

Order 133 – 04/05  
Given first reading on 12/20/04  
Public Hearing, Amended & Passed 1/3/05 8-0  
(O'Donnell absent)

JILL C. DUSON (MAYOR)(A/L)  
PETER O'DONNELL (A/L)  
JAMES F. CLOUTIER(A/L)  
NICHOLAS M. MAVODONES (A/L)

**CITY OF PORTLAND**  
IN THE CITY COUNCIL

WILLIAM R. GORHAM (1)  
KAREN A. GERAGHTY (2)  
DONNA J. CARR (3)  
CHERYL A. LEEMAN (4)  
JAMES I. COHEN (5)

**AMENDMENT TO PORTLAND CITY CODE**  
**CHAPTER 14, SECTION 14-217.5**  
**OLD PORT OVERLAY ZONE**

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

**1. *That Chapter 14 of the Land Use Code Section 14-217.5 (Old Port Overlay Zone) be amended as follows:***

**Sec. 14-217.5**

...

(d) *Dispersal requirement:* Each entertainment use within any category of defined entertainment uses shall be located no closer than one hundred (100) feet from the same type of entertainment use, as measured in a radius from the center of the lot. This dispersal requirement shall not apply to entertainment uses that are not in the same use category. The city council on the recommendation of the business license administrator may waive all or a portion of this dispersal requirement, with or without conditions, after application, and upon a showing that:

- (1) Such waiver will not be detrimental to the public health, safety or welfare; and
- (2) Such waiver will improve the mix of business uses in the old port area by encouraging or allowing uses other than entertainment uses as described in subparagraph (a)(3); and
- (3) The applicant otherwise conforms to the requirements of the old port overlay zone.

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