

City of Portland, Maine
IN THE CITY COUNCIL

AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14, ARTICLE III (ZONING)
Section 14-229.11 - B4 Permitted Uses
and Section 14-47 - Definitions

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

1. That Chapter 14, DIVISION 12.5. B-4 COMMERCIAL CORRIDOR ZONE, Section 14-229.11 Permitted Uses is hereby amended to read as follows:

Sec. 14-229.11. Permitted uses.

The following uses are permitted in the B-4 zone:

(1) Business:

- a. General, business and professional offices, as defined in section 14-47;
- b. Personal services, as defined in section 14-47;
- c. Offices of building tradesmen;
- d. Retail establishments;
- e. Restaurants;
- f. Drinking establishments;
- g. Billiard parlors;
- h. Major and minor gasoline service stations, as defined in section 14-47;
- i. Mortuaries or funeral homes;
- j. Miscellaneous repair services;
- k. Health clubs and gymnasiums;
- l. Hotels and motels;

- m. New and used car dealerships;
- n. Facilities for the maintenance and repair of automobiles, provided all repairs are performed in a fully enclosed structure;
- o. Car washes;
- p. Lumber and building materials dealers;
- q. Communications studios and broadcast receiving facilities;
- r. Veterinary hospitals but excluding outdoor kennels;
- s. Auto body repair and paint shops provided all repairs are performed in fully enclosed structures;
- t. Boat, trailer or recreational vehicle sales and service;
- u. Theaters, entertainment and recreation services;
- v. Self-storage facility.

2. That Chapter 14, Article III ZONING, Section 14-47 Definitions of the Portland City Code shall include the following:

Sec. 14-47. Definitions.

Self-storage facility: Fully enclosed buildings with individual, secured units (accessed with or without supervision) used for the exclusive purpose of storage of non-hazardous business or personal materials.

**B-4 TEXT AMENDMENT
TO ALLOW SELF STORAGE UNITS
RAIA GENERAL PARTNERSHIP, APPLICANT**

Submitted to:

Portland Planning Board
Portland, Maine

September 14, 1999

I. INTRODUCTION

The Raia General Partnership has requested review by the Planning Board for a proposed text amendment to allow mini-self-storage as a permitted use in the B-4 Business zone. The applicant proposes to construct a self-storage unit at 76-86 Warren Avenue, which is currently zoned B-4.

II. HISTORY

On November 19, 1996, the Planning Authority granted minor site plan approval for three storage buildings at 76-86 Warren Avenue. At the time, both sides of Warren Avenue were zoned I-1 Industrial, a zone which did not expressly prohibit mini-self-storage units.

The three 3,000-square foot storage buildings were not constructed, and the building permit and associated approvals lapsed. Warren Avenue was then rezoned to the B-4 zone as part of the industrial rezoning recommendations. The B-4 zone does not expressly permit self-storage units.

III. POLICY CONSIDERATIONS

The purpose of the B-4 commercial corridor zone is:

- (1) To provide appropriate locations in the city for the development and operation of businesses catering primarily to highway-oriented trade along major arterials. (Uses which have market areas which are primarily dependent on the regional highway network or serve a regional or larger market); or
- (2) To provide appropriate locations for large-scale commercial uses and commercial uses that require larger land areas to accommodate their operations.

Given the purpose of the zone, as well as a wide range of permitted uses, the B-4 zone may be an appropriate zone for such a use. It is unlikely that a self-storage facility would be incompatible with such a wide range of uses. Furthermore, there may not be other zones within the City where such a use would be compatible with other development.

A strong argument could be made to prohibit mini-storage in our industrial zones. Given the scarcity of developable land in our industrial zones, and the City's desire to create jobs within a strong industrial and commerce sector, the inclusion of such a use may not make sense.

The B-4 zone is located along portions of Riverside Street; from Warren Avenue to Brighton Avenue, along the entire length of Warren Avenue, and the area adjacent to the (original) Jetport Access Road. The Nissen Bakery on Washington Avenue building is also zoned B-4.

IV. TEXT AMENDMENT

At the last workshop on this item, the Board directed staff to draft a definition of self storage facilities and to add the use as a permitted use in only the B-4 zone.

Self storage facility: A fully enclosed building, no larger than ___ sq ft in total land area, with individual secured units (accessed with or without supervision) used for the exclusive purpose of storage of non-hazardous business or personal materials.

The Board also left open a square footage allowance for such facilities in the B-4 zone. Staff will have local examples of square footage usage for the Board's consideration at the public hearing.

V. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Board report 41-99, the Planning Board finds that the proposed text amendment to allow self storage facilities (under _____ sq. ft.) in the B-4 zone to be **[consistent/inconsistent]** with the City's Comprehensive Plan.

Attachments:

1. Proposed Zoning Text
2. Application for a Text Amendment
3. B-4 Zoning Text
4. Approval Letter for Self-Mini-Storage
5. Site Plan

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Limerick Suncook

Lovewell Winooski

Recreation facilities: Any establishment designed or equipped for the conduct of sports or indoor leisure-time recreational activities.

Restaurant: Any food service establishment, as defined by section 11-16 of this Code, with indoor seating capacity for ten (10) or more patrons.

Retail: Sale to the ultimate consumer for direct consumption and not for resale.

Retail establishment: Means (1) any food service establishment which is not a restaurant; or (2) any shop or store offering goods or merchandise to the general public, but does not include temporary freestanding stands in either case.

Rooming unit: A room or suite of rooms in a house, building or portion thereof rented as living and sleeping quarters, but without full kitchens or bathrooms. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one (1) rooming unit for the purpose of this article. Each rooming unit in a lodging house shall have kitchen privileges unless all meals are provided on a daily basis. There shall be no more than two (2) persons residing in each rooming unit.

Self-storage facility: A fully enclosed building, no larger than _____ square feet in total land area, with individual, secured units (accessed with or without supervision) used for the exclusive purpose of storage of non-hazardous business or personal materials.

Setback: The required distance and the land resulting therefrom between a street line and the closest possible line of conforming structure.

Sheltered care group home: A facility which, in addition to providing food and shelter to a defined population, provides guidance or counseling services. Such services are a primary function of the facility.

Shoreland zone: The land area located within two hundred fifty (250) feet, horizontal distance, of the normal high water line of any river or saltwater body; within two hundred fifty (250) feet of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet of the normal high water line of a stream.

Sign: Signs shall be as defined in section 14-367.

Single-component manufactured housing: Manufactured housing which is constructed and transported in one (1) section that is a habitable dwelling unit. For purposes of planned

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DIVISION 12.5. B-4 COMMERCIAL CORRIDOR ZONE

Sec. 14-229.11. Permitted uses.

The following uses are permitted in the B-4 zone:

(1) Business:

- a. General, business and professional offices, as defined in section 14-47;
- b. Personal services, as defined in section 14-47;
- c. Offices of building tradesmen;
- d. Retail establishments;
- e. Restaurants;
- f. Drinking establishments;
- g. Billiard parlors;
- h. Major and minor gasoline service stations, as defined in section 14-47;
- i. Mortuaries or funeral homes;
- j. Miscellaneous repair services;
- k. Health clubs and gymnasiums;
- l. Hotels and motels;
- m. New and used car dealerships;
- n. Facilities for the maintenance and repair of automobiles, provided all repairs are performed in a fully enclosed structure;
- o. Car washes;
- p. Lumber and building materials dealers;

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- q. Communications studios and broadcast receiving facilities;
- r. Veterinary hospitals but excluding outdoor kennels;
- s. Auto body repair and paint shops provided all repairs are performed in fully enclosed structures;
- t. Boat, trailer or recreational vehicle sales and service;
- u. Theaters, entertainment and recreation services;
- v. Self-storage facility



APPLICATION FOR ZONING AMENDMENT
City of Portland, Maine
Department of Planning and Urban Development
Portland Planning Board

1. Applicant Information:

Raia General Partnership
Name

54 Warren Avenue
Address

Portland, Maine 04101

797-9441
Phone Fax

2. Subject Property:

76 - 86 Warren Avenue
Address

Portland, Maine

293 - A - 18
Assessor's Reference (Chart-Block-Lot)

3. Property Owner: Applicant Other

Raia General Partnership
Name

54 Warren Avenue
Address

Portland, Maine 04101

797-9441
Phone Fax

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Property Owner

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

6. Existing Use:

Describe the existing use of the subject property: Vacant land

7. Current Zoning Designation(s): B - 4 Commercial Corridor Zone

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

We request that mini-storage be added to the Zoning Ordinance for
a B - 4 Zone as a Permitted Use.

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100')

10. Proposed Zoning: Please check all that apply:

- A. Zoning Map Amendment, from _____ to _____
- B. Zoning Text Amendment to Section 14- 229.11

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

C. Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

11. **Application Fee:** A fee for this application for a zoning amendment must be submitted, by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Public Hearing Notice as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

	<u>1-25 Units</u>	<u>26-50 Units</u>	<u>51-75 Units</u>	<u>75 & Over</u>
Residential Zones	\$350.00	\$400.00	\$450.00	\$500.00
Nonresidential Zones	\$350.00	\$400.00	\$450.00	\$500.00
	0-15,000 sq. ft. or 0-5 acres (whichever is less)	15,000-30,000 sq. ft. or 6-10 acres (whichever is less)	30,000-45,000 sq. ft. or 10-15 acres (whichever is less)	45,000-60,000 sq. ft. or 15-20 acres (whichever is less)
• Legal Advertisements (one for workshop and one for public hearing)			percent of total bill	
• Notices (one for workshop and one for public hearing)			40 cents each	
• Text Amendments			\$300.00	

\$300.00 Amount of Fee

12. **Signature:** The above information is true and accurate to the best of my knowledge.

6-28-99
Date of Filing

Yalaton Rais
Signature of Applicant

Further Information:

Please contact the Planning Office for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board
Portland, Maine

Effective: July 6, 1998

- (2) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.
- (3) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises and not for a period exceeding thirty (30) days.
- (Ord. No. 30-85, § 1, 7-15-85; Ord. No. 15-92, § 16, 6-15-92)

Secs. 14-228—14-229.9. Reserved.

DIVISION 12.5. B-4 COMMERCIAL CORRIDOR ZONE

Sec. 14-229.10. Purpose.

The purpose of the B-4 commercial corridor zone is:

- (1) To provide appropriate locations in the city for the development and operation of businesses catering primarily to highway-oriented trade along major arterials. (Uses which have market areas which are primarily dependent on the regional highway network or serve a regional or larger market); or
- (2) To provide appropriate locations for large-scale commercial uses and commercial uses that require larger land areas to accommodate their operations.
- (Ord. No. 296-88, 5-23-88)

Sec. 14-229.11. Permitted uses.

