

Order 80-18/19

Passage: 8-0 (Strimling absent) on 10/15/2018

Effective 11/14/2018

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**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
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PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14 AND CHAPTER 8
Re: WATERFRONT DEVELOPMENT GROWTH AREA**

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

1. *That Chapter 14, Article XV, Sections 14-906 to 14-908 is hereby amended as follows:*

~~**ARTICLE XV. WATERFRONT CAPITAL IMPROVEMENT AND ECONOMIC
REDEVELOPMENT ZONE AND ORDINANCE**~~

~~**Sec. 14-905. Title.**~~

~~This ordinance shall be known as the Waterfront Capital Improvement and Economic Redevelopment Ordinance.~~

~~**Sec. 14-906. Purposes.**~~

~~The purpose of this ordinance is to implement those provisions of the Waterfront Economic Development Task Force Report, (Waterfront II) entitled "Investing in Our Working Waterfront: Final Report of the Mayor's Waterfront Task Force on Economic Development," dated September 2000, as adopted by the Portland City Council on June 4, 2001 which create a capital improvement plan for redevelopment on the Portland Waterfront. That plan includes funding the loan fund described in that report, the financing and installation of infrastructure to support the economy of that area of the City of Portland, such as parking facilities, utilities, traffic and congestion management installations, operating facilities for the cargo, fishing and other water dependent, marine related industries, environmental protection and improvement, including the management and abatement of combined sewer overflows, appropriate assistance in the permitting and completion of dredging of siltation at piers, wharfs and weirs, and such other matters as the City Council shall approve from time to time. These activities shall be collectively known as the redevelopment program.~~

~~Sec. 14-907. Creation of the Waterfront Redevelopment Economic Zone (WREZ).~~

~~The Waterfront Redevelopment Economic Zone is hereby created.~~

~~Beginning at a point on the southerly side of the Eastern Promenade at the intersection of the Westerly side of the Portland House Condominium and the Easterly sideline of land now or formerly of Dan Haley.~~

~~Thence Southwesterly along the Southerly side of Eastern Promenade to Fore Street.~~

~~Thence Westerly along the Southerly side of Fore Street to the intersection of Fore Street and Mountfort Street.~~

~~Thence Northerly along Mountfort Street to the Southeast corner of the lot referenced as 20-C-2 on City of Portland Tax maps as of April first, 2001.~~

~~Thence Westerly along lot 20-C-2 about 72 feet.~~

~~Thence Northerly along 20-C-2 to 20-C-5.~~

~~Thence Westerly along 20-C-5 to the south corner of 20-C-5.~~

~~Thence Northwesterly along 20-C-5 to Newbury Street.~~

~~Thence Southwesterly along Newbury Street to Hancock Street.~~

~~Thence Southeasterly along Hancock Street to Middle Street.~~

~~Thence Southwesterly along Middle Street to 20-C-27.~~

~~Thence Southeasterly along the Northeast sideline of 20-C-27 about 99.99 feet.~~

~~Thence Southwesterly along the Southeast sideline of 20-C-27 to India Street.~~

~~Thence South along India Street to the Northern corner of 29-N-26.~~

~~Thence Westerly along the Northern side of lot 26 to lot 24.~~

~~Thence Westerly, Northerly, Westerly, and Southerly along 29-N-24 to Bradbury Court.~~

~~Thence Westerly along Bradbury Court to the Franklin Street Arterial.~~

~~Thence Northerly along Franklin Street Arterial to Fore Street.~~

~~Thence Westerly along Fore Street to Pearl Street.~~

~~Thence Southerly along Pearl Street to Gold Street.~~

~~Thence Westerly along Gold Street to Silver Street.~~

~~Thence Northerly along Silver Street to Fore Street.~~

~~Thence Westerly along Fore Street to Market Street.~~

~~Thence Southerly along Market to the dividing line between 32-S-3 and 32-S-4 & 5.~~

~~Thence Northerly along Moulton Street to Wharf Street.~~

~~Thence Westerly along Wharf Street to a passage between Assessor's map 32 blocks "T" and "U" leading to Commercial Street.~~

