# Smart Growth and Working Waterfronts
*National Working Waterfronts and Waterways Symposium*
**March 26, 2013**

**Achieving a compatible and economically viable mix of uses through Zoning and Performance Standards in Portland, Maine**

*Bill Needelman, AICP*
*Senior Planner*

## Presentation Outline

- **Framing Questions**

- **Brief intro to Portland (Maine, not Oregon)**

- **Chronology of Waterfront Planning**

- **Waterfront Policy framework: Balancing working waterfront uses and non-marine uses**

- **Geographic application of policies through zoning: Historic uses, infrastructure and water depth**

- **Case study and examples applying policies, zoning, and development standards:**
  - **Performance based zoning**
  - **Site Planning**

- **Concluding remarks**

***What are you doing?***
**Waterfront Planning**
**or**
**Land Use Planning next to the water**

Jobs verses Value:
Can communities
Avoid the
Assumed Dichotomy?

The City of Portland is Maine's largest municipality with a population of 66,000 within a metro region of 250,000. Portland is a financial, transportation, and service center for Northern New England.

The Port of Portland is divided between the cities of Portland and South Portland

* Liquid bulk freight and recreational berthing dominate the South Portland shore

* Commercial Fishing, bulk and break bulk freight, and passenger service characterize the Portland shore

Portland's commercial marine industries exhibit widely different scales

**City of Portland Waterfront**

Map produced by City of Portland Planning Office
from GIS Workgroup data and 2001 aerial photos.
October 2006

**+/-2.5 miles of urban shorefront
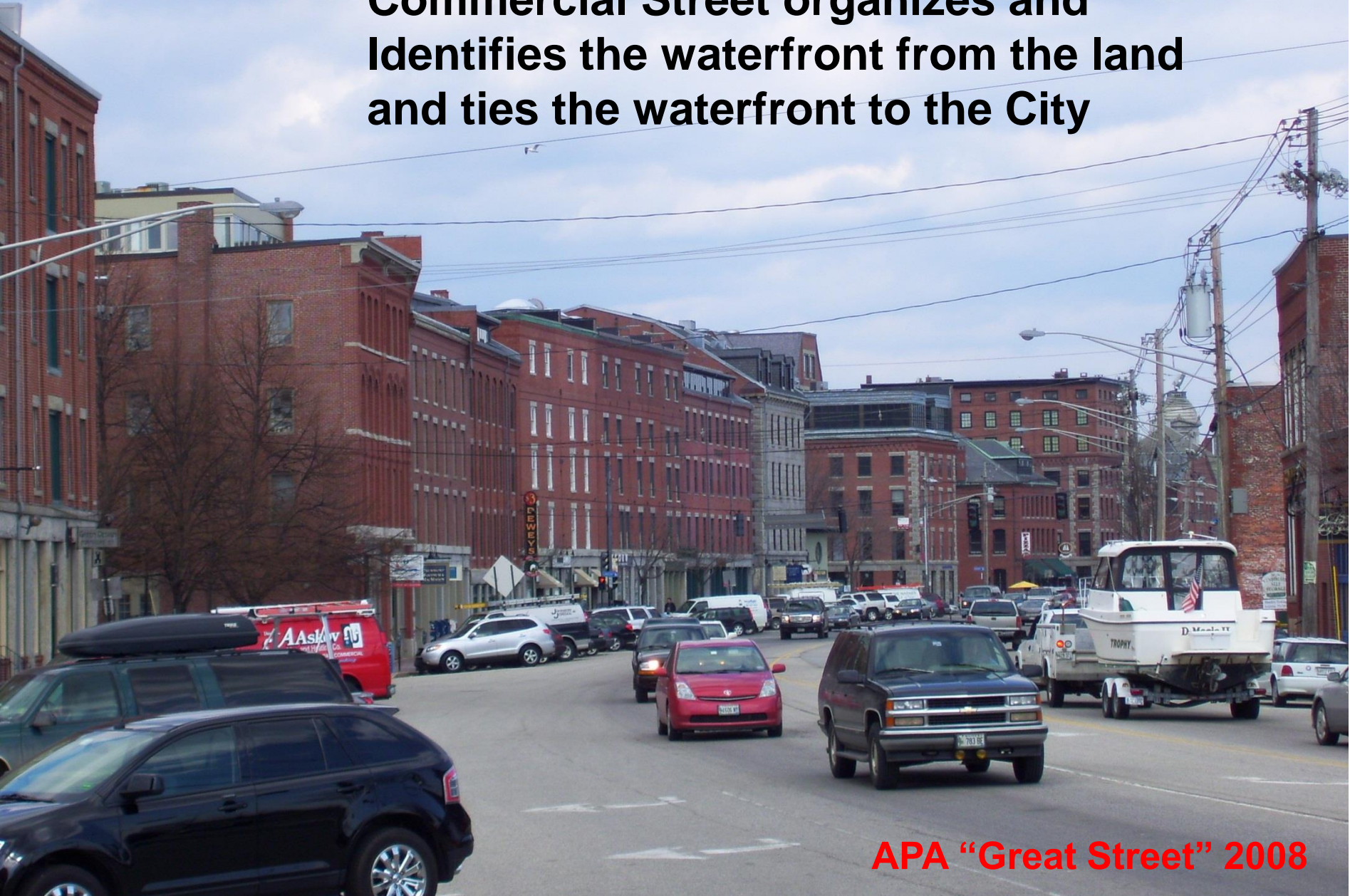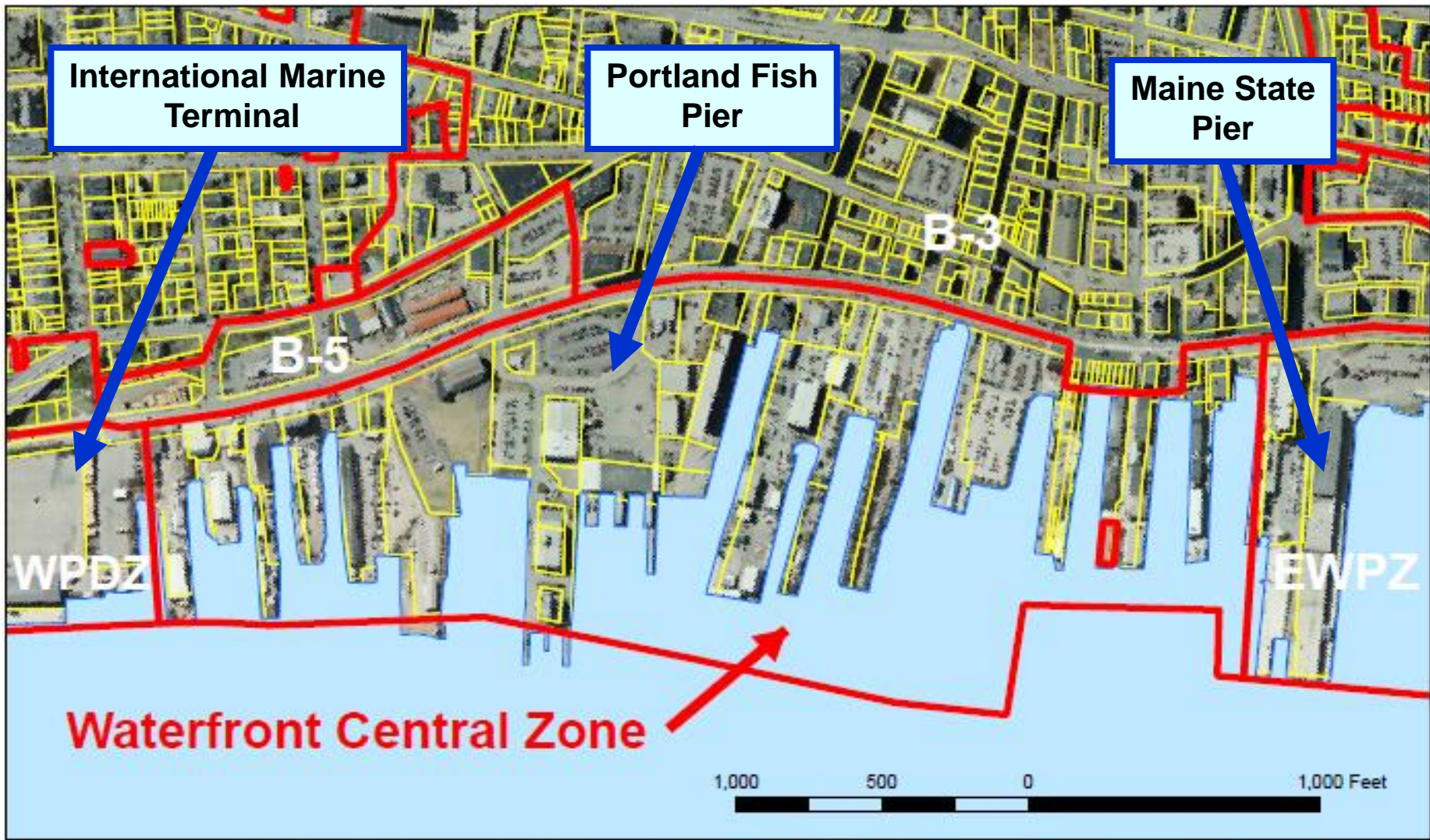along the dredged channel**

**19th Century Smart Growth**

**Portland's Waterfront is a mixed use district: highly integrated with the Downtown.**

**Historic wharves form street projections into the harbor:**

**Commercial Street organizes and Identifies the waterfront from the land and ties the waterfront to the City**

International Marine Terminal

Portland Fish Pier

Maine State Pier

B-3

B-5

WPDZ

EWPZ

Waterfront Central Zone

1,000    500    0    1,000 Feet

The Central Waterfront is characterized by 14 privately held finger piers as well as the quasi-public Portland Fish Pier.

October 2009

# The integrated development pattern continues



The 2006 Ocean Gateway Marine Passenger Terminal was constructed with new public streets integrated with the marine facility. Streets will serve high value upland development parcels in a traditional "block and lot" urban pattern.

