



## Planning &amp; Urban Development Department

Jeff Levine, AICP, Director

Marge Schmuckal, Zoning Administrator

November 12, 2014

Blais Civil Engineers  
780 Broadway  
South Portland, Maine 04106  
Attn.: Steve Blais, PE, President

RE: 102 Hutchings Drive – 240-A-2 & 3 (the "Property") - I-M Zone

Dear Mr. Blais,

I am in receipt of your request for a determination letter in regards to the Property. The Property is located entirely within the I-M Moderate Industrial Zone.

Your determination request concerns the change of use of the Property to allow the Eastpoint Christian Church as an allowable use in the I-M Zone. Your first request is to determine that the Eastpoint Christian Church be considered an incidental accessory use to the fourteen uses you have listed as apparently the principal uses. You have claimed that all the listed uses are allowable in the I-M zone. I disagree that all the listed uses are allowable uses in the I-M zone. I find that at least nine of the uses are not listed as permitted uses under 14-247. The following are not permitted listed uses: Children & teen mentoring, Community Services: Blood drives and medical screening, Addiction, recovery and counselling center, Family and marital counselling, Education; both spiritual and academic, After school tutoring, Summer day camp, Mothers of preschoolers events, and Secondary trauma help group, etc. The argument continues using percentages of floor space to bolster the argument of what is a principal use compared to an incidental accessory use. The Land Use Zoning Ordinance does not employ percentages of floor area or percentages of profits in order to determine the principal uses and accessory uses. It simply is not a methodology employed by the Ordinance to determine uses..

I disagree with your first request for a determination that a church is an incidental accessory use. I have determined that a church is considered a principal use. By definition, the Eastpoint Christian Church is a "Place of religious assembly" as defined under 14-47 and thereby is also encompassed by definition as a "Place of Assembly" (14-47). Places of Assembly are listed principal uses in all the residential zones under conditional uses and further categorized under "Institutional Uses". Most of all the business zones also allow Places of Assembly either as a permitted use or as a conditional Use. The only reason why the 14 listed uses from your letter would exist is that they are accessory to the church and it's mission. It is the church that is the principal use with all the other uses accessory, not the other way around

Your second request is to determine that the proposed principal use of a "Place of Assembly" meets the conditions of 14-248, Performance Based Uses. If a use in the I-M zone is not a listed permitted use, and places of Assembly is not a listed permitted use as in other zones, and it is not expressly prohibited, which it is not, then the use may be permitted if the use meets the given conditions and standards:



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- (a) The proposed development is consistent with the purposes of this zone.
- (b) The proposed development is designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odor, and any other potential negative impacts of the proposal.

Because this section states that the listed conditions and standards must be met, it is understood that both (a) and (b) listings must be met in order to be permitted.

Like every other zone in the Land Use Ordinance, there is a listed "purpose" statement. The applicant has not provided any evidence or arguments concerning the actual purpose statement (14-246):

"The moderate impact industrial zones are intended to provide zones in areas of the City in which light and moderate impact industries and transportation-related uses will coexist.

The moderate impact industrial (I-M and I-Ma) zones are located on arterials or collectors. The I-Mb zones are similarly located on the peninsula. These locations provide for direct access onto arterials, thereby protecting residential neighborhoods from drive-through traffic.

The I-M, I-Ma and I-Mb industrial zones are intended 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 citywide and regional transportation infrastructure.

Industrial uses in the moderate impact industrial zones may require separation from higher impact uses, which should be directed to the high impact industrial zone."

It is important to note that the purpose statement emphasizes *industrial* uses, not institutional uses. Industrial uses and institutional uses are separate and distinct categories listed throughout the Land Use Ordinance. They are both terms of art used throughout the Ordinance. The purpose statement also defines transportation uses as highway-orientated and transportation-related. Just driving passenger cars to and from the church does not constitute a highway-orientated and/or a transportation-related use. Industrial use examples revolve around manufacturing and processing goods along with storing and transporting those goods to markets. On the other hand, institutional uses (not specifically defined in the Ordinance) is recognized as non-profit in nature, providing a public service, such as churches,



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*Jeff Levine, AICP, Director**Marge Schmuckal, Zoning Administrator*

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synagogues, mosques, public or private schools, public agencies and utilities, federal, state or local government agencies and public and private schools.

The applicant did not and cannot show how the Eastpoint Christian Church (an institutional use) is consistent with the purposes (industrial uses) of the I-M zone as allowed under the Performance based uses. I have determined that the Eastpoint Christian Church does not meet the conditions and standards of 14-248, and therefore is not permitted to be located in an I-M moderate industrial zone.

You have the right to appeal my decision concerning this matter. If you wish to exercise your right to appeal, you have thirty (30) days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact the zoning office for the necessary paperwork that is required to file an appeal.

Very truly yours,

Marge Schmuckal  
Zoning Administrator  
City of Portland, Maine

or managed on an integrated coordinated basis.

*On-peninsula:* Includes all land located south of I-295.

*Off-peninsula:* Includes all land located north of I-295.

*Personal service:* Establishments engaged in providing services involving the care of the person or his apparel, such as laundries, dry cleaning establishments, photographic studios, beauty and barber shops but not including commercial or industrial laundries.

*Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high water line or within a wetland:*

- (a) *Temporary:* Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.
- (b) *Permanent:* Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

→ *Place of assembly:* A building or portion of a building used as a community hall, neighborhood center, private and fraternal organization or place of religious assembly. This definition shall not include buildings or portions of buildings used as a community hall, neighborhood center, private and fraternal organization or place of religious assembly where fifteen (15) or fewer people, not including the permanent residents of a single family dwelling, assemble.

→ *Place of religious assembly:* A building or portion of a building used for religious worship or instruction including, but not limited to, churches, synagogues, masjids, mosques and other places of worship.

*Pre-development grade.* Pre-development grade is defined as average grade, existing on October 1, 2000, at the corners of the foundation of the proposed structure.