~~Thence Southerly along said passage about 28 feet to the dividing line between lots 32-U-3 and 32-U-5.~~

~~Thence Westerly, Southerly, and Westerly along the Southerly line of lot 5 to Dana Street.~~

~~Thence Westerly across Dana Street and following the Northern boundary of lots 32-V-2, 4, 5, 8, and 12 to Union Street.~~

~~Thence Northerly on Union Street to Fore Street.~~

~~Thence Westerly on Fore Street to parcel 38-F-8.~~

~~Thence Southerly along the Easterly sideline of 38-F-8.~~

~~Thence Westerly along the Southerly sideline of 38-F-8 to Cross Street.~~

~~Thence Northerly to Fore Street~~

~~Thence Westerly along Fore Street to 38-G-7.~~

~~Thence Southerly along the Easterly sideline of 38-C-7.~~

~~Thence Westerly along the Southerly sideline of 38-G-7 to the Easterly sideline of Center Street.~~

~~Thence Northerly along Center Street to the Southerly sideline of 40-F-11.~~

~~Thence Southwesterly along the Southerly sideline of 40-F-11 and 40-E-1.~~

~~Thence Westerly along the South side of 42-A-8.~~

~~Thence Northerly along the Westerly line of 42-A-7 to York Street.~~

~~Thence Westerly along the Southerly side of York Street to High Street.~~

~~Thence Southerly along High Street 44 feet ± to Southern sideline of 42-B-7.~~

~~Thence Westerly along the Southerly sideline of 44-B-2 to Park Street.~~

~~Thence Westerly across Park Street to the Southerly sideline of 43-C-7.~~

~~Thence Westerly along the Southern sideline of 43-C-7 to the edge of proposed State Street.~~

~~Thence Westerly across proposed State Street to the Southerly sideline of 43-E-8.~~

~~Thence Westerly along the Southerly sideline of 43-E-8 to the Casco Bay Bridge.~~

~~Thence Southeasterly along the Casco Bay Bridge to the Harbor Commissioner's Line.~~

~~Thence Northeasterly along the Harbor Commissioner's line to a point which is the intersection of the Harbor Commissioner's line and a line which is the extension of the lot line between the Southeasterly line of land now or formerly of Dan Haley and the Southwesterly line of the Portland House Condominium.~~

~~Thence Northwesterly along said line to the Southerly side of the Eastern Promenade at the point of beginning.~~

~~All as shown on a map dated April 13, 2001 entitled "Proposed Waterfront Redevelopment Area" on file in the Planning Office.~~

~~Any inconsistencies between this description and the map shall be controlled by the map.~~

~~**Sec. 14-908. Financing Activities.**~~

~~The following financing activities are authorized for the creation of funds to be used for the activities approved for funding by this ordinance:~~

~~(a) Tax Increment Financing Districts Revenues.~~

- ~~1. Within the Waterfront Redevelopment Economic Zone (WREZ) all activity except minor changes as defined below, which results in an increase in assessed value due to new construction, development or redevelopment, renovation, refitting or other physical change to structures or uses, including acquisition of equipment, shall be subject to designation as a Tax Increment Finance (TIF) District to support redevelopment activities within the WREZ pursuant to 30-A M.R.S.A. §§ 251-526, as amended.~~

~~Minor changes shall mean those physical changes, minimal in scope or purpose, which when accumulated with previous and anticipated other changes, over a period of two years, increase the assessed value of the affected property by a cumulative total of \$400,000 or less.~~

- ~~2. Affected properties shall mean those properties within the zone which undertake activity, except minor changes as defined above, which results in a change in assessed value due to new construction, development or redevelopment, renovation, refitting or other physical change to structures or uses, including acquisition of equipment.~~

~~Affected properties within the WREZ shall be~~

~~designated for inclusion in this redevelopment program as a TIF District, and the tax increment from the captured assessed value shall be applied to the redevelopment program purposes, subject to approval by the City Council on a TIF-by-TIF basis.~~