**Challenges**

- **Aging Infrastructure**
- **Limited Revenue**
- **Challenges In the Marine Economy**

**Challenges**

**Building obsolescence
and
Code Compliance**

**Challenges**

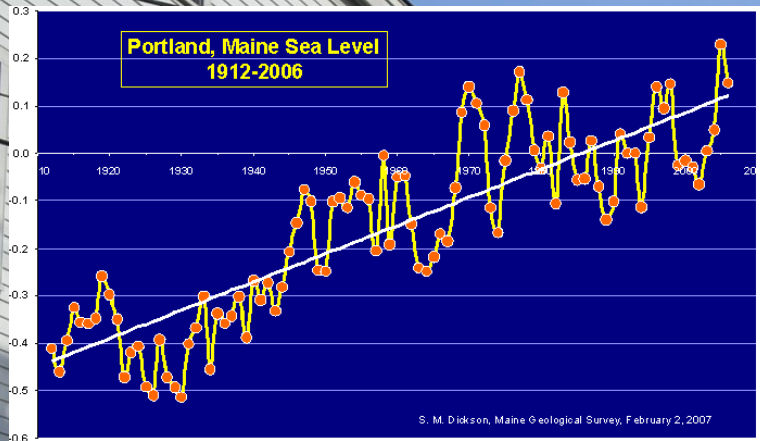**Water Depth
and
Dredging Needs**

**Challenges**

**International Passenger Terminals**

**Freight Terminals**

Secure Facilities need functional autonomy and site Control to meet TSA and Coast Guard requirements

**Challenges**

Portland, Maine Sea Level
1912-2006

S. M. Dickson, Maine Geological Survey, February 2, 2007

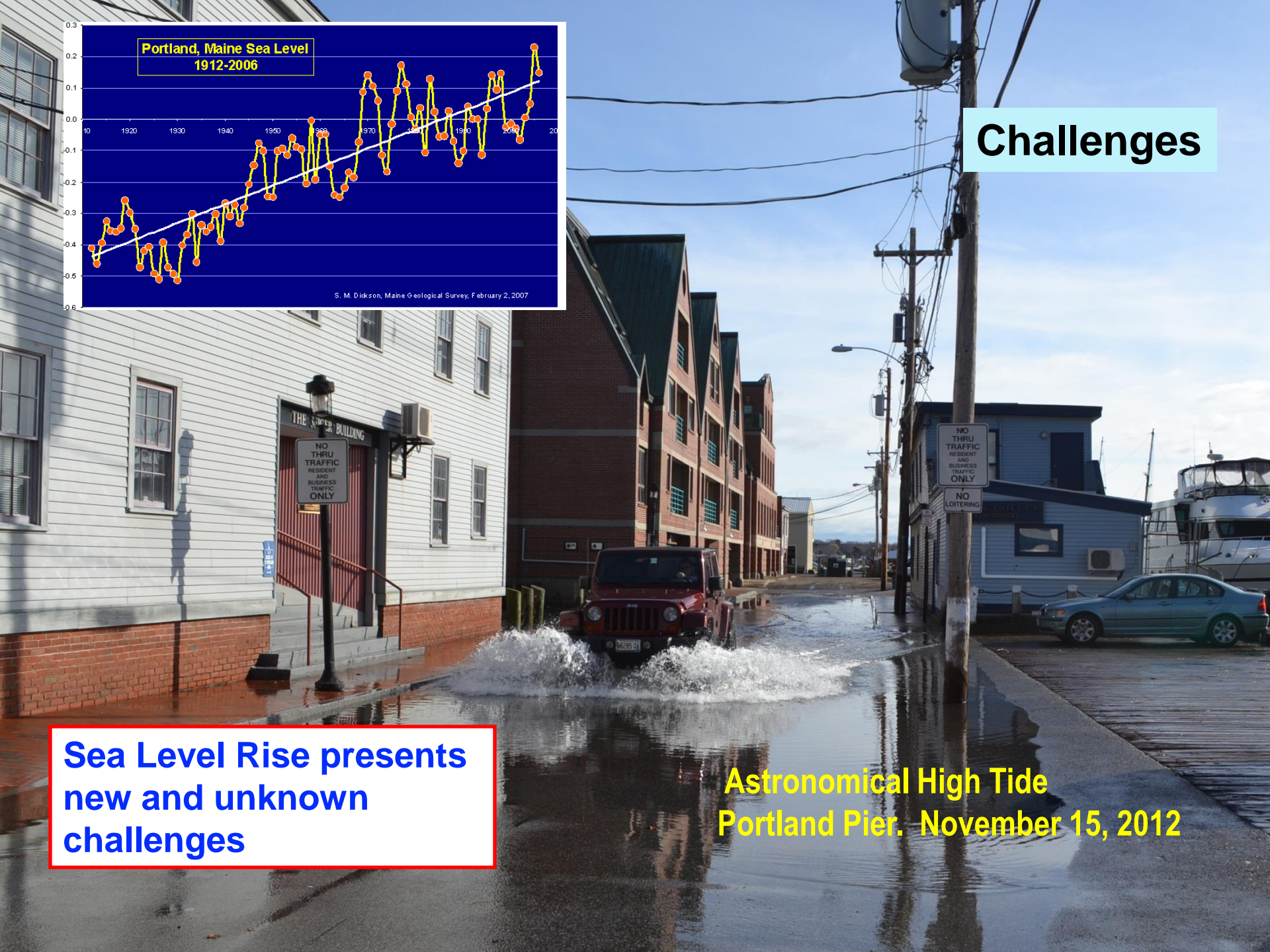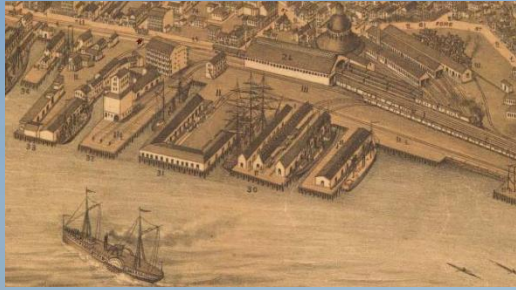**Sea Level Rise presents new and unknown challenges**

**Astronomical High Tide
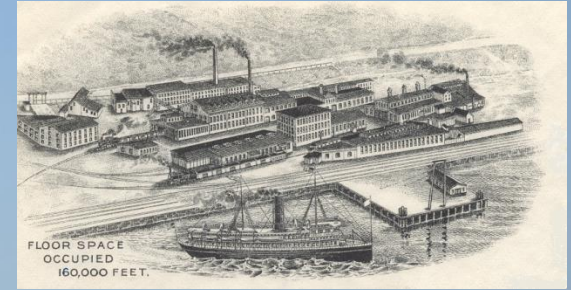Portland Pier.  November 15, 2012**

Portland has a deep history and commitment to its waterfront and maritime industry

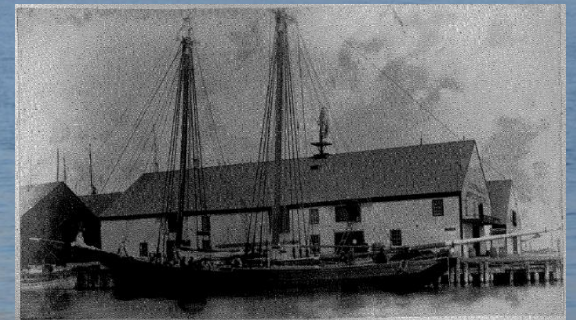# Portland's Diverse Maritime Heritage

**Shipping and Rail**

**Manufacturing**

FLOOR SPACE OCCUPIED 160,000 FEET.

**Military**

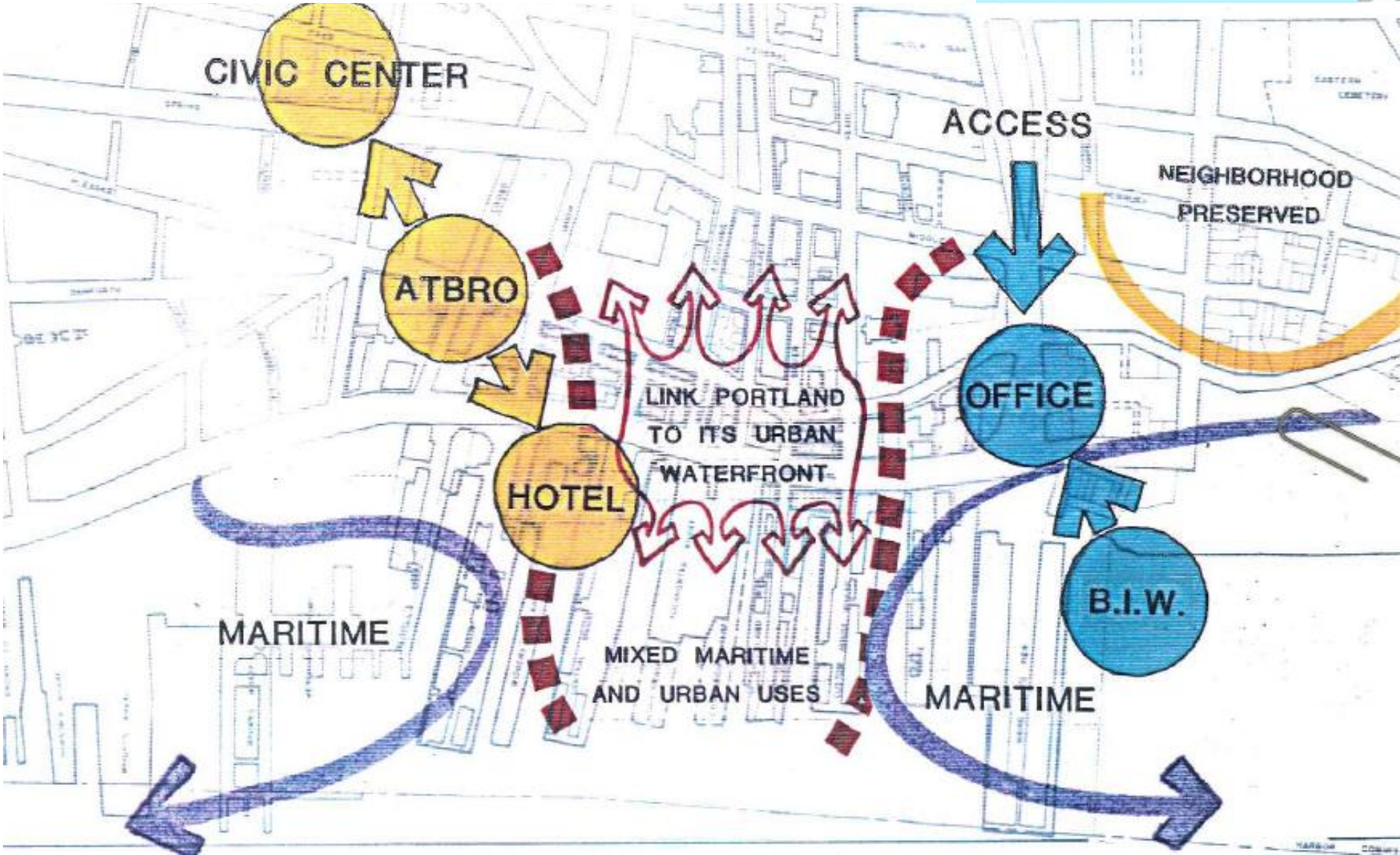**Passenger Transportation**

**Ground Fishing**

All of Portland's traditional marine industries have declined, significantly.

