

Order 41-12/13
Given first reading on 8/6/12
Passage: 7-0 9/5/12 (Duson and Leeman absent)

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
DIVISION 10. B-2 and B-2b COMMUNITY BUSINESS ZONES**

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

1. That sections 14-182 and 14-185 of the Portland City Code are hereby amended to read as follows:

Sec. 14-182. Permitted uses.

The following uses are permitted in the B-2, B-2b and B-2c zones except that any use involving a drive-through is prohibited in these zones unless otherwise provided in section 14-183:

(a) Residential:

. . . .

2. Multi-family dwellings are permitted when the nearest residential zone ~~abutting the lot~~ is R-4, R-5, R-6 or R-7. Multi-family dwellings are permitted in any structure with commercial uses in the first floor regardless of the nearest ~~abutting~~ residential zone;

. . . .

Sec. 14-185. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, residential uses as permitted under sections 14-182(a) and (b) and newly constructed buildings with residential and non-residential uses shall meet the following requirements:

(a) Residential uses:

. . .

3. Minimum yard dimensions:

. . .

- c. Side yard: Five (5) feet, except where the lot abuts a residential zone, where ~~twenty (20)~~ten (10) feet is required.
 - i. Accessory structures: Five (5) feet.
 - ii. In cases where the height of a new building exceeds forty-five (45) feet adjacent to a residential zone, the portion of the building exceeding forty-five (45) feet shall have a minimum stepback of fifteen (15) feet; provided however that this provision does not apply to buildings located within sixty-five (65) feet of Franklin Street; .
- d. Side yard or rear yard on a ~~side~~ street: None.

. . .

6. Maximum structure height:

- a. B-2 and B-2c zones: Forty-five (45) feet.
- b. B-2b zone: Forty-five (45) feet, except in the case of a building with a commercial first floor and residential upper floors, where fifty (50) feet is allowed, and except for the portion of a building located within sixty-five (65) feet of Franklin Street, where sixty-five (65) feet is allowed.

. . .

2. BE IT FURTHER ORDERED that the zoning map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect the R-6 to B-2b zone change for the properties specifically identified/highlighted on the map attached hereto as Exhibit A.