The following uses are permitted in the B-4 zone:

- (1) *Business:*
- a. General, business and professional offices, as defined in section 14-47;
 - b. Personal services, as defined in section 14-47;
 - c. Offices of building tradesmen;
 - d. Retail establishments;
 - e. Restaurants;
 - f. Drinking establishments;
 - g. Billiard parlors;
 - h. Major and minor gasoline service stations, as defined in section 14-47;
 - i. Mortuaries or funeral homes;
 - j. Miscellaneous repair services;
 - k. Health clubs and gymnasiums;
 - l. Hotels and motels;
 - m. New and used car dealerships;

- n. Facilities for the maintenance and repair of automobiles, provided all repairs are performed in a fully enclosed structure;
 - o. Car washes;
 - p. Lumber and building materials dealers;
 - q. Communications studios and broadcast receiving facilities;
 - r. Veterinary hospitals but excluding outdoor kennels;
 - s. Auto body repair and paint shops provided all repairs are performed in fully enclosed structures;
 - t. Boat, trailer or recreational vehicle sales and service;
 - u. Theaters, entertainment and recreation services.
- (2) *Institutional:*
- a. Governmental buildings and uses.
 - b. Colleges, universities and trade schools.
 - c. Churches or other places of worship.
 - d. Correctional prerelease facilities for up to twelve (12) persons, plus staff, serving a primary clientele of parolees or persons in correctional prerelease programs, provided that:
 - 1. No correctional prerelease facility shall be located within one thousand (1,000) feet of another, as measured in a radius from the center of the lot;
 - ii. If a facility requires state or federal licensing, staffing of the facility shall be as required by such license. If a facility does not require state or federal licenses, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof; and
 - iii. The facility shall provide twenty-four-hour supervision of program participants.
- (3) *Other:*
- a. Lodging houses;
 - b. Wholesale warehousing and distribution establishments;
 - c. Commercial bakeries and dairies;
 - d. Light manufacturing uses with not more than twenty-five thousand (25,000) square feet or less of gross floor area. Exterior assembly of materials or products is prohibited. Activity defined as a high hazard by chapter 6 of this Code (building code) is also prohibited;
 - e. Printing and publishing establishments;
 - f. Research and development and related production establishments;
 - g. Utility substations, as defined in section 14-47, subject to the requirements of article V (site plan); and

- h. Day care facilities;
- i. Studios for artists and craftspeople; and
- j. Accessory uses, as provided in section 14-404.

(Ord. No. 296-88, 5-23-88; Ord. No. 285-95, 6-7-95; Ord. No. 154-96, § 13, 12-16-96; Ord. No. 164-97, § 3, 1-6-97; Ord. No. 164-97, § 4, 12-1-97)

Sec. 14-229.12. Prohibited uses.

Uses not expressly enumerated in section 14-229.11 as permitted uses are prohibited.
(Ord. No. 296-88, 5-23-88)

Sec. 14-229.13. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, uses other than utility substations in the B-4 zone shall meet the following minimum requirements:

- (1) *Minimum lot size:* Ten thousand (10,000) square feet.
- (2) *Minimum street frontage:* Sixty (60) feet.
- (3) *Minimum yard dimensions:*

(Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

Except as provided in subsection (5) below, the following setbacks shall be required:

a. *Front yard:*

- 1. Principal or accessory structures: Twenty (20) feet, except that a front yard need not exceed the average depth of front yards on either side of the lot.
- 2. The front yard of a lot existing as of May 23, 1988, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.

b. *Rear yard:*

- 1. Principal structures: Twenty (20) feet.
- 2. Accessory structures (detached) with a total floor area of one hundred (100) square feet or less: Seven (7) feet.

c. *Side yard:*

- 1. Principal structures:

<i>Number of Stories</i>	<i>Required Side Yard</i>
1 or 2 stories	10 feet
3 or more stories	12 feet

2. Accessory structures (detached) with a total floor area of one hundred (100) square feet or less: Five (5) feet.
3. Side yards on side streets (corner lot):
Principal or accessory structures:
 - (a) One (1) or two (2) stories: Ten (10) feet.
 - (b) Three (3) or more stories: Twelve (12) feet.
- (4) *Minimum lot width*: Sixty (60) feet.
- (5) *Maximum height*: Sixty-five (65) feet; except that on lots in excess of five (5) acres, ninety (90) feet is permitted if each of the setbacks required under subsection (3) above is increased by one (1) foot in distance for each foot of height above sixty-five (65) feet.
- (6) *Maximum impervious surface ratio*: Eighty (80) percent.
- (7) *Maximum Floor Area Ratio (F.A.R.)*: The maximum floor area ratio is established according to the abutting residential zone. If there is no abutting residential zone to the lot in question, the F.A.R. may be a maximum of 0.65. In the case of two (2) or more abutting residential zones, the F.A.R. shall be the F.A.R. of the least restrictive such zone. The ratios are as follows:

<i>Residential</i>	<i>Floor Area Ratio</i>
R-1/R-2	0.45
R-3	0.55
R-4/R-5/R-5A/R-6	0.65

(Ord. No. 296-88, 5-23-88)

Sec. 14-229.14. Other requirements.

In addition to the above, the following requirements are applicable to all uses in the B-4 zone:

- (1) *Landscaping and screening*: The site shall be suitably landscaped for parking, surrounding uses and accessory site elements including storage and solid waste receptacles where required by article IV (subdivisions) and article V (site plan).
- (2) *Curbs and sidewalks*: Curbs and sidewalks as specified in article VI of chapter 25.
- (3) *Off-street parking and loading*: Off-street parking and loading are as required by division 20 and division 21 of this article.
- (4) *Signs*: Signs shall be subject to the provisions of division 22 of this article.
- (5) *Exterior storage*:
 - a. Any storage of new materials, finished products, or related equipment must be suitably screened from the public way and from abutting properties by a solid fence at least five (5) feet in height, or by a solid evergreen planting strip.

- b. All waste shall be stored in covered containers that do not leak or otherwise permit liquids or solids to escape from the container.
- c. Outdoor storage of refuse, debris, or material awaiting reuse shall be in an appropriate container or located within a designated, screened area.
- d. Any permitted outdoor storage of materials shall be done in such a manner as to prevent the breeding and harboring of insects or vermin, to prevent the transfer of such materials from the site by natural causes or forces and to contain fumes, dust, or other materials which constitute a fire hazard. This storage shall be accomplished within enclosed containers or by one (1) or more of the following methods: raising materials above ground, separating materials, preventing stagnant water, or by some other means. No outdoor storage shall be permitted in the required yard between the front of any building on the site and the street, except for storage for plant and tree nurseries.

(6) *Storage of vehicles:* Storage of vehicles is subject to the provisions of section 14-335.

(7) *Shoreland and flood plain management regulations:* If the lot is located in a shoreland zone or in a flood plain zone, the requirements of division 26 and/or division 26.5 apply. (Ord. No. 296-88, 5-23-88; Ord. No. 164-97, § 4, 1-6-97)

Sec. 14-229.15. External effects.

Every use in a B-4 zone shall be subject to the following requirements:

- (1) *Enclosed structure:* The use shall be operated within a completely enclosed structure, except for those customarily operated in the open air.
- (2) *Noise:* The volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed sixty-five (65) decibels on the A scale between 7:00 a.m. and 9:00 p.m. and sixty (60) decibels on the A scale between 9:00 p.m. and 7:00 a.m., on impulse (less than one (1) second), off premises at source of complaint, excepting air raid sirens and similar warning devices.
- (3) *Vibration and heat:* Vibration inherently and recurrently generated and heat shall be imperceptible without instruments at lot boundaries.
- (4) *Glare, radiation or fumes:* Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.
- (5) *Smoke:* Smoke shall not be emitted at a density in excess of thirty (30) percent opacity level as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.

(Ord. No. 296-88, 5-23-88; Ord. No. 164-97, § 5, 1-6-97)

Secs. 14-229.16—14-229.30. Reserved.

Planning & Urban Development

Joseph E. Gray Jr.
Director

CITY OF PORTLAND

November 27, 1996

Mr. George DiMatteo
George DiMatteo Co.
P.O. Box 2187
South Portland, ME 04106

Re: 80 Warren Avenue, 3 storage buildings

Dear Mr. DiMatteo:

On November 19, 1996 the Portland Planning Authority granted minor site plan approval for three (3) storage buildings, 3,000 sq. ft. each, at 80 Warren Avenue with the following conditions:

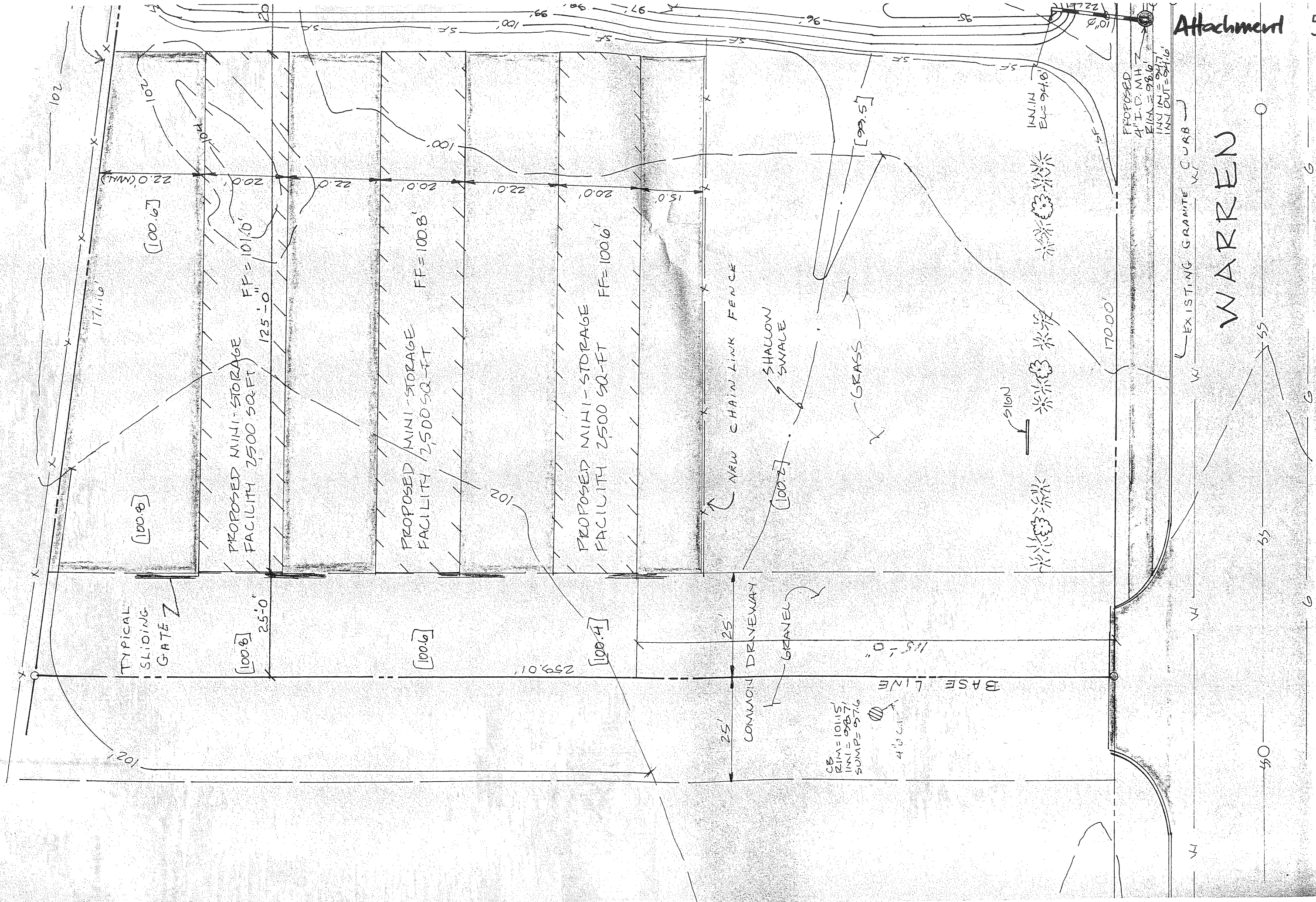
1. The applicant must repair any damage to existing sidewalk, granite curb and driveways along Warren Avenue.
2. Applicant must be aware of existing utility services to abutting property.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

