

***National Working  
Waterfronts &  
Waterways  
Symposium***

March 27, 2013

**Small, Medium and Large  
Working Waterfronts  
Establishing Value and  
Protecting from  
Encroachment**

***Port Preservation using  
Zoning and Land Use Regulation***

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City of Portland, Maine**



# Presentation Focus

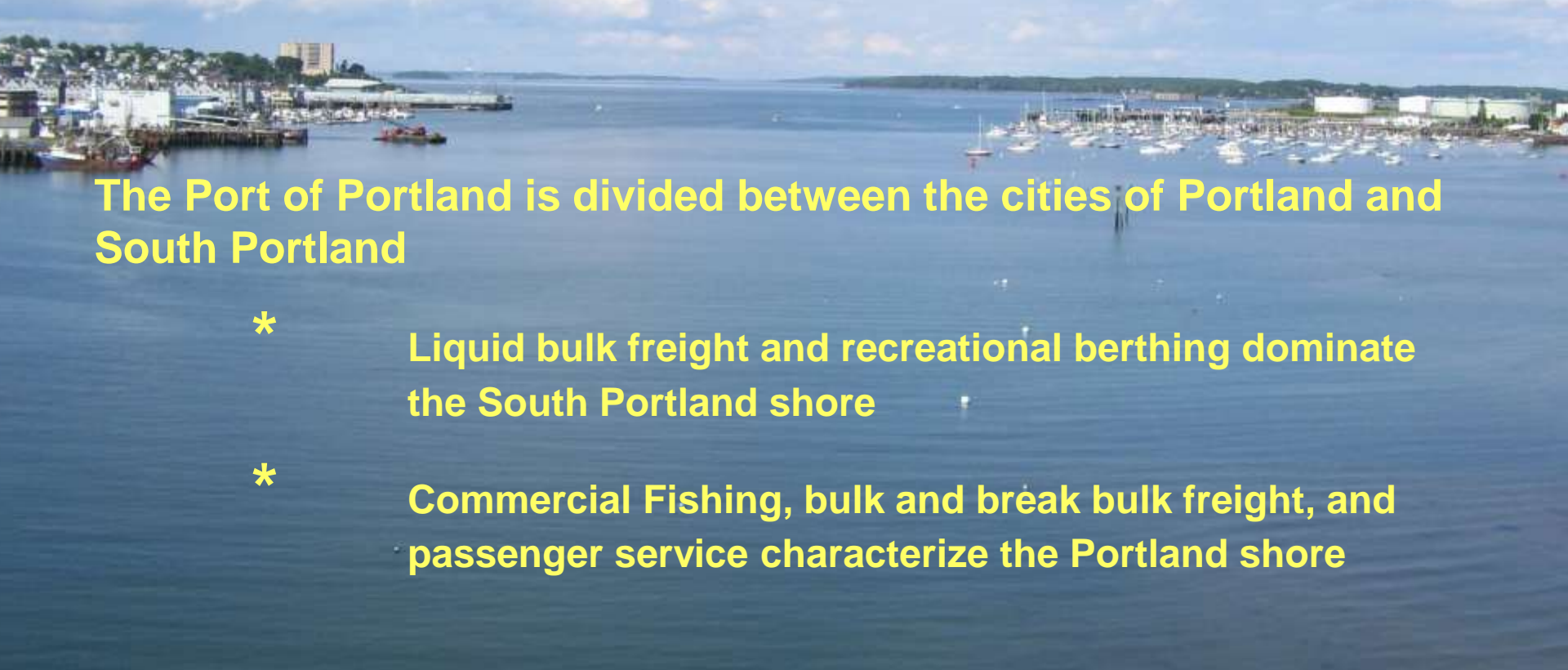
- Structure of and tools within Portland's waterfront zoning
- The focus will be on the relationship between zoning and marine industrial preservation as applied to various areas within our harbor.

- The variables involve differing water depths, intensities and types of commercial marine activity, private verses public ownership, and the extent to which mixed use is promoted/allowed/prohibited based on those variables.





