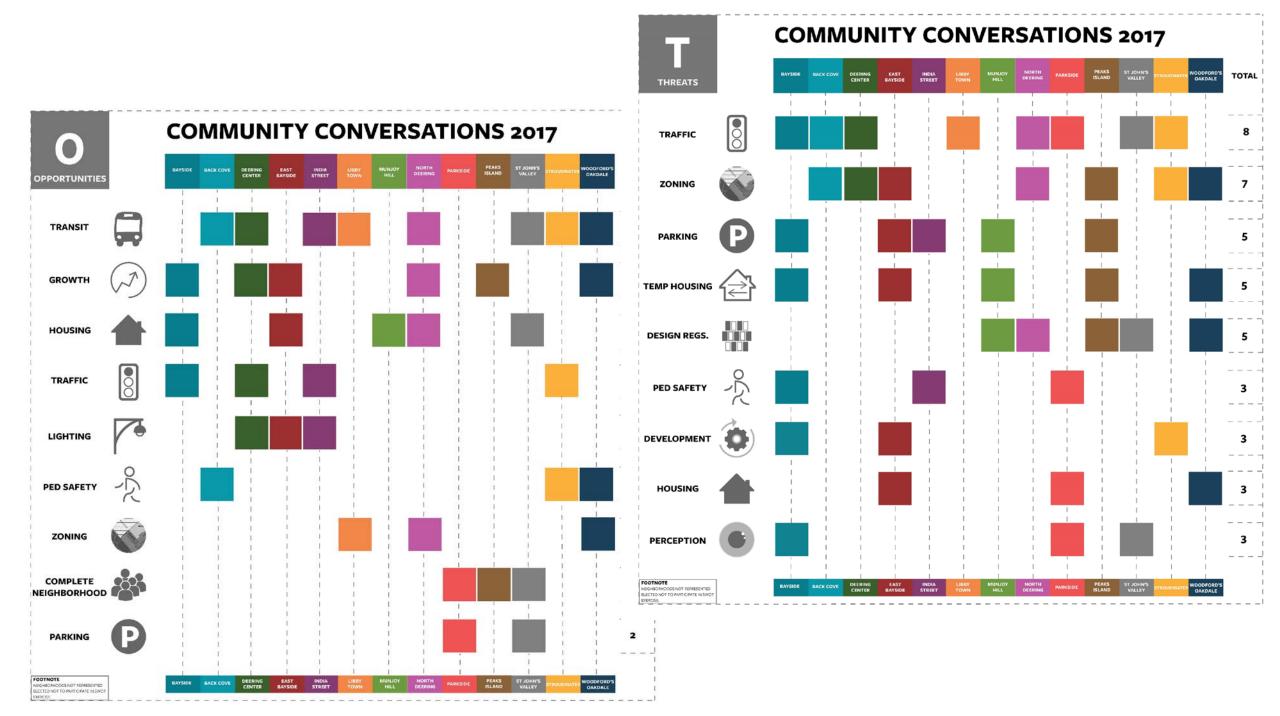


- · Losing tourism to other communities
- · Less economic diversity · Rising costs - affordability
- · Rate of change
- . Losing neighborhood character to develop-
- · Losing aesthetic of buildings
- · Fire sprinkler + parking requirements ex cessive for small projects
- · Limited parking worsened by development
- · Street safety issues (milestones)

NEIGHBORHOOD SWOT ANALYSIS



TOTAL





(PHASE I)

The City held a series of community conversations to hear what works in the current code, what needs to be improved, and how the code could better meet the vision of Portland's Plan in Fall 2017 and



RESTRUCTURE

Based on public input, an analysis of the existing code, and best practices, the City will reorganize the existing code to streamline and simplify it.



CONVERSATIONS (PHASE II)

Following the initial restructuring, the City will hold a second round of community conversations to gather public input on substantive changes to the code.



REWRITE

Ultimately, the City will rewrite elements of the code to better align with Portland's Plan and address substantive issues raised by public input and technical analysis.

Webpage:

https://www.recodeportland.me/

Email:

recodeportland@portlandmaine.gov

