

6. ASSESSMENT OF ZONING

The project is located within the Eastern Waterfront Port Zone (EWPZ) and the Shoreland Zone and is subject to the requirements of the City of Portland Code Ordinances, Chapter 14 Land Use, Division 17.5 (EPWZ) and Division 26.0 (Shoreland). The proposed project is located within flood hazard zones A2 and V3, as shown on the FEMA FIRM Map provided in Appendix A, and is therefore subject to the City's Flood Plain Management regulations (Division 26.5). The proposed activity will not result in any substantive changes to the site's existing use.

6.1 Eastern Waterfront Port Zone (Land Use Code Division 17.5)

Some of the purposes of the EWPZ, as defined by the Ordinance, are to nurture deepwater dependent activity within the context of the established waterfront, ensure the primary use of the deepwater resources is for the berthing and support of large vessels, and offer supporting services and activities to provide a safe, convenient and enjoyable travel experience for users of marine passenger facilities. The project is in alignment with the intent of the EWPZ Standards as shown in the following sections.

6.1.1 No adverse impact on marine uses (Land Use Code Section 14-300.1)

The project is not anticipated to interfere with, displace or adversely impact shallow or deep-water marine uses.

6.1.2 Dimensional Requirements (Land Use Code Section 14-303)

No buildings are proposed as part of this phase of work; therefore, setback requirements do not apply. Gangway access to floating docks is permitted

6.1.3 Performance Standards (Land Use Code Section 14-304)

No outdoor storage of commodities and materials accessory to normal conduct of business is anticipated. Noise level and vibration are not anticipated to change as a result of the proposed development. The project will comply with all federal and state environmental statutes and regulations, and all applicable shoreland and floodplain management regulations. No discharges into the harbor area is proposed. No vehicles, pollutants or oil wastes will be stored on site. No landfilling of docking and berthing areas is proposed. 110 off street parking spots and off-street loading are provided at the facility. All proposed lighting is shielded and compliant with the Site Lighting Standards of the Technical Manual. The proposed site work is compatible with the marine use of the facility. The redevelopment of the marina will improve its functional utility and access to the water's edge.

6.2 Shoreland Overlay Zone (Land Use Code Division 26)

The proposed project complies with applicable standards in the Shoreland Regulations outlined in Division 26 of the Land Use Code as described in the following section.

6.2.1 Land Use Standards (Land Use Code Section 14-449)

No structures are proposed for this project. The proposed project complies with all standards provided in Section 14-449 (b) piers, docks, wharves, bridges and other structures and uses. The marina is designed to maximize use of the submerged lands space while minimizing adverse impacts on fisheries and adjacent commercial operations. A Maine DEP NRPA Individual permit and ACOE Category II General permit have been obtained for the marina expansion.

Erosion and sedimentation control Best Management Practices (BMPs) will be followed in accordance with the Maine Erosion and Sediment Control Handbook.

Stormwater runoff is minimized by the proposed project, as shown in Section 10 of this report. The proposed development is in compliance with the City of Portland Technical Manual.

Per the general site plan features (Section 14-449 (o)), the project is not anticipated to pollute or adversely impact surrounding habitat, commercial activities or viewsheds. Overall, the proposed project will improve on the existing condition.