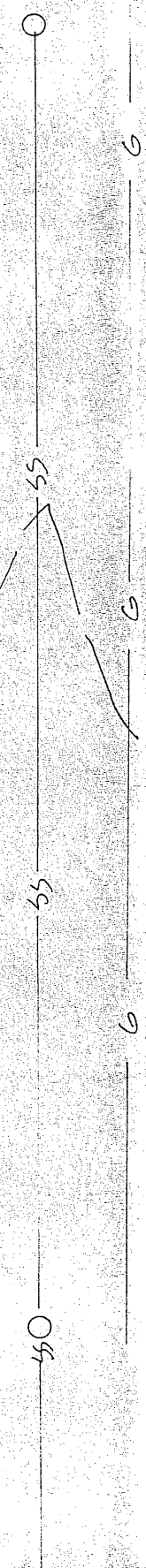
Please note the following provisions and requirements for all site plan approvals:

1. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. A one year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.
2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 1.7% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

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WARREN



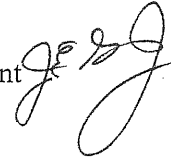
**CITY OF PORTLAND, MAINE
CITY COUNCIL AGENDA REQUEST FORM**

TO: Sonia Bean, Administrative Assistant
Elizabeth Boynton, Associate Corporation Counsel

FROM: Joseph E. Gray, Jr., Director of Planning and Urban Development

DATE: September 22, 1999

SUBJECT: B-4 Text Amendment to allow self-storage



- 1) Council Meeting at which action is requested): October 18, 1999
- 2) Can action be taken at a later date? YES NO

I. SUMMARY OF ISSUE

The Planning Board is forwarding a recommendation to the City Council for a text amendment to allow self-storage facilities in the B-4 zone. The Raia General Partnership is the applicant for the text amendment.

The applicant proposes to construct a self-storage unit at 76-86 Warren Avenue, which is currently zoned B-4.

II. REASON FOR SUBMISSION

On November 19, 1996, the Planning Authority granted minor site plan approval for three self-storage buildings at 76-86 Warren Avenue. At the time, both sides of Warren Avenue were zoned I-1 Industrial, a zone which did not expressly prohibit self-storage units.

The three 3,000-square foot storage buildings were not constructed, and the building permit and associated approvals lapsed. Warren Avenue was then rezoned to the B-4 zone as part of the industrial rezoning recommendations. The B-4 zone does not expressly permit self-storage units.

III. INTENDED RESULT

If the City Council passes the recommended text amendment, self-storage facilities will be permitted in the B-4 zones throughout the City.

The B-4 zone is located along portions of Riverside Street; from Warren Avenue to Brighton Avenue, along the entire length of Warren Avenue, and the area adjacent to the (original) Jetport Access Road. The Nissen Bakery on Washington Avenue building is also zoned B-4.

IV. FINANCIAL IMPACT n/a

V. STAFF ANALYSIS & RECOMMENDATION

The Planning Board has found the proposed text amendment to allow self-storage facilities in the B-4 zone to be consistent with the City's Comprehensive Plan and recommends passage of the text amendment by the City Council.

Attachments: Planning Report #41-99b

**B-4 TEXT AMENDMENT
TO ALLOW SELF-STORAGE FACILITIES
RAIA GENERAL PARTNERSHIP, APPLICANT**

Submitted to:

Portland City Council
Portland, Maine

October 4, 1999

I. INTRODUCTION

The Planning Board is forwarding a recommendation to the City Council for a text amendment to allow self-storage facilities in the B-4 zone. The Raia General Partnership is the applicant for the text amendment.

The applicant proposes to construct a self-storage unit at 76-86 Warren Avenue, which is currently zoned B-4.

II. HISTORY

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III. POLICY CONSIDERATIONS

The purpose of the B-4 commercial corridor zone is:

- (1) To provide appropriate locations in the city for the development and operation of businesses catering primarily to highway-oriented trade along major arterials. (Uses which have market areas which are primarily dependent on the regional highway network or serve a regional or larger market); or
- (2) To provide appropriate locations for large-scale commercial uses and commercial uses that require larger land areas to accommodate their operations.

Given the purpose of the zone, as well as a wide range of permitted uses, The Planning Board determined that the B-4 zone is an appropriate zone for such a use. It is unlikely that a self-storage facility would be incompatible with such a wide range of uses.

Self-storage facilities are permitted in the industrial zones.

The B-4 zone is located along portions of Riverside Street; from Warren Avenue to Brighton Avenue, along the entire length of Warren Avenue, and the area adjacent to the (original) Jetport Access Road. The Nissen Bakery on Washington Avenue building is also zoned B-4.

IV. TEXT AMENDMENT

As part of its recommendation to the City Council, the Planning Board is forwarding a definition of self-storage facilities.

Self storage facility: Fully enclosed buildings with individual, secured units (accessed with or without supervision) used for the exclusive purpose of storage of non-hazardous business or personal materials.

V. RECOMMENDATION FROM THE PLANNING BOARD

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Report 41-99b, the Planning Board has found the proposed text amendment to allow self-storage facilities in the B-4 zone to be consistent with the City's Comprehensive Plan and recommends passage of the text amendment by the City Council.

Attachments:

1. Proposed Zoning Text
2. Application for a Text Amendment
3. B-4 Zoning Text
4. Approval Letter for Self-Mini-Storage
5. Site Plan

City of Portland, Maine

IN THE CITY COUNCIL

AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14, ARTICLE III (ZONING)
Section 14-229.11 - B4 Permitted Uses
and Section 14-47 - Definitions

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

1. That Chapter 14, DIVISION 12.5. B-4 COMMERCIAL CORRIDOR ZONE, Section 14-229.11 Permitted Uses is hereby amended to read as follows:

Sec. 14-229.11. Permitted uses.

The following uses are permitted in the B-4 zone:

(1) Business:

- a. General, business and professional offices, as defined in section 14-47;
- b. Personal services, as defined in section 14-47;
- c. Offices of building tradesmen;
- d. Retail establishments;
- e. Restaurants;
- f. Drinking establishments;
- g. Billiard parlors;
- h. Major and minor gasoline service stations, as defined in section 14-47;
- i. Mortuaries or funeral homes;
- j. Miscellaneous repair services;
- k. Health clubs and gymnasiums;
- l. Hotels and motels;

- m. New and used car dealerships;
- n. Facilities for the maintenance and repair of automobiles, provided all repairs are performed in a fully enclosed structure;
- o. Car washes;
- p. Lumber and building materials dealers;
- q. Communications studios and broadcast receiving facilities;
- r. Veterinary hospitals but excluding outdoor kennels;
- s. Auto body repair and paint shops provided all repairs are performed in fully enclosed structures;
- t. Boat, trailer or recreational vehicle sales and service;
- u. Theaters, entertainment and recreation services;
- y. Self-storage facility.

- 2. That Chapter 14, Article III ZONING, Section 14-47 Definitions of the Portland City Code shall include the following:

Sec. 14-47. Definitions.

Self-storage facility: Fully enclosed buildings with individual, secured units (accessed with or without supervision) used for the exclusive purpose of storage of non-hazardous business or personal materials.



APPLICATION FOR ZONING AMENDMENT
City of Portland, Maine
Department of Planning and Urban Development
Portland Planning Board

1. Applicant Information:

Raia General Partnership
Name

54 Warren Avenue
Address

Portland, Maine 04101

797-9441
Phone Fax

2. Subject Property:

76 - 86 Warren Avenue
Address

Portland, Maine

293 - A - 18
Assessor's Reference (Chart-Block-Lot)

3. Property Owner: Applicant Other

Raia General Partnership
Name

54 Warren Avenue
Address

Portland, Maine 04101

797-9441
Phone Fax

Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Property Owner

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

Describe the existing use of the subject property: Vacant land

7. Current Zoning Designation(s): B - 4 Commercial Corridor Zone

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

We request that mini-storage be added to the Zoning Ordinance for
a B - 4 Zone as a Permitted Use.

Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

Proposed Zoning: Please check all that apply:

A. Zoning Map Amendment, from _____ to _____

B. Zoning Text Amendment to Section 14- 229.11

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

C. Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

...in accordance with section 17-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Public Hearing Notice as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

	<u>1-25 Units</u>	<u>26-50 Units</u>	<u>51-75 Units</u>	<u>75 & Over</u>
Residential Zones	\$350.00	\$400.00	\$450.00	\$500.00
Nonresidential Zones	\$350.00	\$400.00	\$450.00	\$500.00
	0-15,000 sq. ft. or 0-5 acres (whichever is less)	15,000-30,000 sq. ft. or 6-10 acres (whichever is less)	30,000-45,000 sq. ft. or 10-15 acres (whichever is less)	45,000-60,000 sq. ft. or 15-20 acres (whichever is less)

- Legal Advertisements (one for workshop and one for public hearing) percent of total bill
- Notices (one for workshop and one for public hearing) 40 cents each
- Text Amendments \$300.00

\$300.00 Amount of Fee

Signature: The above information is true and accurate to the best of my knowledge.

