

Order 127-09/10

Given First Reading on 12/21/09

Public Hearing & Emergency Passage 1/4/10 7-0 (Donoghue out: Skolnik absent)

NICHOLAS M. MAVODONES (MAYOR)  
KEVIN J. DONOGHUE (1)  
DAVID A. MARSHALL (2)  
DANIEL S. SKOLNIK (3)  
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND**  
IN THE CITY COUNCIL

JOHN R. COYNE (5)  
JOHN M. ANTON (A/L)  
DORY RICHARDS WAXMAN (A/L)  
JILL C. DUSON (A/L)

**AMENDMENT TO PORTLAND CITY CODE**  
**CHAPTER 14. LAND USE**  
**ARTICLE III. ZONING**  
**RE: PLACES OF ASSEMBLY**

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

1. *That sections 14-47, 14-68, 14-70, 14-78, 14-80, 14-88, 14-90, 14-103, 14-105, 14-118, 14-120, 14-137, 14-139, 14-145.3, 14-145.5, 14-145.9, 14-145.11, 14-162, 14-182, 14-217, 14-224, 14-229.11, 14-230.1, 14-295 of the Portland City Code are hereby amended to read as follows:*

**Sec. 14-47. Definitions.**

The following words shall be defined as set forth below for use in this article. Definitions set forth in the building code of the city shall apply to words not herein defined:

*Collector or Arterial Road:* A roadway which is classified as a Collector or Minor, Principal or Other Arterial by the Federal Functional Road Classification for Portland, Maine, a map of which is on file with the Department of Planning & Urban Development.

*Community Hall:* A building or portion of an existing building built for institutional or other non-residential uses and used for social, recreational, artistic, civic, or educational community functions. Such a facility would be open to the public for such functions, which, for example, could include but not be limited to performances, dance, exhibitions, cultural exchange, training programs and workshops, neighborhood meetings or gatherings. As part of these functions and activities, it shall be permissible to serve food, subject to other applicable codes and ordinances.

*Place of Assembly:* A building or portion of a building used as a community hall, private and fraternal organization or place of religious assembly. This definition shall not include buildings or portions of buildings used as a community hall, private and fraternal organization or place of religious assembly where fifteen (15) or fewer people, not including the permanent residents of a single family dwelling, assemble.

*Place of Religious Assembly:* A building or portion of a building used for religious worship or instruction including, but not limited to, churches, synagogues, masjids, mosques and other places of worship.

*Private club or nonprofit social and recreational facility:* A private club, or nonprofit social and recreational facility, is open exclusively to members and to their bona fide guests accompanying them, in order to promote fellowship, social living, proper recreation, civic responsibility, neighborhood responsibility, community welfare or other endeavors. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facility are available and are provided within all regulations of this article and other applicable codes and ordinances.

#### **Sec. 14-68. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(b) *Institutional:* Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority:

1. Elementary, middle, and secondary school;
2. a. Long-term and extended care facilities;  
b. Intermediate care facility for thirteen (13) or more persons;

3. Places of Assembly;

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- a. In the case of expansion of existing such uses onto land other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and
- b. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
- c. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative; and
- d. In the case of Places of Assembly (including Places of Religious Assembly, Community Halls, Private Club or Fraternal Organizations) the proposed use shall be subject to the requirements of article V (site plan) of this chapter; and
- e. In the case of Community Halls:
  - i. The structure was in existence as of [date of enactment];
  - ii. The structure was built for institutional or other non-residential uses;

- iii. The structure is operated by, or operated subject to the control of, a not-for-profit entity in accordance with its not for profit purposes; and
  - iv. A parking management plan is submitted for review and approval by the Planning Board; and
- f. In the case of Private Club or Fraternal Organizations: Any such establishment serving alcoholic beverages or in possession of a license for serving alcoholic beverages shall be located on a large lot, as specified in the minimum lot size provisions of this Division.

**Sec. 14-70. Dimensional requirements.**

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-1 zone shall meet or exceed the following minimum requirements:

(a) *Minimum lot size:*

- 1. Residential: Fifteen thousand (15,000) square feet except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article. A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S.A. Section 4807, or the applicable zoning lot size, whichever is larger.
- 2. Long-term, extended, or intermediate care facility: Three (3) acres.
- 3. School: Two (2) acres.
- 4. Places of Assembly:

Large	Two (2) acres
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Medium	One (1) acre
Small	Half (1/2) acre

. . . .

(h) *Maximum Floor Area for Places of Assembly on a Collector or Arterial Road:*

Large	Not Limited
Medium	9,000 sq. ft.
Small	5,000 sq. ft.