**Declines in traditional marine industries made Portland susceptible to the allure of a festival waterfront**

American City Corp. Development Program for Portland, Maine Waterfront. 1981

CIVIC CENTER

ACCESS

NEIGHBORHOOD PRESERVED

ATBRO

LINK PORTLAND TO ITS URBAN WATERFRONT

OFFICE

HOTEL

MARITIME

MIXED MARITIME AND URBAN USES

MARITIME

B.I.W.

# City officials cheer waterfront plan

**By TED COHEN**
Staff Writer

A $64 million waterfront redevelopment plan, designed to unlock the city's "undiscovered treasure," was unveiled Wednesday by the American City Corp.

The Maryland firm described the project as "a tremendous shot in the arm" for Maine's largest city.

City officials embraced the plan.

But, during the public unveiling of the project at the Portland Public Library after a formal morning presentation at City Hall, fishermen complained.

"The way it looks to me is the fishermen are going to be thrown out," said local fisherman Peter W. Kelly III. "Now, you're talking about doing away with Widgery's Wharf."

And lobsterman Keith Lane, whose boat is at Custom House Wharf, said the possible loss of berthing spaces is "probably the most critical problem facing this city."

"They're changing the complexion of the waterfront," he said.

Clark Neily, the city's economic development director, said, "We certainly have to look toward increasing berthing facilities."

Issues such as those raised by Kelly, he said in an interview, "are some of the questions that have to be appropriately answered."

Portland resident Jeff Sandler stood up at the library and told the development officials they would "get a lot of flak from vested-interest groups. But you've done an excellent piece of work."

"Thank you," replied American City Corp. vice president and project director Dennis J. Connolly. "My mother will be proud."

The development plan shapes up like this:

✔ Long Wharf would be the site of 60 townhouses over a parking deck for 330 cars. The 1,000-square-foot condominiums would sell for $114,500.

✔ Central Wharf's east side would be the site of 45 townhouses and two-level apartments. The townhouses averaging 1,289

City Councilor Joseph Casale, left, and Planning Board chairwoman Jean Gilpatrick discuss the waterfront model with Dennis Connolly, vice president of American City Corp.

# Portland's recent history of Waterfront Planning began Over 30 years ago

PORTLAND WATERFRONT PROGRAM

PART ONE: OVERVIEW OF PORTLAND'S WATERFRONT PROGRAM

CHAPTER 2: ZONING FOR MARITIME AND MIXED USE DEVELOPMENT

PROJECT NAME: WATERFRONT ZONING
PROJECT DESCRIPTION AND OBJECTIVES:

Zoning is one of the most effective means available to the City to help ensure desireable and compatible development. The major recommendations for changes to existing waterfront zoning are:

1.) creation of a new waterfront specialty zone which is designed for marine and fishing related uses (W-2) and

2.) a text and boundary revision of the existing W-1 to make it a more restrictive mixed use zone.

**Strategies for the Development and Revitalization of the Portland Waterfront Progress Report. 1983**
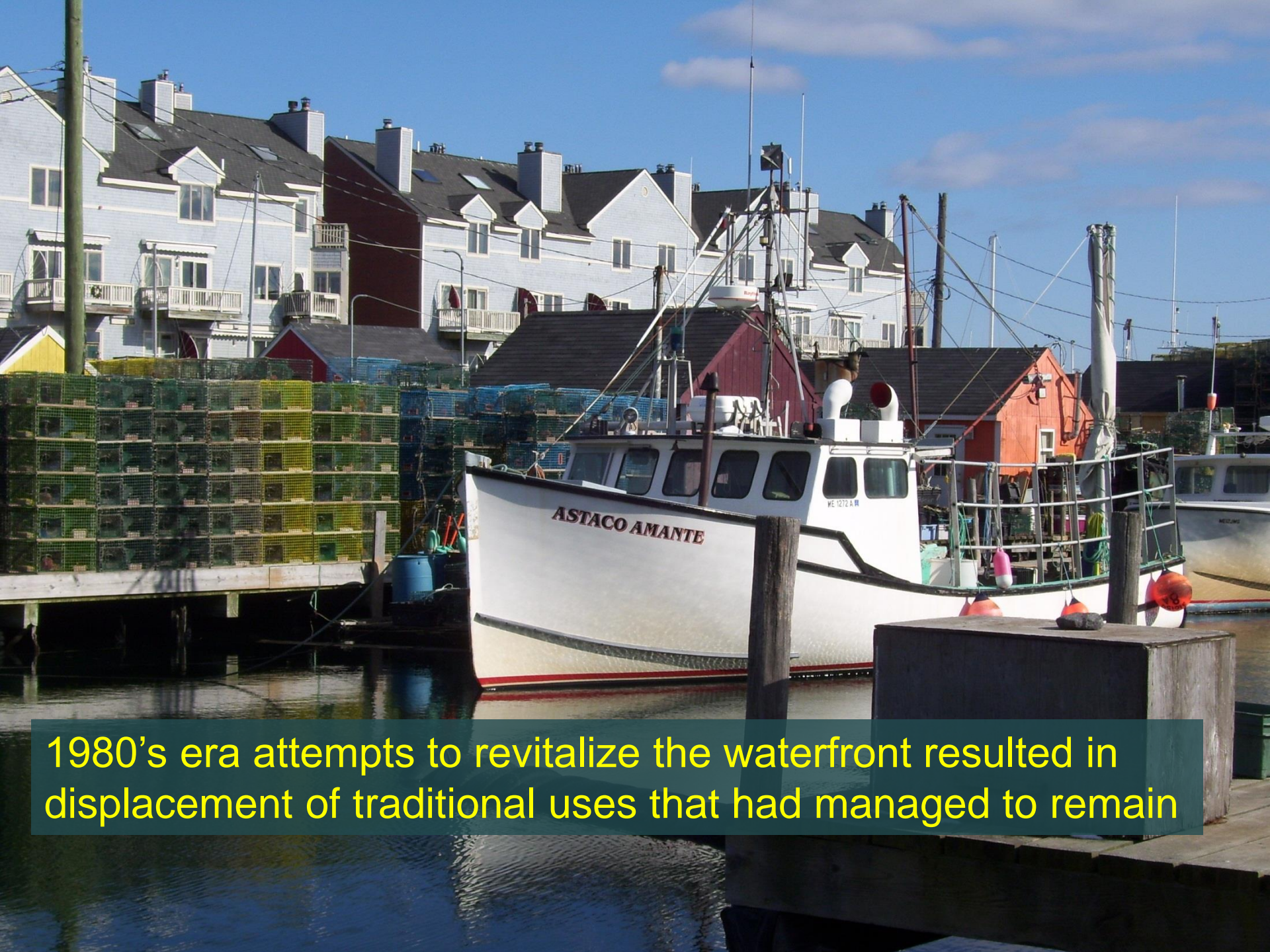
1980's era attempts to revitalize the waterfront resulted in displacement of traditional uses that had managed to remain

MAY 5, 1987

# SPECIMEN REFERENDUM BALLOT

## SHALL THE FOLLOWING ORDINANCE ENTITLED: "LAND USE CODE AMENDMENT TO BE ENACTED BY INITIATIVE" BE ADOPTED?

Purpose: To Secure the Portland waterfront for marine uses.

In order to secure the Portland waterfront for marine uses, no uses shall be permitted within the area bounded by the Tukeys Bridge and the Veteran's Memorial Bridge lying between and including the waters of the Fore River, Portland Harbor and Casco Bay, excluding the Casco Bay Islands, and the water side of a line running down the middle of Commercial Street, India Street, Fore Street and the Eastern Promenade other than those accessory to fishing activities, maritime activities, functionally water-dependent activities or authorized public uses as these terms are defined below.

Without limitation and not withstandi[ng] [...] [C]ode, particularly Division 4, R-3 Residential [...] [O]pen Space Zone; Division 14, I-2 and I-2b I[...] [Indu]strial Zones; Division 18, W-1 Waterfront Zon[e...] [o]ther Division, Zone, or Section of the Code p[...] [o]f any kind, there shall not be permitted in the [...]

1) Hotels, motels, boatels and residential uses.

2) Office, industrial, commercial, research and institutional uses and facilities which are not accessory to the activities defined below.

Definitions.

(1) FISHING ACTIVITIES means activities required for, supportive of, or commonly [...]

In 1987, a citizen-initiated referendum passed overwhelmingly resulting in a 5-year **moratorium on all non-marine uses** and development

**The moratorium preserved marine use; but, did not incentivize investment**

Custom House Wharf, 2010

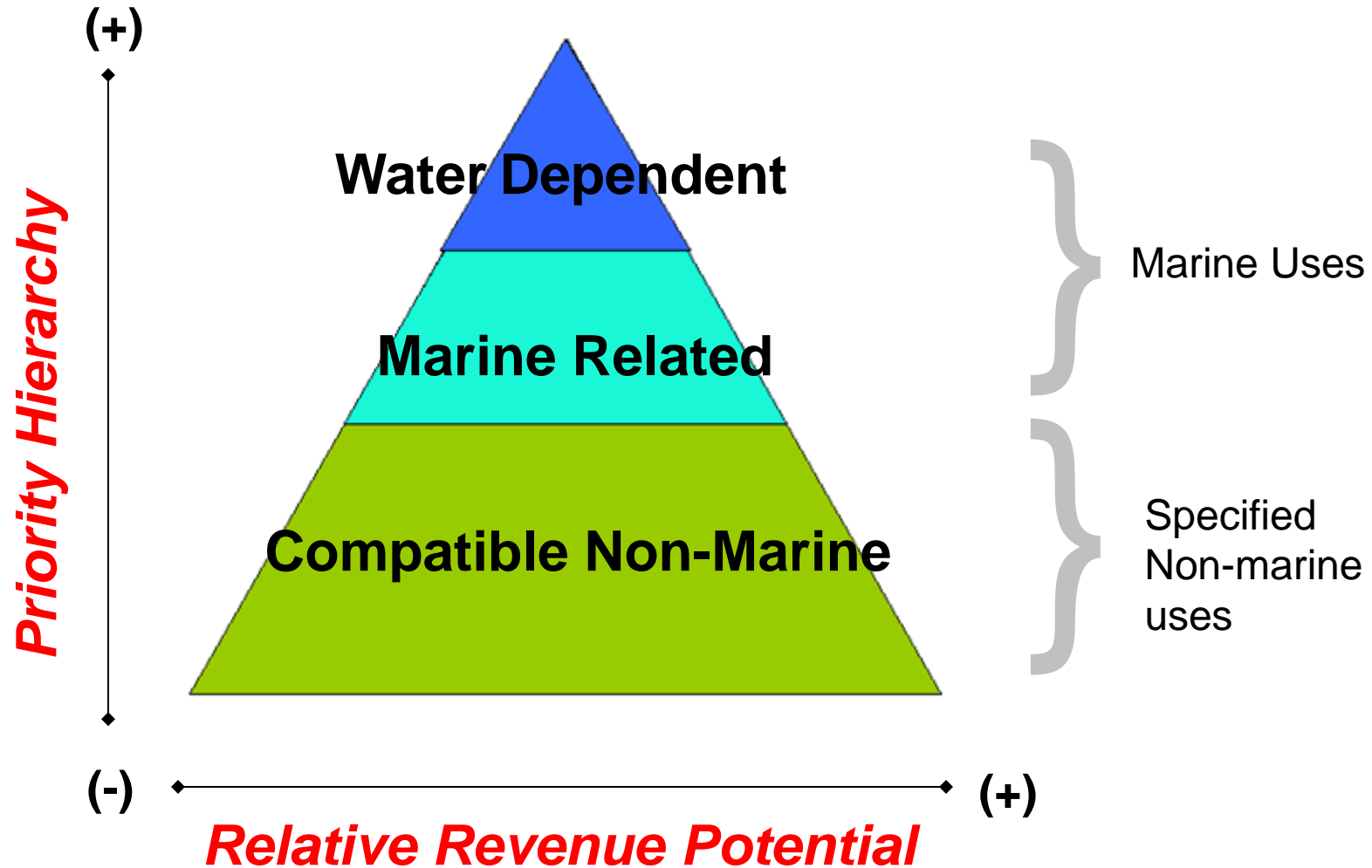**Without investment, piers can not adapt to changing economies**