*Principal building:* The building occupied by the chief or principal use on the premises. When a garage is attached to the principal building in a substantial manner as by a roof or common wall, it shall be considered as a part of the principal building.



October 29, 2014  
BCE File.: 14145

Ms. Marge Schmuckal  
Zoning Administrator  
Planning & Development Department, Room 315  
389 Congress Street  
Portland, ME 04101-3509

Re: Request for Zoning Determination  
102 Hutchins Drive, Portland, ME  
Map 248-A, Lots 2 and 3

Dear Ms. Schmuckal:

Thank you for meeting with us last week regarding the above-referenced property on which the Eastpoint Christian Church has executed a purchase and sales agreement. We respectfully ask you to determine if this non-profit organization's proposed religious assembly use is considered an incidental accessory use, or if the proposed uses meet the conditions of Section 14-248, Performance Based Uses.

**NON-ASSEMBLY FLOOR AREA USES (75%)**

The proposed uses for 75% of the building's 82,522 square feet are listed below. These uses are allowed in the I-M Industrial Zone.

- 1. Office
  - 2. Children's indoor recreational space
  - 3. Teen indoor recreational space
  - 4. Children & teen mentoring *not listed*
  - 5. Food collection, packaging, and distribution *warehouse & distributed in*
  - 6. Clothing and household essentials collection, packaging, and distribution *warehouse & dist.*
  - 7. Community Services: Blood drives and medical screening *not listed*
  - 8. Addiction, recovery and counselling center *not listed*
  - 9. Family and marital counselling *not listed*
  - 10. Education; both spiritual and academic *not listed*
  - 11. After school tutoring *not listed*
  - 12. Summer day camp *not listed? recent and*
  - 13. Mothers of preschoolers events *not listed*
  - 14. Secondary trauma help group, etc. *not listed*
- 9 not listed*

### ASSEMBLY FLOOR AREA USES (25%)

In our opinion, the assembly space is an accessory use as it will be utilized for only 3 hours per week, and it comprises only 25% of the building's 82,522 square-feet. Sunday services serve as meetings to encourage members to be involved in the church's ongoing missions.

### PURPOSE OF THE ZONE

*percentages not listed in the ordinance*

The following uses are allowed in the I-M zone:

- General, business and professional offices
- Warehousing and distribution facilities
- Indoor amusement or recreation centers
- Day care facilities

Some examples of these uses and other uses are as follows:

- Unum
- Tennis Club
- Counselling
- Food pantry
- Insurance
- Woodard & Curran
- Casco Bay Surgery with Maine Medical
- Red Cross
- Learning Effects
- Merrimac River Alcohol Services

With respect to Section 14-248 (a), the proposed assembly use is as much transportation-related as are several of the above uses. Regarding the performance standards of Section 14-128(b), it appears this project will create no significant negative impacts. The proposed uses are compatible with the neighboring businesses listed above, so property values will not be affected negatively. We intend to prove this site has adequate capacity to serve the project for water, sewer, stormwater, parking, and traffic as part of the site plan approval process. This project will not cause any significant impacts with respect to noise levels, emissions, lighting, odor, or other potentially negative items. Please let us know if you require more detail at this time with respect to these performance standards.

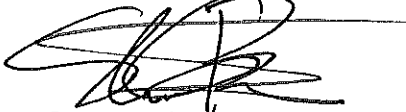
We believe our client has the right to the same consideration that all previously allowed businesses were given. Furthermore, we believe this non-profit organization's proposed use conforms to the I-M Zone performance standards no less than current surrounding uses within the zone.

The proposed primary use of property by a church should not be distinguished from other non-profit organization uses in the same zone. A church service can be defined as a gathering of two or more people, in any place. While the proposed church will gather many more people each Sunday, it will do so for a small fraction of the time and in a quarter of the space as the other allowed uses of the building.

Eastpoint Christian Church is excited at the opportunity to better serve the Greater Portland Community. Please contact me if you have any questions or require further information.

Sincerely,

BLAIS CIVIL ENGINEERS

A handwritten signature in black ink, appearing to read 'Steve G. Blais', written over a horizontal line.

Steve G. Blais, PE

President

10/30/14

October 29, 2014

Blais Civil Engineers  
780 Broadway  
South Portland, ME 04106

Re: **Zoning Determination**  
**102 Hutchins Drive, Portland, ME**  
**Map 249-A, Lots 2 and 3**  
240-A-2,3 I-M

Dear Mr. Blais:

Regarding the Eastpoint Christian Church's proposed use of the former UNUM building located at 102 Hutchins Drive, the City of Portland has determined the proposed place of religious assembly is an incidental accessory use to the non-profit organization uses. The principal use of the building consists of office, recreation, and a day care, all of which are allowed uses in the zone.

Church use is not defined in Section 14-47, Definitions of the ordinance. The word "Church" is included in the definition of place of religious assembly. Therefore, the proposed use is considered a non-profit organization's office, recreation, and day care uses, with an incidental accessory use of religious assembly, which will occur for less than 6 hours per week in less than 25% of building.

Sincerely,

Ms. Marge Schmuckal  
Zoning Administrator – City of Portland, Maine



applicable state and federal regulations.

(j) *Discharge into sewers:* No discharge shall be permitted at any point into any private sewage disposal system, or stream, or into the ground of any materials in such a way or of such nature or temperature as to contaminate any water supply, or otherwise cause the emission of dangerous or objectionable elements, except in accordance with standards approved by the health authority or by the public works authority.

(k) *Lighting:* All lighting shall be designed and installed with cut-off fixtures to direct illumination onto the site and to prevent illumination from such fixtures on neighboring properties.