(i) *Maximum Floor Area for Places of Assembly not on a Collector or Arterial Road:*

Large	9,000 sq. ft.
Medium	4,500 sq. ft.
Small	2,500 sq. ft.

**Sec. 14-78. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(b) *Institutional:* Any of the following conditional uses provided that, notwithstanding section 14-474 (conditional uses) of this article or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority:

1. Elementary, middle, and secondary school;
2.
  - a. Long-term and extended care facilities;
  - b. Intermediate care facility for thirteen (13) or more persons;
3. Places of Assembly;

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- a. In the case of expansion of existing such uses onto land other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and
- b. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
- c. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative; and
- d. In the case of Places of Assembly (including Places of Religious Assembly, Community Halls and Private Club or Fraternal Organizations) the proposed use shall be subject to the requirements of article V (site plan) of this chapter; and
- e. In the case of Community Halls:
  - i. The structure was in existence as of [date of enactment];
  - ii. The structure was built for institutional or other non-residential uses;
  - iii. The structure is operated by, or operated subject to the control of, a not-for-profit entity in accordance with its not for profit purposes; and

iv. A parking management plan is submitted for review and approval by the Planning Board; and

f. In the case of Private Club or Fraternal Organizations: Any such establishment serving alcoholic beverages or in possession of a license for serving alcoholic beverages shall be located on a large lot, as specified in the minimum lot size provisions of this section.

**Sec. 14-80. Dimensional requirements.**

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-2 zone shall meet or exceed the following minimum requirements:

(a) *Minimum lot size:*

1. Residential: Ten thousand (10,000) square feet except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article. A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S.A. Section 4807, or the applicable zoning lot size, whichever is larger.
2. Long-term, extended, or intermediate care facility: Three (3) acres.
3. School: Two (2) acres.
4. Places of Assembly:

Large	Two (2) acres
Medium	One (1) acre
Small	Half (1/2) acre

. . .

(h) *Maximum Floor Area for Places of Assembly on a Collector or Arterial Road:*

Large	Not Limited
Medium	9,000 sq. ft.
Small	5,000 sq. ft.

(i) *Maximum Floor Area for Places of Assembly not on a Collector or Arterial Road:*

Large	9,000 sq. ft.
Medium	4,500 sq. ft.
Small	2,500 sq. ft.

**Sec. 14-88. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(c) *Institutional:* Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority:

1. Elementary, middle, and secondary school;
2. a. Long-term and extended care facilities;  
b. Intermediate care facility for thirteen (13) or more persons;
3. Places of Assembly;

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- a. In the case of expansion of existing such uses onto land other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and
- b. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
- c. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative; and
- d. In the case of Places of Assembly (including Places of Religious Assembly, Community Halls and Private Club or Fraternal Organizations) the proposed use shall be subject to the requirements of article V (site plan) of this chapter; and
- e. In the case of Community Halls:
  - v. The structure was in existence as of [date of enactment];
  - vi. The structure was built for institutional or other non-residential uses;
  - vii. The structure is operated by, or operated subject to the control of, a not-for-profit entity in accordance with its not for profit purposes; and
  - viii. A parking management plan is submitted for review and approval by the Planning Board; and

- f. In the case of Private Club or Fraternal Organizations: Any such establishment serving alcoholic beverages or in possession of a license for serving alcoholic beverages shall be located on a large lot, as specified in the minimum lot size provisions of this section.

**Sec. 14-90. Dimensional requirements.**

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-3 zone shall meet or exceed the following minimum requirements:

(a) *Minimum lot size:*

1. Residential: Sixty-five hundred (6,500) square feet except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article. A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S.A. Section 4807, or the applicable zoning lot size, whichever is larger.
2. Alteration of a detached single-family dwelling to a two-family dwelling: Ten thousand (10,000) square feet.
3. Long-term, extended, or intermediate care facility: Three (3) acres.
4. School: Two (2) acres.
5. Places of Assembly:

Large	Two (2) acres
Medium	One (1) acre
Small	Half (1/2) acre

. . .

(p) *Maximum Floor Area for Places of Assembly on a Collector or Arterial Road:*

Large	Not Limited
Medium	9,000 sq. ft.
Small	5,000 sq. ft.

(q) *Maximum Floor Area for Places of Assembly not on a Collector or Arterial Road:*

Large	9,000 sq. ft.
Medium	4,500 sq. ft.
Small	2,500 sq. ft.