# Timeline of Waterfront Planning

**1987:**      Non-marine development moratorium by city-wide referendum – Citizen led

**1992-1994:** Waterfront Alliance Report and Zoning – the Current System

**1998:**      The Cargo and Passenger Study (CAPS) - Recommended moving the international ferry to the Eastern Waterfront

**2000-2004:** Eastern Waterfront Master Planning and Re-zoning (uplands)

**2005:**      Central Waterfront Re-zoning

**2006-2009**  Maine State Pier (Eastern Waterfront) - Policy and re-zoning, development proposals and options evaluation

**2010:**      Central Waterfront  - Policy and Re-zoning

# Policy Basis for Waterfront Land Use:  1992
## Priority of Uses

**(+)**

*Priority Hierarchy*

**Water Dependent**

**Marine Related**

**Compatible Non-Marine**

Marine Uses

Specified Non-marine uses

**(-)**         **(+)**

*Relative Revenue Potential*

Non-Marine Uses Must respect the functional needs of higher priority uses and provide needed revenue to invest in marine infrastructure
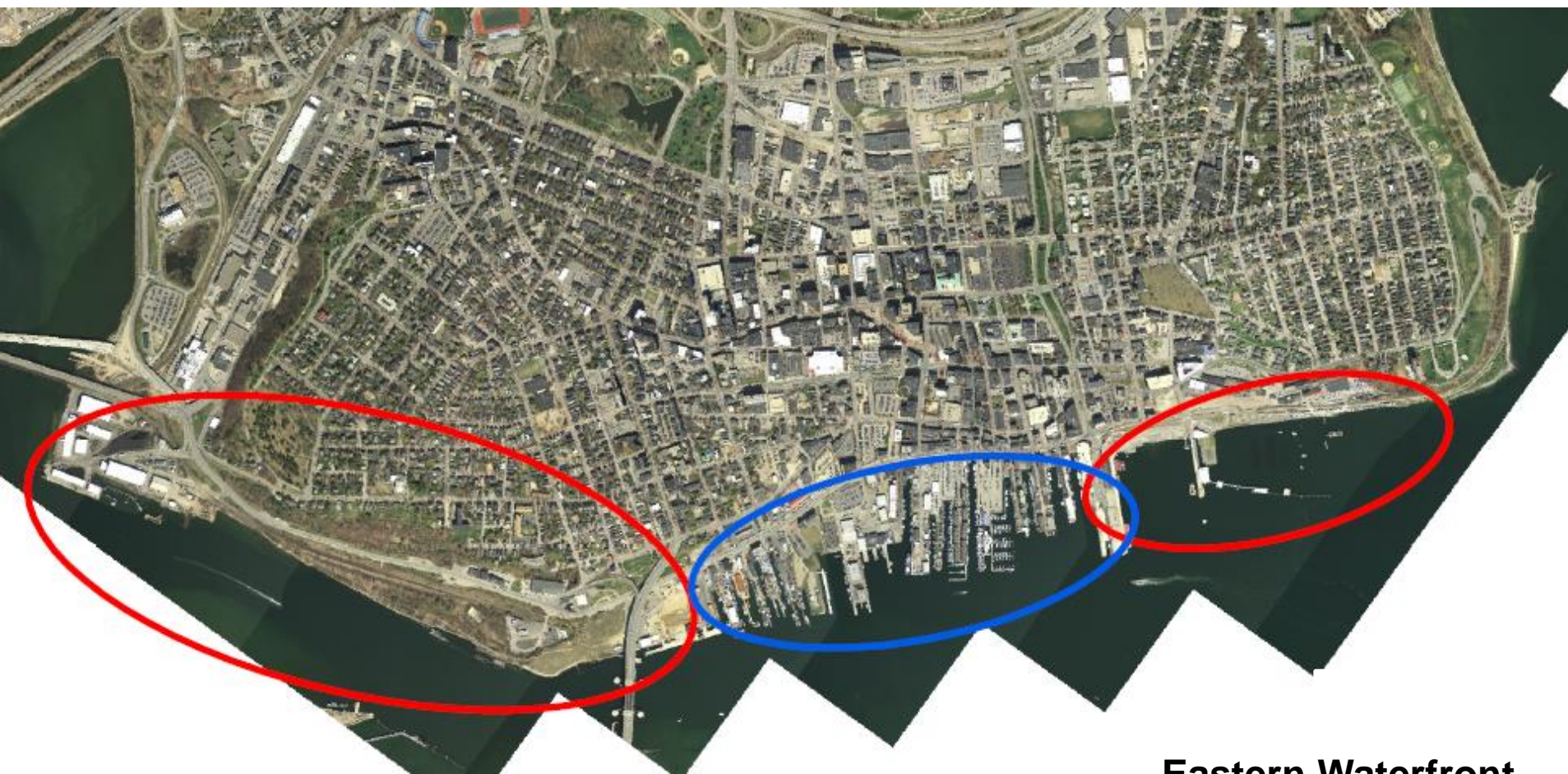
**Western Waterfront**

**Deep-water
Marine Industry
Freight**

**Central Waterfront**

**Lighter Marine Industry
Mixed Use/Non-marine
Tourism**

**Eastern Waterfront**

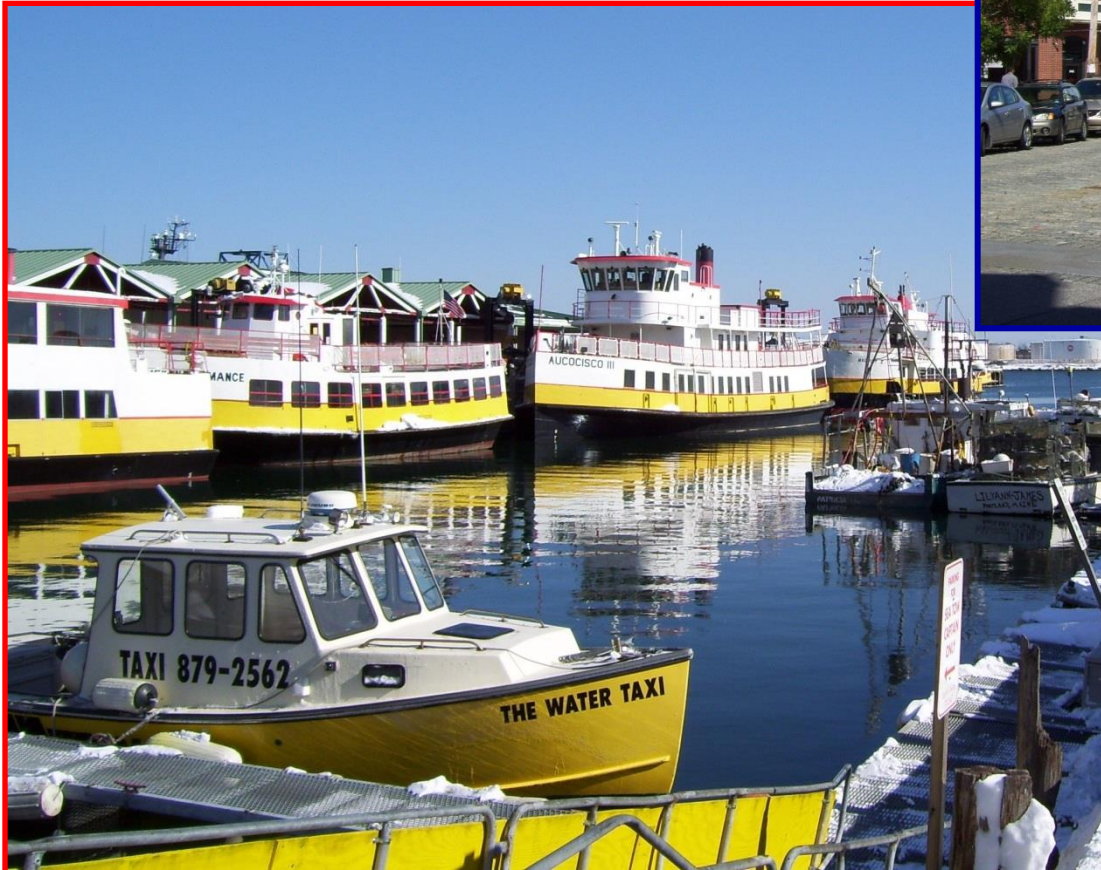**Marine Passenger
Mixed Use/Non-marine**