(Ord. No. 164-97, § 6, 1-6-97)

**Sec. 14-237. thru 14-245. Reserved.**

DIVISION 14. I-M, I-Ma AND I-Mb INDUSTRIAL ZONES\*

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\*Editor's note—Ord. No. 164-97, § 7, passed Jan. 6, 1997, repealed div. 14, §§ 14-246-14-251 of this article and enacted new provisions as herein set out. Formerly, such provisions pertained to the I-2 and I-2b industrial zones and derived from §§ 602.12.A-602.12.F of the 1968 Code as amended by Ord. No. 499-74, § 5, adopted Aug. 19, 1974; Ord. No. 334-76, §§ 2, 3, adopted Jul. 7, 1976; Ord. No. 234-88, adopted Feb. 1, 1988; Ord. No. 330-90, § 2, adopted May 7, 1990; Ord. No. 15-92, § 18, adopted Jun. 15, 1992; Ord. No. 193A-93, § 2, adopted Feb. 17, 1993; and Ord. No. 154-96, § 15, 12-16-96.  
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**Sec. 14-246. Purpose.**

The moderate impact industrial zones are intended to provide zones in areas of the city in which light and moderate impact industries and transportation-related uses will coexist.

The moderate impact industrial (I-M and I-Ma) zones are located on arterials or collectors. The I-Mb zones are similarly located on the peninsula. These locations provide for direct access onto arterials, thereby protecting residential neighborhoods from drive-through traffic.

The I-M, I-Ma and I-Mb industrial zones are intended to

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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 citywide and regional transportation infrastructure.

Industrial uses in the moderate impact industrial zones may require separation from higher impact uses, which should be directed to the high impact industrial zone.  
(Ord. No. 164-97, § 7, 1-6-97)

**Sec. 14-247. Permitted uses.**

The following uses are permitted whether provided by private or public entities in the I-M moderate impact industrial zone, the I-Ma and the I-Mb zone:

- (a) Low impact industrial uses, including but not limited to bakeries, breweries, bottling, printing and publishing, pharmaceuticals, machine shops, musical instruments, precision instruments, watchmakers, toys and sporting goods, wood products, jewelry, assembly of electrical components, tool and die shops and the packaging of food.
- (b) Research and development and back office uses.
- (c) Building contractors and construction and engineering services.
- (d) Wholesale trade.
- (e) Warehousing and distribution facilities, including outdoor storage.
- (f) Intermodal transportation facilities and transportation terminals.
- (g) Repair services, including all types of automotive repair services.
- (h) Indoor amusement or recreational centers.
- (i) Plant and tree nurseries, including associated recycling

activities.

- (j) Lumber yards.
- (k) Commercial kitchens or other food preparation, provided that the food is not prepared for service on the premises.
- (l) Recycling facilities, provided that all storage and recycling operations occur within a fully enclosed structure.
- (m) Food and seafood processing for human consumption.
- (n) Municipal or regional solid waste disposal facilities, provided that all disposal activities are carried out within an enclosed structure.
- (o) Day care facilities, provided that:
  - 1. Proof of licensing with the Maine Department of Human Services is submitted to the city prior to issuance of a certificate of occupancy;
  - 2. *Off-street parking*: Off-street parking is required as provided in division 20 (off-street parking) of this article;
  - 3. Off-street loading shall be located in a safe location;
  - 4. There shall be an on-site outdoor play area with seventy-five (75) feet of land area per child; and
  - 5. The outdoor play area shall be fenced and screened with a landscaped buffer.
- (p) Dairies.
- (q) Utility substations.
- (r) Correctional prerelease facilities for up to twelve (12) persons, plus staff, serving a primary clientele of parolees or persons in correctional prerelease programs, provided that:

*Spanish*  
↓

1. No correctional prerelease facility shall be located within one thousand (1,000) feet of another, as measured in a radius from the center of the lot;
2. Such facilities shall not be permitted in the I-Ma or I-Mb zones;
3. If a facility requires state or federal licensing, staffing of the facility shall be as required by such license. If a facility does not require state or federal licenses, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof; and
4. The facility shall provide twenty-four-hour supervision of program participants.

(s) Incidental accessory uses.

(t) General, business and professional offices.

(u) Storage lots for towed or impounded vehicles, provided that such lots are located at least 300 feet from any residential zone or existing conforming residential use. For the purposes of this section, "existing conforming residential use" does not include a legally nonconforming residential use as described in division 23 of this chapter.

(v) Registered medical marijuana cultivation facilities.

(w) Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(x) Street vendors licensed pursuant to Chapter 19.

(Ord. No. 164-97, § 7, 1-6-97; Ord. No. 137-97, § 3, 11-3-97; Substitute Ord. No. 72-01/02, § 1, 10-1-01; Ord. No. 97-06/07, 11-20-06; Ord. No. 240-09/10, 6-21-10; Ord. No. 283-09/10, 7-19-10 emergency passage; Ord. No. 33-11/12, 1-18-12; Ord. No. 10-12/13, 7-16-12)

**Sec. 14-248. Performance based uses.**

Uses not expressly permitted as provided in section 14-247 or

expressly prohibited in section 14-249 may be permitted if they meet the following conditions and standards: *implies both (a) and (b)*

- (a) The proposed development is consistent with the purposes of this zone.
  - (b) The proposed development is designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odor, and any other potential negative impacts of the proposal.
- (Ord. No. 164-97, § 7, 1-6-97)

**Sec. 14-248.1. Conditional uses.**

The following use shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses), and any special provisions, standards or requirements specified below:

- (a) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:
  - 1. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and
  - 2. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and
  - 3. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and
  - 4. The applicant shall provide a safety report

prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and

5. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and
6. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and
7. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and
8. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

(b) Wind energy systems, as defined and allowed in Article X, Alternative Energy.  
(Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 33-11/12, 1-18-12)

**Sec. 14-249. Prohibited uses.**

Uses that are not expressly enumerated herein as permitted

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uses are prohibited. Those uses that are prohibited shall include, but are not limited to, the following:

