

Order 146-20/21

Passage: 8-0 (Fournier absent) on 1/4/2021

Effective 2/3/2021

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

AMENDMENT TO PORTLAND CITY CODE CHAPTER 14
RE: CONGREGATE CARE IN B-3 ZONE

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

That Chapter 14, Article 3 - Definitions, and Article 6 - Uses, Table 6-C, are hereby amended to read as follows, on the following pages:



subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

Commercial vessel. Any watercraft used principally in a business or trade, including common carriers of passenger or freight, whether for governmental, nonprofit, or emergency purposes, but not including pleasure craft used principally for recreational purposes.

Common areas. Portions of a lodging house which are available for use by all residents of the lodging house. Common areas shall include, but are not limited to, one or more of the following: kitchens, living rooms, recreation rooms, improved basements, and finished porches. Bathrooms, stairways, hallways, and storage areas shall not be counted as common areas.

Communication studio. A commercial or public communication facility, including radio and television broadcasting and receiving stations and studios.

Community hall. A building or portion of a building used for social, recreational, artistic, civic, or educational community functions. Such a facility would be open to the public for such functions, which, for example, could include but not be limited to performances, dance, exhibitions, cultural exchange, training programs and workshops, neighborhood meetings, or gatherings. As part of these functions and activities, it shall be permissible to serve food, subject to other applicable codes and ordinances.

Condominium. Any interest in real estate created pursuant to the Unit Ownership Act, 33 M.R.S. § 560 et seq., or its equivalent, as it may from time to time be amended.

Congregate care facility. A residential development ~~which provides intended to facilitate aging in place that includes~~ individual ~~living or~~ dwelling units with support services which provide assistance to residents. ~~The population of a congregate care facility shall consist of persons 55 years of age or older and their spouses. A congregate care facility may also accommodate the needs of persons with disabilities and their spouses that are younger than 55 years of age, provided the majority of the residents are 55 years of age or older.~~ Services to be provided shall include the following:

- A. Transportation for essential support activities: ~~This service shall be included in the base rent;~~
 - B. Provision of at least one meal per day;
 - C. Programmed social activities which are facilitated by staff. ~~This service shall be included in the base rent;~~
 - D. Provision of personal care services including, but not limited to, housekeeping, laundry, and minimal health monitoring; ~~and~~
 - E. Installation of emergency call buttons or systems in each ~~congregate care living~~ unit.
- ~~The population of a congregate care facility shall consist of persons 55 years of age or older and their spouses and/or disabled persons and their spouses.~~

Correctional pre-release facility. A facility housing up to 12 persons, plus staff, serving a primary clientele of persons in correctional pre-release programs.

TABLE 6-C: PERMITTED AND CONDITIONAL USES IN MIXED-USE ZONES

		B-1/B-1b	B-2/B-2b/B-2c	B-3/B-3-b/B-3c ¹¹	B-4	B-5/B-5b	B-6	B-7	Use Standards
Residential	Single-family dwellings	●	●	●		●	●	●	
	Two-family dwellings	●	●	●		●	●	●	
	Multi-family dwellings	● ¹	●	●		●	●	●	
	Handicapped family units			●		●	●	●	
	Combined living/working spaces	●	●	●		●	●	●	
	<u>Congregate care facilities</u>			●					
	Lodging houses	● ²	●	●	●	●		●	6.4.9
	Clinics	● ²	●	●		●		●	
	Cultural facilities			●		●	●	●	
	Elementary, middle, and secondary schools	● ²	●	●		●	●	●	
Institutional	Emergency shelters			○	○	○			6.5.6(B)
	Governmental uses	● ²	●	●	●	●		●	
	Intermediate care facilities		●	●					
	Long-term and extended care facilities		●						
	Places of assembly (< 10,000 SF)	● ²	●	●	●	●	●	●	
	Places of assembly (> 10,000 SF)		●	●	●	●	●	●	
	Preschool facilities	● ²	●	●	●	●	●	●	
	Post-secondary schools		●	●	●	●	●	●	
	Adult business establishments		● ³	● ³					6.4.2
	Auto, boat, and related dealerships		○		●				6.5.6(A)
	Auto service stations		○ ⁴		●	●			6.5.6(A)
	Bars		● ⁵	● ⁵	●	●	●	●	6.4.3
	Bed and breakfasts	●	●	●				●	6.4.4
	Exhibition, meeting, and convention halls			●		●	○	●	
	Funeral homes		●		●				
	General offices (<5,000 SF)	● ²	●	●	●	●	●	●	6.4.6
	General offices (>5,000 SF)		●	●	●	●	●	●	
	General services (<5,000 SF)	● ²	●	●	●	●	●	●	6.4.6
	General services (>5,000 SF)		●	●	●	●	●	●	
Hostels	●		●		●		●	6.4.6, 6.4.8	
Hotels		●	●	●	●	● ¹³	●		
Marijuana retail store		●/○ ⁶	●	●			●	6.4.10	
Recreation and amusement centers				●	●		●		
Registered marijuana dispensary		●/○ ⁶	●	●			●	6.4.10	
Restaurants	● ²	●	●	●	●	●	●	6.4.3, 6.4.6	
Retail (< 5,000 SF)	● ²	●	●	●	●	●	●	6.4.6, 6.4.15	
Retail (5,000 – 25,000 SF)		●	●	●	●	●	●	6.4.15	