**Policies are applied differently according to water depth and
type and intensity of marine uses**

**Waterfront Zoning, Portland, ME**

Waterfront Port Development Zone
**Deep-water Marine Industry Freight**

Central Waterfont Zone
**Lighter Marine Industry Mixed Use/Non-marine Tourism**

Eastern Waterfront Port Zone
**Marine Passenger Mixed Use/Non-marine**

Waterfront Special Use Zone
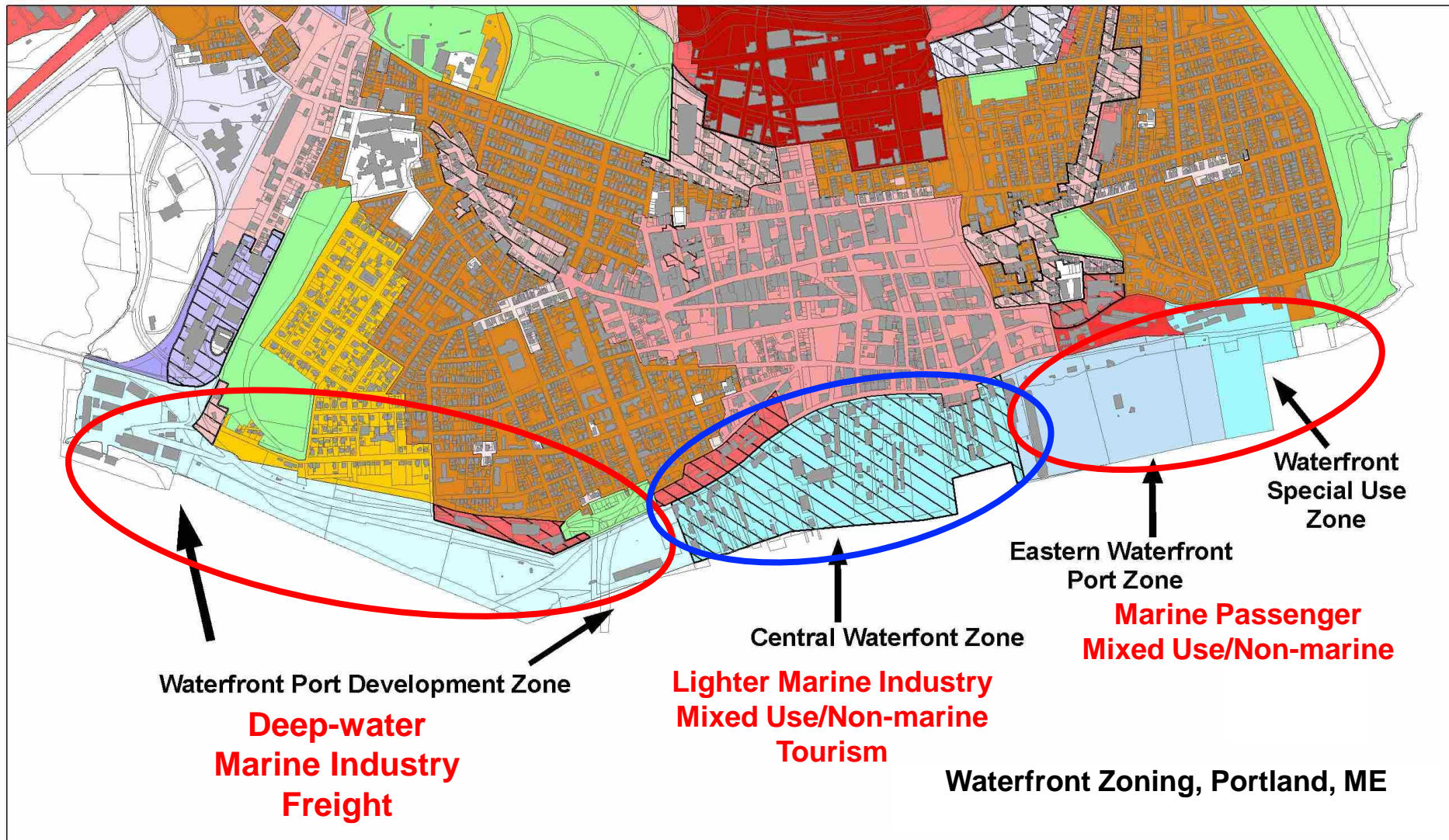
- Promote **_marine industry_** and **_infrastructure_**
- Allow **_compatible_** and **_supportive_** non-marine uses
- Enforce compatibility through **_performance based zoning_**

# Complementary Uses

**Retail and Commercial areas – both historic and new**





**Passenger Transportation - both local and cruise**

# Compatible Uses

Upper Floor Offices, 3rd priority

1st Floor Marine Support, 2nd priority

Commercial Berthing and Industry, 1st priority

MARINE TRADE CENTER

Note tall floor to ceiling on first floor to promote industrial use
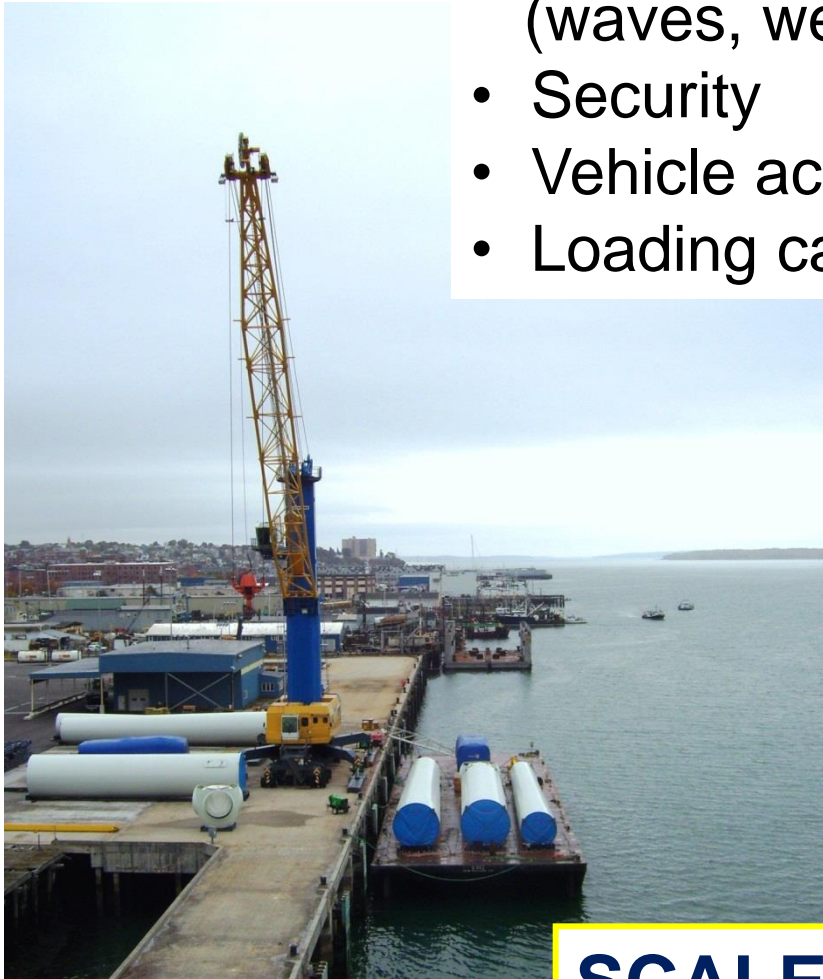
Compatibility is a design issue

Incompatible Uses

Residential Development

Industries with External Effects

BAIT SHACK

# Quality Commercial Marine Access

- Water Depth
- Protection (waves, weather)
- Security
- Vehicle access
- Loading capacity

- Pier-side support (Interior and exterior space)
- Utilities
- Parking





**SCALE MATTERS**

# Quality Mixed-Use Environments

- **Pedestrian Interest**
- **Safe, attractive walking routes**
- **Lighting**
- **Parking (off-site preferred)**
- **Vehicle Circulation and Loading**
- **Open space and amenities**



**Piers are difficult pedestrian environments because they are "dead ends"**

**Applying the Policies**

City of Portland Waterfront

Map produced by City of Portland Planning Office
from GIS Workgroup data and 2001 aerial photos.
October 2006

Miles
0 0.125 0.25 0.5 0.75 1

**Central Waterfront Case Study**

# Significant Zoning Innovations:

- **Non-marine Use Overlay Zone**
  - **With a marine infrastructure investment requirement**

- **Area preserved for marine use (55% min. by area)**

  **Marketing requirement for marine tenants**

- **Performance Standards:**
  - **Pier functionality**
  - **Marine compatibility**
  - **Parking**
  - **View protection**

- **Inventory and Monitoring requirement**

# What didn't change?

- **Commercial Berthing Protected**
- **No residential use**

**Revised Zoning:  If you want it, please ask**

100% non-marine development allowed with Marine Investment requirement
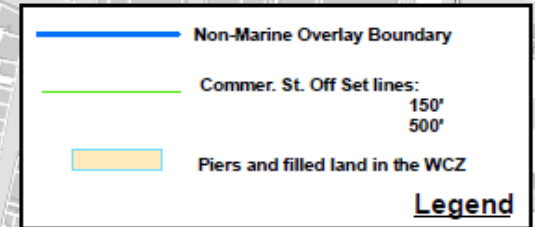
Min. 55% of 1st floors and open area available to Marine occupants with marketing requirement

**Waterfront Central Zone**
Non-Marine Use Overlay Boundary

Legend

Non-Marine Overlay Boundary
Commer. St. Off Set lines:
150'
500'
Piers and filled land in the WCZ

Commercial Street

150 foot Off Set From Commercial Street

25 foot Off Set From High Tide Typical

Portland Fish Exchange

Marine Trade Center

Merrill's Wharf/Cumberland Storage

Union Wharf

Widgery's Wharf

Chandler's Wharf/Fisherman's Wharf

Long Wharf/Dimillo's

Maine State Pier

Map produced by the City of Portland Planning Division from Portland GIS Program 2007 data. Locations are approximate and must be verified by a licensed professional surveyor. November 2010