- (a) Residential uses.
- (b) Retail trade that is not ancillary to a permitted use.
- (c) Restaurant uses.
- (d) Junk yards.
- (e) Amusement parks.
- (f) Crematoriums.
- (g) Mining and drilling operations.
- (h) Refining of petroleum or its products, including tar distillation.
- (i) Petroleum tank farms.
- (j) Commercial excavation of building or construction materials other than in the normal course of building or construction or site preparation.
- (k) Distillation of bones; fat rendering; glue, soap, or fertilizer manufacture.
- (l) Dumping, disposal, incineration, or reduction of garbage, sewage, offal, dead animals, or refuse.
- (m) Stockyard or slaughtering of animals.
- (n) Smelting of iron, copper, tin, zinc, or any other ore.
- (o) Manufacture of primary chemicals.
- (p) Manufacture of cement, lime, gypsum, or plaster of paris.
- (q) Manufacture of bleaching powder, matches, paper, or rubber.
- (r) Manufacture of explosives or fireworks. Bulk storage of explosives or fireworks is also prohibited unless such

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uses are prohibited. Those uses that are prohibited shall include, but are not limited to, the following:

- (a) Residential uses.
- (b) Retail trade that is not ancillary to a permitted use.
- (c) Restaurant uses.
- (d) Junk yards.
- (e) Amusement parks.
- (f) Crematoriums.
- (g) Mining and drilling operations.
- (h) Refining of petroleum or its products, including tar distillation.
- (i) Petroleum tank farms.
- (j) Commercial excavation of building or construction materials other than in the normal course of building or construction or site preparation.
- (k) Distillation of bones; fat rendering; glue, soap, or fertilizer manufacture.
- (l) Dumping, disposal, incineration, or reduction of garbage, sewage, offal, dead animals, or refuse.
- (m) Stockyard or slaughtering of animals.
- (n) Smelting of iron, copper, tin, zinc, or any other ore.
- (o) Manufacture of primary chemicals.
- (p) Manufacture of cement, lime, gypsum, or plaster of paris.
- (q) Manufacture of bleaching powder, matches, paper, or rubber.
- (r) Manufacture of explosives or fireworks. Bulk storage of explosives or fireworks is also prohibited unless such



storage is done as an accessory use to a permitted use located on the same site and all required state and local permits have been acquired.

- (s) Tanning, curing or storage of raw hides or skins.
  - (t) Coal distillation or coke ovens.
  - (u) Creosote treatment.
  - (v) Drop forging.
  - (w) Steel mills or furnaces.
  - (x) Coal- or coke-fired kilns.
  - (y) Used tire storage.
  - (z) Extraction of raw materials.
  - (aa) Concert halls or dance halls.
  - (bb) Banquet facilities.
- (Ord. No. 164-97, § 7, 1-6-97; Ord. No. 137-97, § 4, 11-3-97; Substitute Ord. No. 72-01/02, § 2, 10-1-01)

**Sec. 14-250. Dimensional requirements.**

- (a) *Minimum lot size:*
  - 1. Correctional prerelease facilities: Ten thousand (10,000) square feet.
  - 2. Other uses: None.
- (b) *Maximum impervious surface ratio:* I-M and I-Ma zone: Seventy-five (75) percent. I-Mb zone: One hundred (100) percent.
- (c) *Maximum building height:* I-M and I-Mb zones: Seventy-five (75) feet. I-Ma zone: Forty-five (45) feet.
- (d) *Minimum side yards:* Principal and accessory structures in the I-M and the I-Ma zone: Each structure shall be set back one (1) foot from each side property line for each one (1) foot of building height, up to twenty-five (25) feet, except that the minimum side

yard shall be thirty-five (35) feet when the side property line abuts a residential zone.

Principal and accessory structures in the I-Mb zone: None, except that the minimum side yard shall be twenty-five (25) feet when the side property line abuts a residential zone.

(e) *Minimum rear yards:* Principal and accessory structures in the I-M and I-Ma zone: Each structure shall be set back one (1) foot from the rear property line for each one (1) foot of building height, up to twenty-five (25) feet, except that the minimum rear yard shall be thirty-five (35) feet when the rear property line abuts a residential zone.

Principal and accessory structures in the I-Mb zone: None, except that the minimum rear yard shall be twenty-five (25) feet when the rear property line abuts a residential zone.

(f) *Minimum front yard:* Principal and accessory structures in the I-M and I-Ma zone: Each structure shall be set back one (1) foot from the front property line for each one (1) foot of building height.

Principal and accessory structures in the I-Mb zone: None.

(g) *Minimum street frontage:* Sixty (60) feet.

(h) *Pavement setback from lot boundaries:* Ten (10) feet.  
(Ord. No. 164-97, § 7, 1-6-97)

**Sec. 14-251. Other requirements.**

(a) Off-street parking shall meet the requirements of division 20 of this article.

(b) Off-street loading shall meet the requirements of division 21 of this article.

(c) Signs shall be subject to the provisions of division 22 of this article.

(d) *Shoreland and floodplain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5 of

(e) All uses shall be operated within a fully enclosed structure, except for those customarily operated in open air.

(f) Any storage of new materials, finished products, or related equipment must be suitably screened from the public way and from abutting properties by a solid fence at least five (5) feet in height, or by a solid evergreen planting strip.

(g) All waste shall be stored in covered containers that do not leak or otherwise permit liquids or solids to escape from the container.

(h) All food processing waste shall be stored within a completely enclosed structure and if not refrigerated shall be removed from the site in an enclosed container within forty-eight (48) hours of its generation. All enclosed and exterior food processing waste storage areas shall be cleaned and sanitized on a regular basis.

(i) Outdoor storage of refuse, debris or previously used materials awaiting reuse shall be either in an appropriate container or located within a designated, screened area.