**Sec. 14-103. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(b) *Institutional:* Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority:

2. Elementary, middle, and secondary school;

2. Places of Assembly;

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

a. In the case of expansion of existing such uses onto land other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be

accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and

- b. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
- c. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative; and
- d. In the case of Places of Assembly (including Places of Religious Assembly, Community Halls and Private Club or Fraternal Organizations) the proposed use shall be subject to the requirements of article V (site plan) of this chapter; and
- e. Community Halls:
  - i. The structure was in existence as of [date of enactment];
  - ii. The structure was built for institutional or other non-residential uses;
  - iii. The structure is operated by, or operated subject to the control of, a not-for-profit entity in accordance with its not for profit purposes; and
  - iv. A parking management plan is submitted for review and approval by the Planning Board; and
- f. Private Club or Fraternal Organizations: Any such establishment serving alcoholic beverages or in possession of a license for serving alcoholic beverages shall be located on a large lot, as specified in the

minimum lot size provisions of this section.

**Sec. 14-105. Dimensional requirements.**

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-4 zone shall meet or exceed the following minimum requirements:

(a) *Minimum lot size:*

1. Residential: Six thousand (6,000) square feet except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.
2. Multiplex: Nine thousand (9,000) square feet.
3. School: Thirty thousand (30,000) square feet.
3. Places of Assembly:

Large	30,000 sq. ft.
Medium	15,000 sq. ft.
Small	7,500 sq. ft.

. . . .

(h) *Maximum Floor Area for Places of Assembly on a Collector or Arterial Road:*

Large	Not Limited
Medium	4,500 sq. ft.
Small	2,250 sq. ft.

(i) *Maximum Floor Area for Places of Assembly not on a Collector or Arterial Road:*

Large	4,500 sq. ft.
Medium	2,250 sq. ft.

Small	1,125 sq. ft.
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**Sec. 14-118. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(b) *Institutional*: Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority:

1. Elementary, middle, and secondary school;
2. a. Long-term and extended care facilities;  
b. Intermediate care facility for thirteen (13) or more persons;
3. Places of Assembly;

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- a. In the case of expansion of existing such uses onto land other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and
- b. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and

- c. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative; and
- d. In the case of Places of Assembly (including Places of Religious Assembly, Community Halls and Private Club or Fraternal Organizations) the proposed use shall be subject to the requirements of article V (site plan) of this chapter; and
- e. In the case of Community Halls:
  - v. The structure was in existence as of [date of enactment];
  - vi. The structure was built for institutional or other non-residential uses;
  - vii. The structure is operated by, or operated subject to the control of, a not-for-profit entity in accordance with its not for profit purposes; and
  - viii. A parking management plan is submitted for review and approval by the Planning Board; and
- f. In the case of Private Club or Fraternal Organizations: Any such establishment serving alcoholic beverages or in possession of a license for serving alcoholic beverages shall be located on a large lot, as specified in the minimum lot size provisions of this section.

**Sec. 14-120. Dimensional requirements.**

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-5 zone shall meet or exceed the following minimum requirements:

- (a) *Minimum lot size:*

1. Residential: Six thousand (6,000) square feet except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article. A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S.A. section 4807, or the applicable zoning lot size, whichever is larger.
2. Reserved.
3. Long-term, extended, or intermediate care facility: Two (2) acres.
4. School: Thirty thousand (30,000) square feet.
5. Places of Assembly:

Large	43,560 sq. ft.
Medium	21,780 sq. ft.
Small	10,890 sq. ft.

. . . .

- (o) *Maximum Floor Area for Places of Assembly on a Collector or Arterial Road:*

Large	Not Limited
Medium	4,500 sq. ft.
Small	2,250 sq. ft.

- (p) *Maximum Floor Area for Places of Assembly not on a Collector or Arterial Road:*

Large	4,500 sq. ft.
Medium	2,250 sq. ft.
Small	1,125 sq. ft.

**Sec. 14-137. Conditional uses.**

The following uses shall be permitted only upon the issuance of a conditional use permit, subject to the

provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(b) *Institutional*: Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority:

1. Elementary, middle, and secondary school;
2. a. Long-term and extended care facilities;  
b. Intermediate care facility for thirteen (13) or more persons;
3. Intermediate care facility;
4. Places of Assembly;

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- a. In the case of expansion of existing such uses onto land other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and
- b. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
- c. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable

minimum lot sizes shall be cumulative;  
and

- d. In the case of Places of Assembly (including Places of Religious Assembly, Community Halls and Private Club or Fraternal Organizations), the proposed use shall be subject to the requirements of article V (site plan) of this chapter; and
- e. In the case of Community Halls:
  - ix. The structure was in existence as of [date of enactment];
  - x. The structure was built for institutional or other non-residential uses;
  - xi. The structure is operated by, or operated subject to the control of, a not-for-profit entity in accordance with its not for profit purposes; and
  - xii. A parking management plan is submitted for review and approval by the Planning Board; and
- f. In the case of Private Club or Fraternal Organizations: Any such establishment serving alcoholic beverages or in possession of a license for serving alcoholic beverages shall be located on a large lot, as specified in the minimum lot size provisions of this section.