~~A property is an affected property if it otherwise so qualifies, and the total aggregate amount of captured assessment in the TIF Districts devoted to this redevelopment program does not exceed 1.25% (.0125) of the total taxable valuation of the City of Portland, when adjusted as necessary to reflect 100% valuation, as determined by the City Assessor.~~

~~3. Paragraphs (1) and (2) notwithstanding, the Council may by Council order determine that the increases in assessed value that would otherwise be designated for the first time as TIF districts under (1) and (2) above for the next succeeding fiscal year shall not be so designated.~~

~~4. The redevelopment program shall be that series of investments, expenditures, guarantees and supports which are planned for project fund expenditures.~~

~~(b) Program Income and Other Revenues.~~

~~The City Manager will budget the program activities, including the program income and expense, of the redevelopment program annually for approval and implementation by the City Council. The redevelopment program is authorized to receive program income, grants, participations, joint ventures, investments and other revenues for the purposes of the redevelopment program as approved by the City of Portland from time to time.~~

~~(c) Updates to development plan.~~

~~Periodically, the city manager shall evaluate and propose updates to the Development Plan, and identify properties developed in the redevelopment zone which qualify as TIF District properties. The city manager shall report to the council on conditions and changes~~

~~in conditions addressing the economic circumstances of the waterfront economy, and shall include in said report detail on at least the following issues:~~

- ~~1. The utilization, adequacy and capital and operating position of the enterprise loan fund designed to assist water-dependant, marine-related properties and businesses;~~
- ~~2. The state of the fishing industry, the adequacy and demand for berthing space and operating facilities, financing, local markets and opportunities, and the operations of public operations pertaining to the fishing industry;~~
- ~~3. The status of other water dependant industries and operations along the Portland waterfront, including opportunities to develop or promote water dependent and marine resource dependant economic opportunities;~~
- ~~4. The status of dredge operations and needs at public and private piers, the nature of impediments to maintaining full depths at all working Portland piers;~~
- ~~5. The status of cargo operations in the Port of Portland, including analysis of surface transportation capacities serving the Port cargo operations, whether public or private;~~
- ~~6. The status of parking availability, public access to the waterfront and to water dependent recreational activities and pursuits;~~
- ~~7. The status of environmental concerns, programs and issues along the Portland waterfront, and particularly in the inner harbor; and~~
- ~~8. Such other information, data or findings concerning conditions as affects the economic and environmental health of the waterfront area, or recommendations concerning the operations of the loan fund or the capital improvement program.~~

~~(d) Recommendations.~~

~~As often as he or she deems prudent, the city manager shall submit to the city council a recommended capital improvement plan, utilizing the revenues of the WREZ. The finance committee of the city council or such other committee as the Council shall designate shall conduct public hearings on the recommended plan and refer the matter to the council for action.~~

~~(c) Adoption.~~

~~The City Council shall adopt amendments to the WREZ, designate TIF Districts and authorize expenditures and take such other actions as are necessary each year to implement this redevelopment plan and administer its revenues and expenses.~~

2. *That the Portland City Code is hereby amended by adding sections to be numbered 8-1 to 8-4, which said sections reads as follows:*

ARTICLE I. WATERFRONT DEVELOPMENT GROWTH AREA
ORDINANCE

Sec. 8-1. Title.

This ordinance shall be known as the Waterfront Development Growth Area Ordinance.