(j) Any permitted outdoor storage of materials shall be done in such a manner as to prevent the breeding and harboring of insects or vermin, to prevent the transfer of such materials from the site by natural causes or forces and to contain fumes, dust, or other materials which constitute a fire hazard. This storage shall be accomplished within enclosed containers or by one (1) or more of the following methods: raising materials above ground, separating materials, preventing stagnant water, or by some other means. No outdoor storage shall be permitted between the front of any building on the site and the street, except for storage for plant and tree nurseries or lumber yards.  
(Ord. No. 164-97, § 7, 1-6-97)

**Sec. 14-252. Performance standards.**

Uses in the I-M, I-Ma, and I-Mb zones shall meet the following standards:

(a) Noise:

**CITY OF PORTLAND  
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT**

389 Congress Street  
Portland, Maine 04101

**INVOICE OF FEES**

<b>Application No:</b> 0000-2070	<b>Applicant:</b> UNUM LIFE INSURANCE COMP
<b>Project Name:</b> 102 HUTCHINS DR	<b>Location:</b> 102 HUTCHINS DR
<b>CBL:</b> 240 A002001	<b>Application Type:</b> Determination Letter
<b>Invoice Date:</b> 10/30/2014	

<b>Previous Balance</b>	-	<b>Payment Received</b>	+	<b>Current Fees</b>	-	<b>Current Payment</b>	=	<b>Total Due</b>	<b>Payment Due Date</b>
\$0.00		\$0.00		\$150.00		\$150.00		\$0.00	On Receipt

**Previous Balance** **\$0.00**

<b>Fee Description</b>	<b>Qty</b>	<b>Fee/Deposit Charge</b>
Zoning Determinations	1	\$150.00
		<u>\$150.00</u>
<b>Total Current Fees:</b>	+	<b>\$150.00</b>
<b>Total Current Payments:</b>	-	<b>\$150.00</b>
<b>Amount Due Now:</b>		<b>\$0.00</b>

**CBL** 240 A002001  
**Bill To:** UNUM LIFE INSURANCE COMPANY OF AMERIC  
 2211 CONGRESS ST  
 PORTLAND, ME 04102

**Application No:** 0000-2070  
**Invoice Date:** 10/30/2014  
**Invoice No:** 47108  
**Total Amt Due:** \$0.00  
**Payment Amount:**

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.  
 Check the status of your permit or schedule an inspection on-line at <http://www.portlandmaine.gov/792/Permit-Status>

[Click Here to Pay On Line](#)

## Marge Schmuckal - Re: East Point Church in I-M zone

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**From:** Alex Jaegerman  
**To:** Marge Schmuckal  
**Date:** 10/23/2014 12:05 PM  
**Subject:** Re: East Point Church in I-M zone  
**CC:** Barbara Barhydt; Greg Mitchell  
**Attachments:** Memo - Retain City Industrial Land - 2.docx

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It is attached.

Greg:

Eastern Point Christian Church is seeking approval to convert the UNUM property on Hutchins Drive, originally built as a warehouse but recently outfitted by UNUM as a back office and computer facility, into a destination church facility. They are seeking an interpretation from Marge as to whether the use could qualify as a permitted "performance based use" in the IM zone. If not, they might seek a conditional rezone to allow the use. We explained that there is policy to preserve industrial capacity in the City.

Alex.

Alexander Jaegerman, FAICP  
Planning Division Director  
389 Congress Street, Suite 400  
Portland, ME 04101

*75% b bldg -*

Phone: (207)874-8724 >>> On 10/23/2014 at 10:02 AM, in message <54490A92.D18 : 170 : 2416>, Marge Schmuckal wrote:

Hi Alex,

Can you send me a copy of the memo that you mentioned at our meeting from Greg Mitchell about preserving our industrial zones? I am meeting with Steve Blais on Monday about this.

Thank You,

Marge



Economic Development Department  
Gregory A. Mitchell, Director

## MEMORANDUM

To: Alex Jaegerman, Planning Division Director  
From: Greg Mitchell, Economic Development Director  
Date: August 7, 2014  
RE: **Importance of Retaining Portland's Industrial-Zoned Real Estate**

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### OVERVIEW

The purpose of this memo is to discuss the importance of retaining industrial-zoned property in the City of Portland. This resource is finite as the majority of developable real estate in the City has been built out, and it will be difficult to rezone property to expand Portland's industrial base.

Over time, Portland has seen its total industrial property reduced. Pressure from market forces and societal needs, particularly on the Peninsula, have driven the reduction and replacement of industrial zones with business zones to accommodate mixed use neighborhoods. Certainly, these neighborhoods are filling a vital need, providing increased housing as well as businesses that serve the City's residents and its burgeoning tourism markets.

In this current environment, retaining Portland's remaining industrial-zoned real estate for industrial uses is crucial to continue to grow and strengthen the City's economy. As you know, industrial-zoned property supports a variety of businesses, many of which are manufacturers that are a vital source of quality jobs that pay good wages. Their employee base often represents a range of educational levels, providing jobs for those with limited education as well as those with advanced degrees.

### INDUSTRIAL SPACE CHALLENGES

Over the past few years, the City's Economic Development Department has been receiving increasing requests from companies seeking vacant industrial space or undeveloped industrial acreage for new construction. Some of these requests simply cannot be accommodated given the City's finite industrial property. When the expansion needs of existing Portland-based industrial companies cannot be accommodated locally and/or new industrial opportunities cannot be accommodated, this represents a loss to Portland's tax base and associated employment.

Justin Lamontagne, a real estate broker in Portland with NAI The Dunham Group, has experienced similar challenges, along with his colleagues, in searching for manufacturing space for companies wanting to expand in the Portland area. He explained that the Dunham Group is currently representing two successful manufacturers in the Greater Portland area. They each require 30,000-

40,000 SF of space and there are no options for them at this time. Both are now considering other markets in southern Maine.

