

Order 281-10/11

Given first reading on 6/20/11

Public Hearing and Passage 7/18/11 (6-2) (Waxman, Coyne) (Leeman absent)

NICHOLAS M. MAVODONES (MAYOR)
KEVIN J. DONOGHUE (1)
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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: B-1 ZONE

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

1. *That sections 14-161 and 14-165 of the Portland City Code are hereby amended to read as follows:*

Sec. 14-161. Purpose.

(a) B-1 Neighborhood Business Zone

The purpose of the B-1 neighborhood business zone is to provide limited areas for the location of small-scale commercial establishments intended to serve a local market. As a result, uses shall be complementary, quiet and generally do not disturb the comfort and enjoyment of the adjoining neighborhood environment. Uses shall be designed for the pedestrian scale and will provide convenient access for nearby residents and workers to walk in to purchase goods and services. Buildings and uses shall be designed with attractive storefronts or similar features, with windows and doors convenient to a public sidewalk. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3). This zone shall encourage mixed use buildings such as commercial first floor with residential uses above or combined retail/office uses in a multistory structure. The zone also provides the opportunity for mixed use and high residential density in on-peninsula locations.

Suitable locations for this zone may include street intersections and arterial streets with existing or proposed traditional neighborhood retail and service uses.

(b) B-1b Neighborhood Business Zone

The purpose of the B-1b neighborhood business zone is to provide appropriate opportunities for the establishment of small-scale ground floor commercial uses in existing buildings, serving a local market, while preserving residential uses and character above the ground floor of structures. The zone also provides the opportunity for mixed use and high residential density in on-peninsula locations. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3).

Suitable locations for this zone may include street intersections, arterial streets, and sites with existing or traditional neighborhood retail and service uses.

Sec. 14-165. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, residential uses permitted under section 14-162(a) shall meet the requirements of such abutting or nearest residential zone except as noted ~~below,~~ in sec.14-165(h) (minimum lot area per dwelling unit). Residential uses in on-peninsula locations, as defined in section 14-47, and nonresidential uses in the B-1 and B1-b zone shall meet the following minimum requirements:

(a) *Minimum lot size:*

1. School: Twenty thousand (20,000) square feet.
2. Places of religious assembly ~~Church or place of worship~~: Ten thousand (10,000) square feet.
3. All other nonresidential uses: None.
4. Residential uses: None. ~~Multi-family dwellings above the first floor: 1,000 square feet of land area per dwelling unit.~~

. . .

(e) *Maximum structure height:*

1. Off-peninsula locations, as defined in section 14-47: Thirty-five (35) feet. Where

the lot abuts an R-6 residential zone, the maximum height shall be the maximum permitted height in the R-6 residential zone.

2. On-peninsula locations, as defined in section 14-47: Forty-five(45) feet.

. . . .

(h) Minimum lot area per dwelling unit:

1. On-peninsula locations, as defined in section 14-47: Four hundred and thirty-five (435) square feet of land area per dwelling unit.
2. Off-peninsula locations, as defined in section 14-47: Minimum lot area per dwelling unit requirements of the abutting or nearest residential zone shall apply. In the case of multi-family dwellings above the first floor: 1,000 square feet of land area per dwelling unit.