**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.**

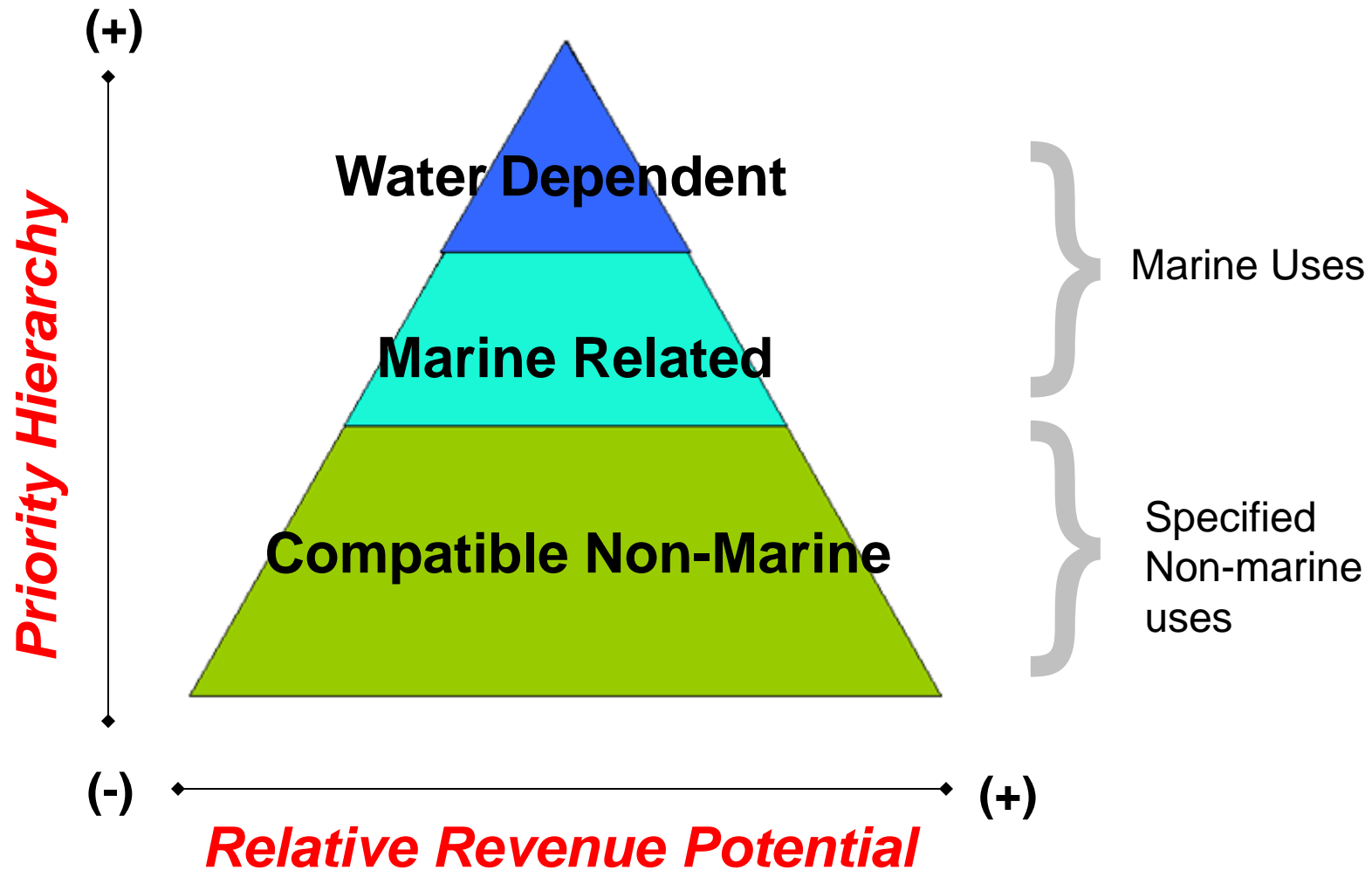


**The Port of Portland is divided between the cities of Portland and South Portland**

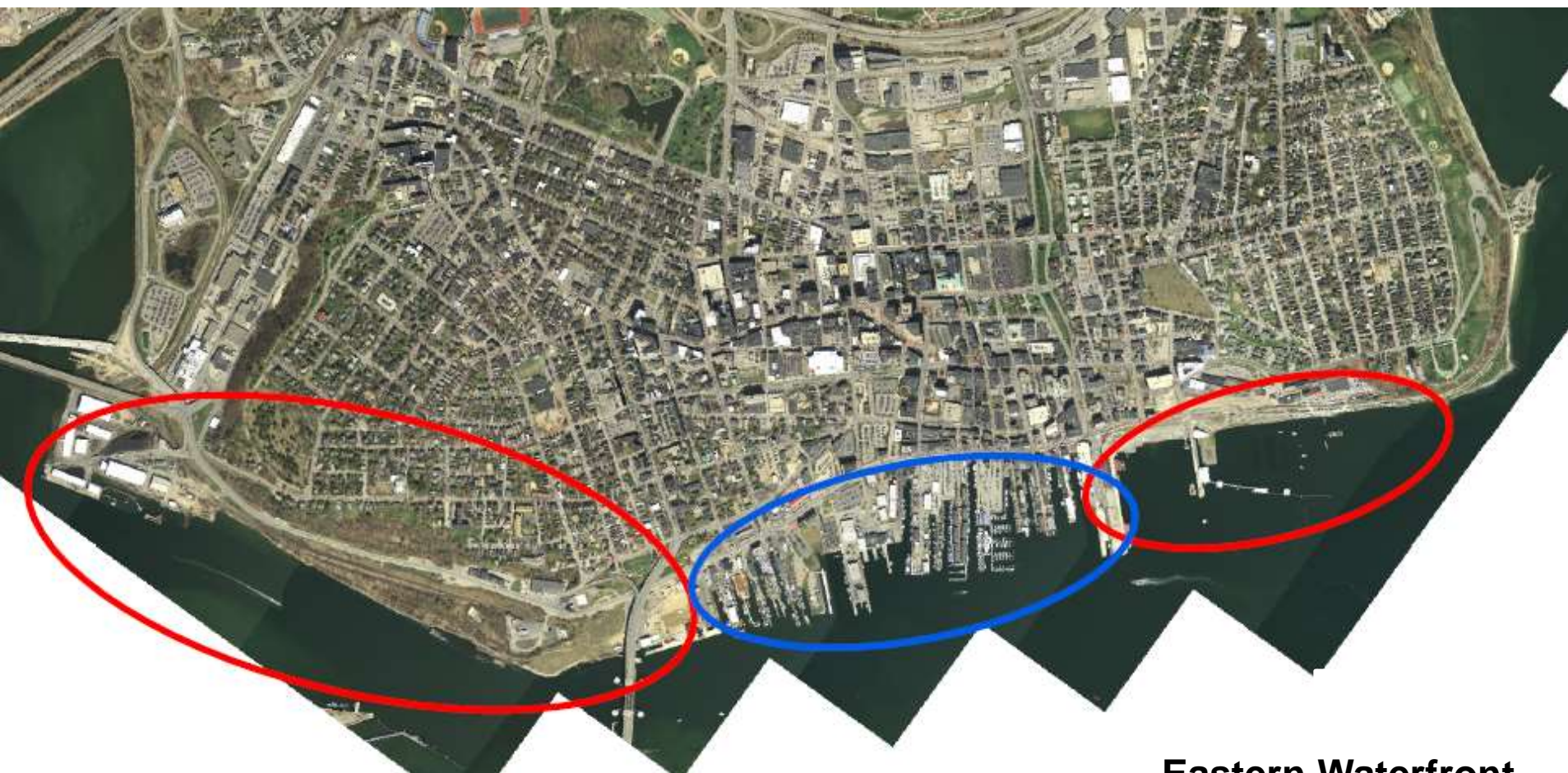
- \* Liquid bulk freight and recreational berthing dominate the South Portland shore**
- \* Commercial Fishing, bulk and break bulk freight, and passenger service characterize the Portland shore**