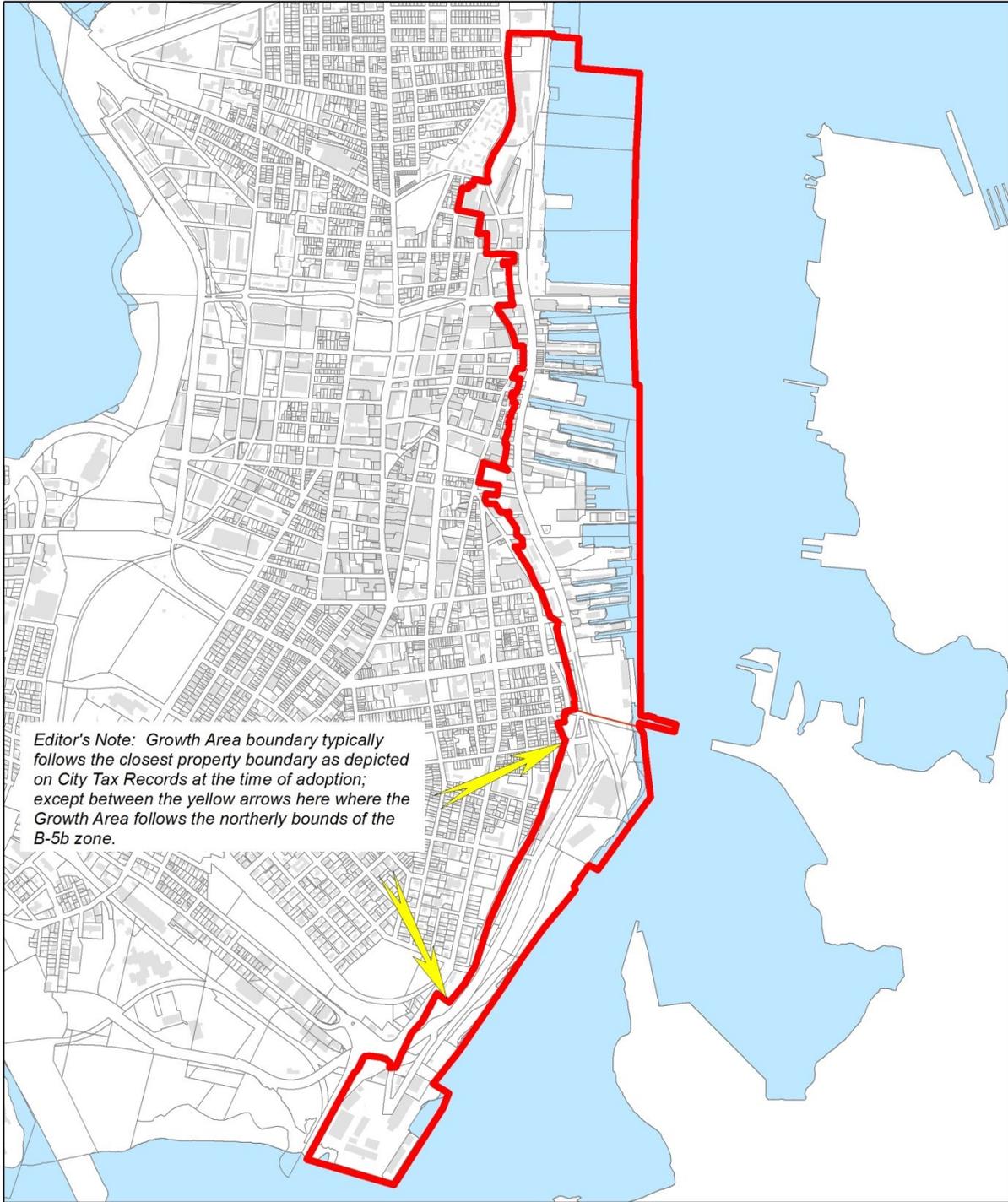
Sec. 8-2. Purposes.

The purpose of this ordinance is to implement those provisions of the Waterfront Economic Development Task Force Report, (Waterfront II) entitled "Investing in Our Working Waterfront: Final Report of the Mayor's Waterfront Task Force on Economic Development," dated September 2000, as adopted by the Portland City Council on June 4, 2001 which create a capital improvement plan for redevelopment on the Portland Waterfront. That plan includes funding the loan fund described in that report, the financing and installation of infrastructure to support the economy of that area of the City of Portland, such as parking facilities, utilities, traffic and congestion management installations, operating facilities for the cargo, fishing and other water-dependent, marine related industries, environmental protection and improvement, including the management and abatement of combined sewer overflows, appropriate

assistance in the permitting and completion of dredging of siltation at piers, wharfs and weirs, and such other matters, such as climate change adaptation, as the City Council shall approve from time to time. These activities shall be collectively known as the redevelopment program.