**Sec. 14-139. Dimensional requirements.**

(1) In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-6 zone shall meet or exceed the following minimum requirements:

- (a) *Minimum lot size:*

1. Residential: Forty-five hundred (4,500) square feet, except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.
2. Reserved.
3. Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.
4. Intermediate care facility: One (1) acre.
5. School: Thirty thousand (30,000) square feet.
6. Places of Assembly:

Large	30,000 sq. ft.
Medium	15,000 sq. ft.
Small	7,500 sq. ft.

7. Municipal use: Forty-five hundred (4,500) square feet.
8. Hospital: Two (2) acres.
9. All other uses: Forty-five hundred (4,500) square feet.
10. Lodging house: Four thousand five hundred (4,500) square feet.

. . . .

(k) *Maximum Floor Area for Places of Assembly on a Collector or Arterial Road:*

Large	Not Limited
Medium	4,500 sq. ft.
Small	2,250 sq. ft.

- (1) *Maximum Floor Area for Places of Assembly not on a Collector or Arterial Road:*

Large	4,500 sq. ft
Medium	2,250 sq. ft.
Small	1,125 sq. ft.

**14-145.3. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

- (b) *Institutional:* Any of the following uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority:

1. Schools and other educational facilities including seasonal camps other than campgrounds;
2. Places of Assembly, excluding yacht clubs and marinas;
3. Municipal uses, provided that outside storage and parking areas are suitably screened and landscaped to ensure compatibility with the surrounding neighborhood;

Such uses shall be subject to the following standards if the total land area is two (2) acres or more:

- a. In the case of expansion of existing such uses onto land other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause

significant physical encroachment into established residential area;

- b. The proposed use will not cause significant displacement or conversion of residential uses existing as of July 15, 1985, or thereafter; and
- c. In the case of a use or use expansion which constitutes a combination of the above listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative.
- d. In the case of Places of Assembly (including Places of Religious Assembly, Community Halls and Private Club or Fraternal Organizations) the proposed use shall be subject to the requirements of article V (site plan) of this chapter; and
- e. In the case of Community Halls:
  - xiii. The structure was in existence as of [date of enactment];
  - xiv. The structure was built for institutional or other non-residential uses;
  - xv. The structure is operated by, or operated subject to the control of, a not-for-profit entity in accordance with its not for profit purposes; and
  - xvi. A parking management plan is submitted for review and approval by the Planning Board; and
- f. In the case of Private Club or Fraternal Organizations: Any such establishment serving alcoholic beverages or in possession of a license for serving alcoholic beverages shall be located on a large lot, as specified in the minimum lot size provisions of this section.

**Sec. 14-145.5. Dimensional requirements.**

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the IR-1 zone shall meet the following minimum requirements:

(a) *Minimum lot size*

1. Residential: Forty thousand (40,000) square feet for lots with public water; sixty thousand (60,000) square feet for lots without public water; except as provided in section 14-433 (lots of record and accessory structure setbacks for existing buildings) and section 14-145.3(a)1 of this article.
2. Schools and other educational facilities: Forty thousand (40,000) square feet.
3. Places of Assembly
 

Large	30,000 sq. ft.
Medium	15,000 sq. ft.
Small	7,500 sq. ft.
4. Seasonal camps and campgrounds: Ten (10) acres.
5. Animal raising: Three (3) acres. . . .

. . . .

(g) *Maximum Floor Area for Places of Assembly on a Collector or Arterial Road:*

Large	Not Limited
Medium	4,500 sq. ft.
Small	2,250 sq. ft.

(h) *Maximum Floor Area for Places of Assembly not on a Collector or Arterial Road:*

Large	4,500 sq. ft.
Medium	2,250 sq. ft.
Small	1,125 sq. ft.