### **TRENDS IN INDUSTRIAL SPACE DEMAND**

Portland's industrial-zoned areas include Riverside Street, Riverside Industrial Parkway, Warren Avenue, Presumpscot Street, Bishop Street, Pine Tree Industrial Parkway, Canco Road, Outer Congress, sections of East Bayside and a few others. It is important to maintain the acreage in these zones.

The 2013 Greater Portland Maine Region Industrial Market Survey, presented at the January 2013 Maine Real Estate Developers Association Conference reported a decrease in industrial vacancies in Greater Portland, with a vacancy rates of 5.2%, substantially lower relative to Boston (9.2%), the Northeast (8.8%) and Nationally (8.0%). While inventory in the Portland area has essentially remained the same, demand has been increasing. Some of the conditions contributing to this trend include a strengthening national economy and a growing movement of product manufacturing back to the United States from overseas.

Eimskip has established its U.S. port presence in the City of Portland at the International Marine Terminal on Commercial Street. The access to international markets that this is generating is expected to attract cold storage and other investment opportunities.

Portland recently received federal designation to be part of the Investing in Manufacturing Communities Partnership. Specifically, Portland is one of 12 areas in the country to receive a 2-year federal assistance preference intended to support the growth of Portland's food production sector. This has the potential to expand food manufacturing in the City and, therefore, contribute further to the demand for industrial space.

Additional information from the 2013 Greater Portland Market Survey indicates that the overall industrial vacancy rate in the City of Portland is higher than in other neighboring communities. However, Portland's rate is skewed due to areas like Presumpscot Street and Warren Avenue where the building stock is older, making it more costly to renovate and thereby more challenging to attract tenants. It is worth noting that Riverside Street has among the lowest industrial vacancy rates in the City, per the Market Survey.

### **RECOMMENDATIONS**

To summarize, Portland's industrial space is limited and should be preserved to the maximum extent possible.

Regarding the request from Spurwink to add Intermediate Care Facilities in the I-M zone, this seems to represent a unique set of circumstances that will not be displacing industrial uses. However, allowing for this use should be addressed in a site specific fashion.

In conclusion, I would not recommend amendments to permitted uses throughout the City's industrial zones that would reduce the opportunity for industrial business attraction and growth on Portland's remaining industrial real estate.

# A Glossary of Zoning, Development and Planning Terms

*Edited by Michael Davidson and Fay Dolnick*

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50<sup>th</sup>  
Anniversary



American Planning Association

Planning Advisory Service  
Report Number 491/492



provided by the applicable local governmental entity. Use of such lands for new housing and/or other urban development is considered a more desirable alternative than to continue to extend the outer development pattern laterally and horizontally thus necessitating a higher expenditure for capital improvements than would be required for infill development. The use of infill development, among others, promotes the best use of resources and also will tend to have a positive impact upon the tax and other fiscal policies. (*Topeka, Kans.*)

■ **infill development** Development of vacant, skipped-over parcels of land in otherwise built-up areas. Local governments are showing increasing interest in infill development as a way of containing energy costs and limiting costs of extending infrastructure into newly developing areas. Infill development also provides an attractive alternative to new development by reducing loss of critical and resource lands to new development and by focusing on strengthening older neighborhoods. (*King County, Wash.*)

Construction on an existing vacant lot on an existing street in an existing neighborhood. (*Lexington, Mass.*)

The construction of a building on a vacant parcel located in a predominately built up area. The local zoning regulations determine whether the new building fits harmoniously into the neighborhood. (*New York City, N.Y.*)

The use of vacant land, the reuse or change of use of a previously-developed parcel or group of parcels, or the intensification of use or change of use by remodeling or renovating an entire structure. Infill development can be on land having one or more of the following characteristics: (1) Was platted or developed more than 25 years ago; (2) Is in a subdivision that is more than 80 percent built out and that was platted more than 15 years ago; (3) Is bounded on two or more sides by existing development; (4) Is within a Historic Preservation District; (5) Is within an unplatted area that contains lots of two and one-half acres or less where 80 per-

cent or more of the lots or tracts are developed and have been for at least 15 years; (6) Is within a blighted area as defined by state law; (7) Contains an original structure or use that is no longer viable or which is not economically feasible to renovate; (8) Contains an existing structure that does not comply with current building and/or zoning code requirements; (9) The lot does not comply with current zoning code requirements or is in an area with inadequate or antiquated platting; (10) Is in an area that is currently served by inadequate infrastructure for its planned reuse. (*Tulsa, Okla.*)

■ **infill site** Any vacant lot or parcel within developed areas of the city, where at least 80 percent of the land within a 300-foot radius of the site has been developed, and where water, sewer, streets, schools, and fire protection have already been developed and are provided. Annexed areas located on the periphery of the city limits shall not be considered as infill sites. (*Boise, Idaho*)

■ **infiltration** The downward movement or seepage of water from the surface to the subsoil and/or groundwater. The infiltration rate is expressed in terms of inches per hour. (*Grand Traverse County, Mich.*)

■ **infiltration facility** (*See also stormwater definitions*) A structure or area that allows stormwater runoff to gradually seep into the ground (e.g. french drains, seepage pits, infiltration basin, dry well, or perforated pipe). (*Grand Traverse County, Mich.*)

■ **inflow** (*See also sewer definitions*) Water, other than wastewater, that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swamping areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, surface runoff, street wash waters or drainage. (*Indian River County, Fla.*)

■ **infrastructure** Facilities and services needed to sustain industry, resi-

dential, commercial, and all other land-use activities, including water, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, schools, etc. (*Redmond, Wash.*)

The basic facilities such as roads, schools, power plants, transmission lines, transportation, and communication systems on which the continuance and growth of a community depends. (*Washoe County, Nev.*)

Streets, water and sewer lines, and other public facilities necessary to the functioning of a community. (*Handbook for Planning Commissioners in Missouri*)