# Case Study:
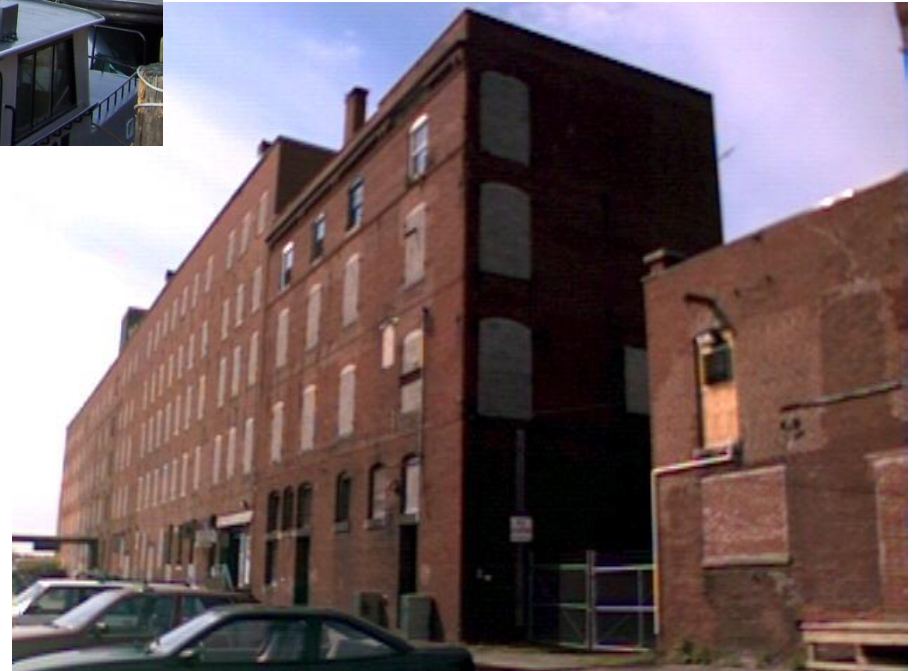## Merrill's Wharf and the Cumberland Cold Storage Building



OTHER FACTORIES AT NEW SHARON MEI

PORTLAND FACTORY AND WAREHOUSES
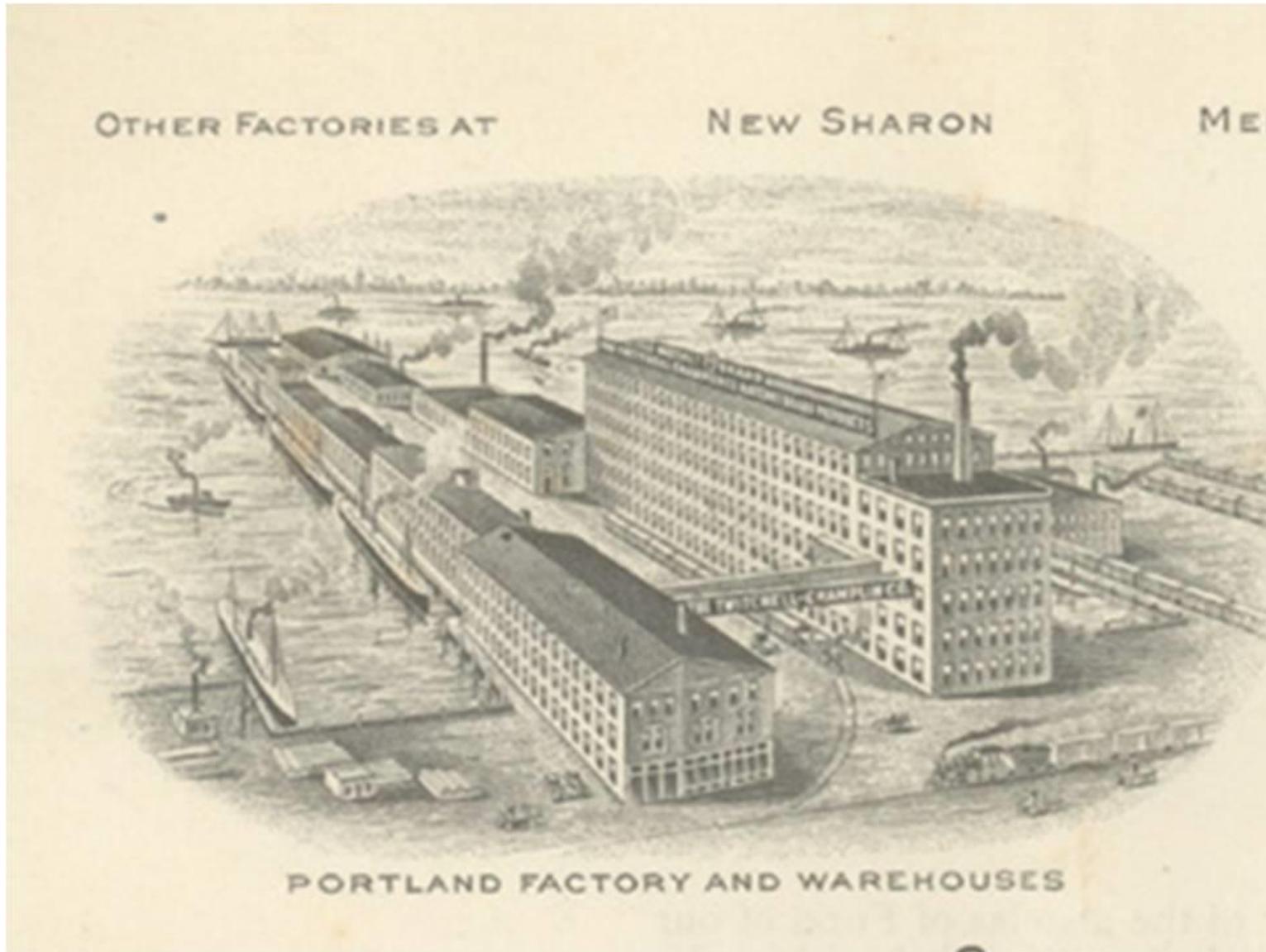
**+/-1880's, Twitchell Champlain Co**

**Cumberland Storage Building: 2010**

**Built in +/-1860
5-story
100,000 square feet
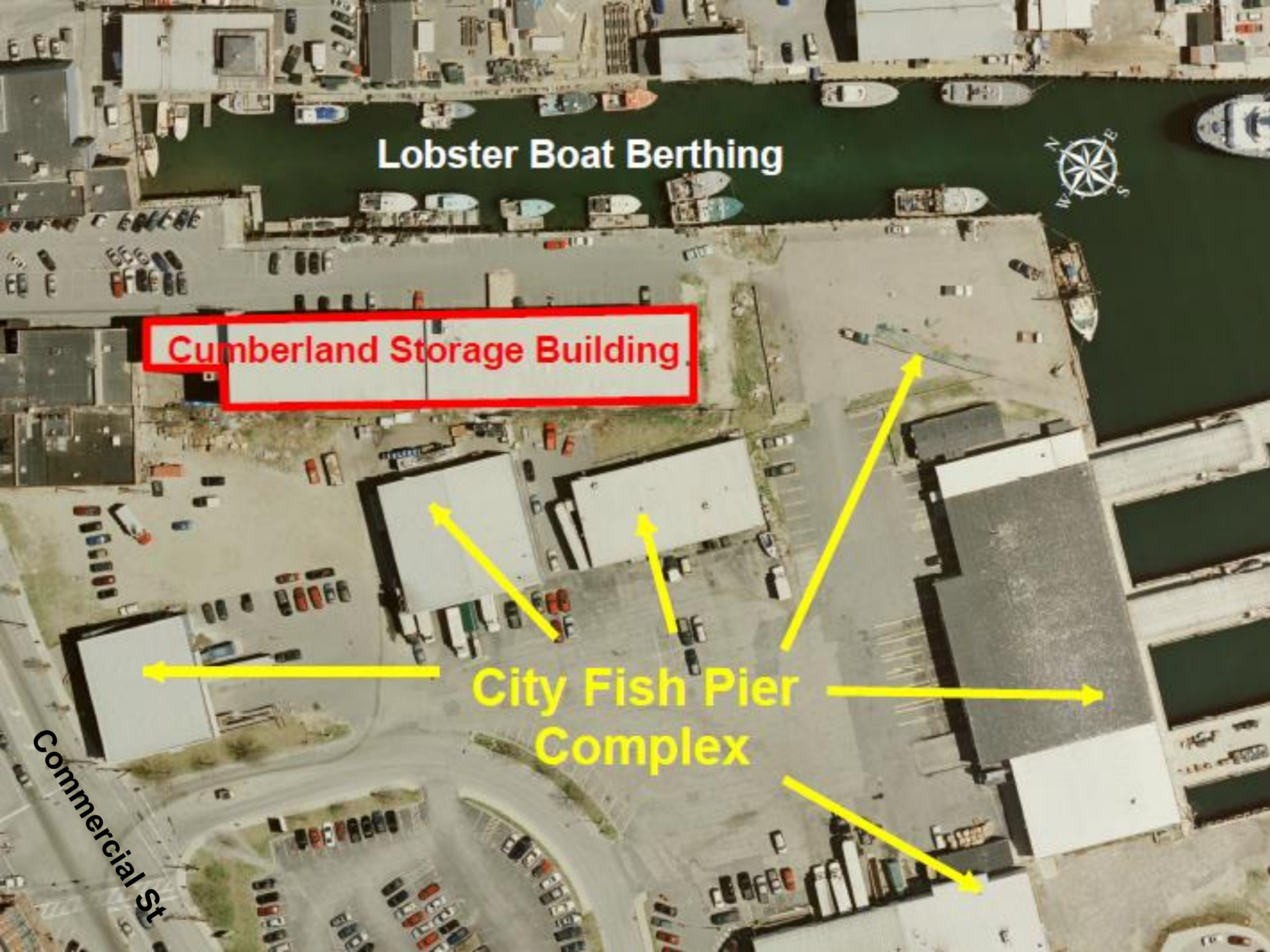Self storage building
In the heart of the Working Waterfront**

Lobster Boat Berthing

Cumberland Storage Building
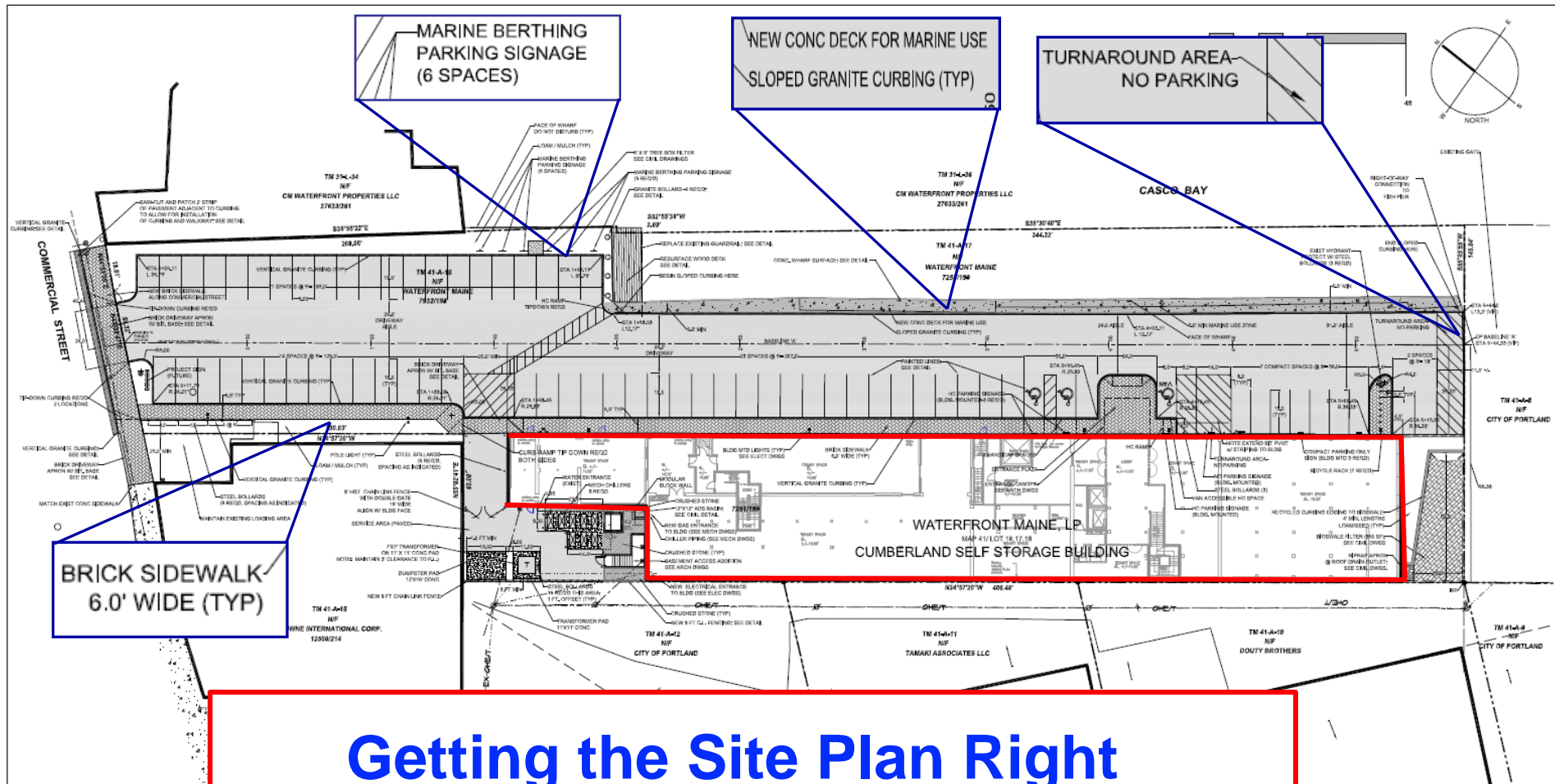
City Fish Pier Complex

