

Order 131-11/2
Given first reading on 3/5/12
Passage 8-0 (Anton out) 3/19/12

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (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 14-78 and 14-80 of the Portland City Code are hereby amended to read as follows:*

Sec. 14-78. Conditional use.

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:*

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;
4. College, university, trade school;

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

- a. Any new institutional use shall demonstrate that it has a lot size of sufficient area to accommodate all proposed and foreseeable future activities and

programs, including parking, and to absorb the impacts and growth needs of the institution. Such new use established after [effective date] shall not be eligible for expansion under the provisions of paragraph b below;

ab. 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; and

| bc. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and

| ed. 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

| de. Article V (site plan) sections 14-522 and 14-523 notwithstanding, in the case of places of assembly (including places of religious assembly, community halls and private club or fraternal organizations) and college, university, trade school, the proposed use shall be subject to the requirements of article V (site plan) of this chapter; and

. . . .

Sec. 14-80. Dimensional requirements.

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

(a) *Minimum lot size:*

. . . .

6. College, university, trade school: Two (2) acres. ~~All other uses: Ten Thousand (10,000) square feet.~~

7. All other uses: Ten Thousand (10,000) square feet.

Provided that for uses specified in section 14-80(a) 2 through ~~6~~ 7 above, no minimum lot area shall be required in the following cases:

. . . .

(h) ~~Maximum floor area for places of assembly on a collector or arterial road:~~

1. Places of public assembly:

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

2. College, university, trade school:

Lot area of 6 acres or larger:

24,000 sq. ft.

Lot area of 4 acres to 5.99 acres:

18,000 sq. ft.

Lot area of 2 acres to 3.99 acres:

12,000 sq. ft.

(i) ~~Maximum floor area for places of assembly not on a collector or arterial road:~~

1. Places of public assembly:

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

2. College university, trade school:

Not a permitted use.

. . . .