

Order 139-12/13

Given first reading on 1/23/13

Passage as amended: 7-0 (Coyne and Anton absent) 2-4-13

MICHAEL F. BRENNAN (MAYOR)  
KEVIN J. DONOGHUE (1)  
DAVID A. MARSHALL (2)  
EDWARD J. SUSLOVIC (3)  
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND**  
IN THE CITY COUNCIL

JOHN R. COYNE (5)  
JOHN M. ANTON (A/L)  
JILL C. DUSON (A/L)  
NICHOLAS M. MAVODONES (A/L)

**AMENDMENT TO PORTLAND CITY CODE**

**CHAPTER 14. LAND USE**

**ARTICLE III. ZONING**

**RE: Non-Conforming Structures and Uses**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,  
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That sections 14-382, 14-385 and 14-387 of the  
Portland City Code are hereby amended to read as  
follows:*

**Sec. 14-382. Increase in nonconforming use of  
~~structurebuilding~~ or alterations to nonconforming  
~~structuresbuildings~~ limited.**

(a) A lawful nonconforming ~~structurebuilding~~ non-residential  
structurebuilding may be maintained, repaired, or  
reconstructed in kind within a one (1) year period or  
within a two (2) year period for a nonconforming  
residential structure, but no alterations, modifications or  
additions shall be made to it, except as provided in this  
division.

. . .

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

A nonconforming ~~building, or building of nonconforming  
use, 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 non-conforming structures;

. . .

**Sec. 14-387. Discontinuance of use of ~~building or premises~~property for period of twelve months.**

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 non-conforming 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~~building shall be considered as being discontinued at the same time as the nonconforming use of the ~~structure~~building. Note that for buildings in Shoreland zones, state regulations may also govern and provide for a shorter period of time for non-conforming properties.

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