Commercial St

**Proposal to convert upper 4 floors into Class A office space for the largest law firm in the State of Maine**

**Simultaneous lease of the adjacent Fish Pier "net yard" to a lobster cooperative for a regional scale bait distribution business**
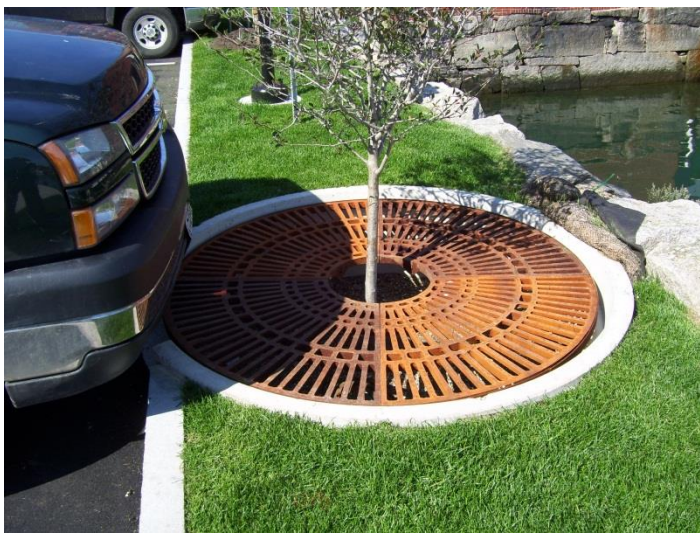
**A perfect storm for testing the limits of marine-non-marine use compatibility**

# Getting the Site Plan Right

**Pier Functionality, Marine Compatibility Standards**

- **Reserve Marine Parking**
- **Improve Berthing Access**
- **Provide commercial vehicle loading and turn around**
- **Provide safe and separate non-marine circulation**

Stormwater Improvements

Protection and Improvement of Marine Infrastructure
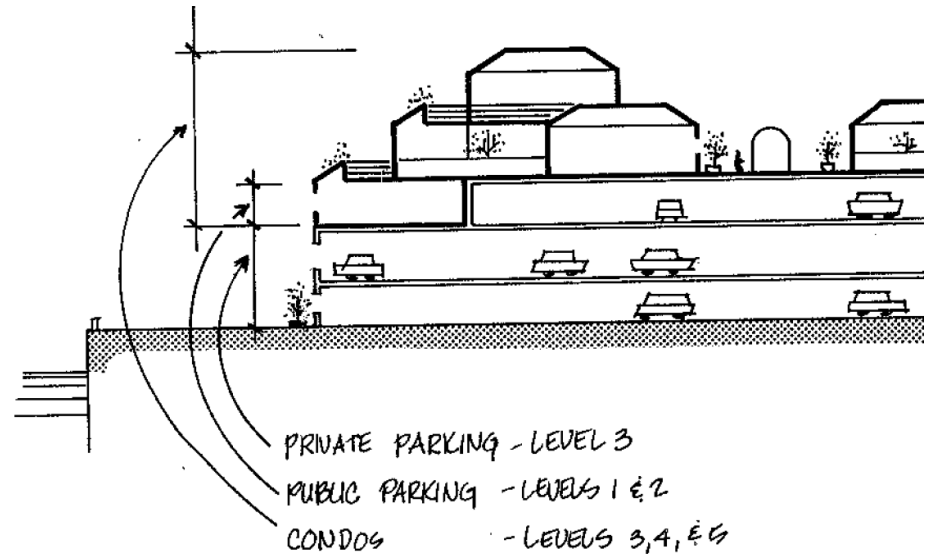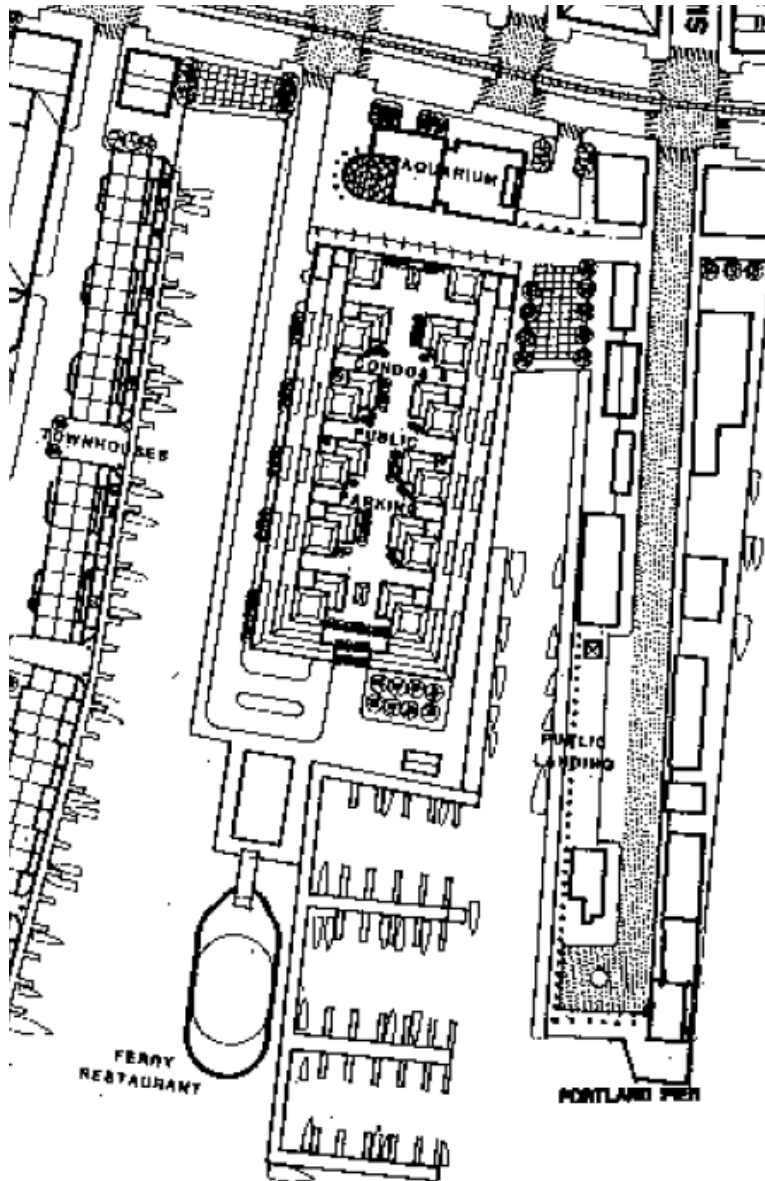
Pier Edge and Fendering

In its first year of operation, so far so good

So far, so good

## Next Steps?

Learn from the past
and
Describe the future that we want



PRIVATE PARKING - LEVEL 3
PUBLIC PARKING - LEVELS 1 & 2
CONDOS - LEVELS 3, 4, & 5
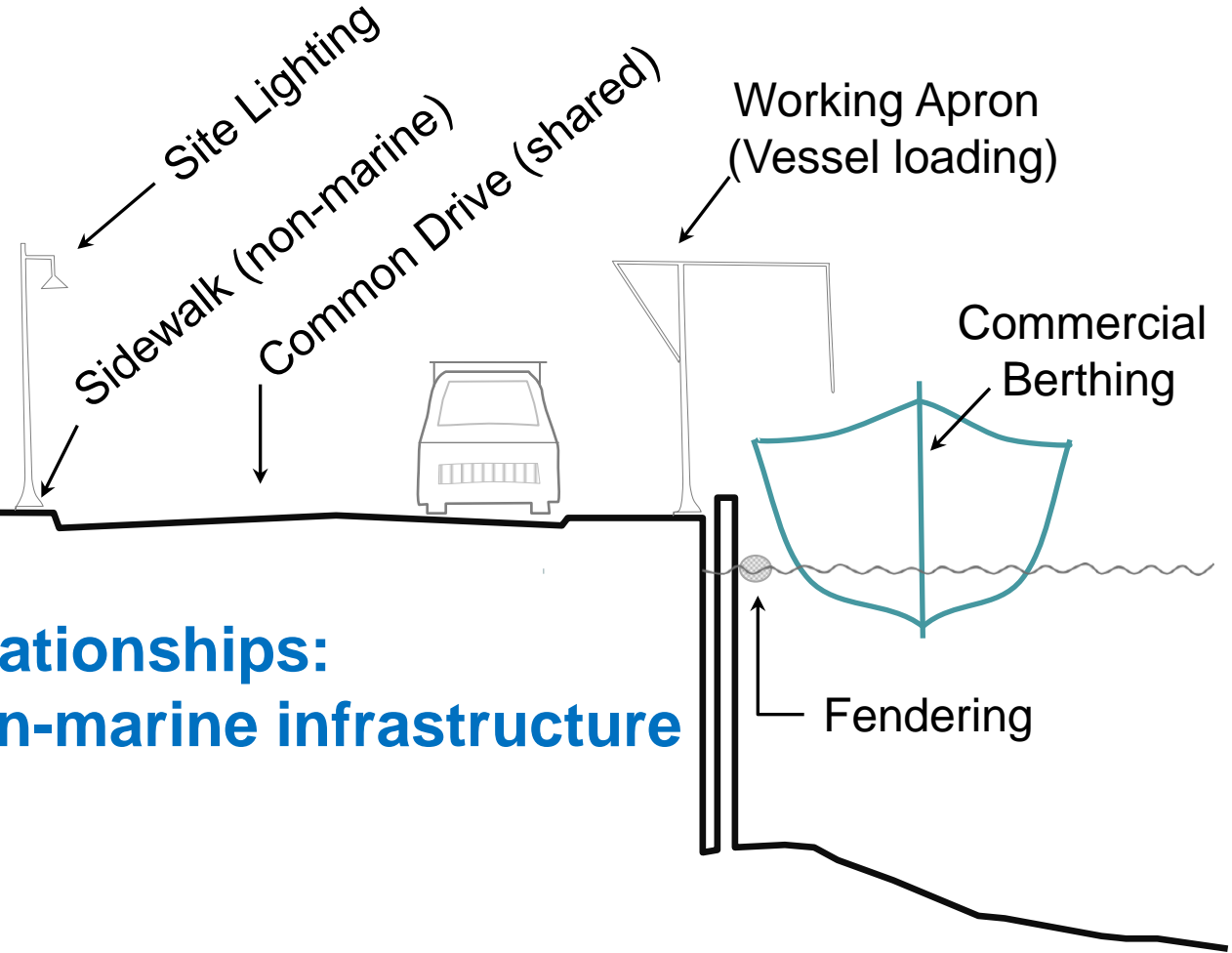
American City Corp.Images
1981