# Policy Basis for Waterfront Land Use: 1992

## Priority of Uses



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**

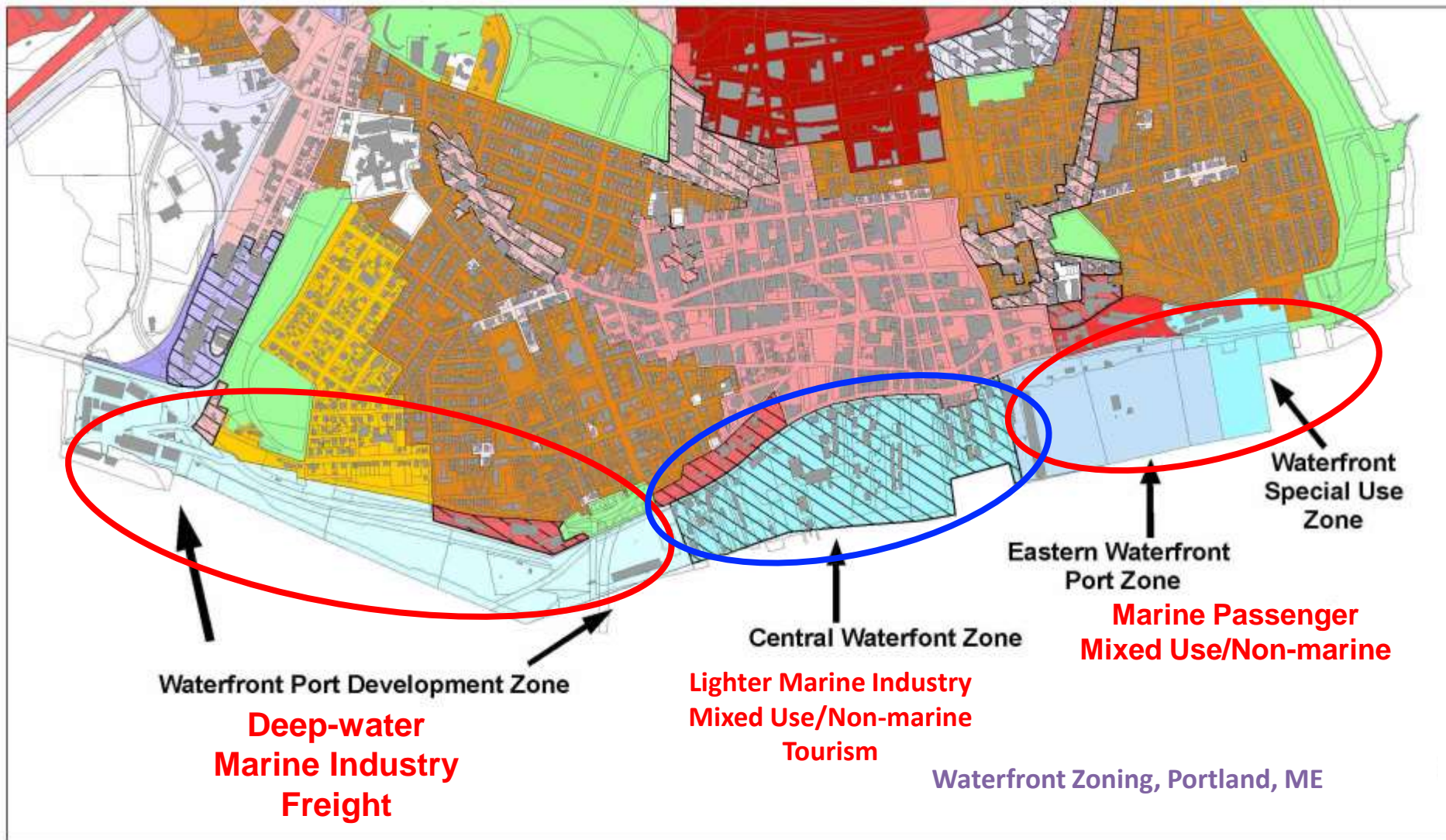
**Central Waterfront**

**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**



- Promote marine industry and infrastructure
- Allow compatible and supportive non-marine uses
- Enforce compatibility through performance based zoning



## Eastern Waterfront Port Zone:

- Passenger Industry
- Limited Potential for Mixed Use
- Other marine uses allowed





