

Order 74-06/07

Given first reading and referred to Planning Board on 10/16/06.

Public Hearing and Postponed on 11/20/06

Public Hearing, Amended & Passed: 12/4/06 5-2 (Suslovic, Donoghue opposed; Leeman, Duson absent)

JAMES I. COHEN (MAYOR)(5)
JILL C. DUSON (A/L)
JAMES F. CLOUTIER(A/L)
NICHOLAS M. MAVODONES (A/L)
EDWARD J. SUSLOVIC (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)

AMENDMENT TO CITY CODE
CHAPTER 14, ARTICLE III. ZONING. DIVISION 12.6
B-1, B-1b NEIGHBORHOOD BUSINESS ZONE:
§§14-162, 163

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

- 1. That Chapter 14 (Land Use), Art. III (Zoning),
Division 12.6 (B-1, B-1b, Permitted Uses), Section 14-
162 is hereby amended to read as follows:*

Sec. 14-162. Permitted uses.

- (a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone. For permitted uses in the upper stories of buildings in the B-1b zone, refer to subsection (5) below: in existence on November 15, 1993:

...

- (2) *Business:* Business uses listed below are permitted, provided that such use which generates in excess of a **ratio of 100 peak hour vehicle trips per 2000 s.f. of space, and generates in excess of 100 peak hour vehicle trips** , is prohibited. As set forth in the Technical and Design Standards and Guidelines, Section III, 6, the City Traffic Engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of **50 peak hour vehicle trips** .

- a. Professional offices, as defined in section 14-47, but excluding veterinarians.
- b. Business services, as defined in section 14-47, but excluding beverage container redemption centers.

- c. Personal services, as defined in section 14-47.
- d. Offices of building tradesmen, provided there is no exterior storage of building materials.
- e. Retail establishments, provided such do not include drive-through sales or services and do not operate between the hours of eleven (11) p.m. and six (6) a.m. and do not accept deliveries or services between the hours of ten (10) p.m. to seven (7) a.m.
- f. Beverage dealers (as defined in 32 M.R.S.A. 1862) provided they meet the following requirements:
 - 1. Maximum total floor area for beverage container redemptions, including the storage of spent beverage containers, shall be no greater than five hundred (500) sq. ft. or ten (10) percent of the total floor area of the facility, whichever is less;
 - 2. Beverage container redemption is an accessory use to a principal retail use that includes beverage sales. Local beverage container redemption centers as defined in 32 M.R.S.A. 1867, as may be amended, are not allowed as a principal use.
 - 3. Storage of all beverage containers shall be contained entirely within the building providing retail sales.

2. That Chapter 14 (Land Use), Art. III (Zoning), Division 12.6 (B-1, B-1b, Conditional Uses), Section 14-163 is hereby amended to read as follows:

Sec. 14-163. Conditional uses.

The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone, as provided in section 14-474 (conditional uses), if they meet the following requirements, provided that such use which generates in excess of **a ratio of 100 peak hour vehicle trips per 2000 s.f. of space, and generates in excess of 100 peak hour vehicle trips**, is prohibited. As set forth in the Technical and Design Standards and Guidelines, Section III, 6, the City Traffic Engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of **50 peak hour vehicle trips**.

- (a) Restaurants, provided they meet the following requirements:
 - 1. Maximum total floor area for use of the public shall be one thousand (1,000) square feet;

2. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. each day;
3. Food service and consumption are the primary function of the restaurant; and
4. There shall be no drive-through service.

BE IT FURTHER ORDERED, that the above text changes will have an effective date of October 16, 2006.