

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

Ann Machado, Zoning Administrator

August 11, 2016

Aloise McCullough
The Planning & Zoning Resource Company
1300 South Meridian Avenue, Suite 400
Oklahoma City, OK 73108

Ref. No. 95559-2

RE: 56 Milliken Street, Portland, Maine

To Whom It May Concern:

I have enclosed the completed request for property information on the above mentioned property. I have also included the relevant documents.

Chapter 14 of the City of Portland Code of Ordinances (the Zoning Ordinance), is located on the City of Portland website www.portlandmaine.gov . Here is a link
<http://www.portlandmaine.gov/DocumentCenter/Home/View/1080>

This interpretation is based on the information provided and available at the time, and the current City of Portland Code of Ordinances. It is not binding on the City of Portland in any future determination.

Please feel free to contact me with any questions.

Sincerely,

Ann B. Machado
Zoning Administrator
Permitting and Inspections Department
City of Portland Maine
amachado@portlandmaine.gov
207.874.8709



Permitting and Inspections Department
Michael A. Russell, MS, Director

Ann Machado, Zoning Administrator

The Planning & Zoning Resource Company
1300 South Meridian Avenue, Suite 400
Oklahoma City, OK 73108

07/18/2016

ATTN: Aloise McCullough
Ref. No. 95559-2
RE: 56 Milliken Street, 56 Milliken Street, Portland, Maine

Add'l Info. Chart 334, Block A, Lot 014 and Chart 354A, Block A, Lots 001 & 006

The current zoning classification for the subject property is: I-M, Moderate Impact, Industrial Zone

Adjacent property zoning designations:

North: I-M Zone
South: I-M Zone
East: I-M Zone (railroad tracks)
West: I-M Zone

Is the subject property part of a Planned Unit Development?

Yes, part of a PUD (See comment)
 No, not part of a PUD

Comment: _____

Is the subject property part of an Overlay District?

Yes, within an Overlay District
 No, not within an Overlay District

Comment: _____

The subject property is currently regulated by:

Chapter Section 14 of the Zoning Ordinance - City of Portland Code of Ordinances
Planned Unit Development Ordinance No. _____ (copy attached)
Site Plan Approval Case No. _____ (copy of plan and case attached)

Comment: Chapter 14 of the City of Portland Code of Ordinances is the Zoning Ordinance.
It can be accessed online on the City's website @ www.portlandmaine.gov

According to the zoning ordinances and regulations for this district, the use of the subject property is a:

- Permitted Use by Right
- Permitted Use by Special/Specific Use Permit
- Copy Attached
- Copy Not Available (see comment)
- Legal Non-Conforming Use (no longer permitted by right due to amendments, re-zoning, variance granted or other changes. See comments)
- Non-Permitted Use

Comment: See attached documents

The subject structure(s) was developed:

- In accordance with Current Zoning Code Requirements and is to the best of my knowledge
- Legal Conforming based on the records
- Non-Conforming (see comments)
- In accordance with Previous Zoning Code Requirements (amendments, rezoning, variance granted) and is Legal Non-Conforming to current zoning requirements
- Prior to the adoption of the Zoning Code and is
- Grandfathered/Legal Non-conforming to current zoning requirements.
- In accordance with Approved Site Plan and is Legal Conforming to approved site plan. If any nonconforming issues exist with respect to current zoning requirement; the subject property would be considered legal non-conforming.

Comment: See attached documents

Information regarding variances, special permits/exceptions, ordinances or conditions:

- There do not appear to be any variances, special permits/exceptions, ordinances or conditions that apply to the subject property.
- The following apply to the subject property (see comments):
- Variance - Documentation attached or is otherwise, no longer available (see comment)
- Special Permit/Exception Documentation attached or is otherwise, no longer available (see comment)
- Ordinance Documentation attached or is otherwise, no longer available (see comment)
- Conditions Documentation attached or is otherwise, no longer available (see comment)

Comment: _____

Rebuild: In the event of casualty, in whole or in part, the structure located on the subject property:

- May be rebuilt in the current form (i.e. no loss of square footage, same footprint, with drive through(s), if applicable.
- May not be rebuilt in its current form, except upon satisfaction of certain conditions, limitations, or requirements. Please see section _____ of the current zoning code/ordinance for details.

Comment: See section 14 - 385 attached

To the best of your knowledge, do your records show any unresolved zoning code violations?

- Yes, there are open violations on file in our records. (See attached list and/or copies/cases)
- No, there are no open violations on file in our records.

*Please note, this request is for open violations of which you are aware. PZR is not requesting an inspection be made.

To the best of your knowledge, do your records show any unresolved building code violations and/or complaints?

- Yes, there are open violations on file in our records. (See attached list and/or copies/cases)
- No, there are no open violations on file in our records.

*Please note, this request is for open violations of which you are aware. PZR is not requesting an inspection be made.

To the best of your knowledge, do your records show any unresolved fire code violations and/or complaints?