6-28-99
Date of Filing

Galatoukakis
Signature of Applicant

Further Information:

Please contact the Planning Office for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board
Portland, Maine

Effective: July 6, 1998

- (2) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.
- (3) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises and not for a period exceeding thirty (30) days.
- (Ord. No. 30-85, § 1, 7-15-85; Ord. No. 15-92, § 16, 6-15-92)

Secs. 14-228—14-229.9. Reserved.

DIVISION 12.5. B-4 COMMERCIAL CORRIDOR ZONE

Sec. 14-229.10. Purpose.

The purpose of the B-4 commercial corridor zone is:

- (1) To provide appropriate locations in the city for the development and operation of businesses catering primarily to highway-oriented trade along major arterials. (Uses which have market areas which are primarily dependent on the regional highway network or serve a regional or larger market); or
- (2) To provide appropriate locations for large-scale commercial uses and commercial uses that require larger land areas to accommodate their operations.
- (Ord. No. 296-88, 5-23-88)

Sec. 14-229.11. Permitted uses.

The following uses are permitted in the B-4 zone:

- (1) *Business:*
- a. General, business and professional offices, as defined in section 14-47;
 - b. Personal services, as defined in section 14-47;
 - c. Offices of building tradesmen;
 - d. Retail establishments;
 - e. Restaurants;
 - f. Drinking establishments;
 - g. Billiard parlors;
 - h. Major and minor gasoline service stations, as defined in section 14-47;
 - i. Mortuaries or funeral homes;
 - j. Miscellaneous repair services;
 - k. Health clubs and gymnasiums;
 - l. Hotels and motels;
 - m. New and used car dealerships;

- n. Facilities for the maintenance and repair of automobiles, provided all repairs are performed in a fully enclosed structure;
 - o. Car washes;
 - p. Lumber and building materials dealers;
 - q. Communications studios and broadcast receiving facilities;
 - r. Veterinary hospitals but excluding outdoor kennels;
 - s. Auto body repair and paint shops provided all repairs are performed in fully enclosed structures;
 - t. Boat, trailer or recreational vehicle sales and service;
 - u. Theaters, entertainment and recreation services.
- (2) *Institutional:*
- a. Governmental buildings and uses.
 - b. Colleges, universities and trade schools.
 - c. Churches or other places of worship.
 - d. Correctional prerelease facilities for up to twelve (12) persons, plus staff, serving a primary clientele of parolees or persons in correctional prerelease programs, provided that:
 - 1. No correctional prerelease facility shall be located within one thousand (1,000) feet of another, as measured in a radius from the center of the lot;
 - ii. If a facility requires state or federal licensing, staffing of the facility shall be as required by such license. If a facility does not require state or federal licenses, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof; and
 - iii. The facility shall provide twenty-four-hour supervision of program participants.
- (3) *Other:*
- a. Lodging houses;
 - b. Wholesale warehousing and distribution establishments;
 - c. Commercial bakeries and dairies;
 - d. Light manufacturing uses with not more than twenty-five thousand (25,000) square feet or less of gross floor area. Exterior assembly of materials or products is prohibited. Activity defined as a high hazard by chapter 6 of this Code (building code) is also prohibited;
 - e. Printing and publishing establishments;
 - f. Research and development and related production establishments;
 - g. Utility substations, as defined in section 14-47, subject to the requirements of article V (site plan); and

- h. Day care facilities;
- i. Studios for artists and craftspeople; and
- j. Accessory uses, as provided in section 14-404.

(Ord. No. 296-88, 5-23-88; Ord. No. 285-95, 6-7-95; Ord. No. 154-96, § 13, 12-16-96; Ord. No. 164-97, § 3, 1-6-97; Ord. No. 164-97, § 4, 12-1-97)

Sec. 14-229.12. Prohibited uses.

Uses not expressly enumerated in section 14-229.11 as permitted uses are prohibited.
(Ord. No. 296-88, 5-23-88)

Sec. 14-229.13. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, uses other than utility substations in the B-4 zone shall meet the following minimum requirements:

- (1) *Minimum lot size:* Ten thousand (10,000) square feet.
- (2) *Minimum street frontage:* Sixty (60) feet.
- (3) *Minimum yard dimensions:*

(Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

Except as provided in subsection (5) below, the following setbacks shall be required:

a. *Front yard:*

- 1. Principal or accessory structures: Twenty (20) feet, except that a front yard need not exceed the average depth of front yards on either side of the lot.
- 2. The front yard of a lot existing as of May 23, 1988, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.

b. *Rear yard:*

- 1. Principal structures: Twenty (20) feet.
- 2. Accessory structures (detached) with a total floor area of one hundred (100) square feet or less: Seven (7) feet.

c. *Side yard:*

- 1. Principal structures:

<i>Number of Stories</i>	<i>Required Side Yard</i>
1 or 2 stories	10 feet
3 or more stories	12 feet

- 2. Accessory structures (detached) with a total floor area of one hundred (100) square feet or less: Five (5) feet.
- 3. Side yards on side streets (corner lot):
Principal or accessory structures:
 - (a) One (1) or two (2) stories: Ten (10) feet.
 - (b) Three (3) or more stories: Twelve (12) feet.
- (4) *Minimum lot width*: Sixty (60) feet.
- (5) *Maximum height*: Sixty-five (65) feet; except that on lots in excess of five (5) acres, ninety (90) feet is permitted if each of the setbacks required under subsection (3) above is increased by one (1) foot in distance for each foot of height above sixty-five (65) feet.
- (6) *Maximum impervious surface ratio*: Eighty (80) percent.
- (7) *Maximum Floor Area Ratio (F.A.R.)*: The maximum floor area ratio is established according to the abutting residential zone. If there is no abutting residential zone to the lot in question, the F.A.R. may be a maximum of 0.65. In the case of two (2) or more abutting residential zones, the F.A.R. shall be the F.A.R. of the least restrictive such zone. The ratios are as follows:

<i>Residential</i>	<i>Floor Area Ratio</i>
R-1/R-2	0.45
R-3	0.55
R-4/R-5/R-5A/R-6	0.65

(Ord. No. 296-88, 5-23-88)

Sec. 14-229.14. Other requirements.

In addition to the above, the following requirements are applicable to all uses in the B-4 zone:

- (1) *Landscaping and screening*: The site shall be suitably landscaped for parking, surrounding uses and accessory site elements including storage and solid waste receptacles where required by article IV (subdivisions) and article V (site plan).
- (2) *Curbs and sidewalks*: Curbs and sidewalks as specified in article VI of chapter 25.
- (3) *Off-street parking and loading*: Off-street parking and loading are as required by division 20 and division 21 of this article.
- (4) *Signs*: Signs shall be subject to the provisions of division 22 of this article.
- (5) *Exterior storage*:
 - a. Any storage of new materials, finished products, or related equipment must be suitably screened from the public way and from abutting properties by a solid fence at least five (5) feet in height, or by a solid evergreen planting strip.

- b. All waste shall be stored in covered containers that do not leak or otherwise permit liquids or solids to escape from the container.
- c. Outdoor storage of refuse, debris, or material awaiting reuse shall be in an appropriate container or located within a designated, screened area.
- d. Any permitted outdoor storage of materials shall be done in such a manner as to prevent the breeding and harboring of insects or vermin, to prevent the transfer of such materials from the site by natural causes or forces and to contain fumes, dust, or other materials which constitute a fire hazard. This storage shall be accomplished within enclosed containers or by one (1) or more of the following methods: raising materials above ground, separating materials, preventing stagnant water, or by some other means. No outdoor storage shall be permitted in the required yard between the front of any building on the site and the street, except for storage for plant and tree nurseries.

(6) *Storage of vehicles:* Storage of vehicles is subject to the provisions of section 14-335.

(7) *Shoreland and flood plain management regulations:* If the lot is located in a shoreland zone or in a flood plain zone, the requirements of division 26 and/or division 26.5 apply.

(Ord. No. 296-88, 5-23-88; Ord. No. 164-97, § 4, 1-6-97)

Sec. 14-229.15. External effects.

Every use in a B-4 zone shall be subject to the following requirements:

- (1) *Enclosed structure:* The use shall be operated within a completely enclosed structure, except for those customarily operated in the open air.
- (2) *Noise:* The volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed sixty-five (65) decibels on the A scale between 7:00 a.m. and 9:00 p.m. and sixty (60) decibels on the A scale between 9:00 p.m. and 7:00 a.m., on impulse (less than one (1) second), off premises at source of complaint, excepting air raid sirens and similar warning devices.
- (3) *Vibration and heat:* Vibration inherently and recurrently generated and heat shall be imperceptible without instruments at lot boundaries.
- (4) *Glare, radiation or fumes:* Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.
- (5) *Smoke:* Smoke shall not be emitted at a density in excess of thirty (30) percent opacity level as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.

(Ord. No. 296-88, 5-23-88; Ord. No. 164-97, § 5, 1-6-97)

Secs. 14-229.16—14-229.30. Reserved.

Planning & Urban Development

Joseph E. Gray Jr.
Director

CITY OF PORTLAND

November 27, 1996

Mr. George DiMatteo
George DiMatteo Co.
P.O. Box 2187
South Portland, ME 04106

Re: 80 Warren Avenue, 3 storage buildings

Dear Mr. DiMatteo:

On November 19, 1996 the Portland Planning Authority granted minor site plan approval for three (3) storage buildings, 3,000 sq. ft. each, at 80 Warren Avenue with the following conditions:

