

Order 48-06/07

Given first reading on 9/6/06.

Public Hearing, Amended & Passed: 9/18/06 6-3 (Leeman, Gorham, Suslovic)

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

CITY OF PORTLAND
IN THE CITY COUNCIL

JAMES F. CLOUTIER (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)
EDWARD J. SUSLOVIC (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14 (LAND USE)
ARTICLE III, DIVISION 12
(B-3, B-3(b) and B-3(c) Downtown Business Zones)**

RE: MORATORIUM ON FORMULA RESTAURANTS

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

*That Chapter 14, Article III, Division 12 is hereby amended by
adding new section §§14-217.6 as follows:*

**Sec. 14-217.6. Moratorium on Formula Restaurants in Old Port
Historic District and Arts District**

(a) Findings and declaration of emergency.

(1) The city has experienced over the past years an
influx of formula restaurants in Old Port Historic District and
Arts District;

(2) The presence of these formula restaurants
threatens the unique and independent character of Portland's Old
Port Historic District and Arts District;

(3) Communities throughout the country, including two
in Maine, namely Ogunquit and York, have either prohibited or
restricted the location of such formula restaurants in specific
parts of the community in order to preserve the unique character
of those communities' commerce and retail centers; and

(4) In order to permit the development and
implementation of reasonable controls that will effectively
protect the character of the Old Port Historic District and Arts
District from the adverse impact of additional formula
restaurants, it is found and declared that a temporary
moratorium is necessary to allow the city to accomplish these
goals.

(b) Definitions. For the purposes of this section, the
following terms have the following meanings:

Order 48-06/07

Given first reading on 9/6/06.

Public Hearing, Amended & Passed: 9/18/06 6-3 (Leeman, Gorham, Suslovic)

(1) "Old Port Historic District" means the area identified as the Old Port Historic District on the Portland Historic Districts map, a copy of which is on file in the department of planning and urban development.

(2) "Arts District" means the area including both sides of the following streets:

Congress Street, from Longfellow Square to City Hall;

Free Street;

Oak Street, from Congress Street to Free Street;

Brown Street, from Congress Street to Free Street;

Center Street, from Congress Street to Free Street;

Lancaster Lane;

Elm Street, from Congress Street to Temple Street;

Temple Street, from Congress Street to Middle Street; and

Monument Square.

(3) "Formula Restaurant" means a restaurant that stands alone as a principal use or with another use as an accessory use, and which prepares food or beverages on site for sale to the public, and which is required by contractual or other arrangements to maintain any one or more of the following standardized features, which causes it to be substantially identical to 30 or more other domestic restaurants, regardless of the ownership or location of those restaurants: name; menu; food preparation and presentation format; décor; employee uniforms; architectural design; signage; or any other similar standardized features.

(c) Moratorium on Formula Restaurant use in Old Port Historic District and Arts District.

Notwithstanding any other provisions of this code, including but not limited to section 14-217, new formula restaurants shall not be permitted in the Old Port Historic District or Arts District from and after September 6, 2006 up to and including November 19, 2006. This moratorium shall not apply to a formula restaurant existing in the Old Port Historic District or Arts District prior to September 6, 2006.

Order 48-06/07

Given first reading on 9/6/06.

Public Hearing, Amended & Passed: 9/18/06 6-3 (Leeman, Gorham, Suslovic)

AND BE IT FURTHER ORDERED, that if enacted by the Council, the restrictions in this article shall apply from September 6, 2006.