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**CITY OF PORTLAND
IN THE CITY COUNCIL**

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**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14. LAND USE, ARTICLE III. ZONING.
SECTIONS 14-182, 14-295 and 14-296
Re: Commercial Kitchens and Small Gravel Lots**

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

*That Chapter 14, Article III, Sections 14-182, 14-295 and
14-296 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:*

1. Attached single-family and two-family dwellings;
2. Multi-family dwellings;
3. Handicapped family units;
4. Combined living/working spaces including, but not
limited to, artist residences with studio space;
and

(b) *Business:*

1. General, business and professional offices, as
defined in section 14-47;

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19. Registered medical marijuana dispensaries.

20. Commercial kitchens provided the commercial kitchen includes retail sales or a tasting room within the principal structure. Commercial kitchens in the B-2b shall be no greater than 7,000 square feet in floor area.

(c) *Institutional:*

1. Long term, extended and intermediate care facility;

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Sec. 14-295. Permitted uses.

The following uses are permitted in the B-7 zone:

(a) *Commercial:*

1. Professional, business, and general offices:
2. Restaurants and other eating and drinking establishments;

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24. Surface parking existing as of March 9, 2005 and in continuous existence thereafter, including the reorganization of parking spaces and maneuvering aisles. This section shall apply to surface parking accessory to a principle use and a parking lot as a principal use. Existing surface parking that does not comply with the standards of sec. 14-299 (f) may continue, provided that any modifications to the site layout, development constituting a site plan, or building renovations exceeding a value of thirty (30) percent of the assessed value of the building on file at the City of Portland Assessor's Office, shall require the parking to be upgraded to meet the standards of sec. 14-299 (f) to the extent practicable.

25. Surface parking created after March 9, 2005, provided that the spaces (and newly created maneuvering aisles) are thirty-five (35) feet or greater from a street and further that the

standards below (a to c) are also met. This section shall apply to surface parking accessory to a principal use or a parking lot as principle use. The thirty-five (35) foot setback need not apply in the case of a property in which eighty (80%) of the property frontage has a building within ten (10) feet of the property frontage and or a driveway located perpendicular to the site. The parking area shall meet the standards of sec. 14-299 (f).

- a. No surface parking shall be encumbered by lease or other use commitment to an off-site use exceeding twenty-four month term; and
- b. For surface parking areas of twenty-thousand (20,000) square feet or greater in area, lease or other use agreements for surface parking shall not preclude the relocation of such parking for more than twenty-four (24) month terms; and
- c. Any such parking shall in its lease stipulate that developer/owner reserves the right to relocate said parking or convert surface parking to structured parking as long as the replacement parking is located a reasonable distance from the associated use.

(26) Notwithstanding Sec. 14-295(a) (24) and (25) above, surface parking that does not meet the 35-foot parking setback, provided that:

- a. All or a portion of the 35 foot setback area had a gravel surface on September 29, 2015.
- b. The total gravel surface area on the lot and any contiguous lots did not exceed 15,000 square feet on September 29, 2015.
- c. The parking spaces provide parking to a principle building on the same lot and or a principle building on a contiguous lot.
- d. One of the buildings described in paragraph c above meets the minimum height

requirements of the Bayside Height Overlay Map and/or a building on the site has a floor area of 25,000 SF or greater

e. The total number of spaces within 35 foot setback in combination with other spaces on the lot does not exceed the minimum parking spaces required in sec. 14-526 (a) (4) (a) (1).

f. The proposed parking spaces meets the landscape and buffer requirements of 14-299 (F).

g. Parking spaces within the 35 foot setback shall provide stormwater quality treatment if required by the City of Portland Stormwater Management Standards and the Maine DEP Chapter 500 Stormwater Management Standards. If not required, an alternative low impact development treatment system approved by the Planning Board shall be provided.

(27) Bakeries, coffee roasters and commercial kitchens provided such uses include retail sales or a tasting room within the principle building.

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Sec. 14-296. Conditional uses.

(a) The following uses shall be permitted as conditional uses in the B-7 zone as provided in section 14-474 (conditional uses), provided that, notwithstanding section 14-474 (a) or any other provision of this code, the planning board shall be substituted for the board of appeals as the reviewing authority:

1. *Commercial use:*

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2. *Industrial uses:*

- a. High technology manufacturing of biotechnology, pharmaceutical, and nanotechnology products, including accessory warehousing, provided that:
 - i. A minimum of one-third of the total square footage devoted to manufacturing is conducted in a laboratory environment, in a controlled environment with specialized air handling systems that exceed levels for pressurization and filtration found in office environments and traditional manufacturing facilities; and
 - ii. Rooftop equipment shall be integrated into the overall building design and shall be screened as necessary; and
 - iii. Where warehousing cannot be located on the same lot because the land area is too small to accommodate the warehousing on the same lot, one remote warehouse may be located within six-hundred (600) feet of the principle use referenced above.
- b. Breweries including associated bottling activities;
- c. ~~Bakeries, coffee roasters, and commercial kitchens having no retail sales within the principal structure;~~

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