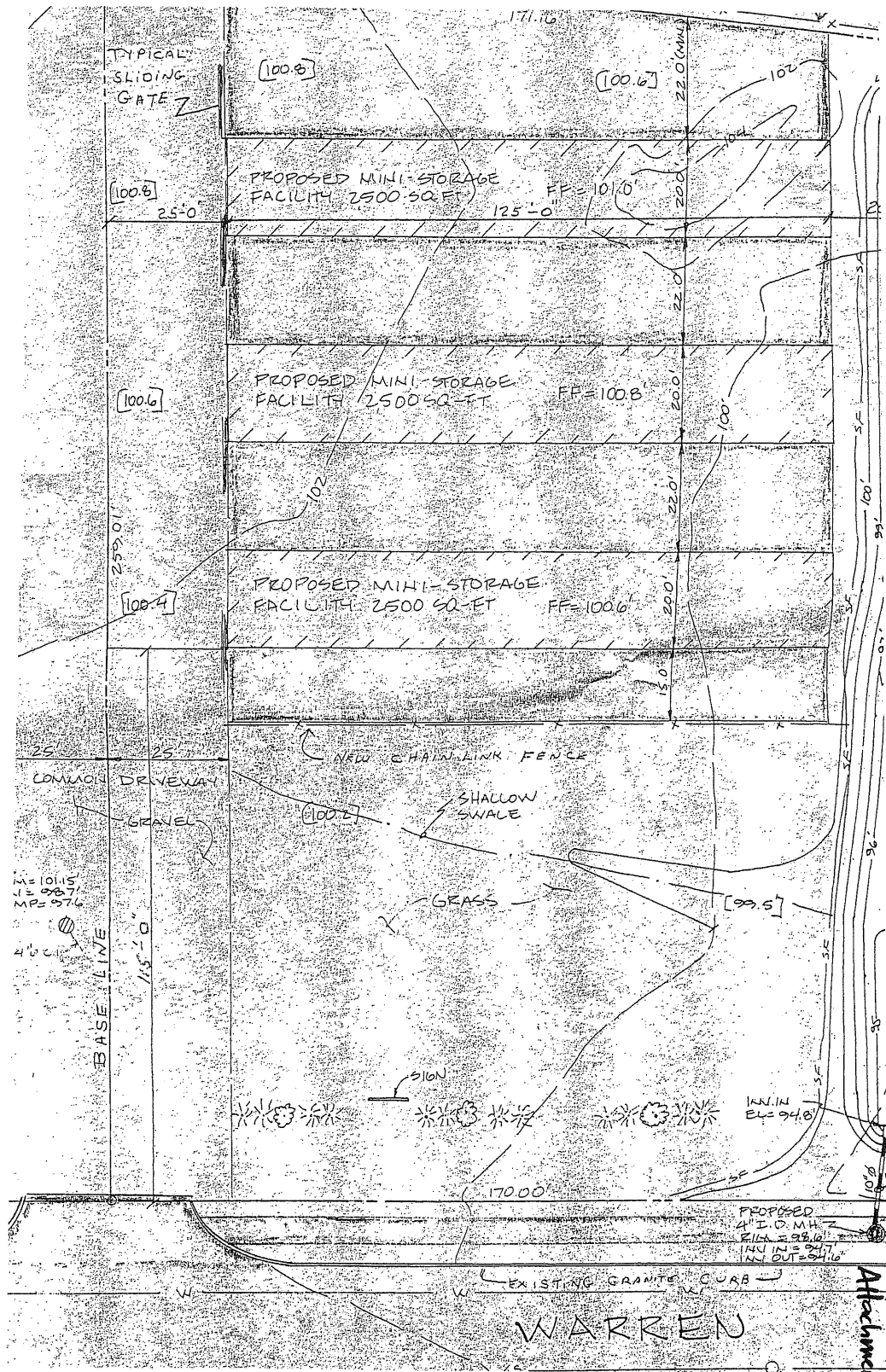
1. The applicant must repair any damage to existing sidewalk, granite curb and driveways along Warren Avenue.
2. Applicant must be aware of existing utility services to abutting property.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

Please note the following provisions and requirements for all site plan approvals:

1. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. A one year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.
2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 1.7% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

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**CITY OF PORTLAND, MAINE
MEMORANDUM**

TO: Chair Carroll and Members of the Portland Planning Board

FROM: Sarah Hopkins, Senior Planner

DATE: September 14, 1999

RE: Text Amendment Proposal: Self-Storage in the B-4 Zone
Square Footage Limitation.

There have been three self storage facilities approved in Portland in the past ten years. The site information regarding these facilities follows:

1. Morrill Street Self Storage

zone IL/B-2
land area 2.71 acres
building size 9,900 sq. ft.

2. Raia Self Storage

zone B-4
(previous zone) I-1
land area 42,339 sq.ft.
building size 7,500 sq.ft

3. U-haul International

zone B-5
(previous zone) 1-2
land area 2.97
building size 10,200 in addition to an existing 10,000 sq. ft of storage

If the Planning Board were to consider a building size limitation, 20,000 sq ft may be a reasonable limit, given Portland's existing facilities. The only argument for limiting the square footage of a building would be to limit a low intensity, low value land use in the B-4 zones of the City. The Board may or may not wish to apply such a limit.

PLANNING REPORT #41-99

**B-4 TEXT AMENDMENT
TO ALLOW SELF STORAGE UNITS
RAIA GENERAL PARTNERSHIP, APPLICANT**

Submitted to:

Portland Planning Board
Portland, Maine

September 14, 1999

I. INTRODUCTION

The Raia General Partnership has requested review by the Planning Board for a proposed text amendment to allow mini-self-storage as a permitted use in the B-4 Business zone. The applicant proposes to construct a self-storage unit at 76-86 Warren Avenue, which is currently zoned B-4.

II. HISTORY

On November 19, 1996, the Planning Authority granted minor site plan approval for three storage buildings at 76-86 Warren Avenue. At the time, both sides of Warren Avenue were zoned I-1 Industrial, a zone which did not expressly prohibit mini-self-storage units.

The three 3,000-square foot storage buildings were not constructed, and the building permit and associated approvals lapsed. Warren Avenue was then rezoned to the B-4 zone as part of the industrial rezoning recommendations. The B-4 zone does not expressly permit self-storage units.

III. POLICY CONSIDERATIONS

The purpose of the B-4 commercial corridor zone is:

- (1) To provide appropriate locations in the city for the development and operation of businesses catering primarily to highway-oriented trade along major arterials. (Uses which have market areas which are primarily dependent on the regional highway network or serve a regional or larger market); or
- (2) To provide appropriate locations for large-scale commercial uses and commercial uses that require larger land areas to accommodate their operations.

Given the purpose of the zone, as well as a wide range of permitted uses, the B-4 zone may be an appropriate zone for such a use. It is unlikely that a self-storage facility would be incompatible with such a wide range of uses. Furthermore, there may not be other zones within the City where such a use would be compatible with other development.

A strong argument could be made to prohibit mini-storage in our industrial zones. Given the scarcity of developable land in our industrial zones, and the City's desire to create jobs within a strong industrial and commerce sector, the inclusion of such a use may not make sense.

The B-4 zone is located along portions of Riverside Street; from Warren Avenue to Brighton Avenue, along the entire length of Warren Avenue, and the area adjacent to the (original) Jetport Access Road. The Nissen Bakery on Washington Avenue building is also zoned B-4.

IV. TEXT AMENDMENT

At the last workshop on this item, the Board directed staff to draft a definition of self storage facilities and to add the use as a permitted use in only the B-4 zone.

Self storage facility: A fully enclosed building, no larger than ___ sq ft in total land area, with individual secured units (accessed with or without supervision) used for the exclusive purpose of storage of non-hazardous business or personal materials.

The Board also left open a square footage allowance for such facilities in the B-4 zone. Staff will have local examples of square footage usage for the Board's consideration at the public hearing.

V. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Board report 41-99, the Planning Board finds that the proposed text amendment to allow self storage facilities (under _____ sq. ft.) in the B-4 zone to be **[consistent/inconsistent]** with the City's Comprehensive Plan.

Attachments:

1. Proposed Zoning Text
2. Application for a Text Amendment
3. B-4 Zoning Text
4. Approval Letter for Self-Mini-Storage
5. Site Plan

DRAFT

Limerick Suncook

Lovewell Winooski

Recreation facilities: Any establishment designed or equipped for the conduct of sports or indoor leisure-time recreational activities.

Restaurant: Any food service establishment, as defined by section 11-16 of this Code, with indoor seating capacity for ten (10) or more patrons.

Retail: Sale to the ultimate consumer for direct consumption and not for resale.

Retail establishment: Means (1) any food service establishment which is not a restaurant; or (2) any shop or store offering goods or merchandise to the general public, but does not include temporary freestanding stands in either case.

Rooming unit: A room or suite of rooms in a house, building or portion thereof rented as living and sleeping quarters, but without full kitchens or bathrooms. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one (1) rooming unit for the purpose of this article. Each rooming unit in a lodging house shall have kitchen privileges unless all meals are provided on a daily basis. There shall be no more than two (2) persons residing in each rooming unit.

Self-storage facility: A fully enclosed building, no larger than _____ square feet in total land area, with individual, secured units (accessed with or without supervision) used for the exclusive purpose of storage of non-hazardous business or personal materials.

Setback: The required distance and the land resulting therefrom between a street line and the closest possible line of conforming structure.

Sheltered care group home: A facility which, in addition to providing food and shelter to a defined population, provides guidance or counseling services. Such services are a primary function of the facility.

Shoreland zone: The land area located within two hundred fifty (250) feet, horizontal distance, of the normal high water line of any river or saltwater body; within two hundred fifty (250) feet of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet of the normal high water line of a stream.

Sign: Signs shall be as defined in section 14-367.

Single-component manufactured housing: Manufactured housing which is constructed and transported in one (1) section that is a habitable dwelling unit. For purposes of planned

DRAFT

DIVISION 12.5. B-4 COMMERCIAL CORRIDOR ZONE

Sec. 14-229.11. Permitted uses.

The following uses are permitted in the B-4 zone:

(1) Business:

- a. General, business and professional offices, as defined in section 14-47;
- b. Personal services, as defined in section 14-47;
- c. Offices of building tradesmen;
- d. Retail establishments;
- e. Restaurants;
- f. Drinking establishments;
- g. Billiard parlors;
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- i. Mortuaries or funeral homes;
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- l. Hotels and motels;
- m. New and used car dealerships;
- n. Facilities for the maintenance and repair of automobiles, provided all repairs are performed in a fully enclosed structure;
- o. Car washes;
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DRAFT

- q. Communications studios and broadcast receiving facilities;
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- v. Self-storage facility



APPLICATION FOR ZONING AMENDMENT
 City of Portland, Maine
 Department of Planning and Urban Development
 Portland Planning Board

1. Applicant Information:

Raia General Partnership
 Name

54 Warren Avenue
 Address

Portland, Maine 04101

797-9441
 Phone Fax

2. Subject Property:

76 - 86 Warren Avenue
 Address

Portland, Maine

293 - A - 18
 Assessor's Reference (Chart-Block-Lot)

3. Property Owner: Applicant Other

Raia General Partnership
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4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Property Owner

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

Describe the existing use of the subject property: Vacant land

7. Current Zoning Designation(s): B - 4 Commercial Corridor Zone

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

We request that mini-storage be added to the Zoning Ordinance for
a B - 4 Zone as a Permitted Use.

Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

9. Proposed Zoning: Please check all that apply:

A. Zoning Map Amendment, from _____ to _____

B. Zoning Text Amendment to Section 14- 229.11

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C. Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Public Hearing Notice as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

	<u>1-25 Units</u>	<u>26-50 Units</u>	<u>51-75 Units</u>	<u>75 & Over</u>
Residential Zones	\$350.00	\$400.00	\$450.00	\$500.00
Nonresidential Zones	\$350.00	\$400.00	\$450.00	\$500.00
	0-15,000 sq. ft. or 0-5 acres (which-ever is less)	15,000-30,000 sq. ft. or 6-10 acres (which-ever is less)	30,000-45,000 sq. ft. or 10-15 acres (which-ever is less)	45,000-60,000 sq. ft. or 15-20 acres (which-ever is less)

- Legal Advertisements (one for workshop and one for public hearing) percent of total bill
- Notices (one for workshop and one for public hearing) 40 cents each
- Text Amendments \$300.00

\$300.00 Amount of Fee

Signature: The above information is true and accurate to the best of my knowledge.