Sec. 8-3. Creation of the Waterfront Development Growth Area

The Waterfront Development Growth Area (WDGA) is hereby created and shown on the map below, titled the Portland Waterfront Development Growth Area, which is incorporated as a component of this ordinance, as may be amended from time to time.



Editor's Note: Growth Area boundary typically follows the closest property boundary as depicted on City Tax Records at the time of adoption; except between the yellow arrows here where the Growth Area follows the northerly bounds of the B-5b zone.



Portland Waterfront Development Growth Area

Waterfront Development Growth Area



Map produced by the City of Portland Economic Development Department. Intended as an exhibit to the City ordinance expanding and replacing the Waterfront Redevelopment Economic Zone. October 2018



Sec. 8-4. Financing Activities.

The following financing activities are authorized for the creation of funds to be used for the activities approved for funding by this ordinance:

(a) Tax Increment Financing (TIF) Districts Revenues.

1. Within the Waterfront Development Growth Area (WDGA) all activity except minor changes as defined below, which results in an increase in assessed value due to new construction, development or redevelopment, renovation, refitting or other physical change to structures or uses shall be subject to designation as a Tax Increment Finance (TIF) District to support redevelopment activities within the WDGA pursuant to 30-A M.R.S. §§ 251-526, as amended.

Minor changes shall mean those physical changes, minimal in scope or purpose, which when accumulated with previous and anticipated other changes, over a period of two years, increase the assessed value of the affected property by a cumulative total of \$400,000 or less.

2. Affected properties shall mean those properties within the WGDA which through revaluation or by undertaking activity, except minor changes as defined above, which results in a change in assessed value due to new construction, development or redevelopment, renovation, refitting or other physical change to structures or uses, including acquisition of equipment.

Affected properties within the WDGA shall be designated for inclusion in this redevelopment program as a TIF District, and the tax increment from the captured assessed value shall be applied to the redevelopment program purposes, subject to approval by the City Council on a TIF-by-TIF basis.

A property is an affected property if it otherwise so qualifies, and the total aggregate amount of captured assessment in the TIF Districts devoted to this redevelopment program does not exceed 1.25% (.0125) of the total taxable valuation of the City of Portland,

when adjusted as necessary to reflect 100% valuation, as determined by the City Assessor.

3. Paragraphs (1) and (2) notwithstanding, the Council may by Council order determine that the increases in assessed value that would otherwise be designated for the first time as TIF districts under (1) and (2) above for the next succeeding fiscal year shall not be so designated.

4. The redevelopment program shall be that series of investments, expenditures, guarantees and supports which are planned for project fund expenditures.

(b) Program Income and Other Revenues. The City Manager will budget and implement the program activities, including the program income and expense, of the redevelopment program annually for approval by the City Council. The redevelopment program is authorized to receive program income, grants, participations, joint ventures, investments and other revenues for the purposes of the redevelopment program as approved by the City of Portland from time to time.

(c) Updates to development plan and annual TIF District reporting. Periodically, the city manager shall evaluate and propose updates to the Development Plan, and identify properties developed in the redevelopment zone which qualify as additional TIF District properties. The city manager shall report to the council on conditions and changes in conditions addressing the economic circumstances of the waterfront economy when proposing the addition of properties for inclusion in the Waterfront TIF District.

Additionally, the City Manager through the Economic Development Department shall report to the City Council on financial activity related to the Development Program within an Annual TIF District Activity Report.

(d) Recommendations. As often as he or she deems prudent, the city manager shall submit to the city council a recommended capital improvement plan, utilizing the revenues of the WDGA. The finance committee of the city council or such other committee as the Council shall designate shall conduct public hearings on the recommended plan and refer the matter to the council for action.

(e) Adoption. The City Council shall adopt amendments to the WDGA, designate TIF Districts and authorize expenditures and

take such other actions as are necessary each year to implement this redevelopment plan and administer its revenues and expenses.