**Next Steps?**
**Communicating Marine**
**Use Compatibility**

Non-Marine Upper Floor

Non-Marine Upper Floor

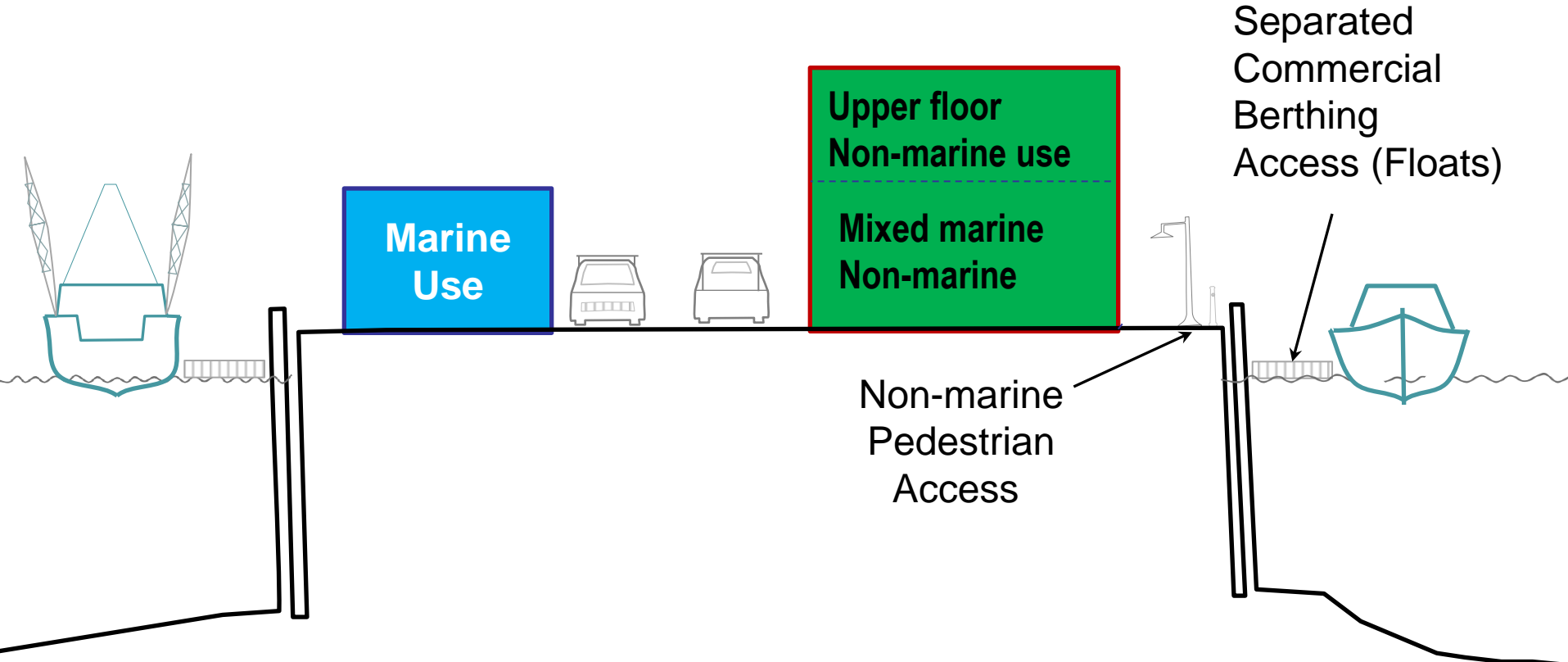Non-Marine Upper Floor

Mixed Marine, Non-Marine 1st Floor

Site Lighting

Sidewalk (non-marine)

Common Drive (shared)

Working Apron (Vessel loading)

Commercial Berthing

Fendering

**Locational Relationships:**
**Marine and non-marine infrastructure**

**Marine and Non-marine Use Compatibility**

Marine Use

Upper floor Non-marine use

Mixed marine Non-marine

Separated Commercial Berthing Access (Floats)

Non-marine Pedestrian Access

**Applicable to a variety of pier types and sizes**

50' building height max (WCZ)

14 ' Min. Floor to Ceiling

**Marine and Non-marine Use Compatibility:**

4'-10 '

20' Min 24 Pref

5'-12 '
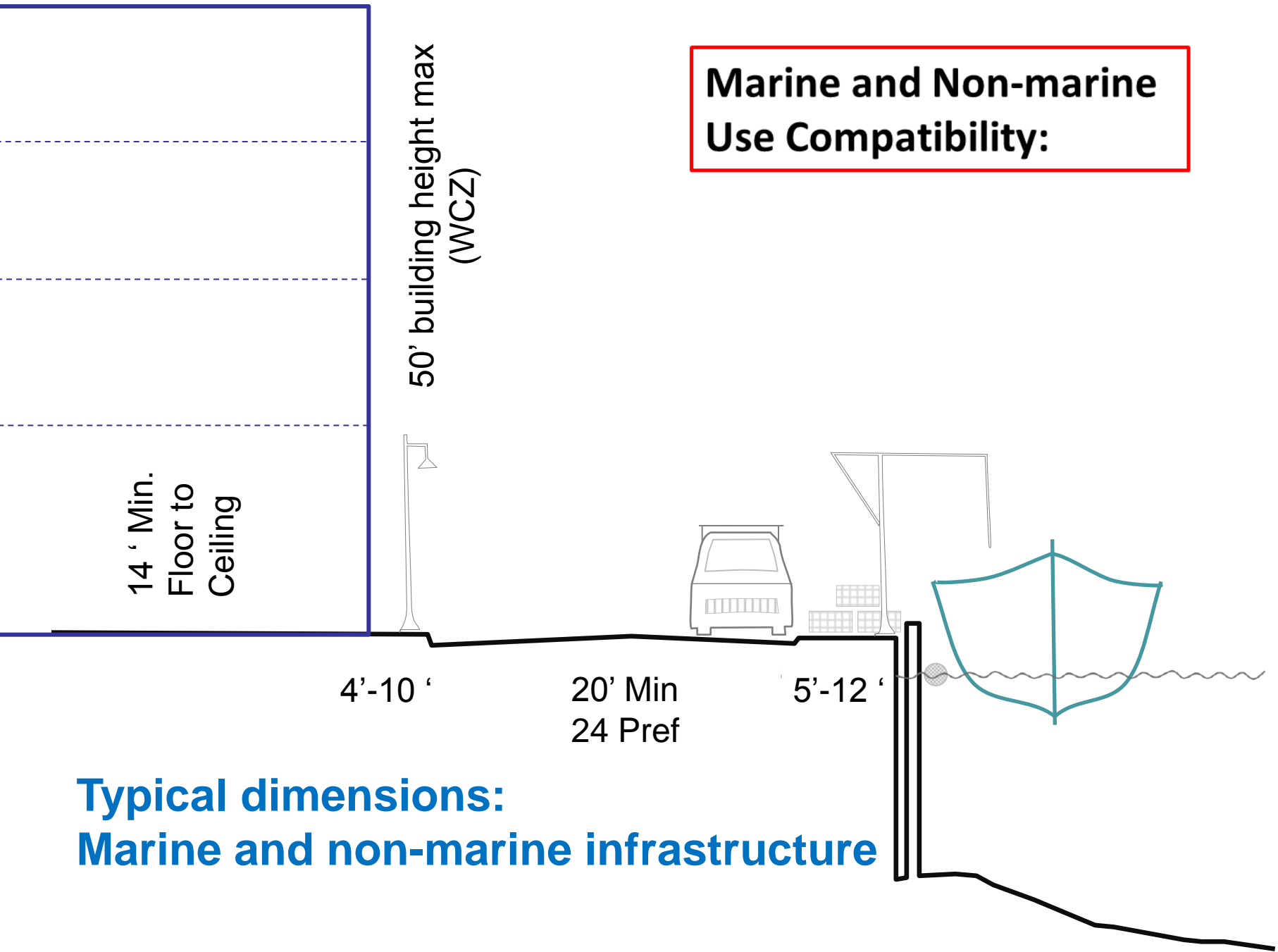
**Typical dimensions:**
**Marine and non-marine infrastructure**

**Marine and Non-marine Use Compatibility:**

Upper floor
Non-marine use

Mixed marine
Non-marine

14 ' Min.
Floor to Ceiling

5'-12'

20' Min
24 Pref

Non-marine
Pedestrian
Options

5'-12'

**Applicable to a variety of pier types and sizes**

Non-Marine Use

Street

Recreational Berthing

Non-Marine Parking Off Site

Shared Vessel Transient Loading

Non-marine Pedestrian Access

Marine Vehicle Access and Loading

Commercial Berthing

Shared Commercial Berthing Access

Commercial Berthing Access Through Building

Marine Parking and Berthing Access

Non-Marine Use

Shared Vessel Transient Loading

**Marine and Non-marine Use Compatibility**

**Thank you.**

**Questions?**

*Bill Needelman, AICP, Senior Planner*

wbn@portlandmaine.gov
http://www.portlandmaine.gov/planning/wcz.asp
http://www.portlandmaine.gov/planning/mainestatepierinfo.asp

TAXI 879-2562

THE WATER TAXI