6-28-99
Date of Filing

Salvatore Paris
Signature of Applicant

Further Information:

Please contact the Planning Office for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board
Portland, Maine

Effective: July 6, 1998

§ 14-227

PORTLAND CODE

- (2) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.
- (3) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises and not for a period exceeding thirty (30) days.
- (Ord. No. 30-85, § 1, 7-15-85; Ord. No. 15-92, § 16, 6-15-92)

Secs. 14-228—14-229.9. Reserved.

DIVISION 12.5. B-4 COMMERCIAL CORRIDOR ZONE

Sec. 14-229.10. Purpose.

The purpose of the B-4 commercial corridor zone is:

- (1) To provide appropriate locations in the city for the development and operation of businesses catering primarily to highway-oriented trade along major arterials. (Uses which have market areas which are primarily dependent on the regional highway network or serve a regional or larger market); or
- (2) To provide appropriate locations for large-scale commercial uses and commercial uses that require larger land areas to accommodate their operations.
- (Ord. No. 296-88, 5-23-88)

Sec. 14-229.11. Permitted uses.

The following uses are permitted in the B-4 zone:

- (1) *Business:*
- a. General, business and professional offices, as defined in section 14-47;
 - b. Personal services, as defined in section 14-47;
 - c. Offices of building tradesmen;
 - d. Retail establishments;
 - e. Restaurants;
 - f. Drinking establishments;
 - g. Billiard parlors;
 - h. Major and minor gasoline service stations, as defined in section 14-47;
 - i. Mortuaries or funeral homes;
 - j. Miscellaneous repair services;
 - k. Health clubs and gymnasiums;
 - l. Hotels and motels;
 - m. New and used car dealerships;

- n. Facilities for the maintenance and repair of automobiles, provided all repairs are performed in a fully enclosed structure;
- o. Car washes;
- p. Lumber and building materials dealers;
- q. Communications studios and broadcast receiving facilities;
- r. Veterinary hospitals but excluding outdoor kennels;
- s. Auto body repair and paint shops provided all repairs are performed in fully enclosed structures;
- t. Boat, trailer or recreational vehicle sales and service;
- u. Theaters, entertainment and recreation services.

(2) *Institutional:*

- a. Governmental buildings and uses.
- b. Colleges, universities and trade schools.
- c. Churches or other places of worship.
- d. Correctional prerelease facilities for up to twelve (12) persons, plus staff, serving a primary clientele of parolees or persons in correctional prerelease programs, provided that:
 - 1. No correctional prerelease facility shall be located within one thousand (1,000) feet of another, as measured in a radius from the center of the lot;
 - ii. If a facility requires state or federal licensing, staffing of the facility shall be as required by such license. If a facility does not require state or federal licenses, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof; and
 - iii. The facility shall provide twenty-four-hour supervision of program participants.

(3) *Other:*

- a. Lodging houses;
- b. Wholesale warehousing and distribution establishments;
- c. Commercial bakeries and dairies;
- d. Light manufacturing uses with not more than twenty-five thousand (25,000) square feet or less of gross floor area. Exterior assembly of materials or products is prohibited. Activity defined as a high hazard by chapter 6 of this Code (building code) is also prohibited;
- e. Printing and publishing establishments;
- f. Research and development and related production establishments;
- g. Utility substations, as defined in section 14-47, subject to the requirements of article V (site plan); and

- h. Day care facilities;
- i. Studios for artists and craftspeople; and
- j. Accessory uses, as provided in section 14-404.

(Ord. No. 296-88, 5-23-88; Ord. No. 285-95, 6-7-95; Ord. No. 154-96, § 13, 12-16-96; Ord. No. 164-97, § 3, 1-6-97; Ord. No. 164-97, § 4, 12-1-97)

Sec. 14-229.12. Prohibited uses.

Uses not expressly enumerated in section 14-229.11 as permitted uses are prohibited.
(Ord. No. 296-88, 5-23-88)

Sec. 14-229.13. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, uses other than utility substations in the B-4 zone shall meet the following minimum requirements:

- (1) *Minimum lot size:* Ten thousand (10,000) square feet.
- (2) *Minimum street frontage:* Sixty (60) feet.
- (3) *Minimum yard dimensions:*

(Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

Except as provided in subsection (5) below, the following setbacks shall be required:

a. *Front yard:*

- 1. Principal or accessory structures: Twenty (20) feet, except that a front yard need not exceed the average depth of front yards on either side of the lot.
- 2. The front yard of a lot existing as of May 23, 1988, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.

b. *Rear yard:*

- 1. Principal structures: Twenty (20) feet.
- 2. Accessory structures (detached) with a total floor area of one hundred (100) square feet or less: Seven (7) feet.

c. *Side yard:*

- 1. Principal structures:

<i>Number of Stories</i>	<i>Required Side Yard</i>
1 or 2 stories	10 feet
3 or more stories	12 feet

- 2. Accessory structures (detached) with a total floor area of one hundred (100) square feet or less: Five (5) feet.
- 3. Side yards on side streets (corner lot):
Principal or accessory structures:
 - (a) One (1) or two (2) stories: Ten (10) feet.
 - (b) Three (3) or more stories: Twelve (12) feet.
- (4) *Minimum lot width*: Sixty (60) feet.
- (5) *Maximum height*: Sixty-five (65) feet; except that on lots in excess of five (5) acres, ninety (90) feet is permitted if each of the setbacks required under subsection (3) above is increased by one (1) foot in distance for each foot of height above sixty-five (65) feet.
- (6) *Maximum impervious surface ratio*: Eighty (80) percent.
- (7) *Maximum Floor Area Ratio (F.A.R.)*: The maximum floor area ratio is established according to the abutting residential zone. If there is no abutting residential zone to the lot in question, the F.A.R. may be a maximum of 0.65. In the case of two (2) or more abutting residential zones, the F.A.R. shall be the F.A.R. of the least restrictive such zone. The ratios are as follows:

<i>Residential</i>	<i>Floor Area Ratio</i>
R-1/R-2	0.45
R-3	0.55
R-4/R-5/R-5A/R-6	0.65

(Ord. No. 296-88, 5-23-88)

Sec. 14-229.14. Other requirements.

In addition to the above, the following requirements are applicable to all uses in the B-4 zone:

- (1) *Landscaping and screening*: The site shall be suitably landscaped for parking, surrounding uses and accessory site elements including storage and solid waste receptacles where required by article IV (subdivisions) and article V (site plan).
- (2) *Curbs and sidewalks*: Curbs and sidewalks as specified in article VI of chapter 25.
- (3) *Off-street parking and loading*: Off-street parking and loading are as required by division 20 and division 21 of this article.
- (4) *Signs*: Signs shall be subject to the provisions of division 22 of this article.
- (5) *Exterior storage*:
 - a. Any storage of new materials, finished products, or related equipment must be suitably screened from the public way and from abutting properties by a solid fence at least five (5) feet in height, or by a solid evergreen planting strip.

- b. All waste shall be stored in covered containers that do not leak or otherwise permit liquids or solids to escape from the container.
- c. Outdoor storage of refuse, debris, or material awaiting reuse shall be in an appropriate container or located within a designated, screened area.
- d. Any permitted outdoor storage of materials shall be done in such a manner as to prevent the breeding and harboring of insects or vermin, to prevent the transfer of such materials from the site by natural causes or forces and to contain fumes, dust, or other materials which constitute a fire hazard. This storage shall be accomplished within enclosed containers or by one (1) or more of the following methods: raising materials above ground, separating materials, preventing stagnant water, or by some other means. No outdoor storage shall be permitted in the required yard between the front of any building on the site and the street, except for storage for plant and tree nurseries.

(6) *Storage of vehicles:* Storage of vehicles is subject to the provisions of section 14-335.

(7) *Shoreland and flood plain management regulations:* If the lot is located in a shoreland zone or in a flood plain zone, the requirements of division 26 and/or division 26.5 apply.

(Ord. No. 296-88, 5-23-88; Ord. No. 164-97, § 4, 1-6-97)

Sec. 14-229.15. External effects.

Every use in a B-4 zone shall be subject to the following requirements:

- (1) *Enclosed structure:* The use shall be operated within a completely enclosed structure, except for those customarily operated in the open air.
- (2) *Noise:* The volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed sixty-five (65) decibels on the A scale between 7:00 a.m. and 9:00 p.m. and sixty (60) decibels on the A scale between 9:00 p.m. and 7:00 a.m., on impulse (less than one (1) second), off premises at source of complaint, excepting air raid sirens and similar warning devices.
- (3) *Vibration and heat:* Vibration inherently and recurrently generated and heat shall be imperceptible without instruments at lot boundaries.
- (4) *Glare, radiation or fumes:* Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.
- (5) *Smoke:* Smoke shall not be emitted at a density in excess of thirty (30) percent opacity level as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.

(Ord. No. 296-88, 5-23-88; Ord. No. 164-97, § 5, 1-6-97)

Secs. 14-229.16—14-229.30. Reserved.