#### **14-145.9. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(b) *Institutional*: Any of the following uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority:

1. Schools and other educational facilities;
2. Places of Assembly, excluding yacht clubs and marinas;
3. Municipal uses, provided that outside storage and parking areas are suitably screened and landscaped to ensure compatibility with the surrounding neighborhood;

Such uses shall be subject to the following standards if the total land area of the use is two (2) acres or more:

- a. In the case of expansion of existing such uses onto land other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential area;
- b. The proposed use will not cause significant displacement or conversion of residential uses existing as of July 15, 1985, or thereafter; and

- c. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative.
- d. In the case of Places of Assembly (including Places of Religious Assembly, Community Halls and Private Club or Fraternal Organizations) the proposed use shall be subject to the requirements of article V (site plan) of this chapter; and
- e. In the case of Community Halls:
  - xvii. The structure was in existence as of [date of enactment];
  - xviii. The structure was built for institutional or other non-residential uses;
  - xix. The structure is operated by, or operated subject to the control of, a not-for-profit entity in accordance with its not for profit purposes; and
  - xx. A parking management plan is submitted for review and approval by the Planning Board; and
- f. In the case of Private Club or Fraternal Organizations: Any such establishment serving alcoholic beverages or in possession of a license for serving alcoholic beverages shall be located on a large lot, as specified in the minimum lot size provisions of this section.

**14-145.11. Dimensional requirements.**

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in an IR-2 zone shall meet the following minimum requirements:

- (a) *Minimum lot size:*

1. Residential: Twenty thousand (20,000) square feet, except as provided in section 14-433 (lots of record and accessory structure setbacks for existing buildings) and section 14-145.9(a)1 of this article.
2. Schools and other educational facilities: Twenty thousand (20,000) square feet.
3. Places of Assembly

Large	30,000 sq. ft.
Medium	15,000 sq. ft.
Small	7,500 sq. ft.

5. Lodging houses: Thirty thousand (30,000) square feet for three (3) lodging rooms, plus ten thousand (10,000) square feet for each additional lodging room in excess of three (3).

. . . .

- (g) *Maximum Floor Area for Places of Assembly on a Collector or Arterial Road:*

Large	Not Limited
Medium	4,500 sq. ft.
Small	2,250 sq. ft.

- (h) *Maximum Floor Area for Places of Assembly not on a Collector or Arterial Road:*

Large	4,500 sq. ft.
Medium	2,250 sq. ft.
Small	1,125 sq. ft.

**14-162. Permitted uses.**

- (3) *Institutional:*
  - a. Places of Religious Assembly;
  - b. Municipal offices;
  - c. Elementary, middle and secondary schools;

- d. Nursery schools and kindergarten;
- e. Clinics of less than three thousand (3,000) square feet of total floor space.

**14-182. Permitted Uses.**

(c) *Institutional:*

1. Private club or fraternal organization;
2. Long term, extended and intermediate care facility;
3. Clinics, as defined in section 14-47;
4. Places of Religious Assembly;
5. Kindergarten, elementary, middle and secondary schools;
6. College, university, trade schools; and
7. Municipal buildings and uses.

**14-217. Permitted Uses.**

(3) *Institutions*

- a. Museums;
- b. Public or private schools of any type;
- c. Clinics;
- d. Places of Religious Assembly;
- e. Private club or fraternal organization;
- f. College, university, trade school;
- g. Nursery schools, kindergartens, and day care facilities or home babysitting services.
- h. Governmental offices. As used in this section, governmental office means a place of business of a federal, state, count or

municipal governmental entity where professional or clerical duties are performed, including but not limited to back office uses as defined in Section 14-47 and judicial functions.

**14.224. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(g) Places of Religious Assembly;

**14-229.11. Permitted Uses.**

(b) Institutional:

3. Places of Religious Assembly.

**14.230.1. Permitted uses.**

The following uses are permitted in the B-5 and B-5b urban commercial mixed use zones:

(f) *Institutional*:

3. Places of Religious Assembly;

**14-295. Permitted uses.**

(d) *Institutional*:

3. Places of Religious Assembly;

**BE IT FURTHER ORDERED**, that section 14-332 of Chapter 14, Division 20, Off-Street Parking, also be amended to read as follows:

**Sec. 14-332. Uses requiring off-street parking.**

In all zones where off-street parking is required, the following minimum off-street parking requirements shall be provided and maintained in the case of new construction,

alterations which increase the number of units, and changes of use:

- (k) *Places of Assembly (which includes private club and fraternal halls, places of religious assembly, and community halls):* One (1) parking space for each one hundred and twenty five (125) square feet, or major fraction thereof, of floor area used for assembly area not including bathrooms, bulk storage, stairways, closets or other non-assembly areas.