

Order 170-17/18

Motion to waive second reading: 7-0 (Strimling, Batson absent) on 3/5/2018

Passage as an Emergency: 7-0 (Strimling, Batson absent) on 3/5/2018 Effective 3/5/2018

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BELINDA S. RAY (1)
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CITY OF PORTLAND
IN THE CITY COUNCIL

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AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14

Re: B-1 AND B-1b NEIGHBORHOOD BUSINESS ZONES

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

*That Chapter 14, Sections 14-161, 14-162 and 14-165 are
hereby amended as follows:*

Sec. 14-161. Purpose.

(a) B-1 Neighborhood Business Zone

...

(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 to serve a local market, while supporting mixed-use buildings with residential uses above ground floor commercial space and on the ground floor where the principal street frontage is maintained for active commercial uses.~~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. 14-162. 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:

1. *Residential*

a. Any residential use permitted in the residential zone abutting the lot is permitted. If there is no abutting residential zone, any residential use permitted in the nearest residential zone to the lot is permitted. In the case of two (2) or more abutting residential zones, any residential use permitted in the most restrictive such zone is permitted.

b. In any structure with commercial use on the first floor, multifamily dwellings are permitted:—above the first floor,

i. Above the first floor; and

i-ii. On the first floor where a minimum building depth of 25 feet along the principal street frontage is maintained for commercial uses.

b-c. Combined living/working spaces including, but not limited to, artist residences with studio space are permitted on the first floor and within the commercial space along the principal street frontage.

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5. Uses permitted above the ground floor level of buildings in the B-1b zone:

a. Any residential use set forth in section 14-162(a) (1);

...

Sec. 14-165. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, residential uses in off-peninsula locations, permitted under section 14-162(a) (1) (a), shall meet the requirements of such abutting or nearest residential zone. —except minimum lot area per dwelling

unit. Residential uses in on-peninsula locations, as defined in Section 14-47, residential uses in mixed-use buildings in off-peninsula locations, as defined in Section 14-47 and nonresidential uses in the B-1 and B1-b zones shall meet the following minimum requirements:

Min. Lot Size	School: 20,000 SF Place of Assembly: 10,000 SF Other Non-Res Uses: None Residential: None
Min. Lot Area per D.U.	On-peninsula: 435 SF Off-peninsula: min. lot area of nearest residential zone, except 1,000 SF <u>in a mixed-use building. for multifamily dwellings above first floor.</u>
Min. Street Frontage	20 ft.
Min. Lot Width	None
Min. Front Yard	None
Max. Front yard	10 ft., or the maximum front yard setback shall not exceed the average depth of nearest developed lots if that average depth is less than 10 ft.
Min. Rear Yard	Principal: None, except 10 ft. if abutting a residential zone. Accessory: None, except 5 ft. if abutting a residential zone
Min. Side Yard	Principal: None, except 5 ft. if abutting residential zone. Accessory: None, except 5 ft. if abutting a residential zone
Max. Side Yard on Side Street	10 ft., except that this requirement applies to only one side street in cases where a lot has more than one side street
Structure Stepbacks	Portions of a structure above 35 ft shall be no closer than 10 ft from the side property line and no closer than 15 feet from the rear property line when such property line abuts a residential zone.
Max. Structure Height¹	Off- peninsula: 35 ft., except where abutting R-6, where max. height shall be the max. height of R-6. ² On-peninsula: 45 ft. except 50 ft. along Congress Street if commercial first floor & residential upper floors.

Max. Floor Area	<p>Total maximum first floor area for non-residential uses per structure: 10,000 SF³</p> <p>Total maximum floor area per retail establishment: 5,000 SF</p>
Max. Impervious Surface	90%

1. *The commercial first floor uses shall utilize at least 75 percent of the first floor frontage along Congress Street and shall have an average depth of at least 20 feet.*
2. *Except when B-1 properties abut an R-6A zone, the maximum height shall be 45 feet.*
3. *Structures which existed prior to date of enactment of the B-1/B-1b zones are exempt.*