Planning & Urban Development



Joseph E. Gray Jr.
Director

CITY OF PORTLAND

November 27, 1996

Mr. George DiMatteo
George DiMatteo Co.
P.O. Box 2187
South Portland, ME 04106

Re: 80 Warren Avenue, 3 storage buildings

Dear Mr. DiMatteo:

On November 19, 1996 the Portland Planning Authority granted minor site plan approval for three (3) storage buildings, 3,000 sq. ft. each, at 80 Warren Avenue with the following conditions:

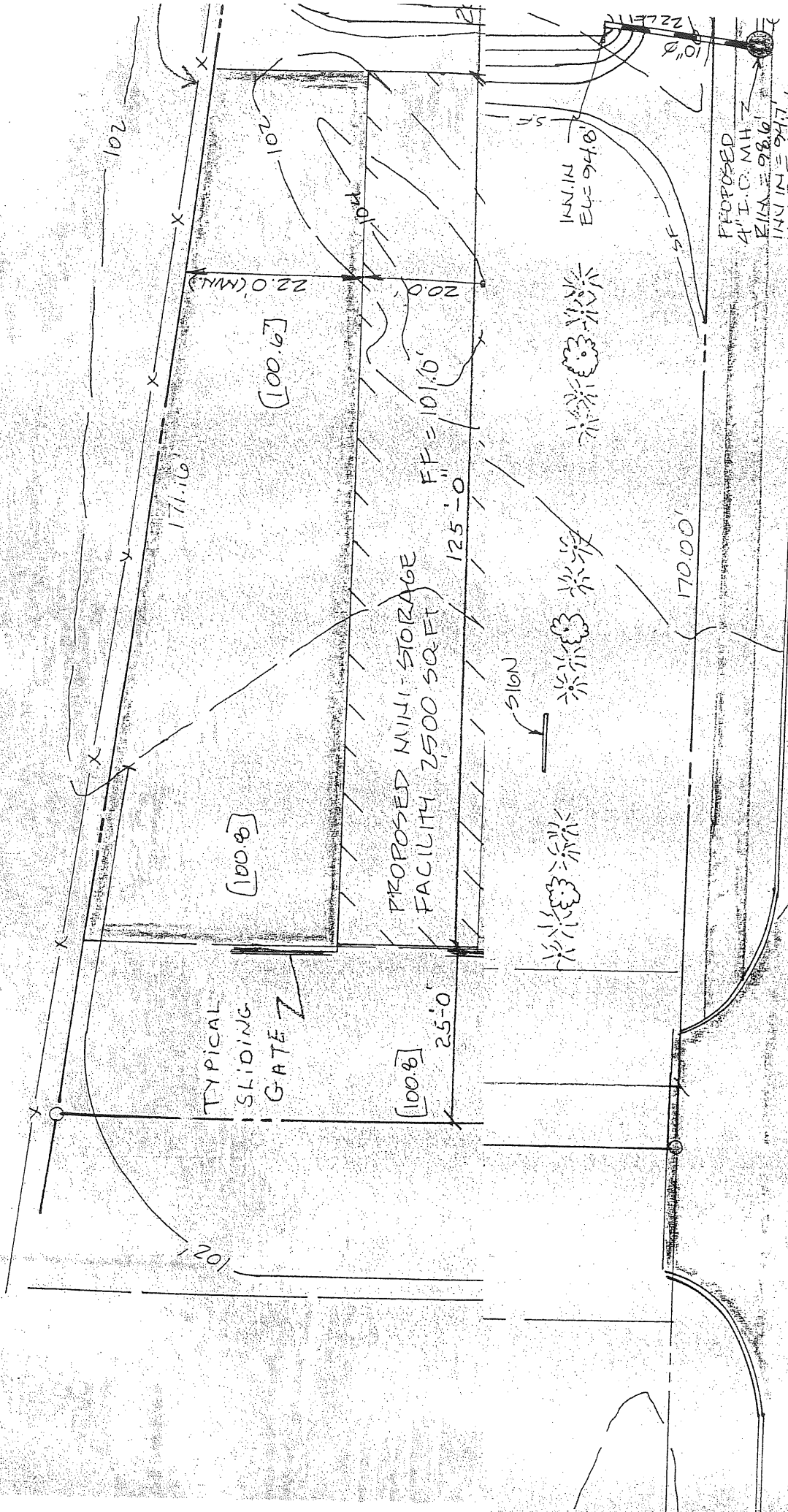
1. The applicant must repair any damage to existing sidewalk, granite curb and driveways along Warren Avenue.
2. Applicant must be aware of existing utility services to abutting property.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

Please note the following provisions and requirements for all site plan approvals:

1. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. A one year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.
2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 1.7% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

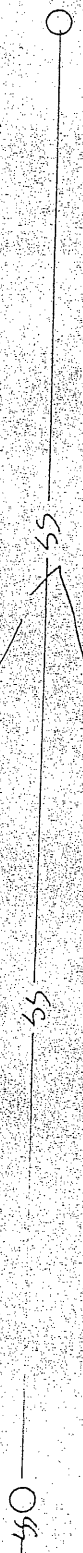
O:\PLANDEVREVP\PROJECTS\76-86WAR\APPRVLTR.WPD



PROPOSED
4" I.C. M.H. Z
EL = 98.6'
IN IN = 94.7'
IN OUT = 94.7'

EXISTING GRANITE CURB

WARREN



CITY OF PORTLAND, MAINE
MEMORANDUM

14-229.10
P. 1214
wholesale warehousing +
distribution estab.

TO: Chair Carroll and Members of the Portland Planning Board
FROM: Sarah Hopkins, Senior Planner
DATE: July 27, 1999
RE: Text Amendment Proposal: Self-Storage in the B-4 Zone

Introduction

The Raia General Partnership has requested review by the Planning Board for a proposed text amendment to allow mini-self-storage as a permitted use in the B-4 Business zone. The applicant proposes to construct a self-storage unit at 76-86 Warren Avenue, which is currently zoned B-4.

History

On November 19, 1996, the Planning Authority granted minor site plan approval for three storage buildings at 76-86 Warren Avenue. At the time, both sides of Warren Avenue were zoned I-1 Industrial, a zone which did not expressly prohibit mini-self-storage units.

The three 3,000-square foot storage buildings were not constructed, and the building permit and associated approvals lapsed. Warren Avenue was then rezoned to the B-4 zone as part of the industrial rezoning recommendations. The B-4 zone does not expressly permit self-storage units.

Policy Considerations

The purpose of the B-4 commercial corridor zone is:

- (1) To provide appropriate locations in the city for the development and operation of businesses catering primarily to highway-oriented trade along major arterials. (Uses which have market areas which are primarily dependent on the regional highway network or serve a regional or larger market); or
- (2) To provide appropriate locations for large-scale commercial uses and commercial uses that require larger land areas to accommodate their operations.

Given the purpose of the zone, as well as a wide range of permitted uses, the B-4 zone may be an appropriate zone for such a use. It is unlikely that a self-storage facility would be incompatible with such a wide range of uses. Furthermore, there may not be other zones within the City where such a use would be compatible with other development.

A strong argument could be made to prohibit mini-storage in our industrial zones. Given the scarcity of developable land in our industrial zones, and the City's desire to create jobs within a strong industrial and commerce sector, the inclusion of such a use may not make sense.

The B-4 zone is located along portions of Riverside Street; from Warren Avenue to Brighton Avenue, along the entire length of Warren Avenue, and the area adjacent to the (original) Jetport Access Road.

Attachments:

1. Application for a Text Amendment
2. B-4 Zoning Text
3. Approval Letter for Self-Mini-Storage
4. Site Plan



APPLICATION FOR ZONING AMENDMENT
City of Portland, Maine
Department of Planning and Urban Development
Portland Planning Board

1. Applicant Information:

Raia General Partnership
Name

54 Warren Avenue
Address

Portland, Maine 04101

797-9441
Phone Fax

2. Subject Property:

76 - 86 Warren Avenue
Address

Portland, Maine

293 - A - 18
Assessor's Reference (Chart-Block-Lot)

3. Property Owner: Applicant Other

Raia General Partnership
Name

54 Warren Avenue
Address

Portland, Maine 04101

797-9441
Phone Fax

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Property Owner

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

6. Existing Use:

Describe the existing use of the subject property: Vacant land

7. Current Zoning Designation(s): B - 4 Commercial Corridor Zone

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

We request that mini-storage be added to the Zoning Ordinance for
a B - 4 Zone as a Permitted Use.

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. Proposed Zoning: Please check all that apply:

A. Zoning Map Amendment, from _____ to _____

B. Zoning Text Amendment to Section 14- 229.11

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (~~example~~), and language to be added is depicted with underline (example).

C. Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

11. Application Fee: A fee for this application for a zoning amendment must be submitted, by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Public Hearing Notice as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

	<u>1-25 Units</u>	<u>26-50 Units</u>	<u>51-75 Units</u>	<u>75 & Over</u>
Residential Zones	\$350.00	\$400.00	\$450.00	\$500.00
Nonresidential Zones	\$350.00	\$400.00	\$450.00	\$500.00
	0-15,000 sq. ft. or 0-5 acres (whichever is less)	15,000-30,000 sq. ft. or 6-10 acres (whichever is less)	30,000-45,000 sq. ft. or 10-15 acres (whichever is less)	45,000-60,000 sq. ft. or 15-20 acres (whichever is less)

- Legal Advertisements (one for workshop and one for public hearing) percent of total bill
- Notices (one for workshop and one for public hearing) 40 cents each
- Text Amendments \$300.00

\$300.00 Amount of Fee

12. Signature: The above information is true and accurate to the best of my knowledge.

6-28-99
Date of Filing

Salvatore Paris
Signature of Applicant

Further Information:

Please contact the Planning Office for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board
Portland, Maine

Effective: July 6, 1998

§ 14-227

PORTLAND CODE

- (2) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.
- (3) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises and not for a period exceeding thirty (30) days.
- (Ord. No. 30-85, § 1, 7-15-85; Ord. No. 15-92, § 16, 6-15-92)

Secs. 14-228—14-229.9. Reserved.

DIVISION 12.5. B-4 COMMERCIAL CORRIDOR ZONE

Sec. 14-229.10. Purpose.

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- (1) To provide appropriate locations in the city for the development and operation of businesses catering primarily to highway-oriented trade along major arterials. (Uses which have market areas which are primarily dependent on the regional highway network or serve a regional or larger market); or
- (2) To provide appropriate locations for large-scale commercial uses and commercial uses that require larger land areas to accommodate their operations.
- (Ord. No. 296-88, 5-23-88)

Sec. 14-229.11. Permitted uses.

The following uses are permitted in the B-4 zone:

- (1) *Business:*
- a. General, business and professional offices, as defined in section 14-47;
 - b. Personal services, as defined in section 14-47;
 - c. Offices of building tradesmen;
 - d. Retail establishments;
 - e. Restaurants;
 - f. Drinking establishments;
 - g. Billiard parlors;
 - h. Major and minor gasoline service stations, as defined in section 14-47;
 - i. Mortuaries or funeral homes;
 - j. Miscellaneous repair services;
 - k. Health clubs and gymnasiums;
 - l. Hotels and motels;
 - m. New and used car dealerships;

- n. Facilities for the maintenance and repair of automobiles, provided all repairs are performed in a fully enclosed structure;
- o. Car washes;
- p. Lumber and building materials dealers;
- q. Communications studios and broadcast receiving facilities;
- r. Veterinary hospitals but excluding outdoor kennels;
- s. Auto body repair and paint shops provided all repairs are performed in fully enclosed structures;
- t. Boat, trailer or recreational vehicle sales and service;
- u. Theaters, entertainment and recreation services.

(2) *Institutional:*

- a. Governmental buildings and uses.
- b. Colleges, universities and trade schools.
- c. Churches or other places of worship.
- d. Correctional prerelease facilities for up to twelve (12) persons, plus staff, serving a primary clientele of parolees or persons in correctional prerelease programs, provided that:
 - 1. No correctional prerelease facility shall be located within one thousand (1,000) feet of another, as measured in a radius from the center of the lot;
 - ii. If a facility requires state or federal licensing, staffing of the facility shall be as required by such license. If a facility does not require state or federal licenses, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof; and
 - iii. The facility shall provide twenty-four-hour supervision of program participants.