The Permitting and Inspections Department is not responsible for fire code violations or complaints

- Yes, there are open violations on file in our records. (See attached list and/or copies/cases)
- No, there are no open violations on file in our records.

*Please note, this request is for open violations of which you are aware. PZR is not requesting an inspection be made.

Site Plan Information:

- The subject property was not subject to a site plan approval process.
- The subject property was subject to site plan approval, ^{copies} a copy of the approved site plan, ^{are} is attached.
- The subject property was subject to site plan approval, but a copy of the approved site plan is no longer in existence (was lost or destroyed). All other existing documents applicable to site plan approval for the site are attached if available.
- An approved site plan for the subject property is on file, but our office does not have the necessary resources to reproduce and distribute copies of the plan. All other existing documents applicable to site plan approval are attached if available.
- Other, (as noted here): _____

Were Certificates of Occupancy issued? If so, please provide all available copies. If copies are unavailable, please fill out our attached form letter.

Please call the undersigned at (207) 874-8709, extension if you have questions or concerns.

Sincerely:

Name: Am B. Machado
Title: Zoning Administrator

Department: Permitting & Inspections
Email: amachado@portlandmaine.gov

residence zone. For the purpose of this subsection, an R-6 zone shall be deemed the least restricted and an R-2 zone shall be deemed the most restricted, with the intervening zones restricted in order of zone number.

(Code 1968, § 602.17.D; Ord. No. 499-74, § 8, 8-19-74)

Sec. 14-385. Restoration or reconstruction within an existing footprint of damaged nonconforming structure.

A nonconforming structure damaged by fire, explosion, flood, riot, act of the public enemy, accident of any kind, decay or otherwise may be restored or rebuilt only where:

- (a) The restoration or reconstruction is of a building which is nonconforming only as to land area, setbacks or any other dimensional requirements; and
- (b) Where the restoration or reconstruction will occur entirely within the existing footprint and previous shell of the building and will not create a new nonconformity; and
- (c) Restoration or reconstruction occurs within one (1) year for a nonconforming non-residential structure, or two (2) years for a nonconforming residential structure, of the initial damage where such damage is sudden and accidental. Note that for buildings in Shoreland zones, state regulations may also govern and provide for a shorter period for restoration or reconstruction of nonconforming structures; and
- (d) Restoration or reconstruction necessitated by decay must be completed within one (1) year of the demolition of the building or the commencement of the restoration or reconstruction, whichever occurs first; and
- (e) Any reconstruction, under this provision, in the residential R-6 zone on a lot with 10,000 square feet or less, other than the exact restoration of a previously existing building on the site, shall comply with the applicable standards contained within the Planning and Development Design Manual; and
- (f) A nonconforming building located in the R-6 which is destroyed by fire, explosion, flood, riot, act of the enemy, or accident may be rebuilt under the small residential lot development provisions of the R-6 zone as

if the lot were vacant as of January 1, 2005 and such reconstruction shall meet the setback requirements contained therein to the extent practicable; otherwise the building shall be reconstructed within the footprint of the previously existing building such that any nonconformity will not be enlarged.

For the purpose of this section, the footprint of a building is the perimeter of the foundation supporting a structure.

(Code 1968, § 602.17.E; Ord. No. 89-88, 7-19-88; Ord. No. 284-99, §2, 5-17-99, enacted as an emergency; Ord. No.254-05/06, 6-5-06; Ord. No. 61-07/08, 10-1-07; Ord. No. 240-09/10, 6-21-10; Ord. No. 139-12/13, 2-4-13)

***Editor's note**—Ord. No. 89-88, adopted July 19, 1988, amended this section to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 89-88.

Sec. 14-386. Discontinuance of use of land for ninety days.

A nonconforming use of land where no buildings or only incidental or accessory buildings are employed together with such use shall not be changed to any other nonconforming use, and if such use is discontinued for a period of ninety (90) days, it shall not be reestablished.

(Code 1968, § 602.17.G)

Sec. 14-387. Discontinuance of use of property.

If a legally nonconforming non-residential use is discontinued for a period of twelve (12) months or if a legally nonconforming residential use is discontinued for a period of twenty-four (24) months, such discontinuance shall constitute an abandonment of the use and the property shall not thereafter be occupied or used except in conformity with the provisions of this article. In cases of foreclosure or similar situations involving a legally nonconforming residential structure, the Planning Authority shall be authorized to extend the aforementioned period up to an additional five (5) years provided that the extension is for good cause and the minimum length considered necessary to resume the legally nonconforming use of the structure. A nonconforming use of land which is incidental or accessory to such nonconforming structure shall be considered as being discontinued at the same time as the nonconforming use of the structure. Note that for buildings in SHoreland zones, state regulations may also govern and provide for a shorter period of time for nonconforming properties.

(Code 1968, § 602.17.F; Ord. No. 499-74, § 9, 8-19-74; Ord. No. 139-12/13, 2-4-13)