■ **ingress** Access or entry point or entrance. (*Champaign, Ill.*)

■ **inn** Any building or group of buildings in which there are five or less guest rooms, used for the purpose of offering public lodging on a day-to-day basis, not including a bed and breakfast home. (*Valdez, Alaska*)

■ **institution/institutional building** Public and public/private group use of a nonprofit nature, typically engaged in public service (e.g., houses of worship, nonprofit cultural centers, charitable organizations). (*Palm Beach, Fla.*)

A facility that provides a public service and is operated by a federal, state, or local government, public or private utility, public or private school or college, church, public agency, or tax-exempt organization. (*Island County, Wash.*)

■ **institutional use** A nonprofit or quasi-public use, such as a religious institution, library, public, or private school, hospital, or government-owned or government-operated structure or land used for public purpose. (*Champaign, Ill.*)

■ **integrity** As used in historic preservation, the degree to which authenticity of a property's historic identity has been maintained, evidenced by the survival of substantial physical characteristics that existed during the property's historic period. (*California Planning Roundtable*)

two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, orientation, and open space. (*Mankato, Minn.*)

A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations. (*Pine Bluff, Ark.*)

A tract of land, the control and administration of which are vested in a single body, suitable for industrial use because of location, topography, proper zoning, availability of utilities, and accessibility to transportation. The uses permitted may be regulated by protective minimum restrictions (covenants), including the size of the site, parking, and loading regulations, and building setback lines from front, side, and rear yards that may be more restrictive than this chapter. (*Perryville, Mo.*)

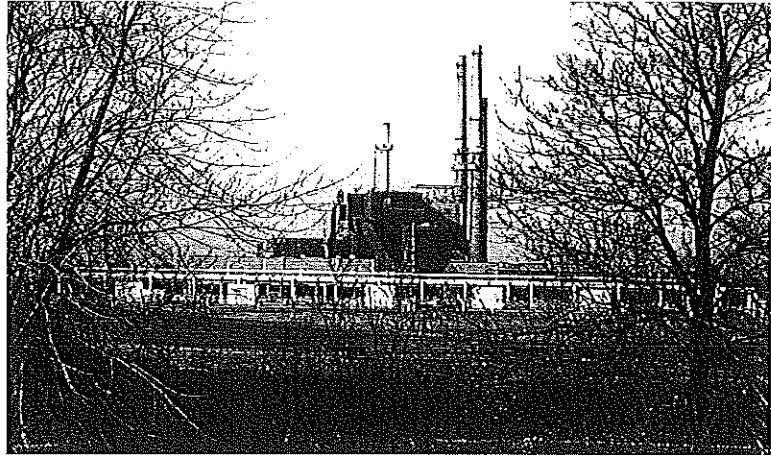
■ **industrial waste** Any material resulting from a production or manufacturing operation having no net economic value to the source producing it. (*Anchorage, Alaska*)

■ **industry** (See also *manufacturing definitions*) The manufacture, fabrication, processing, reduction, or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and includes storage elevators, truck storage yards, warehouses, wholesale storage, and other similar types of enterprise. (*Palm Desert, Calif.*)

■ **industry, heavy** Manufacturing or other enterprises with significant external effects (pictured above), or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbi-

cides, or other hazardous materials in the manufacturing or other process. (*Blacksburg, Va.*)

A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or



storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. (*Easton, Md.*)

■ **industry, light** Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building. Finished or semi-finished products may be temporarily stored outdoors pending shipment. (*Cecil Co., Md.*)

A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. (*Easton, Md.*)

Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products, from processed or previously manufactured

materials. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. A machine shop is included in this category. Also included is the manufacturing of apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toi-

letries, business machines, fish tanks and supplies, food, paper products (but not the manufacture of paper from pulpwood), musical instruments, medical appliances, tools or hardware, plastic products (but not the processing of raw materials), pharmaceuticals or optical goods, bicycles, any other product of a similar nature. (*Blacksburg, Va.*)

■ **industry, medium** Enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Medium industry produces moderate external effects such as smoke, noise, soot, dirt, vibration, odor, etc. (*Blacksburg, Va.*)

■ **infill** Development or redevelopment of land that has been bypassed, remained vacant, and/or is underused as a result of the continuing urban development process. Generally, the areas and/or sites are not particularly of prime quality, however they are usually served by or are readily accessible to the infrastructure (services and facilities)

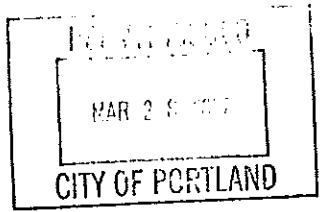
**City of Portland, Maine - Building or Use Permit Application**  
 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 07-0268	Issue Date:	CBL: 240 A002001
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Location of Construction: 102 Hutchins Dr	Owner Name: UNUM CORP	Owner Address: 2211 CONGRESS ST	Phone:
Business Name:	Contractor Name: NeoKraft Signs	Contractor Address: 686 Main St. Lewiston	Phone: 2077829654
Lessee/Buyer's Name	Phone:	Permit Type: Signs - Permanent	Zones: I-M

Past Use: Commercial / UNUM	Proposed Use: Commercial / UNUM Install a 28sf freestanding sign	Permit Fee: \$86.00	Cost of Work: \$86.00	CEO District: 3
Proposed Project Description: Install a 28sf freestanding sign		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group <i>Commercial</i> Type <i>SB</i> <b>IBC 2003</b> Signature: <i>Jr</i> 3/28/07	
		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: _____ Date: _____		

Permit Taken By: dmartin	Date Applied For: 03/15/2007	<b>Zoning Approval</b>		
<ol style="list-style-type: none"> <li>This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</li> <li>Building permits do not include plumbing, septic or electrical work.</li> <li>Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..</li> </ol>		<b>Special Zone or Reviews</b> <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: <i>3/22/07</i>	<b>Zoning Appeal</b> <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date: _____	<b>Historic Preservation</b> <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: _____