(3) *Other:*

- a. Lodging houses;
- b. Wholesale warehousing and distribution establishments;
- c. Commercial bakeries and dairies;
- d. Light manufacturing uses with not more than twenty-five thousand (25,000) square feet or less of gross floor area. Exterior assembly of materials or products is prohibited. Activity defined as a high hazard by chapter 6 of this Code (building code) is also prohibited;
- e. Printing and publishing establishments;
- f. Research and development and related production establishments;
- g. Utility substations, as defined in section 14-47, subject to the requirements of article V (site plan); and

- h. Day care facilities;
- i. Studios for artists and craftspeople; and
- j. Accessory uses, as provided in section 14-404.

(Ord. No. 296-88, 5-23-88; Ord. No. 285-95, 6-7-95; Ord. No. 154-96, § 13, 12-16-96; Ord. No. 164-97, § 3, 1-6-97; Ord. No. 164-97, § 4, 12-1-97)

Sec. 14-229.12. Prohibited uses.

Uses not expressly enumerated in section 14-229.11 as permitted uses are prohibited.
(Ord. No. 296-88, 5-23-88)

Sec. 14-229.13. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, uses other than utility substations in the B-4 zone shall meet the following minimum requirements:

- (1) *Minimum lot size:* Ten thousand (10,000) square feet.
- (2) *Minimum street frontage:* Sixty (60) feet.
- (3) *Minimum yard dimensions:*

(Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

Except as provided in subsection (5) below, the following setbacks shall be required:

- a. *Front yard:*
 - 1. Principal or accessory structures: Twenty (20) feet, except that a front yard need not exceed the average depth of front yards on either side of the lot.
 - 2. The front yard of a lot existing as of May 23, 1988, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.
- b. *Rear yard:*
 - 1. Principal structures: Twenty (20) feet.
 - 2. Accessory structures (detached) with a total floor area of one hundred (100) square feet or less: Seven (7) feet.
- c. *Side yard:*
 - 1. Principal structures:

<i>Number of Stories</i>	<i>Required Side Yard</i>
1 or 2 stories	10 feet
3 or more stories	12 feet

- 2. Accessory structures (detached) with a total floor area of one hundred (100) square feet or less: Five (5) feet.
- 3. Side yards on side streets (corner lot):
Principal or accessory structures:
 - (a) One (1) or two (2) stories: Ten (10) feet.
 - (b) Three (3) or more stories: Twelve (12) feet.
- (4) *Minimum lot width*: Sixty (60) feet.
- (5) *Maximum height*: Sixty-five (65) feet; except that on lots in excess of five (5) acres, ninety (90) feet is permitted if each of the setbacks required under subsection (3) above is increased by one (1) foot in distance for each foot of height above sixty-five (65) feet.
- (6) *Maximum impervious surface ratio*: Eighty (80) percent.
- (7) *Maximum Floor Area Ratio (F.A.R.)*: The maximum floor area ratio is established according to the abutting residential zone. If there is no abutting residential zone to the lot in question, the F.A.R may be a maximum of 0.65. In the case of two (2) or more abutting residential zones, the F.A.R. shall be the F.A.R. of the least restrictive such zone. The ratios are as follows:

<i>Residential</i>	<i>Floor Area Ratio</i>
R-1/R-2	0.45
R-3	0.55
R-4/R-5/R-5A/R-6	0.65

(Ord. No. 296-88, 5-23-88)

Sec. 14-229.14. Other requirements.

In addition to the above, the following requirements are applicable to all uses in the B-4 zone:

- (1) *Landscaping and screening*: The site shall be suitably landscaped for parking, surrounding uses and accessory site elements including storage and solid waste receptacles where required by article IV (subdivisions) and article V (site plan).
- (2) *Curbs and sidewalks*: Curbs and sidewalks as specified in article VI of chapter 25.
- (3) *Off-street parking and loading*: Off-street parking and loading are as required by division 20 and division 21 of this article.
- (4) *Signs*: Signs shall be subject to the provisions of division 22 of this article.
- (5) *Exterior storage*:
 - a. Any storage of new materials, finished products, or related equipment must be suitably screened from the public way and from abutting properties by a solid fence at least five (5) feet in height, or by a solid evergreen planting strip.

- b. All waste shall be stored in covered containers that do not leak or otherwise permit liquids or solids to escape from the container.
- c. Outdoor storage of refuse, debris, or material awaiting reuse shall be in an appropriate container or located within a designated, screened area.
- d. Any permitted outdoor storage of materials shall be done in such a manner as to prevent the breeding and harboring of insects or vermin, to prevent the transfer of such materials from the site by natural causes or forces and to contain fumes, dust, or other materials which constitute a fire hazard. This storage shall be accomplished within enclosed containers or by one (1) or more of the following methods: raising materials above ground, separating materials, preventing stagnant water, or by some other means. No outdoor storage shall be permitted in the required yard between the front of any building on the site and the street, except for storage for plant and tree nurseries.

(6) *Storage of vehicles:* Storage of vehicles is subject to the provisions of section 14-335.

(7) *Shoreland and flood plain management regulations:* If the lot is located in a shoreland zone or in a flood plain zone, the requirements of division 26 and/or division 26.5 apply. (Ord. No. 296-88, 5-23-88; Ord. No. 164-97, § 4, 1-6-97)

Sec. 14-229.15. External effects.

Every use in a B-4 zone shall be subject to the following requirements:

- (1) *Enclosed structure:* The use shall be operated within a completely enclosed structure, except for those customarily operated in the open air.
- (2) *Noise:* The volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed sixty-five (65) decibels on the A scale between 7:00 a.m. and 9:00 p.m. and sixty (60) decibels on the A scale between 9:00 p.m. and 7:00 a.m., on impulse (less than one (1) second), off premises at source of complaint, excepting air raid sirens and similar warning devices.
- (3) *Vibration and heat:* Vibration inherently and recurrently generated and heat shall be imperceptible without instruments at lot boundaries.
- (4) *Glare, radiation or fumes:* Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.
- (5) *Smoke:* Smoke shall not be emitted at a density in excess of thirty (30) percent opacity level as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.

(Ord. No. 296-88, 5-23-88; Ord. No. 164-97, § 5, 1-6-97)

Secs. 14-229.16—14-229.30. Reserved.

Planning & Urban Development



Joseph E. Gray Jr.
Director

CITY OF PORTLAND

November 27, 1996

Mr. George DiMatteo
George DiMatteo Co.
P.O. Box 2187
South Portland, ME 04106

Re: 80 Warren Avenue, 3 storage buildings

Dear Mr. DiMatteo:

On November 19, 1996 the Portland Planning Authority granted minor site plan approval for three (3) storage buildings, 3,000 sq. ft. each, at 80 Warren Avenue with the following conditions:

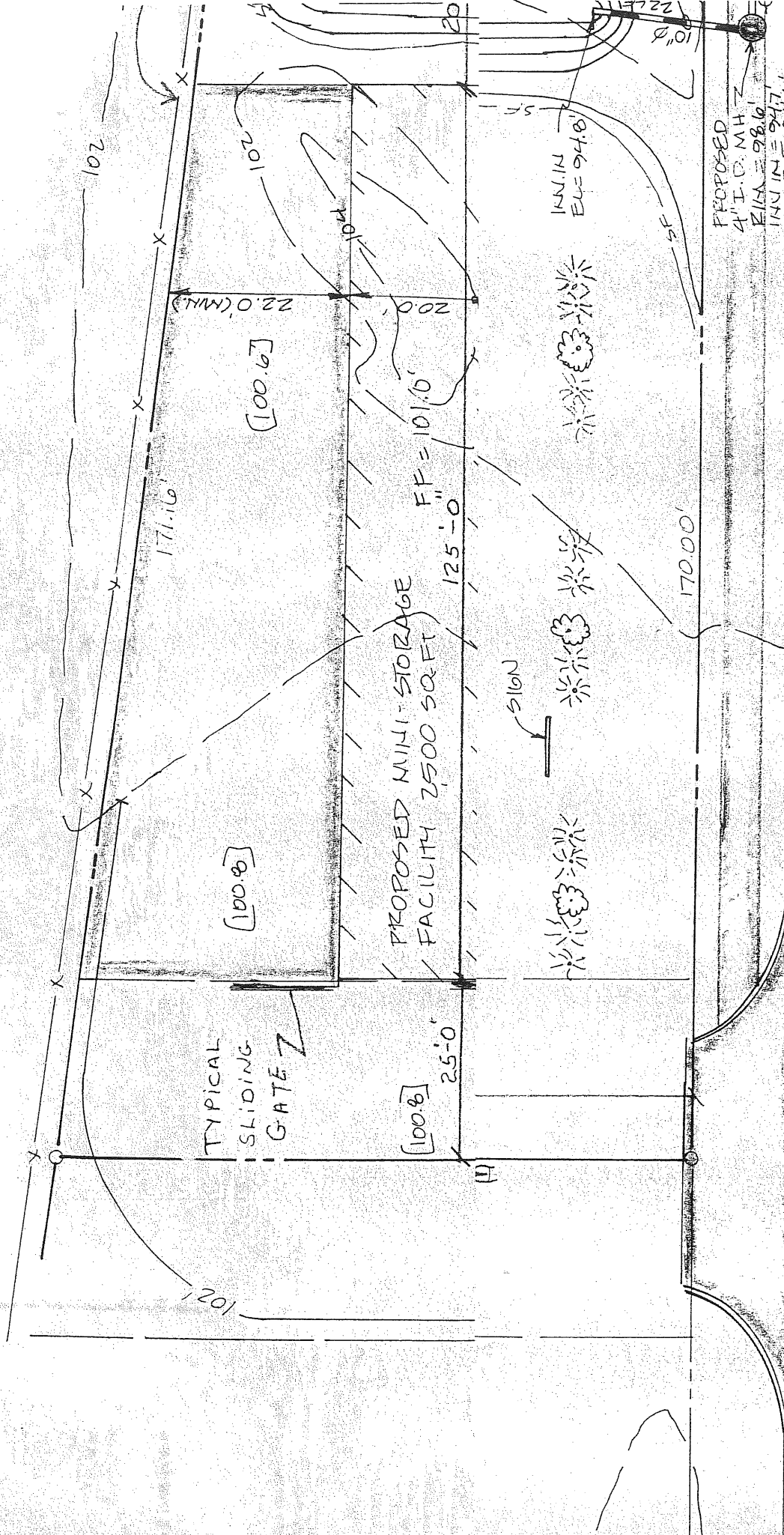
1. The applicant must repair any damage to existing sidewalk, granite curb and driveways along Warren Avenue.
2. Applicant must be aware of existing utility services to abutting property.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

Please note the following provisions and requirements for all site plan approvals:

1. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. A one year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.
2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 1.7% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

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