## Waterfront Port Development Zone:

- Freight
- Heavy Industry







## Waterfront Central Zone:

- Fishing
- Tourism
- Mixed Use



Zone	Water Depth – Types of vessels supported	
<p style="text-align: center;"><b>Waterfront Port Development Zone</b></p>	<p>Deep Water, Dredged Channel</p>	<ul style="list-style-type: none"> <li>• Freight</li> <li>• Marine Construction</li> </ul>
<p style="text-align: center;"><b>Eastern Waterfront Port Zone</b></p>	<p>Deep Water, Dredged Channel</p> <p>Shallows near shore</p>	<ul style="list-style-type: none"> <li>• Local Island Ferry</li> <li>• Cruise ships</li> <li>• International (inactive)</li> <li>• Tugs</li> <li>• Marinas allowed in shallows – <i>Out of the way</i></li> </ul>
<p style="text-align: center;"><b>Waterfront Central Zone</b></p>	<p>Some deep water with siltation between piers</p>	<ul style="list-style-type: none"> <li>• Groundfishing and Lobster</li> <li>• Tour boats</li> <li>• Marinas (no expansion allowed)</li> <li>• Petrol. transport support</li> </ul>

Zone	Intensities and Types of Commercial Marine Activity
<p style="text-align: center;"><b>Waterfront Port Development Zone</b></p>	<ul style="list-style-type: none"> <li>• Intermodal Transport</li> <li>• Boat/Ship Repair</li> <li>• Seafood processing/wholesaling/shipping by conditional use</li> </ul>
<p style="text-align: center;"><b>Eastern Waterfront Port Zone</b></p>	<ul style="list-style-type: none"> <li>• Intermodal Transport</li> <li>• Boat/Ship Repair</li> <li>• Seafood processing/wholesaling/shipping by conditional use</li> <li>• Marinas by conditional use (shallow water only)</li> </ul>
<p style="text-align: center;"><b>Waterfront Central Zone</b></p>	<ul style="list-style-type: none"> <li>• Fishing</li> <li>• Seafood processing/wholesaling/shipping</li> <li>• Seafood retail</li> <li>• Boat repair</li> <li>• Marine tourism</li> <li>• Marine products retailing</li> <li>• Virtually any marine support industry</li> </ul>

<b>Zone</b>	<b>Private verses Public ownership</b>
<b>Waterfront Port Development Zone</b>	Mixed public and private large parcels - over 10 acres - Typical
<b>Eastern Waterfront Port Zone</b>	Entirely Public – Can be treated like an airport
<b>Waterfront Central Zone</b>	Mostly private - Includes street-frontage buildings with no water access Private commercial piers (mostly 19 <sup>th</sup> century) Quasi-public Fish Pier – industrial subdivision housing the fish auction and private processing fish plants

Zone	Mixed Use (non-marine) allowed?
<p><b>Waterfront Port Development Zone</b></p>	<p>Almost none allowed  Non-marine industrial uses allowed subject to  Conditional Use Standards :  “physically adaptable or re-locatable”</p>
<p><b>Eastern Waterfront Port Zone</b></p>	<p>Passenger support uses (retail, car rental, like an airport)  Limited by square footage and %  Broad allowances for upper floor office use  Broader allowances considered as a re-zoning</p>
<p><b>Waterfront Central Zone</b></p>	<p>Non-marine overlay – along street, 100% non-marine  subject to marine investment requirement  45% of ground floors beyond the overlay  100% of Upper floors everywhere  Heavily reliant on performance standards protecting  access  <b>No residential use – no (more) recreational boats</b></p>



## Thoughts on Mixed Use as a port preservation tool:

- Revenues are helpful when the public well runs dry
- Compatibility (marine with non-marine) is a design problem and can be addressed in some, but not all situations

## Thoughts on Zoning as a Port Preservation Tool:

- Zoning is not a substitute for a port/harbor management plan – only a component
- Zoning allows change, but does not cause change
- Zoning does not change market realities – if you zone it, they may not come
- Be proactive and reflective:

**Plan – Zone – Evaluate – Revise**

Thank you.

Questions?

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