**CERTIFICATION**

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE

**City of Portland, Maine - Building or Use Permit Application**  
 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

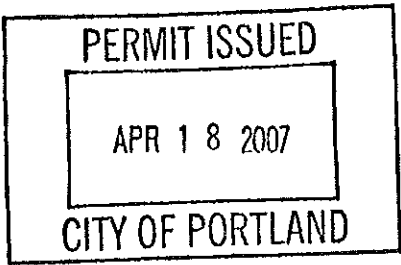
Permit No: 07-0294	Issue Date:	CBL: 240 A002001
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Location of Construction: 102 HUTCHINS DR	Owner Name: UNUM LIFE INSURANCE COMP	Owner Address: 2211 CONGRESS ST	Phone:
Business Name:	Contractor Name: Verizon Wireless	Contractor Address: 400 Friberg Parkway Westborough	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Alterations - Commercial	Zone: I-M

Past Use: Commercial / UNUM	Proposed Use: Commercial / UNUM Install wireless equipment with antenna on roof	Permit Fee: \$190.00	Cost of Work: \$16,800.00	CEO District: 3
Proposed Project Description: Install wireless equipment with antenna on roof		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: <i>Antenna/equipment</i> Type: <i>DXC-2003</i> Signature: <i>JMB 4/17/07</i>	
		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: _____ Date: _____		

Permit Taken By: dmartin	Date Applied For: 03/21/2007
-----------------------------	---------------------------------

Zoning Approval		
1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. 2. Building permits do not include plumbing, septic or electrical work. 3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..	<b>Special Zone or Reviews</b> <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan <i>Exemption Attached</i> May <input type="checkbox"/> Minor <input checked="" type="checkbox"/> MM Date: <i>3/23/07</i>	<b>Zoning Appeal</b> <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date: _____
	<b>Historic Preservation</b> <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: _____	



**CERTIFICATION**

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE

of rooms in their definition of hotel. However, these regulations should be located in the body of the ordinance. Some communities have recently revised their definition of hotel in response to the trend toward residence inns or apartment hotels, which often have complete kitchen facilities. Some definitions include apartment hotels, while other definitions specifically exclude them.

**household pet** Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, and rodents. (*Hillsborough County, Fla.*)

Small animals including fish or fowl permitted in the house or yard and kept for company or pleasure, such as dogs, cats, rabbits, canaries, parrots, parakeets, or goldfish. (*Tacoma, Wash.*)

**housing for the elderly/senior apartments** (See also *congregate housing and life care facility*) A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older. This does not include a development that contains convalescent or nursing facilities. (*Baltimore County, Md.*)

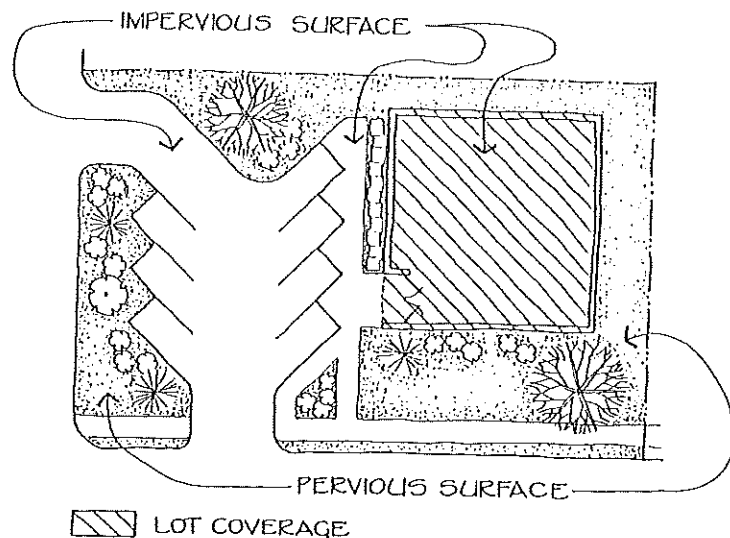
Multifamily dwelling units occupied by persons 55 years or older. In the case of double occupancy of a unit, only one resident is required to be at least 55 years of age. The housing must be self-contained and physically accessible to elderly citizens. (*Placer County, Calif.*)

*Comment. There are three classes of housing for the elderly that are generally defined in zoning ordinances. These classes— independent, semi-independent, and dependent— demonstrate a continuum of care available in housing for the elderly. Independent housing options, such as those defined above, do not include health care facilities. Semi-independent housing units are similar to apartments, but include special support services, such as central dining and limited medical care (see "congregate housing" for definitions of semi-independent living arrangements). Housing for dependent older persons includes a wide range of support services, including personal nursing care (see "life care facility" for definitions of this type of housing).*

*The federal Fair Housing Amendments Act of 1988 prohibits housing discrimination against children. However, the law exempts federal and state housing for the elderly and residential developments in which at least one resident per household is 55 or older. Definitions of housing for the elderly should reflect this federal law. Some communities explicitly permit residence of children of a certain age or other adults of any age provided that at least one occupant is elderly.*

**impervious surface** Any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious surface shall include graveled driveways and parking areas. (*Franklin Township, N.J.*)

A surface that has been compacted or covered with a layer



of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures. (*Manatee County, Fla.*)

**industrial park** A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space. (*Fairfax County, Va.*)

An industrial park is designed as a coordinated environment for a variety of industrial and related activities. The project is developed or controlled by one proprietary interest. It has an enforceable master plan and/or covenants, conditions, and restrictions. The development may be on one parcel, may be subsidized, may have condominium ownerships, or a combination of these types. (*Portland, Ore.*)

**industry, heavy** A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. (*Austin, Tex.*)

**industry, light** A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. (*Austin, Texas*)

**intermediate care facility** (See *group home for the handicapped*)

**junk** Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances,